

Conference on Rights of Bhutanese Refugees: Contestations and Way forwards

6 July 2011

Damak, Jhapa

Organizers

South Asia Alliance for Poverty Eradication (SAAPE)

Vikas Adhyan Kendra (VAK), India

NGO Federation of Nepal (NFN)

1. Introductions

Bhutanese refugees issue in Nepal has been the major problem since in 1990 as Bhutan government has indiscriminately forced a section of its citizen to evacuate the country. Since then, within Bhutan itself and in Nepal have gone a number of political changes and at this movement Bhutan is in a peculiar situation. The monarch himself, perhaps learning from the Nepal occurrences, announced the inauguration of a 'democratic polity'. A peculiar version of democracy and party politics was introduced into the country with a royal decree. (At the same time, the country also carried out the exercise to measure the 'national happiness index'.) This move, however disguised, underlines the fact that rights and almost citizenship had been defined in Bhutan in ethnic terms. (The President of Sri Lanka will love this arrangement!) All the national programmes and policies excluded from their ambit the vast population of Nepalese speaking people who are also part of the country. The move – now quite a few years old – has brought nothing but destitution to hundreds of thousands of people who are forced to live in abysmal conditions in refugee camps in Nepal and India – as displaced and stateless persons. The Government of Bhutan refuses to consider the plight of these people and hopes to consolidate and perpetuate its rule on an ethnic basis. The insistence on observation of one culture, including dress codes, is part of the same project. The report on Bhutanese refugees reflects the refugee question in some details based on the conference organised on 6 July 2011 at Damak, Jhapa.

About 100 people participated in the conference representing diverse stakeholders such as Nepal's major political parties, representatives of Bhutan's political parties in exile, HR CSOs and the activists and leaders of refugee's rights movements. Large number of representatives from different refugees' camps also participated in the programme.

2. Issues and concerns

To begin with the Bhutan current situations there are no human rights organizations operating inside Bhutan. The judiciary is not free to practice jurisprudence. The constitution does not provide space for human rights commission which should have been an integral part of the democratization process. The human rights groups which have been advocating from exile are not allowed establishing offices in the country. There are numerous incidences of human rights violation; people with differing political viewpoints are not tolerated. Many political prisoners are languishing in prisons without fair trial based on internationally accepted legal practices.

There are over 130,000 Bhutanese individuals living outside the country for the fear of political persecution. Of the 110,000 registered Bhutanese asylum seekers in Nepal, not a single individual has returned to Bhutan. The international effort to relocate the refugees in third countries has not picked up momentum. Hardly 10,000 individuals would be resettled by the end of 2008; more than 50% of the refugee population has not shown interest in third country resettlement. The government continues to state that there are plus 80,000 plus people of Nepali origin in Bhutan who are considered non-Bhutanese. Bhutan observers opine that the regime in Thimphu is preparing grounds to undertake legal ethnic cleansing from the remaining Lhotsampa population in Bhutan.

3. Reflections from the participants

Dr. Bhampa Rai- refugees and activist of Bhutanese refugees' rights, has presented the issues of the refugees they have been encountering since long. Government of Bhutan is reluctant to recognize as refugees who have been living since 1990. Government of Nepal is also seems to not taking the issues seriously and sincerely. If the government of Nepal would have taken this

seriously, this problem would have been solved long before. Political parties of Nepal must take the issues seriously. If Nepali from India will return to Nepal as refugees, what will happen to Nepal as there are 30 million Nepali in India? In Bhutan there is no democracy and all NGO and INGOs are patronized by the autocratic regime. Third country rehabilitation is also a kind of conspiracy in terms of diluting the case of Bhutanese refugee's issues. The organizations that are advocating for third country repatriation are also in illusion and are seems to be not in favor of Bhutanese refugees. The role of UNHCR is also not clear. UNHCR is not respecting the rights of Bhutanese refugees. Bhampa quoted the slaying of that the solution of the refugees lies in the political process. The country office of Nepal UNHCR must respect that.

Refugees are suffering from the psychological trauma as they have gone through a number of frustrations. The relevance of the SAARC is not there if the regional organizations seem to be not pro- people. SAAPE should pick up the political issues in terms of campaigning the refugees' rights in South Asia. It should pick up the issues and internationalize this.

DP Kafle- Human rights activists of Bhutanese refugees said that UNHCR had recognized the identity of refugees in the beginning, but in the later stage, UNHCR seems be advocating for third country rehabilitation which means the violation of human rights. Support groups that were formed in the past did not function effectively. He called for the Nepali political parties in helping in resolving the problems. Registration of refugees has been denied in the later stage but they must be registered as the rights of the refugees. Barmeli basti (settlement), as same basti (settlement) etc were established in the past in Nepal, but Bhutanese were considered as refugees and have no rights to be settled as the basti but are kept in refugees camps. He presented three solutions as below:

- i) Repartition
- ii) Reconciliation and
- iii) Third country rehabilitation

Refugees have not asked for regime, they have just asked for rehabilitation back to their country as the rights of Bhutanese citizens. India's role is important. Refugees are not allowed to go to India as they are restricted.

Kishor Bhandari – a representative of refugees' camp shared is feeling that all attempts of roundtable for repatriation of refugees have been failed (all the 15-16 round table). Those who are rehabilitated in third country, they face serious problems. We are so victimized. The political parties and human rights organizations and the government of Nepal have not seen to be effective. Many Nepali citizens may have gone to USA in the name of Bhutanese refugees as reported by some of the media.

Yashoda Budhathoki- women representative of refugees' camp said that the refugee issue is not the issue of men and women; it is the issue is of Bhutanese refugees. However, the women are more discriminated- raped, trafficking and other kinds of violence are there in the camps. This must be taken into consideration. Third country settlement has defamed the rights movement of Nepal. It is against the rights of refugees to be repatriated. We want to go to Bhutan so Nepal's CSO, government and political parties help us to go back to home country. Most of the organizations and institutions push for third country rehabilitation.

Rajan Sunuwar-representative of UNHCR said that he don't think UNHCR give pressure for third country rehabilitation. All three doors are open and which comes first depend on the concern government and CSOs and police parties.

Gopal Gadtaula-Journalist presented his analysis saying that families have been fragmented by the policies of third country rehabilitation. They are in trauma. Some of the family members are in camps, some are in Bhutan and some are in third country.

Father Amal Raj from Caritas said that they have been involved in advocacy for ensuring the rights of Bhutanese refugees. They want repatriation. These people must go back to Bhutan. Let us build a joint campaign. He said that since last five years the political parties have also not been active. The common people at camps want to return back and breathe fresh air in their soil. Therefore, repartition is extremely important.

Bidhyapati Mishra (Refugees journalist) reflected the recent visit of Bhutan's Prime Minister to Nepal and said that his presentation was so insulting to refugees. The Bhutan PM has asked to Nepal government the evidences that the refugees are Bhutanese citizen. Those who are against the third country rehabilitation, their family members are in third country. I want to go to third country. Because of police record, most of the case does not go to police, if they go police, he said that the record seems to be bad and UNHCR take it negative. Refugees avoid lodging complains in police if the crimes are committed at the camps.

There is some projection that camps are insecure. Corruptions and bribery are big problems. Rehabilitation also a kind of corruption. Third country rehabilitations complex and many people don't understand the process. Some of the people are very poor and they don't have access to rehabilitation. Only elite tend to benefit. About 60000 people have no information and no access to the process.

Thinle Penjor President of Duke national Congress –democratic has said that issues of Bhutanese refuges have not been national issues in Nepal. All the people in third country rehabilitated are confused. In some camps, people are marginalized and they don't have any idea about what is going on in the process. Need to put pressure to Nepal government. Refugees is political problems so it needs to be resolved politically. National campaign, regional campaign and international campaign at SAARC summit time every year have sent their concern about the refuges but bilateral deal does not enter in SAARC business.

All attempts form governments turned to be as lip services. Without democratizing the Bhutanese regime, repartition may end suppressions and oppressions. Need a democratic state first. Bhutan government has made refuges, not Nepal government or Indian Government.

Chhabi Kharel- a refugees activists said that with the backing of Indian support, the citizens of Bhutan were forced to leave the country by the Bhutan's Army. In Bhutan, there are a number of people in jail who are fighting for democracy. Indian regimes also marginalized the Bhutanese people. This year polices and programme of Nepal's government, there is no provision for Bhutanese refugees. This is blunder of Nepali government of if they think that third country rehabilitation solves the problem. Bhutan has a lot of opportunities, but USA has denied that and pushed us to be in their country and this act is a gross violation of human rights. UNHCR has not capture the reality of the problems.

Devendra Dahal- leader of CPN-UML said that Bhutan government has not recognized the refugees as refugees, we should protest for this act of Bhutan government. UNHCR has been

blamed as violation of human rights of refugees as it has been pushing for third country rehabilitation. Third country settlement has diverted the issues. Bhutan political parties and campaigners have also not come in common ground yet. Nepal's political parties are together with the struggle of refugees rights for example in Kakatvita we had been injured by the police attack. India has not considered this as an issue, as it always avoid the problem.

Third country rehabilitation does not solve the problem as those who are in third country they should demand their rights to be returned to Bhutan even from USA or other third countries. Some people have done good things in USA as all are not negative. UML express our solidarity to the rights of Bhutanese refugees. We provide moral support to the democratic movement of Bhutan. After so called democracy proclaimed in Bhutan, the issue if democracy in Bhutan has been sidelined.

Sher B Bhattacharai- leader of Nepali Congress express his party's solidarity to the struggle of Bhutanese refugees. We also went to Mechi bridge and been injured by the police. Bhutanese refugees are fighting for their rights since 1990. Nepali congress has enjoyed the state power several times since 1990 and NC has put forwarded the agenda of the issue to the government of Nepal. The refugees must be repatriated to their home country. This is the basic rights of refugees. We want to resolve the issue immediately. Bhutanese refugees must be united to win the struggle. The donors and UN agencies have divided the refugees and behaved as Business Company. IOM has acted as Business Company to make profit. UNHCR and IOM have presented all rosy pictures and give illusions about third country.

Durga Chaulagain of UCPN Maoist said that all the issues being discussed are very relevant and the issue is more or less same that Maoist Party has been picking up at this moment. Bhutanese regime is autocratic and refused its citizens. The refugees issue is class issue as the refugees are fighting with the autocratic class in Bhutan. Nepal's national political parties seem to have not reached in consensus (common understanding) on the Bhutanese refugees issues. India has also played the role in dividing parties in this issue. If the Indian establishment does not seem to be positives, it takes more several years for resolving this issue. In the beginning, there were a number of actors involved in supporting the case of refugees, but in the later stage, most of the organizations have no interests in engaging with. Bhutanese are considered as slave in third country and have no dignified life. Third country rehabilitation is not solution. Such type of conference needs to be organized by the political parties. Parties should lead these issues. Bhutan government had sent a mission to identify the refugees, but the mission become reluctant to recognize all as Bhutanese refugees.

Sharada Timsina- a representative of Sanischare camp said that about 40% of the refugees have gone to third country. He said that to be exiled is panic. All history may collapse. So we came up with the idea of museum. History, status, location, documentary, documentation of struggle, photographs etc. People are fragmented with different reasons. Museum may unite the refugees and will have a common understanding. I don't believe that we can be repatriated. The political parties must enter to Bhutan and fight for democracy, only then Bhutanese refugees will have their rights.

TR Rai- camp Secretary of Khudnabari said that we are fighting for democracy and we are being blamed as terrorist. Fundamental rights must be defended. He said three isms as below:

- Rastrabad (nationalism)
- Awasarbad (opportunism)

- Pujibad (capitalism)

Bhutanese refugees want *rastrabad* (nationalism). Third country rehabilitation is *awasarbad* (opportunism) and *pujibad* (capitalism). Camp consolidation concept also puts refugees in pressures. For 17 years we stayed in one place, but again we were transferred to other places and the relationship with the community has been collapsed. Refugees have disappeared as the people did not have capacity to put their concerns to the authority and were not registered. UNHCR's policies- under age children they do not receive the rations.

Santa Bikram- a refugee said that first priority is given to third country rehabilitation which is wrong. We also need to be united so that our cause also becomes strong.

Many voices are raised in international issues, but have not been heard said TR Regmi- a representative of refugee camp at Beldangi. The voices have been marginalized. Many Bhutanese are yet to be registered and verified. Bhutan government does not recognize Bhutanese as refugees. Nepali citizens have warmly accepted the refugees and we are very much thankful to them. But Nepal government has not been as active as it should be as the responsible actors to solve the problem of refugees.

Laxmi Neupane- Chairperson of Inter Party Women Alliance, Jhapa and sub secretary of UCPN Maoist said that Government at Mechi Bridge had repressed the movement, but resistant movement was not come so strongly. India has role to play. India has also penetrated at Bhutan and keeping aside the Bhutanese issues India want to be benefitted from Bhutan.

Political movement will end the women discrimination. So Bhutanese women issues are also strongly linked to political movement for liberation. This is also a class issue and the refugee's issues can be resolved through political process. The international agencies have undermined the strength of refugees as the later are not united for their struggle.

Narad Mani Adhikari- a representative of Beldangi camp 1 said that Bhutanese refugee issue is not only national issue; it is also the regional issue. Bhutan's role is important. Unfortunate people are in camp. India claims to be largest democracy but behaving as autocratic regime in terms of Bhutanese refugees. Refugee issues need to be taken to SAARC.

Nandu Paudel- a refugee rights activists of refugee camp said that ration distribution have been the major area of corruption. Those who are in jail, children, and unregistered refugees have not been receiving the ration at camps.

Som Thapa- a human rights activist representing a NGO called INSEC said that problem comes from Bhutan and been also problem in Nepal. Equity and justice is the major framework to deal with the refugees rights. International conventions are also major framework. Human rights movements must be strengthened. Political parties are the major actors and effective role has not been played by the Nepal's political parties. Identity, respect and dignity are important issues to be considered while we talk about the rights of refugees.

Ajit Muriken- immediate past director of Vikas Adhyan Kendra (Mumbai based organization working on Just and Democratic Governance in South Asia) said that we have been engaging since long in the campaign for the rights to Bhutanese Refugees. India is too big and we don't represent Indian establishment, we represent people and CSO. Indian government has double standard. Political issue- India has interest to access to natural resources. Support should come from civil society so form pressure group. Pressure can create positive impact. How we should

build an alliance? Camps are getting divided. Resistant should come through the camps. We support your struggle.

Sushovan Dhar of South Asia Alliance for Poverty Eradication (SAAPE) opined that India has a strategic interest to Bhutan for natural resources. Indian ruling class wants to support Bhutan King. As Indian civil society, we have made a number of efforts, but the ruling class is not ready to listen. Bhutanese refugees also live in India as well- around 30000 people are in different parts of India. The third country settlement is an instrument of dividing factor and it divides the refugees. If we talk more on legal framework, it will not help the movements. Legal instrument serves the elite class more than the deprived class. UNHCR policies do not form in Nepal, but it forms somewhere else. So pressure needs to be put to the UNHCR headquarters where policies are formed. As an effort to influence donors' policies Bhutanese delegation also went to EU parliament last year.

Sundara Babu- director of VAK said that I am listening same thing even after 10 years. I have a feeling of some kind of guilty as the people at camps have been deprived of human rights. We will take the issues to People's SAARC and SAARC. If the campaigns are built on then we can raise the issues. Other refugees such as Burmese, Tibetan refugees are also facing same problem.

Sundara asked with refugees what exactly you want from us. How you can come forward? And how we can support you?

4. Suggestions

- Political parties and government of Nepal should put clear agenda to Bhutan.
- Internationalize the issue
- Indian CSOs need to be active in advocating the issues of Bhutanese refugees.
- Ball is in the court of Nepal Government and CSOs. Even if India does not give permission to use their land to go back to Bhutan, refugees can go by plane if the Nepal government and Bhutan government create a conducive environment
- Listing of refugees
- Reconciling the conflict among the refugees
- Political parties should go to Bhutan
- Form joint political front
- Male SAARC summit is important to raise the issues of refugees
- Immediate begin the dialogues between the government and stakeholders
- Call for integrated efforts to political parties

4. Follow-up actions

- Organize dialogue between different stakeholders
- Initiate the political discourse making at political level-consensus making and awareness
- Bring refugees together for joint action as they seem to have different perspectives

- Pressurize for SAARC refugees protocol – refugees issues have been the major problem in South Asia
- Delegation to Home Ministry and Foreign Ministry of Nepal
- Verified (74%) need repatriation for that strong advocacy need to be made by SAAPE.
- Develop link with the CSO of west Bengal that can help in broaden the issues.
- Build relationship to West Bengal Political Party
- Prepare a protocol document (refugees) to present to SAARC
- Lobby with Secretary General of SAARC