Flight to Freedom: 
Third Country Re-settlement Option 
for Bhutanese Refugees in Nepal

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“The first plane-load of the refugees could be arriving in the United States around the later part of January 2008”, said Ellen Sauerbery, United States Assistant Secretary at the Bureau of Population, Refugees and Migration, during her trip to Nepal on 1 November 2007. She was referring to 106,000 Bhutanese refugees living in Nepal, 60,000 of whom the United States has agreed to re-settle on its shores.

This thrilled a large segment of the refugees stranded for the last 17 years in seven camps in two politically-volatile districts of Morang and Jhapa in eastern Nepal. However, a sizeable number of the refugees, mainly the leaders and activists from various Bhutanese political parties formed in exile, were to tally against the idea, saying that this could further encourage Druk Yul to suppress people of Nepali origin. The United States’ offer of third country settlement has led to sharp divisions among the refugees. In May 2007, two youths from Beldangi camp were killed by the police during a scuffle instigated by a ‘controversial’ interview with Hari Adhikari Bangale, the camp secretary of Beldangi-II. Bangale had advocated for third country re-settlement. In another incident in Beldangi-II extension camp, a few huts belonging to those in support of third country re-settlement were vandalised. Some of the refugees were also attacked by a mob. All of these incidents clearly show that the refugee issue has now reached a decisive stage after years of dilly-dallying and waiting.

This paper will examine at the prospects of a long-term solution to the refugee problem, agreeable terms to the governments of Bhutan and Nepal and the future prospects for the refugees once they are re-settled in third countries.

The Backdrop

At the beginning of the 1990s, the Bhutanese government adopted a discriminatory policy and expelled thousands of citizens of Nepalese origin from its territory. These Bhutanese, called Lhotsampas, had been living in Bhutan for generations and had acquired documents/permits relating to citizenship/marriage/businesses in Bhutan. Moreover, most of them owned houses, land and/or other property which were forcefully confiscated by the

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authorities. This ethnic cleansing led to one of the worst humanitarian cataclysms in the history of South Asia.\textsuperscript{4} Bhutan’s action has adversely affected the warm and cordial relations with Nepal. A small Himalayan kingdom’s inherent desire to preserve its sovereignty, integrity and national culture is understandable but that does not necessitate banishing its own inhabitants to an unknown future. “Bhutan’s de-nationalisation of ethnic Nepali citizens rendered them stateless and, thus, breached the principle that no one should be arbitrarily deprived of nationality.”\textsuperscript{5} If Bhutan’s royal regime felt threatened by the growing number of \textit{Lhotsampas} in its plains, there could have been other ways of dealing with the problem than ejecting these people and facing massive international condemnation as a result. Consequently, its international image of being the “last Shangri-la” has been severely tarnished due to its nonchalance and indifference to the refugee issue.

There were three major episodes responsible for the built-up of an environment of tension and pressure on both sides (\textit{Lhotsampas} and the Thimpu government) ever since the beginning of the 1980s, which laid the foundation to irreparable damage in their mutual relationship. These were the Marriage Act of 1980, Citizenship Act of 1988 and the “\textit{Driglam Namza}” Code of Conduct.

The Citizenship Act of 1958 had granted Nepali-speaking people full citizenship of the country. As nationwide programmes of development and modernisation commenced in 1961, the \textit{Lhotshampas}, with the development of education, social services and the economy, rose to occupy influential positions in the bureaucracy. Most of the elderly refugees still remember how they worked hard to building national roads and highways within the country after the visit of Indian Prime Minister Nehru, following which India gave considerable aid and financial support to Bhutan. Some of them were members of the National Assembly and even in the Royal Bhutan Army.

However, during the 1980s, the \textit{Lhotshampas} began to be seen as a threat to the political order and \textit{Drukpa} culture. The \textit{Durkpas} of the northwest (or the ruling elite) began to see themselves as an endangered species that would one day be swamped by the \textit{Lhotsampas} of the south. In the name of national integration, the government’s drive for “One Nation-One People” policy made all the southern Bhutanese liable to a fine or imprisonment if they ventured out in anything other than traditional costume, and Nepali language was removed from the school curriculum. Many southerners were fined and imprisoned for not complying with this order. Furthermore, a separate law was enacted in 1980, after withholding the existing Marriage Act of 1977.

A considerable number of \textit{Lhotsampas} had married Nepalese men/women from Nepal or from Sikkim and Darjeeling. This was due to the fact that people of Nepali origin are Hindus while the \textit{Drukpas} are Buddhists. A non-Bhutanese marrying a Bhutanese citizen had to learn read and write the national language and had to wait for 20 years to obtain the citizenship paper. Government statistics in 1980 revealed that a total of 10,000 \textit{Lhotsampas} had married non-Bhutanese. The “\textit{Driglam Namza}” Code of Conduct was then implemented to counter outside interference and strengthen the country’s identity. It made it mandatory for citizens of all groups to wear the traditional \textit{gho} for men and \textit{kira} for women. Otherwise, they were subject to fines. The \textit{Lhotsampas} were against this imposition for several reasons:

i) The climate in southern Bhutan is usually hot and, therefore, a \textit{bakhhu} was simply not an appropriate dress;
ii) Being Hindus, they could not accept a Buddhist dress while performing religious rites like Bratabanda or Mundan ceremony, weddings, etc.;

iii) Nepali language was being taught in schools in south Bhutan but was stopped after the implementation of this code; and

iv) About 99 percent of the Lhotsampas did not know the national language and it was impossible for them to converse in Dzonkha at public places.

The few men who tried experimenting with the dress were ridiculed by women because the gho is completely uncovered in the bottom.

Defending his government’s decision to evict the Lhotsampas, the then-Home Minister of Bhutan, Jigme Thinley, said, “A section of these people who have rejected everything that is Bhutanese [have] threatened to take over the country with the support of ethnic kin who comprise the most aggressive transnational migrant people in the region. The rich culture of the Great Wheel of Buddhism which once flourished in Sikkim, Tibet, Ladakh, Lahaul and Spiti is well on the path to extinction. Today, Bhutan, the last bastion of this rich cultural heritage, is in a state of siege.”

The issue that really shook the kingdom was the 1988 census. The first ever in the country’s history, the census revealed the existence of a “100,000 illegal migrants”, in addition to 47,200 acres of government land being occupied ‘illegally’. Two members of the then-National Council, Mr Tek Nath Rizal and Mr B. P. Bhandari, submitted a petition against the Citizenship Act of 1985 and the Census of 1988 to the King. At that time, a total of 16 Lhotsampas were members of the National Council of 156. Rizal was arrested on treason charges but released after he signed a confession document three days later. He escaped to Nepal and opened up a ‘People’s Forum for Human Rights’ on 7 July 1989.

The situation in Bhutan deteriorated considerably after Rizal fled. Back in Nepal, the then-party-less Panchayat regime handed over Rizal, along with his friends, Sushil Pokherel and Jogen Gajmer, to the Bhutanese authorities on 17 November 1989. Students of the National Institute of Education in Samchi organised a demonstration against the royal regime. On 19 September 1990, more than 50,000 people gathered in Chirang, Gelgpug and other areas of southern Bhutan demanding an end to absolute monarchy. The army opened fire at the demonstrators. Since the army was too small to control the situation, youth from the Drukpa community were asked to join the army in the battle, which slowly turned into an ethnic confrontation. Consequently, the houses of the Lhotsampas were burnt and demolished, money and other valuables seized and women were raped in large numbers. After this incident, the Bhutanese authorities randomly began evicting people of Nepali origin from Bhutan.

It should be noted at this point that the considerable influence among the Bhutanese youth of the Nepali People’s Movement of April 1990 led to the Late King Birendra succumbing to the demands of re-establishing multi-party system and agreeing to remain a constitutional monarch. They wanted to replicate the Nepali mass movement in Bhutan not knowing that the geo-strategic situation was markedly different. While India was supportive of the pro-democracy movement in Nepal, even going to the extent of blocking trade and transit facilities to the Panchayat government of Nepal, it was not at all pleased with the eventuality
of having a weakened monarchy in Bhutan. There were also the ethnic and linguistic factors at play in Bhutan while it was not the case in Nepal.

**Nepal’s Dilemma**

Since Bhutan and Nepal do not share a border, the refugees initially stayed in India and then moved into eastern Nepal. This migration took place when the Nepali people had just won multi-party democracy after a peaceful struggle and the political situation was extremely delicate. The then K. P. Bhattarai-led interim government was preoccupied with working out a new democratic constitution for the country and had the onerous task of holding the general elections in 1991. As such, the government did not pay too much attention to the refugee issue at that point in time. Nepal’s indecision at that time came to be one of the most foolish decisions it has ever made in its diplomatic history. Instead of dealing with the issue head-on, Nepal, in the subsequent years, had to carry the burden of the elderly, women, children, handicapped, orphans and also teenagers who were born after 1991 in its territory. In fact, the birth rate among the refugee population has been found to be double than that of the local people. A report made public by the United Nations High Commissioner for Refugees (UNHCR) in Jhapa states that 21 percent of the total refugee population has been born in camps. This has obviously impacted Nepal’s political, economic, environmental and social spheres. In addition, owing to security-related sensitivities, the government was forced to cordon off the seven camps and bar anyone from entering or exiting the camps without written permission. Despite these strident measures, as these people speak Nepali, scores of refugees inside the camps married local Nepalese in the last 17 years. This has further compounded the problem. Nepal is not a signatory of the Refugee Convention of 1951 and, thus, every refugee is considered a ‘foreigner’ with no political rights. Economic activity and property ownership are not allowed.

With the onset of the Maoist insurgency in 1996, state resources had to be diverted to meet rising defence expenditures and the government had to leave the refugees totally at the mercy of aid agencies. In addition, 15 rounds of ministerial-level talks between Nepal and Bhutan, along with a number of diplomatic exercises, failed to bring tangible results. In the meantime, these refugees survived in make-shift huts without proper and elementary conditions of living. Social tension arising from unemployment, prostitution, scuffles between refugees and non-refugees along with the damage to the environment of Jhapa and Morang districts presented multi-faceted challenges for Nepal. Due to political instability and frequent changes in government positions such as replacing the Home Ministry with the Foreign Ministry to take charge of this issue, there were several embarrassing volte-face pronouncements by the Nepali government. An example was the decision to accept the refugees in four categories, which helped the Bhutanese government to buy time and shelve the issue over the years. Nevertheless, it has been a consistent stand of the Nepalese government that Bhutanese refugees came from Bhutan and that they must be allowed to return to their rightful motherland.

**India’s Involvement (Non-Involvement?)**

Both Bhutan and Nepal are India’s closest neighbours and both look to India for assistance on political, economic and security issues. Besides, by virtue of the Treaty of 1949, Bhutan’s foreign and defence policies are looked after by New Delhi. When the refugees were expelled from Bhutan in 1991, they had first taken shelter in West Bengal. However, from the very onset, India has refused to intervene in the issue, stating that it is basically a bilateral issue.
between Nepal and Bhutan. Refugee leaders, the international community and the UNHCR which administers the seven camps, have repeatedly said that the impasse can be resolved if India asks Bhutan to act. When Bhutan’s new King Jigme Khesar Wangchuk visited New Delhi in February 2007, his first foreign trip after his father King Jigme Singhe Wangchuk announced his abdication, the refugees in Bhutan prayed for a change of heart in Thimphu. “We had hoped something would come out during the visit,” Thinley Penjor, chairperson of the National Front for Democracy, told the Nepali media. “But nothing happened.” The 1949 Treaty too was revised but there was no mention of the refugees in exile.

The refugees’ hopes of returning home received a further blow when the Bhutanese Foreign Minister alleged that the camps were infiltrated by Maoist insurgents and repatriation would mean “importing terrorism to Bhutan”. It is true that taking cue from the success of the Maoists in Nepal, a Maoist party has been formed in Bhutan and it attempts to unify all the multifarious political parties in exile have been going on. In fact, it could simply be a sign of growing frustration and impatience that, on 30 May 2007, thousands of the refugees began a march to exercise the right to return to their homeland by crossing the Mechi Bridge dividing India and Nepal. They clashed with the Indian border security force, resulting in one death and several injuries. The UNHCR stated that it was “extremely concerned” with the news of the clash while hapless Nepal police did little to control the crowd on its side of the border. Refugee leaders said that they want to return home the same way that they entered Nepal, citing article 13 (2) of the Universal Law of Human Rights and the Treaty Law whereby the right to return has been recognised as a norm of customary international law. This incident demonstrated, for the first time, that the refugees were getting violent and, as impatience grows, it would become even more difficult to address the problem.

**Bilateral Talks: Road to Nowhere**

With the Indian not wanting to interfere in the bilateral problem between Nepal and Bhutan, the Nepal government hope lay with the only instrument available to it – the ministerial-level talks.

In October 1993, it had, quite erroneously, agreed to the Bhutanese proposal of categorising the refugees into four different segments, namely, (i) bona-fide Bhutanese evicted forcefully; (ii) Bhutanese who voluntarily migrated; (iii) non-Bhutanese; and (iv) Bhutanese who have committed crimes. By agreeing to these terms, the Nepali delegation at the time had received flak from the members of parliament as well as from the intelligentsia. But Thimpu was only willing to take back the refugees that it established under the first category and have their status of citizens restored to them. Consequently, a Joint Verification Team (JVT) was formed which interviewed a total of 12,090 refugees registered in Khudunabari camp. Out of these, the JVT placed 293 (2.4 percent) in Category One, 8,595 (70.55 percent) in Category Two, 2,948 (24.2 percent) in Category Three and 347 (2.85 percent) in Category Four.

After the JVT publicised its findings, not only the refugee leaders but even some international non-government organisations working in the field criticised the JVT for failing to meet established standards of refugee screening and verification. “It was a flawed exercise and, therefore, its results too were biased”, said one leader of the Bhutan People’s Party. He further questioned, “How can the report suggest that more than 70 percent of the refugees voluntarily migrated when virtually everyone says that they were forcibly made to leave their country?” Thereafter, an angry mob tried to manhandle the Bhutanese members of the team.
on 22 December 2003 and, since then, no further interviews were conducted. The Bhutanese government did not repatriate even the 293 refugees coming under Category One while it indicated that those classified under Category Two and willing to return “will have to re-apply for Bhutanese citizenship once in Bhutan and will have to wait for at least two years for a response without access to land.”

The Nepali civil society rejected the process calling it “faulty” and the results “invalid”. Even the UNHCR questioned the results. Peter Prove, Assistant to the General Secretary of the Lutheran World Federation, stated that, “UNHCR and the international community are right to reject the deeply flawed screening process agreed between Bhutan and Nepal.” This incident further aggravated the already cold relations between the two countries.

From 23 to 30 June 2003, Ashi Dorji Wangmo, the Queen of Bhutan, visited Kathmandu at the invitation of Queen Komal of Nepal. Although intimate by distance, the two countries established their formal diplomatic relations, albeit late, only in 1983, and there have not been any high-level visits between the two except for a few under the aegis of the South Asian Association for Regional Cooperation. Religious pilgrimages also take place between the two countries. Buddhist pilgrims in Bhutan regard the Swambhunath and Boudhnath stupas in Kathmandu as sacred and desire to visit these revered shrines at least once in their lifetime. Druk Air also flies to and from Kathmandu three times a week. Bilateral relations in other areas such as trade and tourism, education, sports and culture and people-to-people contacts are satisfactory but it is the refugee stalemate that has clouded the relations to a great extent.

Third Country Re-settlement

While the refugees did find basic protection inside the camps, the continuing confinement was obviously not sustainable either for the Nepal government or for the international community, including the UNHCR, which by 2006, had said that its “funds for the Bhutanese refugees were drying out”. With the ebb and flow of time, options such as dignified repatriation and local integration were getting overshadowed. A time came when the Nepal government and the international community who are truly committed to finding a durable solution to the Bhutanese refugee stalemate, began working to promoting the refugee’s sentiment by unlocking all options. Frustrated with over a decade of vacillation, the restless refugees also desperately needed a solution. When the United States said that by the next four years, “about 60,000 of the refugees would be re-settled”, there was, at last, a glimmer of hope. Apart from the United States, Canada, Denmark, New Zealand, the Netherlands, Norway and Australia would also take some of these refugees.

While meeting the Bhutanese refugee leaders, the then-United States Ambassador, James F. Moriarty, emphasised that it was essential that refugees have the freedom to make well-informed, independent decisions regarding their future without fear of threats or intimidation. He discussed details of the American programme, beginning 2008, that offers to resettle at least 60,000 Bhutanese refugees in the United States over the next four to five years. He made it clear that:

- The core group of donor governments’ (the United States, Canada, Denmark, New Zealand, the Netherlands, Norway and Australia) decision to offer third-country re-settlement was based solely on humanitarian concern for the well being of the
Bhutanese refugees in Nepal. The re-settlement offer was not made for political reasons.

- The United States supports the right of eligible refugees to repatriate to Bhutan and will continue to urge the government of Bhutan to fulfill its obligations in this regard.
- Third-country re-settlement does not preclude the right of refugees to return to Bhutan should conditions there permit return at a later date.14

Distressed by the years of dilly-dallying, the Nepal government too swiftly granted the United States’ government the permission to begin planning for a re-settlement programme based on the assumption that third-country re-settlement would be “an integral component of a comprehensive solution for the Bhutanese refugees.” An Overseas Processing Entity was set up in Kathmandu primarily to process the refugees. But no sooner had the permission been granted, some vocal groups, including prominent refugee leaders and political parties denounced the offer, stating that it “undermines the struggle for the right to repatriation.” While accusing the United States administration “of rewarding the Bhutan government for its past misdeeds”, they even pointed fingers at those refugees who spoke in favour of re-settlement.

But despite these threats and intimidation, the United States’ offer of third country re-settlement for the Bhutanese refugees has gained momentum, engaging both the people and the authorities concerned. There have been formal announcement to the refugees to complete the re-settlement forms available in dozens of places in and around the camps.15 The refugees must first express interest in re-settlement to the UNHCR before the refugee agency refers cases to International Organization for Migration (IOM) for processing. Once accepted for re-settlement, the refugees will have to undergo a cultural orientation programme organised by the IOM and the re-settlement countries to prepare them for their new life.

It is understood that the United States wants to diversify its population by bringing in people across cultural and religious lines so as to maintain the societal mosaic of being multi-ethnic, multi-religious and multi-lingual. Assuaging the refugee leadership, Sauerbrey said that the re-settlement was purely a “humanitarian” offer which would be based on the desire of the person concerned. But strategic analysts point to the old American desire of having its foothold in the Himalayas so as to leverage its relations with India and China in the long run. Others have fathomed the guess that there is a shortage of soldiers in the American army and the ready hardwearing ethnic Nepalese will help fill up the gap for the United States in troubled hotspots around the world. Presently, Nepalese in their thousands are already working illegally for private security firms and agencies in Iraq and Afghanistan even though their government has banned Nepalese to work in those countries.

Conclusion

Once an orthodox Buddhist state, Bhutan has been adjusting and adapting itself to the current wave of globalisation and information technology. It has opened itself to tourists, albeit cautiously. The internet and television have been made accessible to the public and a massive plan for economic development is also underway.16 The current King’s father, Jigme Singye Wangchuk, unveiled an innovative concept of measuring growth and progress of his country not by gross domestic product but by gross national happiness (GNH) of its people. The GNH is based on the conviction that material wealth alone does not bring happiness. On the
economic front, the hydropower potential of the country is being tapped for the benefit of not only the Bhutanese but also for power-shortage states of bordering India, form whom Bhutan annually receives millions of dollars as income. In fact, they now provide 40 percent of the country’s revenue.17

In December 2006, King Jigme Singye made headlines by suddenly abdicating and handing the throne to his Oxford-educated son, Jigme Khesar. He also pledged to grant some measure of democracy to his subjects by holding “democratic” elections in 2008. In early January 2008, Bhutan moved toward becoming a constitutional monarchy by electing 15 National Council members in the first such poll in the kingdom. Elections to the Lower House will be held in February and March 2008. Because of the far-sightedness of King Jigme, Bhutan’s steps towards economic prosperity by insisting on eco-friendly developmental programmes have been appreciated by every foreign dignitary who has visited the country. More than 40 percent of the country is still under forest cover but new roads have been constructed such as a highway connecting Phuentsoling in south-west Bhutan bordering West Bengal to the capital city of Paro. The journey takes only six hours.

Despite these measures, it is evident that Bhutan will continue to be at the centre stage of ethno-religious, cultural and political turmoil in the coming months due to the fact that such a large number of its own citizens lives abroad. Once in the United States and Europe, these refugees will surely utilise their time and energy to publicise the need to pressurise Bhutan’s regime to accept change and pluralism by admitting the Lhotsampas back. Just like the Tibetan refugees in exile, they will remain an irritant for Bhutan and, if there are any other designs of western powers, they will continue to be a bargaining chip.

Unfortunately, the third country re-settlement option although takes care of more than 70,000 refugees, does not talk about the rest of them who will continue to remain in the camps. It is silent on what will be the conditions of the refugees in the United States, Norway, Australia, etc., in terms of healthcare, education for their children, employment and housing. It is the duty of the Nepal government to insist that the refugees need to be respected and given sufficient care and attention once they are in these host countries. Additionally, there are many more ethnic Nepalese still living in Bhutan who have managed to avoid expulsion but are living under constant threat. If this re-settlement offer is going to "encourage" the regime to further expel Lhotsampas from the country, then there will be a need for the UNHCR to continue its operations in Nepal. But the UNHCR has been systematically excluded from efforts by Bhutan and Nepal to bilaterally resolve the refugee crisis over the past 17 years, and the government of Bhutan has flatly denied the UNHCR access to the country, which is normally granted in most refugee situations around the globe.

A significant portion of the refugees are still in favour of repatriation right now; they do not want third country re-settlement. There are several unanswered questions. What would be the future of these who want to be repatriated under any circumstances? Will the Bhutanese who wish to be locally assimilated in Nepal get that chance? The majority of the so-called frontline leaders in exile, most of the political and a few apolitical organisations have been frequently opposing the offer of third country re-settlement, claiming it would not do justice to the suppressed Bhutanese people. As such, apart from the third-country re-settlement, the authorities concerned should work towards unlocking all possible options, including repatriation of the refugees to their original homeland, Bhutan. The long-standing issue will get a safe landing only when all possible options are exercised.
After the safe and fair conclusion of this thorny issue, Nepal and Bhutan would need to widen the periphery of their bilateral relationship and venture into many other areas of common interest. They need each other. After all, both of them are tiny land-locked countries in between two emerging economic and military heavyweights of the 21st century.

Endnotes

1  Note: The Bhutanese call their country Druk Yul (The land of the thunder dragon).
3  ‘Lhotsampas’ technically refers to “people from the South” in Dzonkha language. Ethnic Nepalese were situated mostly in the plains of Southern Bhutan prior to their expulsion.
8  Note: One of the principal reasons of unflinching Indian support to the Bhutanese royalty has been due the latter’s cooperation with India in Bhutan’s hydropower sector. However, in the case of Nepal not only the party-less Panchayat system but also successive democratic governments in the post-1990 phase found it difficult to accommodate Indian interests leading to anti-Indian euphoria orchestrated by Nepali political leaders.
10  Note: This statement was later objected by Nepal’s Ministry of Foreign Affairs stating that it has found no evidence of terrorists inside the camps.
11  Note: The 4 categorization of the refugees reflected Bhutan’s intentions from the very start to limit the right to return to only a tiny sub-set of the refugees. The widespread criticism of the Nepali government’s acceptance of the categorization was due to the reference of “those that have committed criminal acts” in Bhutan. This category had nothing to do with Nepal and therefore could have been sorted out between Bhutan and its citizens upon the refugees’ return.
12  Khudunabari is only one of the seven camps in eastern Nepal. Others are Beldangi I and II, Goldhap, Timai, Beldangi Extension and Sanischare.
13  Note: World Food Program (WFP) has been facing some difficulty for quite a few years. It has been alleged that funding shortfalls have led to delayed distribution and poor food quality.