

Foreign Policy of Nepal: A Study of Small State Syndrome

in

Relation to Bhutanese Refugee Negotiations

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LETTER OF RECOMMENDATION

I certify that this dissertation entitled “**Foreign Policy of Nepal: A Study of Small State Syndrome In Relation to Bhutanese Refugee Negotiations**” has been prepared by **Pratiksha Ghimire** under my supervision. I hereby recommend this dissertation for final examination by the Research Committee Department International Relations and Diplomacy, Tribhuvan University, in fulfillment of the requirements for the Degree of MASTER’S IN INTERNATIONAL RELATIONS AND DIPLOMACY.

Khadga K.C. Phd.
Dissertation Supervisor
March 3, 2020

APPROVAL LETTER

DECLARATION

I hereby declare that this dissertation is my own work and it contains no materials previously published. I have not used its materials for the award of any kind and any other degree. Where other authors' sources of information have been used, they have been acknowledged.

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ABSTRACT

Nepal had a well-built International relations and diplomatic practices with its neighbors and other states owing in ancient and modern times. Nepal progressed in domestic political environment transitioning from one government to another. Owing to domestic weaknesses, its foreign policy suffered. The small state syndrome was examined in particular negotiations of Bhutanese Refugee agenda with Bhutan. The study results showed that even though there were little vulnerability as that of small states, in case of refugee agenda there were more weaknesses in terms of state domestic priorities and capacities.

Keywords: Bhutanese Refugees, Foreign Policies, Bhutan-Nepal Relations, negotiations, diplomacy

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Chapter One

Introduction

1.1. General Background

Nepal, a country with an area of 14,71,81 sq km, lies geographically between India (3,28,72,63 sq km) and China (9,59,69,60 sq km). In perspective, India is twenty two times and China is sixty five times larger. In size, India stands as the seventh largest country and China stands as the fourth largest country. In terms of population China and India are even larger. Hence, the great King Prithvi Narayan Shah's axiom about Nepal being a "yam between two boulders" has been hugely popular since ages and still holds relevance. It explains the truth about the geographical sensitivities of Nepal, which, over the years has brought anticipated and unprecedented geopolitical implications. This in the field of International Relations is termed as "geo-strategic location". Likewise it is said that friends can be chosen but not the neighbors. Nepal can chose Thailand, Somalia, Australia, Peru or any other country for that matter as its friends, but India and China will remain its neighbors till perpetuity, and in this context it can be said Nepal will always remain a smaller state.

However, if seen at historical accounts it do not seem that Nepal perceived itself any less than its huge neighbors did.

Nepalese foreign relations with these huge neighbors involved wars and several treaties, sweeping away a sense of smallness in size. Nepal had adopted expansionist, imperialist foreign policies in which it succeeded in possessing lands of Sikkim, Kumaon and Gharwal and some portions in eastern and western Terai, until the Sughauli treaty in 1816. Small states usually tend to resort to non-military means (Jeanne 2003, p.5) which was not the case here as Nepal went on direct confrontation with Tibet. During Shah Rule in Kathmandu in the second half of the eighteenth century Bahadur Shah had a dispute with the Tibetans regarding the violation of the 1775 Nepal-Tibet treaty, opening of the Sikkim route for trade by Tibet, settlement of the currency question and the quality of salt imported from Tibet. He, after few diplomatic efforts, threatened to occupy Kuti and Kerong and in response Lasha closed the trade routes. This later resulted in the first Nepal-Tibet war which ended with signing of the Kerong Treaty in 1789. As an immediate effect of the treaty, Nepal got some territory and Tibet agreed to exchange one pure coin for two debased ones and to pay 50,000 rupees to Nepal each year. However, this treaty wasn't effective as Rose and Joshi points out a "grievous blow to Bahadur Shah's forward foreign policy"(Rose and Joshi, p.50). In 1791, Nepal and Tibet confronted war again, this time with the involvement of China supporting Tibet. Nepal in the verge of losing the war signed Betrawati treaty according to which the Nepal agreed to pay annual tribute to the Emperor of China by sending an embassy to Beijing every five years. This treaty also made Nepal to withdraw completely from Tibet and China also agreed to assist Nepal if it was ever invaded by foreign powers (Sanjay, p. 21-26). Also, the war of 1855, during the time of Jung Bahadur, between Nepal and Tibet ended in yet another treaty called the Thapathali treaty. However, in this war China did not support the Tibetans. This was more of a revenge of the earlier Betrawati

treaty, than an invasion, which established that the Tibetans pay Rs.10000 annually as a tribute to Nepal and secured extraterritorial rights for the Nepalese traders.

In the same vein, another important instance which shows that historically Nepal had assertive foreign policies was the policies undertaken during king Mahendra's era. During his term (March 1955- January 1972) Nepal's active participation in world politics was observed. Such as Nepal became the member of the United Nations, Nepal became the founding member of Non-alignment movement (NAM) in 1961, Nepal extended its Diplomatic relationships with 42 countries all across the world during his tenure and Nepali army started serving in the United Nations Peace Corps (1958). Hence, Nepalese foreign policy reminded that of a strong and independent country who was participating in world affairs significantly if not enticingly. Muni also seem to be convinced of the achievement made by Nepal during this period. He writes "The speeches made at successive conferences reveal that Nepal's style of participation in such gatherings underwent a marked change. From 'shy' and 'modest' respectively in the Asian Relations Conference in 1947 in New Delhi and Bandung in 1955, it became 'active' and 'confident' in the non-aligned summit conferences at Belgrade (1961), Cairo (1964) and Lusaka (1969), and at preparatory meetings in 1965 for the Afro-Asian Conference at Algiers (1966). The same was true of Nepal's participation in the United Nations. This gradually increasing participation in international politics appears to have contributed to the enhancement of Nepal's prestige and to have satisfied its quest for recognition" (Muni 1973, p.49).

Another important instance is the relations with independent India. India's interests and interventions in 1950 treaty, the Delhi compromise, and the tenure of King Tribhuvan's are inarguably the times when India practiced its subtle yet conspicuously discernible influence in

Nepal's affairs. Then, it was also witnessed how it played a role to shape the views of certain influential groups within Nepal towards China, so as to favor its own interest of keeping Nepal inclined towards south and not wander hither and thither. However, Nepal acted independent and strong as in B.P. Koirala's words "My country is fiercely proud of its independence which we never wholly lost [...]". Nepal was able to fight any threat to it and stand firm for its primary national interests (UNGA,1960).

A group of scholars believe that Nepal's foreign relations during the rule of King Mahendra, is largely in favor of relations with China. However, this seem a strategy to balance the relations with both the neighbors, keeping intact the vital interests of Nepal. It can be said, because given the rivalry between India and China and the kind of history they shared, there was no doubt that closer ties with China would bring concerns for India. During this time China became a "heavier counterweight to India"(sanjay, p. 90) with King Mahendra's policies. Nepal was clear that it would not submit to aggression from any side and not submit to Indian influences. "The king welcomed New-Delhi's offer of a rapprochement and Kathmandu abated its anti-India stridency, while Indian Officials stopped making statements implying that Nepal fell under their sphere of Influence"(sanjay, p. 90).

During king Mahendra's reign, Nepal finally started to acquire a semblance of respect from India, which hitherto was not forthcoming. India might have perceived King Mahendra's relationship building with China as against it, but actually the King had a balanced approach and he was only focused on fulfilling Nepal's interests which had after the abandonment of isolationist policy had brought many threat to its very existence. And also as rose and joshi

points out “china occupies too powerful position in the Himalayas for Nepal to risk deteriorations in relations particularly since the defeats inflicted upon India in 1962” (Joshi and Rose p. 479).

It could be seen that time and again the idea that the rulers had, regarding their strength, gave shape to their foreign policies which was expansionist, assertive, balanced, “realistic and cautious”(Gyawali, 2015).. However, with China and India, Nepal required to punch above its weight and whenever it has failed to do so it has been rendered as small. One instance of such attempt to punch above weight was seen when King Birendra Proposed “Zone of Peace”. It was supported by 116 countries barring India. Mrs. Indira Gandhi had adopted an increasingly hard line on political and economic relations with Nepal (Sanjay, p.103)”. Further, the Indira Gandhi Government had made it clear that it would not accede to the ZOP in any form, shape or definition (Sanjay, p.105). Without India’s approval and acceptance the proposal went in vain despite having overwhelming support from the rest of the world. Such syndromes could be seen time and again in practice of foreign policy in Nepal. The case of Sikkim annexation to India is one of such examples. In 1975, Sikkim was annexed to India as its 22nd territory, earlier Sikkim was a protectorate of India, The Indira Gandhi government in India saw independent Sikkim as susceptible to bringing threats of incursions from China hence rushed in bringing it under its direct control. China compared this annexation to the Russian annexation of Czhekoslovakia in 1968 and India replied by raising the topic of China’s invasion of Tibet in 1950. For Nepal the incorporation of Sikkim into Indian Territory was a harbinger of being cautious from India because Sikkim, and Bhutan had ties with each other owing to a significant population of people of Nepali speaking origin. Since India already had a treaty with Bhutan which allowed India to

have control over the foreign policy of Bhutan in 1949, it had intervened in East Pakistan to form an independent state Bangladesh in 1972 and annexation of Sikkim in 1975 gave Nepal a reason to be alert and cautioned as it was a small Himalayan state in the region.

Likewise the case of Refugees followed these very events in the History, which till date has given problems to Nepal. Refugee crisis has become one such issue in Nepal which Nepal hasn't been able to resolve due to many reasons, also one of the reasons being the India. When Nepal had to deal with the two neighbors, China and India it has been a Lilliputian feeling for Nepal. It would be interesting to look upon this issue to see if Nepal is actually making Lilliputian choices in dealing with this issue with its two neighbors. If Nepal has shown the historical heroic in dealing with the issues or given up as a small state meddled in between two giants interests.

There is a bigger picture to the beginning of refugee crisis in South Asian region which dates back not so far, but to the very formation of South Asia after 1947. The partition of Pakistan from India in 1947, was the beginning of "one of the largest mass migration and refugee-creating events in history."(Murshid 2005, p.1) The riots and the population exchanges that followed partition left the remaining Muslims in India politically weak and also, the rise of Hindu nationalism in India served to marginalize Muslims and identify them as "refugees" from Pakistan or Bangladesh. Meanwhile, in Pakistan as well, the Shia-Shunni tensions and discriminations against Islamis and Ahmadiyahs spread. In East Pakistan, the Biharis who entered there during partition were seen with anti-sentiments. In West Pakistan, the Punjabi influence in economy and politics was not desired by the Balochis, and Sindhis. This provided a breeding

ground for bigger political events. One of which became the intervention of India in Pakistan which led to its partition from West Pakistan forming a new independent state of Bangladesh in 1972. This event forced millions out of Bangladesh, who fled to India as refugees- considered one of the largest flow of refugees in History. Not only this, there are a significant number of individuals who were left behind, in the acts of partitions and forming new states, thus, leaving them as “refugees” in their own countries. For instance, “those who migrated to the newly formed nation states in 1947 are still identified as refugees in both India and Pakistan”(Murshid 2005,p.2). By 1990, when Nepal not only had entered Democracy following the wave the world had already been blown by, but unknowing Nepal also had opened up to the Refugee crisis. The crisis was not only the consequence of the region but had its roots in wider global context- the Fall of Berlin wall, the disintegration of USSR, the advent of globalization and the economic liberalization.

The Tibetan Refugees entered Nepal through the Himalayan border. Their flow started in 1959 over the issue of Dalai Lama XVI who fled to India from Lasha, to seek asylum. Ever since, the Tibetan Refugees are residing in Nepal. They have attracted “western” interests. With the involvement of UNHCR more than 31000, refugees has been provided safe passage to third country since 1990, but was stopped in October 2005. It has been challenging for Nepal to balance relations between China and USA vis-à-vis Tibetan refugees.

The Bhutanese refugees are the Nepali-speaking Bhutanese residing in the southern Bhutan. They were mostly the members of the ethnic community “Lhotsampas”. They were expelled from their country following the ethnic cleansing carried out by the then monarch of the

Bhutan, King Jigme Sigme Wangchuk. As a result, they took refuge in Nepal. Data shows that at the end of 1990, there was a group of 60 Bhutanese asylum seekers recorded on 12 December, 1990 for the first time who were settled in Jhapa. However, from the beginning of 1991, the asylum-seekers continued to enter Nepal through Kakarbhitta entry point via India in exodus. The population of refugees reached 75000 by 1992 and 106517 by February 2006 (UNHCR). Initially these refugees, whether forcefully evicted or a victim of insecurity due to mass exodus, took refuge in India. But words instead of giving them humanitarian and diplomatic responses India asked them to leave West Bengal and in fact they were carried in trucks and dumped near the Nepal border (IDSA). Indian scholars assert the security concerns of India regarding the politics of Gorkhas in West Bengal as reason behind such action. Hence, there is Indian angle also, as there is involvement of Indian interests and India as a country who exerts influence in Bhutan's foreign policy has direct implications over the issue.

1.2 Statement of the Problem

The direction of this research is given by the research problem. The research seeks to find out about whether there existed small state syndrome in Foreign policy of Nepal or not during the negotiations regarding Bhutanese Refugees with the Government of Bhutan. Nepal is not a signatory to the Convention relating to the status of Refugees, 1951; also it hasn't signed its optional protocol of 1967. Hence, Nepal is from no legal obligation responsible to host refugees as such. However, Nepal gave shelter to refugees not in small number but in thousands on humanitarian grounds. This situation might have been avoided by a successful diplomatic negotiations. There are ample of literatures available which highlights stands of Bhutanese government and also about the plights of the refugees themselves during their stay in camps.

This research primarily aims to find out about the negotiations from a perspective of foreign policy of small states.

1.3 Objectives

The following would be the primary objectives of the study.

- i. To study the Bhutanese refugee policies of Nepal from small state perspective.
- ii. To analyze the foreign policy of the two involved states on the issues of refugees
- iii. To assess the decision makers view on foreign policy behavior of the country in case of Refugees
- iv. To draw the conclusion from the findings if the policies undertaken in this issue exhibit behavior of small state or not

The secondary objectives of the study include the following:

- i. To find out probable determinants, factors, and actors related in the refugee policy and its practice in Nepal
- ii. To study other factor affecting the decisions relating to foreign policies.

1.4 Research Questions

This research will look for the answer to following research questions:

- 1) In what ways Nepal and Bhutan involved in trying to resolve refugee issues?
- 2) What was the two countries' stance on the agenda of Refugees?
- 3) Did Bhutan punched over its weight during negotiation obliging Nepali to exhibit smallness?

1.5 Organization of the Study

The research document will contain following sections.

- Chapter One: Introduction
- Chapter Two: Literature Review
- Chapter Three: Conceptual Framework and Methodology
- Chapter Four: The Refugee Agenda and the Stance of Two States
- Chapter Five: Negotiations
- Chapter Six : Analysis of the Refugee Policies and Small State Diplomacy
- Chapter Seven: Findings and Conclusion

1.6 Limitation of Studies

The same sorts of notes could be interpreted in different ways by different researchers. Methods used in analysis and techniques used can also differ results in the end. The people involved in the research, interview process can present only their perspectives and not actual real facts. Due to the limited scope of the study, could not delve into India-Bhutan interest and role into the agenda which could have given more clarity into understanding the issue and also this would have given a perspective into India-Nepal relations vis-à-vis India's Bhutan priorities. Small state literature not sufficient and the definition vague, i.e. either quantitatively defined in terms of geography, number of population and GDP among others or qualitatively in terms of foreign policy. Lack of a clear definition leaves room for analysis to become vague itself.

Chapter Two

Literature Review

Beginning with the definition of small states, it was seen that in small state literature and studies there hasn't yet been a single, agreed upon definition of small states, due to which there exists a flexibility in defining small states. A gamut of qualitative and quantitative explanations has been given while trying to define, explain small states.

Rotheistein stated "that the first attempt to categorize state according to size was the treaty of Chaumont 1817" (Scheldrup 2014, p.5). Further, Mehdieva notes that the wave of newly independent states during the 1960s gave rise to the debate on how to define small states. Likewise, Cowards said "that the most commonly applied criteria are an objective classification based on population, geographic area and economic capacity" (Scheldrup 2014, p.5). Clarke & payne defined the state with one million people as a small state (Scheldrup 2014, p.5)".

Whereas, East defined a small state in terms of population of a bigger size i.e. under 23.7 million people" (Scheldrup 2014, p.5). Rotheistein has defined small state as "One which recognizes that it cannot obtain security primarily by use of its own capability, (and) must rely fundamentally on the aid of other states, institutional processes and developments; small powers' general inability must be recognized by other states involved in the system"(Rhoteistein 1968).

Apart from these, Vital and Koehane explained small states in terms of more qualitative criteria. They argue that the position of the small state in the international system and the influence they can exert over the system is what makes them small or large state. Vital asserts a

relative notion and says that (Scheldrup 2014, p.5) a small state is small in relation to a greater power it is interacting with. Likewise, Keohane presents (Scheldrup 2014, p.6) “hierarchical positions of states in the international system where the states are put in levels based upon the influence they could exert in the functioning of international system. And in this hierarchy the states lying in the lowest level are the small states who Keohane calls “system ineffectual” states that have no say in the international system.

A scholar from Scandinavia, Raimo Vayrynen attempts “to integrate various approaches to the definition of small state and suggests a classificatory scheme consisting of five different dimensions: (i) low rank measured either by hard data or by perceptual data; (ii) high degree of external penetration; (iii) specific types of behavior; (iv) specific interests of small states compared with other states; and (v) specific role conceptions of the decision makers of small states”(Vayryne 1971).

There are few scholars argues who that there is no need for a rigid definition of a small state and that as long as “we feel obliged to define our subject, we will remain stuck in the conceptualization phase”(Bladochhin n.d., p.16). For eg. Few states tend to brandish the smallness as a bargaining chip in the international system even though they do not show vulnerability significantly (Baldachhino n.d,p.15). Few states on the other hand, like Qatar as Cooper & Momami argue that despite their size they often “punch above their weight”(Cooper & Mamoni) in the international system. Browning rejects that ‘smallness’ inherently results in weakness and that it can in fact be seen in a more positive light (Scheldrup 2014, p.12). Likewise, Baldachhino mentions that the “deficit discourse” is the best known representation of

small states in vogue[...] and questions if being small is really that handicap? (Baldachhino n.d.,p.15).”

In discussion regarding the study of Small state foreign policy, Elam in her journal article discusses that the scholarly consensus on studying about foreign policy of small state is at the international system level by focusing on the effects of the international system since small preoccupied with survival than are the great powers, the international will be the most relevant level of analysis for explaining, choices. Scholars like Jevris have argued “it is generally assumed that because of the different international contexts in which small and large states operate, their foreign policies will reflect different sets of constraints. Domestic level pressures will have more relevance for explaining the foreign-policy choices of states which are less exposed to the international environment” (Elam 1995, p.175). Likewise, on foreign policy behavior of small states Schweller concludes that 'extreme systemic constraints' can account for weak state foreign policy and military behavior. Analysts typically assume that because small states lack the necessary self-sufficiency to defend themselves against great powers, they will be 'continually preoccupied with the question of survival'(Elam 1995, p.178).

On the other hand, mainstream IR theorists in general, and most small state researchers in particular, explain small state foreign policy by focusing on the prevailing features of the international system and on small state-great power interaction. Bjol puts it well: 'For the small state, as Rosenau has pointed out, the environment is a much more important variable than for the great power, and hence any reasoning about its role should probably start by an identification of the type of international system in which it has to operate”’(Elam 1995, p.179). Moreover,

many attempts have been made to classify small states to focus on the implications of these states in world politics. For a more tangible definition many have turned to set certain criteria such as population. The world bank and commonwealth thus tend to define a small state as a state with a threshold of 1.5 million people. This includes 45 countries meeting this criteria. “A Forum of small states (FOSS), a voluntary and informal grouping at the UN described at length below, described at length below described small states with populations of fewer than 10 million people. Another category in the literature on small states focuses on the special challenges faced by “micro states”. This term further distinguishes very small states, or countries with populations of less than 500,000 people.

Theoretically, “The fundamental challenge for a small state is its greater vulnerability in the face of larger neighboring states, together with a lack of means to influence the international system more generally. Today, these relational weaknesses – and the way they can shape a state's self-image – are often seen as equally important with any simple arithmetical measure of smallness. The literature has shifted its focus from trying to come up with a precise definition of what constitutes a small state, concentrating instead on the ability of small states to govern themselves, become economically prosperous and defend themselves from hostile attacks (Archer and Nugent, 2002). The research therefore does not attempt to fit Nepal as a small state into any of these categories but tries to see if Nepal showed any of the characteristics as such small states in terms of its diplomatic capacity and severe capacity challenges it faces because of its geopolitical situation, particularly in the case of its dealings on the Bhutanese refugee issue.

The Bhutanese refugee agenda: There are numerous studies that have been done over a period since the emergence of the issue. Nepal and Bhutan have their own takes. Bhutan stands by a position that “In 1988, for the first time, Thimphu launched a comprehensive census program, adopted a firm policy on immigration, and took a survey of land records, all aimed at effectively curbing the influx of illegal immigrants. The census revealed a substantial number of illegals and an unprecedented rise in the Lhotshampa population.” Thus, they adopted various steps to tackle this. In the one hand, the government tightened citizenship laws to tackle the problem of illegal immigration; simultaneously, policies were adopted to protect national cultural distinctiveness and to promote national integration.” Whereas Nepal held the position that Bhutanese refugees were the outcome of the ethnic, cleansing carried out by the then Royal Government of Bhutan.

Individual writings of the people belonging to the Bhutan who are living in Nepal, stories and articles provides how Bhutanese government was extremely ruthless to these people and that the government dexterously planned the mass exodus of Nepali. They also give a perspective into how India was quiet and Nepal failed to get India on its side, while Bhutan successfully did so. The writings of Govinda Rizal who belonged to the Community and lived through all the actions of the Bhutanese government gives detail anecdotes in his writings.

A “Pardesi in Paradise” written by Mr. Rizal whose “life is a distinct history, politics, geography, language, culture and whatnot” as the editor of the book writes, in relation to the Bhutanese refugee issue is a detailed explanation and analysis of the time, the situation, the

policies of different governments of Bhutan and the failure in negotiations between the governments.

Michael Hutt in his book “Unbecoming citizens” presents an extensive analysis of the people, society and the governments of both Nepal and Bhutan before the stemming of the situation, how it unfolded into a problem and the way both the governments handled it. Michael Hutt states, regarding Bhutan’s modernization policy during the 1960s and 1970s that “The preservation of Bhutan’s distinctive Drukpa culture is an objective that is held sincerely and honorably by many individuals and institutions, both Bhutanese and non-Bhutanese. However, in view of Bhutan’s very particular geopolitical position, the ethno-linguistic composition of its population, and power relations within the kingdom, it would be naive to imagine that policies designed for the preservation of ‘culture’ were not embedded or would not have diverse impacts upon other spheres of contestation.”

The literature reviewed above is not enough in the field of understanding the behavior of Nepal state in the bilateral, or can say tri-lateral front. In case of the Bhutanese Refugees negotiations, there are clearly no any literatures focusing on the state’s ability, strengths and weaknesses. In the available literatures, it can be seen that Bhutan’s diplomatic steps were dexterously devised. On the contrary, Nepal’s diplomacy seemed crippled. The absence of significant number of literatures from the Nepali standpoint clearly indicates that not enough attention is given to not given to this issue in terms of its capacity as a state. Individual stories and their experiences provided insights about the real happenings of the time. Most literatures agree to the fact that Nepali side failed miserably in negotiations with the Bhutanese government. However, there has not been much study on this agenda if it was because of nature

of Nepal's diplomacy. Most literatures focus on the aftermath of the resettlement. The research attempts to connect the dots of Nepal's failure in this negotiation to the overall capacity of its diplomacy by digging further into the available information.

Chapter Three

Conceptual Framework and Methodology

3.1 Conceptual Framework

The topic of Small States already comprises a number of concepts, and theories and perspectives. The operational definition is used in order to explain and tell a point in certain context. Those concepts and definitions are explained in this chapter.

Liberalism: Liberalism is a theory in International Relations that is based upon the premises that states chose to international cooperation and pursue mutual interests than resorting to war thus, contributing to the welfare and greater wellbeing.

Neoliberalism: It is a variant of liberal IR Theory. The focus of this theory is upon the role of International Institutions. It stresses on how institutions are significant in generating a common benefit. It is premised upon the basic liberal assumptions that the collective benefits could be obtained through greater human cooperation.

Foreign Policy: The policies adopted by the states to pursue the national interests of the state in the international system. The policies are executed through various state apparatuses.

Diplomacy: Diplomacy is a set of laws, institutions and practices that are use to implementation of the foreign Policies of a state. According to Berridge ,“Diplomacy is an essentially political activity and, well resourced and skillfully, a major ingredient of power. Its chief purpose is to enable states to secure the objectives of foreign policies without resort to force, propaganda, or

law” (Berridge, p.1). Besides, diplomacy is also used as synonym to negotiation, and foreign Policy.

Small states: “Over half the member states of the United Nations are ‘Small’ according to the simplest numerical yardstick (fewer than 10 million citizens) propounded to the. Mainstream IR theorists in general, and most small state researchers in particular, explain small state foreign policy by focusing on the prevailing features of the international system and on small state-great power interaction. Bijol puts it well: 'For the small state, as Rosenau has pointed out, the environment is a much more important variable than for the great power, and hence any reasoning about its role should probably start by an identification of the type of international system in which it has to operate'”(Elam 1995, p.179).

State level Analysis: The state level of analysis stresses on the factors that are internal to the state and those that determines the behavior of a state with another. Such analyses include the study of the institutional frameworks of the state such as the relationship between the executive, legislative of the state, or the form of government that exists, e.g. A democratic government or an autocratic system, institutional framework of the state, such as the relationships between the executive and legislative branches of government. This might also extend up to the study of effects of domestic constituencies, for instance the interest groups, ethnic groups, or public opinion. Economic conditions of the people and state as a whole and the state’s national history and culture comes under the ambit of study for the state level analysis. All these factors internal to state have a paramount importance in the foreign policy behavior of any state.

3.2 Research Methodology

a) Research Design: The study takes into account characteristics of states, the socio-economic frame during the situation, characters involved. The research design is thus, a descriptive and analytical design. In addition, a diagnostic approach of research is implemented in studying the problem itself, dwells into the causes of the problem.

b) Nature and Scope of Data: Secondary sources have been used to collect information. Interviews in person and through email were used as a source of information. Books, videos, newspapers, research journals both published and unpublished, websites and other sources were mostly used for the collection of information and data.

c) Tools and techniques of data analysis: Observation, interviews, reading documents, watching videos, case studies, reviewing texts have been used as the techniques of data collection and analysis. The sequence of events and the documents related to it is used for study and analysis. Interviews of individuals involved and experts in the field are taken through personal visits and email questions. Likewise, desk review and study of several documents and text related to the topic, literature, people, and events were studied and analyzed.

d) Unit of analysis: Bhutanese refugees, negotiations between the two states are the major units of analysis.

Chapter Four

The Refugee Agenda and the Stance of Two States

4.1 Bhutanese Refugees

The Context: The Nepali speaking population owned lands in the southern parts of Bhutan and lived there for centuries. However, the Bhutanese Government felt insecure from the people dwelling in the Southern Part of Bhutan and targeted these people. They were the Lhostampas, which were different than the communities of people living in the Eastern or the Northern parts of Bhutan. Lhostampas were the ethnicity of people who had been living in Bhutan for centuries.

The ties between Nepal and Bhutan can be traced back to the days of their establishments. The religious ties between the two states began when the Bhutan itself was established as the Bhuddhist Kingdom. The Presence of Swayambhunath in Nepali land and the buddhism prevalent here automatically brought Bhutan and Nepal closer. The relations started becoming prominent and official during the 1624/25 A.D. with the Gorkhas ruling the Kathmandu Valley. This was the time, when Nepal and Bhutan were both forming as modern states. Dr. Suman Dhakal writes in his journal article that ,”According to the Bhutanese source, the first Dharmaraja Syawadung Nawang Namgyal himself visited the Kathmandu valley and took with him 401 50 Gorkha families to Bhutan. Among them were Brahmins, Chhetriyas, Vaishya and Shudras. Bisan Thapa Magarwas the leader of the migrated Gorkhalis to Bhutan. Being influenced by the political system of Gorkha constituted by King Ram Shah, the Dharmaraja Nawang Namgyal introduced the same in Bhutan with some necessary changes. The

system of "Mana-panthi " of Gorkha known as "Gorge Jhappa" among the Dukpa and Pyapsa people of Bhutan has been popularized in Bhutan. A system as such is still in existence in Arunachal. As Ram Shah's Political administration influenced the Bhutanese; the Gorkhals were also greatly influenced by the Tantrik knowledge of the Lamas of Bhutan. Thus these two regimes came into close contact and established a good relationship.” Likewise, about Nepali people migrating to Bhutan, the writer writes “In 1640AD the Bhutanese Dharmaraja, Nawang Namgyal, visited Gorkha when Dambar Shah was in power. On his visit, he took some Gorkhali families to Bhutan and let them settle among the western hills and terai. Since then, courtesy visits by every new Dharmaraja and Devraja of Bhutan to Gorkha became a regular feature.” The writer also cites an anecdote from the Bhasa Vamsavali, which shows that there were lots of nepali people already living in Bhutan by the time of Narabhupal Shah, the story goes like this ,” Narabhupal Shah, being childless, invited Dharmaraja to Nepal and with the blessings and ritual and Tantrik commencement performed by him, he became the father of a child, Prithivi Narayan Shah-the founder of modern Nepal. This time also Narabhupal Shah issued a Lalmohar in the name of Bhutanese Dharmaraja. This event is popular as a legend among the Nepalese residents of Bhutan.” It is clear from the History, that the ties were age long and due to the fact that both countries were ruled under a Monarchical system underpinned by religious beliefs, there were migration of people from the two countries. The People from Nepal settled in Bhutan a long time ago, infact centuries ago. There cannot be denying that the people of Nepali origin later acquired the status of Bhutanese people in Bhutan as they lived there for generations. However, during the late eighties, they were declared ‘illegal immigrants’ and were evicted out of their Homeland (Dhakal, n.d.).

Bhutan is a Multicultural and multi ethnic country, even though it maintains an Identity of a Single culture. “Most accounts of the population identify three main ethnic categories. There are the Ngalogs in the west; Sarchups in the east and the Lhostampa in the south.” Then, there is a “fourth grouping” without a particular name, that represents the people of Central Bhutan. “The Ngalongs, the Central Bhutanese and the Sarchops practise a Tibetan style of Mahayana Buddhism, the Nyingma in the east. The Drukpa Kargyu has statutory representation in the State’s recommendatory and consultative institutions, while the Nyingma does not. The Buddhist people of Bhutan are usually known collectively as ‘Drukpas’. The southerners are mostly Hindus, the vast majority speak Nepali Language” (Hutt, 2003, p.5). This kind of Multiethnicity, multi linguistic, and multi cultural nature of Bhutan was denied by its government’s vision to make it a one identity country, which eventually led to the Bhutanese people suffering a life of a Refugee in Nepal.

4.2 Planning of the Government of Bhutan

The Royal Government of Bhutan denied their connection with the Bhutanese Land and carefully planned to get rid of them. Following the same, the government executed various acts and brought in new policies calling them an effort of ‘Modernization’. One of such policies was the Marriage act which was introduced in 1980 and barred a Bhutanese to Marry a non-Bhutanese. Likewise, regarding dress and ethnic clothing, the Driglam Namzha code of conduct declared that everyone had to wear and follow the dresses of Ngalongs - Gho and Kira. And a census was carried out in 1988 which declared overnight that the presence of thousands of people in the country was illegal and declared them “illegal immigrants' ' Bhutan was a

multicultural and multiethnic country with people from different ethnicity living in different parts of the Country. However, the government guided by the philosophy that the Nepali speaking people were a threat to the integrity of the country, given the developments in the neighborhood during that time, took a decision of what many have termed as “ethnic cleansing”. The government seriously pursued the decisions of “Strengthening nationalism” under the banner of “One nation one people”. Bhutanese government might have several justifications to the policies it adopted, but the facts remain, and the results explain a different story. During the final years of this whole design. The government’s master stroke was evicting people. It started by applying special conditions for the people of Southern Bhutan. The Bhutanese government demanded a 'no objection certificate (NOC)' issued by the local police or local administration as a pre-condition to for basic facilities like education, health, jobs or for businesses. It increased the public scrutiny of the people and strictly commanded that the people are not to be involved in any kind of demonstrations and activism and even threatened to evict them from the country if found acting against the orders. Not enough with this kind of discriminatory conduct against the southern Bhutanese, the government also enacted resolutions in the National Assembly. A resolution was passed in 1997 that the Ngolops retire compulsorily from the civil services. And later, during the forceful eviction, the legitimacy was acquired by making them fill a Voluntary Migration forms (VMF) which were written in Dzongkha language. The filling of the forms meant that these people were renouncing their citizenship. In this way, it was made to seem that the people were leaving the country voluntarily but, they were actually tricked by the government in leaving their Land.

4.3 The being of Refugees

During 1990s, the adoption of an unfair policy and a gamut of similar efforts Bhutan started expelling thousands of its citizens of Nepalese origin out of its territory led into this exodus of people from Bhutan. The Lhotshampas, who had been living in Bhutan for generations and also owned houses, land and other property in Southern Bhutan were the main target groups. They had contributed significantly to the economic development of Bhutan but were victimized by the authorities for their alleged role in the pro-democracy movement of 1990. This is remembered as a 'ethnic cleansing' carried out by the then monarch of the Bhutan, King Jigme Sigme Wangchuk.

The Lhotshampas who were forced to flee their country. They fled to the bordering country India. Instead of giving, those humanitarian and diplomatic responses India asked them to leave West Bengal and in fact, they were carried in trucks and dumped near the Nepal border (IDSA, <http://www.idsa-india.org/an-jan9-11.html>). Indian scholars assert the security concerns of India regarding the politics of Gorkhas in West Bengal as reason behind such action. Whatever, the cause, the result was a homeless and stateless situation for these people from Bhutan. Ultimately, they entered Nepal. Nepal granted them entry seeing Humanitarian reasons. They were given shelter in the Eastern districts of Jhapa which are nearby the Indian Borders from where they entered. Eventually, over the time with the help of UNHCR they were given a Refugee status. Data shows that at the end of 1990, there was a group of 60 Bhutanese asylum seekers recorded on 12 December, 1990 for the first time who were settled in Jhapa. However, from the beginning of 1991, the asylum-seekers continued to enter Nepal through Kakarbhitta entry point via India in exodus. The population of refugees reached 75000 by 1992 and 106517 by February 2006 (UNHCR).

Dr. Govinda Rizal, who is a writer of the book “Pardesi in Paradise” and an activist when asked through an email interview said on how he became a refugee that, “I am Govinda Rizal. About one hundred thousand Bhutanese Citizens were evicted from Bhutan for racial and political reasons in the early 1990s. I was one of the victims of the planned eviction. It was a trans-national exodus. The Bhutanese citizens expelled from their country at first landed up in India and later entered Nepal for survival and security. Uninvolved Nepal was pulled to the issue. For a long time the governments of three states- Bhutan, India, and Nepal- refused to get involved that gave enough time to the Bhutanese government to create strong hurdles to prevent repatriation.”

4.4 Nepal Bhutan Bilateral Relations

Ancient Connections: Bhutan was unified by a Lama Nawang Namgyal who was a monk known for his scholastic abilities and who belonged to Ralung Gompa in Kham province of Tibet. The rulers had decided a religion based rule for the country in Bhutan, there were the appointed Dharmaraja, who was supposed to be the Spiritual ruler and the Devraja-the Temporal ruler. Malla Kings were ruling in Kathmandu. It is from this time when Bhutan started having relations with the and the Kings in Kathmandu and in Gorkha. Buddhism was prominent and played a significant role in bringing closer the two states. The Tantrik Lamas of Bhutan were popular in Nepal and were brought for various purposes. Swayambhunath Stupa in Kathmandu attracted Bhutanese as a place of learning and spirituality (Dhakal, n.d.).

Bhutan and Nepal since then have had cordial relations. People-to-people connections were also deep. At the state level, there were cooperation between the two states in the matter of

maintenance of Gomaps, and exchanges of people. There have been instances and proofs of interaction with the Rulers of that time. There have been exchange of affairs between the two countries during the Malla period, rule of Shah Kings such as Krishna Shah, Ram Shah, Drabya Shah, Purna Shah, Narabhupal Shah, Bahadur shah among others, and also the Rana regime had good relations with Bhutan (Dhakal, n.d.).

Dr. Dhakal further gives details of Nepal-Bhutan relations, “While discussing Bhutan-Nepal relations, the currency of Nepalese coins in Bhutan and the Mohar of Bhutanese rulers (Dharmaraja and Devraja) prepared by the Nepalese artist cannot be ignored. Nepalese coins were in use in Sikkim from 1788 AD to 1892 AD. Similarly, the Bhutanese were also using Nepalese coins in Bhutan. The Mohars, which were being used by Bhutanese rulers, were marked with Devanagari letters, so it is presumed that those Mohars were prepared by Nepalese artists. Further, Under the procuracy of Bhimsen Thapa there existed a postal service between Kathmandu and Punakha, Bhutan. During the premierships of Janga Bahadur and Bir Samsher some reforms were made in the postal service. Since the time of Bir Samsher at the request of the King of Sikkim, the route of postal service between Nepal and Bhutan was linked through Gangtok, the capital of Sikkim. Besides, there were also exchanges of emissaries between Nepal and Bhutan for sometime. The chief priest of Swayambhu also holds the post of Bhutanese representative. Similarly from time to time Vakils were deputed to represent Nepal in Bhutan. In the time of Bhimsen Thapa's procuracy Ahiman Ale was at the post of Vakil representing Nepal. Likewise, under the premiership of Bir Samsher Kancha Colonel Kesar Simha Thapa was deputed for the same. The Nepalese rulers were also allowed to catch elephants in the Jungle of the border area of Bhutan. It is mentioned in the letter of 1872 AD that the Bhutanese government at the request of Nepalese delegates, permitted for the same” (Dhakal, n.d.).

Nepal's Relations with Bhutan in Modern Times: Nepal established its diplomatic ties with Bhutan in June 1983. Nepal and Bhutan have concurrently accredited to each other their respective resident ambassadors in India. In other words, the resident ambassadors to India, of the two countries will also serve as the ambassador to Nepal and Bhutan as well. Nepal and Bhutan are two Himalayan states located in South East Asia, which shares similar cultural roots. Bhutan is a Buddhist Kingdom and Nepal is a land of Lord Buddha, a major shrine for Buddhists. They have a proud history to share. Both countries were never colonized by a foreign power unlike its neighbors in the region. A common primary security concern of preserving their sovereignty and territorial integrity also binds them together. The two Himalayan countries cooperate together at multilateral platforms as South Asian Association for Regional Cooperation (SAARC), Bay of Bengal Multilateral Initiative for Technical and Economic Cooperation (BIMSTEC) for regional interests and also at United Nations (UN), Non-aligned Movement (NAM) for the promotion of interests of LDCs, and LLDCs.

Likewise, the two countries also share a common bond of being an agricultural and naturally rich countries and huge potential this can bring to the trade, tourism, and energy sector. The Buddhist cultural affinity between the two countries binds its people together and the commercial exchanges are taking place through aegis of multilateral forum such as SAARC are equally significant aspect of the duo's relations. Direct daily flights operate between Kathmandu and Paro, which has contributed to the trade and tourism between the two. The two countries have historically been Monarchies and shared a number of high level bilateral visits. King Jigme and Late King Birendra both have visited each other's country under the aegis of SAARC. However, there has been no head of state-level visit after 2006. From the Bhutan side, the Queen Mother and the Prime Minister visited Nepal in 2011.

Nepal and Bhutan has always been peaceful and friend to each other and there are not a number of issues that triggers friction between the two. However, the Bhutanese refugee issue has been the only one. Nepal wishes to solve the Bhutanese refugee problem with all sincerity and expects the same degree of response from Bhutan. However, things didn't go as expected for Nepali side. Despite until today, Nepal holds a view that the refugees should be repatriated to their Homeland at the earliest with dignity and honor. The bilateral relations of the two countries are also bound by their commitments to the principle of the United Nations, Non-aligned values and the regional cooperation SAARC. Both are committed to the international principles and norms. Also, they are bound by their geographic faith. The two land-locked countries work together in international and regional forums for the sake and benefit of the Land-Locked states including themselves. The two countries work actively to promote the well-being and interests of the least developed and land locked countries especially for the groupings called the LDCs and LLDCsto promote the interests of countries categorized as LDCs and LLDCs. The two countries have experiences in the sector such as natural conservation, water resources, hydel projects, farming, tourism and herbs industry. The collaboration and cooperation in these sectors of economy can benefit both enormously. The history of People's movement, shared ethnicity, languages and culture between the two countries can be beneficial in fostering the people-to-people relations further in the coming days.

The Druk Air operates its flight to Kathmandu. The airlines makes four flights a week to and from Kathmandu, Paro and Delhi.

Few visits between the two countries

The first visit of the King of Bhutan took place only in 1987 even that was part of the 3rd SAARC Summit held in Kathmandu. During this visit, he went to Khotang district for pilgrimage at the Halesi Mahadev Temple where his mother had prayed for the birth of a son.

The sister of King Jigme used to visit Kathmandu often and the government would always maintain that she be provided a VIP treatment whenever she came.

Even though, Not as a bilateral state level visit for the consultation of SAARC meeting on October 5-6, 1988 Late King Birendra visited Bhutan

Ashi Dorji Wangmo, the then Queen of Bhutan visited Kathmandu for a week (June 23-30, 2003) and was welcomed by the members of the Royal Family of Nepal. She also visited Swayambhunath and Boudhanath and paid Homage.

In 2003, Her Majesty the Queen of Bhutan, Ashi Tshering Pem Wangchuk, alongwith Princesses HRH Ashi Chimi Yangjom Wangchuk and HRH Ashi Kesang Choden Wangchuck visited Nepal for a private trip. The seven day visit was welcomed by the then Her Majesty of Nepal. The visit was considerable, even though private because, her majesty paid a visit to Lumbini to observe the site, planned for construction of Bhutanese Temple there.

Trade and Economic Relations

An MOU was signed in March 2005 between FNCCI and Bhutan Chamber of Commerce and Industry to promote trade and economic relations between the two countries. The first meeting of Nepal-Bhutan Bilateral Trade at the level of Joint Secretaries of the Ministries of

Commerce was held in Kathmandu on 17 March 2010 and the second meeting was held in Thimpu on 24-25 May 2011 to discuss the Draft Agreement on Bilateral Trade.

Bilateral Trade

Nepal exports sculptures and statuary, electric transformers, soaps, garments and footwear. Major imports from Bhutan include gypsum, coal and cement. Even though the balance of trade has traditionally been in Nepal's favor, Nepal has sustained trade deficit in recent years.

4.5 Arrival of Refugees in Nepal

Nepal and Bhutan do not share its borders. It is obvious that the mass migration of people occurred through Indian route. Smriti S pattnaik writes on her research paper ,” they took refuge in India but they were asked to leave West Bengal and in fact were carried in trucks and dumped near the Nepal border.” India is Nepal's one of the closest friends and India had also helped Nepal in its fight for democracy. krishna Prasad Bhattarai led interim government at that time did also have good relations with India. However, all these could not result in fruitful diplomacy with India. Nepal failed miserably in stopping the people at the India border and send them back from there. Despite being a sovereign country that could have asserted its right to close its borders for unwanted foreigners, Nepal took a preposterous decision of doing nothing. India had sufficient reason to push them to Nepal, but Nepal had no rational to take them in. India on the other hand also presumed them as a threat to national security. Pattanaik also writes, “Indian decision reflects its strategic consideration regarding the implications these refugees could have

on the volatile politics of Gorkhas in West Bengal. Moreover, the decision to a certain extent was dictated by the cordial relations between India and Bhutan and New Delhi's reluctance to get entangled in a matter which it considered purely bilateral.”

Chapter Five

Negotiations

5.1 Bilateral Talks between the two government

During the seventh SAARC summit which was held on 10-11 April, 1993 in Dhaka, Bangladesh. His Majesty the King of Bhutan and Prime Minister Girja Prasad Koirala had attended the meeting at that time. They had brief talk on the sidelines of the Summit. Pattanaik cites the conversation in her paper, "Nepal politely dismissed a request made by the King of Bhutan not to grant asylum to the refugees. He said that 'he could not comply with the request as it would hurt the sentiments of the Nepalese people and the political parties would criticise him.' However, on his return to Kathmandu, Koirala reiterated his government position to support 'democracy and human rights anywhere in the world but will certainly not interfere in anybody's internal affairs.' The advent of democracy in Nepal changed Nepal's outlook towards the refugee issue." Later, in the days, both the countries agreed to form a mechanism to address the issue bilaterally and hence, a home ministerial level meeting was held in Thimpu on July 17, 1993. The meeting concluded to form a Ministerial Joint Committee that would work in detail to solve the problem. The committee constituted of three persons from each side (Pattanaik, n.d).

Later, The Ministerial Joint Committee (MJC) was mandated with finding out solution to solve the crisis. The MJC's aimed at determining the categories for the people, specify the stands of the government regarding them and then coming to a common agreement. The Nepalese side presented the number and the status of the refugees residing in camps which were as follows: (a)

10,073 families with citizenship document (b) 1762 families with records pertaining to land ownership (c) 251 families with health documents (d) 40 families with education certificates (e) 2490 families with documents such as service in government, marriage certificates and court documents (f) 368 families who did not have any documents (Pattanaik, n.d).

The MJC meeting was held for the first time from October 5 to 7, 1993. The meeting concluded with the categorization of the refugees. The categorization is (i) Bonafide Bhutanese citizens forcefully evicted (ii) Bhutanese who had emigrated (iii) non-Bhutanese people (iv) Bhutanese who had committed criminal acts. In this meeting it was further decided that the mechanism for further verification would be determined at the next meeting of the MJC which was to take place in February 1994 in Thimpu. The two governments agreed to specify their positions on each of the categories and reach a mutually acceptable agreement (Pattanaik, n.d).

The third MJC meeting was held in Kathmandu in April 1994. In the meeting of the third MJC the two sides agreed to form a joint verification team. The verification would start its work and more meetings will take place subsequently.

The fourth MJC meeting was held in Thimpu on June 28 and 29, 1994. In this meeting, the two sides discussed the problems they were facing with the second category. The category 'people who migrated' was the main concern for the Nepali side, because it was known before the categorization that many of the people would fall in this category, and this is what the Bhutanese government wanted to happen so that they would not have to take these people back to the country. The stand Nepal put was defined in lines of "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." And Bhutan's position was "the people in the

refugee camps of eastern Nepal falling under this category should be dealt in conformity with the citizenship and immigration laws of the two countries"(Pattanaik, n.d.). Nepal tried to make its position of the second category clear to the team but no conclusion could be reached because both couldn't agree with each other.

The fourth round of talks was scheduled to be held in Kathmandu in September in 1994, but got cancelled due to internal problems of Nepal.

On the fifth round which was held in Kathmandu from February 27 to March 2, 1995, many issues surfaced. Pattanaik writes ,”the Nepalese delegation had problems with harmonizing the position on category three, i.e. 'non-Bhutanese people” (Pattanaik, n.d). She further writes, “There was no agreement over the constitution of the Joint Verification Team. There was also disagreement over the exact mechanism to be followed for verification. Further, another problem surfaced during these negotiations on category one i.e. genuine Bhutanese who have been forcefully evicted (Pattanaik, n.d). The manner in which to identify and determine them became the most challenging task and the most complicated issue. This was because there are many Bhutanese refugees with government documents which was a criteria to determine their citizenship in Bhutan. An agreement over the issue became more difficult because the Home Minister of Bhutan, Dago Tshering stated that the refugee problem was created by Nepal itself and that the so-called citizenship certificates said to be in the possession of the refugees could have been forged” (Pattanaik, n.d).

Before the sixth rounds of talk, there was a high level visit on the sidelines of the eighth SAARC Summit on May 3, 1995. The King of Bhutan, and the Nepalese Prime Minister met and

discussed the issue but they couldn't come up with anything. The sixth round of the MJC meeting also didn't reach anywhere (Pattanaik, n.d).

After, a namesake sixth round of meeting, the seventh round of meeting was held in April, 1996. Dr Prakash Chandra Lohani, the then Foreign Minister, led the Nepalese delegation and Foreign Minister Lyonpo Dawa Tshering led the team from Bhutan. In the seventh round of talks Patnaik writes ,”As reported in the media the Foreign Minister of Bhutan, Mr. Dawa Tshering continued to maintain that it is not possible to accept those refugees who did not have any government documents, who voluntarily emigrated and entered Nepal five years ago and those who had committed any criminal act. Official sources from Nepal maintained that the Bhutanese refused to take back those who had committed criminal acts in Bhutan. However they could apply afresh for Bhutanese citizenship.” And she continues that the Nepali side responded by saying "Nepal side maintained that applying National Laws of Bhutan would mean that most Bhutanese in the refugee camps could be stateless people denied their fundamental human right of nationality...This was against the UN Convention on Human Rights." Nepal knew always, and took its position that the people falling in the first, second and fourth categories have to be taken back to Bhutan as they are genuine Bhutanese citizens" (Pattanaik, n.d).

Nepali side at different times has reprimanded the stance of Bhutan and enunciated that the people in the Camps are Bhutanese citizens in many ways and they should be allowed to return back to their country. Patnaik cites the Foreign Minister of Nepal, Mr. Prakash Lohani, who once said that "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 does not permit non-Bhutanese to

purchase land and immovable property in Bhutan...The very fact that twenty per cent of the total population is leaving their homeland at normal situation when there is no armed conflict or economic stagnation in Bhutan, proves that Bhutanese allegation is farfetched and preposterous." (Pattanaik, n.d).

After the seventh rounds of talk, there was a long period of halt. Especially due to many reasons, and rightly in favor of Bhutan. The issue was more crucial to Nepal and breaking a momentum of negotiation gave more advantage to Bhutan. Nepal suffered the burden to have to look after the thousands of people in the camps, it was a dire need of Nepal to finish with the negotiation as soon as possible and get settled with the issues. However, Nepal showed absence of urgency towards the issues. This happened due to various reasons, internal Political changes in Nepal, Due to indulgence in political issues political leadership could not show a common and urgent will to delve into the matter and resolve it, Bhutan was gaining advantage due to the lingering of the issue. Pattanaik cites from Newspapers, "Nepalese politicians and intellectuals including the former Home Minister Khadga Oli have admitted publicly that agreeing to the categorization of refugees was a mistake on the part of Nepal. During the sixth round of talks, due to intransigent stand taken by the Bhutanese government, Mr. Oli stated that the problem is between the refugees and government of Bhutan. Reacting to this and endorsing Mr. Oli's view, former ambassador to India and a former minister in Deuba's cabinet, Mr. Chakra Bastola said that "Nepal is not a party to the whole affair. We are not a part of mudda, this is an issue between Thimpu and the refugees, who happened to have entered our territory, whom Bhutan refused to accept, which is why they are in the camps. Bhutan has amended its law to dispose 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" (Pattanaik, n.d).

After a recess of more than three years, MJC called its eighth meeting in Kathmandu from September 13 to 16, 1999. In the meeting that was taking place after such a long period of time, the foreign secretaries and the Ambassadors of the two countries were present. The main objective of this meeting was to restart the sequence of MJC meetings that was put into complete halt. The 9th MJC meeting was held in Thimphu from May 22 to 25, 2000. The Foreign Minister of Nepal Chakra Prasad Bastola led the Nepali delegations and the team of Bhutan was led by Bhutanese Foreign Minister Jigmi Y. Thinley. “The seventh, eighth and ninth MJCs were unable to make new headways. These were issues related to the formation of Joint Verification Team (JVT) and its terms of reference. The composition and the terms of reference of the JVT were agreed during the 10th MJC meeting held in Kathmandu from December 24 to 28, 2000.” (IFA, report 2002-2003). Further, in this meeting “The MJC also agreed the pro forma to be filled by the refugees. Both sides also agreed to exchange each other’s position on the four categories. Composed of five members from each side, the JVT verified the people in Khudunabari camp after ten-month long exercise.” Further, “the 11th MJC meeting held in Thimphu on August 20-23, 2001 agreed to accelerate the process of joint verification of the people in Khudunabari refugee camp. The Nepalese delegation was led by Dr. Ram Sharan Mahat. The two sides agreed on simplification of procedures and strengthening of the JVT with a view to accelerating the completion of all aspects of joint verification of Khudunabari camp. The two Foreign Secretaries held a meeting in Kathmandu on November 5-8, 2001 on harmonization of positions on four agreed categories of refugees. But they could not agree to harmonize their positions.”(IFA, report 2002-2003).

The 12th MJC meeting which was held in Kathmandu from February 5 to 7, 2003, turned out to be a significant meeting. The deadlock which had hindered the negotiation to process any

further resolved. The two parties finally agreed to harmonize each other's positions on the four categories and start the work of categorization. The Joint Verification Team continued their works with the Khudunabari Camp and also agreed to use the same principles to categorize people in other camps as well.

The 13th MJC meeting was held in Thimpu from March 24 to 26, 2003. This meeting's agenda was to discuss the progress. The meeting reviewed the work done by the JVT and also, the meeting set out a modality for the implementation of the outcome of the Joint Verification/Categorization exercise of the Khudunabari Camp. The option given to the people for Voluntary Repatriation, and an application form was also agreed upon in this meeting. On One hand, the 13th meeting in Thimpu was a successful meeting in terms of many agendas it carried however, it was also talking Nepal deeper towards accepting the Bhutanese refugees in Nepal.

“During the 14th MJC meeting held in Kathmandu from May 19 to 22, 2003, the two sides approved categorization of the refugees as per the report of the JVT on the categorization of the people in the Khudunabari camp. The categorization of the people in the camp was carried out in accordance with the terms of reference and guidelines adopted by the 10th MJC, harmonized position agreed in the 12th MJC and clarification on the guidelines in the 13th MJC. Foreign Minister Narendra Bikram Shah led the Nepalese delegation to the 12th, 13th and 14th MJC meetings. The 14th MJC directed the JVT to undertake the verification and categorization of the absentees of the camp within two weeks and make public the result of the completed categorization exercise. The JVT completed its assigned task and published the result of categorization, which drew a lot of criticism from the refugees, human rights groups and the

international community. The results were not desirable. Michael Hutt wrote in one of his articles published at that time that ,” The announcement that followed has come as a shock. It is widely believed that only 3 percent of the population of Khudunabari camp have been categorized as 'Bona fide Bhutanese evicted forcibly', while some 75 percent have been categorized as 'voluntary emigrants'. Some 20 percent are said to have been categorized as non-Bhutanese, and 3 percent as Bhutanese criminals. According to the MJC's joint press release, the 'Bona fide Bhutanese evicted forcibly', i.e. around 375 persons, will be permitted to return as full citizens, while those 'voluntary emigrants' who wish to return will be given the option of re-applying for Bhutanese citizenship. Non-Bhutanese will have to return to their own countries, and Bhutanese criminals will have to return to stand trial" (Hutt, 2003). Most of the refugees appealed against the result of categorization. In view of the complexities that had arisen after the publication of the result of categorization, the two sides agreed to hold informal consultations before the 15th MJC” (IFA, 2004).

According to the same report ,”The informal meeting was held on September 29, 2003 on the sidelines of the United Nations General Assembly (UNGA) regular session in New York. In the informal consultations between Dr. Bhekh B. Thapa, Ambassador-at-large and leader of the Nepalese delegation to the 58th session of the UNGA, and Lyonpo Khandu Wangchuk, Bhutan’s Foreign Minister, it was agreed that the 15th MJC would be held at Thimpu from October 20 to 23, 2003 (IFA, 2004). In his statement at the general debate of the 58th session of the UNGA on September 29, Dr. Thapa said, “we hope Bhutan will show more flexibility in bilateral negotiations to find an early and just settlement. We call on the world community including the UNHCR to help create a conducive climate for resolving this distressing humanitarian problem by sustaining its interest and assistance for the improvement of the refugees at this crucial

junction” (IFA, 2004). Nepal internationalized the bilateral Issue by asking for help with the world community to resolve the Refugee issue.

Further, Dr. Bhekh Bahadur Thapa also, met the then UN Secretary General Kofi Annan, and in this meeting he also requested for the continuation of the ongoing involvement of UNHCR. Nepal was convinced till this time that it could not resolve the Bilateral issue without the support from the third Party. The Report mention the “Ambassador-at-Large also and said that the announcement of the High Commissioner for Refugees to phase out the involvement of the UNHCR was only complicating the problem. High Commissioner Rudd Lubbers had said in his report to the UNHCR Executive Committee that the UN agency would phase out from the refugee camps in Nepal. Foreign Secretary Madhu Raman Acharya travelled to Geneva and apprised the UN High Commissioner about the informal talks held in New York and urged for continued involvement and cooperation of the UNHCR for the success of the bilateral process until the refugees were repatriated to Bhutan. Nepal’s Permanent Representative to the UN in Geneva Gyan Chandra Acharya also made a presentation at the Executive Committee of the UNHCR clarifying Nepal’s position with regard to the High Commissioner’s statement” (IFA, 2004).

In the 15th MJC meeting in Thimpu on October 21 and 22, 2003, both the parties agreed to bring into action the findings and conclusions of the JVT. According to this, the refugees in khudunabari Camp who were falling under the category one, two, and four were to be repatriated back to their country. The time period was also set for the completion of the task. They were to be repatriated within four months. Regarding the people falling under category three, the JVT was assigned to listen to people’s disagreements and review their status. Also, both sides agreed

to ask India for assistance for facilitating free and safe passage of refugees from host country to their home country. This meeting was important because the two parties also agreed to take up other camp for verification and categorization. And also, because Bhutan had agreed to bear all expenses for the movement of people from the camp up to the Indo-Bhutan border (IFA, 2004).

However, even the 15th meeting was successful and paramount in terms of the decisions and agreements made by the parties. The meeting fell short in terms of outcome. Later, in December when the Bhutanese delegation was briefing about the terms and conditions the people returning to Bhutan were subject to in a program an incident of violence erupted at Khudunabari Camp which not only suspended the program but the Bhutanese delegation led by the Foreign minister of Bhutan left Nepal undiplomatically. According to the report, “The incident, though highly regrettable, was caused by the provocative remarks made by the Bhutanese side during the briefing, which was against the spirit of the lasting solution to the problem of the Bhutanese refugees, particularly their return to Bhutan under conditions of safety and dignity, as agreed upon during the 15th MJC meeting. The Bhutanese side’s decision to leave Nepal without consulting the Nepalese side has been considered regrettable” (IFA, 2004). Bhutan’s remarks were motivated by their own interests rather than a genuine interest to take back their people.

About the incident, later “During the bilateral meeting between Prime Minister Thapa and Prime Minister Lyonpo Jigmi Y. Thinley of Bhutan on the sidelines of the 12th SAARC Summit, the two leaders took note of the unfortunate and regrettable incident at Khudunabari Camp, and agreed to resume the implementation of the outcome of Fifteenth Ministerial Joint Committee Meeting at an early date for finding a lasting solution of the problem”(IFA, 2004).

The dire need to resolve the issue grew each day and justice to people delayed would mean justice denied by its state.

The MJC 's 15th meeting which gave a lot of hope but in vain was the last meeting until the third party stepped in the issue unresolved for more than a decade.

5.2 Categorization and its issues

The negotiation progressed and the decisions were made. However, in this entire progression first step itself was in the wrong direction for Nepal. The agreement in categorization was the biggest mistake of all. The Bhutanese had designed and proposed for the categorization which Nepal agreed to.

First Category: Bona fide Bhutanese if they have been evicted forcibly. Very less people would fall into this category.

Second Category: Bhutanese who emigrated. Many people would fall into this category because most of the people were forced to sign emigration forms while leaving Bhutan. And there was less to prove that these forms were signed coercively. Michael Hutt writes that Bhutan government “had thoroughly bureaucratized the eviction process. All of the camps contained many people who were coerced or tricked into signing emigration forms, who signed written commitments to leave the country in order to secure the release of relatives imprisoned for political offences, or who fled from a generalized state of fear and insecurity”(Hutt, 2003). Hence, because of this reason the knowledgeable, the observers and activists feared that most of the people would fall into this category.

Third Category: Non-Bhutanese People: This category implied the people who had left Bhutan wishfully and forfeited their citizenship.

Fourth Category: Bhutanese who have committed Criminal Acts. The definition of Criminal Acts for the purpose of this categorization was very shallow and implied even those as criminals who had protested against government policies.

5.3 The Joint Verification Exercise (JVE)

Even Though both parties had agreed for the Joint Verification Exercise, early in negotiation. The task did not start until it was 2001. Only, after the Visit of state Secretaries of America to both the states, official was the process begun. ‘Joint verification’ began on 26 March 2001, from the Khudunabari camp, one of the smaller camps, where some 12,500 people were living in 1,964 bamboo huts (Hutt, 2003). And Even later the task was completed the the outcome remained confidential for the prolonged period of seventeenth months.

While this was happening in reality. Bhutan was successful in communicating to the international community that in early 2003, Bhutanese officials assured that they are committed to solve the Refugee problem. Further in the days, the JVT which comprised officials from Nepal as well spent many weeks in secrete discussions and finally the results of categorization of Khudunabari Camp was presented. The categorization of the Khudunabari refugees was reported as follows: “Families Individuals % (1) Bona fide Bhutanese 74 293 2.5 (2) Emigrants 2182 8595 70.5 (3) Non-Bhutanese 817 2948 24.2 (4) Criminals 85 347 2.8 Total 3158 12,183 100 (Hutt, 2003). According to the MJC’s joint press release of 21 May 2003, the Royal Government of Bhutan would take ‘full responsibility’ for the 293 individuals categorized as ‘bona fide

Bhutanese evicted forcibly’: these people would be permitted to return and would be issued with citizenship cards(Hutt, 2003). Those of the 8595 ‘Bhutanese who emigrated’ who wished to return would be given the option of re-applying for Bhutanese citizenship ‘in a liberal interpretation of the Bhutanese Citizenship and Immigration Laws’, while those who did not wish to return would be ‘given the option to apply for Nepalese citizenship in accordance with the laws of the Kingdom of Nepal’(Hutt, 2003). Non-Bhutanese would have to ‘return to their respective countries’, and ‘Bhutanese who have committed criminal acts’ would have ‘full opportunity to prove their innocence in the court of law in Bhutan.’ All of those thus categorized had the right to appeal against their categorization within 15 days, but their appeal would be considered only upon the ‘presentation of new material evidence’ or ‘determination of clear error in the process’ (Hutt, 2003). The results, and the process, the time that was taken for the Joint Verification exercise was not welcomed by the international community and Nepal. The whole process and the results were criticized.

Michael Hutt writes, ”The only people interviewed were male heads of households, and most of the questioning allegedly came from the Bhutanese members of the JVT. Refugee organizations alleged that this included individuals who had been involved in the eviction process a decade earlier. In some cases, individual members of a single family found themselves put into different categories. For instance, certain individuals who had left Bhutan as minors and therefore had no identity papers of their own were categorized as non-Bhutanese even though their parents were put into other categories, while young children belonging to a household whose head was categorized as a ‘criminal’ also became criminals. Both governments made a concerted effort to present the verification exercise as a major breakthrough. When the Bhutanese government announced after the 15th MJC meeting, held in Thimphu in October

2003, that all of the refugees would be able to return except for the non-Bhutanese and the ‘criminal chieftains’, this was hailed as a further major concession. Having consistently denied for over a decade that the camps contained any significant number of its own people, it was pointed out, the Bhutanese government had now accepted that around 75% of the population of this first camp either were, or had once been, Bhutanese citizens. Faced with vociferous protests against any prospect of repatriation from people’s representatives in Bhutan’s National Assembly in July 2003, the Bhutanese foreign minister made the first real admission to that body that some of the ‘people in the camps’ were indeed ‘bona fide Bhutanese who had been evicted forcibly’. The foreign minister explained that some of the people placed in the first category were those who had proved that they were Bhutanese citizens and had shown written eviction notices that they had received. The minister said that, in the early 1990s, some local officials and groups had gone beyond the call of duty and had issued eviction notices.⁹ In reality, the Bhutanese government had made all but 293 of the 12,500 people living in the Khudunabari camp an offer that was very difficult for them to accept. Those categorized as ‘emigrants’ could apply for Bhutanese citizenship but they would have to travel to Bhutan to submit their applications. No decisions would be reached on these for a minimum period of two years, and during this time the applicants would be issued with special identity cards and provided with employment. Although the categorization was carried out on a family basis, applications would only be accepted on an individual basis, and applicants would have to remain in Bhutan for the duration of the probation period. They would not engage in nor have any past record of ‘anti-national’ activity; they would have to be able to speak Dzongkha, and they would need a ‘good knowledge’ of the culture and history of Bhutan. It was not clear where they would live during the two-year probation period. Most had owned houses and land in southern Bhutan, but many

knew that their houses had been demolished after their departure, and many houses were probably now occupied by people who had moved down from the north in government resettlement schemes. In addition, some of the districts from which people had fled over a decade earlier now contained the bases of Assamese and Bodo insurgents. It was not likely that the repatriated refugees would return to their lives as self-sufficient tax-paying farmers, nor was it clear whether they would be granted rights to healthcare, education and so on. The terms on which the offer was made failed to recognize or address the fact that ‘the story of trust betrayed’ is ‘a touchstone of the refugee experience’ (Hutt, 2003).

5.4 Domestic Politics in Nepal

In Bhutan, the refugee agenda was given paramount importance. Every time, the national assembly met they called for the ban of the return of the people in the Camps in Nepal. They had all preparations and necessary arrangements made ready to ensure this. For instance, The Bhutanese government took a policy to resettle the Bhutanese in the Northern region to the Southern parts of the country which was the land of Lhotshampas and which had remained vacant due to their eviction from the country (Hutt, 2003). Unlike Bhutan, Nepal got entangled into its domestic situation and neglected such urgent and important issue because of which it went into shadows.

The Maoist insurgency hadn’t come to a resolve and the government was struggling to make a negotiation. The Royal Massacre of 2001 had come up as the most undesirable incident in the whole scene. The tussle between the Palace and the Parliamentary forces, was also surfacing and the Palace was being more assertive. The palace took a drastic step of dissolving

the House of Representative in May 2002, and dismissed the then Prime Minister Sher Bahadur Deuba, citing reasons of his incapacity. The king then, appointed the ministers he wished to, and run the country. Until the time he had to resign a few days later. Michael Hutt has observed well as he writes that “ At that time, the government was headed by headed by Lokendra Bahadur Chand, a previous Panchayat prime minister and a member of the pro-palace National Democratic Party (Rastriya Prajatantra Party). Chand was replaced by Surya Bahadur Thapa, another leader of the same party, who like Chand had also served as prime minister under the Panchayat system. It should be remembered that in 1989 the Panchayat government’s immediate response to early warnings of an impending influx of Bhutanese refugees was to arrest Lhotshampa dissidents active within Nepal and hand them over to the Bhutanese government. The various governments that came to power in Nepal during the 1990s all adopted a similar policy on the refugee issue: Bhutan should take back its entire people from the refugee camps. However, between 1995 and 1999 unstable coalition governments did little more than pay lip service to this idea. On the one hand, they were distracted by massive domestic problems and, on the other, hamstrung by the commitment given by an earlier government to sort the refugees into categories proposed by the Bhutan government. These governments were apparently willing to allow the problem to fester indefinitely until a solution could be found that was fully consonant with their uncompromising rhetoric on the need for democracy and human rights in Bhutan. This probably contributed in some measure to the palace’s more general impatience with the multi-party democracy established in Nepal in 1990. The Nepali approach to the Bhutanese refugee problem may therefore be characterized as having moved from one of principled incompetence to an approach dictated by royal realpolitik”(Hutt, 2003).

"The perception (and perhaps even the creation) of opportunities, as well as the successful conduct of diplomacy depend on the foreign policy skill of individuals. This implies that the impact a leader can have depends not only on the constraints and opportunities presented by the environment but also on that leader's interest and involvement in foreign policy. A leader who has a genuine and deep interest in foreign policy is likely to play a more active role and be involved in a larger number of foreign policy problems than someone who lacks such an interest" (Breuning, n.d. p.31). In this case, the leadership in Nepal was already fragile and engulfed by the flames of domestic situation. While in case of Bhutan, the stable leadership and homeland which was under control provided an impetus to execute their foreign policies. As in diplomacy, as he writes "the skill and experience of leaders is not always sufficient to ensure a desired outcome, because outcomes depend not only on the accurate assessment of opportunities and constraints but also on the interaction of the state's foreign policy behavior with that of other countries. However, decisions that have the best possible chance of yielding desired outcomes depend on perceptive assessments of the opportunities and constraints presented by the international and domestic environments, as well as insight into the personalities of the relevant decision makers of other countries. It may not be possible to fully predict the actions of those decision makers, but it is feasible to develop sufficient insight to understand the predisposition of such leaders. Knowing how another country's leader is likely to react to certain proposals and actions can help tailor messages and behaviors to increase the likelihood that desired responses are elicited and disastrous ones avoided"(Breuning, n.d. p.32).

5.5 Third Party Involvement

The convention relating to the status of refugees adopted by the UN in 1951, in its Article 1, defines "a refugee as a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, a political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country"(UN, 1951).

Michael Hutt points out, "In September 1991, The government of Nepal formally requested the Office of the United Nations High Commissioner for refugees (UNHCR) to coordinate all emergency relief assistance. Local and International NGOs-the Lutheran world federation, CARITAS Nepal, Save the Children Fund (UK), the world Food Programme, the Nepal Red Cross, OXFAM and CVICT (Center for the Victims of Torture) (Reilly 1994:131-3) - Were engaged as implementing partners, and worked in collaboration with new self-help groups. The number of new arrivals in the camps peaked in mid-1992, when as many as 6000 people arrived everyday, and gradually decreased through 1993, 1994, to a trickle during 1995, of the one or two per day. The Bhutanese government, made much of the fact that the Nepalese government did not begin to screen arrivals until June 1993, when the main influx had all but ceased (the vast majority of the people in the camps were usually described as prima facie refugees accepted on humanitarian grounds) and adopted a hostile attitude to UNHCR operations in Nepal. However, the Bhutanese Foreign Minister argued that UNHCR's recognition of the refugees and its subsequent involvement in the camps had exacerbated the problem because the number of asylum-seekers had increased greatly after UNHCR stepped in"(Hutt, 2003, pp.256-257).

The People in the camps were seen from the perspective of the definition, the international organization and also citing that Bhutan is unable to ensure the protection of people in the camps and their human rights, agency like UNHCR had already taken the responsibility of taking care of the people at the camps. In the beginning of the problem itself, the apex agency to look after refugee matters the United Nations high commissions of Refugees demanded with Nepal that the refugees should be provided with international protection and that a lasting solution be given to the problem as soon as possible. Later, in the days the role of UNHCR became more significant and increased more than expected. UNHCR helped the people in the camps with food, building shelters and with programs of sanitation, health care, education and community services. It also played a role in screening the people in the camps. Nepal's government being unable to take care of the people in the camp financially and lack of political willingness, the UNHCR took more interest and engaged intrinsically in the matter from the beginning. Because of this engagement, in one way the purely bilateral issue had taken a form of not only regional, but international scrutiny. Before the bilateral talks begin there was an involvement of third party, which pressed its own agenda time and again. However, the two governments initiated and continued their efforts to solve the problem. Even, during the JVT exercise at the camps they were assisted by UNHCR.

The bilateral agenda had long ago taken a form of a matter of international scrutiny and involvement. At the time when the JVY result was announced it received uproar by the international community. In trying to address the concerns of the international community the two sides tried to have some dialogue. As the Nepal-foreign policy report 2003- states about what had happened “In view of the complexities that had arisen after the publication of the result of categorization, the two sides agreed to hold informal consultations before the 15th MJC. The

informal meeting was held on September 29, 2003 on the sidelines of the United Nations General Assembly (UNGA) regular session in New York. In the informal consultations between Dr. Bhekh B. Thapa, Ambassador-at-large and leader of the Nepalese delegation to the 58th session of the UNGA, and Lyonpo Khandu Wangchuk, Bhutan's Foreign Minister, it was agreed that the 15th MJC would be held at Thimpu from October 20 to 23, 2003. In his statement at the general debate of the 58th session of the UNGA on September 29, Dr. Thapa said, "we hope Bhutan will show more flexibility in bilateral negotiations to find an early and just settlement. We call on the world community including the UNHCR to help create a conducive climate for resolving this distressing humanitarian problem by sustaining its interest and assistance for the improvement of the refugees at this crucial juncture". Further, the Nepali side also requested the involvement of the International UN agencies to continue their assistance in Nepal" (Ifa, 2004). As the report further mentions, "In his meeting with UN Secretary General Kofi Annan, Ambassador-at-large Dr. Bhekh B. Thapa also requested the continued involvement of the UNHCR and said that the announcement of the High Commissioner for Refugees to phase out the involvement of the UNHCR was only complicating the problem. High Commissioner Rudd Lubbers had said in his report to the UNHCR Executive Committee that the UN agency would phase out from the refugee camps in Nepal. Foreign Secretary Madhu Raman Acharya travelled to Geneva and apprised the UN High Commissioner about the informal talks held in New York and urged for continued involvement and cooperation of the UNHCR for the success of the bilateral process until the refugees were repatriated to Bhutan. Nepal's Permanent Representative to the UN in Geneva Gyan Chandra Acharya also made a presentation at the Executive Committee of the UNHCR clarifying Nepal's position with regard to the High Commissioner's statement, Foreign policy report Nepal (Ifa, 2004).

5.6 International Law and Conventions

As known to all, the international Law has set minimum standards of rights for all, including Refugees. Even though a country is not a party to the Refugee Convention and its protocols in particular, the countries are expected morally to provide protection and some facilities to the people. The International Conventions such as, the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), International Convention for Elimination of all forms of Racial Discrimination (ICERD), Convention for the Elimination of Discrimination against Women (CEDAW), the Child Rights Convention (CRC) and the Convention against Torture (CAT) creates an indirect and moral obligations to the states towards the Refugees. Clause (1) of Article 14, "Everyone has the right to seek and to enjoy in other countries asylum from persecution. "However, the same international Law also ensures the right of individuals to leave or come back to its own country. For instance, Article 13 (2)of the UDHR states: "Everyone has the right to leave any country, including his own, and to return to his country". Likewise, Article 9 prohibits arbitrary exile. In addition to this, This right to return is protected by the following human rights committee, general comment 27 on Article 12 of the ICCPR issued in October 1999 which states: "A state party must not, by stripping a person of nationality or by expelling an individual to a third country, arbitrarily prevent the person from returning to his or her own country". Despite not being a party to a particular convention, Bhutan is under the scrutiny of international norms. However, it seems that it has passed out the onus of responsibility and obligation of the international norms to Nepal through its clever diplomacy.

As, the refugee problem was an international issue, the International Agencies, such as the UNHCR, actively pursued its mandate given to them. They were successful to provide the

expelled people a status of refugee and began their work early on. convention relating to the status of refugees adopted by the UN in 1951, in its Article 1, defines a refugee as a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, a political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. Many non-governmental organizations working to solve the problem of refugees in Nepal sought international regime to intervene and hoped they provided some solution. Given the political situation, and economic capacity of Nepal, the government couldn't refrain from the assistance of UNHCR including, Food, Shelter, Sanitation, health care and education to the refugees. Beginning from here, the UNHCR worked through the repatriation efforts until the concluding third party settlement (Kharat, 2003, pp.285-289). UNHCR continues to be involved in the issue citing their role in ensuring the rights of refugees "allowed refugees to participate actively in camp management and community development projects. Women will play a greater role in management and decision-making. All children will have access to education facilities" (UNHCR, 2001).

5.7 Conclusion

The negotiation between the two countries took years and years till the best solution became to settle them in the third country. The International organization has taken over, implies that the two countries could not reach to a negotiation that Bhutan takes back its citizens to their homeland.

Kharat S.R. observes in his journal, "Looking back at these rounds of bilateral talks, one can see that Bhutan has always maintained an upper hand in the meetings. This was done with the help of its clever diplomacy and far-sightedness, in its own interest. Moreover, a well planned and positive campaign of a possible threat to its small size, and one which is rare in its ethnic identity had created a favorable world public opinion towards Bhutan. In this way, Bhutan could till the eighth round of bilateral talks almost take a stand that the refugee problem was not of its own making, thus succeed in managing to exhibit the issue of Bhutanese refugees in Nepal. However, by the time of the ninth and tenth rounds of bilateral talks, it followed practical diplomacy due to mounting pressure from various aid agencies and donor countries, especially the European nations"(Kharat, 2003, pp.285-289).

5.8 Implication for further research

It was discovered during the process of this study, and through its findings and conclusions that a research in this field has been concentrated towards the role of third party and the international institutions. They have a lot of funds and investments in studies about their works and their presence in the countries and issues like this. However, country like Nepal which is forever entangled in its own issues can draw lots of learning lessons from experiences like this.

There is a huge research gap in this area of study. Nepal as a sovereign state should put efforts in discussing, and finding out the lapses, and lessons from experiences like that of Bhutanese Refugees, what went wrong and document them, apply the learning in daily practices to make sure the same weaknesses are not shown again and work upon the weaknesses to be better in institutionally and as a state. The research can put some light towards a fact that there is a need in of study in this field. A small state syndrome is not that applies to Nepal as such but the study puts a light towards a concern that Nepal should realize its situation and act in a way that favor its national interests.

Chapter Six

Analysis of the Refugee Policies and Small States Diplomacy

6.1 Analysis of Bhutan's diplomacy in case of Bhutanese Refugee

Bhutan had her Nation building goals clearly articulated and pursued. Literatures show that Bhutan's nation's strategies are based upon principles of self-reliance and sustainability and gives special focus to internal resources. Further, Bhutan always had clear and focused aim of preserving Bhutan's cultural heritages. However, there were certain challenges, the government had identified, and that could come in the way of executing these strategies. They included her geographical location-mountainous and landlocked, Likewise, scattered settlements, and high dependence on foreign aids. Besides, this Bhutanese government during this time maintained that it felt the real threats from the Lhotshampas. Thimphu always maintained their stance in this line that the Nepali Population in the South were causing some serious threats to the nation building goals and there is a need to do something. The government keep the position that there were anti-nationalist activities going on in southern Bhutan. The government with an aim to promise safety and safeguard its national interests also adopted policy of "One Nation, One People" and tried to promote it. The RGB continually alleged that the 'anti-nationals' were conspiring against their nationalistic efforts. RGB even declared what anti-nationals' objectives were: "(1) to completely stop all development programmes in southern Bhutan (2) to create a separate Gorkha state within Bhutan, by dividing southern Bhutan from the rest of the country and (3) to mobilize through extortion as much money as possible to finance the anti-national movement." Bhutan government also believed that "Besides these, brutal murders, robbery, theft and spate of

unprecedented violence by the ngo/op-terrorists especially in the southern districts of Bhutan disrupted development activities and created a sense of insecurity among the local Bhutanese population. They were also encouraging the Lhotshampas and criminal elements to join refugee camps in Nepal and India as Bhutanese refugees to earn international support. Their calls for democracy and human rights was a guise to gain international attention and sympathy. The members of the 71st National Assembly stated that “the major propaganda campaign by the ngolops based on false and distorted information was aimed at strengthening opposition against the kingdom and bringing pressure against the Royal Government” Not only this, there were more serious actions taken by the government that ended up being called ethnic cleansing by those forced to leave their homeland. Debamitra writes “the 69th Session of the National Assembly of Bhutan had resolved that no further amnesty should be extended to the anti-nationals. The Government of Bhutan argued that initially though the King was very tolerant and patient with them, unfortunately now the Home Ministry has taken a firm and strong action in the light of their terrorist activities, consequently hindering the implementation of nation building programs. To diffuse the unbearable situation, the local Bhutanese asked the Royal Government to organize militia training for rural volunteers and to supply them with arms to drive the ngalops out of the country. Between 1988-1993 about one lakh Bhutanese citizens left Bhutan and took shelter in various refugee camps situated in different parts of India and Nepal”. Bhutan always maintained this position of ethical threats to its population. The Foreign Secretary of Bhutan Ugyen Tshering in an interview held on 8 June 1999 told ,”these are part of what I call Population Movement Driven ethnicity kind of issues that have come up and I think, Bhutan became affected by that and Bhutan also has to do with. A very quick success in Nepal, what the Democracy Movement in Nepal where we can reach where we are able to topple the

Government and I think that there was a feeling that something like that could also be done easily here.” The government stood firm with this stance even at the negotiation table and argued in their interest of not returning those Bhutanese who had mainly settled in Nepal" (Mitra, 2001).

6.2 Bhutan’s skills during Negotiations

Government of Bhutan agreed in 1993, three years later the arrival of Bhutanese in Nepal, to form a Ministerial Joint Committee (MJC) to work for solving the refugee problem. Bhutan proactively proposed that the MJC will work in for verification. Firstly, it would ‘verify’ the status of people in the camps. The verification will put the people in camps into four categories. They were: (1) Bonafide Bhutanese if they have been evicted forcibly; (2) Bhutanese who emigrated; (3) Non-Bhutanese people; and (4) Bhutanese who have committed criminal acts. The proposal of Bhutan government was sensed as troublesome as it was predicted that most people would fall under the second category. Nepali side resisted and hesitated to agree with the verification categorization. However, ultimately they agreed the categorization. The move was condemned and criticized by the Refugee activists, and the media. This was because, as Hutt writes, “ It was likely that many people would fall into category 2 (unless it could be proved that emigration forms were signed under duress), category 3 (simply for leaving the country and thereby forfeiting their citizenship), or category 4 (for having demonstrated against government policies" (Hutt,2003). The categorization was proposed tactfully from the Bhutanese side and obviously it favored their strategy.

Bhutan never intended to take back her citizens, this was clearly seen in its delayed approach towards the issue, the categorization they offered and the fact that ‘each annual

meeting of the national assembly called for a ban on the return of the 'people who had left the country' (Hutt, 2005). Furthermore, during that time Nepal's struggle with her own internal issues gave a huge advantage to Bhutan. The MJC meetings were held less frequently and thus the problem which was not solved in right time became more complicated. In diplomacy, the timing of negotiations is very important. The lengthening of period of negotiation is a tool used by the states to attenuate the intensity of the issue and to divert the attention of the issue. In all this, Bhutan was benefitting the most, while Nepal in other hand was burdened with the socio-economic implications brought about in its land by the refugees.

After the categorization, Bhutan was already on the winning side of negotiation. Regarding how Bhutan conducted its diplomacy Kharat S.R. writes in his journal, "Looking back at these rounds of bilateral talks, one can see that Bhutan has always maintained an upper hand in the meetings. This was done with the help of its clever diplomacy and far-sightedness, in its own interest. Moreover, a well planned and positive campaign of a possible threat to its small size, and one which is rare in its ethnic identity had created a favorable world public opinion towards Bhutan. In this way, Bhutan could till the eighth round of bilateral talks almost take a stand that the refugee problem was not of its own making, thus succeed in managing to exhibit the issue of Bhutanese refugees in Nepal. However, by the time of the ninth and tenth rounds of bilateral talks, it followed practical diplomacy due to mounting pressure from various aid agencies and donor countries, especially the European nations"(Kharat, 2003, pp.285-289).

The Foreign Secretary of Bhutan Ugyen Tshering in an interview held on 8 June 1999 told that "there were some differences in the southern part of the country. This difference may be described as an ethnic difference in terms of the way people look and also in terms of their

religious differences. He argued that in the 70s and 80s of the last century these differences did not mean much and everything was going very well. He stated: I would like to look at this whole issue as not so much an ethnic issue but, I think, this is going to be a big problem that will face this whole region in a way, very difficult way in the long run. You know a lot of population movement in this area. We have Biharis moving to West Bengal, we have the Assamese complaining about the Bangladeshi's back and forth. So, this whole area and the Nepalese Movement, all the way to the far North-East and then again being sent out back, and this is part of overall issue. I think, this broader context has to be seen. Within the broader context, I think, this sort of activism that has started, e.g. in the Darjeeling Hills. Before that the Sikkim problem activism. So, these are part of what I call Population Movement Driven ethnicity kind of issues that have come up and I think, Bhutan became affected by that and Bhutan also has to do with. A very quick success in Nepal, what the Democracy Movement in Nepal where we can reach where we are able to topple the Government and I think that there was a feeling that something like that could also be done easily here"(Mitra,2001).

6.3 The essence of Bhutanese foreign policy

As any other nation's foreign policy the ultimate aim of the foreign policy of government of Bhutan is to fulfill its national Interest. Rakesh Chhetri in his article writes, "The major objective of Bhutanese foreign policy at the late nineties are “: i) search for national security, ii) preservation of sovereignty and territorial integrity; economic development; iii) furtherance of Bhutan-India relationship; iv) expansion of external relations; v) suppression of pro democratic movement and stalling the repatriation of Bhutanese refugees. The last two became an integral

part of foreign policy since the early nineties”(Chhetri,1998). It can be seen that Bhutan always had clear stance regarding the Bhutanese Refugee.

Likewise, Bhutan’s foreign relations are confined and limited. Its relations with India were visibly strengthened by the treaties between the two. The treaty bound Bhutan had found it difficult to have its own line of diplomacy and thus has surrendered to maintaining relations with India and using the same for their economic growth and sustainability. Chhetri writes, ‘King Jigme outlined the basic framework of Bhutanese foreign policy in May, 1983, thus, ‘Our aim continues to be threefold; Firstly, we are committed politically to a strong and loyal sense of nationhood to ensuring the peace and security of our citizens and the sovereign territorial integrity of our land. Secondly, to achieve economic self-reliance and thirdly to preserve the ancient religious and cultural heritage that has for so many centuries strengthened and enriched our lives’ (Chhetri,1998).

Strategic Location

Bhutan lies between the two Powerful countries in the region i.e. China and India. Explaining the Strategic environment Ahsan and Chakma writes ,“The most important implication of its location and the crucial factor influencing the formulation of its foreign policy is that a friendly or dependent Bhutan is, for strategic reasons, a necessity for both India and China. “Bhutan is usually defined as part of an Indian "sphere of influence." The strategic doctrine that India inherited from the British is based on three pillars: (1) safeguarding the northwest frontier of India through which successive invading armies had made inroads into Indian territory; (2) preventing the areas that are within India's strategic policy from falling under the control of foreign powers; and (3) ensuring the command of the Indian Ocean and its

environs. Since the British period, a philosophy of "extended frontiers" has been followed, which means that a threat was to be met as far from the Indian borders as possible. India, being in a defensive position vis-A-vis China on the Himalayan frontier, is always sensitive about keeping an exclusive influence on the Himalayan states south of Tibet. Another strategic consideration for the security of Northeastern India, makes New Delhi very watchful of the Himalayan states. That is the choke point between Nepal, Sikkim, Bhutan, and Bangladesh, a tiny strip of Indian territory only 150 miles from Tibet that makes India vulnerable to Chinese attack. Chinese control of these 16 miles would cut northeast India off from the rest of the country. So, India tries by any means to preserve its dominance over the Himalayan region; this was the main reason why Sikkim was merged into India in 1975. Sikkim lies below an extremely sensitive point on the Tibetan border, the Chumbi Valley, "a dagger" pointing to the vulnerable narrow corridor connecting West Bengal to Assam and separating Sikkim from Bangladesh.² India cannot afford an aggressive or hostile Bhutan or any other neighboring country under Chinese domination" (Ahsan and Chakma, 1993). Bhutan has maintained smart diplomacy which has fostered cordial beneficial relations with the neighboring countries.

Relations with India

Bhutan's Formal diplomatic relations with India was established on August 8, 1978. However, the depth of their relations can be gauged by the political treaty that Bhutan signed with Independent India in 1949. The treaty of Friendship between India and Bhutan says in article two that "the Government of India undertakes to exercise no interference in the internal administration of Bhutan. On its part the Government of Bhutan agrees to be guided by the advice of the Government of India in regard to its external relations." Through the treaty Bhutan

has allowed itself to be guided by India in regard to its foreign policies. This means that Bhutan is required to consult its almighty neighbor before undertaking any foreign policy decisions. This treaty however, has been amended in 2007 and this clause has been replaced (Ahsan and Chakma, 1993) .

Not only Politically, Bhutan is in many ways dependent on India over economic assistances. India fully financed the first (1961) and second (1966) Five Year plans of Royal Government of Bhutan. It contributed ninety Percent of budget of the third(1971) Five year Plan. Besides this, India is also one of the largest financier of Hydropower projects and the military budget. In addition, India is also Bhutan's one of the largest trade partners. This economic relations with India makes Bhutan a loyal and true friend of India. Bhutan's stances in Multilateral Forum Like SAARC or UN are normally inclined towards India's stances (Ahsan and Chakma, 1993).

Regional Diplomacy

In South Asia, Bhutan established relations with Bangladesh in 1980. In no time, Bhutan grew its trade and business with Dhaka and became good economic partners. Bhutan approached and established relations with Nepal, another Monarchy in the region in June 1983. It went further in establishing non-resident diplomatic relations with Maldives in 1984, Sri Lanka, 1987 and Pakistan in 1990. Bhutan joined the SAARC in 1983.

Stand on Refugees

Bhutan as, explained above always had a clear understanding and stance on what they want from the people it thwarted away from its borders. Bhutan has used its entire status apparatus in spreading and campaigning against the Bhutanese refugees repatriation. Bhutan has

propagandized that the eviction of those people was necessary for the preservation of its 'ancient culture' and that they were a threat to their monarchy.

“Its diplomatic initiatives to stall the repatriation of its citizen refugees shows its political immaturity.” writes Rakesh chhetri. Bhutan’s reluctance towards his own people and buck passing them to friendly neighbor only sour the relations. But given the negligence and insouciant nature of Nepali side in the issue, Bhutan has made the most from the time and situation. Also, its narrative and well execution of the policies has protected itself from international scrutiny. Instead, Nepal’s acceptance of the negotiation terms and conditions has shifted all the attention from the international comity towards Nepal.

Conclusion

“In the recent past, Bhutan has been extremely vulnerable because of its geopolitical location, but the cautious and consistent foreign policy pursued by Bhutanese leaders has allowed the country to survive as a sovereign state. Its effective foreign policy initiatives helped state-building by, first, nullifying the possibility of external interference in Bhutan's domestic situation, and second, by achieving international status and altering Bhutan's image from an Indian protectorate to an independent nation“(Ahsan and Chakma, 1993).

6.4 Analysis of Nepal's diplomacy and policy

Nepal’s Refugee Policy: Nepal is not a signatory to the Convention relating to the status of Refugees, 1951; also, it hasn’t signed its optional protocol of 1967. Hence, Nepal is from no

legal obligation responsible to host refugees as such. However, Nepal has given Shelter to refugees' not in small number but in thousands on Humanitarian grounds.

However, reality lies distantly ahead of the international norm. The South Asian Region has seen hundreds of refugee's movement throughout owing to the political turmoil and consequential instability the region has gone through. A decade long civil war in Sri Lanka, the war-torn Afghanistan, insecurities in Bangladesh, ethnic cleansing Bhutan or civil war in Nepal, the internal conflicts has caused large-scale refugee movements across these countries.

Nepal opened up for the world after the advent of democracy in 1950. Ever since then, the refugees have occupied Nepali land. The Tibetan refugees were the first ones to enter in 1959, followed by exodus of people from Bhutan in early 1990s. Apart from these groups, there are other groups of people living inside Nepal as "refugees". The Tibetan Refugees entered Nepal through the Himalayan border. Their flow started in 1959 over the issue of Dalai Lama XVI who fled to India from Lasha, to seek asylum and continued until 1989. Nepal stopped registering Tibetan refugees, who had settled in different cities of the countries such as Bouddha, Pokhara and Baglung among other places. China does not accept these people as their citizens. Owing to Nepal-China policy and the Bilateral Relations between the two neighbors, Nepal has always maintained that Tibet is a part of China. For the stance that Nepal has taken as a respect to its valuable relation with China on various spheres, it sometimes face criticisms from the west and sometimes-severe actions as well.

In recent years, there has been influx of refugees from other parts of the worlds as well. Maximillion Morch in his article published in magazine the diplomat writes that there are approximately 300 Rohingya living in Kathmandu and some 600 across the country. The

government data on Refugees and Illegal immigrants shows that Nepal have been home for 6809 Bhutanese refugees at present and facilitated for 112966 refugees for third country settlement until date. Likewise, Nepal has recorded 12540 Tibetan Refugees in different parts of the country. Not only this, in recent years records has shown that Nepal has received number of illegal immigrants from different countries as Iraq, Iran, Bangladesh, Pakistan, Myanmar, Somalia, Sri Lanka, Afghanistan and Congo, due to various reasons (Ministry of Home Affairs, see annex).

Nepal, who is struggling with its own economic problems and development issues cannot simply give home to large number of refugees. Perhaps, to deal with the refugee problem it has resorted to UNHCR repeatedly. Thousands of Bhutanese refugees has been settled in countries like USA, Norway among others through third country settlement programs. Tibetan refugees were also settled in USA before 1990, which then stopped. This was possible because Tibetan and Bhutanese refugees has got official refugee status in Nepal. However, the appearances of Refugees from several countries is certainly giving hard time to Nepal and the government seems clear about their stand regarding more refugees. A statement from Nepal's Home Ministry said, "Nepal has increased surveillance at its border to stop more Rohingya from entering the country after the Rohingya crisis in Myanmar because we cannot bear any more crisis." Further, in the recent instance of Rohingya Baral writes ,” humanitarian pleas hold much sway with Nepal government. In order to accept more refugees, the government will have to placate more than its domestic constituencies. Again, India would not want those it suspects of terror links in Nepal; nor will China look favorably on such a settlement, as it could then have to acquiesce to more Tibetan refugees in Nepal—again clear cases of high-minded national security concerns outweighing a straightforward case of humanitarian intervention"(Baral,2017).

Even though Nepal's policy on Refugee has been to lessen the refugees in the country and not allow more of them, it is hard to bring it under regulation. Dr. Nischal Nath Pandey writes, "The Bhutanese and Tibetan refugees have entered Nepali territory from India and China. Ironically, even though both these countries are the most populous countries in the world, Nepal does not have border fences with either one of them. Nepal has never thought of the imperative to regulate its porous borders with TAR and with Indian states of U.P., Bihar, West Bengal, Sikkim and Uttarakhand. However, security sensitivities of both the neighbors have grown manifold from within Nepal. Whereas, Chinese officials occasionally warn us of increasing anti-China activity from within Nepal, main perpetrators of bomb blasts and other nefarious activities in India have been regularly caught inside Nepal. Despite of these serious accusations, Nepali policy makers have seldom ventured out of the narrow prism of upholding the country's age-old policy of maintaining the porous and open border with both its neighbors"(Pandey,2007).

Further on the agenda, owing to the open borders in its southern part it has become a suitable land for refugees. Million adds 'all of the Rohingya in Nepal have passed through India, which has previously influenced Nepal's domestic policy relating to its treatment of Tibetan and Bhutanese refugees"(Million,2017). The porous borders have always brought challenges for Nepal and Refugees came as one of the serious challenges to deal with. Moreover, Due to its strategic locations, Refugees has been of crucial strategic weapon for countries who wish to play around. Refugees has been pawn sometimes to India-China Rivalry, United state's China concerns, Nepal's One China Policy, and western countries interests through its institutions.

Refugees brings Nepal a gamut of problems, starting from economic burden to high-end diplomatic concerns. It may be its bilateral relations with India, China, or USA Nepal has hard

time investing in resources in maintaining relations. Hence, coming from Tibetan refugees to increasing Rohingyas it is important that Nepal deal with these agendas more seriously. It would be wiser as a nation for Nepal to work for a defined National interest than to deal such serious concern as a Humanitarian Crisis. For this, it is advisable to have a clear and visionary Refugee policy has to be articulated and strategized accordingly.

Nepal's Policy Dilemma

Nepal and Bhutan do not share Borders. But Bhutanese entered Nepal in such large numbers. This does not happen overnight and even if it does the government of any functioning state put up hands and watches the scene. As a sovereign state Nepal had every right to stop these people from entering the country. They had used Indian border. Nepal could have closed its border points from where they were entering and had sought for solutions. However, this seemed at that time a least of concerns to the leadership. The advent of democracy was a heavenly achievement for Nepal and the leadership was not yet over with it. The struggle was real, and the political situation was very sensitive. The newly established interim government was preoccupied with its drafting role and responsibility to hold the general elections. The then Krishna Parasad Bhattarai led government took no heed to the seriousness it could bring for the country imminently and in the long run. The dithering of the decision at that time left a deep mark. Diplomat and Former Foreign Secretary of Nepal Mr. Madan Bhattarai in his interview said, "Bhutan's Attitude towards the agenda was to prolong the negotiations so that the people will forget about it while moving on in their life. It also happened that on one hand Nepal was tangled in its own internal affairs, its political issues and thus could not see the Refugee agenda with priority. On the other hand, Bhutan presented itself as an ecologically beautiful and peaceful

country that believed in Happiness of its people and sold the idea that Nepal was causing the whole problem.” The entanglement of Nepali side in its own issue pulled it seriously backwards in the entire negotiation process.

This has obviously impacted Nepal in political, economic, environmental and social spheres. Nepal is not a signatory of the Refugee Convention of 1951 thus every refugee is considered a ‘foreigner’ with no political rights. Economic activity and property ownership are not allowed. Neither has Nepal been a supporter of any political cause or armed rebellion outside its borders in South Asia and yet it had to face this sudden forcible entry of a huge number of people. They obviously did not enter all at once therefore there was time for the government to mull over the situation and take appropriate measures. Sadly these were not done. Nepal had to take the burden of rearing the Refugees settling in its territory; on top of that Nepal also was burdened by the international scrutiny over the refugees. Nepal was obliged to be accountable to the international community in answering questions regarding management of refugees. The failure to act in time gave Nepal a burden not only internally but also tarnished the image of Nepal internationally and subjected it to international scrutiny forever. Madan Bhattarai when asked about what kind of policy could have Nepal taken at that time he said, “First, we should have closed the borders for the mass that wanted to enter Nepal, immediately, because we did not have the capacity to be liberal and host the number of refugees. Instead, we became liberal towards it which was beyond our capacity. Second, the situation was such that when these people were already at our door, it was a huge humanitarian crisis, we should have used diplomatic techniques to make Bhutan take back their people showing the emergency. We didn’t do that, we should have checked with scrutiny which wouldn’t have magnified the number of people we received. Third, we should not have agreed for categorization, our stance should have been to

repatriate and nothing less. Once, we agreed for categorization, it boomeranged on us and we were caught in it deeper and deeper. Fourth, our internal instability became our major weakness. This agenda which was to be resolved sooner than later, never got into the government's list of priorities. Fifth, any regime that came to power should have given priority to this issue because it was beyond our capacity to look after so many refugees. In fact, it should have been a matter of our national interest and it was our responsibility to safeguard it with caution. Bhutan however, was successful in doing so.

6.5 Small States Diplomacy

Small states often practice mild and softer diplomacy, and in practicing this also they face many Challenges. "The fundamental challenge for a small state is its greater vulnerability in the face of larger neighboring states, weaknesses—and the way they can shape a state's self- image—are often seen as equally important with any simple together with a lack of means to influence the international system more generally. Today, these relational arithmetical measure of smallness. The literature has shifted its focus from trying to come up with a precise definition of what constitutes a small state, concentrating instead on the ability of small states to govern themselves, become economically prosperous and defend themselves from hostile attacks. Starting out with inescapable structural weaknesses linked to their small population (human resources), size of economy and territory, and limited diplomatic, general administrative and military capacity, small states are seen in the literature as having two broad options for trying to compensate" (Thorhallsson and Bailes,2017).

The writer continues, "The other option available to a small state, to compensate for its inherent weakness, is to find a protecting state or join an alliance (Keohane, 1969). Small entities have always sought protection by larger neighbors, and the post-Second World War order offered small states the new alternative of seeking protection through membership of regional and multilateral institutions. After a period when some observers stressed small actors' flexibility and similar advantages, the 2008 international financial crisis has again underlined that a complete 'escape from smallness' is unrealistic. It has drawn attention afresh to the importance of political, economical and societal shelter, for small states and by extension for other small populations in semi-independent regions. The viability of small states such as Ireland and Iceland has again been called into question (Thorhallsson and Kirby, 2012; Thorhallsson and Kattel, 2013). For instance, in the run-up to the crash, Iceland lacked the administrative capacity to deal with its new, massive and complex financial sector; it would have benefited from stricter supervision from regional and/or international organizations, and greater domestic willingness to accept external advice. Small states and entities may have to accept that they are not able – at least not in the short run – to acquire knowledge and develop the capacity to deal with compound structures such as the international financial sector. As an alternative solution, small non-independent entities/nations such as Scotland and Greenland are effectively 'sheltering' within the boundaries of larger states (Bailes et al., 2013). In sum: realist logic still demands special small-state techniques both for dealing with neighboring states and potential protectors and exploring less traditional routes to safety and influence based on sheltering within regional and international institutions (Bailes, 2009). The presence of such options in any case depends on what the given region has to offer – small states must still adapt to conditions created by others.

Small states need, “both on external diplomacy and internal governance, although theory so far has focused on the links between them.” All in all, “In the last resort, a small state needs both an external diplomatic strategy realistically adapted to its situation, and a domestic strategy providing a buffer, in order to succeed in its diplomatic relations” (Thorhallsson and Bailes, 2017).

Bhutan’s Foreign Policy

Guiding Principles

As a principle of state policy, the Royal Government of Bhutan strives to promote goodwill and cooperation with nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by peaceful means in order to promote international peace and security (Mea, Bhutan).

Objectives

The objectives of Bhutan’s foreign policy are as follows:

Political

- I. To enhance and maintain national security
- II. Promote world peace and security by engaging in meaningful dialogue with the international community
- III. Promote and contribute towards international understanding and cooperation as well as international peace and security on the basis of peaceful co-existence

Economic and Trade

- I. Develop and expand mutually beneficial bilateral, regional and multilateral economic and trade co-operation
- II. Contribute towards the development of a dynamic and sustainable economy through mobilization of external resources

Approach

Bhutan continues to develop and maintain friendly relations with all countries in the region and beyond. Bhutan plays an active role as a responsible member of the international community (Mea, Bhutan).

The overall foreign policy objectives have been fulfilled by keeping Bhutan's friends and development partners regularly informed of developments in the country through our diplomatic missions and embassies. RGoB also exchange visits at various levels, organizes international seminars, conferences, cultural and religious exhibitions about Bhutan, and participation in bilateral and multilateral meetings including at the summit levels. MFA engages with the regional and international media to promote greater awareness of our country"(Mea Bhutan, n.d.).

Foreign Policy of Nepal

The fundamental objective of Nepal's foreign policy is to enhance the dignity of the nation by safeguarding sovereignty, territorial integrity, independence, and promoting economic wellbeing and prosperity of Nepal. It is also aimed at contributing to global peace, harmony and security. Nepal's foreign policy is guided by the following basic principles:

- I. Mutual respect for each other's territorial integrity and sovereignty;

- II. Non-interference in each other's internal affairs;
- III. Respect for mutual equality;
- IV. Non-aggression and the peaceful settlement of disputes;
- V. Cooperation for mutual benefit;
- VI. Abiding faith in the Charter of the United Nations;
- VII. Value of world peace.

Provisions of the Constitution of Nepal on National Interest and Foreign Policy

National Interest (Article 5.1)

Safeguarding of the freedom, sovereignty, territorial integrity, nationality, independence and dignity of Nepal, the rights of the Nepalese people, border security, economic wellbeing and prosperity shall be the basic elements of the national interest of Nepal.

Directive Principles (Article 50.4)

The State shall direct its international relations towards enhancing the dignity of the nation in the world community by maintaining international relations on the basis of sovereign equality, while safeguarding the freedom, sovereignty, territorial integrity and independence and national interest of Nepal.

State Policy (Article 51)

To conduct an independent foreign policy based on the Charter of the United Nations, non-alignment, principles of Panchasheel, international law and the norms of world peace, taking

into consideration the overall interest of the nation, while remaining active in safeguarding the sovereignty, territorial integrity, independence and national interest of Nepal (Mofa Nepal,n.d.)

To review treaties concluded in the past, and make treaties, agreements based on equality and mutual interest.

Foreign Policy Comparison

It is seen that Bhutan as a small state shows its reflection in its foreign policy. However, even though Nepal is not a small state owing to its size and population it has similar traits in its foreign policies. The foreign policies are guided by the principle of cooperation i.e “promote goodwill and cooperation with nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by peaceful means..” Likewise, Nepal's Foreign Policy is also guided by similar principles of Panchasheel ,”Mutual respect,Non-interference,Respect,Non-aggression,Cooperation,Abiding faith in the Charter of the United Nations, Value of world peace”. Likewise, the objective of Nepal’s Foreign policy is to “enhance the dignity of the nation by safeguarding sovereignty, territorial integrity, independence, and promoting economic wellbeing and prosperity of Nepal.” Similarly, Bhutan aims to achieve among others, “international understanding and cooperation”, “mutually beneficial bilateral, regional and multilateral economic and trade co-operation”(Hutt,2003, p.270).

“Generally, an entity which wishes to be considered as a state should be endowed with a territory, a permanent population, government and the capacity to entertain relations with other states. All of these Bhutan has, although in the last it constrained to some degree by the intimacy of its relationship with India. In theory, the extent of a state’s territory has no bearing on whether or not it is considered a state by other states. It is in case the result of a process of formation

which is peculiar to each case and a state's "size" is a much of a function of the state's perception of itself as of its physical extent. For instance, Nepal with a population of over twenty million, might be considered moderately large beside certain other nation-states, but it considers itself to be a small state- a yam between two boulders' in the words of the Eighteenth-century King Prithvi Narayan Shah-because it is wedged between the two most populated states in the world: China and India. Anthony smith points out that most nations and states are small, and argues that the culture and history of small nations become 'both means and ends of their existence': The more they feel threatened by the technological superiority and economic dominance of large nation-states, the more salient and vital is their distinctive culture. For it defines their very "raison d'etre as a separate unit (Hutt,2003, p.270).

Throughout the 1990s, King Jigme Singye emphasized in his interview with foreign journalists, diplomats and scholars that Bhutan was a small nation between giant neighbors, that all it had to define it was its cultural identity, and that it was too small to enjoy the luxury of cultural Pluralism". Western journalists, reports regularly asserted that various geopolitical and demographic factors were impinging upon Bhutan for the first time: " Bhutan, last of the Himalayan Kingdom, is fighting for survival/ KLing Jigme Singye Wangchuk has introduced extraordinary measures to save one of the world's most vulnerable and isolated countries. It may be too late"(Hutt,2003, p.270).

Chapter Seven

Findings and Conclusions

The objective of this research was to study the refugee policy of Nepal in perspective from a small state in case of Bhutanese Refugee in Nepal. Nepal's standing in international arena and its execution of foreign policy during the colonial times, where Nepal even fought with the English was completely a different era. Likewise, during the 1960s, the diversification of international relations was also a strong time in history. However, the Bhutanese refugee negotiations and the outcomes of it showed that Nepal fell behind smaller country like Bhutan in execution of its diplomacy.

The study shows that the rounds of negotiation between the two countries took years and years and actions were taken based on the decisions of the bilateral negotiations. The bilateral negotiations failed in terms of Nepal's part as Nepal could not reach to ensuring the repatriation of the Refugees back to their countries. The refugees were purely treated as a bilateral agenda between Nepal and Bhutan. India maintained that the negotiation is a bilateral matter and Nepal respect India's position owing to the age-old friendly ties. Also, Bhutan refrained from the intervention of any international institution. Hence, it can be concluded that rather than acting as a small state in front of India or China for that matter, Nepal did not seek to hide behind the powerful country which small states usually do, and performed its own way as a sovereign nation. However, in comparison with Bhutan which is a smaller nation in size and population and international presence, Nepal acted smaller. Bhutan did punch above its weight in this negotiation despite having lesser presence in International politics and foreign affairs and also defied its size by successfully pushing its agenda through the negotiation with Nepal.

Nepal and Bhutan had friendly relations since ancient periods. Bhutanese Refugee issue is the only rivalry issue the two states share. Nepal's involvement with the domestic politics, unwillingness to jeopardize the relations with India, inability to prioritize the agenda at hand were crucial misses that Nepali diplomacy failed to address at that time. While on the other hand, Bhutan's "modernization" policy based upon the national interest of Bhutan, which gave rise to the whole of refugee problem, was a planned and well executed plan. Even later, Nepal was having difficulty in managing the camps and the sudden exodus of people, which only grew in numbers, and being member of UN and committing to international Human rights agreements, Nepal had to resort to their assistance. However, as a sovereign state, strength of Nepali diplomacy would have been reflected if it had handled the negotiations and agreements strongly by its own capacity as it was after all, a bilateral issue. Third party stands influential and decisive in the repatriation phase till date. Nepal should learn the lesson from this experience and be cautious in coming days, as in the region Nepal stands in, refugee issues are complex and challenging even in modern times.

Implications for further research in this area

In today's time as well when diplomacy is largely about the game of economic capacities of states, perspectives on small states can provide relevant insights to understanding issues of Nepal in a better way. In the context of giving modernist argument regarding economic development of Island and pacific states Veenendaal and Corbett concludes "Since the 1980s, economists have been referring to small states in the Pacific, but also elsewhere, as MIRAB (Migration, Remittances, Aid and Bureaucracy) economies (Bertram & Watters, 1985) due to their reliance on external assistance for the provision of basic services"(Veenendaal & Corbett). As economy of Nepal is largely dependent upon the remittances that are received each year and

also the fact that the foreign aids, grants and loans comprises larger share of the national budget, it will be relevant to explore the small state ideas and perspectives to understand Nepal's space and standing among other states in the world scene. Thus, more other studies in this area will be helpful knowledge for Nepali foreign policy field in coming days.

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Annexure

In person interview with Mr. Madan Bhattarai

Text: Transcribed from recording

Date: 03-03-2018

Venue: His Residence at Kalikasthan, Dillibazar.

I worked for almost five years in Calcutta, as my first Diplomatic Posting, ending in 1986. Then, I worked for around 20 months in Delhi, during 1988-1990. While I was a Joint-Secretary I also served in Bangladesh mission for two and half years. Again, when Bhekh Bahadur Thapa was Nepal's ambassador to India, I also served in Delhi mission for around five years, from 1998 to 2003. When I came back to the Ministry of Foreign Affairs here in Kathmandu, which was when I was posted in the South Asia Division. It was here, where I learnt about the Refugee talks between the Government of Nepal and the Royal Government of Bhutan. When I came here, there were efforts being made to resume the talks with the Royal Government of Bhutan which was halted earlier, the idea was to send special envoy to begin the talks again and following this, first Mr. Kumar Gyanwali and then Lila Pd. Sharma had been already sent." Now for the third time, I was sent. I was not involved especially for the Bhutan issue, but since i was looking after the South Asia Division and especially India, i was required to address the Refugee agenda as well.

At that time Mr. Jigme Singye Wangchuk, who is Father of today, is reigning King Mr. Jigme Keshar Namgyel Wangchuk was the King of Bhutan and Mr. Dawa Tsering was the Foreign Minister. In the beginning My attitude towards the issue was guided by the thought that the issue had already been addressed by our Home Ministers themselves and a lot of work on categorization had already progressed so there might not be much I could do, but I took it in a very simplistic way. I talked to the Minister of Bhutan and said," We are countries with very close ties, there is no question of Bhutanese Refugee in Nepal coming to Bhutanese Court to seek legal remedies, so the best course I suggest to the government of Bhutan is to announce a General Amnesty. We are also a Monarchy and we understand that His Majesty has special privileges. After all they are your people, let us forget whatever mistakes have happened and go for forgiving them, let people come forward for it, whatever number be it one lakh, or fifty

thousand, whatever the number be, if people come forward for this, our problem will significantly reduce.” They were surprised to hear this from me, because they were expecting a discussion on the same line as was going on for a long time. I also had another proposal for them and that was to begin negotiations again. As could be anticipated, Bhutanese party was positive towards the second proposal and did not even comment on the first one. After this interaction, I felt that they started showing reluctance towards having me involved in this agenda because they thought that I talk out of the box and that was not what they wanted.

Now, in the Fourteenth negotiation meeting that was held from May 19 to 22, 2003, Mr. Bhekh Bahadur Thapa had led the delegation and it had Narendra Bikram, Madhu Raman Acharya and Mushil Jung Bahadur Rana as well in the team.

Bhutan’s Attitude towards the agenda was to prolong the negotiations so that the people will forget about it while moving on in their life. It also happened that on one hand Nepal was tangled in its own internal affairs, its political issues and thus could not see the Refugee agenda with priority. On the other hand, Bhutan presented itself as an ecologically beautiful and peaceful country that believed in Happiness of its people and sold the idea that Nepal was causing the whole problem.

What do you think the role of India was or could have been?

I had very good relations with India personally as well as professionally. According to my understanding about India’s stance on Bhutanese Refugee agenda, I feel that India is very reluctant about this Refugee issue. India does not want any disturbances in Bhutan, and it feels to me that somewhere during that period with the political changes across the world and, with our political achievements, we became a little bit more ambitious. Leaders went out reflecting these ambitions in their speeches, which gave a kind of threat and fear to Bhutanese Government that Nepal could want to sabotage their system, or influence their people to do so. Nepal could not convince the Government of Bhutan to get rid of this faux understanding. Perhaps, we ended up giving a message that we do not respect the system of Bhutan. In addition to this, In Bhutan itself the ruling party was in a minority hence, it was more convinced of the threat. Throughout this India did not want its involvement against Bhutan by showing any kind of supportive gesture towards Nepal.

What should have we done so that things would have been better for Refugees?

We should have done the following things.

First, we should have closed the borders for the mass that wanted to enter Nepal, immediately, because we did not have the capacity to be liberal and host the number of refugees. Instead, we became liberal towards it which was beyond our capacity.

Second, the situation was such that when these people were already at our door, it was a huge humanitarian crisis, we should have used diplomatic techniques to make Bhutan take back their people showing the emergency. We didn't do that, we should have checked with scrutiny which wouldn't have magnified the number of people we received.

Third, we should not have agreed for categorization, our stance should have been to repatriate and nothing less. Once, we agreed for categorization, it boomeranged on us and we were caught in it deeper and deeper.

Fourth, our internal instability became our major weakness. This agenda which was to be resolved sooner than later, never got into government's list of priorities.

Fifth, any regime that came to power should have given priority to this issue because it was beyond our capacity to look after so many refugees. In fact, it should have been a matter of our national interest and it was our responsibility to safeguard it with caution. Bhutan however, was successful in doing so.

Email Interview with Dr. Govinda Rizal

Wednesday, 3/14/2018, 10.37 A.M.

1) In what capacity you are engaged with this issue? What is your general reflections about it?

Response: I am Govinda Rizal. About one hundred thousand Bhutanese Citizens were evicted from Bhutan for racial and political reasons in the early 1990s. I was one of the victims of the planned eviction. It was a trans-national exodus. The Bhutanese citizens expelled from their country at first landed up in India and later entered Nepal for survival and security. Uninvolved Nepal was pulled to the issue. For a long time the governments of three states- Bhutan, India, and Nepal- refused to get involved that gave enough time to the Bhutanese government to create strong hurdles to prevent repatriation.

2) Do you think the negotiations between government of Nepal and Government of Bhutan were successful ? Yes/No ? Why ?

Response: There were fifteen rounds of formal talks and several informal meetings between the representatives of the governments of Bhutan and Nepal. It ended in a deadlock and total avoidance of each other. The end was a complete failure. On the pretext of Khudunabari incident, the Bhutanese team left the negotiation and never came back.

3) Are you satisfied with the negotiations efforts of Government of Nepal ? Do you think more could have been done ? What are your takes on various aspects of negotiations?

Response: Nepalese delegates usually had seasoned diplomats and leaders to deal with the issue. There were shortcomings too. The government of Nepal changed frequently and the members of talk teams also changed with the government. Had there been a fixed team to deal with Bhutan regardless of the changes in the government, the outcome of the talk would have been different than what it is today. The bilateral talks neither involved the refugees nor a third party.

4) What do you think are the major causes that government of Nepal was not able to repatriate the refugees back to Bhutan ?

Response: First, it was the unwillingness of the Bhutanese government to repatriate its people.

Second, India that geographically separates Nepal and Bhutan sided with Bhutan and left Nepal alone.

Third, as mentioned above the frequent changes in the government in Nepal and their policies kept the issue hanging without a direction.

Fourth, the efforts of the refugees for voluntary repatriation were weak as India stood on the way to foil their attempts.

Fifth, both the refugees and the government of Nepal were not able to involve India in their favor.

5) Where there any bilateral or institutional limitations of negotiations?

Response: Limitations were many.

The negotiations were at surface level. The teams did not delve into the laws or policies of the countries to find the causes of eviction. The negotiations were to cordon each others' blames and acquisitions. The Bhutanese government accused the government of Nepal that the refugees were Nepalese and requested Nepal not to keep them in the camps. The Nepalese government only emphasized that the refugees originated from Bhutan. The Nepalese teams did not study the root cause of eviction and laws and policies of Bhutan. Without studying the situation in depth the conclusions were always superficial.

6) Do you feel that India supported Bhutan in its aggressive policies against Nepali Speaking Bhutanese, which created the whole problem of Refugees? If yes, how ?

Response: India has been micro-managing the finance, defence, and policies of Bhutan. The problem erupted when it started micromanaging the demography. The strength and resources Bhutanese government used during the eviction and prevention of repatriation came from India.

While Nepali language was the lingua franca of the majority of the refugee, there were refugees whose first language was not Nepali. India had arrested Mr. Rongthong Kinley Dorji, the leader of Druk National Congress to extradite to Bhutan. India extradited Tenzing Zangpo to Bhutan. Both the leaders' first language was not Nepali.

7) Do You feel India could have played a role in resolving the issue ? How ?

Response: If India was positive towards the peace and well being of Bhutan, first of all, it wouldn't have provoked eviction and would have stopped it.

If India had spent half of the resources it spent on foiling the repatriation but in the support of it, all the refugees would have been back home long back.

8) What kind of role the UN agencies and other international agencies played to shape and resolve the issues of Bhutanese refugees?

Response: The UN and other International agencies supplied the basic needs of survival. They provided support for many decades. Their continued influence led to the formation of Core group of Countries for Bhutanese Refugees in Nepal (Core Group) and the friends of Bhutan. They are credited for the third country resettlement of the refugees.

9) Do any third country other than India had influenced the process and content of negotiations earlier? Why do you think they stepped in to relocate the refugees later on?

Response: Yes, the friends of Bhutan and Core groups were behind the negotiations. UNHCR was once supporting Nepalese talk teams financially. These international organizations have built rapport with the Bhutanese government and they frequently exchange updates.

They were behind the relocation of the refugees,

On contrary Bhutanese and Indian governments were not in favor of the third country resettlement. They simply wanted to dismantle the camps and let the refugees scatter and disappear in Nepal and India.

Nepal Foreign Policy Review (2002-2003) IFA : Nepal's efforts to resolve the problem began in 1993, when the then Home Minister Sher Bahadur Deuba visited Bhutan on July 17-18, 1993 and held discussions with his Bhutanese counterpart Lyonpo Dago Tshering. They agreed to establish a Ministerial Joint Committee (MJC) for bringing about a speedy and durable solution

to the problem. The first meeting of the MJC held in Kathmandu on October 5-7, 1993 agreed to categorize the people in the refugee camps into four categories, viz bona fide Bhutanese if they have been evicted forcibly, Bhutanese who emigrated voluntarily, non-Bhutanese people, and Bhutanese who have committed criminal acts. The second MJC meeting held in Thimphu on February 22-23, 1994 discussed the mechanism for verification of the four agreed categories of people in the refugee camps. This was continued during the 3rd MJC meeting held in Kathmandu from April 4 to 8, 1994. During the 4th meeting of the MJC held in Thimphu on June 28-29, 1994, the two sides exchanged their positions on the four agreed categories. The discussions were continued during the 5th MJC meeting held in Kathmandu from February 27 to March 2, 1995. The 6th MJC was held in Thimphu from April 17 to 20, 1995. The fourth, fifth and sixth MJCs were inconclusive. All the six MJC meetings were held at the Home Minister level. Sher Bahadur Deuba led the first four delegations while K P Sharma Oli was the head of the Nepalese delegation to the 5th and 6th MJC meetings. From the Bhutanese side, Home Minister Lyonpo Dago Tshering led the Bhutanese delegation to all the six MJC meetings. From the seventh MJC, the meetings were held between the Foreign Ministers of the two countries. The 7th MJC meeting was held in Kathmandu from April 5 to 8, 1996. Dr Prakash Chandra Lohani, the then Foreign Minister, led the Nepalese delegation while Lyonpo Dawa Tshering was the Foreign Minister of Bhutan who headed his country's team. After a hiatus of more than three years, the eighth meeting of the MJC was held in Kathmandu from September 13 to 16, 1999. The Foreign Secretaries of the two countries and their ambassadors were also involved in negotiations aimed at re-starting MJC meeting. The 9th MJC meeting was held in Thimphu from May 22 to 25, 2000. The then Foreign Minister of Nepal Chakra Prasad Bastola and Bhutanese Foreign Minister Jigmi Y. Thinley led the delegations of their respective countries. The seventh, eighth and ninth MJCs were unable to make new headways. These were issues related to the formation of Joint Verification Team (JVT) and its terms of reference. The composition and the terms of reference of the JVT were agreed during the 10th MJC meeting held in Kathmandu from December 24 to 28, 2000. The MJC also agreed the pro forma to be filled by the refugees. Both sides also agreed to exchange each other's position on the four categories. Composed of five members from each side, the JVT verified the people in Khudunabari camp after ten-month long exercise. The 11th MJC meeting held in Thimphu on August 20-23, 2001 agreed to accelerate the process of joint verification of the people in Khudunabari refugee camp. The Nepalese

delegation was led by Dr. Ram Sharan Mahat. The two sides agreed on simplification of procedures and strengthening of the JVT with a view to accelerating the completion of all aspects of joint verification of Khudunabari camp. The two Foreign Secretaries held a meeting in Kathmandu on November 5-8, 2001 on harmonization of positions on four agreed categories of refugees. But they could not agree to harmonize their positions.

14th meeting of the Ministerial Joint Committee of His Majesty's Government of Nepal and the Royal Government of Bhutan on issue of refugees

Kathmandu, May 19-22, 2003

Joint Press Release

1. The Ministerial Joint Committee (MJC) of His Majesty's Government of Nepal and the Royal Government of Bhutan held its Fourteenth meeting in Kathmandu from May 19 to 22, 2003.
2. His Excellency Lyonpo Jigmi Y. Thinley, Minister of Foreign Affairs of Bhutan, led the Bhutanese delegation that included His Excellency Dasho Ugyen Tshering, Foreign Secretary, Dasho (Dr.) Sonam Tenzin, Director General, Ministry of Home Affairs, Mr. Daw Penjo, Director, Ministry of Foreign Affairs, and other senior officials of the Royal Government of Bhutan.
3. Hon. Mr. Narendra Bikram Shah, Minister for Foreign Affairs, led the Nepalese delegation that included Mr. Madhu Raman Acharya, Foreign Secretary, Mr. Madan Kumar Bhattarai, Joint Secretary, Ministry of Foreign Affairs, Mr. Sushil Jung Bahadur Rana, Joint Secretary, Ministry of Home Affairs, and other senior officials of His Majesty's Government of Nepal.
4. His Majesty the King of Nepal granted audience to the leader of the Bhutanese delegation His Excellency Lyonpo Jigmi Y. Thinley on May 21, 2003 at the Narayanhity Royal Palace. The Bhutanese delegation also called on the Rt. Honourable Lokendra Bahadur Chand, Prime Minister of Nepal, on May 21, 2003 at the Prime Minister's Office.
5. The MJC adopted the report of the work of the JVT, and considered and categorized the unresolved cases. The Categorization was carried out as per the Terms of Reference and guidelines agreed upon during the 10th, 12th and 13th MJC's and the harmonized positions achieved during the 12th MJC (Annex-I). The two Ministers commended the efforts of the JVT in carrying out important responsibilities.
6. The MJC directed the JVT to undertake the Verification and Categorization of the absentees of the Khudunabari camp within two weeks. Following this, the JVT is to officially release and make public the results of the completed categorization at Khudunabari camp.

7. It was agreed that the terms, procedures and facilities regarding voluntary repatriation/reapplication and similar information for those seeking to remain in Nepal would be made known to the camp residents simultaneously by the JVT.
8. The implementation schedule on the outcome of Categorization was also agreed upon. The schedule provides the people to appeal against Categorization within fifteen days after the release of Categorization results. The appeals will be considered only upon the presentation of new material evidence or determination of clear error in the process.
9. The two Ministers expressed their firm resolve to find a lasting solution to the issue of the people in the camps in Nepal through bilateral discussions.
10. The Fifteenth MJC meeting would be held in Thimphu from August 11 to 14, 2003.
11. The two Ministers expressed their gratitude to the previous leaders of the MJC from Nepal and Bhutan for their contributions towards the progress that has been achieved so far.
12. The two Ministers exchanged views on several areas of mutual interest to further promote and strengthen friendly relations and cooperation between the two countries and expressed satisfaction that cooperation between private sectors specially in the fields of trade and tourism was growing.
13. They expressed mutual satisfaction with the progress achieved during the Fourteenth MJC which was held in a very cordial and friendly atmosphere.
14. H.E. the Foreign Minister of Bhutan expressed appreciation for the warm welcome and hospitality extended to his delegation by His Majesty's Government of Nepal. He also extended a cordial invitation to Hon. Narendra Bikram Shah, Minister for Foreign Affairs of Nepal, to visit Bhutan to attend the Fifteenth MJC in August. The invitation was accepted with pleasure.

Kathmandu, 21 May 2003

Ministry of Foreign Affairs, Kathmandu

(https://www.satp.org/satporgrp/countries/nepal/document/papers/nepal_bhutan.htm)