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[Home](#) > Bhutan Update No. 22: Should the entire community be penalised for the mistakes of a few?

Bhutan Update No. 22: Should the entire community be penalised for the mistakes of a few?

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Note No. 148

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by Dr. S. Chandrasekharan

The thought that struck and strikes us most is, why the poor Nepali community of over 100,000 should be made to languish in the camps in Eastern Nepal for over a decade now for the mistakes committed by a few?

Admittedly the protest movement of the 1990s took the ordinary Nepalese by surprise as much as the Royal Government of Bhutan. More surprising to the southern Nepalese was that the government took the misguided act of a few as a challenge posed by the entire community to the Drukpa rule and to the stability of the Kingdom.

For many decades both the northern and southern Bhutanese have lived together and many of the educated Nepalese who are now rotting in the camps were loyal government servants and are themselves surprised that the King had not only thrown them out but that his government had made false charges against them throwing doubts on their integrity and loyalty. They are now the most dejected lot amongst the refugees.

Drukpas and Lhotsampas have been living together peacefully for decades: There have been suggestions that there existed a latent animosity between the two communities and that the demonstrations in 1990 triggered the move to expel the bulk of the Nepali population and thus re-engineer the population matrix. It appears that the move to evict the bulk of the southern population was not the result of open or latent animosity between the northern, eastern and the southerners, but a carefully planned move by the coterie round the King to use the demonstrations as a "god send" opportunity to put their plan of 'ethnic cleansing' into action.

In the earlier update (saag\notes2\note143.html) we had made a reference to a paper on the so-called voluntary migration of Bhutanese citizens that the voluntary migration forms were printed well in advance in thousands in Dzongkha, with letter numbers, destinations, names etc and used whole sale to compel the southern Bhutanese to leave their homes by physical abuse, coercion, threats, harassment and intimidation.

Although it is three months since verification of Kudenabari camp was completed there has been no further move on the part of both Nepal and Bhutan to have the ministerial meeting. The Finance Minister of Nepal Ram Sharan Mahat who is representing Nepal in the bilateral talks is reported to have said that the forthcoming meeting should be fruitful and that there is no point in meeting again to decide the dates of the next meeting! A Press report from Kathmandu in January indicated that the Bhutanese leaders themselves are not hopeful of any breakthrough in the forthcoming 12th ministerial level meeting.

There are indications that Bhutan is unwilling to give a definite date for the talks on some ground or other and the last we heard was that it will be sometime in the third week of March 2002. The third week of March is also over and yet there is no sign. If the delay would lead to a "change of heart" of Bhutan it would be welcome. If the delay is due to continuing differences over the categorization and harmonisation of those refugees already verified, there is every chance of the entire process of negotiations between the two countries breaking down permanently. There is need to salvage the negotiations and for this there should be a commitment from both the countries to look for an equitable solution.

It is time that the problem is reviewed afresh: It is in the interest of both countries to look at the refugee problem afresh instead of allowing the frustrated refugees to take law into their own hands. Despite optimistic declarations of RGOB, the BODOs and ULFA militants are not going to leave Bhutan in the near future unless there is an overall solution to their problem with India. A long drawn out conflict with the foreign militants within Bhutan appears inevitable. It is more urgent for Bhutan to win the confidence of its own disgruntled people and prepare for any eventuality rather than being at the mercy of outsiders.

For Nepal, the Maoist menace has assumed serious proportions and despite the army being inducted, so far the counter insurgency operations have not been as successful as expected. Not a single senior polit bureau member of the Maoists has been captured and the terrorists are seen to be in a position to inflict heavy casualties in coordinated attacks in widely separated places. Insulating the Nepali youths now in the refugee camps may work for a while but may not last long. There is therefore an urgency for Nepal also to look for a quick solution.

Some suggestions:

- * The starting point could be that the 12 rounds of talks between the two governments should be final. It is better to make all preparations with informal talks to arrive at a final solution rather than meet to decide another date for the meeting.
- * The categorisation of the refugees into four groups will never work as there could be only Bhutanese and Non Bhutanese. We have repeated many times in the updates that the Bhutanese position with regard to the 'voluntary migration' will not stand close scrutiny from the moral, legal and political angles. Therefore the categories I & II namely those Bhutanese unlawfully evicted and those who were supposed to have voluntarily migrated could be clubbed together and their cases examined afresh starting from the 1958 citizenship Act.
- * There could be a few non Bhutanese under category III and it is not clear what the verification of the Kudenabari camp had thrown up. It is likely that it would be a small number as so will be the case under category IV against whom criminal charges are pending. At any rate those under the last category would not opt for repatriation to Bhutan. They are well educated having excellent skills in communications and perhaps the international community could help them.
- * Even under categories I & II there could be many refugees who have developed roots in Nepal and would not like to go back to Bhutan.
- * Bhutan knows exactly the categories of persons coming under I and II. As said earlier let the Royal Bhutan government review their cases in the light of the 1958 citizenship Act (Our suspicion is that they have done it already as an 'in house project'). The reason is that the RGOB's (Royal Government of Bhutan) census of 1988 was very rigorous and the route they followed in verification was to find out whether the individuals in question had residence in Bhutan in the year 1958. They have the records and all they need is to review the cases instead of insisting on two separate categories for I and II.
- * The question of the 1985 act as well as the extradition treaty of 1991 could all be considered along with other issues as a total solution to the problem rather than in bits and pieces.
- * In deciding the issues, the question of restitution of the returnees could also be considered. The UNHCR which has taken the lead in looking after the refugees in the camps could help in many ways to smoothen the process of restitution of the returnees. The refugees who feel neglected and leading a listless life for over a decade look upon the UNHCR as their saviour and have immense faith in that organisation.
- * It is still not too late for India to step in and solve this problem to the satisfaction of all concerned. Bhutan need have no fear that the Nepalese population would overwhelm the "Drukpa" majority. Population figures show that Bhutan had 42.5 percent of Nepalese population in 1990 before the evictions started and is now estimated to be around 27 percent. Even if 80,000 of the refugees are taken back under

categories I & II, it would still form only 37 percent of the population!

Conclusion: In the south Asian context, the refugee problem of Bhutanese in Nepal cannot be considered as an isolated one. It will have repercussions in the entire south Asian region. As one following the problem for some time, it looks that the talks between Nepal and Bhutan may breakdown completely. Hence the urgency and the suggestion to salvage the negotiations in the light of the categorisation already agreed to between the two countries.

Category:

Notes ^[1]

Countries:

Bhutan ^[2]

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Links

[1] <http://www.southasiaanalysis.org/notes>

[2] <http://www.southasiaanalysis.org/bhutan>