NRC REPORTS

Bhutan

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BHUTAN: LAND OF HAPPINESS FOR THE SELECTED

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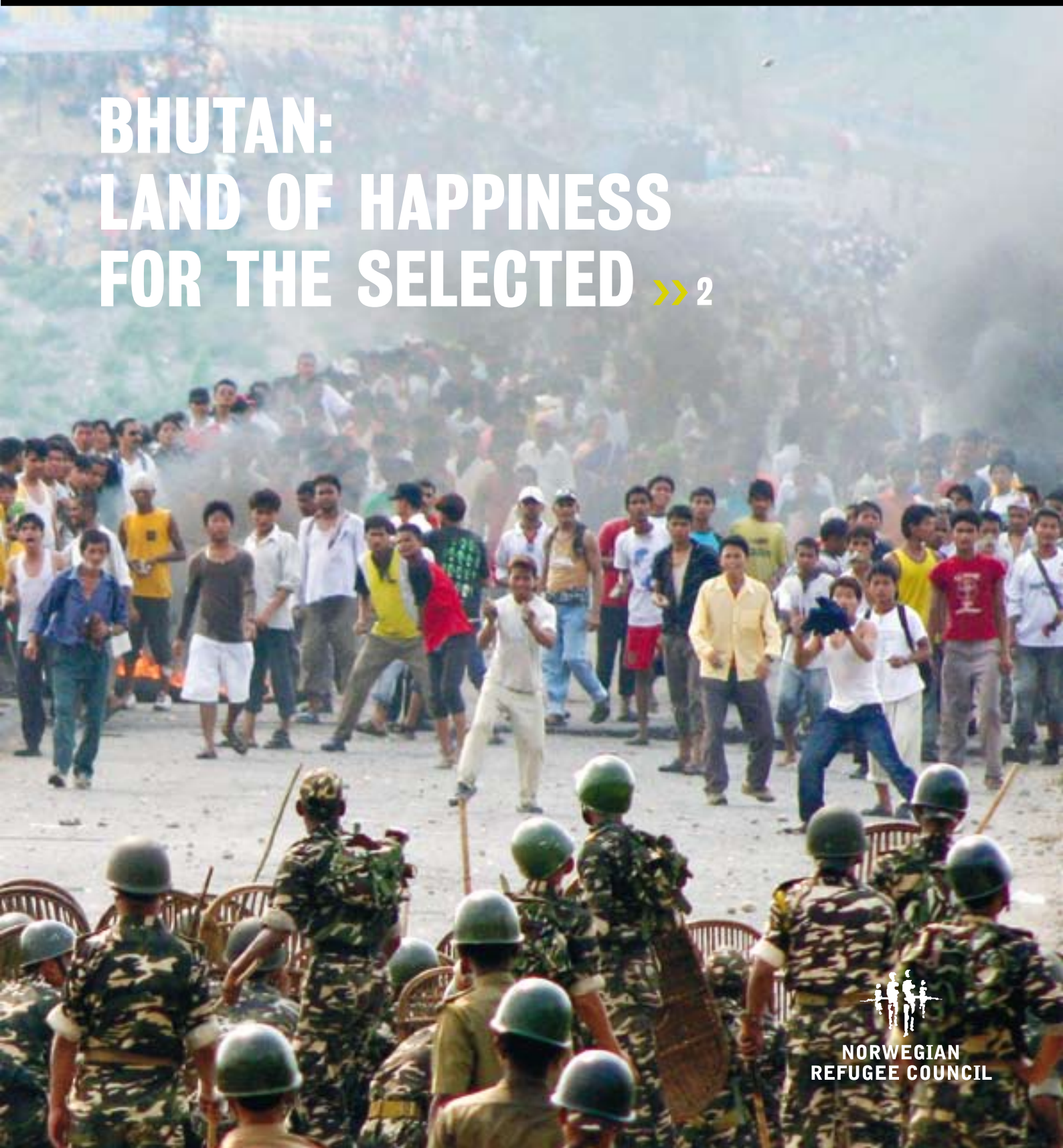

NORWEGIAN REFUGEE COUNCIL

Richard Skretteberg
Editor

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Bhutan: Land of happiness for the selected

This inaugural edition of NRC Reports is the first in a series with which the Norwegian Refugee Council, (NRC), aims to highlight neglected conflicts. As an acclaimed expert on international work with forced displacement, the Norwegian Refugee Council has a particular responsibility in bringing long-running, neglected conflicts onto the humanitarian and political agendas. Humanitarian efforts and advocacy should not be determined by political agendas that favour high-profile crises over the suffering that takes place far from the attention of media and politicians.

Bhutan, a tiny isolated kingdom sandwiched between the giant states of China and India, has a troubled recent history. Despite the extensive abuse of its own population, the country has – to a large extent – managed to avoid criticism in the international media. On the contrary, the media has often helped perpetuate the myth of an exotic land of happiness in the majestic Himalayan mountains. However, what we have before us is a silent tragedy occurring in a media-created Shangri-la.

The situation in the country seriously deteriorated in the 1980s when Bhutan's elite identified the Nepali-language minority as a political and cultural threat. New laws and policies in line with the king's command of "One Nation, One People", consolidated the power, values and identity of the Buddhist elite. The polarisation of society was so dramatic because the state so obviously represented one ethnic group in a multi-ethnic society. Without access to democratic channels, minorities grew increasingly fearful. There were harsh crackdowns on peaceful demonstrations. As of 1993, one sixth of the population had left the country due to threats, detentions, the confiscation of property and other measures which particularly targeted the Nepali-language minority.

Since 1993, the fate of the refugees has been the object of bilateral negotiations between the Bhutanese government and the government of Nepal. There have been no concrete results: not even a single refugee has been allowed to return home.

Moreover, according to many observers, the Government of Bhutan has been deliberately employing delaying tactics to drag out these negotiations. The frustration amongst the refugees is mounting, and donors are becoming increasingly passive. The proposal of voluntary resettlement for the refugees in a third-country is positive – especially for the most vulnerable groups. However, the Norwegian Refugee Council believes that the international community must also defend the refugees' right to return, in cooperation with the UN High Commissioner for Refugees, and should push for their citizenship to be restored. Furthermore, the UN High Commissioner for Human Rights should gain access to monitor the human rights situation in the country in order to prevent new violations. As Bhutan's closest ally – and economic and military mainstay – India bears a significant responsibility for finding a solution for the Bhutanese refugees in accordance with international standards. But the greatest responsibility lies with Bhutan itself. The refugees must have a voice in the country's first real parliamentary elections to be held in the spring of 2008. Exclusion of an ethnic group before an election cannot be considered real democratization. It is, rather, an inclusive policy that will best serve the long-term interests of Bhutan There can be no Shangri-la without human rights.

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EDITOR: Richard Skretteberg EDITORIAL TEAM: Ronny Hansen, Vikram Odedra Kollmanskog, Eli Wærum Rognerud TRANSLATION: Simon Burgess ADDRESS: Norwegian Refugee Council, P.O.box 6758, St. Olavs plass, 0130 Oslo, Norway DESIGN & LAYOUT: Cox FRONT PAGE: A group of Bhutanese refugees attempted to march from the refugee camps in Nepal to Bhutan in May 2007. At the Indian border post Mechi River Bridge they were halted by Indian forces who opened fire on the crowd. PHOTO: Scanpix/AFP/Diptendu Dutta PRINTING: Gamlebyen Grafiske EDITION: 3000 ISBN: 978-82-7411-176-1

Every sixth citizen is a refugee

Situated in the Himalayas between Tibet and India, Bhutan used to be a multicultural and relatively harmonious society – a meeting point of Hindus and Buddhists and peoples of different languages and cultures. However, in the 1980s the picture of a harmonious Shangri-la began to fall apart.

The most influential group is the Ngalong to which the King belongs. A people of Nepalese origin, known as the Lhotshampas, constitute a large minority concentrated in the south of the country. They were taught Nepali in schools in the southern districts and had the possibility of a government career. Indeed, many became Bhutanese citizens under the 1958 Nationality Law.

Wary of the possibility of their increased influence and power, the Ngalong elite started to view the Lhotshampa minority as a threat. A series of measures was initiated that in many ways resemble a process of ethnic cleansing.

THE CITIZENSHIP ACT IS TIGHTENED The Citizenship Act of 1977 introduced more restrictive criteria that had to be met to obtain nationality. In particular, the requirement to read and write Dzongkha, the national language, was a challenge for many Lhotshampas who could not read and write at all – Dzongkha being, moreover, a completely foreign language to them. However, the 1985 Citizenship Act went even further in its demands. Documentary evidence was required to prove that one had paid land tax, and been registered in 1958, the year of the first Nationality Law. In addition, one must

Photo: Scanpix/REUTERS/Desmond Boylan

BHUTAN>BACKGROUND

not have spoken or acted against the King, the country and the people. In order to implement the law, the Bhutanese government organised a census in 1988. It was clearly aimed at identifying non-Bhutanese citizens, rather than at producing statistical data about the population, the survey only being carried out in the southern districts, where most Lhotshampas lived. When it became clear how stringent and unreasonable the requirements were with regard to documentation, people grew worried. Providing thirty-year-old agricultural tax receipts would be difficult enough in the West, and was even more challenging in the largely paperless and illiterate society of Bhutan. Based on the documents each person could present, the Lhotshampas were divided into the following seven categories:

- Genuine Bhutanese citizens
- Returned migrants, i.e. people who left Bhutan and then returned
- People who were not around at the time of the census
- Non-national women married to Bhutanese men, and their children
- Non-national men married to Bhutanese women, and their children
- Legally adopted children
- Non-nationals

According to the authorities, the 1988 census revealed large numbers of illegal immigrants. Only those who could provide a tax receipt dated 1958 were classified as F1, genuine Bhutanese citizens. Many of the so-called illegal Nepalese could prove that they had lived in Bhutan for more than 20 years. Some could even prove that they lived in Bhutan in 1957 and 1959, but this was of no use if they did not have a tax receipt from 1958. The 1958 Nationality Law stated that a Bhutanese citizen who abandons his agricultural land to live outside the country loses his citizenship, and this was never changed in the subsequent Citizenship Acts. Thus the Lhotshampas who could prove residence in '57 and '59 but not in '58 were defined as returned migrants (F2). Citizenship cards that had been issued before 1988 were no longer valid and were, in a number of cases, confiscated by the census officials. In general there was much confusion as to the interpretation of the Citizenship Act, because everything ultimately depended on the census officials. As a result, similar cases were classified differently, in different districts.

"ONE NATION, ONE PEOPLE" The nationality legislation was not the only measure from the Bhutanese authorities which directly discriminated against the Lhotshampas. In 1987 the sixth Five Year Plan was introduced. One of the main aims of the plan was the preservation and promotion of the national identity. It stated that maintaining and strengthening a distinct national identity was a vital factor for Bhutan's well-being and security, and was later epitomized in the slogan "One Nation, One People". As a part of this policy, in 1989 the King issued a royal decree to promote so-called Bhutanese etiquette, the national costume and the Dzongkha language. (We return to these elements in the chapter entitled "The ethnic dimension".)

Photo: Norwegian Refugee Council/Ronny Hansen

Paro Dzong, Bhutan. Buddhism and its rituals dominate politics and culture in Bhutan.

Photo: Norwegian Refugee Council/Ronny Hansen

A group of elderly Bhutanese refugees gather daily for prayer and song at the Sanischare refugee camp in Nepal.

These laws and changes came about in an absolute monarchy where few democratic channels to speak out existed. They had one purpose: to consolidate what the government perceived the national identity to be, but what was in practice the identity of northern Bhutan. Understandably, there was mounting frustration among the minorities who saw the laws being continuously changed while they themselves were without any real democratic influence. The royal decree on national identity was allegedly implemented after the population had been consulted by the King. What exactly this consultation constituted is a different matter: Bhutan was and still is a very hierarchical society. People are extremely reluctant to criticize superiors openly, and it would have been unthinkable for anybody to oppose the King directly.

RESISTANCE GROWS IN THE SOUTH However, the mounting pressure on the populace suggested that reactions would follow, and indeed the policies were met with resistance, especially in the south. The combination of the census and citizenship acts, the "One Nation, One People" policy, and the vilification of the ethnic Nepali community, led to the Lhotshampas feeling culturally marginalised, harassed and directly discriminated against. Eventually they raised their concerns with a Lhotshampa member of the Royal Advisory Council, a body tasked with advising the King and supervising policy implementation. As a result, however, the bureaucrat was jailed for sedition, though he was later granted amnesty by the King, and left for Nepal where he became a prominent leader of the exile movement.

Indeed, by 1990 the political opposition movement had grown both inside and outside Bhutan. Thousands participated in demonstrations organised in southern Bhutan. These demonstrations were largely peaceful, but a significant number of Lhotshampas were arrested and imprisoned for several months without trial. Many were tortured and released only after signing papers stating that they would leave the country upon their release.

After the crackdown on the demonstrations, the authorities introduced even more oppressive measures. Central to these was that all inhabitants had to obtain a police clearance called a No Objection Certificate, (NOC), without which people could not send their children to school, get medical assistance, obtain travel documents, get a scholarship or a government job, or get paid for selling farm products. It was impossible to get an NOC for those who had participated in the demonstrations, and nor was it possible to get one for relatives of those who had been involved or had left the country. As a result, all relatives of political protesters or refugees were denied basic services and rights, thus making it increasingly difficult for Lhotshampas to continue living in Bhutan.

REFUGEE FLOW Consequently, large numbers of Lhotshampas started fleeing Bhutan. Many were forced to sign documents stating that they were leaving voluntarily. Photographs in which they were forced to smile were intended to support this claim. Upon arrival in India, Indian security forces made sure the refugees moved on to Nepal. Several hundred refugees arrived in Nepal each month, and in September 1991 they numbered 5000. At that time, the Nepalese government requested help from the United Nations High Commissioner for Refugees, (UNHCR), and who assumed responsibility for the refugee camps in south-east Nepal. In the following years, the number of refugees grew to 108 000.[1] The Nepal Red Cross Society believes that an additional 10 000 to 15 000 Bhutanese Lhotshampa refugees live outside the refugee camps in Nepal, with an estimated 15 000 to 30 000 living in India.[2] Meanwhile, the Lhotshampas who remained in Bhutan are still facing continuing discrimination. The Bhutanese authorities have made their lives so hard that they too may eventually have no other option but to join the other refugees in exile. ■

FACTS ABOUT BHUTAN:

- Area: 47.000 Km²
- Inhabitants: 635.000 (2005 census[3])
- Refugees: Approximately 108.000 in camps in Nepal, 10.000 to 15.000 outside the camps. Between 15.000 and 30.000 in India
- Currency: Ngultrum (one ngultrum equals one Indian rupee)
- Capital: Thimphu
- Geography: High mountains in the north, hills in the centre and tropical in the southern belt
- Governance: Monarchy since 1907. King Jigme Khesar Namgyal Wangchuck ascended the throne in 2006 as the world's youngest head of state
- Languages: 24 languages spoken[4]. Most important languages spoken are Dzongkha (national language), nepali, sharchopkha, bumthangkha
- Economy: Mainly agriculture, tourism and hydropower
- Main religions: Buddhism and Hinduism
- Literacy rate: 54 or 60 % (UNICEF Bhutan and the Government of Bhutan respectively)
- Main ethnic groups: Ngalong, Sharchop and Lhotshampa

A multiethnic society

With three large ethnic groups and 24 languages Bhutan is truly a multiethnic society. According to the authorities this diversity is a threat to harmony and national security.

The 2005 census results put the population of Bhutan at 635 000 – considerably lower than the one million figure used previously, (but which was not based on a census). The country's inhabitants can be divided into three major ethnic groups speaking 24 different languages[5]. The Ngalong, to which the King and between 15 to 20 percent of the population belongs, are Buddhists who came originally from Tibet and primarily settled in the mountainous western region. Around 1850 a group of people consisting mainly of Hindu foresters migrated from Nepal, and began settling in the lowland regions of southern Bhutan. They cleared large tracts of forest for agriculture, and, over time, some could afford to purchase the land themselves.

From 1961 onwards, Bhutan also recruited Indian and Nepalese workers to help implement the first Five Year Plan. Historical data shows that by the end of the 1980s, Bhutan could count about 200 000 people of Nepalese origin,[6]. In Bhutan they are referred to as Lhotshampas, literally people from the southern border.

DIVERSITY BEING LIMITED The Bhutanese king and government hold that, while positive in a large country, cultural diversity is a threat to the harmony and national security of a small country like Bhutan. In Bhutan today people often speak of only two groups: The Drukpas, the Buddhists in the north, and the Lhotshampas in the south. This distinction is used even though Drukpa literally means 'people from Bhutan'. One obvious reason for dividing the population into only two groups is the difference in religion; another is that the authorities like to present the population of northern Bhutan as belonging to one ethnicity, denying the differences between the groups inhabiting the north. While the introduction of the aforementioned "One Nation, One People" policy aims at enhancing the national identity, it is clear that the promotion of the Driglam namzha code of etiquette (see box), the traditional costume, and Dzongkha, at the same time reduces cultural diversity.

The dress code has been most strictly enforced in the south, leaving the Lhotshampas with the impression that the rule targets them, since they were the only major ethnic group not wearing northern Bhutanese dress. Since 1989 it has been compulsory to not only wear the costume in and around government offices, schools and monasteries, but also in public during working hours.

To a large extent Nepali previously served as the lingua franca in Bhutan. Sharchop, the large Buddhist minority in the east, often used Nepali in communication with Ngalongs. This is because Sharchopkha (or Tsangla) and Dzongkha are not mutually intelligible. However, as a consequence of the promotion of Dzongkha, since 1990 Nepali is no longer taught at schools in southern Bhutan, as it has become compulsory to speak Dzongkha for official purposes.

Drukpa Kagyu, the Buddhist sect of the Ngalong, is the religious establishment in the country and is represented in state institutions. According to the Sharchops who follow the Nyingma sect of Buddhism, the national identity policy also extends to religious matters: Nyingma institutions in eastern Bhutan have been converted into the Kagyu sect by replacing the leaders, and those who opposed, have either been imprisoned or fled the country.

To sum up, the "One Nation, One People" policy affects almost all aspects of life. When taken together with the citizenship legislation, the forced assimilation and the discrimination, these measures bear a certain resemblance to ethnic cleansing. ■

Photo: Scanpix/REUTERS/Desmond Boylan

As early as around 1850, Nepali- speaking Hindus from Nepal started migrating to southern Bhutan.

BEHAVIOUR AND ETIQUETTE, BHUTANESE STYLE

Driglam namzha is central to Drukpa, (Ngalong and Sharchop), society. It originates from the 17th century and is based on Buddhist concepts. It is often translated as 'Bhutanese etiquette' but it is actually much more than that, being in fact a comprehensive set of rules of behaviour. In the daily lives of many Bhutanese, it is all about showing respect. Driglam namzha prescribes how to conduct certain (religious) ceremonies, and in addition regulates a wide range of other forms of behaviour: from how to walk, sit, eat and dress, to how to behave in the presence of superiors.

BHUTAN>POPULATION

Bhutan is a religious, linguistic and ethnic melting pot, but the authorities cling to the "One Nation, One People" policy.

Photo: Norwegian Refugee Council/Ronny Hansen

Living between giants

Bhutanese authorities claim that the country's national identity is threatened but hide behind the major regional power India when the refugees issue is raised.

Photo: Norwegian Refugee Council/Ronny Hansen

Road construction outside Thimphu. While the refugees are denied repatriation, Bhutan imports tens of thousands of Indian labourers to work on large infrastructural projects.

Bhutan is a small buffer-state between China and India, and has watched with apprehension how Tibet's cultural heritage has been destroyed by the Chinese, whilst the semi-autonomous Sikkim became an Indian state in 1975. The latter happened in a referendum, in which the Nepali-dominated immigrant population decided the fate of the kingdom. Bhutan became anxious that this could also happen in their country, in spite of the fact that India was instrumental in helping Bhutan acquire UN membership in 1971 – a political acknowledgement of India's recognition of Bhutan as a sovereign state.

CLOSE TO INDIA Bhutan has always had a special relationship with India. This is evident in the Indo-Bhutanese treaty of 1949, which included a clause that India would steer Bhutanese foreign policy. This relationship grew stronger after the Chinese invasion of Tibet, with India playing an active role by financing Bhutan's first Five Year Plan. In the new Friendship Treaty signed in February 2007, the clause regarding Bhutan's foreign policy was removed, clearly reaffirming Bhutanese sovereignty.

Ever since the first Lhotshampas fled Bhutan in the early 1990s, India has maintained that the refugee crisis was a bilateral issue which needed to be solved by Bhutan and Nepal Observers7 point out that one possible reason for India's refusal to help solve this long-running problem is the country's economic interests in Bhutanese hydropower. Moreover, India needs goodwill from Thimphu because of Indian insurgents, (in particular the United Liberation Front of Assam and the National Democratic Front of Bodoland), who use the southern Bhutanese jungle as shelter.

PROTEST MARCHES HALTED In practice however, India has not been the neutral neighbour it claims to be. When the Lhotshampa refugees first fled to India, security forces shuttled them to the Nepalese border, refusing them permission to stay in India. On two later occasions, when a group of Lhotshampas organised a march from the refugee camps to Bhutan, they were stopped by Indian security forces when crossing the Nepalese border. In 2007 they were even fired at. However, one month after this incident, India for the first time defined the refugee issue as an international instead of a bilateral problem,8 and India's Minister of Foreign Affairs has stated that the Indian government will work towards a solution. He still showed some reservation though, by adding that repatriation of 100 000 refugees to a country of little over 600 000 inhabitants would create a demographic imbalance.[9] As such, India remains the most important guarantor for Bhutan and its current regime.

Nepalese and Bhutanese NGOs in exile do not believe the problem can be solved bilaterally. They have been advocating for international pressure on the Nepalese government and for donor countries to withdraw their support from Bhutan if no solution is found. ■

Life in the refugee camps

108.000 Bhutanese refugees live in the camps in Nepal. 40.00 of those are children who have never seen anything else. Not a single refugee has been allowed to return home.

"I had served the government loyally, I was never involved in demonstrations, but I was a Lhotshampa. That's why I'm here."

In Timai refugee camp, Hari shares his story. It is the beginning of November but still about 30 degrees Celsius in southern Nepal. The old man looks frail, sitting barefoot on his thin jute mat on the ground, but when he starts talking about his eviction from Bhutan, his body language immediately gives away his anger and disappointment. The other men gently calm him down and urge him to continue his story. Hari has returned to the beginning of the nineties, when he fled from Bhutan. A retired soldier, he suddenly found himself threatened by the same government he had served loyally for 35 years. He had not been involved in any demonstrations, but just by being a Lhotshampa he faced increasing discrimination and harassment. When he witnessed another Lhotshampa being beaten to death by the Bhutanese army, he had had enough. He decided to leave his house, land and oxen behind and flee to India. Since he had to walk to the border in the middle of the night with his wife and his four sons, he took nothing with him except a couple of documents proving Bhutanese citizenship and the ownership of properties.

SEEKING REFUGE Hari was met by Indian security forces when he reached the border, and put on a bus to Nepal. At the time he arrived in Nepal, no refugee camps had yet been built. They lived in the jungle, where they improvised the first refugee camp, which would later become known as Timai. They tried to organise their lives as best as they could but their living conditions were extremely poor. New refugees kept coming every day and there was hardly any food, water or sanitation facilities; many people became sick and died. The situation was desperate. When UNHCR took over the responsibility for the refugees, Timai was improved and six other camps were built. They all exist of long lines of bamboo huts, but they vary in size. The smallest camp houses about 9.000 refugees, while Beldangi II is home to 22.000 people. Many of the refugees have been in the camps for more than 15 years now, and about 40.000 children have never experienced anything but life in a refugee camp. The Nepalese ❯❯

Photo: Scanpix/REUTERS/Desmond Boylan

After 17 years in refugee camps many refugees are extremely frustrated. Timai refugee camp, Nepal.

authorities do not allow any expansion of the camps, which have become increasingly crowded. As of 2007, the seven refugee camps in south-eastern Nepal are home to 108.000 people in total.

ANOTHER CAMP– SAME DESTINY In the Sanischare refugee camp an hour's drive from the border-town of Biratnagar in south-eastern Nepal, we meet 65-year-old Laxmi, who lives there together with her husband and five children. The situation in the camp is tense, with the refugees split into two groups – those who wish to accept the offer of resettlement in the USA, and those who wish to return to Bhutan. "In Bhutan we were given the choice between leaving the country or remaining imprisoned. Now the choice is between remaining in the camp or the USA. Why can I not be allowed to return home?" asks Laxmi with a perplexed look. Although her right to return is unambiguous, the world does not necessarily operate on humanitarian principles – especially in neglected conflicts. For the rights on paper to become a reality, one needs powerful political friends – friends that the Bhutanese refugees do not have.

Despite her dramatic experiences in Bhutan prior to her flight, Laxmi wants to return home. "I'm old. How can I begin to learn a new language and live a completely new life," she says, "I want to go home in safety. We need the international community to give us protection. I also want my house back," she continues.

PERSECUTED AND TORTURED When her husband was arrested in 1991/92, the authorities closed her shop and confiscated her belongings. "They tried to force me to flee, but as long as my husband was in prison I refused," she says. When Laxmi tried to visit her husband, she was beaten by the soldiers. She later discovered that her husband was tortured and lay naked on a stone floor in solitary confinement. 11 days passed before he was given food. When he was finally fed, the soldiers poured the soup on the floor, and forced him to lick it up. When he was finally released, their children were driven to the Indian border, whilst Laxmi and her husband were made to walk there overnight. All their belongings were left behind, and Laxmi had to sell the last of her jewellery to finance their onward journey to Nepal.

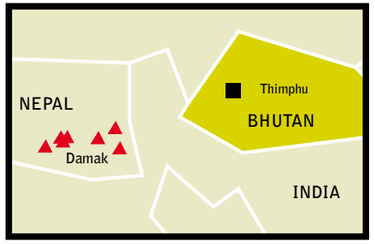
Everyone in Laxmi's family was forced to flee after having lived in Bhutan for generations. She feels humiliated and bitter that nobody has been held responsible for all the violations both she and other refugees have experienced. Since her husband is a victim of torture, they have been given an interview for resettlement. However, both Laxmi and her husband are worried about the unknown, and would much rather return home.

LACK OF BASIC RIGHTS Nepal is not a party to any international treaty protecting refugees; and neither Nepal nor India has national refugee legislation. The Bhutanese refugees therefore lack legal protection and are denied many basic rights. Freedom of movement is restricted, as special permission is required if they want to leave the camps for more than one day. They are not allowed to engage in economic activities, either inside or outside the camps. However, since the refugees intermingle so well with the local Nepalese population, some still work as teachers or take odd jobs as carpenters or factory workers. Yet this remains illegal, and they risk losing their jobs if their refugee status is discovered. Hence the refugees are almost completely dependent on the support of the international community. Hari calls the international organisations in the camps "our god", since it is only thanks to them that they survive, yet clearly this is not a dignified life.

Photo: Scanpix/REUTERS/Desmond Boylan

Daily chores in Timai refugee camp, Nepal.

Photo: Norwegian Refugee Council/Ronny Hansen



This map shows the seven refugee camps in Nepal. The camps hold approximately 108.000 refugees from Bhutan.

In refugee camp schools English is used as the language of instruction.

BLEAK FUTURE "Why should we go to school? We will be unemployed anyway," some teenagers say. Although attendance rates in the camp schools are very high, the prospect of not being allowed to work makes it difficult for some youngsters to see the meaning of education. These teenagers have been born and raised in the refugee camps and many do not feel they have any future. Hopelessness, the temptation to earn money illegally outside the camps through odd jobs, and government regulations combine to cause older students to drop out of school.

Prem, a health worker in one of the refugee camps, is confronted with the refugees' lack of prospects every day. "Look around," he says, "at all the people suffering from psychological problems. No wonder when there is no privacy and people are not allowed to work. They have nothing to do but sleep and think. And thinking is worrying."

REDUCTION IN AID Over the years, international support for the refugee camps in Nepal has decreased, and as a result, the international organisations working in the camps have had to cut down on the services offered. Now only the most vulnerable refugees are provided with plastic sheets to repair the roofs of their huts every two years. In 2002, the distribution of clothes was stopped. Since 2005, due to a lack of funding and the increased cost, UNHCR no longer supplies the refugees with kerosene for cooking. They receive some coal briquettes instead, but need firewood in addition, and this – for the refugee families who can not afford to buy firewood – brings them into conflict with the local population, who collect firewood in the same forests. Cutbacks also cause tension between the refugees and the aid organisations. In addition, the worsening conditions in the camps contribute to an increase in domestic violence and mounting frustration amongst the refugees in general.

Yet still, even after living in the camps for so many years, the Bhutanese are often described as 'model refugees'. Taking into consideration the size of the refugee population, the length of their exile, the lack of prospects for a durable solution, and the fact that for ten years they were living in the middle of the armed conflict in Nepal, there have been few problems. Some argue that their exemplary behaviour is one of the reasons why this group has received so little international attention.

NOT A SINGLE REFUGEE RETURNED Until now, not a single refugee has been able to return to Bhutan. Sadly, very little has happened since Bhutan and Nepal first held bilateral talks aimed at resolving the refugee crisis in 1993. In 2001, a verification process which was negotiated eight years earlier started in one of the smaller camps. When Bhutanese authorities visited the refugee camp to share the results at the end of the process in 2003, they announced that only 2.4 % of the refugees in the camp had been defined as genuine Bhutanese. This provoked the refugees to such an extent that some threw stones at the delegation. Further repatriation and verification plans have since been stalled, due to what many observers have claimed are deliberate delaying tactics by the Bhutanese authorities. Meanwhile, these authorities have encouraged other people, mainly from eastern Bhutan with little or no land, to move south and settle on the land of Lhotshampas who have fled. Police and military officers and their families have occupied the more valuable Lhotshampa properties, (i.e. the larger houses close to the main roads), thereby making it even harder for refugees to ever return to their homes. Recently, the option of third country resettlement has come to the fore, but the refugees are split on whether to accept resettlement rather than insist upon their right to return. Since resettlement is a new concept for most of the refugees, many do not know that their decision to move to a third country would not exclude repatriation at a later stage. ■

UNITED NATIONS>SIDELINED

International community side lined

Both UN and a small group of countries, which includes Norway, have been committed to solving the Bhutanese refugee crises. But international appeals and suggestions for solutions have not been well-received by the Bhutanese authorities.

Photo: UNHCR/J. Pagonis

Bhutanese refugee women participate in a microcredit scheme, which offers loans to start small businesses. Timai camp, eastern Nepal.

Photo: UNHCR/ B. Rauniar

WFP food distribution. Goldhap camps, Jhapa district, eastern Nepal.

One of UNHCR's main aims is to seek durable solutions, but the organisation, together with other international actors, has been completely sidelined in the bilateral discussions of the Bhutanese and Nepalese governments. In an attempt to solve the refugee crisis, Nepal has several times requested the inclusion of a third party, which Bhutan has rejected, leaving UNHCR confined to a strictly humanitarian role.

CORE GROUP In November 2005, Australia, Canada, Denmark, the Netherlands, New Zealand, Norway and the United States organised themselves into the Core Working Group on Bhutanese Refugees in Nepal, in which the European Commission participates as an observer. The Core Group aims to find durable solutions to the Bhutanese refugee problem, and encourages the governments of Bhutan and Nepal to cooperate with UNHCR. The Bhutanese government has been called upon to provide written terms and conditions of return in order to implement the commitments to repatriation made in 2003, and to ensure that conditions in the country will not cause further forced displacement. The members of the Core Group are willing to provide assistance with repatriation efforts and a number of particularly vulnerable refugees have been accepted for third country resettlement.

NORWAY'S POSITION As a member of the Core Group, Norway aims to break the stalemate and address both the humanitarian and the political side of the Bhutanese refugee crisis. The country has accepted a small group of refugees for resettlement, and in 1996 Bhutan was designated as a partner country for development aid. Bhutan lost this status in 2001, when Norway cut down on the number of partner countries, but between 2001 and 2004 other agreements were signed between the two countries. As such, the Bhutanese energy sector and the management and planning of water resources will be supported through cooperation between the Bhutanese Department of Energy and the Norwegian Water Resources and Energy Directorate. In 2006 the total financial support from Norway to Bhutan amounted to 8.5 million kroner, (about 1.54m US dollars). The Norwegian Ministry of Foreign Affairs has discussed the Bhutanese refugee crisis with both the Bhutanese and the Nepalese governments. However, a solution to this problem has never been demanded as a prerequisite for the above economic agreements. Despite providing substantial bilateral development aid, few – if any – donor states have been willing to use that leverage to pressurise Bhutan over the refugee issue. Appeals for greater flexibility have been made to the Bhutanese authorities at Core Group donor meetings, but no steps have been taken to link development aid with solving the refugee problem.

RESETTLEMENT At the end of 2006, the offer from the United States of America and several other countries to accept at least 85.000 refugees sparked both hope and tension in the refugee camps. Many are happy finally to be able to leave the camps, and naturally, many parents are anxious to give their children a better future. Some of the refugee leaders, however, criticise the fact that this solution only addresses the humanitarian needs of the refugees, while the original reasons for the Bhutanese refugee crisis are political. They argue that resettlement in third countries allows Bhutan to get away with the ethnic cleansing of about one sixth of its population. The international community depended upon consent from the Nepalese government, and once the green light came in November 2007, UNHCR and some of the resettlement countries' governments initiated a massive information campaign among the refugees. Actual resettlement was expected to start in early 2008, while voluntary repatriation is still not an option for the Bhutanese refugees. ■

Democratization, but not for the refugees

The Bhutanese King has initiated a process of democratization, but large groups of people are excluded.

The previously isolated and autocratic Bhutanese monarchy is currently changing its attitude to democracy and human rights. Most importantly, in 2008, the country's first ever constitution will be inaugurated. Partly due to the philosophy of Gross National Happiness, which states that development must be much more then only economic growth, change has come about gradually in Bhutan. Looking at the country's recent history, however, some major economic, political and infrastructural changes have occurred. Serfdom has been abolished in the previously feudal society and an educational system has been developed. The country opened up to foreigners in the 1970s, but entry visas are not granted to critics of the regime and there is a policy of high value, low volume tourism. Television and the Internet became legal in 1999, but television channels that are considered a bad influence on the youth are banned.

CONSTITUTION AND ELECTIONS In recent years the King has started a process of democratization. In 1998 he granted the National Assembly the power to remove him by a two-thirds vote of no-confidence, he moved executive powers from the Throne to the Cabinet of Ministers, and in 2001 he ordered the drafting of the first Bhutanese constitution. This constitution will pave the way for the first democratic parliamentary elections to be held in 2008. The population today elects only one third of the National Assembly; the other members are monks and people chosen by the King. The draft constitution, which was first published in March 2005, introduces political parties, which were not allowed before, and acknowledges freedom of the press and the right to freedom of religion as fundamental rights. Even though these articles are clear steps in the direction of democratization, other hot topics have not been dealt with. In line with the "One Nation, One People" policy, the constitution is silent with regard to the cultural diversity of the country. The constitution only mentions the national language Dzongkha, completely ignoring the other 23 languages spoken in Bhutan[10]. The fact that only those with a formal university degree are allowed to stand in national elections, also excludes many from participating.

POLITICAL PARTIES Diversity in the political party system will also be limited, as the majority party will form the government, and the second largest party the opposition. It now looks like only two political parties will contest the 2008 elections. At the end of November 2007, based on rather vague reasons, the Election Commission rejected the application of a third party. Both registered parties have close links to the royal family, of which the Bhutanese refugees have been particularly critical.

Photo: Norwegian Refugee Council/Ronny Hansen

Working the rice paddies in Paro district, Bhutan.

Photo: Norwegian Refugee Council/Ronny Hansen

Importantly, none of the existing political parties in exile are registered for the elections, and refugee-related issues remain unresolved. The last census, carried out in 2005, does not include the names of the refugees – since they had already fled Bhutan – and they will therefore not be registered to vote in the 2008 elections.

The National Front for Democracy Bhutan, a coalition of Bhutanese political parties in exile, has submitted an alternative draft constitution to the King. Stressing their constructive attitude towards democratization in Bhutan, the organisation formed its own drafting committee and organised a wide range of discussions and consultations. The resulting alternative draft constitution is very similar to the official version but differs in some crucial areas, notably in article six, which deals with citizenship. It is, however, unlikely that article 6 – which repeats the requirements of the 1985 Citizenship Act – will be changed.

CITIZENSHIP CARDS DENIED Further to this, the 2005 census defined 13 % of the remaining population of Bhutan as non-nationals.[11] About 82.000 people will thus not receive citizenship cards and, consequently, not be allowed to vote. No exact figures are available but it is widely believed that many of them are Lhotshampas. From southern Bhutan Lhotshampas report that only people classified as F1 (Genuine Bhutanese citizens) or F4 (Non-national women married to Bhutanese men, and their children) receive a citizenship card. Moreover, those classified in the other categories usually do not have a No Objection Certificate.

According to many Bhutan researchers, the constitution could create a snowball effect with regard to democratization. Through the establishment of political parties, many more citizens will have the opportunity to participate in Bhutanese politics. In addition, through competition between different parties, people may gradually become more aware about their rights and how they are enshrined in the constitution. It remains unclear, however, how this will affect the Lhotshampas still living in Bhutan, or indeed those who have been forced to live in exile for the past 15 years. Many Lhotshampas actually fear it will become increasingly difficult to continue living in Bhutan. ■

BHUTAN>TODAY

Photo: Norwegian Refugee Council/Ronny Hansen

The new generation of Bhutanese will hopefully live in a more democratic society.

The traditional and the modern meet at the market in Thimphu.

RIGHTS ISSUES AND THE WAY FORWARD

Photo: Scanpix/REUTERS/Desmond Boylan

A glimmer of hope in the refugee camps.

Photo: Scanpix/REUTERS/Desmond Boylan

Life is hard in the refugee camps, also for the children.

Bhutanese policies create stateless refugees

The "One Nation, One People"-policy makes the Bhutanese refugees stateless. The authorities violate fundamental human rights and international conventions.

A stateless person is someone who is not considered a national according to the domestic law of any state. In many ways the person does not exist legally, because nationality or citizenship is the legal bond between the state and the individual that ensures rights and responsibilities. Furthermore, some people may be de facto stateless because they are unable to prove their nationality and therefore do not enjoy the same rights as others, such as having a passport or the right to return. Normally citizenship is granted through recorded birth on the territory, descent from another citizen, or naturalization by marriage or long term residence, but there are variations between domestic laws (which in itself may cause statelessness). According to UNHCR's "Refugees" magazine from 2007 with a special report on the stateless[12], the official figure of stateless persons in the world is 5.8 million, while the agency estimates that the true total is probably closer to 15 million.

A refugee is not necessarily stateless and a stateless person is not necessarily a refugee, but sometimes the related issues and problems overlap. Some refugees are stripped of citizenship as punishment for fleeing or as part of persecution – as we see in the Bhutanese case. All the Lhotshampa refugees not defined as genuine Bhutanese citizens are stateless. Considering the aforementioned verification exercise that was carried out in one of the refugee camps, we are potentially talking about 97,6 % of the camp population. Furthermore, many Lhotshampas still living in Bhutan did not receive a citizenship card after the 2005 census.

THE RIGHT TO CITIZENSHIP There are several legal treaties and declarations relevant to the situation of the stateless. We find a right to nationality already in the 1948 Universal Declaration of Human Rights (UDHR) article 15, but the questions of which state should grant nationality, and under what circumstances, remained unsolved. More legally binding and specific treaties were developed later such as the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. A problem with these two conventions, however, is the low rate of ratification; Bhutan, for example, is party to neither.

There are, however, more widely ratified conventions relevant to statelessness. Bhutan has only ratified two conventions. One is the 1989 Convention on the Rights of the Child (CRC) which contains obligations that prevent statelessness. According to article 7, states should systematically register children at birth and provide nationality, something Bhutan has failed to do. The 1979 Convention on the Elimination of All Forms of Discrimination Against Women, which prohibits discrimination of women when it comes to passing on nationality, is the other convention that the country has ratified. The Bhutanese distinction between F4, (Non-national women married to Bhutanese men, and their children), and F5, (Non-national men married to Bhutanese women, and their children), clearly breaks this convention. Several other treaties such as the 1966 International Covenant on Civil and Political Rights, (ICCPR), also contain provisions that should prevent arbitrary deprivation or denial of nationality. It is especially important to remember when it comes to countries that have ratified few conventions, that rights considered customary law and the general principles of law apply to all countries regardless of whether they have signed or ratified treaties or not.

It is considered a human right to have the possibility to leave your country and to return, and is guaranteed in several provisions, including article 12 of the ICCPR and article 13 of the Universal Declaration of Human Rights, (UDHR). This is in stark contrast to the 1958 Bhutanese Nationality Law which states that a Bhutanese who abandons his agricultural land to live outside the country loses his citizenship. According to this law, almost all the refugees can be stripped of their Bhutanese citizenship.

DISCRIMINATORY MEASURES The "One Nation, One People" policies, the forced assimilation and other discriminatory measures are in breach of the 1965 Convention on the Elimination of All Forms of Racial Discrimination, to which Bhutan is a signatory (but the con-

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RIGHTS ISSUES AND THE WAY FORWARD

vention has not been ratified yet). Lhotshampas still living in Bhutan face continuing discrimination, amounting to breaches of civil and political rights as well as social, economic and cultural rights. Much of the discrimination is tied to the No Objection Certificate (NOC). All Bhutanese must obtain this certificate annually, yet Lhotshampas generally experience greater difficulties in this process. The NOC is, for example, not issued to those with relatives who have fled the country. Lhotshampas in Bhutan therefore hide all proof of their relatives in the refugee camps. They remove pictures of children and siblings from their houses, never call relatives in Nepal, and hang up the phone when the relatives themselves try to get in touch.

REPATRIATION Of the three durable solutions for refugees, there is an international consensus that voluntary repatriation is the preferred option. Bhutan, however, denies refugees the right to return – even the refugees who have been classified as genuine Bhutanese citizens by the verification team in 2003, have not been allowed to move back to Bhutan. It is only considered safe for refugees to return if the country of origin can guarantee physical, legal and material safety, so that international protection is no longer necessary. Considering the conditions of the Lhotshampas still living in Bhutan, this cannot be said to be the case. Refugees should furthermore be allowed to return to their own property, and be compensated for what they have lost. This right remains even if they have been forced to sign a form saying that they have received compensation when they fled the country.

LOCAL INTEGRATION A second durable solution is local integration. This entails extending the rights generally enjoyed by others in society to the refugees, and as far as possible facilitating their naturalisation. Since, according to the Nepalese government, the responsibility for solving the refugee crisis lies with the Bhutanese government, Nepal has not taken any steps in the direction of local integration yet. Many refugee children are born in Nepal, and there have been a substantial number of marriages between refugees and Nepalese nationals. They have, however, been unable to acquire Nepalese citizenship despite the provisions of the CRC and the Convention on the Elimination of All Forms of Discrimination Against Women.

RESETTLEMENT The third durable solution is third country resettlement. With the offer from a group of Western countries, this has become an option for the Bhutanese refugees, but has also caused tension in the camps. It is crucial that resettlement be entirely voluntary, and it is important to stress that third country resettlement leaves the right to return completely open. ■

NORWEGIAN REFUGEE COUNCIL (NRC) – RECOMMENDATIONS

To the government of Bhutan:

- Eliminate all discrimination against ethnic Nepalis and take steps to ensure that no new displacement takes place inside Bhutan.
- Abolish the system of No Objection Certificates (NOC), ensure that all Bhutanese citizens receive new citizenship cards without discrimination, and allow all adult Bhutanese citizens to register as voters for the 2008 elections.
- Respect the right of return for all Bhutanese refugees, respect their right to housing, land and property restitution and invite the UN High Commissioner for Refugees (UNHCR) to establish a presence in Bhutan in order to facilitate the return and reintegration of returnees.
- Invite the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish a presence in Bhutan in order to monitor and protect the Human Rights of all citizens.

To the government of Nepal:

- Improve physical security in the refugee camps in order to protect the refugees' freedom of expression and freedom to choose without pressure or harassment
- Guarantee respect for the right to freedom of movement for refugees, and authorize their right to seek employment in Nepal.
- Show greater flexibility in allowing resettlement for those deemed eligible by third countries.
- Contribute to durable solutions, including by allowing Bhutanese refugees to integrate in Nepal.

To the governments of Bhutan, Nepal and India:

- Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt implementing asylum laws and regulations.
- Ratify the 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.

To UNHCR, Core Group countries, The Friends of Bhutan and the international community:

- Continue to provide sufficient and sustained humanitarian aid for the Bhutanese refugees for as long as they remain in the camps in Nepal.
- Provide clear, impartial, detailed and up-to-date information about all durable solutions to the refugees.
- Work with the government of Nepal to provide physical security in the refugee camps in order to protect the refugees' freedom of expression and freedom to choose without pressure or harassment.
- Urge Bhutan to accept the return of Bhutanese refugees under proper international monitoring and respect their right to housing, land and property restitution
- Make clear to the Bhutanese authorities that further expulsions of ethnic Nepalis is unacceptable.
- Urge Bhutan to immediately stop its policy of discrimination against its ethnic Nepali citizens and take steps to ensure that no new displacement takes place inside Bhutan.
- Emphasize to Bhutan and all parties that the choice of resettlement is voluntary and does not in any way negate the right to return.

Photo: Norwegian Refugee Council/Ronny Hansen

Sanischare refugee camp, Morang district, Nepal.

ENDNOTES

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INTERESTING WEBSITES:

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Photo: Norwegian Refugee Council/Ronny Hansen

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