

# Living in Limbo

## Tibetan and Bhutanese Refugees in Nepal

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### Introduction to Nepal's Refugee Population

By the end of 2018, Nepal was home to 20,800 refugees, 55 asylum-seekers and 579 'others of concern'.<sup>1</sup> While Tibetan and Bhutanese refugees account for a large majority of Nepal's refugee population (64% and 31%, respectively),<sup>2</sup> more than 500 refugees and asylum-seekers from other countries have been living in Nepal since the early 1990s.<sup>3</sup> Near 108,000 Bhutanese refugees were living in Nepal in the early 2000s, prior to the implementation of the third-country resettlement programme for them in 2007.<sup>4</sup> Nepal has also been hosting a small community of Rohingya refugees who have made their way into Nepal after fleeing violent persecution in Myanmar since 2012.<sup>5</sup>

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1 These are figures made available by the United Nations High Commissioner for Refugees (UNHCR), actual numbers may vary. See UNHCR, 'UNHCR year-end report: Nepal' (Kathmandu: UNHCR, 2018), accessed November 20, 2019, <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2018-Nepal-eng.pdf>. For the UNHCR 'persons of concern' are asylum-seekers, refugees, returnees, the internally displaced and stateless people. See UNHCR, 'Handbook for Emergencies' (Geneva: UNHCR, 2007), accessed February 20, 2020, [https://www.ifrc.org/PageFiles/95884/D.01.03.%20Handbook%20for%20Emergencies\\_UNHCR.pdf](https://www.ifrc.org/PageFiles/95884/D.01.03.%20Handbook%20for%20Emergencies_UNHCR.pdf)].

2 Ibid.

3 Refugees from other countries include those from Pakistan, Afghanistan, Sri Lanka, Bangladesh, Somalia, Iran, Iraq and the Democratic Republic of Congo. See US embassy in Nepal, 'Nepal 2018 Human Rights Report' (Kathmandu: US embassy in Nepal, 2018), accessed October 1, 2019, <https://np.usembassy.gov/wp-content/uploads/sites/79/Country-Reports-on-Human-Rights-Practices-for-2018.pdf>.

4 Michael Hutt, 'Editorial', *European Bulletin of Himalayan Research* (EBHR), no.43 (Autumn-Winter 2013).

5 See Lindsey A. Hedges, 'living on the margins', *Nepali Times*, May 25, 2018,

Although home to a large refugee population, Nepal is not a signatory to the 1951 United Nations Refugee Convention<sup>6</sup> or its 1967 Protocol<sup>7</sup> and lacks a comprehensive domestic legal framework for refugee protection and for the determination of individual refugee or asylum claims. However, the Government of Nepal has been cooperating with the United Nations High Commissioner for Refugees (UNHCR) to assist refugees living in Nepali territory. The primary focus of this chapter is to offer a comparative analysis of the present socio-economic situation of the two major refugee groups in Nepal, Tibetans and Bhutanese.

## **Methodology**

This chapter incorporates information derived from both primary and secondary research. Interviews were conducted with 15 Bhutanese refugees in two Bhutanese refugee camps (Sanischare, Morang district, and Beldangi, Jhapa district) and 15 Tibetan refugees in two Tibetan refugee settlements in and around Pokhara (Chhorepatan and Dulegauda). Interviews were also conducted with officials of the Camp Management Committee (CMC) in the Bhutanese refugee camps and the Tibetan refugee settlements visited along with community-based organisations (CBOs) active in the Bhutanese refugee camps. Officials from international agencies providing services in the Bhutanese refugee camps were also interviewed as were those from the Snow Lion Foundation, a non-profit providing support to Tibetan refugees in all the settlements in Nepal. Alongside, a review of existing literature on both Tibetan and Bhutanese refugees as well as international and domestic legal instruments governing refugees was conducted.

<https://www.nepalitimes.com/here-now/living-on-the-margins/>; Rewati Sapkota, 'Nepal, India to jointly monitor movement of Rohingya refugees in border areas', *The Himalayan Times*, October 31, 2018, <https://thehimalayantimes.com/kathmandu/nepal-india-to-jointly-monitor-movement-of-rohingya-refugees-in-border-areas/>; Robic Upadhyay and Ashwin Sharma, 'Anew beginning', *The Record*, November 29, 2018, <https://www.recordnepal.com/wire/videos/a-new-beginning-for-rohingya-refugees-in-nepal/>.

<sup>6</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, accessed November 5, 2019, <https://www.refworld.org/docid/3be01b964.html>.

<sup>7</sup> UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, accessed November 7, 2019, <https://www.refworld.org/docid/3ae6b3ae4.html>.

## **Persecution and Exodus of Tibetan and Bhutanese Refugees**

The arrival of Tibetan refugees into Nepal began during the early 1950s. China had occupied Tibet in 1949 but it was only after the failed uprisings in Lhasa and Kham in March 1959 that the Dalai Lama and 80,000 Tibetans escaped to Nepal, India and Bhutan.<sup>8</sup> Around 20,000 Tibetan refugees had settled in Nepal in 1959.<sup>9</sup> While Tibetans mostly went into exile due to fear of religious persecution, some nomads fled to northern Nepal and Ladakh (India) because they feared their herds would be collectivised while others fled because they had fought against the Chinese army.<sup>10</sup> The Chinese repression of Tibetans is reported to have included destruction of religious buildings and the imprisonment of monks and other community leaders.<sup>11</sup> Many of the elderly refugees presently living in Nepal, who fled from Tibet in their youth in the late 1950s, report having faced violent religious persecution at the hands of Chinese authorities, including physical and sexual abuse, prior to their exodus from the country.<sup>12</sup>

Bhutanese refugees in Nepal are mainly Lhotshampas, or southerners of ethnic Nepali origin, most of whom are descendants of Hindu peasant farmers who first began to migrate to Bhutan after the Anglo-Bhutanese war of 1865.<sup>13</sup> Lhotshampas were forced to leave Bhutan as a result of the nationalist policies in the 1980s, including the Citizenship Acts of 1977 and 1985 that narrowed the terms for acquiring Bhutanese citizenship, the Marriage Act of 1980 that made it more difficult for Bhutanese to marry non-Bhutanese, and the special census of 1988 that required Lhotshampas to

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8 John F. Avedon, *In Exile from the Land of Snows* (India: Viking by Penguin Books India, 1997), 72.

9 Maura Moynihan, 'Tibetan Refugees in Nepal', in *Exile as Challenge: The Tibetan Diaspora*, ed. Dagmar Bernstorff and Hubertus von Weick (New Delhi: Orient Longman Private Limited, 2004), 312-321.

10 George Woodcock, 'Tibetan Refugees in a Decade of Exile', *Pacific Affairs* 43, no. 3 (1970): 410.

11 See 'The Invasion of Tibet', Official Students for a Free Tibet, accessed November 1, 2019, <http://www.umass.edu/rso/fretibet/education.html>.

12 Interviews with Tibetan refugees in the Tashiling settlement, Chhorepatan and the Jampaling settlement, Dulegauda, 11/22/2019–11/25/2019.

13 Michael Hutt, 'The Bhutanese Refugees: Between Verification, Repatriation and Royal Realpolitik', *Peace and Democracy in South Asia* 1, no.1 (2005): 45.

present tax receipts dated 1958 or earlier in order to be recorded.<sup>14</sup> The census operations became a tool for the identification and eviction of many Lhotshampas categorised by the Bhutanese government as ‘illegal immigrants’. Furthermore, the introduction of the ‘One Nation, One People’ policy in 1989 imposed social and cultural norms of the ruling Buddhist Drukpa on everyone and targeted the Lhotshampas in particular, an overwhelming majority of whom were Hindus.<sup>15</sup> Dissidents, the wealthy, the educated, and various other categories of Lhotshampa citizens were subsequently banished from Bhutan.<sup>16</sup> By the early 2000s, the Bhutanese refugee population in Nepal had soared to an estimated 108,000.<sup>17</sup>

Similar to the Tibetans, many Bhutanese refugees currently living in Nepal’s camps relate accounts of the violent persecution they faced back in their home country.<sup>18</sup> Beginning in November 1989, Lhotshampa activists were arrested, detained and severely tortured; anyone voicing dissent against the Drukpa regime was branded ‘anti-national’ and stood the risk of being sentenced to capital punishment.<sup>19</sup> Those who participated in demonstrations or were suspected of having links to the then ongoing human rights movement were made to sign ‘voluntary migration forms’ at gunpoint.<sup>20</sup> Peaceful protests were also met with bullet and bayonet charges.<sup>21</sup>

Furthermore, the *Driglam Namzha* (the 17th-century cultural code of conduct) enforced through the ‘One Nation, One People’

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14 Michael Hutt, *Unbecoming Citizens* (New Delhi: Oxford University Press, 2003), 147-152.

15 Vidhyapati Mishra, ‘Bhutan Is No Shangri-La’, *The New York Times*, June 28, 2013, <https://www.nytimes.com/2013/06/29/opinion/bhutan-is-no-shangri-la.html>.

16 Michael Hutt, ‘The Bhutanese Refugees: Between Verification, Repatriation and Royal Realpolitik’, *Peace and Democracy in South Asia* 1, no.1 (2005): 47.

17 Michael Hutt, ‘Editorial’, *European Bulletin of Himalayan Research* (EBHR), no.43 (Autumn-Winter 2013).

18 Interviews with Bhutanese refugees in the refugee camps in Beldangi, Jhapa and Sanischare, Morang, 09/26/2019–09/30/2019.

19 Venkat Pulla, *The Lhotshampa people of Bhutan: Resilience and Survival* (United Kingdom: Palgrave Macmillan, 2016), 17.

20 G.K. Siwakoti, ‘Beyond Border’ (Kathmandu: INHURED International, 2012).

21 INHURED International, ‘Bhutan: An Iron Path to Democracy, A special volume on documentation of human rights violations in the kingdom of Bhutan’ (Kathmandu: INHURED, 1992), 15.

policy prescribed the ‘official behaviour and dress code of the kingdom of Bhutan’ and issued clear guidelines on how citizens should dress in public and how they should behave in formal settings, in addition to regulating aspects of cultural life such as art and architecture.<sup>22</sup> As such, the language, dress, and culture of the Dzongkha-speaking Drukpa or Ngalong ruling elite was made mandatory and was imposed on all Bhutanese.<sup>23</sup> Many Bhutanese refugees currently living in Nepal report being penalised for wearing the traditional Nepali attire and being instructed to wear Drukpa clothing such as *kira*<sup>24</sup> and *gho*<sup>25</sup>. Women report having been advised to refrain from donning traditional Nepali ornaments like *pote*<sup>26</sup>. Some even report having been instructed to consume beef.<sup>27</sup> The lives of Lhotshampas, in the wake of the enforcement of the nationalist policies, was characterised by ‘major deprivations such as denial of the right to nationality; the right to protect, preserve, and practice one’s culture; the right to wear one’s ethnic dress; and the right to speak, read, and write in one’s mother tongue’.<sup>28</sup> While some of the Bhutanese refugees living in Nepal’s camps claim to have been forcibly evicted, many report joining the mass exodus from Bhutan amidst trying circumstances, fearing for their lives, dignity and way of life.

### **The Current Refugee Population in Nepal**

At present, there are over 13,000 long-term Tibetan refugees,<sup>29</sup> in 12 different settlements across Nepal.<sup>30</sup> The initially makeshift

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<sup>22</sup> Venkat Pulla, *The Lhotshampa people of Bhutan: Resilience and Survival* (United Kingdom: Palgrave Macmillan, 2016), 15.

<sup>23</sup> Ibid.

<sup>24</sup> *Kira* is the Bhutanese national dress for women. It is a rectangular piece of woven fabric, wrapped and folded around the body and pinned at both shoulders.

<sup>25</sup> *Gho* is the Bhutanese national dress for men. It is a knee-length robe tied at the waist by a cloth belt known as the *kerā*.

<sup>26</sup> *Pote* is a necklace made of small colourful glass beads, typically worn by married Nepali Hindu women, especially Bahuns and Chhetris.

<sup>27</sup> Hindus are known to refrain from the consumption of beef due to widespread belief that it is sinful.

<sup>28</sup> Venkat Pulla, *The Lhotshampa people of Bhutan: Resilience and Survival* (United Kingdom: Palgrave Macmillan, 2016), 16.

<sup>29</sup> UNHCR, ‘UNHCR year-end report: Nepal’ (Nepal: UNHCR, 2018), accessed November 10, 2019, <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2018-Nepal-eng.pdf>.

<sup>30</sup> The settlements are located in Jawalakhel, Boudha, and Swayambhunath

settlements have now evolved into well-built colonies and the Tibetan community has become a visible minority in cities like Kathmandu and Pokhara, where most of this community have settled.<sup>31</sup> Some of the settlements are agriculture-based, some are handicraft-based, and a few are cluster communities involved in varied economic activities.<sup>32</sup> Each settlement has a school and a health clinic, situated either in the premises of the settlements or in its periphery.<sup>33</sup>

The population of Bhutanese refugees currently living in Nepal is much smaller than that of Tibetan refugees. Of the over 108,000 refugees initially housed in seven camps in Jhapa and Morang districts in south-eastern Nepal, only an estimated 6,500 remain in Nepal.<sup>34</sup> Over 90 per cent of the initial Bhutanese refugee population has now left for third-country resettlement to eight different countries around the world—Australia, Canada, Denmark, the Netherlands, New Zealand, Norway, the United Kingdom and the United States of America.<sup>35</sup> While the majority of the refugees have been resettled in a number of locations scattered across the US, smaller numbers are in the seven other countries.<sup>36</sup> After

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in the vicinity of Kathmandu; in Dhorpatan in Baglung, Chialsa in Solukhumbu, Chairok in Mustang, Syabru in Rasuwa and Walung in Taplejung; and in the Pokhara region. Of the four settlements in the Pokhara region (Tashi Palkhiel, Tashi-Ling, Paljorling and Jampaling), the lesser known Jampaling settlement is situated in Dulegauda, about 23 kilometers southeast of Pokhara on the Prithvi Highway. See ‘Tibetan refugee settlements in Nepal’, Central Tibetan Administration, accessed November 25, 2019, <http://centraltibetanreliefcommittee.org/doh/settlements/nepal/settlements-in-nepal.html>.

31 ‘Tibetans in Nepal: History of Tibetans in Nepal’, The Tibetan Encounter, accessed November 25, 2019, <https://tibetanencounter.com/pokhara-cultural-tours/about-tibetans-in-nepal/>.

32 ‘Tibetan refugee settlements in Nepal’, Central Tibetan Administration, accessed November 25, 2019, <http://centraltibetanreliefcommittee.org/doh/settlements/nepal/settlements-in-nepal.html>.

33 Ibid.

34 Interview with Champa Singh Rai (Secretary, Sanischare Camp Management Committee), 09/29/2019.

35 United Nations, ‘Press Statement : US Ambassador Randy Berry visits Bhutanese Refugee Settlements’, *United Nations Nepal Information Platform*, April 26, 2019, <http://un.org.np/headlines/press-statement-us-ambassador-randy-berry-visits-bhutanese-refugee-settlements>.

36 Michael Hutt, ‘Editorial’, *European Bulletin of Himalayan Research* (EBHR), no.43 (Autumn-Winter 2013).

several rounds of failed bilateral talks for repatriation between the Government of Nepal and the government of Bhutan between 1993 and 2003, the UNHCR and the International Organisation for Migration (IOM) began groundwork for the large-scale resettlement of the refugees in 2007,<sup>37</sup> and the first batch of 100 refugees left for the US in March 2008.<sup>38</sup> Recent figures indicate that more than 113,000 have now been resettled abroad.<sup>39</sup> After the last batch of refugees left the country in December 2017,<sup>40</sup> the resettlement programme drew to a close. The third-country resettlement programme<sup>41</sup> for Bhutanese refugees in Nepal has been lauded as ‘one of the largest and most successful programmes of its kind’ by the UNHCR.<sup>42</sup> Since the global trend is for fewer than 1 per cent of the refugees to be resettled, the figures for Nepal’s Bhutanese refugees—over nine out of every 10 refugees resettled—was deemed ‘exceptional’.<sup>43</sup> Around 5,000 of the remaining 6,500 Bhutanese refugees are living in Beldangi camp, in Jhapa,<sup>44</sup> while the other of the two camps still in operation is in Sanischare, Morang, housing around 1,500. The shelters in the camps are makeshift structures made of bamboo.

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37 UNHCR, ‘Nepal: Start of resettlement process for Bhutanese refugees’, November 6, 2007, <https://www.unhcr.org/news/briefing/2007/11/473055824/nepal-start-resettlement-process-bhutanese-refugees.html>.

38 ‘Third-country resettlement of Bhutanese refugees to increase’, *The New Humanitarian*, June 30, 2008, <http://www.thenewhumanitarian.org/report/79008/nepal-third-country-resettlement-bhutanese-refugees-increase>.

39 Anil Giri, ‘Nepal to resume talks with Bhutan on refugee repatriation’, *The Kathmandu Post*, February 3, 2019, <https://kathmandupost.com/national/2019/02/03/nepal-decides-to-resume-talks-with-bhutan-on-refugee-repatriation>.

40 United Nations, ‘Press Statement : US Ambassador Randy Berry visits Bhutanese Refugee Settlements’, *United Nations Nepal Information Platform*, April 26, 2019, <http://un.org.np/headlines/press-statement-us-ambassador-randy-berry-visits-bhutanese-refugee-settlements>.

41 See UNHCR, ‘UNHCR resettlement Handbook’ (Geneva: UNHCR, 2011), accessed November 24, 2019, <https://www.unhcr.org/46f7c0ee2.pdf>.

42 Deepesh Das Shrestha, ‘Resettlement of Bhutanese refugees surpasses 100,000 mark’, UNHCR, November 19, 2015, <https://www.unhcr.org/news/latest/2015/11/564dded46/resettlement-bhutanese-refugees-surpasses-100000-mark.html>.

43 Anil Giri, ‘No solution yet for 8,500 Bhutanese refugees in Nepal’ *The Kathmandu Post*, November 19, 2017, <https://kathmandupost.com/national/2017/11/19/no-solution-yet-for-8500-bhutanese-refugees-in-nepal>.

44 Interview with Krishna Bahadur Subba (Secretary, Beldangi Camp Management Committee), 09/27/2019.

### ***Identification and refugee status***

Although declining in numbers since 2008, around 2,500 to 3,000 Tibetan refugees cross the border into Nepal annually.<sup>45</sup> However, the Nepali government only recognises those Tibetans who crossed the border before 1989 as refugees; those coming in after that year are considered illegal immigrants.<sup>46</sup> However, a ‘gentlemen’s agreement’, an informal arrangement in place since 1989, obligates Nepal to allow Tibetans crossing the border safe passage through Nepali territory to India.<sup>47</sup> In a related development, after 1994, Nepal stopped issuing refugee cards (RCs) to children who had turned 16, including those born to parents holding valid RCs, leaving many stateless.<sup>48</sup> According to a 2014 report, fewer than 25 per cent of the refugees in the settlements hold RCs,<sup>49</sup> which provide Tibetans the right to reside and travel in Nepal. Without RCs, the refugees live in constant fear of deportation and are subject to exploitation by authorities.<sup>50</sup>

As for Bhutanese refugees, around 1,200-1,300<sup>51</sup> from the Beldangi camp and a little over 200 from the camp in Sanischare<sup>52</sup> do not hold RCs. Their absence from the camps during the census conducted in 2007 when RCs were first issued is the main reason they do not have that document.<sup>53</sup> Many such refugees report living

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45 The International Campaign for Tibet, ‘Dangerous Crossing: Conditions Impacting the Flight of Tibetan Refugees’ (Washington DC: The International Campaign for Tibet, 2011).

46 Tibet Justice Center, ‘Tibet’s Stateless Nationals: Tibetan Refugees in Nepal’ (California: Tibet Justice Center, 2002).

47 See ‘Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights’ Compilation Report—Universal Periodic Review: 2nd Cycle, 23rd Session’, accessed November 25, 2019, [https://www.upr-info.org/sites/default/files/document/nepal/session\\_23\\_-\\_november\\_2015/unhcr\\_upr23\\_npl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/nepal/session_23_-_november_2015/unhcr_upr23_npl_e_main.pdf).

48 Human Rights Watch, ‘Under China’s Shadow: Mistreatment of Tibetans in Nepal’ (USA: Human Rights Watch, 2014).

49 Ibid.

50 ‘Tibetan Settlements: Settlements in Nepal,’ Department of Home, Central Tibetan Administration, accessed April 8, 2019, <https://centraltibetanreliefcommittee.org/doh/settlements/nepal/settlements-in-nepal.html>.

51 Interview with Subba, Krishna Bahadur (Secretary, Beldangi Camp Management Committee), 09/27/2019.

52 Interview with Rai, Champa Singh (Secretary, Sanischare Camp Management Committee), Yangchen Dolker Gurung, 09/29/2019.

53 Nini Gurung, ‘Refugees from Bhutan get first ID cards in Nepal’s



### **Land Encroachment in the Jampaling Tibetan Settlement**

The land in Dulegauda in Pokhara, the location of the Jampaling settlement, was provided to the Tibetan refugee community by the Nepal government in 1975. The settlement is spread over a total of 1,285 *ropanis* (65.4 hectares) and was established for the rehabilitation of former Tibetan fighters who had engaged in guerilla warfare against Chinese forces until 1974 out of their base in the border areas of Mustang, Nepal's northern district close to the Tibetan border. Most of the land is forested and only a small portion of it is currently used for housing and agriculture. The refugees claim to have been serving as the protectors of the land entrusted to them, including the forest area, for the past 49 years. More recently, however, the refugees report that 212 *ropanis* of the land (10.8 hectares) in the settlement has been occupied by the Nepal government in order to construct a training ground for the Nepal Police. Reportedly, the Ministry of Home Affairs issued a notice to the Jampaling Settlement Office invoking its authority to reclaim the said portion of the land for its use.

In another incident in May 2019, residents of the Jampaling Settlement said that some locals came into the settlement and bulldozed trees in a portion of the land in an attempt to flatten the ground to construct a football field. The refugees say that although they contested the encroachment, they believe the locals were given permission by local elected officials. Refugees note that Nepal's recent transition to federalism has created new dynamics between the local government and the refugee community. 'Now that local government bodies have also been bestowed with a certain level of autonomy, we feel like the locally elected representatives will seek to cater to the needs of the local residents of their constituents rather than those of the non-voting refugees,' said one.

The Jampaling Settlement Officer reports having filed a complaint with the Nepal government's Forest Department and with the Ministry of Home Affairs regarding the land encroachment but has, as yet, received no response. The refugees state that they hope to solve the issue with the help of the government in order to avoid direct confrontation and conflict with the locals. They claim that the expanse of land covered by Jampaling, although remote when first given to the refugees, is now of value to both locals and the government given its proximity to Pokhara, an ever-expanding city. They state that owing to their lack of legal ownership, they feel powerless in protecting the land they have been calling home for half a century.

outside the camps in search of better economic opportunities during the census period. Refugees without RCs are currently

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camps', UNHCR, December 10, 2007, <https://www.unhcr.org/news/latest/2007/12/475d761c2/refugees-bhutan-first-id-cards-nepals-camps.html>.

recorded as ‘census absentees’. While such refugees said they have been photographed earlier in 2019 as part of a census by the Nepal government, whether they will eventually receive RCs remains uncertain.<sup>54</sup>

Among the Bhutanese refugees who remain in Nepal, many were unable to apply for third-country resettlement owing to the lack of valid RCs. For others, the reasons for staying back are varied: some had their applications rejected by the host third country; some chose to stay back with ageing parents and grandparents who did not want to leave Nepal; some hope to assimilate into the local community as bona fide Nepali citizens; and some still hope to return to their home country, Bhutan.<sup>55</sup> According to information made available by the Secretary of the Camp Management Committee (CMC) in Beldangi, over 50 per cent of the Beldangi camp residents are awaiting resumption of the third-country resettlement process.<sup>56</sup> A little over 20 per cent, most of whom are elderly, seek repatriation to Bhutan while another estimated 20 per cent hope to settle permanently in Nepal.<sup>57</sup> Similarly, about 30-35 per cent of the refugee population in Sanischare harbour hopes of returning to Bhutan.<sup>58</sup>

## **Socio-economic conditions**

### ***Aid***

#### **Tibetan Refugees**

Most of the funding for the operation and management of the Tibetan settlements across Nepal comes from the Central Tibetan Administration (CTA), the Tibetan ‘government-in-exile’ based out of India. The non-profit Snow Lion Foundation (SLF), established by the Swiss Agency for Development and Cooperation-Nepal (SDC)

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54 Interviews with Bhutanese refugees in the refugee camps in Beldangi, Jhapa and Sanischare, Morang, 09/26/2019–09/30/2019.

55 Ibid.

56 Interview with Krishna Bahadur Subba (Secretary, Beldangi Camp Management Committee), 09/27/2019.

57 Ibid.

58 Interview with Champa Singh Rai (Secretary, Sanischare Camp Management Committee), 09/29/2019.

in 1972 and currently funded by the CTA,<sup>59</sup> provides support to Tibetan refugees in all the settlements in Nepal in terms of education, healthcare and social welfare.<sup>60</sup> In addition, several international donor agencies have also been providing financial support to Tibetan refugees in Nepal. Among others, the United States Agency for International Development (USAID) provided financial assistance towards the construction of toilets and in the roofing of shelters in the Tashiling settlement, and offered assistance with the operation of livelihood-related projects.<sup>61</sup> In Jampaling settlement, the USAID has funded agricultural training on banana and papaya farming. Similarly, the Lodrik Welfare Fund, founded by a team of Swiss women in 1988, has also been conducting various projects aimed at supporting children in need, students, the elderly as well as nuns and monks across Tibetan refugee settlements in India and Nepal.<sup>62</sup> The Lodrik Welfare Association has also been providing assistance to the ex-guerrillas and their families.<sup>63</sup> In addition to the financial assistance provided by the CTA and by other donors, the Camp Management Committee staff in the settlements situated in urban areas like Pokhara say they are able to generate additional funds by renting out space to shops and eateries.<sup>64</sup>

### **Bhutanese Refugees**

The impact and involvement of international and national donor agencies and organisations in Bhutanese refugee camps has been extensive ever since the arrival of the refugees in the early 1990s. However, as the refugee population began to shrink due to the third-country resettlement programme, most donors withdrew their services.<sup>65</sup> Compared to a number of organisations contracted

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<sup>59</sup> The CTA), also referred to as the Tibetan Government in Exile, is based in Dharamsala, India and governs Tibetan refugees living in exile all over the world.

<sup>60</sup> See 'Sponsor A Child in Exile: Snow Lion Foundation', The Tibet Fund, accessed November 25, 2019, <http://tibetfund.org/snow-lion-foundation/>.

<sup>61</sup> Tibetan refugees in the Tashiling settlement, Chhorepatan. Interview with Sudeshna Thapa, Yangchen Dolker Gurung, 11/22/2019.

<sup>62</sup> See 'Lodrik Welfare fund Nepal', Tibetfreunde Association, accessed November 25, 2019, <https://tibetfreunde.ch/en/sponsorships/lodrik-welfare-fund-nepal/>.

<sup>63</sup> Ibid.

<sup>64</sup> Interviews with Tibetan refugees in the Tashiling settlement, Chhorepatan, 11/22/2019.

<sup>65</sup> Save the Children, UK had provided basic health care from 1992 to 2002

to distribute food and other basic provisions in the camps earlier, after 2006 the Lutheran World Federation (LWF) has taken over.<sup>66</sup>

In addition to food aid, Bhutanese refugee camp residents also received health and medical aid from various organisations. The Association of Medical Doctors of Asia (AMDA) has been providing primary health care services inside the camps.<sup>67</sup> Legal counselling and legal representation was also made available to victims of serious crimes, including gender-based violence, as well as to alleged perpetrators, by the Nepal Bar Association.<sup>68</sup> In terms of education-related funding, Caritas (Nepal) working with the Jesuit Refugee Service, South Asia, was responsible for secondary and higher secondary education,<sup>69</sup> while OXFAM Nepal organised non-formal adult literacy and pre-school education classes for the first few years beside initiating community-based income generation programmes and rehabilitation programmes for 'persons with special needs' (PSNs).<sup>70</sup>

Much of the aid previously available to Bhutanese refugees has now dried up. While the refugees were previously provided with basic provisions such as food grains, vegetables, cooking oil and the like, food aid is no longer provided. As reported by the refugees, while they had been receiving some monetary support in lieu of food aid since 2018, even that has now been rescinded.<sup>71</sup> The provision of bathing soap was discontinued as early as January 2000 and kerosene, used for cooking and lighting, was suspended at the end of 2005.<sup>72</sup> In addition, the clinics and schools in the

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while in 1995 and 1996, the Centre for Victims of Torture, Nepal (CVICT) had provided occupational therapy and medical counselling to those traumatised by violence in Bhutan for a couple of years in the 1990s. Interviews with Bhutanese refugees in the refugee camps in Beldangi, Jhapa and Sanischare, Morang, 26-30 September 2019; Anil Giri, 'Bhutanese refugee issue resurfaces after provisions dry up', *The Kathmandu Post*, December 5, 2018, <https://kathmandupost.com/valley/2018/12/05/bhutanese-refugee-issue-resurfaces-after-provisions-dry-up>.

<sup>66</sup> 'Bhutanese Refugees: Life in the camps', accessed November 25, 2019, <http://bhutanese-refugees.com/life-in-the-camps>.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Interviews with Bhutanese refugees in the refugee camps in Beldangi, Jhapa and Sanischare, Morang, 09/26/2019–09/30/2019.

<sup>72</sup> Ibid.

camps have now almost wholly been ‘phased out’ and the UNHCR is set to terminate its services in the camps by the end of 2020, by which time UNHCR plans to have ‘locally integrated’ the refugees in coordination with the local government.<sup>73</sup>

### ***Employment***

Bhutanese refugees in the Beldangi and Sanischare camps report that employment opportunities are limited, particularly for those without valid RCs. Some of the refugees run small tea shops and eateries inside the camps. However, they report that they are able to generate very little profit, if any, from such establishments. While some of the more educated have been working clandestinely as teachers in private schools, manual labour is the only option for many others. Even so, refugees report that being paid lower wages than locals is not uncommon. One of the refugees in the Beldangi camp reported, for instance, that while local labourers are paid up to NPR 700 (c. USD 6) a day, camp residents are paid NPR 300 to 400. In the Sanischare camp, some of the Bhutanese refugees have been provided with ‘micro-business licences’, as part of an effort aimed at local integration to allow them to operate stores at a local plaza currently under construction.

For Tibetan refugees, legal registration of businesses is largely dependent on the personal whim of government officials. A number of families in the Tashiling settlement, situated in a tourist region of Pokhara, operate souvenir shops. However, only a few confirm having acquired Permanent Account Numbers (PANs) for their businesses. Refugees report that acquiring PANs on the basis of an RC is becoming increasingly difficult and that most are having to rely on proxy business registration through Nepali citizens. Apart from operating souvenir shops, refugees in the Tashiling camp also work at hotels and restaurants in and around the camps as waiters, receptionists and cashiers. Some others report that they sell souvenirs on Pokhara’s core tourist streets but are often harassed by the police. In the agriculture-based Jampaling settlement, situated in an area farther away from Pokhara’s tourist hub, most families are engaged in subsistence farming. More recently, some

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<sup>73</sup> Interviews with Bhutanese refugees in the refugee camps in Beldangi, Jhapa and Sanischare, Morang, 09/26/2019–09/30/2019.

### **The Story of Laxmi\***

Laxmi runs a small tea shop inside the premises of the Beldangi refugee camp. She bought the shop, a small make-shift, stall-like structure, from a fellow camp resident about three years ago for NPR 35,000 (c. USD 300). The shop, sparsely stocked with biscuits, instant noodles and popsicles, brings in average daily sales of between NPR 300-400.

Although Laxmi has a valid RC and could have applied for third-country resettlement, she claims that she chose not to do so as she wanted to stay back with her husband who wasn't willing to leave. 'He wanted to live in Nepal and I couldn't have left him,' she said. The older three of her four children, two sons and a daughter, have left Nepal through third-country resettlement and are now living in the United States. Her eldest son, she claims, has been struggling with psychological issues ever since he moved to the United States. Her other son is now bed-ridden after having met with an unfortunate accident in the United States in which he was badly injured. She claims to have lost contact with him as well as with her daughter. Her youngest son goes to high school in Damak, the nearest city from the camp.

At present, Laxmi lives with her husband and nephew, both of whom are incapacitated with sickness and disability. When asked if she wished to move to the United States where her children are, her desperation to be reunited with her children is palpable: 'At this point, I don't care where I live but I want my family to be together.'

Laxmi says that she does not have much hope of repatriation to Bhutan. 'The idea of moving back to Bhutan with my family sounds rosy but who is to say that we will be reinstated respectfully as citizens even if they agree to take us back?'

Laxmi recounts her days back in Bhutan and the trying circumstances under which her family fled from the country. She claims that her family worked as farmers back in Bhutan and had ample property. On the night they decided to flee, their granary was set on fire by the Bhutanese authorities while the family was asleep, she said. 'We feared for our lives and ran off in the clothes we had slept in, leaving everything behind.'

\* Pseudonym used to protect the identity of the individual.

refugees in the Jampaling camp have also established small-scale enterprises, including a feta cheese factory and a noodle factory.

Both Tibetan and Bhutanese refugees have received various kinds of training in the camps. The UNHCR has been providing various vocational trainings to the Bhutanese refugees in both the Sanischare and Beldangi camps through which refugees have received training

on various income-generating activities but most have not been able to convert their skills into income generation. Some refugees in the Beldangi camp reported that it is mostly middle-aged single women who tend to sign up for these trainings since most of the youth are not interested. Similarly, Tibetan refugees in the Tashiling settlement have also been receiving a range of vocational training but finding steady jobs is difficult for them.

For both groups of refugees, the inability to apply for professional licences and the lack of employment opportunities on account of their refugee status is a grave concern. A common complaint among both groups is that most of them are limited to menial jobs despite having higher degrees. In the Sanischare camp, for instance, a refugee couple said that their adolescent son who had plans of pursuing a medical degree was no longer interested in doing so because he was sure that he would not be able to apply for a licence to practise as a doctor after completing his studies. One refugee from the Tashiling settlement shared a similar story: after having completed three-year training in ophthalmology, he was unable to obtain a licence to practice and was left hopping from one odd job to the other, including working as a driver, a recruitment agent, and a waiter. Another refugee from the same place said that his son, who had been working as a successful tourist guide, had been facing immense hardships building a clientele ever since the government crackdown on unlicensed tourist and trekking guides.

Both Tibetan and Bhutanese refugees reported that the situation has given rise to hopelessness and frustration, in particular among youth and children. Many Tibetan refugees note that they have been sending their children to study in India as acquiring Indian RCs is reportedly easier when the children have studied in India from an early age. The refugees report that the chances of landing a good job upon completion of their education is also much higher in India.

### ***Education***

At present, there are 13 schools for Tibetan refugee children in Nepal, including two higher secondary schools in Kathmandu, managed by the Snow Lion Foundation (SLF). Schools are located inside the Tibetan settlements or in the periphery. As reported by

the education officer at the SLF, the number of Tibetan children in the schools, however, is decreasing as parents are increasingly sending their children to schools in India.<sup>74</sup> The school close to the Tashiling settlement, established and operated by SOS Children's Village, for instance, currently has around 30 per cent Tibetan students and 70 per cent local Nepalis.<sup>75</sup> Although the children can choose to continue their education in high schools in Kathmandu and later in private colleges and universities across Nepal, most opt for secondary education and beyond in India. While all the schools for Tibetan refugees are funded by the Department of Education of the CTA, the schools are not permitted to use the CTA curriculum and rather have to adhere to the school curriculum specified by the Nepali government. Owing to scholarships sponsored by the CTA, the students have to pay a minimum fee, which is much less than the fees charged by local private schools.

As for the Bhutanese refugees, the schools in the camp in Beldangi have now been closed and the one in Sanischara is also set to close down soon. Children attending these schools have now been transferred to local government schools as part of the UNHCR's efforts at local integration. Previously, schools were located in each of the seven camps.<sup>76</sup> The schools were free of charge and were run by almost entirely by the refugees themselves with a small number of locally hired staff.<sup>77</sup> The teachers and other school staff were provided with 'incentive salaries' by the UNHCR. The schools offered classes from pre-primary level through secondary level (Grade 10) and the lessons taught also included Dzongkha language classes.<sup>78</sup> For higher education, the students had to apply to local colleges and universities. The number of scholarships available for higher education, however, were limited and most students had to cover the expenses themselves.<sup>79</sup>

At present, the refugees report that they are able to enrol in

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<sup>74</sup> Interview with Tenzin Rabgyal (Education Officer, Snow Lion Foundation), 10/17/2019.

<sup>75</sup> Ibid.

<sup>76</sup> 'Bhutanese Refugees: Life in the camps', accessed November 25, 2019, <http://bhutanese-refugees.com/life-in-the-camps>.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.



local schools, colleges and universities through their RCs. For those without an RC, a 'no-objection letter' issued by the Camp Management Committee, is accepted.<sup>80</sup> However, the refugees report that most children express a lack of interest in attaining higher education owing to the hefty expenses involved and the lack of employment opportunities after completion.

### ***Health and Sanitation***

Previously, Bhutanese refugees had access to health services at clinics situated inside the camps. The clinics, operated by AMDA, were also equipped with emergency services. However, as the clinics have almost wholly been closed down, residents now have to head to local medical institutions outside the camps for all health services. Regular counselling facilities were also available in the camps up until 2017.<sup>81</sup> However, Bhutanese refugees report that they now have to travel to hospitals outside the camps for such services. Similarly, while basic primary healthcare is available in all the Tibetan refugee settlements, the refugees have to go to local hospitals and clinics outside the settlements for more serious health conditions. Both the Tashiling and Jampaling settlements, for instance, have small clinics with full-time nurses and visiting doctors, including those that practise traditional Tibetan medicine.

For Tibetan refugees, the CTA reimburses part of the health expenditure of the refugees on a case-by-case basis. The refugees report that the CMC also helps in raising funds for needy refugees who cannot afford their medical expenses.<sup>82</sup> As for Bhutanese refugees, the refugees in the Beldangi camp report that although those with valid refugee cards have health insurance, it only covers a tiny fraction of their often-hefty medical expenses. The insurance covers medical expenses of up to NPR 110,000 (c. USD 960) for which the refugees are required to pay an annual premium of NPR 3,500.<sup>83</sup> In Sanischare, refugees report that they have are not

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<sup>80</sup> Interviews with Bhutanese refugees in the refugee camps in Beldangi, Jhapa and Sanischare, Morang, 9/26/2019–09/30/2019.

<sup>81</sup> Ibid.

<sup>82</sup> Interviews with Tibetan refugees in the Tashiling settlement, Chhorepatan and the Jampaling settlement, Dulegauda, 10/22/2019–10/25/2019.

<sup>83</sup> Interviews with Bhutanese refugees in the refugee camps in Beldangi, Jhapa, 26-27 September 2019.

currently been provided with insurance facilities but are entitled to a discount of up to NPR 4,000 in local hospitals in Biratnagar and Damak.<sup>84</sup>

The Bhutanese refugee camp in Beldangi currently has 560<sup>85</sup> 'persons with special needs' (PSNs) and the camp in Sanischare has around 110.<sup>86</sup> PSNs include persons with physical and/or mental disabilities or impairment as well as those suffering from terminal illnesses. Families with PSNs have been receiving 'cash support' from the UNHCR, depending on the size of the family. The refugees report that although some monetary support is still being provided to such families, whether they will continue to receive such support is uncertain. One of the refugees in the Beldangi settlement with a PSN family member, for instance, reported that the family had previously been receiving NPR 9,000 every three months, but that they only received NPR 7,000 the last time the 'cash support' was given. In addition to the provision of monetary aid, insurance premiums for PSNs are also covered by the UNHCR.

The situation of geriatric care in the Bhutanese refugee camps is dire, especially so in the case of the ailing and infirm elderly separated from their families. In the case of Tibetan refugees, old-age homes have been set up in some of the settlements for elderly refugees with no family members. The Jampaling settlement, for instance, has an old-age home with 26 residents who are taken care of by six full-time staff sponsored by the Lodrik Welfare Fund.<sup>87</sup> In addition, elderly refugees (those who are 65 years of age and above) who are members of the Lodrik Association, have been receiving NPR 3,500 in old age allowance. Other non-Lodrik elderly refugees have been receiving NPR 1,000 through funds supported by the CTA.

In both the Beldangi and the Sanischare camps, latrines have been built just a few metres away from each shelter. Refugees report that access to toilets is not an issue, especially now that

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<sup>84</sup> Interview with Champa Singh Rai (Sanischare Camp Management Committee), 09/29/2019.

<sup>85</sup> Interview with Krishna Bahadur Subba (Secretary, Beldangi Camp Management Committee), 09/27/2019.

<sup>86</sup> Interview with Champa Singh Rai (Sanischare Camp Management Committee), 09/29/2019.

<sup>87</sup> See 'Lodrik Welfare Fund Nepal', Tibetfreunde Association, accessed November 25, 2019, <https://tibetfreunde.ch/en/sponsorships/lodrik-welfare-fund-nepal/>.

the camps have thinned down. Since 2017, attached toilets have been built into some of the shelters for families with PSNs. Water supply comes from multiple communal taps in the camps. Beldangi residents complained that water used to be free earlier but now they have to pay a monthly fee.

In the Tibetan refugee access to sanitation facilities is good. In the Tashiling settlement, while one toilet had been built for every three houses when the settlement was first established, almost every house now has an attached toilet. The Tashiling settlement reported a scarcity of drinking water but that is a problem common to all of Pokhara.

### ***Psychosocial Well-being***

In the Bhutanese refugee camps, refugees report that separation from family members, particularly in the wake of the third-country resettlement programme, has given rise to grave psychosocial issues among many camp residents. The longing for family re-unification and the looming precariousness has pushed many towards depression, anxiety, and even suicide. Alcohol and substance abuse is also, reportedly, rife in the camps. Many refugees also report having to rely completely on the money remitted by relatives abroad to meet their daily expenses. The increasing paucity of resources in the camp, as noted by many refugees, has given rise to criminal activities including theft, burglary and domestic violence in the camps.<sup>88</sup> A 'Community Watch Centre' has been established in both camps to handle minor conflicts and disputes. There is also a mediation system in place for the resolution of such disputes. Criminal cases such as rape and domestic violence, however, are referred to the local police.

In stark contrast to the situation of Bhutanese refugees where mental and psychological afflictions are reportedly common, the Tibetan refugees claim that among them, refugees affected by such conditions are rare exceptions. The refugees attribute the situation to their religious beliefs and practices that encourage and instil 'inner peace and harmony'.<sup>89</sup>

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<sup>88</sup> Interviews with Bhutanese refugees in the refugee camps in Beldangi, Jhapa, 09/26/2019–09/27/2019.

<sup>89</sup> Interviews with Tibetan refugees in the Tashiling settlement, Chhorepatan

### The Story of Geeta\*

Geeta is a 58-year-old single woman living in the camp in Beldangi. She volunteers at a small store, inside the camp, that showcases decorative handmade artefacts made by members of the Bhutanese Refugees Association of the Disabled (BRAD).

Soon after she came to Nepal with her husband and two young sons, the couple decided to venture out of the refugee camp in search of better living conditions and economic opportunities. They moved to the capital, Kathmandu, where they ran a small eatery for several years. While in Kathmandu, they suffered the tragic death of their younger son from typhoid. Soon after, they also had to close down the eatery they had been running as the Nepali government tightened monitoring of laws requiring proprietors to present registration certificates and tax records.

Stripped of their only source of income, they had no other option but to move back to the camp. However, their absence from the camp when refugee cards (RCs) were being issued meant that the couple lacked any identification despite having moved back. Soon after moving back into the camp, Geeta's husband was afflicted with a condition that affected his kidneys. Unable to meet the expenses for the frequent dialysis he required, he eventually died. Geeta's other son is married to a Nepali girl and lives in Kathmandu. However, owing to Nepali citizenship laws that bar foreign men married to Nepali women from acquiring Nepali citizenship, he, too, is living without any identification documents.

Geeta claims that her only desire now is to be reunited with her brother, who left for the United States in 2007. He was among the first batch of refugees who left the camp for third-country resettlement. She reports that her brother has been remitting money to her every now and then and that the money he sends is her only means of subsistence at present. She hopes to move to the United States and live with her brother but worries that without an RC, her chances are bleak. If she were to get an RC, she believes her brother would be able to sponsor her stay with him.

\* Pseudonym used to protect the identity of the individual.

### ***Freedom of Religion, Expression and Association***

Inside each Tibetan settlement, a *gompa* (Buddhist monastery) and a *chhorten* (stupa)<sup>90</sup> have been constructed. Some of the settlements, including the Tashiling and Jampaling settlements, also have

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and the Jampaling settlement, Duleganda, 10/22/2019–10/25/2019.

<sup>90</sup> 'Tibetans in Nepal: History of Tibetans in Nepal', The Tibetan Encounter, accessed November 25, 2019, <https://tibetanencounter.com/pokhara-cultural-tours/about-tibetans-in-nepal/>.

community halls where refugees hold community gatherings and celebrations. The Bhutanese refugees, most of whom are Hindus and share strong religious, cultural and linguistic ties with the majority religious group in Nepal, also report never having faced restrictions in their religious and cultural practices. While some of the Bhutanese refugees are reported to have converted to other religions such as Christianity and Buddhism,<sup>91</sup> the refugees claim that there is religious tolerance and harmony among the refugees of different faiths.

Several community organisations have been established by both the Tibetan and the Bhutanese refugees in their respective settlements. Among others, these bodies hold regular programmes and community events for the refugees. The Bhutanese Refugee Association of the Disabled (BRAD), the Bhutanese Refugee Women's Forum (BRWF) and the Bhutanese Refugee Children's Forum (BRCF) are among those working actively in the Bhutanese refugee camps. These organisations have been funded by the UNHCR but it is uncertain whether and how they will be able to sustain themselves once the UNHCR ends its involvement in the camps since several others have already gone defunct owing to lack of funds.<sup>92</sup> Similarly, the Regional Tibetan Youth Congress (RTYC), headquartered in Dharamshala, India, has a chapter in each Tibetan settlement and is involved in activities such as environmental clean-up campaigns and youth programmes.<sup>93</sup>

With regard to freedom of expression, the Bhutanese refugees report that they have been voicing their demands, under the leadership of the CMC, in various forums such as at conferences and discussion programmes. The CMC Secretary in Sanischare, for instance, underscored having participated in several roundtable discussions and informal conversations about their situation with the newly elected Mayor. More recently, the refugees remaining in the camps have been advocating strongly for repatriation to Bhutan.<sup>94</sup>

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91 See Donald A. Ranard, 'Bhutanese Refugees in Nepal', COR Center Refugee Backgrounder No. 4, 2.

92 Interview with Jhiru Prasad Ghimire (Programme Manager, Bhutanese Refugee Association of the Disabled [BRAD]), 09/27/2019.

93 Ibid.

94 See Arjun Rajbanshi, 'Bhutan refugees rally for help to go back home',

In contrast, Tibetan refugees report having faced increasing restrictions in voicing their political opinions over the years.<sup>95</sup> They claim that even peaceful protests are repulsed and met by police intervention.<sup>96</sup> There are reports of the deportation of Tibetan refugees by Nepali authorities,<sup>97</sup> while there have also been instances in the past when they have been barred from celebrating the birthday of their spiritual leader, the Dalai Lama.<sup>98</sup> They also claim to be under high police surveillance during March 10th, the day of national uprising in Tibet, celebrated every year.<sup>99</sup>

Most recently, Tibetan refugees reported being under strict surveillance and monitoring during the visit of the Chinese president, Xi Jinping, to Kathmandu in October 2019. Several campaigners of the 'Free Tibet' movement and human rights activists were detained in Kathmandu in the lead-up to and during Jinping's visit.<sup>100</sup> The Nepal police is reported to have stepped up security around monasteries in Kathmandu to prevent protests.<sup>101</sup> Even Nepali citizens sporting clothes and accessories with Tibetan

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*The Kathmandu Post*, December 11, 2018, <https://kathmandupost.com/national/2018/12/11/bhutan-refugees-rally-for-help-to-go-back-home>; Anil Giri, 'Nepal decides to resume talks with Bhutan on refugee repatriation', *The Kathmandu post*, February 3, 2019, <https://kathmandupost.com/national/2019/02/03/nepal-decides-to-resume-talks-with-bhutan-on-refugee-repatriation>.

<sup>95</sup> Interviews with Tibetan refugees in the Tashiling settlement, Chhorepatan and the Jampaling settlement, Dulegauda, 10/22/2019–10/25/2019.

<sup>96</sup> Ibid.

<sup>97</sup> See Paul Eckert, 'Nepal deports 6 Tibetan asylum seekers to China', *RFA*, September 9, 2019, <https://www.rfa.org/english/news/tibet/nepal-deport-09092019064318.html>; Ungentlemanly Nepal has deported six Tibetan asylum seekers', *Tibetan Review*, September 11, 2019, <http://www.tibetanreview.net/ungentlemanly-nepal-has-deported-six-tibetan-asylum-seekers/>; Gopal Sharma, 'Nepal detains Tibetan refugees in crackdown as China's influence grows', *Reuters*, November 16, 2016, <https://www.reuters.com/article/us-nepal-tibet-refugees-idUSKBN13A2BQ>.

<sup>98</sup> See Marleen Heuer, 'China increases influence over Tibetan refugees in Nepal', *DW*, August 29, 2016, <https://www.dw.com/en/china-increases-influence-over-tibetan-refugees-in-nepal/a-19511365>.

<sup>99</sup> Interviews with Tibetan refugees in the Tashiling settlement, Chhorepatan and the Jampaling settlement, Dulegauda, 10/22/2019–10/25/2019.

<sup>100</sup> Himalayan News Service, '11 Tibetan refugees among 22 held', *The Himalayan Times*, October 13, 2019, <https://thehimalayantimes.com/kathmandu/11-tibetan-refugees-among-22-held/>.

<sup>101</sup> Ibid.

### **The Story of Tenzin\***

Tenzin, an 87-year-old resident at the Jampaling settlement, first arrived in Nepal as part of the Tibetan Resistance Army that fought for Tibet's independence against Chinese troops from 1960 through 1974. The army had based themselves in Mustang, close to the Tibetan border. Prior to joining the army in 1958, Tenzin was a Buddhist monk in the Sera Monastery in Tibet. He notes that his sole motivation in joining the army was to fight back against the atrocities faced by the Tibetan community during the Chinese occupation of Tibet. 'We were prohibited from practising our religion freely. Even the monks and nuns suffered abuse at the hands of Chinese authorities,' he recounts.

He expresses grief as he recalls the hopelessness he felt as a monk hearing numerous accounts of bombings in Buddhist monasteries and of Tibetans facing persecution for practising Buddhism and for revering the Dalai Lama. After the armed resistance was called off in 1974 by the Dalai Lama, Tenzin reports that they struggled to sustain a livelihood. Consequently, some of the former guerrilla warriors managed to migrate from Mustang to the southern parts of Nepal to join the larger Tibetan refugee communities. In 1975, the ex-militants were provided with strips of land in the mid-hills, one in Dulegauda and the other in Pokhara, where they were allowed to build settlements and grow crops. Since then, Tenzin has been living in the Jampaling settlement in Dulegauda, where he eventually married and raised five children.

All of his children have migrated to Pokhara and Kathmandu, and India, in search of better economic opportunities. Although suffering from health problems himself, Tenzin also takes care of his ailing bed-ridden wife. Tenzin says that while there is an old-age home in the settlement, he cannot avail of its services as residency in the home is reserved for the elderly without any family members. Those with children, like Tenzin, have to fend for themselves and rely on their children. Tenzin says that his children visit him now and then, mostly during festivals and in case of emergencies, but that it is not practical for them to live in the settlement with the parents as employment opportunities are limited.

Tenzin says that he enjoys living in the settlement as he feels a sense of community. 'I meet my fellow residents every day. We pray together and celebrate our festivals as a community,' he exclaims. He expresses grief, however, on being unable to celebrate the Dalai Lama's birthday like before. Being a freedom fighter in the days of his youth, Tenzin resents not being able to protest peacefully and not being able 'to share the truth about his nation and his people'. Having lived in Nepal for almost six decades, he still hopes to return to Tibet one day.

\* Pseudonym used to protect the identity of the individual.

signage were detained.<sup>102</sup> Refugees in the Jampaling and Tashiling settlements also report having been under strict surveillance and that they were barred from travelling to Kathmandu at the time.<sup>103</sup>

## **Conclusion**

For the remaining Bhutanese refugees still in Nepal, all of UNHCR's 'three durable solutions' for refugee situations—voluntary repatriation, local integration, and resettlement<sup>104</sup>—appear unlikely. While the Government of Nepal is reported to have considered resuming talks with Bhutan on refugee repatriation,<sup>105</sup> no formal steps have been taken so far. Local integration of refugees as Nepali citizens also seems unlikely as the Nepali government has expressed no intention of accepting the refugees as citizens.<sup>106</sup> In addition, the third-country resettlement programme facilitated by the UNHCR and the IOM has also been closed officially and chances of resumption are bleak. For Bhutanese refugees who have had their third-country resettlement applications rejected by the UNHCR, the implications are far-reaching as it limits their access to not just one, but to all third-countries accepting refugees for resettlement.<sup>107</sup>

The gradual tapering off of aid in the Bhutanese refugee camps, particularly in the wake of the third-country resettlement programme, coupled with limited employment opportunities, has led to increased economic strain on the Bhutanese refugees. With

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102 Bhrikuti Rai, 'Nepali citizens detained during Xi Jinping's visit for Tibetan signage on clothes and accessories', *The Kathmandu Post*, October 17, 2019, <https://tkpo.st/2nXWrk2>.

103 Interviews with Tibetan refugees in the Tashiling settlement, Chhorepatan and the Jampaling settlement, Dulegauda, 10/22/2019—10/25/2019.

104 UNHCR, 'The 10-point Plan: Solutions for refugees', accessed November 1, 2019, <https://www.unhcr.org/50a4c17f9.pdf>.

105 Anil Giri, 'Nepal to resume talks with Bhutan on refugee repatriation', *The Kathmandu Post*, February 3, 2019, <https://reliefweb.int/report/nepal/nepal-resume-talks-bhutan-refugee-repatriation>.

106 Nepal's stance on the issue is evidenced in a recent statement by Nepal's Minister for Foreign Affairs: 'Time and again, we have made clear to the UN refugee agency that we hosted them purely on a humanitarian ground...We have also flatly rejected the local assimilation of the refugees as our priority is our own people, not the refugees.' Ibid.

107 Ilse Griek, 'A Daughter Married, a Daughter Lost? The impact of resettlement on Bhutanese refugee marriages', *European Bulletin of Himalayan Research* (EBHR), no.43 (Autumn-Winter 2013): 26-36.



the UN set to fully terminate its services in the camps from 2020, the refugees await durable solutions to their predicament. That they have been facing increasing difficulties due to their refugee status in securing sustainable livelihoods for themselves and for their future generations is a major concern for the refugees. The need for efforts aimed at facilitating holistic self-reliance for the refugees, both on the part of the government and the UN, cannot be overemphasised.

While the Bhutanese refugees report having experienced no restrictions in exercising their freedom of religious belief and freedom to express political opinion, the Tibetan refugees appear to have been increasingly and negatively impacted by Nepal-China geopolitical relations and Nepal's express commitment to curb pro 'Free Tibet' activism in the country.<sup>108</sup> Recent incidents such as the detention of Tibetan refugees in the country during Xi Jinping's Nepal visit raise the question of how Nepal's increasingly closer ties with China will affect the lives of the Tibetan refugees in the future. The 'Treaty on Mutual Legal Assistance in Criminal Matters' signed between the two countries during Xi's visit and reports of a possible extradition treaty,<sup>109</sup> in particular, raise grave human rights concerns, including violation of the principle of non-refoulement.<sup>110</sup>

Nepal's approach in devising and designing durable solutions, for both Tibetan and Bhutanese refugees living in the country, is especially relevant in the context of growing international concern

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108 A statement issued by then Deputy Prime Minister and Home Minister Krishna Bahadur Mahara in 2011 evidences Nepal's position on 'Free Tibet' activism: 'Nepal does not have policy to allow any activities against its neighbors. We are aware about Free Tibet activities. We won't let such activities take place in Nepali soil'. See Human Rights Watch, 'Under China's Shadow: Mistreatment of Tibetans in Nepal' (USA: Human Rights Watch, 2014).

109 Bhrikuti Rai, 'Nepali citizens detained during Xi Jinping's visit for Tibetan signage on clothes and accessories', *The Kathmandu Post*, October 17, 2019, <https://tkpo.st/2nXWrk2>.

110 While Nepal is not a party to the *UN Convention Relating to the Status of Refugees*, it has ratified the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, which also enshrines the non-refoulement obligation. See United Nations Office of the High Commissioner for Human Rights, 'The principle of non-refoulement under international human rights law', accessed November 25, 2019, <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>.

about the situation of refugees worldwide and the need to work towards a sustainable future for refugees.<sup>111</sup>

## **Recommendations**

The following recommendations are proposed to improve the socio-economic situation of Tibetan and Bhutanese refugees living in Nepal.

- Interventions are required from the Government of Nepal as well as other partner entities aimed at facilitating employment and income generation for both refugee groups through training and awareness campaigns aimed at promoting sustainable livelihood. At the same time, the Government of Nepal should create provisions to allow qualified Bhutanese and Tibetan refugees to enter the Nepali job market as well.
- Likewise, the psychosocial wellbeing of both refugee groups, including easy and affordable access to counselling services, needs to be prioritised, as does care of the growing elderly population among both groups.
- The Government of Nepal should take the initiative to restart the process of granting refugee cards to Bhutanese refugees who were absent during the documentation process so that the possibility of third-country resettlement can be opened to them.
- Instead of rendering them stateless, the Government of Nepal should immediately grant refugee cards to children born to bona fide Tibetan refugees.
- Training and awareness campaigns should be conducted among law enforcement personnel, aimed at enhancing protection, promotion and respect of the human rights of both refugee groups, including the right to freedom of expression, association and assembly.
- In the case of Tibetan refugees, the ‘gentleman’s agreement’ to allow Tibetans crossing the Nepali border safe passage through to India should be honoured by the Government of Nepal.

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111 See ‘The Global Compact on Refugees’, UN High Commissioner for Refugees (UNHCR), accessed November 28, 2019, <https://www.unhcr.org/the-global-compact-on-refugees.html>; UN High Commissioner for Refugees (UNHCR), ‘UNHCR and the 2030 Agenda—Sustainable Development Goals, 2017’, accessed November 25, 2019, <https://www.refworld.org/docid/59db4b224.html>.