

Bhutan: COI Bulletin 1/2003

September 2003

Contents	
1. Introduction	1.1 - 1.4
2. Geography	2.1
3. Economy	3.1 - 3.2
4. History	4.1 - 4.2
5. State Structures	5.1 - 5.20
The Constitution	5.1
The Monarchy	5.2 - 5.3
Political System	5.4 - 5.6
Judiciary	5.7 - 5.8
Military	5.9 - 5.10
Internal Security	5.11
Legal Rights/Detention	5.12 - 5.15
Prisons	5.16 - 5.17
Medical Services	5.18 - 5.19
Educational System	5.20
6. Human Rights	6.A.1 - 6.C.16
6.A Human Rights Issues	6.A.1 - 6.A.13
Overview	6.A.1
Freedom of Speech and the Media	6.A.2 - 6.A.3
Freedom of Religion	6.A.4 - 6.A.6
Freedom of Assembly & Association	6.A.7
Employment Rights	6.A.8
People Trafficking	6.A.9
Freedom of Movement	6.A.10 - 6.A.13
6.B Human Rights - Specific Groups	6.B.1 - 6.B.14
Women	6.B.1
Children	6.B.2
Ethnic Groups	6.B.3 - 6.B.5
Religious Groups	6.B.6 - 6.B.8
Conscientious Objectors & Deserters	6.B.9 - 6.B.10
Homosexuals	6.B.11
Political Activists	6.B.12. - 6.B.13
Journalists	6.B.14
6.C Human Rights - Other Issues	6.C.1 - 6.C.16
Nepalese camps for Bhutanese refugees	6.C.1 - 6.C.16
References to Source Material (with external links)	Annex A

1. Introduction

1.1 This Bulletin has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The Bulletin has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The Bulletin is referenced throughout. It is intended for use by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 This Bulletin replaces Extended Bulletin 1/2002 (October 2002). The bulletin and the accompanying source material are publicly disclosable.

2. Geography

2.1 The Kingdom of Bhutan is a high Himalayan country that borders India and the Chinese Province of Xizang (Tibet). **[1b][7a][7d is a map]** The population is 2.2 million (UN estimate, 2003) **[2a]**, of which 50% are Bhote people, 35% are Nepalis including Lhotsampas people, and 15% minority indigenous groups. **[7a]** (See below, *Ethnic groups*.) The official language is Dzongkha, but the majority Bhotes speak a variety of Tibetan dialects, and the ethnic Nepalis various Nepali dialects. **[1b]**

3. Economy

3.1 Bhutan is one of the poorest countries in the world, with a GNP of \$510 per head in 1999, though this disguises an economy that makes much use of bartering and self-sufficiency. **[7a]** Agriculture and timber production accounts for 90 percent of people's main livelihood, and about half of the country's GDP. **[1a]** India is the main trading partner, and underwrites a lot of the running costs of the Bhutan Government, carrying on a pre-(Indian) Independence arrangement set up by the British in 1865 (the Treaty of Sinchulu). **[7a]**

3.2 Bhutan is currently suffering from mass youth unemployment, with 40 percent of the population under 20 years of age and looking for work. **[2e]** There is an estimated migrant workforce of 200,000 to 300,000 construction and domestic service workers from India in Bhutan. **[2e]**

4. History

4.1 The modern history of Bhutan began in 1907 when the present Monarchy was established. (See below, *Monarchy*) **[2b]** In 1910, the British Government gave concessions in return for the taking over of Bhutan's foreign relations, an arrangement continued by India. **[2a]**

4.2 The late 1950s were a significant time for Bhutan, when in 1958 the Kingdom grappled with questions of nationality (see below, *Nepalese camps of Bhutanese refugees*) and then the closer aligning with India after the Chinese take-over of Tibet. **[7a]** The ethnic tensions have dominated Bhutan's political life since the 1950s, particularly in the mid-1980s and the early 1990s. (See below, *Nepalese camps of Bhutanese refugees*). July 1998 was another significant date, with the King's announcement of relinquishing absolute power. (See below, *Monarchy*). **[7a]**

5. State Structures

The Constitution

5.1 There is no written constitution. **[1a]** The system of government is a monarchy, and on a treaty basis with India. **[1a]** The full text of the treaty is reproduced at the end of source **[7a]**. The Monarch attempted to give up absolute power in 1998 **[2g]** **[2h]** **[7a]** but a written constitution that limits the Monarch's power was still in draft in April 2002. **[4g]** The first full draft of the constitution, which formally enshrines the principles of constitutional monarchy and democracy, was presented to the National Assembly for 'extensive deliberation' in early December 2002 **[2o]****[2p]**. Otherwise, nationality and the nationality laws are a major issue in modern Bhutan. **[8a]** (See below, *Nepalese camps for Bhutanese refugees*).

The Monarchy

5.2 The Monarchy was established in 1907, with the first king, King Ugyen Wangchuck reigning until 1926, when his son, Jigme Wangchuck came to the throne. King Jigme ruled until 1952, when Jigme Dorji Wangchuck succeeded him. King Jigme Dorji's reign was a period of progress and innovation. He died an early death in 1972, and his son Jigme Singye has ruled since. **[2b]**

5.3 In July 1998, King Jigme Singye announced his intention to develop a constitutional monarchy. **[2g]****[2h]** The National Assembly was granted new powers that could, should two-thirds of the Assembly agree, force the King's abdication in favour of the Crown Prince. **[2g]** The new powers split the opposition parties, with one group welcoming the new powers, and others maintaining that the changes were cosmetic. **[2h]****[2g]** In 2002, the King is held to be very popular, and there is still a popular disinclination to develop a constitutional monarchy. **[2f]** Officials working on the draft constitution say the king is keen that the country should evolve as a parliamentary democracy, but that '...efforts are being made to adopt the model that best suits the Bhutanese people...' **[2p]** Nevertheless, the Monarchy is still the most powerful political institution in Bhutan. **[1a]** **[7a]**

Political System

5.4 The executive is made up of the King as Head of State who presides over the Royal Advisory Council (*Lodoi Tsokde*) of nine members. **[7a]** There is also the Council of Ministers (*Lhengye Zhungtshog*) which comprises of the Royal Advisory Council and other ministers. **[7a]** Both the Royal Advisory Council and the Council of Ministers are accountable to the National Assembly (*Tshogdu Chenmo*) **[7a]**

5.5 The National Assembly (*Tshogdu Chenmo*) is convened on the basis of the 1953 Royal Decree governing its constitution. **[1b]** It is unicameral, and the house has 150 seats in total. 105 members are selected from local constituencies by direct popular consensus (formal voting in cases of

deadlock); 35 members are directly within the King's appointment; and 10 members represent the religious bodies of the state religion. **[1b]** Members serve a three-year term. **[1b]**

5.6 In spite of moves in 2002 to introduce a constitutional monarchy, and democratic processes **[2o][2p]**, there are still no legal political parties, as parties are held to be an unwanted divisive element to the Government. There are no elections. **[1a][1b][7a]** The king reshuffled his cabinet in July 2003. **[4u]**

Judiciary

5.7 The judiciary is not independent of the monarchy - the Monarch is the Supreme Court of Appeal. **[1a][1b][7a]** The judicial system consists of the High Court in Thimphu, with district courts around the country. In the villages, the headman adjudicates on minor offences and administrative matters. **[1a]** The Monarch appoints all judges. **[1b]**

5.8 The legal system is based on Indian law and English common law, with no right to compulsory jurisdiction. **[1b]** Civil law is left to local tribal and religious traditions. **[1a]** Known as the Basic Law, a review of the legal system has led to the establishment of the Department of Legal Affairs in April 2000, to oversee development. **[1a]** In August 2003, guidelines for legal counsels were incorporated into national law, by way of the Jabmi (Legal Counsel) Act. The Act is intended to heighten the professionalism of the justice system by clearly setting out individual's rights at all stages of judicial proceedings. **[4aa]**

Military

5.9 The US Central Intelligence Agency (CIA) puts the Royal Bhutan Army (RBA) at about 21,000 personnel (2001 estimate) that also include the Royal Bhutan Bodyguard. Total military expenditure is \$9.3 million, 1.9% of the country's GDP. **[1b]** This CIA figure is much larger than other figures given in earlier sources of between 4,000 and 6,000 for the RBA, **[3a][7a]** and may reflect the proposed increases planned for 2001. **[1a]**

5.10 The wilder border areas of Bhutan are used as base camps for the Indian rebels, the Maoist Assamese separatists. **[1b]** The Indian Army will on occasion pursue the Maoists over the border into Bhutanese territory. **[1b]** The continuing existence of these camps, which Bhutan was to have dealt with by the year 2001, is a tender diplomatic issue between India and Bhutan. **[2k][2n]** In January 2003, Bhutanese security forces attacked anti-Indian rebels based in Bhutan. **[2q]** In July 2003, the Government (under pressure from the Indian authorities) made continued efforts to persuade separatist rebels from the Assam region of India to leave Bhutan. **[2r]**

Internal Security

5.11 There is a regular police force, the Royal Bhutan Police, assisted in internal security by a national militia, and the Royal Bhutan Army. **[1a]** One report puts the RBP force as numbering 2,000 personnel. **[3a]**

Legal Rights/Detention

5.12 The law prohibits torture and abuse. However according to human rights groups, the security forces in practice ignore these rights. **[1a]** In the early 1990s, there were many credible accounts of rape and/or torture of detainees by the security forces, and in 1999 / 2000, there were accounts of ethnic Nepalese being detained, beaten and tortured when they tried to re-enter the country. **[1a]**

5.13 The Bhutanese Government has denied that attacks by security forces in the early 1990s were tacitly condoned, and has disputed that the attacks took place. It also claims to have investigated these claims, that three Government officials have been prosecuted for unspecified offences during this period, but refuses to make public details of the cases. **[1a]**

5.14 Arbitrary arrests and detention still occur. Under the law, police may not arrest a person without a warrant and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. However, legal protections were incomplete, due to the lack of a fully developed criminal procedure code and to deficiencies in police training and practice. Incommunicado detention, particularly of Nepalese refugees returning without authorisation, was still known to occur. **[1a]** Members and suspected members of Druk National Congress, an illegal political party, are among people liable to be held without charge. **[1a]**

5.15 There are laws providing citizens with a right to privacy, and the police are reported by local NGOs to regularly conduct house-to-house searches for dissidents, with impunity. **[1a]**

Prisons

5.16 The US State Department states 'prison conditions reportedly are adequate, if austere.' **[1a]** Visits by the International Committee of the Red Cross (ICRC) are permitted, under a new Memorandum of Understanding of September 1998; and the ICRC have exercised the right about twice a year. **[1a]**

5.17 On 17 December 1999, the King pardoned 200 prisoners, including 40 who were held for "anti-national crimes". There are, as of 2002, an estimated 75 prisoners who may be classed as political prisoners. **[1a]**

Medical Services

5.18 Modern medical facilities were introduced into Bhutan in 1962. **[7a]** As of 2001, the national health service covers 90% of the population, with Government priorities set on reducing waterborne (Malaria, severe gastric diseases and dysentery) and pneumatic (TB) diseases. **[7a]** The health and education services are technically free, a gift from the King to his subjects. **[8c]**

5.19 HIV/AIDS According to the Department of Health, a total of 13 new cases of HIV were detected in 2002, taking the overall total to 38. **[4i]** In response, the Government, in conjunction with the UN Development Programme, launched a major anti-HIV/AIDS programme in February 2003 aimed at heightening awareness of the disease among the Bhutanese people. **[4n]**

Educational System

5.20 Until the 1970s, the education system was restricted within to the monastic system. There were 2,715 teachers employed at all levels in 1997. **[7a]** Primary education is for seven years, beginning at the age of six, with the possibility of one year's pre-primary education beforehand. Secondary education begins at 13, and lasts a further four years. **[7a]** However, enrolment is very low, with only 26 percent of the possible intake taking up primary school places, and 5 percent secondary school places in 1988. **[7a]** The language of instruction since 1961 has been English, and until 1989, Dzongkha and Nepali were taught as separate languages. In 1989, Nepali was dropped by schools, ostensibly to encourage the development of Dzongkha as the second language. **[8b]**

6. Human Rights

6.A Human Rights Issues

Overview

6.A.1 Human rights have been a long time coming to Bhutan. Slavery was abolished in 1958. **[2b]** The US State Department regards Bhutan's human rights record as being poor, and weak at a number of junctures. **[1a]** Citizens are not able to change the Government. **[1a]** A limited right to privacy, no right to free speech, no access to an independent judiciary, and possible arbitrary arrest all intrude into the lives of many Bhutanese. **[1a]** Over a third of the population, the ethnic Nepalese, are discriminated against institutionally and many as individuals. **[1a]**

Freedom of Speech and the Media

6.A.2 The Government restricts freedom of speech, and to a lesser extent freedom of the press. The country's only regular publication is Kuensel, a weekly newspaper with a circulation of 15,000. It also reports stories on a daily basis through its on-line edition. Kuensel was formerly government-run and human rights groups have stated that government ministries reviewed editorial material and suppressed or changed content. According to the Government, Kuensel is independent and funded entirely through advertising and subscription revenue. Its board consists of senior civil servants and private individuals. Kuensel is published in English, Dzongkha, and Nepali languages, and it supports the Government but does occasionally report criticism of the King and of government policies in the National Assembly. For example, the Kuensel published a series of articles that exposed corrupt practices of some Ministers during 2002. **[1a][7e]**

6.A.3 Radio broadcasting within Bhutan began in 1953, and is run as a monopoly by the Bhutan Broadcasting Service (BBS). **[1b]** The Bhutan Government permitted limited television and Internet access in 1999. **[2d]** The range of characters necessary to write in the Dzongkha language generally hampers Internet and computing. **[2d]** In August 2003, the country's sole internet service provider, Druknet, expanded its capacity to improve internet speed and reliability nationwide. **[4z]**

Freedom of Religion

6.A.4 The freedom of religion is restricted by the Government, with the Drukpa branch of the Kagyupa School of Mahayana Buddhism as the State religion. **[1a]** (See below, *Religious Groups*)

6.A.5 The King has declared major Hindu festivals to be national holidays, and the Royal Family observe them. **[1a]** Hindus are free to worship in existing Hindu temples, but are not permitted to erect new buildings. **[1a]** Other faiths are permitted in as much as individuals may worship in private, but may not build places of worship or congregate in public. **[1a]**

6.A.6 All government officials, regardless of their religion, have to take an oath of allegiance to the King, the country and the people. 'The oath does not have religious content, but a Buddhist lama administers it.' **[1a]**

Freedom of Assembly & Association

6.A.7 The Government restricts the freedom of assembly and association to non-political organisations and purposes. **[1a]** Ethnic Nepalese organisations such as the Bhutan People's Party (BPP), the Bhutan National democratic Party (BNDP), and the Druk National Congress (DNC) are illegal and branded by the Government as "terrorist and anti-national". They operate from Nepal and are not active in Bhutan. **[1a]**

Employment Rights

6.A.8 There is a minimum wage that is reviewed periodically, and held to be sufficient for a decent standard of living. However, most of the workforce outside government service is in self-employed agriculture, with the Government encouraging family farms. **[1a]**

People Trafficking

6.A.9 there are no laws prohibiting people trafficking, but there are also no reports of people-traffickers operating in the country. **[1a]**

Freedom of Movement

6.A.10 People who are travelling in border areas are required to show their Identity Cards upon request. **[1a]** "Border areas" can be defined by the Government as being a long way inland, especially near the southern border, which is in effect an open border with India. India accepts migrant workers from Bhutan, as a right under treaty. **[1a]**

6.A.11 Entry into Bhutan for foreigners (not Indians) is greatly restricted, with a limit on tourists permitted to enter, on the grounds of a policy of preserving the local ecology. **[2f]**

6.A.12 Tibetan refugees have been reportedly, until recently, systematically detained and returned to Tibet by the Bhutanese Government under an

agreement with China. Tibetan exile organisations have accordingly advised refugees to avoid crossing into Bhutan. [1a]

6.A.13 Under the census nationality classification, there is a category known as "F2 - returned migrants". These people are held to have invalidated their Bhutanese nationality by having left Bhutan and then re-entered, in the context of south Bhutanese who, in 1980, had been frequent migrants across the southern border. [8b] There is no indication in any sources found that returnees from other countries other than Nepal and India are automatically regarded as F2 and unilaterally stateless, or are debarred automatically from being returned to the country.

6.B Human Rights - Specific Groups

Women

6.B.1 Women account for 48% of the total population, and freely participate in the social and economic life of Bhutan. [1a] Inheritance law provides for equal inheritance, but may vary according to local practice. Marriage practice may be arranged by partners as well as arranged; polygamy is permitted if the first wife agrees; divorce is common, and alimony arrangements are favourable to women. [1a] There is no evidence that rape, or spousal abuse, are extensive problems. However, NGOs report that many women do not report rape either because of the cultural issues or because they are unaware of the legal options. The Rape Act contains a clear definition of criminal sexual assault and specified penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life. There are few known instances of sexual harassment. [1a]

Children

6.B.2 There is no societal pattern to abuse towards children; male and female children are treated equally; the child has a privileged position in all Bhutanese communities and many social welfare reforms are geared to children. [1a]

Ethnic Groups

6.B.3 Ethnic identity is an overarching issue in Bhutan. Ethnographically, Bhutan has been an ill-defined area rather than a definite country, and has been the confluence of a number of groups and races. It has been a country of two distinct areas in that the northern part is mainly *Bhote* and other *Tibetan tribal* groupings, whereas the south has attracted *Nepali* groups over many hundreds of years, but particularly in the latter 20th century. [8a] The name Lhotshampas is used to refer to these ethnic Nepalese, and literally means "people who come from the south". [5b] A third division is on the

Ngalongs, a Tibetan people, who populate the western part of Bhutan. [8a] They are originally of Tibetan origin, and are the politically dominant group. They share a common culture with the Bhotos. [5b] There is also the Sarchop, who live in the east, are the most numerous as an ethnicity, and are possibly the oldest established race in Bhutan (though not perhaps the aboriginal population). [7a]

6.B.4 The Bhotos are encouraged by the present King to defend their culture and Bhutan's uniqueness, with such symbols as all Bhutanese males wearing the traditional robe, the *gho*, and tightening up on the use of the Dzongkha language and script. [3a] [5b] (see below, *Nepalese camps for Bhutanese refugees*). The King repeatedly states that his intention is that Bhutan does not go the way of other Himalayan kingdoms, subsumed into larger nation states, such as Tibet (to China), Sikkim (to India) and Ladakh (to India). [3c]

6.B.5 The population statistics of Bhutan are a highly political issue, and actuals have not been available since the early 1960s. [8a] The Government has been estimating a dramatic population growth, arriving at a figure of 1.4 million in 1990, to downplay the number of refugees leaving or exiled from the Kingdom. An unofficial estimate in 2002 puts the total population at 750,000. [8a]

Religious Groups

6.B.6 Two-thirds of the population are Buddhist, either of the Drukpa Kagyupa or of the Ningmapa Schools. Drukpa adherents live mainly in the western and central parts of the country; Ningmapas, to the east. [1a]

6.B.7 The Hindu population is mainly equivalent to the ethnic Nepalese; they are generally permitted to worship within their own communities and in existing temples and other religious buildings.

6.B.8 Christians are few in Nepal, limited to a few ethnic Nepalese within the population. Foreign Christian organisations are permitted entry to assist in social welfare programmes, but proselytising is forbidden.

Conscientious Objectors & Deserters

6.B.9 Sources differ as to whether there is conscription or not. [7c] Some say there is no conscription; others that there is a voluntary recruitment, supplemented by a form of selective conscription. [7c] The period of selective conscription varies between six months in one source, and one to three months according to another. [7c]

6.B.10 Few recruits come from southern Bhutan; most come from eastern Bhutan. [7c]

Homosexuals

6.B.11 Homosexuality is illegal between men. Bhutan has taken on the provisions within India's Penal Code to cover this area. [7b]

Political Activists

6.B.12 Key ethnic Nepalese activists include Tek Nath Rizal, an activist who was imprisoned for "anti-national crimes" in the 1992, and released in 2002. [1a]

6.B.13 Leading members of the Druk National Congress, include Rongthong Kunley Dorji, a Sarchop by birth, who founded the DNC in 1994, while in exile in Nepal. [5b] In 1997, Rongthong Kinley Dorji faced arrest and extradition by the Indian authorities, and the extradition case, as of 2002, is still pending. [6b] [1a]

Journalists

6.B.14 Dissident journalists operate in Nepal, working for publications such as *the Bhutan Review*, mainly for the ethnic Nepalese community. Otherwise, all journalists work for *Kuensel*, the official news agency. [1a][7a] Some journalists who worked for Kuensel in 2002 were reportedly subjected to threats and harassment by the Ministers and their activists. The Government maintained that there were no restrictions on individuals starting new publications, but that the market was too small to support any. Nepalese, Indian, and other foreign newspapers and magazines were available, but readership was in the hundreds and primarily limited to government officials. [1a]

6.C Human Rights - Other Issues

Nepalese camps for refugees from Bhutan

[1a][2b][2c][2i][2j][2l][2m][3b][5a][5d][8a][8b][9a]

6.C.1 Since the early 1990s, Bhutanese refugees living in Nepal have numbered as many as 90,000. [9a] The refugees are mainly Nepali Bhutanese who were expelled from Bhutan after being stripped of Bhutanese nationality under nationality laws that deliberately discriminated against the southern Bhutanese. [9a]

6.C.2 History The refugee crisis began with the Royal Decree on Nationality in 1958. The new citizens were not given individual grants of citizenship, and nor was any documentation issued. [8a] However, in 1985, the Government

enacted a new Citizenship Act, which needed individuals to prove their existing citizenship. The bureaucratic problems were exacerbated by officials requiring tax receipts for exactly the year 1958 as proof. [8a] Further distress was caused by official reinterpretation of the 1977 Marriage Act, where previously a Bhutanese citizen was so if either of their parents was a citizen, that limited citizenship to those with Bhutanese fathers, and that this was to be applied retrospectively back to 1958. [8a]

6.C.3 During the 1988 census, the full implications of the official change in nationality calculation emerged, as tens of thousands south Bhutanese of Nepalese origin were declared illegal residents. [8a] Seven categories of nationality status were devised for the 1988 census [8b] (For further discussion on "F2 class" - returned migrants, see above, *Freedom of Movement*.) The new categories left a large number of people who were regarded as having lost their citizenship. [8b]

6.C.4 The Bhutanese Government was very concerned by the 1988 census, that indicated that the south Bhutanese were growing at a faster rate than the Bhote population, and were poised to eclipse the Bhotes and Ngalongkhas numerically. [3a] The south Bhutanese are mainly ethnic Nepali. [3a] Until the 1980s, emigrants from India and Nepal were able to settle within south Bhutan unimpeded, and there are concerns of the development of shadowy armed Nepalese groups operating around the southern borders, exploiting the same impenetrable terrain along with Indian Maoist groups. [3a] The Bhutan / Nepalese migrant situation has been further complicated by the presence of these armed Muslim groups, such the United Liberation Front of Asom (ULFA) which have destabilised these Bhutanese border areas. [4d] Reports in late March 2002 indicate that the King has entered into negotiations with the ULFA. [4h]

6.C.5 The Government has since devised many ways of indirectly pressurising the Nepalese minority into assimilation. Firstly, a policy was devised to insist on all males in Bhutan wearing of the *gho*, and women, the *kira*, the traditional Bhutanese robes, when in Buddhist temples, on official holidays and at official celebrations, and when conducting official business, including seeking Government services. [3a][8b] The Government is pursuing this policy of preserving cultural identity, under an overarching philosophy called *driglam namzha* or code of traditional values and etiquette. [8b] Commentators have seen this policy as a "cultural cleansing"; the Bhutan Government as a "cultural preservation", and critics as something close in practice to an "ethnic cleansing". [8b]

6.C.6 The Government has also sought to assimilate the ethnic Nepalese by passing the 1980 Marriage Act which has a mixture of incentives to promote north and south Bhutanese marriages, with stiff penalties for marriages of Bhutanese to non-Bhutanese. [8b]

6.C.7 In the early 1980s, the Government issued passport-style Citizenship Identity Cards, that stated on the first page "The Holder of this Card is a Bhutanese Citizen". These cards were widely forged, and as many as 66

percent of residents in the Bhutanese refugee camps in Nepal have one of these cards. [8b]

6.C.8 All of the above pressures to assimilate finally led to demonstrations by the south Bhutanese in 1990. [5a][7a] In September 1990, ethnic unrest erupted, and refugees started flowing in two directions - non-Nepalis internally to north Bhutan, and Nepalis south, across the border into India and then on to eastern Nepal, to UNHCR administered camps. [7a] There were over 6,000 refugees in the Nepal camps by December 1990. [7a]

6.C.9 In the early 1990s, the Government quickly developed removal policies on persons that it deemed to have no right of abode in Bhutan. "Anti-nationals" were subject to detention, and many community leaders were held until they agreed to voluntary migration. Voluntary migration of various Nepali villages was coerced by relentless visits from the security forces. [5a] Compensation for land, businesses and houses was offered by the Bhutanese Government when non-national families decided to leave Bhutan. A form of documentation, the Voluntary Migration Form (VMF), was necessary in order to be granted a compensation settlement. A VMF was only granted upon the relinquishing of all identity cards and other forms of Bhutanese national documentation. If any necessary documentation was missing, the compensation was drastically reduced. [5a] Local officials deprived some claimants for VM settlements of any compensation. [5a]

6.C.10 One of the anomalies of the early 1990s expulsions were the number of longer-established Nepali groups who were affected. [4f] Their land has reportedly since been totally appropriated and resold, which may complicate any Lhotsampa returns in the future. [4i] The US State Department has reported that the Bhutanese Government began a program of resettlement of south Bhutan with northern, Buddhist settlers. [1a]

6.C.11 After the expulsions of the early 1990s, the situation in south Bhutan currently has been described as one that is harsh towards new Nepali migrants. *Kuensel*, the official Bhutanese news agency, has talked of southern non-Nepalese as being "hostile", but commentators consider this to be for dissuasive propaganda purposes, and talk of "harsh conditions". [8b]

6.C.12 *Recent developments* In September 1991, the ad hoc camps created in January 1991 by 234 fleeing ethnic Nepalese in the eastern Nepali district of Jhapa, were supplemented by an UNHCR relief programme as refugees poured in. [1a][7a] By December 1991, there were 6,000 refugees in the camps. [7a] As of June 2000, there were seven camps [4f], with a population of 98,269, and an estimated 15,000 others living outside the camps in Nepal and India. [1a] The camps are a sensitive political issue in Nepal: in June 2001, there were reports that journalists were being turned away from entering the camps. [4b]

6.C.13 Bhutanese political struggles are played out in Nepal, for example, the murder of R.K. Budathoki, the leader of the People's Party (of Bhutan) in September 2001. [1a][4a][4c]

6.C.14 In December 2000, the Nepal and the Bhutan Governments agreed on a joint verification of the refugee camps after a decade of diplomatic stalemate. [9a] The Human Rights Watch has called for the UNHCR to be accepted as a third party in such discussions. [9a]

6.C.15 In January 2002, groups representing the Bhutanese refugees (the Bhutanese Refugees Representative Repatriation Committee (BRRRC)) petitioned the visiting US Secretary of State, Colin Powell, to bring pressure on both the Bhutanese and Nepalese Governments to find a "durable solution". [4e] Two months later, the BRRRC approached the King (of Nepal) with a 100,000 signature petition. [4f] The Bhutanese refugee issue has been taken up by the Nepali opposition party, the Nepal Congress Party (NCP), with the leader NCP Chakra Prasad Bastola going to Bhutan to talk to the Bhutanese Government in late April 2002. [4j]

6.C.16 A refugee from Bhutan has reported to a Nepali newspaper in October 2002 that ethnic Nepalis in the north of Bhutan are being targeted by the Bhutanese Government for false imprisonment and confiscation of property, including the confiscation of identity cards of around 2,000 people. [4k] In January 2003, the Nepal Foreign Minister stated that 90% of Bhutanese refugees had valid identity documents. [4m] Nevertheless, Human Rights Watch continued to raise concerns regarding the citizenship rights of refugees in the camps. [9b]

6.C.17 Following the ministerial talks held between the Nepali and Bhutanese authorities on 20 May 2003 [4o], the first ever refugee repatriation [4p], scheduled for 8 September 2003, was announced. [4t] The main bulk of the repatriations were to take place from the Khudunabari camp [4t], pending the outcome of a Joint Verification Team (JVT) categorisation report released on 31 July 2003. [4t] Early previews of the team's assessment, issued on 4 July 2003, sparked widespread opposition from human rights groups [4q][9c], and 11,000 Bhutanese refugees, who lodged appeals against assertions that only 2.4% of the 12,183 refugees at the Khudunabari camp were genuine Bhutanese. [4r] In August 2003, following investigations of the refugees' appeals [4w] further talks between the two Governments [4s] aimed resolving the issue, were delayed until early September 2003. [4v][4x]

Annex A

References to Source Material

1. US Government

- 1a.** 2002 Country report on human rights practices: *Bhutan*, 31 March 2003
1b. Central Intelligence Agency (CIA): The World Factbook 2002, *Bhutan*.
(Accessed 17.10.02)

2. General news sources

BBC articles at <http://news.bbc.co.uk/1/hi/world/asia-pacific/default.stm>

- 2a.** 16 July 2003, *Country profile: Bhutan* (accessed 27.08.02)
2b. 28 February 2003, *Timeline: Bhutan* (accessed 27.08.02)
2c. 4 August 2002, *Bhutan refugees ask India for help* (accessed 17.10.02)
2d. 1 August 2002, *Bhutan gets a taste of Windows* (accessed 17.10.02)
2e. 17 June 2002, *Bhutan's deepening unemployment crisis* (accessed 17.10.02)
2f. 3 June 2002, *Bhutan ends jubilee celebrations* (accessed 17.10.02)
2g. 9 July 1998, *Bhutan opposition split on reforms* (accessed 17.10.02)
2h. 1 July 1998, *King's power curbed* (accessed 17.10.02)
2i. 31 May 2002, *Bhutan promises progress on refugees* (accessed 17.10.02)
2j. 16 May 2002, *Rebels appeal to Bhutan* (accessed 17.10.02)
2k. 1 January 2002, *Assam rebels 'still active' in Bhutan* (accessed 17.10.02)
2l. 7 November 2001, *Nepal and Bhutan discuss refugees* (accessed 17.10.02)
2m. 23 August 2001, *Nepal Bhutan refugee talks make progress* (accessed 17.10.02)
2n. 7 May 2001, *India and Bhutan 'to strengthen ties'* (accessed 17.10.02)
2o. 21 October 2002, *'Constitutional monarchy' for Bhutan* (accessed 27.08.03)
2p. 7 December 2002, *Bhutan moves toward democracy* (accessed 27.08.03)
2q. 6 January 2003, *Bhutan patrol kills anti-Indian rebels* (accessed 27.08.03)
2r. 2 July 2003, *Bhutan gives rebels 'final chance'* (accessed 27.08.03)

3. Time Asia website

- 3a.** 21 December 1998, Vol. 152, no. 24. *Mystery in the hills: the quiet kingdom of Bhutan struggles to cope with modernisation - and a perplexing murder.* (accessed 16 October 2002)
3b. 2001 (n.d.) *the Shuttlecock Refugees: Nepal's foreign minister says they belong to Bhutan.*
3c. 21 December 1998, Vol. 152, no. 24. *A King's life: meditation and hoops.* (accessed 16 October 2002)

4. Reuters Business Briefing & BBC Monitoring

- 4a.** 9 September 2001, Middle East News Agency, *Bhutan Peoples Party chief assassinated in eastern Nepal*
4b. 6ax. 24 June 2001, The Observer (London), *Expelled from the dragon's lair*
4c. 1 October 2001, Nepalnews.com website, (BBC Monitoring Service), *Refugees blame Bhutanese government for party leader's death*

- 4d.** 17 December 2001, Hindustan Times, *ULFA camps along Bangla border run by Osama outfit.*
- 4e. 6ba.** 19 January 2002, Kathmandu Post via Nepalnews.com website, (BBC Monitoring Service), *Bhutanese refugee groups urge USA to intervene over repatriation issue.*
- 4f.** 17 March 2002, Kathmandu Post via Nepalnews.com website, (BBC Monitoring Service), *Bhutanese refugees in Nepal to send petition to Bhutanese king.*
- 4g. 6bc.** 13 April 2002, Kuensel web site, Thimphu, Bhutan, *Bhutan's first constitution "gradually taking shape".*
- 4h.** 28 March 2002, Times of India, *Bhutan king visits ULFA camp for negotiations.*
- 4i.** 20 April 2002, Kuensel web site, Thimphu, Bhutan, *Bhutan "gripped in land-buying frenzy".*
- 4j. 6bf.** 22 April 2002, Nepalnews.com website, (BBC Monitoring Service), *Nepali opposition leader in Bhutan*
- 4k. 6cy.** 1 October 2002, Kathmandu Post via Nepalnews.com, *Refugee says Bhutan "more aggressive" with citizens of Nepalese origin.*
- 4l.** 20 January 2003, Kuensel website via BBC Monitoring, *Bhutan registers 13 HIV positive cases in 2002.*
- 4m.** 27 January 2003, Kathmandu Post via Nepalnews.com website, *Nepal FM says over 90% of Bhutanese refugees have valid papers*
- 4n.** 10 February 2003, Kuensel website via BBC Monitoring, *Bhutan launches historic anti-AIDS/HIV programme*
- 4o.** 20 May 2003, Nepalnews.com via BBC Monitoring, *Nepal-Bhutan ministerial talks on refugees begin.*
- 4p.** 25 May 2003, Kuensel website via BBC Monitoring, *Bhutan, Nepal take 'significant stride' on refugee issue.*
- 4q.** 20 June 2003, Kathmandu Post via Nepalnews.com website, *Rights group, refugees protest report on Bhutanese in Nepal.*
- 4r.** 19 June 2003, Kathmandu Post via Nepalnews.com website, *Minority of refugees in Nepal camp classified 'genuine Bhutanese'*
- 4s.** 20 June 2003, Kathmandu Post via Nepalnews.com website, *Refugee leader in Nepal criticises Bhutan on refugee categorisation.*
- 4t.** 25 June 2003, Nepalnews.com website via BBC Monitoring, *Nepal to repatriate first group of Bhutanese refugees by 8 September*
- 4u.** 10 July 2003, Kuensel website via BBC Monitoring, *Bhutan king announces cabinet posts.*
- 4v.** 27 July 2003, Nepalnews.com website via BBC Monitoring, *Bhutan accused of discouraging repatriation of refugees from Nepal.*
- 4w.** 2 August 2003, Kathmandu Post via Nepalnews.com website, *Nepal-Bhutan team completes probe into appeals against refugee verification.*
- 4x.** 6 August 2003, Kathmandu Post via Nepalnews.com website, *Bhutan, Nepal refugee talks postponed.*
- 4y.** 26 August 2003, Nepalnews.com website via BBC Monitoring, *bhutan refugee groups to form single Human Rights Council.*
- 4z.** 23 August 2003, Kuensel website via BBC Monitoring, *Bhutan's sole internet service provider to boost bandwidth.*
- 4aa.** 9 August 2003, Kuensel website via BBC Monitoring, *Bhutan to adopt guidelines for legal counsel profession.*

5. Amnesty International Publications

At <http://web.amnesty.org/library/eng-btn/index>

- 5a.** ASA 14/001/2002, September 2002, *Bhutan: ten years later and still waiting to go home - the case of the refugees.*
- 5b.** ASA 14/01/2000, September 2000, *Nationality, expulsion, statelessness and the right to return.*
- 5c.** ASA 14/01/98, January 1998, *Crackdown on "anti-nationals" in the east.*
- 5d.** Annual Report 2003

6. Derechos Human Rights Publications

- 6a.** Bhutan: human rights violations, listing (circa. 1996)
- 6b.** The Human Rights Actions Network: Action request. *Fear of torture of 10 people arrested.* Dated 11 August 1997.

7. Miscellaneous Reports

- 7a.** Europa, Regional Surveys of the World, The Far East and Australasia 2003, *The Kingdom of Bhutan* p.179-202.
- 7b.** The International Lesbian and Gay Association, world legal survey, *Bhutan* at http://www.ilga.org/Information/legal_survey/asia_pacific/Bhutan.htm
- 7c.** War Resisters' International: refusing to bear arms 1998.
- 7d.** Merriam Webster Geographical Dictionary: Map of Bhutan 1997 at <http://www.m-w.com/geogpromo/bhutpic.htm>
- 7e.** Reporters without Borders: Annual report 2003, *Bhutan* at http://www.rsf.org/article.php3?id_article=6373&Valider=OK

8. bhootan.com website

- 8a.** Index page (accessed 16 October 2002).
- 8b.** *Nationality - the core issue*, indices to *Cultural cleansing* (D.B.Thronson) and *Refugees from Bhutan* (Tang Laylee) plus full text of both reports. (accessed 16 October 2002; 22 October 2002).

9. Human Rights Watch publications

At <http://www.hrw.org/asia/bhutan.php>

- 9a.** 27 February 2001, *Bhutan / Nepal: a solution for Bhutanese refugees in Nepal?* (accessed 28.01.01).
- 9b.** 13 May 2003, *Bhutan/Nepal: Talks should include refugee rights.* (accessed 27.08.03)
- 9c.** 18 June 2003, *Nepal: Bhutanese refugees rendered stateless*