CHAPTER V

MIGRATION, ISSUES OF SECURITY AND BILATERAL RELATIONS
Migration and its linkages with the security are varied. Migration can lead to economic insecurity among the native population in terms of replacing the natives from scarce job and putting extra burden on the country’s economy in terms of health, sanitation and other social services. Migrants can also cause political threat by their ethnic demands with the extra territorial ethnic linkages posing a threat to external security with for reaching implications.

The demographic threat that the migrants pose is a major concern, which later gives rise to a range of socio-cultural and political problems. Demographically migration can lead to a threat to national identity, culture, language and can create ethnic compartmentalisation on the basis of this configuration. Migration can change the ethnic composition of a homogeneous state.

In the context of South Asia, the ethnic spill over beyond the border through migration, has strained the bilateral relations among the states in the region and the transborder ethnic linkages have resulted in a security threat. The international political borders of South Asia that were given a concrete shape during the colonial period, have cut across the ethnic groups residing in a neighbouring country. This transborder ethnic affinity is to a certain extent responsible for help extended to their ethnic brethren fighting against the host country beyond their national boundary.

The countries of the South Asian region have more or less similar culture, and all the states have plural societies with ethnic mixtures. However, evolving a national identity in a heterogeneous society involves a rigorous process of nation building and legitimising cultural symbols which is often synonymous with the culture of majority or ruling elites. “Ethnic diversities though recognised as social givens are perceived as evoking primordial, sectoral loyalties and consequently hampering the development process of the country in general and ‘national integration in particular’.”¹ The cultural heritage of the whole sub-continent is

¹ Urmila Phadnis, *Ethnicity and Nation-Building in South Asia* (New Delhi, 1990) p.84
converged in such a manner that it binds the ethnic groups in different regions in one cultural bond. The cultural and physical boundaries of different region of South Asia overlap. Each of the migrants groups has ethnic brethren across the border with whom they can identify. The socio-cultural identity takes precedence over political identity and transcends the political boundary.

The politicisation of ethnicity and transforming group loyalty into political support by the political elite and encashing it into votes has crippled the chances of assimilation. Rather than taking the initiative to bridge the cultural and social gap between various groups, the differences are highlighted by the political elite to exploit them politically, and in turn emerge as a champions of their cause. Consequently, political actors appeal to them on ethnic lines thereby legitimising their ethnic identity and making them a separate entity. Ethnic representation, and affirmative discrimination only entrenches their identity. It is thus, that migrants have become a factor in the ethnic politics of many countries in South Asia.

The issue of assimilation is interwined with the migrants socio-cultural exclusivity, and the importance they attach to their identity. The attachment to their culture emanates from the migrants sense of insecurity in an alien country and an alien culture. Their association with the people of their country of origin in the host society provides them with the satisfaction of being attached to their cultural values through interaction within their own group that results in immense psychological satisfaction. The discriminatory policy of the host society sometime strengthens the group solidarity and can lead to the formation of an ethnic based party. This provides them with the power to bargain and protect their interests. Cultural associations, religious festivals, commemorating the significant dates in the history of their native country, keeps their attachment to the native society alive. All these factors consolidate their 'identity'. The migrants after being conferred citizenship, are accepted as part of the state thus bearing equi-responsibility in the governance of the country. They are, however, expected to accept the cultural values of the host
society. Their tradition and culture are always kept in the periphery or in most of the cases are considered as alien. The 'homogenising tendency' of the government, whether authoritarian or democratic, is adopted as a means to mobilise people on grounds of nationalism, to strengthen and legitimise their power. Any effort on the part of the migrants to retain their unique culture and tradition raises suspicion and casts doubt on their loyalty. Though they are made a part of the polity, their way of life is not accepted. Since language and culture in intertwined and form an essential and significant part of their identity, complete assimilation is impossible. The policy of the government to a certain extent leads further to the alienation which pushes them further. It compels the migrants to assert their ethnic identity which they logically believe is a part of the host society with their membership in the polity.

Migrants are generally seen more as a cultural threat rather than an economic threat. As a noted scholar has put it, "These cultural norms govern whom the society lets in, what rights and privileges are given to those who are permitted to enter, and whether the host culture regards migrants as potential citizens." However, the perception of each country varies according to the specificities of its socio-economic and political situation. For example, Bhutan— which till 1990 did not have any problems with the Nepalese settlers started perceiving them as threat due to socio-political considerations. The attitude of the government is largely influenced by non-economic factors. The reaction of the natives is based on the material condition of their life. The migrants are considered as an economic threat since they are seen as snatching the jobs from the natives for low wages. Economic and cultural threats, however, tend to get intertwined over time. as a keen observer of the South Asian scene has put it, "what constitutes cultural affinity for one group in a

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multiethnic society may represent a cultural, social, and economic threat to another."³

In South Asia, there is a common historical past which makes for similarities in culture and traditions. However, the 'national identity' in most of the countries is necessarily identified with the culture of the dominant ruling elites. Ethnic minority in such society feels alienated. In this context the ethno-cultural identity of the migrants remains at the periphery. India has got the ethnic mixture of almost all the ethnic groups of the South Asian region. National identity here constitutes a sum total culture of the groups residing inside the country. In the case of Pakistan, its national identity has become synonymous with the Urdu speaking Punjabi elites. In the case of Nepal, it is the culture of the hill people especially the Newars and Chetris, what constitutes a national identity. In the case of Bhutan, the national identity emanates from the unique Mahayana Buddhist culture, that is mainly associated with the socio-cultural life of the ruling elites the 'Ngalongs'. In the case of Bangladesh, it is the Islamic culture and Bengali language. Sri Lankan national identity is in consonance with the Buddhist religious identity and Sinhalese language. In all these states with the exception of Bangladesh, the migrants face a problem of identity. Since their ethno-cultural identity makes them separate from the natives, the assertion of their separate identity makes their motives suspective. Their cultural identity is often seen as an extension of the culture of the neighbouring states. This in turn is sometimes projected as a part of the grand design of the neighbouring states to overshadow the national identity of another country by demographic invasion and a part of cultural imperialism. Extra territorial ethnic loyalty not only defines the gamut of bilateral relationships but also influences the domestic political environment. "The bilateralization of migration has become linked

³ ibid, p.136
to other bilateral issues—trade, aid, investment, water resources, environment—thereby involving even more bureaucratic agencies in considerations of migration."

Ethno-cultural linkages and overlaps between the people of the South Asian states make any socio-cultural, economic and political demands by an ethnic group a transborder affair. They are given moral support by their ethnic brethren from across the border. The ethnic groups gain strength and assertiveness from their kinsmen residing across the border. Any ill treatment meted out to these group can create furor among their ethnic brethren and seriously undermine inter-state relations. Above all as a scholar argues, 'what is most troubling to the government in South Asia is the unwanted ethnic mix that migration brings into community anxiously seeking to assert their own identity.' Acquisition of formal citizenship does not end the migrants' relationship with the native country as they continue to depend on the country of their origin for emotional and moral support. What initially starts as a confrontation between the migrants and the host country takes the colour of a bilateral problem between two states, the host country and the native country.

The porous borders defeat all the efforts to control migration. This has become one of the major causes of inter-state tension in the region. For example: The presence of Bangladeshi emigrants in North-Eastern region and the presence of Chakma refugee in Arunachal Pradesh is one of the major irritants in Indo-Bangladesh relations. The Nepalis in India and their political activities and the Indians in Nepal and the restrictions imposed on them, has caused ripples in the Indo-Nepal relations. The immigration of Nepalis into Bhutan and the current ethnic problem in the tiny Himalayan Kingdom, has also affected the bilateral relations between Nepal and Bhutan.

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4 Weiner, n.2, p.130.
5 Myron Weiner, "Rejected People and Unwanted Migrants in South Asia". Economic and Political Weekly, (Bombay), 21 August 1993, p.1731
Migrants as a ethnic group can be a factor in the state’s national security. In the case of ethnic conflict and separatism in the native society, the migrants find their protagonists among the kin-oriented groups across the borders or as diasporas with its spatial dispersal across the globe (e.g. Tamils, Sikhs). “The activities of such groups have included aid to the militants, mobilisation of public opinion in the country of their adoption, arranging asylum and internationalising their cause as that of ‘national liberation’. Depending upon their organisation, skill and motivation they do provide a clout to ethnic separatism...” Any conflict between migrants and ethnic groups in the host society always involves the ethnic group of native country. As a noted scholar puts it “…This external involvement leads to intra-regional and extra-regional linkages. Reflecting the structural inequality of the contemporary global system, such linkages account for the twists and turns in the bilateral as well as multilateral pattern of alignments and realignments.”

The issue of migration has affected inter-state relations and security in the case of both Nepal and Bhutan. The security in South Asia has a socio-cultural, politico-economic connotations: It does not have a military connotation as far as migration is concerned. Both in case of Nepal and Bhutan the threat is explained in terms of socio-cultural and demographic threat. This is because largely Indians who are staying in Tarai and the Nepalese who are staying in Bhutan are considered as a part of a larger diaspora who are natives of another country. The insecurity in both the country has emanated from the migrants’ demographic strength in the host country in addition to their presence in large numbers beyond the borders. Both Nepal and Bhutan perceive cultural and demographic threats from their migrant groups. Indians in Nepal are seen as an extension of the Indian culture. The general opinion in Nepal is that since Nepal is small in size, any addition to their demography is a threat to their cultural identity and retards economic development.

Weiner, n.5, p1742
In case of Nepal, Indians are considered as potential economic threat as far as business opportunities and employments are concerned.

II

The Indo-Nepal relations are in a large measures shaped by socio-cultural relations. In the words of Jawaharlal Nehru, the Prime Minister of India, geography and history determined the close relations between India and Nepal. “Broadly speaking, our relations depend not really on any persons goodwill, on Nepal’s goodwill, on that government or this government....They depend on geography and history, which cannot be easily done away with”. Indo-Nepal relationship is quite unique because of the open borders and Indo-Nepal Treaty of Peace and Friendship of 1950, especially the clause VI and VII which deal with the reciprocity of the treatment to each other’s nationals. Clause VI stipulates national treatment to the citizens of the other, in its territory in matter of participation in industrial and economic development and provides them concession and contract related to it. Further clause VII of the treaty states that on a reciprocal basis same privileges would be granted in the matter of residence, ownership of property, participation in trade and commerce and movement. (see Appendix I). The Indian migrants were never a bone of contention between the two countries during the regime of both Shahs and Ranas before 1950. In fact, the migrants were rather encouraged to settle down in the sparsely populated malarious Tarai areas strictly for economic reasons.

The period after 1950 was marked by cordiality between India and Nepal which can be largely attributed to the help India had rendered in restoring power to the King. The change in the policy during King Mahendra’s era can be attributed to the changed circumstances. As an expert on Nepalese politics has pointed out, “he was in no way obliged like his father, King Tribhuvan, to perpetuate India’s

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guidance and leadership over Nepal." In 1955, Tanka Prasad Acharya of Praja Parishad assumed the Prime Ministership of Nepal. He expressed his government's decision to change the special relations with India in favour of equal friendship with other countries. The emigrants from India are mostly settled in Nepal's Tarai. Since for the migrants the geographical proximity and socio-cultural affinity is more with adjoining states in the Indian side than with the hills, Their political and social allegiance was suspected because their socio-cultural affinity was seen as being largely derived from across the border. The changing dimensions of the relationships resulted in certain measures that were taken to restrict Indians in Nepal. In 1957, the Nepali citizenship certificate was needed for all school teachers. Those teachers who did not possess such certificates were required to seek special permission from the Ministry of Education of Nepal.

The anti-Indianism which marked the bilateral relations after 1960 largely shaped the policy toward Indian immigrants, after the introduction of Panchayat regime. The dismissal of B.P.Koirala in 1959, due to some internal political dynamics in Nepal was criticised by Nehru, the Prime Minister of India as a setback to democracy. The deterioration of relationship was marked by the establishment of diplomatic relations with China. Nepal signed a boundary agreement with China and the Friendship Treaty in 1960. Further, the same year Nepal established diplomatic relations with Pakistan in its effort to diversify its foreign policy. On 5 July 1961 King Mahendra clearly laid down that the main objectives of His Majesty’s Government were: “to safeguard the territorial integrity and sovereignty of the Kingdom of Nepal under all circumstances; and to keep the Nepalese nationality free

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10 S.K.Jha, Indo-Nepal Relations (Delhi,1989), p.44.
11 ibid., p.49.
from the unhealthy influence of the anti-national elements that are motivated by such anti-social outlooks as communalism and regionalism.”

The cooling off of relations between both the countries largely resulted from the Nepal’s suspicion that India was helping the democratic movement in Nepal. The ruling elites were apprehensive that, “the Nepali Congress leaders who had fled to India might organise centres of opposition from Indian soil.” The pro-Chinese policy was guided by, as an expert has put it, to gain “double benefit of popularizing itself at home and putting diplomatic pressure on the Indian Government to change its original stand regarding the movements of exiled Nepalese leaders in India.”

The deterioration of relations had certain repercussions on the Indians on Nepal. The Nepali Congress in its anti-regime activities had found many protagonists in India. Since the administration was dominated by the people from hills, the Tarai people were sympathetic to the Nepali Congress and even had granted asylum to them in their anti-King activities.

All these factors led to series of laws, enacted by the government of Nepal to restrict Indian migration. The 1964 Citizenship Act not only increased 15 year residence for applying for citizenship but the knowledge to read and write Nepali was introduced as primary requirement to attain citizenship. This created problem for Indian migrants who saw these measures as going against their interests. The reciprocal clauses of Indo-Nepal Friendship treaty were also given scant regard when laws like Industrial Enterprise Act of May 1961, The new Mulki Ain of Nepal 1963, The Citizenship Act of 1964, The 1964 Ukhanda Unmoulan Ain (Eradication of Alien Acts) were enacted crippling the interests of the Indians settled in Nepal.

The implementation of this Act resulted in all the farm labourers settled on land in

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15 Gupta, n.13, p.247.
three western districts-Rupandehi, Nawalparsi and Kapilvastu about 50,000 peasants being expelled.16

The government of India's reaction to all these Acts was discreet. When asked about the effect of land reform Acts in Nepal Tarai, the then Prime Minister Mrs. Indira Gandhi replied that, "we were told that the land reform laws made there apply to everybody equally whether they are Indians or Nepalese..." Though it was applicable equally, there was a growing feeling among Indians in Tarai that it affected the Indians more because they were supposed to have citizenship identity cards. This also was widely commented upon in Indian circles as having an anti-Indian thrust. On 2nd December 1966 Minister of State for External Affairs Dinesh Singh, presented the list of laws which has violated the rights of Indians.18 Criticising the action of the government of Nepal as against the spirit of 1950 Treaty, he stated: "the government of Nepal in accordance to the provision of the Treaty can take steps to protect its nationals from unrestricted competition. The Nepalese government should have in our opinion, consulted the government of India before bringing in any legislation or taking any other action which would restrict the right and privilege of Indians vis-à-vis Nepalese citizens...we also, propose to request the government of Nepal to ensure that lands and properties lost by Indians under the provision of this Act be restored to them."19

In June 1967, the Nepal Citizenship (Amendment) Act, 'extended two years time-limit for the acquisition of Nepalese citizenship by settlers of foreign origin, 1969 was the deadline and the Law vested absolute discretionary powers in the local Anchaladhish to decide each applicant's claim."20 The treaty of 1950, was criticised

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17 India, Lok Sabha Debates, 21 November 1966, as cited in ibid., p.117.
18 India, Lok Sabha Debates, col.7016, no.22, 2 December 1966.
19 Bhasin, n.8, p.122.
20 ibid., p.48.
several times during this period. In 1969, the King appointed Kirtinidhi Bista as the Prime Minister of Nepal who was a known India baiter. After assuming power, he said that “the theory of ‘special relationship’ for Nepal outside geographical, social and economic realities was out of step with modern development in their relations...”

In 1975, King Birendra initiated the proposal to declare Nepal as a zone of peace which was clearly unacceptable to India. This proposal was mooted with the intention to minimise India’s influence in the Kingdom so as to restrict the democratic forces operating from India. To tackle widespread discontent against the Panchayat regime for its failure in socio-economic fronts, the King started to campaign vigorously for the zone of peace proposal, regulation of open border to stop Indian labourers in Nepali market and thereby provide job opportunities to Nepalese themselves. In 1976, Tribhuvan University decided to derecognise degrees of certain Indian University. India also followed the suit by derecognising degrees from Nepal.

The issues of National language, work permit system have been a major stumbling block in the way of cordial inter-state relations. The New Education Plan which was introduced in 1971 discouraged education in the Hindi medium. The knowledge, reading and speaking of Nepali was needed for naturalisation. The 1980 Citizenship Act prescribed residential qualification of two years in the case of a person of Nepali origin and that of fifteen years in the case of others. Citizenship certificates were required to get employment and jobs. It was feared that the application of citizenship certificate would result in statelessness.

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21 ibid., p.33.
In 1983, a Population Task Force was appointed to study the internal and international migration in Nepal, which was submitted in 1984. The implementation of the recommendations was shelved because of India's protest and the repercussions it would have on the Nepalis in India. Commenting on the dissatisfaction of the natives over the employment of Indians in Nepal, it was stated that, "the prevailing extent of immigration operative without formal understanding and arrangement could in future jeopardise the political relations between origin and destination countries." Criticising the Indo-Nepal treaties of Peace and Friendship and Trade and Commerce of 1950 the report talked about, Indian dominance over Nepalese foreign trade. As a result, it was noted that Indian immigration to Nepal for trade and commerce had increased. It further stated that, "the job opportunities created by expansion of development activities are being exploited by the foreign labour force and contributing further to increasing unemployment and underemployment of the Nepalese." The report attributed the open border system as being responsible for conflict of interests between two countries. The clause relating to the 'national treatment to each other's citizen was seen as being far from bilateral. "It is rather unilateral in view of the limited capability of the Nepalese nationals to compete in the advanced Indian economic system." Commenting on immigration, the report suggested that, "it is not possible to treat citizens and aliens alike in terms of rights, duties, liabilities or benefits for a small and poor country like Nepal....Uncontrolled international migration is not only

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25 ibid., p.35.
26 ibid., p.39.
27 ibid., p.43.
28 ibid., p.50.
inconsistent with population control policy but might also prove detrimental to the national interest in the long run.\textsuperscript{39}

The Gurung Report among other recommendations had recommended to regulate the movement of people along the border between Nepal and India, and that limited number of entry points should be specified. It further recommended regulation of human traffic which would involve three stages; first, registration of names; second, system of entry permit and inhabitants residing within 10 kilometres of the boundary should be issued only with single entry permit; third, at an appropriate time regular passport system should be introduced between the two countries.\textsuperscript{30} Apart from the above recommendations, the report further emphasised that Indians should be brought within the scope of immigration rules, award of citizenship certificate based on parentage and birth right and change rules regarding naturalisation. Some distinction should be maintained in the status and position of a naturalised citizen vis-à-vis that of a citizen by birth right and parentage and termination of citizenship to be published in the Nepal Gazette and introduction of work permit limited to the shortest possible duration.\textsuperscript{31} Reacting to the Gurung report, the Government of India had stated that it saw no reason whatsoever to enforce visas or regulate travel in the manner proposed by the task force. The report was shelved due to protest by the Indian Government and resentment of the people of Terai.

The work permit system was another major irritants in Indo-Nepal relations during the 1989 Trade and Transit crisis. It was stipulated in April 1987 that Indians in Nepal would hence forth require work permits to work in any organised sector. The reason for enforcing work permit was explained by the Foreign Minister Shilendra Kumar Upadhaya, in Kathmandu, as being for the purpose of maintaining

\textsuperscript{39} ibid., p.46.
\textsuperscript{30} ibid., pp.51-52.
\textsuperscript{31} ibid., pp.59-65.
statistical records to ascertain the number of non-national workers, and protection of labourers by the law of the land and to provide minimum wage.\textsuperscript{32} While justifying the steps, the Nepalese side referred to the provision of the letters exchanged along with the treaty. According to these letters, “it is necessary for sometime to provide safeguards to the Nepali nationals from uncontrolled competition. The nature and scope of such safeguards will be determined through mutual agreement between the two governments according to need.”\textsuperscript{33} However, it may be noted here that Nepal never thought it necessary to consult India before its implementation.

Meanwhile inspite of the protests from India, the of Nepal government went ahead with the plans of implementing the work permit there were also reports that the Nepalese had started hiring Indian workers only on the basis of citizenship ahead. As a result of the requirement for ‘work permit’, many Indians fled the border town of Nepal, adjoining India. It was reported that 5,000 people of Indian origin left Nepal border town and arrived at Baharaich town and Nanpara in Uttar Pradesh with plans to start business anew.\textsuperscript{34} Furthermore this mass exodus was triggered off as a result of violent protests in Banke, Bardiya and Nepalgunj by the Nepali students and political activists. Many of the Indian shopkeepers and traders were looted by the riotious mobs.\textsuperscript{35}

Defending the work permit system, the chief spokesman of Nepali government, reportedly said that, “no grounds for objection can be advanced either at the decision to require work permits, as these are required for Nepali as well as foreign nationals for registration. Indeed no Indian national lost employment or the opportunity of employment as its result.”\textsuperscript{36} However, there were many evidences of only Indian nationals being subjected to the work permit system. There were also

\begin{itemize}
\item \textsuperscript{32} \textit{The Hindu}, 16 April 1989.
\item \textsuperscript{33} Bhasin, n.8, p.105.
\item \textsuperscript{34} \textit{Deccan Herald}, 16 April 1989.
\item \textsuperscript{35} ibid., also see \textit{The Telegraph} 16 April 1989.
\item \textsuperscript{36} \textit{Times of India}, 17 April 1989.
\end{itemize}
written complaints about Indians being discriminated against the work permit system, a official of Indian Embassy said refuting the Nepali spokesman’s contention.\textsuperscript{37}

During this period, the bilateral relations had reached such a low ebb that Nepal even threatened to approach the United Nations Secretary General or UNHCR for necessary investigation that Indian Nationals were being maltreated here if New Delhi persisted in this sinister propaganda.\textsuperscript{38} On its part, the government of India warned Nepal that the growing discrimination against Indians could add to the economic problems that the Himalayan Kingdom was facing after the expiry of Trade and transit Treaty. As the spokesman of the government of India stated, “if the intention of the work permit scheme, as made out by the Nepalese spokesman, is to club Indians and equate them with other foreigners it knocks the bottom of 1950 treaty under which citizens of both the countries are required to be treated on par.”\textsuperscript{39} The Indian contention was that India had provided the people of Nepali origin with equal opportunities at par with its citizens and there was no restriction on them in India. They could remit their savings or profit to Nepal, while being free to choose their profession except for central services like I.A.S, I.F.S. and I.P.S. It was therefore unreasonable, India pointed out, on Nepal’s part to impose such restrictions on Indian staying in Nepal.\textsuperscript{40}

The relations between both the countries reached an all time low, when the Foreign Minister of Nepal, Shilendra Kumar Upadhaya, said while referring to the controversy that had started with the imposition of customs duty by Nepal on Indian goods, that the special relationship with India was over.\textsuperscript{41} This statement caused much furor in India. As a retaliation to the Nepalese measure of imposing customs

\textsuperscript{37} The Telegraph, 24 April 1989.
\textsuperscript{38} The Patriot (Delhi), 4 September 1983.
\textsuperscript{39} The Patriot (Delhi), 12 May 1989.
\textsuperscript{40} The Hindu (Madras), 27 April 1989.
\textsuperscript{41} The Times of India, 15 April 1989.
duty on Indian goods, India replaced the highly preferential trade regime with normal export-import regime applicable to India’s other trading partners. However, it was also clear that this measure was taken as an answer to many bilateral issues that had cropped up between both the countries.  

The issue of distribution of Citizenship certificates was another major irritant in Indo-Nepalese relations. There were official reports that the government was planning to review all the citizenship certificates granted largely to the people of Indian origin for the last twelve years. It was reported that the number involved was 6.48 million Indians settled in Nepal. In spite of India’s objections to such a move, the Chief Spokesman of Nepalese Government justified the action and stated, “the process will continue until all genuine nationals have citizenship certificates. One cannot see how any one can object to the fairness and comprehensiveness with which people from all strata of society, both governmental and non-governmental are implementing the provision of citizenship to genuine Nepali nationals.”

India, however, remained unhappy with the Nepalese actions. A source from Indian External Affairs Ministry said, “India may not remain silent if Nepal carries out its threat of having a fresh look at the citizenship issue of 6.48 million Nepalese citizens of Indian origin living in Nepal.” Describing the threat as “very provocative and belligerent, which could open the pandora box” he further added, “India too would have to reciprocate, and fears the hardship it could cause to both countries.”

Revival of democracy in Nepal help to put Indo-Nepal relations on an even heel with greater mutual trust and cooperation between the two countries. Notwithstanding the signing of the treaty on trade and transit between the two countries and greater flexibility on the crucial issue of water management, the question of open boarder and people’s movement continued to cause concern in

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42 National Herald (Delhi), 2 May 1989.
44 Times of India, 17 April 1989.
45 The Statesman (Delhi), 11 October 1988.
Nepal. The Indo-Nepal migration emerged as a major bone of contention between the government of Nepal and India after Communists assumed power in November 1994 elections. They called for the review of Treaty of the 1950 as they felt that certain clauses of the treaty has become obsolete. It may be noted that demands has been raised in Nepal since the sixties for a revision of the Indo-Nepal peace and friendship treaty. While commenting on the open borders, the then Prime Minister Mr. Manmohan Adhikari said that a country with only twenty million population could not allow unrestricted demographic inflow. At the same time he also expressed the view that while India should continue to allow Nepalese immigrants, the movement of Indians to Nepal must be restricted because India is big and could absorb aliens while Nepal cannot. In an interview to a national daily about the major concern about 1950 treaty, he said “Nepal is a small country unequal in size, money spending power, etc. Now the Indians (immigrants) are coming to Nepal and investing in property which creates a problem for our country’s economy”.

After the fall of the communist government and preoccupation of all the national parties of Nepal in the internal politics, the issue of the revision of the treaty has been shelved for the time being. It is a fact that any alteration of 1950 Treaty would not serve Nepal’s interest in long run. It is clear that if a new treaty is to be signed restrictions would be put on the immigration from both the sides thereby affecting the socio-cultural relations between the people. It may be pointed here that India continues to provide a safety valve for millions of Nepalese, settled in India.

It may be pertinent to mention here that the Supreme Court judgment of May 1993 in Nepal has favoured the introduction of work permit system. As already stated, the Communist party government was also in favour of the introduction of work permit system and restrictions on migration from Indian side, while expecting

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46 Hindustan Times, 11 April 1995.
47 Hindustan Times, 13 and 10 April 1995. Also see Times of India, 10 April 1995.
48 Times of India, 10 April 1995.
India to give sympathetic consideration to Nepal's problem without restricting migration of Nepalese to India. However, the present coalition government is not interested to impose the work permit system and there is no question of reviewing the Treaty in the near future.

The insecurity of the Nepalese emanates from their small size and due to its peculiar geographical location. The concentration of Indians in Nepal's Tarai bordering India, has always been considered as threat to Nepal because of their concentration which is seen as a threat to Nepal's national identity and a cultural threat to the Nepali way of life. This is significant because of the fact as a Nepali scholar has put it,

because political trends assume transnational character, political demography would in all probability sharpen such cleavages...the emerging ethno-demographic trends appear to be more alarming than the perceptible external threats of conventional nature. Moreover, socio-economic discrepancies might be exploited by the collusion of dissatisfied, alienated people and external forces.

Nepal does not perceive any kind of external threat in terms of military action against her by India, but then insecurity emanates from the size and potential of the Indian immigrants, who are well settled in business and settled in an area proximate to the Indian border. Apart from its small size, this large number of Indian immigrants are seen not only as a demographic threat but also a cultural threat. Since their socio-cultural identity has more affinity towards its southern neighbour because of family and business linkages with India. The apprehension of the Nepalese can be well gauged from the following newspaper report which stated that "...about 2,000 Indians are coming and trying to purchase citizenship certificates. Nepal should learn

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49 *Times of India*, 12 April 1995.

50 This view was expressed by His Excellency the Ambassador of Nepal to India. In an interview on 24 December 1996.

a lesson from Sikkim, Bhutan and Kashmir and realise that Indian expansionism had followed a similar policy before grabbing Kashmir. India on its part can do little in this regard as Nepal’s policies and fears are move a function of its own domestic dynamics than a response to Indians diplomatic moves or posture.

III

The current crisis in Bhutan owes its genesis to the migration of large number of Nepalese, to Bhutan who are settled in the southern part of Bhutan. It exemplifies a typical example of a small nation swamped by migrants and caught in a dilemma of assimilation and crisis in evolving its national identity. The government’s policy of citizenship and imposition of a uniform culture and tradition which represents a segment of the population and alienates the other, has been the root cause of the present refugee problem. As a noted scholar has said, in the context of inter ethnic conflict, “...tendencies towards homogenisation and nationalisation become pertinent. Such tendencies have been partly due to the blend of state and apex centric nation-building processes and partly a strategy on the part of central leadership to harness the issue of the ‘national identity, to its power sustenance and survival’.

The issue of Nepalese immigration and their numerical strength has caused much insecurity among the elites of Bhutan, who see it as threat to the identity of Bhutan as a nation state. The threat to the identity is strengthened by historical facts. The merger of Sikkim with India in 1974, has given rise to such a fear that the indigenous people can be reduced to a minority. Supporting the policy of integration, the King of Bhutan stated, “our culture and tradition provide us with a unique identity to help us protect our sovereignty. That is why we give so much attention to them. We must feel Bhutanese. Otherwise we will not survive”. As a result of such an inherent insecurity, a series of Acts were enacted by the

53 Phadnis, n.1, p.82.
54 ibid.
government of Bhutan to absorb the identity of Southern Bhutanese into unique Drukpa identity. Prominent among these are The Marriage Act of 1980 (Appendix-IV), The Citizenship Act of 1985 (see Appendix-III) and Cultural edict 'Driglam Namzha'. The demonstration which was organised against the Citizenship Act of 1985 and Census exercise took an ethnic character and a cultural clash between the two communities. The strongly worded pamphlet circulated as a voice of the oppressed people of Bhutan revealed ethno-cultural assertion and superiority of the Nepalese settled in southern Bhutan. The pamphlet titled, The Gurkha People of Southern Bhutan, Must Unite and Fight for our Rights stated: “We Nepalese have a far rich tradition and culture which is derived from the oldest religion in the world which is Hinduism and that our Nepalese-Hindu culture is immensely more superior to the cheap and concocted version of Sino-Tibetan Customs, the Drukpa are so proudly calling Diglam Namzha.” It further warned the government against any cultural imposition and stated, “we the Gorkhas of Southern Bhutan are not only the majority but we also have seventeen million brothers and sisters in Nepal and over 10 million in India....there is every possibility that the borders of the Gorkha state...will join...we Gurkhas must unite together and create another Gurkha state in Bhutan and extend the borders of Gurkha states along the Himalayas which has always been the rightful home of our people”. The pamphlet was explicit about the threat in its contents and warned that the King “will soon go to the way of his late uncle the chogyal of Sikkim .... If the present racist policy of Bhutanisation is not stopped as one large and strong fist that will strike a lethal blow and once and for all remove the evil Drukpa regime”. It further stated that “like the Tamils we must call upon the support of our brothers and sisters in Nepal and India in the liberation

55 The Voice of Oppressed People of Bhutan, The Gorkha People of Southern Bhutan Must Unite and Fight for our Rights (n.d), pp.4-6.
56 ibid.
57 ibid., p.4.
struggle against the despot Drupka King and his corrupted Drukpa govt."

To succeed in its tactics, Bhutan People’s Party (BPP), a political party in exile now, had used violence and forced the people to come for the rally organised by it against the cultural imposition.

It was reported that apparently “in order to mobilise the people, the BPP used both the carrot and stick approach - promising free land in a democratic Bhutan to those who join, and a gory death to those who do not. Families with no member to spare for the agitation have to pay a huge fine, it seems”. A few families left Bhutan because of the threat. A refugee from Bhutan who is presently staying in the Goldhap camp of Jhapa, Nepal said that he had to leave because he was issued with a letter from BPP asking him to leave otherwise he and his family members would face dire consequences. After complaining to the security forces and still when he was not assured of any safety, he had to leave though he fell under F-1 category (genuine Bhutanese Citizen). Ventilating a similar view, a person from Beldangi-II camp said that it is true that some people left the country because either they were threatened by BPP or they were simply asked to leave Bhutan to make the movement against the Bhutanese government stronger. He admitted that terrorist activities by some people from refugee camps were there although these were individual cases. However, it is a fact that most people left the country because of the terror created by the security forces including torture, arrest and rapes. Many

58 ibid., p.6.
59 BPP uses strong-arm tactics to elicit cooperation from the people. “Some times when we have a rally we have to tell people that if you do not come we will beat you and take punitive measures”. Refer to Carol Rose, “Flight From the Thundering Dragon: Refugee Stories From Bhutan”, Institute for Current World Affairs (The Crane-Rogers Foundation, U.S), 1991, Kathmandu, p.1.
61 The person who wishes to remain anonymous because of certain reasons. In an interview with the writer on 4 December 1995, Goldhap Camp, Jhapa Nepal.
62 Narayan Adhikari, former member of the National Assembly (1977-83), Beldangi-II, Jhapa, 6th December 1995.
people were forced to sign the voluntary emigration form. Those people who complained to the King about the torture without the permission of District Development Officers (DYT) were tortured after the King left. They were told “this is not your country and he is not your King so you leave”. The army took away their citizenship cards.

The issue of refugees has become a volatile political issue for Nepal which cannot turn a blind eye. In terms of its interest and involvement with the people of Nepalese origin. As a renowned scholar has remarked, “They seem to represent an economic burden, a political liability, a foreign policy complication or all of the above”. Nepal’s interest in people of Nepalis origin has been their for years. This was apparent even earlier when in 1953, the protest by Bhutan State Congress had the patronage of Nepali Congress. Even G.P Koirala admitted the fact in a BBC interview in 1991. In 1964, as an observer of the scene put it, “some Bhutanese involved in an attempted coup d’etat assassinating Prime Minister Jigme Palden Dorji were given political asylum in Nepal. In any case the Nepalese action hurt Bhutanese susceptibilities”, despite the subsequent amnesty granted to most of these fugitives. On the whole however, Nepal and Bhutan enjoyed cordial relations and there were not many problems between the two countries define the recent problem began.

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63 Sharmananda Koirala, former mandal, Goldhap Camp, Jhapa, Nepal, 3 December 1995, the King asked them to file a complaint in the High Court but after the King left they were asked to leave Bhutan. They were given some money to leave.


65 As discussed in Government of Bhutan, Seventy First National Assembly Debates (October, 1992), res.17, no.9, p.97.

66 Ram Rahul, Royal Bhutan (New Delhi, 1983), p.54.
The implications of the present problem in Bhutan can be judged from the fact that most of the subversive activities carried by Bhutan Peoples Party (BPP) and other organisations have the tacit help of transnational ethnic actors. Chhatra Subba, a Southern Bhutanese, and the Gorkhaland liberation Organisation are suspected of giving some of the rebels arms and Guerrilla training, just as Akil Bharatiya Gorkha League is reported to have extended moral support.67 It was also reported that an ex-CRPF man in the Lankapara Camp, Kumar Thapa was training the Southern Bhutanese.68 Apart from this, the local population and the leftist elements in the Duars and in Darjeeling and Kalimpong supported the dissident leaders. The anti-national movement sought support and assistance from Nepal, particularly from the radical Marxists. Recent reports indicate that “...apart from supplies of medicines and rations, arms are being smuggled to BPP...some sections of BPP are making all possible efforts to procure arms and explosives both from Nepal and through contacts with militant elements in the north-eastern region of India”.69

The conflict ensuing between the migrants and the government has drained the resources of the country in a bid to restore internal stability and external security. The terrorist activities committed by the dissidents inside Bhutan have become a major security threat to a tiny kingdom like Bhutan with limited resources, underdeveloped economy and very small security force. In order to deal with the terrorist activities, the Royal government has diverted much of the resources that were meant for development for building a militia force. This impact is more severe when the country is underdeveloped. In case of Bhutan, in a report submitted in 17 August 1995 by the Chief Operation Officer of the Royal Bhutan Army, it was stated

that, all the expenditure incurred for training almost 10,000 militia volunteers were made from the assistance extended by the government of India and from the army welfare project funds. The Finance Minister said that the Finance Ministry had kept aside Nu 200 million as an emergency security fund, which has now been diverted for development activities. However, “150 million is still deposited separately as reserve fund to be used for security purpose whenever required.”

According to a government report:

Since 1990, The Bhutanese Government lists, 913 families were robbed, destroyed 29 schools, 12 health units, 5 agricultural service centres, 4 animal husbandry facilities, 45 police and custom checkposts and offices, forest range offices and government houses, they had burnt down or destroyed 60 village houses, hijacked 64 vehicles and destroyed 36. They had also destroyed 15 rural drinking water schemes and more than 63 km. of irrigation channels at the Takali and Lalai irrigation project which had been constructed for the benefit of the people of Gelephu. The ngolop terrorists had assaulted 667 Bhutanese people, ambushed and attacked the security forces 66 times and had killed a total of 71 Bhutanese citizens.

Some of the terrorists are even operating from the camps of Nepal which strengthen the fact of such cross border diaspora involvement. What is adding to the discomfort of the Bhutanese elites is that Nepal is providing support by giving them asylum and giving them the status of refugees inspite of Bhutan’s disapproval. Bhutan’s request to Nepal not to grant them asylum as this would result in many people landing in the refugee camps was turned down by Nepal’s Prime Minister, G. P. Koirala when they

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71 ibid, also refer to RGOB, Seventieth National Assembly (October, 1991), res.IV, no.21, pp. 96-98, Seventy First National Assembly (October, 1992), res.16, no.8, p.94.
72 The Kuensel (Thimpu), vol.11, no.50, 21 December 1996.
73 Two persons from Pathri camp in eastern Nepal were arrested in Dagana in Southern Bhutan, which was confirmed by the people in the camp. The Bhutan Review (Kathmandu), January,1993, p.1.
met in Dhaka in 1993 SAARC meeting. The resentment of the Government can be gauged from the statement of the Minister of Trade and Industries, a southern Bhutanese when he said, “since they (southern Bhutanese) have gone to a country of their choice to enjoy Human Rights and democracy, they should be happy to continue staying there.” In another statement, the people’s representative from Tsangkhar Gewog of Dangana Dzongkhag of Bhutan submitted that the Government of Nepal should be requested to take over all other anti-nationals from the country. The formation of various political parties like Bhutan National Democratic Party and Druk National Congress in Kathmandu has projected Nepal as a co-conspirator in the present crisis. Most of these leaders stay in Kathmandu and are able to carry out their political activities without any restrictions. Nepal, however, maintains that the liberty given to these leaders is not due to any special considerations, but because of the democratic polity of Nepal which make it difficult for the Government to put any kind of restrictions on the activities of exiled Bhutanese leaders. Moreover, the diasporic considerations plays an important role in the involvement of Nepal in this crisis.

The present ethnic crisis in Bhutan has made the natives deeply suspicious about the southern Bhutanese. As has been reflected in the National Assembly debates, there have been demands that all the southern Bhutanese including those working in the Government, even the ones married to original Bhutanese should be evicted. Apart from this it was “demanded that the representatives from southern Bhutan should make their position very clear with regard to the punishment and eviction of anti-nationals and the methodology there of.” It was even proposed that

75 Royal Government of Bhutan, Seventy Third National Assembly Debates, n.70, res.no.10, p.59.
77 Royal Government of Bhutan, Seventieth National Assembly n.71, res.4, no.1, pp33-34.
78 ibid., res.4, no.2, p.37 and res.4, no.20, p.94.
the representatives of the National Assembly from southern Bhutan should submit a pledge of loyalty by reinforcing the historic 1907 Genga, which was later disapproved by the King.  

However, all the members of National Assembly pledged their support to protect TSA-WA-SUM. (Appendix-V).

Though the concept of Greater Nepal seems absurd in the present context, it has precipitated the fears which was not be well-founded. This fear was that, the whole region of India’s North-East, Sikkim and Darjeeling has ethnic Nepalese population. Who can be used by these dissident Bhutanese for anti-Bhutan operations with the moral and material support of diasporas. This has been exploited by the Bhutanese Government to justify its fear and insecurity due the presence of alleged illegal economic migrants. The aloofness of the Indian Government has precipitated the problem which till now has evaded solution. However, the concept of Greater Nepal has definitely revived the old glories of the powerful Gorkha kingdom which has enforced such an idea. In the words of an expert on Nepali politics, “aspiration is not a conspiracy and the Nepali speaking middle class is no exception. Historical revivalism always brings up irredentist eruptions. In the Nepali case, people may start looking back to Sugauli (1815) and the ceded territories... When ‘we’ and ‘they’ come to the fore, discourse history comes alive to influence the future”. Another noted scholar has put it as, “...the perceived Nepali sub-

79 Royal Government of Bhutan, Seventy First National Assembly Debate n.71, res. no.17, pp.113-16.
80 ibid., res.18, p.120.
81 Many refugee leaders did not approve the concept of Greater Nepal. A Bhutanese refugee D.B.Rai who formed GNLF (Bhutan), later came to be known as Bhutan Congress Party is not supported by leaders belonging to other parties in exile. Bishnu Pradhan the treasurer of PFHRB said, “nobody supports this party as it will become ethnic in nature like the concept of Greater Nepal.” In an interview on 21 November 1995 in Kathmandu.
nationalism is likely to be dependent on what type of ethnic and regional sentiments egg the Nepalis to take more radical postures in the future.\(^{83}\)

The ground for bilateral talks between Bhutan and Nepal was set during the meeting between His Majesty the King of Bhutan and P.M of Nepal G.P Koirala in Dhaka during the seventh SAARC summit. As discussed earlier, Nepal had decided to grant asylum even when requested by the king of Bhutan not to do so, during the SAARC summit. However as, former prime minister G.P Koirala, said ‘he could not comply with the request as it would hurt the sentiments of the Nepalese people and the political parties would criticise him.\(^{84}\) On his return to Kathmandu he reiterated the government’s position to support ‘democracy and human rights anywhere in the world but we will certainly not interfere in anybody’s internal affair.\(^{85}\)

Subsequently, both the leaders agreed for a joint committee to work out for the modalities to solve problem. In the first meeting held in Thimpu on 17th July 1993, the Home Ministers from both the sides agreed to establish a ministerial Joint Committee comprising of three persons from each side to resolve the problem. The basic principles to be followed to solve the problem were - (a) To determine different categories of people claiming to have come from Bhutan in the refugees camps in eastern Nepal; (b) To specify the position of the two govt on each of these categories; (c) To arrive at a mutually acceptable agreement on each of these categories, which would provide the basis for the resolution of the problem.\(^{86}\) The Bhutanese refugees were divided into four different categories as agreed in the first Ministerial Joint Committee (M.J.C) in Kathmandu from 5th to 7th October 1993. The categories were (i) bonafide Bhutanese citizens (ii) Bhutanese who had

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\(^{84}\) Royal Government of Bhutan, n.70, pp. 61 - 62.

\(^{85}\) *The Telegraph* (Calcutta), 24 December 1991.

\(^{86}\) *Joint Communiqué*, Thimpu, 18 July 1993.
emigrated (iii) Non-Bhutanese people (iv) Bhutanese who had committed criminal acts. Further it was decided that the mechanism for further verification would be determined at the next meeting of the M.J.C. which was to take place in February, 1994 in Thimpu. It was further agreed that the two governments would specify their position on each of the categories and reach a mutually acceptable agreement.87

The third meeting of the Ministerial Joint Mechanism (MJC) for Joint Verification of the people in the camps was held in Kathmandu in April, 1994. The MJC agreed to establish a Joint Verification Team and decided on the procedure for the formation of the Team and its terms of reference. The MJC also agreed on the proforma to be completed by each person in the refugee camps.88

The fourth meeting held at Thimpu on 28 and 29 June, 1994 discussed the harmonisation of the positions of both the governments. The Nepalese side agreed to the three categories but they had problem with the second category, i.e. 'the Bhutanese who migrated' They agreed to continue discussions in the next meeting in Kathmandu. On category two, Nepal's position was that "Bhutanese who emigrated unwillingly for various reasons must be allowed to return back to Bhutan and regain their former means of livelihood including lands and property."89 The Bhutan Government however, maintains a different position stating that "the people in the refugee camps in the eastern Nepal falling under this category should be dealt in conformity with the citizenship and immigration laws of the two countries."90

On category three, Nepal's position is that "regarding the third category of non-Bhutanese, those who were long-term habitual residents of Bhutan before their evictions must be allowed to return to Bhutan. With regard to those who do not fall

87 Joint Press Release, Ministry of Foreign Affairs, Thimpu, 7 October 1993. For details of categorisation see Appendix-V.
90 ibid.
under this group, they must return to their respective countries of which they were long-term residents immediately before their evictions.\textsuperscript{91} The fourth round could not achieve its objective as both the sides strictly adhered to their respective position on category two. The final agreement in this regard could not be concluded and it was proposed to hold the meeting in Kathmandu in September, 1994. But the meeting could not take place because of internal political problems.

In the fifth round held in Kathmandu from 27 February to 2 March, 1995, although general agreement was reached on the category two, the Nepalese delegation had problems with harmonising the positions on category three, i.e. 'non-Bhutanese people'.\textsuperscript{92} There was no agreement over the constitution of the Joint Verification Teams. There was also disagreement over the exact mechanism to be followed for verification.\textsuperscript{93} The significant problem that arose between them was how to determine and identify a genuine Bhutanese citizen who was in the possession of Government Documents of Bhutan. The Bhutanese Home Minister maintained that the Bhutanese refugee problem has been created by Nepal itself and that the so called citizenship certificates said to be in the possession of the Bhutanese refugees could have been forged.\textsuperscript{94}

On May 3, 1995, His Majesty the King of Bhutan and the Nepalese Prime Minister Manmohan Adhikari met during the 8th SAARC summit. After discussions with the King of Bhutan, the Prime Minister of Nepal said that he would consult with his party members and members of the opposition party when he returned to Kathmandu, and the government of Bhutan could then sent its delegation.\textsuperscript{95}

\textsuperscript{91} ibid.
\textsuperscript{92} Government of Bhutan, \textit{Seventy Third National Assembly Debates}, n.69, res.6, no.5, p.62.
\textsuperscript{93} \textit{Hindustan Times}, 5 June 1994.
\textsuperscript{94} \textit{Gorkha Express}, Kathmandu 7 March 1995 as reproduced in \textit{Nepal Press Report}, 8 March 1995, no.43/95, p.32. Also see the \textit{Southern Bhutan Problem: A Threat to Nation's Survival}, n.74, p.42-44.
\textsuperscript{95} Government of Bhutan, n.70, p.4.
The sixth round of talks held in Thimpu from 20-24 April, 1995, also resulted in a stalemate. The Nepalese Home Minister accused the Bhutanese side of not showing any real interest to solve the problem and held the view that Bhutan was only interested in repatriating those people who were from Bhutan.\textsuperscript{96} The government of Bhutan, on its part, accused the Nepali side of introducing new provisions and changing their minds frequently.

The bilateral talks which are in progress currently have been slow and time consuming because of various reasons i.e. political instability in Nepal, preoccupation of Nepal with other problems concerning mostly the governments, survival and sustenance in power, frequent change in governments and above all the rigid stand taken by the Bhutanese government. From the beginning it is alleged in Nepal, Bhutan has backtracked from the joint verification team stating that there should be ‘harmonisation of positions on the four categories. Nepal’s eagerness to solve the problem emanates from, certain socio-political compulsions. The presence of the large number of refugees is seen as not only a threat to the stability of the society, where there are frequent skirmishes between the refugees and locals, but has also resulted in environmental degradation and economic burden. Refugees are also being reportedly use as vote banks during elections. The Nepalese Congress and united Marxist Leninist parties have allegedly registered the names of some refugees following the Supreme court decision to allow such people to vote whose names were not registered by the election commission.\textsuperscript{97} The talks between both the governments have resulted in a deadlock. As the former Home Minister Khadga Oli of United Marxist-Leninist (UML) Government stated the problem is between the government of Bhutan and the refugees.

The intransigent policy pursued by Bhutan has aroused a strong reaction in Nepal. As Chakra Bastola (former Nepal Ambassador to India and present Civil

\textsuperscript{96} The Bhutan Review (Kathmandu), vol.3, no.5, May 1995.
\textsuperscript{97} ibid., p.172.
Aviation Minister) who was a party to the first joint ministerial talks commented “Nepal is not a party to the whole affair. We are not part of mudda, this is an issue between Thimpu and the refugees, who happened to have entered to our territory whom Bhutan refused to accept, which is why they are in the camps. Bhutan has amended its laws to dispossess the second category and wants to wash its hand off them by involving Nepal. This may be possible under the Bhutanese laws, but not under international law”. The communist government in Nepal also had certain reservations regarding category three. However, the former Home Minister was quite skeptical about the solution of the problem after the conclusion of the sixth round of talks, in view of the Bhutanese governments’ request to give the list of those who were forcefully evicted. As he stated, “it was quite impossible after five years to prove about the incident of torture and forceful eviction. It was also difficult to prove the fourth category.” He further added, “The Bhutan government never gave the list of the people who have committed criminal acts and are presently staying in the camps. The reason was that the list was not given so as to create a situation where people can not go back thinking they might be framed on some charges and criminal persecution can be taken against them. Therefore, to facilitate repatriation the Bhutan government should declare general Amnesty”.

The Home Minister of Bhutan had an altogether different answer when he said ‘that Bhutan had asked in writing the Nepali government to give the list of people who were in the camps, so that they can tell them who is from Bhutan and who is not.” While answering a question about the possibility of removing a person’s name from the census record of Bhutan, he said that, “the census registered

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99 In an interview with Mr. Khadga Prasad Oli, former Home Minister in UML government on 7 November 1995, Kathmandu.
100 In an interview with the Home Minister of Bhutan Lynpo Dago Tshering, 27 November 1995, Thimpu.
is maintained, since 1958 so it will be possible to identify the people who are genuine Bhutanese people and those people who left the country and those who committed criminal acts will be dealt according to the law of the country. As has already been discussed in the preceding chapter, Bhutanese law in the matter of emigration and crime against the country is absolute. The category dealing with "forceful eviction" in the bilateral talks is quite ambiguous. It is very difficult to prove whether the refugees signed the voluntary emigration form on their own accord or were intimidated to sign the form. The approach of the Bhutanese government towards the problem has been rather evasive. It may be pointed out here that Bhutan is yet to confer the status of 'refugee' on the people staying in the camps, rather they are referred as 'people staying in the camps of eastern Nepal'.

The seventh round of talks that was concluded on 9th April 1996 have also yielded no results. This meeting was noteworthy as it was for the first time that the meeting was held at the Foreign Minister's level. Official sources from Bhutan, however, described the talks as satisfactory and agreed to continue the bilateral talks. The newspaper reports had a different story. As reported, the Foreign Minister of Bhutan continued to maintain that it was not possible to accept those refugees who did not have certificates, who voluntarily emigrated and entered Nepal five years ago and those who committed criminal acts. This has resulted in a stalemate where the hope of solution is a remote possibility. It is clear that as per the conditions put forward by the Foreign Minister of Bhutan few refugees would qualify for returning to Bhutan.

101 ibid.
102 This was confirmed by many refugees in the camp that they were tortured and asked to sign the voluntary emigration form.
104 In a faxed message from Kathmandu by Ministry of Foreign Affairs, obtained from the Royal Bhutanese Embassy, New Delhi on 8th April 1996.
105 Hindustan Times, 10 April 1996.
A source from the Nepalese side also admitted that progress could not be achieved in the seventh round of talks. According to this source Bhutanese side said that they could not take back the people who left the country voluntarily, but they could apply according to the Law of Bhutan. Bhutanese side insisted on the National Laws of Bhutan and the Nepal side maintained that applying National Laws of Bhutan would mean that most Bhutanese in the refugee camps could be stateless people denied of their fundamental human right of nationality....This was against the UN convention on Human Rights.\textsuperscript{106}

The Foreign Minister of Nepal said in a statement that “any prolongation of the problem would not be in the interest of Bhutan.” He further stated that,

there are issues directly related to the solution of the problem at hand in respect of which laws and policies of the two countries are at variance. In addition, treatment of issues that a refugee problem raises cannot be left to domestic laws as such issues required recourse to international norms and practices in conformity with the principles set out in the Universal Declaration of Human Rights.

He put forth the proposal...that the joint verification and subsequent process be conducted with the assistance of organisations or bodies with recognised competence in the field.\textsuperscript{107}

Refuting the Bhutanese Government’s statement that the refugees staying in the camps in the Eastern Nepal were not Bhutanese nationals and, as such, they could not be repatriated to Bhutan, he said:

...however, a survey conducted in the refugee camps has found majority of the refugees in the possession of either citizenship certificates or land revenue receipts and this very fact proves that they are Bhutanese nationals as the Bhutanese law do not permit non-Bhutanese to purchase land and immovable property in Bhutan....The very fact that twenty percent of the total population leaving their homeland at normal situation when there was no armed conflict

\textsuperscript{106} ibid.
or economic stagnation in Bhutan proves the Bhutanese allegation as far-fetched and preposterous.  

The dilemma for Nepal is that if it accepts the Government of Bhutan's contention that people staying in the camps migrated voluntarily and thus lost their citizenship, the problem that would arise is that these people are also not the citizens of Nepal. They have become stateless people. Since this situation was created by Bhutan, there is a feeling in Nepal, it cannot be free from its responsibility. Endorsing this view, the Ambassador of Nepal to India said “the circumstances under which they have left should be recognised, then only we will be able to verify who belongs to which country, if we will not be flexible the same story (about the bilateral talks) will be repeated.”

The Foreign Minister of Nepal expressed regret for the lack of progress towards a lasting solution despite Nepal’s best efforts. Commenting on the present crisis in the forty-seventh session of the Executive Committee of the UNHCR, Geneva on 7 October 1996, he said:

we fully appreciate the fact that national identity is an important component of political sovereignty...however... national identity can be meaningful only if it provides political and economic space to all the ethnic groups and communities in a nation. In a multi-ethnic society the identity of a nation has to be composite whole of the cultures of all the ethnic groups...preservation of cultural heritage of one segment of the population at the expense of the equally inviolable heritage of another important segment of the population of the same country cannot be helpful in preserving peace and harmony within a nation.

Referring to the present refugee crisis in Nepal and Bhutan's Stand on the crisis, he further said:

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108 ibid.
109 ibid., p.15.
110 In an interview on 24 December 1996, n.50, New Delhi.
Insistence on application of national citizenship and emigration laws in the verification process has proved to be another stumbling block....The problem of Bhutanese refugees in Nepal by its very nature is international in that thousands of people from one country have crossed international frontiers and sought asylum in a third country that does not share a contiguous border with Bhutan.... He was hopeful that given goodwill and political will, problem of Bhutanese refugees in Nepal was not untractable.\textsuperscript{112}

The proforma that has been agreed by both the governments for determining the antecedents of the refugees requires the details of the last address before coming to the camp, the documents in the hand i.e. Thram number (land registration/land ownership), house number, tax receipts, identity card number/citizenship and marriage. It further requires, date, place and reasons for departure. To ascertain 'forceful eviction', the questionnaire includes queries about date of evictions, authority by whom he was evicted, whether civilian, military or any other, proof of evictions and whether appeal was made to the higher authority, if, then to whom and if not, then why. It further includes inquiries about the list of dependents and number of family members, the details about their name, sex, date of birth and their relations to the applicants. Finally, the applicant has to declare that the information he has furnished is correct and it is done after fully understanding the question. This has to be countersigned by verification teams from both the countries.\textsuperscript{113}

Though the proforma is simple and unambiguous, the deadlock regarding the harmonisation of positions by both the sides, has made it redundant for the time being. Considering the slow pace of the bilateral talks, the fate of refugees in Nepal's camp still lurks in darkness.

The problem of refugees whom Bhutan considers as illegal economic migrants evades solution particularly because of non-inclusion of any representative from the refugees side. The Nepalese leaders have unofficial contacts with the

\textsuperscript{112} ibid., p.18.

\textsuperscript{113} The proforma was obtained from the Home Ministry, Royal Government of Bhutan, Thimpu in November 1996.
refugee leaders, but their interest is not protected as far as the bilateral dialogue is concerned. There is a consensus among the refugee leaders, irrespective of parties and groups, regarding the objective i.e. to establish a parliamentary form of government, constitutional monarchy, Human Rights and independent judiciary before the refugees are repatriated. However the bilateral talks do not include all these issues. As the former Home Minister of Nepal has stated ‘establishing democracy, human rights etc. is the internal affair of Bhutan, that is for refugee leaders to resolve what kind of government they want, but as far as Nepal is concerned we want to solve the problem as soon as possible.’ Given the contradictory objectives of the three parties involved i.e. Nepal, Bhutan and refugees, the problem seem to evade at least an early solution.

Apart from the accusation and counter accusations by both the governments regarding the present problem, to make the situation worse it was reportedly stated by the former Nepalese Deputy Prime Minister Madhav Kumar Nepal, that “Bhutan will suffer the same fate as Sikkim if it wants to protect its nationalism by driving out Nepalese”. This has added to Bhutan’s susceptibility and strengthens its contention that its identity is under threat.

It is clear from the foregoing that the migrants not only affect the precarious ethnic balance of the multi-ethnic heterogeneous society but are also a threat to the polity and security. As a noted scholar has put it, “The social destabilisation emerging from such a demographic spill over is much more far reaching than mutual mistrust and threat emanating from militarisation”. As another scholar puts it “For the imperatives of real politik coupled with that of cross boundary ethnic links have at times created situation in which the externality of such movements induces a

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114 Interview with K.P. Oli, n.99.
pressure of sorts leading to an interventionist role of the neighbour through mediation or confrontation". In this kind of situation, ethnic diaspora plays an important role ‘...ethnic separatism has found its protagonists among the kin oriented groups across the border or as diaspora with its spatial dispersal across the globe. The activities of such groups have included aid to the militants, mobilisation of public opinion in the country of their adoption, arranging asylum and internationalise their cause as that of ‘national liberation’.

To conclude the most challenging job for both Nepal and Bhutan domestic policy is to integrate the migrants into the socio-political system of the country by removing discrimination by encouraging participation of all groups in the process of nation building. In case of ethnic conflict certain similarities can be a factor of strength to one ethnic group. As a noted scholar has put it, “Each ethno political configuration ...has deposit of tension and conflict prone chemicals that, once exploding, immediately invade inter-state relations in South-Asia. Political and economic demands of ethnopolitical groups rather than struggles between mutually antagonistic classes characterise present phase of South Asia domestic politics. Ethnopolitical tension and conflicts are inherent in South Asian states uneven dynamics of national integration”. This situation was likely to magnify if their ethnic brethren live across the border.

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117 Phadnis, n.1, p.239.
118 ibid., p.240.
119 As cited in Lokraj Baral, n.51, p.103.