



Institute for Defence Studies & Analyses

Backgrounder on Bhutanese Refugees

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One of the largest refugee settlement operations took place on March 25, 2008, when the first lot of around 100 Bhutanese refugees headed for the United States. According to the United Nations High Commissioner for Refugees (UNHCR), by the end of 2008, over 10,000 refugees are expected to leave Nepal for resettlement in the US, Canada, Australia, New Zealand, Denmark, the Netherlands and Norway.¹

At present there are around 107,000 Bhutanese refugees in seven camps in Nepal. According to the latest estimates by UNHCR, around 35,050 refugees have registered for resettlement.² The United States alone has agreed to resettle 60,000 refugees from Nepali camps. Six of the refugee camps are in Jhapa district of Nepal, while the seventh is in Morang district in eastern Nepal. Resettlement to the US is being organised by the American government through its Overseas Processing Entity and the International Organization for Migration (IOM).³

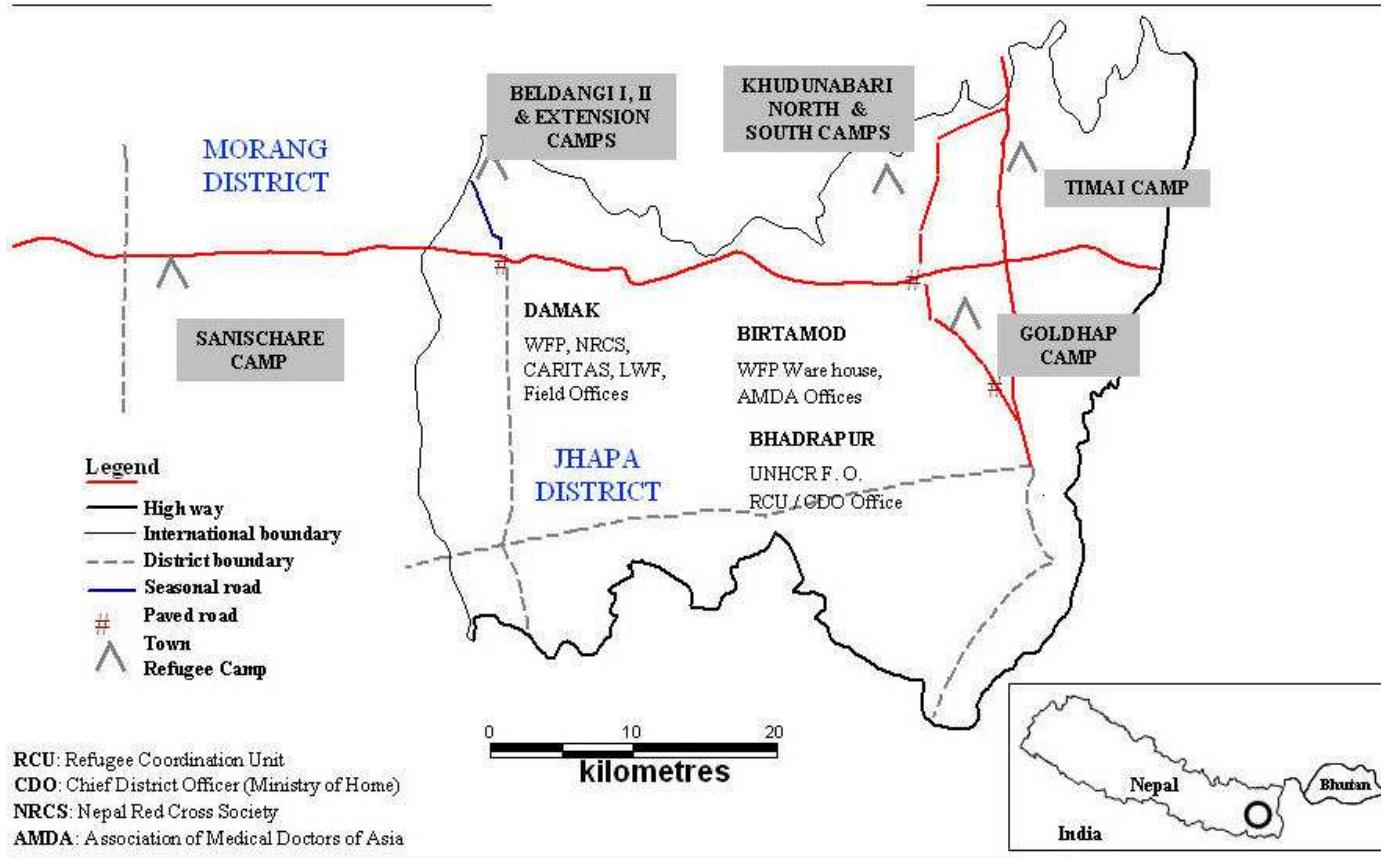
This backgrounder provides an overview of the status of Bhutanese refugees in Nepal and discusses the historical, social, political, economic, and policy dimensions of the issue. It also highlights the Indian stand on the issue.

¹ “Over 100 Bhutanese refugees in Nepal being resettled in United States,” <http://www.unhcr.org/news/NEWS/473088d84.html>, Accessed April 29, 2008.

² “35000 declare interest for TCR, 704 already departed,” *Bhutan News Service*, May 30, 2008, at <http://www.apfanews.com/news/?id=31303130>, Accessed June 3, 2008.

³ Ibid.

LOCATION OF REFUGEE CAMPS IN MORANG AND JHAPA



Revisiting History: The Evolution of Ethnic Nepalis

Though migration of ethnic Nepalis began in the 19th century, Bhutan's first Nationality Law Act of 1958 was favourable for the growth of migrants. According to the Act, foreigners who had resided in Bhutan for at least ten years or owned agricultural land or been in government service for at least five years were eligible to apply for Bhutanese citizenship. The children of Bhutanese fathers could also acquire citizenship by descent.

However, the present status of Bhutanese refugees can be more appropriately gauged from the post 1970 developments, when the ruling elite (Drupkas) in Bhutan started asserting that "ethnic Nepalis" were illegal migrants and hence were jeopardizing the social fabric of

Bhutanese society. Following these claims, two new Citizenship Acts were passed in 1977 and 1985, which categorically defined the status of ethnic Nepalis. The 1977 Citizenship Act repealed the provisions of the 1958 Nationality Act and mandated that women who married Bhutanese men had to apply for Bhutanese citizenship like any other foreigner. Similarly, some of the provisions of the 1985 Act were: residence in Bhutan of 15 years for government employees and for children with one Bhutanese parent, and 20 years for all others; the period of residence had to be registered in the government records; proficiency in Dzongkha, good knowledge of the culture, customs, traditions, and history of Bhutan, good moral character; no record of imprisonment for criminal offences and no record of having spoken against the king and country. The 1985 Act also granted the Government of Bhutan the right to reject any application for naturalization without giving reasons. These developments culminated in strong protests in October 1990, and participants in these demonstrations were termed anti-national elements and subjected to ill-treatment and torture by the Bhutan government. This unleashed the problems of refugeeism and human rights violations, and many ethnic Nepalis were coerced into leaving Bhutan, many of whom resettled in neighbouring Nepal and India.

Social and Economic Status of Refugees

As already stated, there are around 107,000 refugees in Nepal and more than 15,000 in India. In Nepal, the Bhutanese refugees are primarily dependent on the international community for their survival given that they are prohibited from income generating activities. Lack of alternative livelihood and employment opportunities are their most prominent grievances.

“Donor fatigue” towards these refugees was also observed in 2006, when, according to some sources, the World Food Programme (WFP) stated that it was facing constraints regarding international donations to fund its food aid to the refugees.⁴ Assistance to the refugees is being provided by UNHCR, the World Food Programme, the Lutheran World Federation, Caritas, AMDA, and the Nepal Bar Association. Donor governments have spent approximately US\$20 million per year on assistance and protection programmes. For women refugees, specifically, the consequences of the sharp cutbacks in international aid have been detrimental. Many women have reported instances of gender violence. Conflict over resources has also been seen, especially for fuel and firewood. This often is a source of conflict with local Nepali population, who rely on the same forests for their livelihood.⁵

As far as the status of ethnic Nepalis in Bhutan is concerned, the Bhutanese government has introduced the policy of “No-Objection Certificates” which are only issued to those not involved in any “anti-national activity”. No Objection Certificates are important because they are a pre-requisite for enrolment in higher education, employment in civil services, for doing business and obtaining trading licenses and other important documents. In fact, it has been the main criterion for distinguishing a Bhutanese from a non-Bhutanese.

Political and Policy Dimensions

Political Negotiations between Bhutan and Nepal

In July 1993, King Jigme of Bhutan and Prime Minister Koirala of Nepal exchanged views on the refugee issue during the SAARC meeting in Dhaka. The outcome of the talks was

⁴ “Camp Information, Bhutanese Refugees: The Story of Unforgotten People,” at <http://www.bhutanescamprefugees.com/index.php?id=11>, Accessed April 29, 2008.

⁵ “Life in the Refugee Camps in Nepal,” *Human Rights Watch*, <http://www.hrw.org/reports/2007/bhutan0507/4.htm>, Accessed June 10, 2008.

the establishment of a Ministerial Joint Committee. The Committee's mandate revolved around three objectives. First, to identify the different categories of people claiming to have come from Bhutan in the refugee camps in eastern Nepal. Second, to specify the positions of the two governments on each of these categories. And third, to arrive at a mutually acceptable agreement on each of these categories which would provide the basis for the resolution of the problem.⁶

In the subsequent talks between Nepal and Bhutan, a categorization and verification scheme was devised. The camp population was categorized into four groups: (a) Bonafide Bhutanese refugees who were forcibly evicted; (b) Bhutanese who had voluntarily migrated; (c) non-Bhutanese; and (d) Bhutanese who have committed crimes. In 2000, a Joint Verification Team was established, which accorded to the refugees belonging to category one the right to repatriate. Certain conditions were placed on the other three categories of refugees and since then, "who constitutes a Bhutanese national" has become a contentious issue. Though till date there have been seventeen rounds of ministerial talks between Bhutan and Nepal, all of them have been unsuccessful in reaching an amicable solution.

Following these developments, in 2003, UNHCR announced that it would encourage and promote local integration in Nepal as the preferred solution for Bhutanese refugees and that it would provide support for resettlement initiatives. But many still view repatriation as the only durable solution. In fact, the Communist Party of Bhutan (CPB)-MLM has declared repatriation as the only acceptable solution and towards that end has directed violence

⁶ "Bhutan: A Plea for Justice," *Human Rights Solidarity*, <http://www.hrsolidarity.net/mainfile.php/1996vol06no03/178/>, Accessed May 2, 2008.

against refugees opting for resettlement in Nepal.⁷ According to some reports, the Communist Party of Bhutan-MLM was formed in the United Nations Refugee Camps in Eastern Nepal and comprises of Bhutanese refugees of Nepali origin.⁸ CPB-MLM also aims to overthrow the regime in Bhutan, and has therefore not supported the recently held democratic elections in Bhutan. The twin bomb blasts on June 5, 2008 and June 28, 2008, claimed by the CPB-MLM, and its press release about initiating an armed people's war to eradicate the regime, point to the violent path of the restive elements.

Resettlement Policy and Bhutanese Refugees

On March 25 2008, around 121 Bhutanese refugees left their camps in Eastern Nepal for New York, Chicago, Syracuse, St. Louis, and other cities in United States.⁹ Sixteen exiled Bhutanese arrived on May 13, 2008 in The Netherlands under the third country resettlement program.¹⁰ There are around fifty Bhutanese living in The Netherlands. By the end of 2008, over 10,000 refugees are expected to leave for resettlement in countries such as the United States, Canada, Australia, New Zealand, Denmark, the Netherlands and Norway. The United States has offered to resettle 60,000 of the estimated 107,000 Bhutanese refugees from Nepali camps, and Australia, Canada, Norway, Netherlands, New

⁷ “Nepal: Thousands of Bhutanese refugees ready to resettle in third countries,” IRIN, <http://www.irinnews.org/report.aspx?ReportId=76563>, Accessed May 10, 2008.

⁸ Bhutan Assessment 2008, <http://www.satp.org/satporgtp/countries/bhutan/index.html>, Accessed June 10, 2008.

⁹ “The Bhutanese Have Landed,” *Refugee Resettlement Watch* <http://refugeeresettlementwatch.wordpress.com/2008/03/26/the-bhutanese-have-landed/>, Accessed May 2, 2008.

¹⁰ “Netherland, little heaven for newcomers from Bhutan,” *AFPA News*, May 13, 2008, <http://www.apfanews.com/news/?id=393838>, Accessed May 15, 2008.

Zealand and Denmark have offered to resettle 10,000 each.¹¹ According to UNHCR, around 704 individuals have departed from Nepal for resettlement in Australia, Canada, Denmark, New Zealand, Holland, Norway and America.¹² On account of the growing violence on Bhutanese refugees, this “core group of countries,” as it is called, passed a statement that the continued attacks on refugees opting for third country settlement was endangering the provision of aid to refugees in Nepal. It also stated that “third country resettlement should not bar refugees from returning to Bhutan in the future.”¹³

The Indian Stand

According to some sources, India hosts between 15,000 and 30,000 Bhutanese refugees. Most are based in Siliguri and Jalpaiguri districts of West Bengal and Kokrajhar district of Assam.¹⁴ But they are not recognized as Bhutanese citizens and the UNHCR has not given them refugee status.¹⁵ This has impeded their incorporation into the Third Country Resettlement Programme. The Indian government has repeatedly stated that the issue of Bhutanese Refugees is a bilateral problem between Bhutan and Nepal and therefore it should be solved bilaterally. However, the few attempts that India has made to address the issue of refugees have been limited to pushing for the Bhutanese demand of “categorisation

¹¹ The Bhutanese Have Landed, *Refugee Resettlement Watch*, <http://refugeeresettlementwatch.wordpress.com/2008/03/26/the-bhutanese-have-landed/>, Accessed May 2, 2008.

¹² “35000 declare interest for TCR, 704 already departed,” *Bhutan News Service*, May 30, 2008, at <http://www.apfanews.com/news/?id=31303130>, Accessed June 3, 2008.

¹³ “Core Group concerned over increasing violence in refugee camps,” *Nepal News*, June 06, 2008, <http://www.nepalnews.com/archive/2008/jun/jun06/news11.php>, Accessed June 10, 2008.

¹⁴ “Bhutanese Refugees,” *Country Report on the Refugee Situation*, South Asia Human Rights Documentation Center.

¹⁵ “Unregistered Bhutanese Refugees in India,” *Human Rights Watch*, May 2007, at http://hrw.org/reports/2007/bhutan0507/12.htm#_ftnref240, Accessed June 2, 2007.

and verification” of the refugees as a precondition for Bhutan’s recognition of ethnic Nepalis as citizens. India had been upfront in pushing the case for repatriating Bhutanese refugees in Category One, i.e. people wrongly evicted. These refugees could return but will not receive any support for rehabilitation or for compensation for lost property. Refugees under Category Two are those who left voluntarily. They could return but are supposed to live in designated camps. Also, only one member of the family would get employment, and they could regain full citizenship only after eight years.¹⁶

However, this solution proved unacceptable to the refugees in Nepal. And with active advocacy by human rights organisations, the proposal got diluted over time. Many refugees also began to prefer the solution of third country resettlement. On June 10, 2007, Indian Foreign Minister Pranab Mukherjee stated that if “the refugees in Nepal get back to Bhutan, there will be demographic imbalance in the region.”¹⁷ The absence of any discussion or mention of the refugee issue in the Ministry of External Affairs joint statements or press-briefings points to the reluctance of the Indian government in coming out publicly on the issue. Prime Minister Manmohan Singh, during his recent visit to Bhutan, refrained from making any remark on the status of Bhutanese refugees. Much of his discussion revolved around mutual areas of cooperation and economic engagement. The updated Indo-Bhutan Friendship Treaty, signed in February 2007, delineates a no change policy in the treatment of ‘nationals’ of both countries. The treaty also committed both

¹⁶ Tapan Bose, “Bhutanese Refugees: Pawn in the hands of government and politicians?” *Refugee Watch Online*, May 2007, at <http://refugeewatchonline.blogspot.com/2007/05/bhutanese-refugees-pawn-in-hands-of.html>, Accessed June 2, 2008.

¹⁷ Moving Ahead, *Nepali Times*, 15-21 June, 2008. At: http://www.digitalhimalaya.com/collections/journals/nepalitimes/pdf/Nepali_Times_353.pdf, Accessed May 28, 2008.

countries “to cooperate closely with each other on issues relating to their national interests and not allow the use of their territories for activities harmful to their national security and interest of the other.” The treaty assumes importance in the context of the growing demands of non-state armed groups for repatriation and their mobilisation of Bhutanese refugees behind their cause.

Conclusion

Though repatriation to Bhutan has been the demand of the Bhutanese for a long time, the Third Country Resettlement Program (TCRP) has, however, been considered as an immediate measure to bring relief and minimize their plight. While resettlement to third countries definitely remains a challenge, increasing support for the third country resettlement programme points towards the growing fatigue amongst ethnic Nepalis who are looking for some stability and security in their lives.

Bhutan is in a transitional phase of building democratic norms. But how far the refugee issue will be handled in a democratic way is not clear at this point in time. Bhutan’s new constitution mandates the requirement of Bhutanese citizenship only if both parents are naturalized citizens of Bhutan. Also, no record of imprisonment and criminal activities and no record of opposition to the king are essential clauses for acquiring Bhutanese citizenship. Further, knowledge of Dzongkha (Bhutanese) is an important qualification. These prerequisites clearly indicate that the issue of Bhutanese refugees is deeply entwined with identity, demographic and sociological issues. Solving the refugee issue demands political will on the part of Bhutan, but this is missing as of now.

It is possible that the rise of Maoists could lead to a revamping of Nepal's policy on refugees. CPN-M and CPB-MLM have enjoyed close ties in the past, and how this political dynamics plays out in the near future will have a bearing on a resolution of the issue.

For its part, the Government of India will have to carefully balance its political equations with Nepal on one hand and Bhutan on the other.

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