

# ***Lhotshampas Refugees: Implications on Nepal-Bhutan Relations***

Eyasin Khan

## **ABSTRACT**

*Refugee problem is an important arena of study on Human Rights. State policy makes refugees. There is a complex relationship between Human Rights and refugee problem. There are instances of exploitation in the hands of enforcement officials, citizens of the host country, and even United Nations peacekeepers. Instances of human rights violations, child labour, mental and physical trauma/torture, violence-related trauma, and sexual exploitation, especially of children, are not entirely unknown. In spite of absence of a viable refugee regime, South Asian countries continue to host a huge population of refugee and their preferred mode for the quest of durable solution has remained ad hoc with preference accorded to bilateralism between the refugee generating and refugee hosting countries. The experiences of the Bhutanese refugees in Nepal, evidence the inherent imperfection of bilateralism in the region and warrant a serious rethinking of the refugee approach of SAARC. Against this backdrop, this paper attempts to understand the Nepal–Bhutan bilateralism with special emphasis on Lhotshampas Refugees.*

*Key Words: Lhotshampas, Nepal, Bhutan, SAARC, GNH, Human Rights, Refugee.*

## **1.0. Introduction**

The two SAARC member countries - Nepal and Bhutan - are situated between India and the Tibet China with a very potential geopolitical importance. Although from the very beginning, Nepal and Bhutan have maintained extremely good mutual relations in political, religious and cultural fields, at present there seems to be a kind of uneasy diplomatic tensions between them due to the problem of the Nepali origin Bhutanese citizens exiled from Bhutan and taking refuge in *Jhapa* and *Morang* districts of Nepal. Therefore, the study

of the changes that have occurred in these two countries becomes quite important to anyone interested in the study of relations between these two countries (Khadka 2003).

Both the nations had formally established diplomatic relations in 1983. Bhutanese King *Jigme Singye Wangchuk* visited Nepal to attend the 3rd SAARC Summit in 1987. Late King *Birendra* of Nepal visited Bhutan to attend a SAARC meeting in 1988. The Prime Minister of Bhutan had visited Nepal in 2002 and 2014 to attend a SAARC summit.

Both the countries have made transition to

---

*Assistant Professor, Dept. of Political Science With Rural Administration, Vidyadasagar University, Midnapore*

democracy following a very problematic course of movement. While the former has cleared the acid test with aplomb so far, Kathmandu's tryst with democracy is still tenuous and full of uncertainties. The primary reason behind this is the deep-rooted fractious and gutter-level politics of Nepal as opposed to a much more dignified and peaceful policy of Bhutan. Here is an example:

In mid-2009, Bhutan was confronted with a litmus test for its nascent democracy. The two houses of the Parliament—National Assembly and National Council – got embroiled in which one is more powerful. The National Council had a bee in its bonnet and decided that it could oversee the National Assembly and could call the Ministers of the Council during the Question Hour to explain their actions. The Prime Minister intervened to say that in democracy all were equal and the matter rested at that. In another incident, on July 17, 2009 the National Assembly decided that the government did not intend to implement controversial *Driglam Namzha* (traditional etiquettes) programme by force, but by education. The Bhutan government took note of the fact that the brutally strict implementation of the programme in mid-eighties alienated large pockets of the population and resulted in the uprising of *Lhotshampas* in southern Bhutan (Sharma 2010).

However, there is potential mood to develop and enhance co-operation in many areas of common interests. Until now, some areas of

cooperation between the two countries include trade and services, sports, technical and cultural cooperation, among others (Monograph 2004:71). The relationship between Nepal and Bhutan may be examined in various ways which includes economic, political as well as cultural dimensions with special emphasis on *Lhotshampas*.

### 1.2. *Lhotshampas* Refugees

Bhutanese Refugee namely *Lhotshampas*<sup>1</sup> in Nepal has a unique identity and implications in the region of South Asia as well as the rest of the World. Gross National Happiness (GNH) index shows that Bhutanese are the world's happiest people. But the refugee crisis is one of the most problematic matters for such an observation. Bhutanese who consider themselves as son's of the soil thought that *Lhotshampas*, who originally came from Nepal, were not the real citizens. Further, they annoyed the Bhutanese by raising economic and other demands which created lot of problems in the country at large. So Royal Bhutan Government had thrown these groups out of their lands.

*Lhotshampas* fled from Bhutan to India and then they entered their own homeland Nepal but Nepal's Government did not recognize them as the citizens of Nepal. They were treated as 'State less' and 'Home less' people in Nepal and were housed in Some Refugees Camps.

Historically the movement of *Lhotshampas* has been very unique. This community first of all entered into Bhutan from Nepal and then returned to Nepal during a span of 100 years. Therefore, the causes of migration are to be discussed from different perspectives.

The main causes of migration from Nepal to Bhutan may be identified as follows: (a) British

imperialist policy; (b) Economic opportunity of the *Lhotshampas* in Bhutan; (c) *Lhotshampas*' psyche to living in Hill area; (d) the Policy of Nepal Governments, Bhutan and India and other concerns; (e) External influences; (f) Educational and Cultural awareness of the *Lhotshampas*, etc.

The Bhutanese refugees were the descendants of Nepalese migrants that settled in Southern Bhutan in the late 1890's. Originally recruited by the Government of Bhutan to clear the jungles of Southern Bhutan in late 1890's, they were called *Lhotshampas*, meaning 'People from the South'. Over the time, the *Lhotshampas* prospered in Bhutan and became high-ranking government officials and educators. According to the Census of 1988, they made up 45 per cent of the population of Bhutan.

In 1958, the Bhutanese Government passed the Citizenship Act, which granted the *Lhotshampas* the right to Bhutanese citizenship. Every citizen was provided with a land tax receipt. From 1958 to 1985, the Bhutanese Government introduced integration programmes and incentives for intermarriage between the *Lhotshampas* and other ethnic groups of Bhutan. However, the Buddhist *Druk*<sup>2</sup> majority became increasingly concerned mainly over the growing population and power of the Hindu *Lhotshampas*.

In 1988, the Government of Bhutan conducted a Census, which took place only in Southern Bhutan. It required the citizens to produce the land tax receipt of 1958. Following this census, the *Lhotshampas* were re-classified as 'illegal immigrants' despite having produced land tax receipts from 1958.

In 1989 King *Jigme Singey Wangchuk* adopted

'One Bhutan, One People' policy. Nepali language was removed from the school curricula and it was mandatory for the entire population to wear the national dress of the north. The southern Bhutanese resisted the policy, as there was still a strong attachment to their Nepalese cultural heritage. Demonstrations ensued and the Government began to crack down on what they deemed were 'anti-nationals' from Southern Bhutan. There were widespread reports by *Lhotshampas* of arrests, detention, rape, and torture. They reported being forced to sign 'voluntary migration' forms. By 1991, thousands had started to flee to Nepal via India by truck. In 1992 UNHCR established the first camps in Eastern Nepal to house more than 105,000 refugees. An additional 20,000 refugees (estimate) fled to other parts of Nepal and India.

Hari Phuyal (1997: 241) pointed out that:

The Bhutanese Government adopted a number of legislations and policies to push the southern Bhutanese out of their country: i) the Marriage Act of 1980; ii) Bhutanisation Policy; iii) Citizenship Laws; iv) Compulsory national work; v) Green belt policy; vi) Language policy; vii) Religious policy; viii) No-objection certificate; ix) Voluntary Leaving Certificate (VLC) and x) Census of 1988.

### 1.3. Economic Dimensions

Both Nepal and Bhutan are predominantly agricultural countries. However, there exists scope for increasing bilateral trade, cultural exchanges and cooperation in the field of tourism. An MOU was signed in March 2005 between FNCCI and Bhutan Chamber of Commerce and Industry to

promote trade and economic relations between the two countries. The first meeting of Nepal-Bhutan Bilateral Trade at the level of Joint Secretaries of the Ministries of Commerce was held in Kathmandu on 17 March 2010 and the second meeting was held in *Thimpu* on 24-25 May 2011 to discuss the Draft Agreement on Bilateral Trade (SAD 2013).

On 7<sup>th</sup> August 1990, Bhutan and Nepal have signed an Air Services Agreement, and *Druk* Air currently operates two flights a week to *Kathmandu*. Over the years, Bhutanese nationals have availed fellowships offered by Nepal in the field of animal husbandry, as well as several opportunities of trainings and workshops under UN, SAARC and other regional and international organizations. In sports, several exchange Programmes and interactions have taken place. Considering the fact that Nepal is more advanced than Bhutan in many respects, the latter acknowledges the usefulness of receiving technical help in this field. Sports of interest include football, table tennis, rifle shooting and taekwondo. As of date, trade and economic relations between the two have not been particularly substantive although initiatives continue to be taken since Bhutan made some efforts to build up trade links with Nepal following the establishment of SAARC.

In order to promote tourism between the two countries, a Memorandum of Understanding (MOU) was signed on 3<sup>rd</sup> May 2003 between the Association of Bhutanese Tour Operators (ABTO) and the Nepal Association of Travel Agents (NATA). Among others, the MOU aims at establishing clear understanding and professionalism, integrated promotion of tourism in the Himalayan region, strengthening tourism

alliance, organizing exchange programmes and establishing Kathmandu and *Paro* as 'sister destinations'.

Nepal continues to be an important destination for many Bhutanese pilgrimages as it has many sacred Buddhist sites such as the birthplace of Lord Buddha in *Lumbini*. The two countries possess great potential in enhancing bilateral relations through cultural cooperation, considering that Buddhism continues to flourish in Nepal and permeates all aspects of life in Bhutan. Bhutan is already a member of the *Lumbini* Development Advisory Committee entrusted with several responsibilities and plans underway to construct a Bhutanese monastery in *Lumbini*. Imperative to the establishment and maintenance of strong ties of friendship and cooperation, state and official visits between the two nations have taken place since the first royal visits from Nepal in the 1970s (Monograph 2004:71-74).

#### **1.4. Political Relations**

Both the kingdoms in the Himalayas, Bhutan and Nepal share many commonalities, one of which is to form a buffer between India and China following the Chinese takeover of Tibet. Although non-resident relations between the two countries were established in 1983, it has been the issue of the people in the refugee camps in Nepal that has overridden bilateral relations since the 90's.

The issue of Bhutanese refugees has remained a challenge for the cordial and friendly relations traditionally subsisting between the two countries. Since 1990, the *Lhotshampas* have left Bhutan in a huge number, crossed the Indian Territory and sought asylum in eastern Nepal. Since then, Nepal has been trying to utilize all available avenues for

solving this humanitarian problem in a peaceful way so that the refugees could go back to their homeland with honour and dignity.

A Joint Ministerial Committee (JMC) between Nepal and Bhutan was formed in 1993 initially at Home Ministers' level with a vision to resolving the problem of Bhutanese refugees living in various camps in the eastern part of Nepal. Later, the committee was headed by the Foreign Ministers of both the countries. The JMC met for fifteen times till 2003 and it has not been able to meet after that. Nepal has, however, been requesting Bhutan to revive the committee and recommence dialogue for the dignified repatriation of Bhutanese refugees to their homeland (Ghosh 2010:162).

The RGoB was adamant in its claim that the refugees in the camps were not Bhutanese and that they were a collection of *poor Nepalis* from different parts of India and Nepal, confined in the camps to acquire international sympathy and claim, which has changed with the passage of time. Nepal maintained that the refugees were Bhutanese and that Bhutan undertook its state responsibility by repatriation and reintegration of willing refugees in the Bhutanese mainstream. India remained steadfast in its point that the refugee issue is a bilateral problem between the two Himalayan neighbors and that they should solve it bilaterally.

The bilateral exercise was put in track 25<sup>th</sup> April 1993 when Nepal sent an official intimation to Thimpu expressing its wish to have direct meeting with Bhutan which followed an official invitation to Nepalese delegates by Bhutan for bilateral talks. The Nepalese delegation led by the then Home Minister became the ever first official engagement with Bhutanese counter-part that culminated in the

signing of an agreement to constitute the Joint Ministerial Committee (JMC) with three members from each of from both the countries, headed by their respective Home Ministers. The committee was empowered with the following mandate: (Mayilvaganan 1993).

- i. To determine the different categories of people claiming to have come from Bhutan in the refugee camps in eastern Nepal; and
- ii. To arrive at a mutually acceptable agreement on each of these categories that in turn would provide the basis for the resolution of the problem.

The first JMC meeting was held in October 4-7, 1993, with the Bhutanese team led by its Home Minister *Dago Tshering* and the Nepalese team led by his counterpart *Sher Bahadur Deuba*, agreed to categorize the refugees in the following four groups (Khanal 1999: 465-468):

1. *Bonafide* Bhutanese, if they have been evicted forcefully;
2. Bhutanese who emigrated;
3. Non- Bhutanese people; and
4. Bhutanese who have committed criminal acts.

The pronouncement of the results of verification, categorization and the Agreed Position on the Four Categories (APFC) sparked restlessness amongst the refugees, with protests and hunger strikes organized in the camps demanding review of the whole process by the respective Governments. An overwhelming 94 per cent of the categorized refugees appealed against the decision of the JVT, although no neutral authority was in place to look into their appeals. The JMC was imposed as the appellate body from which expectation of justice was immatured.

Amidst this state of confusion, the 15<sup>th</sup> meeting of the JMC was held in the Bhutanese capital, *Thimphu*, on October 20-23, 2003, the Nepalese side led by its ambassador at large *Dr. Bhekh B. Thapa* and the Bhutanese team was led by its Foreign Minister *Lyonpo Khandu Wangchuk*. The two Governments touted the outcome of the meeting as a major breakthrough in the refugee stalemate. They issued a 15 point joint press release after the conclusion of the talks where “the two leaders expressed their firm resolve and commitment to arrive at a lasting solution to the issue of the people in the camps in Nepal through the bilateral process”. The Nepalese delegation of the JMC revealed that the repatriation of the Bhutanese refugees would begin as early as the second week of February, 2004 (*The Kathmandu Post* 2003). *Nepali Times*, quoting the leader of the Nepalese delegation highlighted the optimism that the first trucks carrying refugees will start moving from eastern Nepal to the Dragon Kingdom by mid-February 2004. Despite all these initially manufactured hype and hope, the Bhutanese refugees continued languishing in the camps with the bilateral process aborted. The bilateral engagement spanning over a decade and a half has remained where it had begun no outcome. The reasons are as follows:

Despite the completion of verification and categorization, repatriation has never begun. It is necessary to enquire into the intricacies of the issue to locate the failure of bilateralism. As suggested earlier, the failure of bilateralism needs to be viewed in the context of Bhutan’s ethnic policy and Nepal-Bhutan relational backdrop. The intention of the RGoB pursuing bilateralism is to

be analyzed in the context of international pressure building upon it necessitating it to engage Nepal to send a positive signal for international consumption (Sharma 2009: 9).

The incident that occurred in *Khudunabari* camp on 22<sup>nd</sup> December 2003 during a briefing session by the Bhutanese members of the JVT to the verified and categorized refugees when they were manhandled by an agitated group of refugees has been cited by the RGoB as a reason sufficient to freeze the bilateral exercise. The RGoB maintained that internal disturbance in Nepal and the frequent changes of Governments had been the stumbling blocks in the perusal of the bilateralism. Citing the 22<sup>nd</sup> December incident, the RGoB explains the rationale for discontinuation of the bilateral exercise as “an immediate resumption of the work would be counterproductive and risky as another untoward incident would derail the whole process” (Quigley 2004:187-200).

A group of non- governmental organizations involved with the Bhutanese refugees in Nepal quite succinctly summarizes the intent of the RGoB *vis-à-vis* the refugees. It says: “Bhutan’s Foreign Minister, *Lyonpo Khandu Wangchuk*, dismissed the legitimate concerns of the refugees concerning the categorization and repatriation process in his briefing to the National Assembly on the *Khudunabari* incident. He was equally dismissive of the Nepalese government’s suggestion that the violent behaviour of a small number of refugees may have been provoked by their extreme frustration at the lack of resolution to their plight. His presentation of the situation appears to have been a calculated attempt to foster hostility towards the refugee community” (Goodman 2004).

The above position of the RGoB is demonstrative of its refugee policy. While the RGoB had in the initial years maintained that there was no single Bhutanese in the refugee camps, the results of verification revealed otherwise. The RGoB is aware that there are more Bhutanese in the camps than it intends to accept and that has not changed its refugee policy. Acceptance of the status of the verified refugees were Bhutanese nationals has alarmed Bhutan in retrospect. The repatriation of all these would not fit in its national agenda of ‘one nation and one people.’

The RGoB appears to be in favour of internationalizing the refugee issue for the purpose of finding a durable solution to the problem feels that it would entail other countries to agree to the settlement of refugees in countries. This proposition concurs with the RGoB’s original blueprint of creating “one nation one people” based on the ethos of the ruling *Drukpas*. In perpetuating this agenda, the RGoB forgets that it has its own state responsibility towards its people whom it had coerced to leave from the country. While correctly maintaining that refugee crisis is an international problem, the RGoB cannot evade its own international obligations towards the refugees. Sharma (2009) rightly points out that there are some loopholes in the political relations between Nepal and Bhutan in respect of *Lhotshamapas*. These are:

**A. Difficulties in Categorization:** Categorization into 4 categories is the main stumbling block. Categorization ought to have been two; namely, Bhutanese and non-Bhutanese. Nepal acquiesced to this brazen exercise of human classification on Bhutan’s insistence, a diplomatic exercise to ‘make

and unmake futures of the helpless’. The bilateral exercise proposed by Bhutan and endorsed by Nepal started in a wrong Bhutan-centric presumption that a majority of the refugees have left Bhutan at their own will thereby wrongly ignoring the role of the Bhutanese state in refugee generation.

**B. Flaws in Verification Exercise:** The status-verification process was a purely bilateral exercise between the two Governments and the trajectory thus far reveals that it was the Bhutan’s expediency to engage in the process rather than an honest move to address the political and humanitarian concerns of the refugees. A coalition of NGOs stated on 28 October, 2003 that “these talks between Nepal and Bhutan were neither historic nor a breakthrough. The bilateral talks have ignored the concerns of the international community and failed to provide a solution for the Bhutanese refugees in Nepal. Donor countries must insist on the full involvement of the international community in solving the refugee crisis” (Reilly 2003). The international NGOs further observed that “the refugee screening process violates every international norm in the book” and ask donor governments to insist on the process of meeting the international human rights and refugee standards (*Human Rights News* 2003). Bhutan’s insistence on a purely bilateral exercise is indicative of its original strategy of engaging Nepal in the process, getting the exercise protracted as long as possible and thereby discouraging return of refugees. The result of verification from one of the camps reveals that the process was Bhutan-centric and hostile to refugees’ interest. The process neither included a third country nor the

representatives of the refugees which demonstrated that the two governments were restless for an imposed solution in isolation to refugees' interests or concerns.

The NGOs having studied the cases of verified refugees pointed to the following flaws in the verification process:

- a) Refugees were forced to recount their reasons for leaving Bhutan to officials of the same government responsible for their persecution and flight;
- b) The criteria for categorizing refugees are not made public, so the refugees cannot effectively appeal their classification;
- c) The majority of the refugees (70 per cent) were classified as "voluntary emigrants" after signing "voluntary migration forms" under threat when leaving Bhutan;
- d) Many refugees in this category told the delegation that they were forced to flee discrimination, arbitrary detention, sexual violence and threats to their physical safety in Bhutan;
- e) In some cases, members of the same family were placed in different categories, even though their reasons for fleeing Bhutan are identical, so they risk separation in the event of repatriation;
- f) Some of the children born in refugee camps were classified as so-called 'criminals' and could be liable to stand trial in Bhutan;
- g) Some refugees who were minors in Bhutan and thus were not given identity documents and classified as non-Bhutanese, even though their parents possess identity papers and were put in different categories;
- h) The joint screening team only interviewed male

heads of households, denying women the opportunity to have their claims fairly considered;

- i) There were no women on the joint screening team for most of the review process; and
- j) The categorization of refugees into 4 categories.

**C. Flaws in Harmonization:** The RGoB thus had underscored its intention that while it might engage Nepal in the bilateral exercise, they would not do anything that would contravene "our citizenship and immigration and Immigration Laws". Without amending the citizenship laws of Bhutan, the Bhutanese refugee situation could not have been addressed since the issue of citizenship lies at the core of the problem. To uphold the sanctity of its self-imposed doctrines which in essence are an effort to conceal the ingenuity of its expediency, the RGoB imposed the following conditions for willing returnees to fulfill (Chandrashekar 2004):

- i) All members of a family must be physically present at the designated office while submitting the re-application forms;
- ii) A member of a family cannot apply on behalf of other family members who are in the camps;
- iii) An individual form on the camp cannot apply for family members from other camps;
- iv) The minimum period of probation will be at least 2 years;
- v) The re-applicant must reside in the country for the entire period of the probation;
- vi) He/she must not be engaged in activities that contravene the laws of the country;
- vii) He/she must be able to speak *Dzongkha*;
- viii) He/she must have good knowledge of the culture, customs, traditions and history of Bhutan;



- ix) The re-applicants shall not be associated with activities of any anti-national organization/ individuals;
- x) The persons must have no record of having spoken or acted against the King, Country and People of Bhutan in any manner whatsoever; and
- xi) If the conduct of the applicant is found satisfactory at the end of the probation period, he/she may be granted the citizenship in accordance with the Citizenship Laws (Fulfillment of the criteria).

According to the APFC, Nepal agreed to offer citizenship to those refugees who did not desire to return, if Bhutan undertook repatriation of those falling in categories I, II and IV, namely, Bhutanese forcefully evicted, Bhutanese who voluntarily emigrated and Bhutanese who committed criminal activities in Bhutan, respectively. Despite this accommodative gesture of Nepal, Bhutan set outrageous conditions as pre-conditions for the grant of citizenship. The conditions in the first place were drawn to discourage the return of the refugees. It was indeed disastrous for the refugees to accept the 11 terms and conditions laid down by Bhutan as preconditions to repatriation. For instance, condition no. 10 above states that the applicant “must have no record of having spoken or acted against the King, Country and People of Bhutan in any manner whatsoever”, which was impossible for the majority of the refugees to meet. And similarly, all the conditions were unreasonable aimed firstly to preempting the refugees from return; and secondly, even if they had opted to return, depriving them of citizenship with a strict interpretation of the terms and conditions.

The language used in the “terms and conditions” is non-committal in the sense that condition no. 11 envisages the grant of citizenship only after the fulfillment of the imposed criteria. It was left at the prerogative of the RGoB to decide whether or not the criteria were fulfilled. Given the hostility that the RGoB nurtured against the refugees in particular and the southern Bhutanese in general, it was unlikely that the RGoB would interpret those terms and conditions liberally. Condition no. 11 makes use of the word ‘may’ and not ‘shall’ thereby making the whole issue a prerogative of the RGoB, which it had sought to exercise against the interests of refugees.

There were a lot of reasons which were responsible for the failure of bilateral talk between Nepal and Bhutan in respect of *Lhotshampas*. These are as follows:

- i) Bhutan’s Ethnic Policy and Population Politicking
- ii) Nepal-Bhutan Relation: A *No-Relation* Status
- iii) Nepal’s inept handling of Refugee Diplomacy
- iv) India’s *status quoism*
- v) Fallacious basis of Bilateralism
- vi) UNHCR’s failure to carve out a space for itself in the Nepal-Bhutan Engagement
- vii) UNHCR’s Failure in *Promotion of Solution* Function
- viii) Ambivalence of Refugee Leadership
- ix) *Minus-Bhutan* Approach of the International Community
- x) Non-Existence of a Refugee Regime prescribing modality of Solution etc.

The recourse to bilateralism had a number of adverse impacts. While on the one hand, refugees were made victims of diplomatic vagrancies and a

subject of haggling between the states, the states of origin were often condoned from the action of refugee generation. Actually, in the name of bilateral talking, Bhutanese Refugees experienced a lot of delay for the solutions of their problem. Bilateral engagement between the two countries is aborted and its resumption is not likely in the near future due to a variety of reasons.

First, Bhutan's success in convincing the world of its efforts towards 'democratization' has bestowed upon it an enhanced image of a liberal monarchy and has taken the focus away from the refugee issue.

Secondly, upheavals and political changes in Nepal create non-conducive environment for its engaging with Bhutan; and

Finally, a huge number of refugees, frustrated with the non-deliverance of bilateralism opted for re-settlement in third country;

In this state of play, it becomes pertinent to explore the exact nature of human rights condition of *Lhotshampas* in the context of Bhutan-Nepal bilateralism.

### **1.5. Issues of Human Rights**

Bhutanese ethnic conflict has assumed both national and international dimensions because of the alleged violation of human rights by the Royal Government whose accountability and legitimacy before the world community is nil. Despite its clever propaganda that the minority was out to capture power by raising the bogey of bad human rights records of Bhutan and the discriminatory policy of the Government forcing the *Lhotshampas* to join the refugee camps in Nepal and India, the *Sangrila-la* image is being eroded. And the main villain behind such an erosion is obviously the case of

the Bhutanese Nepalis or *Lhotshampas* whose representation has had been made by the BSC since 1952. Now other parties are also in the picture despite the internecine inter-party conflicts between the two groups—The Bhutan People's Party and The Bhutan National Democratic Party. The organization of BSC and the demonstration it staged in 1954, and the demands made by the new parties for redressing the complaints of the aggrieved community-*Lhotshampas*-have had enough grounds for sowing mutual distrust between Bhutan and Nepal (Baral 1993).

In the context of the influx of Bhutanese refugees and the violation of human rights by the Royal Government, the official Bhutanese position is somewhat characterized by a sense of paranoia by trying to link the domestic ethnic problem with the alleged support of the present Nepali Congress Government for the anti-regime movement in Bhutan. Although the predecessor of the present King had introduced some reforms in his absolutist regime The Citizenship, 1958 Act empowering the local officials to grant citizenship certificates gave rise to internal problem despite the fact that there were provisions for improvement in the representation pattern having 16 *Lhotshampa* representatives in the 158 member National Assembly and one representative for the 10 member Royal Advisory Council and one judge in six members High Court. In addition, according to the official version, by 1990, 39 per cent of all Bhutanese civil servants were *Lhotshampas* but by July 1992, 475 of them had fled the country (Hutt 1993).

The flight of trained man power and their joining the movement against the monarchy is likely

to be more taxing for the regime. Branding them as traitors and ‘anti-nationals’, as a common vocabulary is used by the royal regime in Nepal for stigmatizing its enemy, the Nepali Congress-in the 1960s and 70s, the royal Bhutanese government is being accused of adopting a policy of ‘ethnic cleansing.’ Prior to the intensification of the present crisis, some members of the National Assembly and Royal Advisory Council had drawn the attention of the king in respect of the ‘classifications of people as nationals, non-hearsay.’ Instead, making them as security problem, the Government branded them anti-national and went on a repressive spree. One of the royal advisors, Tek Nath Rizal, was expelled from the Council for inciting people and spreading false propaganda against the Royal Government. After fleeing the country, Rizal continued his human rights campaigns in various forms including the distribution of pamphlets, activities which the royal government called ‘seditious’. Later, Rizal and two of his colleagues were arrested in Nepal on 15 November, 1989, and ‘handed over to the Bhutanese authorities the next day.’ (Rimal 2005) The Amnesty International has since adopted Rizal and other six southern Bhutanese as prisoners of conscience. In 1990, demonstrations were organized in southern parts of Nepal turning ethnic conflict into a full scale movement for democratizing the Bhutanese power structure. The successful anti-regime movement of 1990 was also an immediate impetus to the Bhutanese dissidents living in exile in India and Nepal.

The relations between Bhutan and Nepal were further strained by the swelling refugee population and organization of parties whose objective is not

only to create conditions for the safe repatriation of Bhutanese refugees residing in camps in Nepal and in India, but also to introduce democratic reforms that are likely to change power structure in Bhutan. Thus, showing his assertive postures, King *Jigme singye Wanchhuk* said in 1993, that all those in the refugee camps in Nepal are not Bhutanese nationals, as many people from India are also joining as refugees due to the attraction of money distributed by the United Nations High Commissioner for Refugees (UNHCR). Following the breakdown of the talks between the king of Bhutan and the Prime Minister of Nepal during the Seventh SAARC Summit in Dhaka in April 1993, senior government officials of Bhutan, as the official paper, the *Kuensel*-said: “ convinced that the position adopted by Prime Minister Koirala in Dhaka clearly indicates his support for the objective of the dissident groups to congregate as many ethnic Nepalese as possible in the camps in Nepal to mobilize international sympathy and support” (*Kuensel* 1993). Senior Bhutanese officials point out that the role played by Prime Minister Koirala in establishing the BSC in 1950s has now assumed great significance (*Kuensel* 1993).

The initial remarks made by G P Koirala on the Bhutanese refugee problem and its background have not been taken positively by the Bhutanese side. Koirala’s comment and the reactions that appeared in the Nepali press are interpreted as an act of abetment to the Bhutanese fugitives. This stultified the process of negotiations that were more related to the status of refugees, repatriation process and nature of negotiation. Rejecting the Nepali demand that the people residing in the refugee camps be treated as refugees, the

Bhutanese side maintained that only the joint committee set up by the two sides could determine the genuineness of Bhutanese nationals in the camps while the Nepali side wanted to call them refugees awaiting safe return to their country. Later, obviously piqued by the sudden change of attitude of Bhutanese authorities on the issue of a ministerial committee, Koirala said that “Nepal should now ask the world community to help it cope with the burden imposed on it by the influx of Bhutanese refugees” (*Rising Nepal* 1993).

Another issue appears to be more psychological having long-term and deep-rooted implications for the existing regime in Bhutan. The foreign minister of Bhutan, *Lynopo Dawa Tsering*, is of the view that by bringing as many ethnic Nepalese as possible to the camps in Nepal and projecting them as Bhutanese refugees, the dissident groups are calculating on mobilizing international opinion against Bhutan in return he states, “in triumph with over a hundred thousand ethnic Nepalese to achieve their objective of turning Bhutan into a Nepali dominated state” (*Rising Nepal* 1993).

Nepal’s ‘open door policy’ allowing all people to cross the border had, in the Bhutanese version, complicated the situation. The Bhutanese king had reportedly advised Prime Minister Koirala to discourage the people from coming to Nepal to which Prime Minister Koirala expressed inability to do so because of public opinion and political opposition. Although such a suggestion was theoretically correct, as no Bhutanese nationals could enter Nepal without valid travel documents, it was not possible for Nepal to prevent any person from coming after having crossed the Indian

Territory, as Indian and Nepali nationals are not required to possess such documents along the open Indo-Nepal border. It was also found that the Indian authorities themselves encouraged the southern Bhutanese to go to Nepal when they were required to transit themselves from Bhutan to Nepal (Baral 1993). *Lhotshampas* community faces lots of challenges due to their status of ‘stateless’ and the conflicting approach of Nepal and Bhutan. Thus their rights as human beings suffer from various ways.

#### **1.6. Gross National Happiness**

The small countries, like Bhutan, which are politically, economically and militarily weak - are vulnerable to external influences and their foreign policy does not bear much significance in the sense that they do not have the capacity to play any significant role and influence the dynamics of international politics. However, Bhutan’s foreign policy has gradually emerged with a limited interest to pursue its national interests in the arena of international politics (Kharat 2005).

In making of her foreign policy, Bhutan’s dilemma seems to have been to modernize and develop the country, but at the same time to preserve its traditional and cultural uniqueness. Therefore, Bhutan’s major concern has been to ensure development and modernization along with preservation of its traditional cultural identity. Bhutan’s ruling elite has envisaged an alternative path of development in order to attain the twin objectives. Bhutan’s alternative thinking to development in terms of Gross National Happiness (GNH) has been a step towards that direction.

Bhutan has tried to conceptualize its developmental needs and efforts in the context of

the cultural identity and environment of the country. Bhutan has framed the concept of GNH with this objective. This concept was articulated by King *Jigme Singye Wangchuck* towards the late 1980s. The focus of GNH is human being. The ultimate goal of an individual should be to attain happiness. Hence the central focus of development should be to attain happiness in place of materialist gains. The concept of GNH focuses upon limiting human needs in accordance to the available resources and the conditionalities. The concept of GNH is rooted in the traditions of *Mahayana* Buddhism. The core of Buddhist philosophy is that the ultimate goal of every human being is to attain happiness. It is possible by combining material gains with spirituality. Every individual is required to learn how to restrain his aspirations and live in happiness with whatever means are available. The question of restraining aspirations is closely related to the question of securing the cultural identity. Thus, it is believed that the uncontrolled development may result in the destruction of the cultural identity of the country. While explaining the idea of GNH the King of Bhutan said:

Our country has an ancient and unique cultural heritage which we wish to preserve as we feel that this is of vital importance for a small nation like ours. We do not wish to be swept away by the tide of materialism and consumerism. We are determined to preserve our rich spiritual and cultural values and traditions. At the same time, we must achieve a high level of economic growth with equality in order to improve the quality of life of our people (*Kuensel* 1990).

It is clear that Bhutan believes that her unique cultural identity is an asset to its survival and sustenance as a sovereign nation state. It is for this reason that the preservation of cultural identity is an essential component of the GNH. The self-styled developmental process and the preservation of cultural identity have an external dimension as well, which has to be attained through foreign policy.

Bhutan and Nepal differ significantly in terms of the nature of political structure and its stability. Democratic movement was restored in Nepal in 1990 but Nepal still faces political instability. There have been frequent changes of Government. Corruption and inter-party and intra-party conflicts are widely prevalent. Opposition parties label any initiative by the ruling party as selfish and anti-Nepal even though some initiatives would benefit the country as a whole. For example, in 1991, the opposition party opposed Prime Minister G.P. Koirala's initiatives to have close economic and security ties with India. Conflicts and feuds among Nepal's political elites have prevented Nepal from developing a consensus policy towards India. Besides, many view Nepal Congress Party as an extension of the Indian Congress Party (Gyawali and Sharma: 2005). There is an ever increasing effort to pursue policies quite different from India. In Bhutan, there are few political parties and there had been little fight for power among factions or any groups. It enjoys a very stable political structure and has been pursuing a relationship with India which ensures its economic and military security. This apart, plight of *Lhotshampas* are largely affected by the strained relations between Nepal and Bhutan which has regional and international significance.

### 1.7. Conclusion

Bhutan-Nepal relationship has never witnessed any vibrancy and despite being neighbours, there exists no mutual intercourse between the two. Despite geographical proximity, they began their diplomatic relationship only in the mid 1980's as members of the SAARC, which, however, did not culminate into any meaningful bilateral engagement. With the refugee issue coming to the limelight, their relation started in a refugee-centric framework and was greatly marred by distrust and animosity. The bilateral engagement needs to be understood in this relational backdrop that to an extent explains the continuous failure of bilateralism, which in turn has further complicated their relationship. The refugee issue is the creation of the larger agenda of the Royal Government of Bhutan (RGoB) of creating an ethno-cratic nation based on the traditions of the ruling *Drukpas* to which ethnic stock the Bhutanese king belongs, and the failure of bilateralism needs to be seen in the specific context of RGoB's ethnic policy. The incoherent handling of the issue by Nepal government, exclusion of refugee representatives and/or the UNHCR and the Indian stance *vis-à-vis* the issue are additional reasons for the failure of Nepal-Bhutan bilateralism.

### Notes:

1. *Lhotshampas* or *Lhotshampa* means "southerners" in Dzongkha, the national language of Bhutan. The term refers to the heterogeneous ethnic Nepalese population of Bhutan.
2. The *Druk* (Dzongkha) is the "*Thunder Dragon*" of Bhutanese mythology and a Bhutanese national symbol. A *druk* appears on the flag of Bhutan,

holding jewels to represent wealth. In *Dzongkha*, Bhutan is called *Druk Yul* "Land of *Dru*", and Bhutanese leaders are called *Druk Gyalpo*, "Thunder Dragon Kings".

### References:

- Baral 1993, Available at: Bilateralism Under the Shadow: The Problems of Refugees in Nepal Bhutan Relations [http://himalaya.socanth.cam.ac.uk/collections/journals/contributions/pdf/CNAS\\_20\\_02\\_05.pdf](http://himalaya.socanth.cam.ac.uk/collections/journals/contributions/pdf/CNAS_20_02_05.pdf); Accessed on: 27.06.2015.
- Chandrashekhara, S. 2004 "Bhutanese Refugees: Repatriation Chances Look Bleak", Update 37, South Asia Analysis Group, available at: <http://www.southasiaanalysis.org/note212>, Accessed on 27.06.2015.
- Ghosh, Peu 2010 *Bhutanese Refugees: A Forgotten Saga*, Minerva, Kolkata.
- Goodman, Diane. *et al*, 2004 "Letter Regarding Bhutanese Refugee Conditions", *Human Rights News*, December 2004, available at <http://hrw.org/english/docs/2004/12/16/nepal9901.htm> Accessed on 14.10.2013.
- Gyawali, Bandana and Sharma, Sudhindra 2005 "Sociology and Political Economy of Maoist Conflict in Nepal", paper presented in the workshop Development Cooperation Ongoing Conflict in Nepal, 10<sup>th</sup> November 2005, Kathmandu.
- Human Rights News 2003, "Nepal: Bhutanese Refugee Screening Seriously Flawed" *Human Rights News*, available at, <http://www.hrw.org/press/2003/09/nepal-bhutan090203.htm>, Accessed on 14.10.2015.
- Hutt, Michael 1993 "Refugees from Shanri-la", A Paper presented at the seminar at the School of Oriental and African Studies in London on March

- 21-23,1993. Available At: <http://eprints.soas.ac.uk/view/type/article.html>, Accessed on: 27.06.2015.
- Khadka, Naveen Singh, 2003 “Which way: A Hurdle in the Much lauded Breakthrough” *Nepali Times* available online at, <http://www.nepalnews.com/ntimes/issue167/headline.htm>. Accessed on 28.06.2015.
  - Khanal, Krishna P. 1999, “Human Rights and Refugee Problems in South Asia: The Case of Bhutanese Refugees” in *Regional Security in South Asia: The Ethno-Sectarian Dimensions*, Lancer Books, New Delhi.
  - Kharat, Rajesh S. 2005 *Foreign Policy of Bhutan*, Manak Publications, New Delhi, 2005.
  - Kuensel 1990, Thimpu July 2, 1990 – 1.
  - Kuensel 1993, April, 17.
  - Mayilvaganan, M. 1993 “Bhutanese Refugees in Nepal: Problems and Prospects”, available online at <http://nccs.org.np/journal/Bhutanese%20Refugees%20in%20Nepal-problems%20and%20Prospects.pdf> (accessed on 9th June 2008), p. 10.
  - Monograph, 2004, “Economic and Political Relations Between Bhutan and Neighbouring Countries”, A Joint Research Project of The Centre for Bhutan Studies (CBS) and Institute of Developing Economies, Japan External Trade Organization (IDE/JETRO), available at: <http://www.bhutanstudies.org.bt/publicationFiles/Monograph/mono-Ecnmc-Pol-Rel-Bt-Nghbrng.pdf>, Accessed on 18<sup>th</sup> May 2015.
  - Phuyal, Hari 1997, “Nepal’s Refugee Burden”, *States, Citizens and Outsiders: The Uprooted Peoples of South Asia*, edited by Tapan K. Bose and Rita Manchanda, South Asia Forum for Human Rights, Nepal.
  - Quigley, John 2004 “Bhutanese Refugees in Nepal: What Role now for the European Union and the United Nations High Commissioner For Refugees?”, *Contemporary South Asia* 13 (2), June 2004, available online at [http://www.eias.org/staff/docs/CSA\\_Bhutan\\_refugees.pdf](http://www.eias.org/staff/docs/CSA_Bhutan_refugees.pdf) Accessed on 19.10.2015.
  - Reilly, Rachael 2003 “Nepal/Bhutan: Bilateral Talks Fail to Solve Refugee Crisis” *JRS Statement, Nepal/Bhutan*, available at, <http://www.jrs.net/statement/stat.php?lang=es&statId=np031028en> ,Accessed on 10.12.2013.
  - Rimal, Simon 2005 “Information Of Bhutan: The History”, Available at: <http://simon.rimal.free.fr/index.php?mod=h>, Accessed on: 29.10.2015.
  - Rimal, Simon 2005 “Information Of Bhutan: The History”, Available at: <http://simon.rimal.free.fr/index.php?mod=h>, Accessed on: 29.10.2015.
  - Rising Nepal 1993, April, 13.
  - SAD 2013 Bilateral Relations (Nepal-Bhutan), *South Asia Division Ministry of Foreign Affairs, Kathmandu*, - See more at: <http://www.mofa.gov.np/en/bilateral-relations-nepal-bhutan-128.html#sthash.Nof11laS.dpuf>, Dated: 12.05.2015.
  - Sharma, Narayan 2009 “Bhutanese Refugee Situation: An Assessment of Nepal-Bhutan Bilateralism”, *Kathmandu School of Law, Dadhikot 9, Bhaktapur, 2009*, Available at: [www.ksl.edu.np](http://www.ksl.edu.np) , Accessed on: 19.05.2015.
  - Sharma, Rajeev 2010, “South Asia’s Rectangular Triangle – Nepal, Bhutan and India” - See more at: <http://www.southasiaanalysis.org/paper4012#sthash.pCe1N7F.dpuf>, Dated : 12.05.2015
  - *The Kathmandu Post* (2003), October 24, 2003.