

Third Country Resettlement and the Bhutanese Refugee Crisis: A Critical Reflection

By

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Historical Background

The migration of the ethnic Nepalis to Bhutan can be traced back to colonial times when Nepali people were migrating to various countries in South Asia such as India, Pakistan and Bangladesh, Burma, and Bhutan due to economic reasons. According to Hutt (2005), the Bhutan's Lhotshampas¹ are the descendants of peasant farmers from Nepal who began to migrate to southern Bhutan after the Anglo-Bhutanese war of 1865. Successive generations cleared the forests and formed agrarian communities that quickly became Bhutan's main producers of food. The hints of the "*Labure*" legacy can be found in the migration of Nepali (then Gurkha) soldier to Lahore during the time of Maharaja Ranjit Singh of Lahore, after the Anglo-Gurkha War of 1814-1816. Since then Nepalis were and are on the move. Often, they have returned home, but in many instances, they have chosen to stay back in their newfound lands to start a new life afresh (Phuyal 2006). The Lhotshampas in Bhutan also fall in this category of historical migrants from Nepal and Northeast India. Thus, the Lhotshampa population has an equally long history of migration to Bhutan, even before the arrival of the current ruling elites, the Drukpas, from Tibet.

The Lhotshampas, however, were formally granted citizenship and tenure of lands by the Bhutanese government in 1958 (Hutt 1996), ending the long era of statelessness of those whose hard work made the Bhutanese land productive and the economy sustainable. The hard work of the Lhotshampas in the southern plain of Bhutan, in occupations such as farming, horticulture and merchandise trading, resulted into their own prosperity along with the prosperity of the South Bhutan. Further, their

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close ethnic and cultural nexus with the Nepali-speaking population of West Bengal of India, the high-quality education facilities of Darjeeling, Kurseong, Kalimpong and even Kolkata gave them the opportunity to acquire better education than their Drukpa counterparts, who were educated under the education system influenced by Buddhism, with less exposure to the modern-day education system. Thus, the Drukpa elites were afraid of the domination of the Lhotshampas on Bhutanese education, economy and politics, even during the '50s when they granted citizenship to the Lhotshampas. This is evident when the Bhutanese National Assembly, within one year of granting their citizenship, officially noted that these new citizens had pledged to "think like all other Bhutanese citizens, and to adhere to the same culture and traditions" (Thronson 1993). More than thirty years later, the pledge has been taken quite literally, as the intention was already there at the time of granting the citizenship to those inhabitants.

The decade of the 1980s saw a popular movement organized by the majority Nepali-speaking population in Darjeeling and its surrounding territories (northern part of West Bengal in India) demanding an independent Gorkhaland as a separate state within the Union of India. The movement caused a serious problem for the state government of West Bengal, to a large extent, and Government of India, to a lesser extent. A number of legislative moves, by the Bhutanese government clearly indicate its fear, suspicion and anticipation of the spillover effect of the Gorkhaland movement in southern Bhutan. This skepticism further increased with the spread of propaganda of 'Greater Nepal' (Thronson 1993) by some of the ill-intended Indian media and political leadership in West Bengal to spread negative perception about the Gorkhaland movement. Thus, the Bhutanese government started to consider the Lhotshampa population as a serious threat for the potential future downfall of the autocratic and monopolistic monarchy in the so-called Shangri-La.

Further, the forced expulsion of comparatively smaller number of Nepali-speaking population in early 1980s successfully from Meghalaya of India also motivated the Bhutanese government as a successful strategy for expelling the unwanted population from its territory. Hutt (2005) also presents the possible Bhutanese government's fear against the Nepali-speaking minorities through a fascinating analysis of 'essentialist' and 'epochalist' modes of nationalist ideology prevalent in other ethnically divided societies, such as Sri Lanka and Indonesia. He presents an example of the then-autonomous region of Sikkim (annexed by India in 1975) which witnessed a large influx of Nepali-speaking people in the past. The subsequent loss of its independence has been attributed by some to its being 'overrun' by an ethnic minority, which in a way explains, if not justifies, the fears that led to the impasse for the Lhotshampa refugees (Devereux 2005).

Under the circumstances, the Bhutanese government perceived a threat and as a result, the Bhutan National Assembly, dominated by the majority Drukpa community, passed a revision of its existing laws in 1985, limiting citizenship to those who could prove residence before December

31, 1958. This move was protested, in vain, by the Lhotshampa communities and the leadership. The law was finally implemented in 1988 through a census conducted in southern Bhutan only, primarily inhabited by the Lhotshampa population. This paved the way for the government authorities and security forces to confiscate identity documents from the Lhotshampas unable to protect their pre-1958 documents² as proof of their residence before the cut-off date, who were termed 'non-Bhutanese' or 'infiltrators from other countries'. The demonstrations organized by the Lhotshampas and other pro-democracy Bhutanese were followed by identifying the participants and supporters of the demonstration by the Bhutanese Army and police to classify them as Ngolops (anti-nationals) so that they could be expelled from Bhutan (Hutt 1996).

To add more problems to the Lhotshampas minorities, in 1989 the king of Bhutan told the National Assembly, 'in a large country, such (cultural) diversity would have added more colour and character to its national heritage without affecting the national security. However, in a small country like ours, it would affect the growth of social harmony and unity among the people' (Thronson, 1993). He then announced that the country would adopt the 'One Nation, One People' policy which basically comprised of one culture, one etiquette, one dress code and one language (called Driglam Namzag) (Hutt 1996), virtually prohibiting the practice of Nepali language, Hindu culture and religion, and any dress other than the traditional Drukpa dress, a clear violation of the UN Covenant on Economic, Social and Cultural Rights as well as other international human rights laws and conventions. The statement and the subsequent move from the king drove the final nail in the fate of the Lhotshampa population residing in Bhutan since time immemorial. It was ridiculous to hear, in an era of globalization where the world is discussing concepts such as global villages, borderless societies, multiculturalism and heterogeneity, a community is trying to protect its status as an 'endangered species' by expelling fellow citizens who contributed immensely to building the foundation blocks of its development and economy.

The announcement was followed by the mass confiscation of citizenship certificates, brutal torture and imprisonment of those who protested, and armed security personnel rounding up citizens in the night, who were then forced to sign voluntary migration certificates. This sparked the beginning of the forced expulsion of the Lhotshampa population to Nepal via Indian territory, who left behind everything that belonged to them, accumulated over generations. By 1998, the Bhutanese authorities redistributed land and other assets belonging to the refugees to the people from Drukpa community, virtually erasing all traces of memory from their home.

The UNHCR-registered refugee population already reached more than 108,000 by the end of 2006 (Dixit 2007, Kantipur 21 June 2009), not to mention many unregistered refugees within Nepal and India. It is estimated that there are, currently, at least 30,000 unregistered refugees in India and

15,000 unregistered refugees in Nepal (Human Rights Watch, 2007). For 16 years (till 2006), the refugees settled in seven UNHCR-protected refugee camps in eastern Nepal in the hope that they would one day return to their homeland and regain the possession of the land.

Besides the atrocities of the security forces against the Lhotshampas, planned civilian attacks on the non-Lepcha community started with the targeted attack, looting and harassment of the temporary Indian nationals living there for trade and other business. However, such attacks irked the Indian government, which sent a strong message to the Bhutanese government against the attack on its nationals in Bhutanese territory. As a result, the Bhutanese government became cautious, and directed the Lepcha (in the word of refugees) community not to launch any attacks on Indians which might result in serious implications for Bhutan. Hence, the trend of attack was diverted towards the ethnic Lhotshampa community living in southern Bhutan, which had engaged in various productive activities in the region for generations and had developed the life-line of Bhutanese economy and development³.

Third Country Resettlement (TCR): A Prospect or a Problem

The refugee crisis has remained stagnant after fifteen rounds of ministerial-level negotiations between Bhutan and Nepal. The refugees spent almost two decades of their lives inside the camps in the hope that their struggle of 'right to return' to their homeland would, one day, materialize. However, due to the arrogance of the Bhutanese government, the civil war in Nepal and the indifference shown by the big nations like India, the refugees have lost their hope of returning to their home. The stagnating Lhotshampa refugee issue suddenly saw a huge movement in the form of the American government's promise, in 2006, to resettle around 60,000 refugees, which was followed by similar promises from other developed countries such as Norway, Denmark, Canada, Australia and New Zealand – known as Core Working Group – to take a small share of refugees to their country. The resettlement, which began in 2008, has already resettled 25,000 refugees in seven different countries by 9 December 2009 (Xinhua News Agency 9 December 2009), overwhelming majorities of them (88%) in the US⁴. The number was 15,984 in June 2009 (IOM, 2009, *Kantipur Daily* June 2009). Until December 2009, 86,739 refugees have already applied for Third Country Resettlement. (Xinhua News Agency 9 December 2009).

Despite the claim of the host countries, the UNHCR and the Government of Nepal, that the TCR is the best possible solution of the protracted refugee crisis between two countries, which do not share the international border, the process has sparked a camp-level, national and international debate about the possible consequences of the refugees' right to return, the intention of the actors involved and its impact on the overall global refugee crisis, especially in the countries where minority groups are made victims of internal conflict (such as Sri Lanka), self-defined ethnic or

religious nationalism (such as Bhutan and Afghanistan), or ethnic political ploy (such as Maharashtra of India⁵). The Bhutanese refugees in and outside the camps are sharply divided over the issues of TCR, which has been further aggravated by the lack of transparent communication by the actors involved in resettling the refugees.

The Government of Bhutan's strategic expulsion of the Lhotshampa minorities is based on the support received from the majority ethnic groups, such as the Ngalong of the West and the Sharchhops of the East, thus driving the whole strategic move on ethnic antagonism. Further, the Third Country Resettlement has also (with or without motive) played a vital role in sharply dividing the refugee community in all the seven refugee camps into 'pro-resettlement' and 'anti-resettlement' groups. The Bhutanese government wanted to weaken the refugee movement in and outside Nepal, which has been well-facilitated by the implementation of the Third Country Resettlement in 2006. There were few serious confrontations among the two opposing groups to press their agendas. While the refugee communities were already divided and confronting among themselves, the Nepal government also established a strong armed police post inside the camp, which, according to the claims of refugees from Goldhap camps, to suppress the anti-resettlement groups and their activities.

The refugees claim that the Bhutanese government successfully used the international community, including the UN, to apply the colonial concept of 'divide and rule' among the Bhutanese refugees and weaken the movement in favor of its undemocratic and brutal act of expelling one segment of its population from the country and scattering them around the world, so that they will never be united to claim their right to return in the future. The already weakening refugee movement shows the success of such efforts and many Bhutanese refugee activists and others concerned about the future of their struggle.

However, the TCR has come as a unexpected opportunity for those refugees i) who are registered in the camps but spend more than ninety percent of their time outside the refugee camps, most of them in Kathmandu, pursuing their professional career in different non-government and private organizations, and ii) those who have married Nepali citizens and have already acquired Nepali citizenship. These refugees have already detached themselves from the emotional attachment of Bhutanese land, and have no plan to go back to Bhutan, even in the distant future. Further, the TCR opens up hope for better educational opportunities and livelihood for the youth in the newly settled countries. People who lack education and the elderly tend to struggle in their new home because of the lack of language skills, lack of work opportunities, religious and cultural affinity. The refugee activists argue that majority of the refugees resettled to date are families with young children and working-age population, as most of the elders have not applied for the TCR, and those who have applied, along with their families, have not been given visas by the approving authorities in many cases.

Despite the limitations, the intention of the paper is not to oppose the TCR as a solution of the refugee crisis, as TCR recognizes the benefits that the individual refugees and their children will potentially (or hopefully) receive in their new homes in developed countries, but it is also important to highlight the future consequences of the remaining Lhotshampas in Bhutan: those left behind in the refugee camps (especially the elders); the future of the refugees' movement to claim their right to return to their homeland; and possible imitation/replication of the brutality against the minorities in other countries in the name of ethnic nationalism or preserving the culture 'towards extinction'.

Double Standard Policies and the Refugee Crisis

Nepal and Bhutan do not share an international border for the expelled Lhotshampas to travel to Nepal for refuge. However, India played a role in aggravating the crisis and indirectly paving the way for the Bhutanese government to continue its brutality against its very citizens who spent generations to develop the economy and a harmonized cultural diversity. When the Bhutanese government forcefully expelled the Lhotshampa population using brutal means, the Indian security forces allowed the refugees easy access to its territory. However, once they were inside the Indian territory, they did not allow the refugees to take refuge there, and rather herded them into trucks and dumped them at the Nepal border, violating all the very principles of the 1951 UN Convention on Refugees⁶ and other human rights laws. Such a transition and transfer of refugees continued for many years, starting in 1990, which clearly proves that India intentionally remained indifferent to the plight of those refugees, rather, turning a blind eye when the Bhutanese government launched crimes against humanity, and ignoring the very principles of democracy and human rights, such as right to culture, religion, identity and life.

The Indian indifference did not stop here. The refugees launched their struggle to return to their homeland by organizing activities to draw the attention of the international community, UN agencies and other civil-society organization time and again. In the last week of May 2007, thousands of Bhutanese refugees organized a 'symbolic long march' back to Bhutan to draw the attention of international communities and to put pressure on the Bhutanese government. However, this time also India played a negative role and stopped them at the Nepal-India border with hundreds of armed security forces. When the refugees tried to force into the blockade, the Indian security forces brutally attacked the peaceful march of the refugees, killing at least one and seriously injuring dozens of refugees on 29 May 2007 (Nepalnews.com, 2007). Not a word of regret was expressed by the Indian authority after the incident took place.

While the Indian government has welcomed the Tibetan refugees by having allowed them to settle in India since 1959, it has taken an opposite stance in the case of the Bhutanese refugees. This raises a serious question that India needs to answer: Is the crisis faced by the Bhutanese refugees any less than that of the Tibetan refugees in India? Are vested economic benefits in the form of cheap water resources⁷ that India is receiving and the complete surrender of the Druk Government to India in defense and foreign policy of Bhutan⁸ are the only deciding factors in the Indian policy towards the refugee crisis in Bhutan? How is the "diplomatic sub-contracting"⁹ given to India by the US related affairs of the smaller or less powerful South Asian countries playing the role in global indifference towards the right to



return of the Bhutanese refugees? All these questions need to be pondered on while talking about the Bhutanese refugee situation in current context.

India has different policies towards the anti-government activities in Nepal and Bhutan. While the Indian government generally allows the operation of anti-Nepal government movements and their leadership to operate in its land¹⁰, operation of any activities against the Bhutanese government in its land is immediately suppressed in India. This could be attributed to four major factors, which are i) Indian economic interest in Bhutan, ii) Indian larger sentiment that Bhutan is under its arm as an Indian territory, iii) Bhutan government's absolute loyalty to India and iv) West Bengal Government's negative perception towards Nepalese ethnic minorities because of the on-going Gorkha Movement for a separate Gorkhaland State.

Despite the refugees and their supporters' repeated appeal to India to intervene in the negotiations relating the fate of the Bhutanese refugees, India has consistently maintained that the refugee problem is a bilateral issue between Nepal and Bhutan (Hutt, 2005). Though, the government of India maintains that it does not intend to interfere in the two countries' internal affairs, it has shifted its policy stand whenever it is in favor of the Bhutanese Government. Hutt (2005) argues "India has changed neutral stance temporarily on three occasions in favour of the Bhutanese Government. First, when refugees arrived in India from Bhutan: instead of either

returning them to Bhutan, or allowing them to remain where they were, Indian security forces forced them to move on to Nepal. The second occasion is when the refugees launched a 'peace march' from the camps to Bhutan, in order to present an appeal to the king in person. Most of the marchers were arrested by Indian police soon after they crossed the Nepalese border, beaten brutally and eventually pushed back into Nepal. The third occasion arose in 1997 when the Bhutanese authorities asked New Delhi to arrange for the extradition from India of Rongthong Kuenley Dorji, a leader of a Sharchhop-led oppositional party, the Druk National Congress (DNC), established in 1994. The timely intervention of Indian human rights organizations prevented the extradition but India restricted his movement to please the king of Bhutan and has asked him to report regularly to the police authorities" (Hutt, 2005:54).

The only excuse, India maintains for its indifference to the refugee crisis, is that its dependence on Bhutan to control the movement of insurgents fighting for Assam's independence along the Bhutan-India border prevents it from exerting pressure on King Jigme Singhye Wangchuk (Deveroux, 2005). However, the emergence of the bloody armed insurgency in early 1996 and subsequent political instability and chaos within Nepal also completely diverted the attention of the government, political parties as well as civil society away from the plights of the refugees. This helped Bhutanese government, in a sense, as the stand of Government of Nepal was weak as compared to the stand taken by the Bhutanese government, which received diplomatic protection and approval from India.

Refugee Crisis and the Democratic Values

The United States of America as a global 'model' of democracy and human rights and India as the 'biggest democracy' in the world completely failed to prove the democratic values. The world has seen similar types of refugees from Tibet who have got strong support from the global communities especially the US and India in their long struggle for their right to return to Tibet. The US and India have taken strong stand against People's Republic of China through diplomatic means and many times irked the Chinese government by inviting Tibetan Spiritual Leader Dalai Lama in many international forum to press for the autonomy of Tibet and return of the refugees. While these countries can challenge the very powerful China in the case of Tibetan refugees, they are pretending to be helpless in pressing the Bhutanese government against the violation of human rights, rape, torture, beating, killing (see AI, 1994, Giri, 2005, Hutt, 2005, HRW, 2007) followed by the forceful expulsion of its minority population.

India also ridiculed the democratic norms and values and the very principles of the protection of human rights of people by allowing the Bhutanese Government to use all possible brutal means against innocent civilians to force them out of Bhutan to Indian land. Not only this, India put the fleeing Bhutanese refugees on trucks and lorries, dumped inside

Nepalese territory and ever since has provided diplomatic protection to Bhutan (Chakma, 2008) making sure that they will never force the Bhutanese government to take them back. Later, the Indian government itself became brutal by violently preventing the Bhutanese refugees to march to their homelands through Indian Territory (which is the only existing passage possible). Chakma (2008) concludes the influence by saying "The rise of India as a geo-strategic power weakens the hand of the international community still further. No government is prepared to expend valuable political influence with India on an issue that has little or no discernible direct interest for the concerned state".

The US, being more dependent on the regional affairs with Indian policies, has also shown high level of indifference towards the plight of the refugees. Its condemnation of the atrocity of the Bhutanese government has been merely limited in documenting the violations (US State Department, 2002) and lacks any substantial diplomatic pressure or other embargo to respect the fundamental and human rights of minority citizen of the country. It is ridiculous to know that the countries like US - which has played a crucial role in the regional politics and India - which does not need more than 48 hours to topple the government in its neighboring countries (such as in Nepal in May 2009¹¹) (www.hamropalo.com 2009 a,b) - are diplomatically expressing their inability to exert pressure on the Bhutanese government in the case of the right to return of the Lhotshampa refugees. It is time that the global civil society needs to critically assess and debate the role of India and the United states in the case of Bhutanese refugees and assess the resettlement offer in light of such a perspective.

Bhutan's monarchy has been pretending of bringing the democratic changes in the country through lip service to the world and organizing the highly regulated and guided elections. It has been able to 'eye wash' the global community to paint itself as a 'dictator transforming into democrat'. The then King Jigme Singhye Wangchuk's announcement of giving away the Crown to his son Crown Prince Dasho Keshar Namgyal Wangchuk and declaration of Constitutional Monarchy and holding of a democratic election are turning out to be fake promises, when he intentionally deprives more than one sixth of its population from exercising their voting rights and bans all political parties in the Bhutan and in exile, allowing only two political parties formed by his own relatives. The disqualification/deregistration of the Bhutan People's United Party (BPUP) formed by Mr. Sangay Dorji, by Election Commission on November 27, 2007, on the ground that this party doesn't have will, competence, experience, qualification and appropriate support to contest elections, is an absolutely ridiculous argument. The promulgation of the new constitution and the so-called democratic election in December 2008 was a major strategy of the Bhutanese Government to deceive the world in hiding the brutality against its own people in the shadow of the fake democratic changes. The king was successful in his 'mission' as the international community has already congratulated him for

successfully completing the "historic election" with the pre-conceived notion that genuine democracy has finally been introduced (Dorji, 2008).

The Indian government and the media (both private and state-run) presented the election as the Bhutan's transition to genuine democracy and highlighted it with an extensive coverage that it did not deserve¹². Also many international news agencies highlighted this controlled and biased exercise as a genuine democratic practice helping Bhutan to improve its image among people whose only source of information regarding Bhutan is electronic media. The news analysis related to the election never discussed how regulated and planned the election was and how the government deprived the rights of one-sixth of its population from their voting rights. Even many of the Lhotshampas living within Bhutan were not allowed to cast their votes as their names were removed off the voters' list before the election. Hence, the (informed or uninformed) illusion of other countries regarding the democratic transition has negatively affected the struggle of the refugees in their right to return and establish a people-centered democracy in the country.

Further, there are millions of refugees around the world, who are living in the refugee camps without proper food and shelter, unlike the Bhutanese refugees who enjoy one of the better infrastructures and ration packages in the camps. The countries involved in the TCR need to explain why other refugees in dire situation are not being given similar option to settle in the western countries so that they can also live better lives. Is it guided by the UNHCR concept of the Strategic Use of Resettlement (UNHCR, 2003), which explains that "even in the most ideal circumstances only a small number of refugees could hope to be resettled to a third country". However, the proposed resettlement of majority of the Bhutanese refugees does not follow the general trend of resettling a smaller proportion of the refugees. Is this process genuinely guided by the humanitarian concern or is guided by other political, strategic and economic interest of the countries like India or the US? Questions such as these need to be raised in the global forum regarding the process and the resettlement focused agenda of the actors involved in this entire process.

Lack of Transparent Communication

The entire process of Third Country Resettlement (TCR) has been marred by lack of transparency from UNHCR, International Organization for Migration (IOM), the Government of Nepal and the host countries. The refugee activists claim that "The process from very beginning lacked transparency as the Nepal government's representatives, in a hastily organized gathering in the refugee camps, communicated the cabinet decision of Government of Nepal regarding the approval of the TCR of the refugees. The democratically elected Camp Management Committee (CMC) was neither informed nor consulted while taking the decision of the TCR. Once the announcement was made, no query was responded by the

government representatives and the refugee leaders were not allowed to see the letter in its original version"¹³. Further, a lack of information on the modalities and extent of resettlement has caused a fair amount of confusion (Dixit, 2007). The refugee activists argue that if the countries are willing to resettle the refugees on humanitarian grounds, why they are being selective and setting up a protracted interview process, under which they have to appear for series of interview with different authorities which lasts for more than six months and, still, does not guarantee the resettlement of all those who have applied. They claimed that the UNHCR, IOM and other actors involved in the resettlement are little transparent in guiding the refugees in the entire process. There is lack of information regarding the selection process and criteria, their status once they reach the third country, required support system and possibilities of providing such system including job guarantee, psychosocial counseling and treatment by the local host communities. There is no information on how long the TCR will continue¹⁴. Such lack of transparency in the process and the lack of promise regarding the future of those resettled have given enough room for creating skepticism among the refugee population.

Many refugee activists claim that agencies and their officials are misleading and orienting refugees with false or incomplete information. The democratic rights of those refugees protesting against TCR has been negatively perceived by the UNHCR (as evident in the UNHCR Country Director Abraham Abraham's interview with foreign researchers such as Banki, 2008) and similar reaction is evident in the government of Nepal's policy of deployment of armed police forces to suppress anti-settlement activity. Many of the uneducated or less educated who are not aware of the whole dynamics of the refugee struggle and the TCR have been fed with information that diminishes their hope of return and favours the resettlement. One of the refugees who have applied for the TCR recalled how he was convinced by the authorities to apply for the resettlement to US. He narrated that "*Bhutanese Lepcha community is the rare human species in the world and they need to be protected from mixing up with any outside community. This is the only reason why the agencies involved and the foreign governments are trying to relocate the ethnic Lhotsampas from Bhutan to other highly developed countries with better livelihood opportunities, where they can live happy life whereas the Lepcha communities are protected into their own land*"¹⁵.

The group claimed that the 'refugees applying for the TCR are subject to sign a loan amount of US\$20,000 and are required to pay it back once they would resettle in the host country'. This claim is being spread around the refugee community by the anti-resettlement activists and there does not seem to be an effort by the IOM, UNHCR or other concerned agencies, because either they are not aware of such a claim or have not bothered to respond to such a claim. However, the refugees who are applying for the TCR are found to be carrying a sense of financial insecurity as a result of the claim made by refugee activists.

The news of psychological suffering of the resettled families, very poor conditions in IOM arranged transit centre in Kathmandu (Nepal 2009) and even news of suicide committed by the resettled youth has further created concerns among the refugee population about the entire TCR process (Gautam 2009).

New York: Krishna Kumar Rai, 31, from Nashville city of Tennessee State committed suicide by hanging in a closet rod on March 17. A temporary inhabitant of Goldhap Refugee Camp, Sector B/3 Hut No 23 in eastern Nepal, Mr Rai was resettled in Tennessee in September 2008 along with his parents. The deceased had just started his job a day before in a laundry at Shared Hospital Services at the night shift where he had to work many hours. It is learnt that his pay scale was very low and the work site was at a far distance. As his family was going to be assisted not more than a month by Catholic Charities, the receiving agency, there was a pressure on him to take the job as there was no one else readily employable in his family (Source: *Kazj Gautam/Bhutan News Service 23 March 2009*). This was the beginning and there are some other cases of suicide and murder surfaced in the recent days.

The refugee activists further claimed that the refugees are forced to fill up the application form by telling them what happens if they would not fill the form and have to stay in the dilapidated camps for the rest of their lives. The camp administration is not allowing the refugees to debate and discuss on the pros- and cons- of the TCR. They have established a strong armed police post inside the camp in order to curtail possible anti-resettlement activities. In the beginning, when the group of activists protested against the process of TCR, they were seriously beaten by the police and some of them were kept under the vigilance of the security personnel. The refugees in the Goldhap Camp also claimed that "the continuous reduction of the logistic and food or daily needs is also related to a strategy to persuade the refugees to opt for the TCR even if they do not wish to do so by heart". They also claimed that the "UNHCR is helpless against the stand taken by Bhutan with unconditional blessing from the Indian and the US governments and trying its best to persuade the refugees to accept the resettlement offer"¹⁶. The UNHCR wants to get rid of the responsibility of taking care of the Bhutanese refugees in Nepal.

Voluntary Expulsion Vs Forced Expulsion

Human Rights Watch (2007) reports that contrary to Bhutan's contentions, under the international law, most, if not all, refugees in the camps in Nepal have a right to return to Bhutan. It further argues that the available evidence relating to the events of the early 1990s makes clear that the refugees did not leave Bhutan voluntarily. They were forced to sign so-called Voluntary Migration Forms and next morning they were rounded up in a truck and thrown out of the Bhutanese border to India, from where the Indian government, instead of sending them back to Bhutan, rounded up in trucks and forced them to cross to Nepal¹⁷.

Interviews taken by the author in Mumbai, India and Manila, Philippines with some of the Lhotshampa citizens¹⁸ of Bhutan, whose family members were in the refugee camps in Nepal, revealed a horrifying story of expulsion of citizens from Bhutan. They recalled that the "security people surrounded their houses in the middle of a night and threatened them to gather at a particular place for signing the "Voluntary Migration Form" and leave the country "peacefully". Those who tried to question against such attempt or protested against the security people were taken out of their houses and were brutally beaten and threatened to their lives (see also Chakma, 2008, Mishra 2007, Mishra 2008). Many Lhotshampas were tortured, jailed and killed by accusing them of being Maoist rebels (HUROB 2008). During the course of their action, over and again, many men, women and children were reportedly beaten, raped or even killed brutally (also see Giri 2005; Hutt 2005; HRW 2007; AI 1994). Next morning they were taken to a public place, forced to smile for the photograph and sign the Voluntary Migration Form in the presence of the armed security people and the local head of the government". A simple logic is that if a family relinquishes its citizenship and leaves the country permanently, why does it end up empty handed in a dilapidated refugee camp of an impoverished nation? Report published by the UNHCR in 1995 says that 77 percent of the refugees arriving in the camps until 1993 were farmers in south Bhutan and most of whom had left behind their land and property of considerable value, of which they often have photographs to show as proof (UNHCR, 1995; Hutt 1996). Where are the assets and other belongings of the family? Are there any evidences of selling the properties to other people or handing over them to any close relatives for taking care of them? Neither the Bhutanese government nor the international actors are able furnish a satisfactory answers to these questions. Then how such expulsions can be called voluntary migration under any circumstances? Can a person or a family leave its home, where they lived for generations, so easily? These questions need to be addressed before discussing the problems and prospects of TCR of the refugees.

Stagnant Repatriation Process

The governments of Bhutan and Nepal agreed to establish a ministerial level joint committee to work towards the resolution of the refugee crisis in July 1993 (Hutt, 1996). After many years, a joint verification team comprised of five Nepali and five Bhutanese government officials was formed which was assigned to categorize the refugees based on the four categories agreed by the Ministerial Joint Committee in 1993¹⁹. The verification started in 2001 for the population of *Khudunabari*, one of the smaller camps, where some 12,500 refugees were living. However, the verification team only verified 12,500 refugees over the period and, after long wait of more than a year, the Bhutanese government came out with a report that identified only 2.5 percent (293 individuals of 74 families) as

bonafide Bhutanese out of the total 12,500 refugees. In the subsequent process, the Bhutanese members of the verification team were attacked by some of the refugees, which stalled the verification work, never to start again. The ministerial level talk has also not started after the 15 rounds of negotiations, partly to blame for the attack on the verification team and partly to blame for the political instability and the climax of the bloody civil war in Nepal. However, even, those identified as the bonafide Bhutanese citizens have not been allowed to return to the country until now.

When the US Under-Secretary of State, in 2006, announced that her country is willing to resettle around 60, 000 of these Bhutanese refugees, the entire attention of the international community shifted towards this process. The anti-resettlement drive is suppressed in the camps and many of these protesting refugees were termed as rebels. The Government of Nepal, the US and other governments and the UNHCR are not seriously contemplating to ensure the right to return of the refugees to their homeland. Further, the movement has been diluted as the refugees have been divided among themselves into anti- and pro-resettlement refugees and large number of youth are vying for their prospect of resettling in the developed countries and are not involved in the protest programs or lobbying to remind the international community to exert pressure on the Bhutanese and the Indian government to ensure the right to return of the refugees. Thus, the entire refugee movement has fallen into the shadow of the TCR in the past two years.

The refugees, who are identified as bonafide citizens of Bhutan, are also worried because the land forcefully captured by the Bhutanese authority have already occupied by the Lepcha community. The government has systematically given the ownership of the land of the refugees to the people closer to them and there is no easy way of retaining the land from those occupants. Thus, the restitution of property is the problem why the Bhutanese government is not coming forward to take back the refugees who are identified as genuine Bhutanese. Even, if they are allowed to return to Bhutan, there is no guarantee that their personal safety and security would be ensured and they would enjoy the status of citizen in Bhutan.

Further, those who are moving to other countries, as part of the TCR, are also doing so because they want to get out of the misery of the camp life and expect that one day in the future they will reclaim their right to return to their homeland²⁰. However, there is no guarantee that they will ever return to their homeland even in the distant future under the current circumstance of weakening struggle of the refugees, the diverting international attention from the issue and the ever increasing atrocities of the Bhutan government.

The Plight of Remaining Lhotshampas in Bhutan

There are approximately 100,000 Lhotshampa citizens still living in Bhutan under very difficult human rights situations. Human Rights Watch

(2007) reports that the remaining Lhotshampa citizens face on-going threat to their citizenship status as well as their security (see also Dixit, 2007). A nationwide census conducted in 2005 classified 13 percent (approximately 80,000) of current Bhutanese population as non-nationals. It was reported that 70,000 Lhotshampas were denied their adult franchise in the 'mock elections' in April 2007 as part of the new King's inherited 'democratization project' (Dixit, 2007). The strategic intention of the Bhutanese government is very clear that in the long run it will slowly force them to leave the country without even being noticed by the international community. While the international community, particularly India and the US, are talking about the so-called democratic transition in Bhutan, the Bhutanese government is 'successfully' and silently committing one of the gravest human rights violations of its minority citizens. A resident of South Bhutan who migrated to Canada few years ago recounts that the ethnic minorities in Bhutan have been stripped off the citizenship and have been given a 10 year temporary document for their identity. Though they are not directly asked to leave the country, the exceedingly strict citizenship laws, and denial of No Objection Certificates (NOCs)²¹, denial of opportunities in jobs and denial of political participation will, virtually, leave them no option but to leave Bhutan.

Mr TRA²² was employed as a senior teacher in a higher secondary school in Thimpu for many years. He was living in Thimpu with his wife and children. His parents and other siblings, along with their families, were living in South Bhutan. His parents and siblings were forced to leave the country in 1992 and he and family were left alone in Thimpu. They decided not to move out of Bhutan as life was not that difficult till then.

However, the evil eye of the government authority started to fall on him slowly. First, he was demoted to a secondary school teacher without any explanation. He felt humiliated and resigned from the job. As he was a graduate from London, he applied for a job in one of the reputed international organizations that works in maternal and child health issues (name not disclosed) and started to work with that organization. After six months of work in that organization, he was transferred to a place in north where a Nepali-speaking employee, virtually, can not work under the existing state-sponsored ethnic antagonism. The organization's senior management was forced to take such a harsh decision in order to compel him to resign. He had no choice, but to resign. He started to do some freelance work in Bhutan; however, it was not so easy to get such an opportunity too.

In the meantime, he got a prestigious fellowship to do some research work in the Republic of the Philippines leaving behind his wife and three children in a difficult situation. By that time, he and his family already realized that they had only two options in front of the: Either to join the rest of the family members scattered in various refugee camps in Nepal or to try to leave Bhutan through other legal means to developed countries. He decided to choose the second option as he had no desire to live a refugee life in the future. He then applied for permanent residence status in Canada and finally managed to get it after nine long months of waiting. He and his family secretly migrated to Canada immediately after he

completed his research in the Philippines. Rest of his family members are, however, still living in the refugee camps in eastern Nepal. This is just one of the many examples of how the Lhotshampas in Bhutan are compelled to leave the country amidst the propaganda of democratic exercise by the King of Bhutan with blessings from India.

Conclusion: Reflecting on the Implications of TCR

It is true that the TCR has given opportunities to many individuals and families to get out of the restricted and poverty ridden lives of the camps. Most of the children are expected to get better educational opportunities in the western world and are hopeful of a bright future. However, the TCR has generated a wave of negative implications to those who are left behind in the refugee camps and the Lhotshampas who are still struggling to survive as a dignified citizen of Bhutan within its territory.

Most of the elders have not applied for the TCR and are left behind in the refugee camps where they do not have their children to take care of them in their old age, as repatriation to Bhutan does not seem to be happening in the near future under the prevailing circumstances. Since the UNHCR and other agencies involved in supporting the refugees are slowly downsizing their assistance programs in the camps, many refugees, especially the elders might suffer from the lack of means of survival in the long run. Other possible option of local reintegration of the refugees left behind in the camps is also becoming seemingly difficult as some of the political parties, which have their base in the southern low-land of Nepal, are raising serious concern on granting citizenship to other people expelled from Bhutan, Burma and Meghalaya in the past. If the Government of Nepal comes out with such a proposal, there is high possibility that these political parties will strongly protest because all these refugees fall in the categories of the Hill ethnic group of Nepali origin²³.

The indifference shown by the international community regarding the right to return of the refugees seems to be attracting frustrated youth in the refugee camps and inside Bhutan towards armed struggle against the Bhutanese king and his government. The king seems to have convinced India and the US government by terming these people as communist terrorists, which the US is always willing to buy in haste and support the government to suppress them without going into the core of the issue. If Bhutan were to use the American Government's slogan 'the fight against terror' as a cover for a wider political project, it would not be the first government to do so (Chakma, 2008).

However, the international community should realize that if a section of the society is pushed to the corner by the majority group, it will retaliate and many a time, it will be an armed revolt. Thus, the global community should think seriously regarding the support given to the Bhutanese king or ignorance shown towards the brutality of the Bhutanese government against the ethnic minorities. By doing so and pressing the Bhutanese government to ensure people's economic, social, political and

cultural rights, the international community can prevent the birth of an armed group or an armed struggle in this part of the world. If this could be done, it would be a major contribution of the international community to build a sustainable peace in Bhutan and in the region. Otherwise, Bhutan seems to be going for a protracted civil war in the near future, regardless of how hostile India would be towards the rebellion in Bhutan.

The suicide of a refugee settled in the US on March 2009 has already helped spice an already existing suspicion on the resettlement process and their survival in the US. This is just the beginning and other similar cases might send more negative messages about the TCR and the anti-resettlement campaign finds more justification on their drive. The confrontation of refugees with local community has been over emphasized. While doing so, most of the refugees have forgotten the assistance provided by the refugees to the local communities. Despite some of the cases of confrontation (including death of a refugee during the confrontation between refugees of Khudunabari Camp and the members of local Community Forest User's Group regarding the use of forest resources), there is no serious concern among the local community about the refugees. Eastern Nepal, as other parts of the country, has been engulfed by the exodus of working population as international labor migrants to Malaysia, Gulf Countries and other parts of the world. As a result of which the villages, which are primarily farming communities, are running short of manual laborers, especially during the plantation and harvesting season. The Bhutanese refugees are providing with a strong labor supply to the host communities. Further, since the Bhutanese refugees speak same language and practice same religion and culture, villagers around the camps do not really consider the refugees as outsiders.

As already mentioned, if the international community, led by India, will close their eyes on the brutal cleansing of the ethnic minority in Bhutan, under the shadow of the fake democracy, this might be a 'successful strategy' for other countries in the region where the suppression against the minorities living for centuries have increased over the years in the name of fight against terror. Similarly, suppression strategies might be adopted by the majority governments in other countries against their minority population whenever they wish to expel them from the country. Thus, the complete negligence of the international community in the plight of the Bhutanese Lhotshampa might give a wrong message to the new born 'majority' dictators(s) in the future.

Most proponents of resettlement readily agree that there is something profoundly offensive about the idea that even after expelling 100,000 of its population and disregarding the very principles of international human rights and humanitarian laws, Bhutan in effect, has been rewarded by the international community for its crime against humanity and obduracy during the fifteen rounds of negotiations (HRW, 2007). This might further encourage the Bhutanese government to expel more of its minority citizens through different means of suppression.

The refugee activists in the camps as well as the leaders in Kathmandu fear that the beginning of the TCR of the refugees will promote thinking among the Bhutanese government officials that the vacancies are open in the refugee camps to be filled up by the Lhotshampas from Bhutan and they might start to coerce more of them to leave the country, of course, with the so-called voluntary migration certificates in their hands, with photos of smiling faces affixed there²⁴.

Further, the claim of the proponents of the resettlement that the right to return does not cease to exist²⁵ because of the resettlement and refugees can continue their struggle from their new destinations with improved economic status and globalizing the lobbying does not sound so promising as the smaller number of refugees are being resettled in many parts of the world and their strength will be too small to prove themselves as a force to be reckoned with. And there is no guarantee that the international community - which did not pay attention to exert enough pressure on Bhutanese government while entire refugee fraternity was demanding their right to return equivocally - will heed to the request of a rather smaller group of resettled refugees scattered in different parts of the world. The example of Sri Lanka has already shown that despite the moral and financial support of the Tamil diaspora around the globe, the Sri Lankan Army used brutal means to kill thousands of innocent Tamil civilians in the name of so-called 'fight against terror'. Such strategy might be repeated in Bhutan with the diplomatic protection of India. Further, it is less likely that the next generation of refugees will be equally concerned about the 'right to return' as compared to the first generation, as they do not really feel emotionally about their ancestral land as felt by the first generation. In any case, the TCR will probably help in pacifying the right to return struggle of the refugees in the days to come.

The refugees are also frustrated with their leadership and complain that they have not done enough to draw attention of the international community on the issue. As a result, the Bhutanese refugee crisis, being the highest per capita refugee generator of the world²⁶, received little attention in the global forums. Thus, the primary intention of this paper is also to draw the attention of this forum of refugee advocates and researchers on the other side of the refugee problem which is little discussed in the international forum.

The TCR has been viewed by many as a strategy of the international community to wipe their hands off the Bhutanese refugee crisis as this is the unique in number and types of refugee problem (Dixit 2007). However, it should not be forgotten that the refugee crisis is entirely different from other refugee situation where the government is not in a position to bring a solution of the crisis. While in other situation, the international community does not find a legitimate authority to press for the return and safety of the civilian and the refugee crisis is the by-product of the fight between two or more of the armed groups, including the government, the Bhutanese refugee crisis is the direct product of the government brutality and the government

is the sole authority responsible for causing the atrocity. Thus, the international community should not allow the Bhutanese government to escape crime and reward them in the name of resettlement. Even, the refugee activists are not blindly opposing the TCR, however, demand that the Bhutanese government should be held responsible for the crime against humanities and should be brought to justice. The TCR, as the only durable solution, deprives the right to return from where they were forcefully evacuated, there remains a lingering sense that 'justice has not been delivered to the group of people (Dixit, 2007) whose forefathers contributed their blood and sweat to bring the nation to the stage it is today.

The refugees demand that the resettlement process should be preceded with the i) restart of the verification process in other camps for the remaining of the refugees and start immediate repatriation of the bonafide Bhutanese citizens as identified and approved by the verification team, ii) the international community should press the Bhutanese government for the annulment of the stringent citizenship laws which deprives its minority population of their fundamental rights; iii) immediately start the property assessment of the refugees evacuated from Bhutan empty handed iv) compel the Bhutanese government to compensate the refugees, willing to resettle in other countries, for their confiscated assets and land; v) stop the illegal resettlement of the Drukpa communities in the lands belonging to refugee minorities; vi) unconditionally revoke the provision of No Objection Certificates; vii) re-list the 13 percent of the population identified as non-nationals by the ill-intended census of 2005 and immediately return the confiscated citizenship certificates of those living inside Bhutan and viii) ensure safety, dignity and adult franchise exercise of all Bhutanese citizens regardless of ethnicity, religion, culture, language or any other dividing lines.

To conclude, it's a challenge to the international community, especially India, the US including the member countries of the Core Working Group, the UN and other donor countries/agencies on how to address the refugee crisis. It will set an example how the international community will shape its strategy in protecting human rights of minority population around the world in the future and this, further, shapes the conflict transformation strategy, in general.

Notes

¹ Literally 'the people of the south', refers to the Nepali-speaking population living in South Bhutan for ages. However, with the resettlement of Drukpa population in South Bhutan after 1998 (US State Department, 2002), the word no longer represents the Nepali-speaking population alone.

² One simply cannot expect a rural, poor, and uneducated family to safely keep possession of a tax document or any other documents for more than 30 years, as they are not used to a formal document-keeping system nor realized that they needed to show such evidence several decades after acquiring them.

³A focus group discussion with refugees in Goldhap refugee camp by the researcher in March 2009. The discussion was participated in by both the anti- and pro-resettlement refugees.

⁴ Of the 25,000, 22,060 have been resettled in the US followed by 1006 in Australia, 892 in Canada, 316 in Norway, 305 in the Norway, 299 in New Zealand and 122 in The Netherlands.

⁵ In Maharashtra State of India, one of the newly formed political parties, Maharashtra Navanirman Sena (the break away faction of Shiva Sena) has launched its entire political base by spreading hatred against the migrant population from North India and the Hindi language in the name of protecting local Marathi language and the Marathi people

⁶ India has not ratified the 1951 UN Convention on Refugees to date. It is not interested in ratifying the convention because of the protracted issue of partition refugees and Bangladeshi immigrants in its territory.

⁷ India finances 40 percent of Bhutanese government's expenditures and receives at least 80 percent of its exports (Hutt, 1996) including the cheap electricity from Bhutan.

⁸ Bhutan's foreign and defense policies are guided by Delhi under the 1949 Treaty obligations between the two countries.

⁹ The US is believed to take any decision regarding the South Asian affairs, except Pakistan, in consultation with India making sure that it is in line with the Indian interest, too.

¹⁰ Such as the movement against the autocratic Rana (dynasty) regime during 1940s, the struggle for democracy against the absolute monarchy during 1960-90 and, ironically, the Maoist People's war against the so-called democracy during 1996-2006.

¹¹ It is an open secret that the Indian government, already irked by the increasing relationship of CPN (Maoist) with PR China, found an excuse, in the confrontation between the Prime Minister and Chief of Army Staff, to conspire to topple the Maoist-led government in Nepal. The Indian Ambassador to Nepal was the major actor behind the curtain in the entire political drama that unfolded in Nepal in May 2009.

¹² The Indian government was so kind to support the so-called democratic exercise that it provided Electronic Voting Machines (EVMs) for the election.

¹³ Focus Group Discussion with refugees in Goldhap Refugee Camp, where both pro-resettlement and anti-resettlement refugees discussed the issues together, March 2009.

¹⁴ Recently, the Chief of UNHCR in Nepal said that the TCR will continue for five years and could go even longer, if required (Kantipur, 21 June 2009).

¹⁵ Focus Group Discussion with Bhutanese refugees by the researcher in March 2009 in Goldhap and Khudunabari Refugee Camp.

¹⁶ The entire paragraph is based on the conversation with the refugees in Goldhap Camp and the statements are of the refugees' and not of the researcher.

¹⁷ Interview with refugees in Khudunabari Refugee Camp in March 2009.

¹⁸ They were spared because they were living in Thimpu and rest of their family members were living in the villages in South Bhutan. One of the families interviewed could not survive the hostilities in Bhutan and managed to leave Bhutan for Canada recently.

¹⁹ The four categories were i) Bonafide Bhutanese, if they have been evicted forcefully; ii) Bhutanese who voluntarily emigrated; iii) Non-Bhutanese people: and

iv) Bhutanese who have committed criminal acts. The Nepal government also surrendered to the Bhutanese government in categorizing the refugees in four groups in unjust manner.

²⁰ Interview with Bhutanese refugee about to board plane from Biratnagar airport for arriving to the transit centre in IOM Office in Kathmandu.

²¹ The Government required Bhutanese citizens to obtain No Objection Certificates (NOCs) from the police, to confirm that they are not involved in "anti-national activity". NOCs are required for admission in the school/college, employment in the civil service, the right to sell cash crops, the right to buy and sell land, to obtain business licenses and for the issuance of passports. Being denied a NOC deprives a person of almost all means of earning a living and it becomes virtually impossible of surviving. Accusations of being 'anti-nationals' fall easily on the Lhotshampas whenever the government authorities wish, particularly on those who have, even, distant relatives in the refugee camps in Bhutan (Dixit, 2007).

²² The victim was interviewed by the researcher while they meet each other in the University of the Philippines at Diliman.

²³ The political parties in the low-land of south Nepal have built their vote base with the Indo-origin Nepali citizens and basically exploit the anti hill-origin sentiment prevailing in the region for winning election. Further, these leaders have already used various forums to raise the issues of giving citizenship to ethnic Nepalis from North-East of India in the past. They can exert a formidable opposition to the government as they hold the position of 'King Maker' in the current mathematics of the ruling coalition.

²⁴ Interview taken with Bhutanese refugees in Kathmandu in April 2009.

²⁵ Daisy Bell, the head of UNHCR in Nepal, in a r interview with Kantipur Daily on 21 June 2009, said that the right to return of these resettled refugees will cease to exist unless they give up the permanent resident status of the host country.

²⁶ One-sixth of the entire population of Bhutan has been refugees.

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