

Chapter I

INTRODUCTION

1.1 Background of the study

The end of the World War II marked the beginning of an era of unimaginable progress marked by changes never seen before in areas of social, political and economic spheres. The tremendous growth in population, albeit a feature of mainly developing countries, and the massive movement of population from *rural* to *urban* were the two single most important demographic shifts that engulfed the entire world with concomitant changes in the social and political regimes. The economic growth was no less astounding although it was basically the rich countries, so-called the First World, that benefited the most. Old colonial rules gave way to new nations, new nationalities, and new ways of looking at ethnic, religious, political differences. At the same time, the international politics became the politics between the rich nations led by the United States and the poor nations championed by the then Soviet Union, thus ushering the world into more than four decades of the Cold War (1945-1991). When the cold war ended with the dissolution of the Soviet Union in 1991 the world saw an unprecedented increase in internal conflicts that left many countries torn apart, in the process turning at least 40 millions people either statelessness, refugees or internally displaced.¹ While some argue that human migration, included forced displacement, is the salience of human civilization,² the post cold war saw an unprecedented increase in its scale and hence human suffering. In 1980, there were about 6 million refugees and 2 million internally displaced people (IDP) worldwide, according to Chaudhury (2004). By the end of 1995, the number of refugees increased to 13.2 million, whereas the number of IDP reached an estimated 30 million.³ According to Mishra (2004), “(W) thin the South Asia region alone, millions have been uprooted from their homes by violence, inter-communal strife

¹ Mishra, Omprakas (d). *Forced Migration in the South Asian Region*, New Delhi, Manak, 2004.

² For example, see Edward Newman. “Refugees, international security, and human vulnerability: Introduction and survey” in *Refugees and Forced Displacement* edited by Edward Newman and Joanne van Selm. New Delhi: Manas Publication, 2004, p 3-50

³ Chaudhary Roy Sabyasachi Basu & Mishra Omprakash *Citizenship, Exclusion and Forced Migration in South Asia* (2004) p. 224-235

and persecution.” The expulsion by the Royal Government of Bhutan of 120,000 Bhutanese of Nepali origin (*Lhotshampas*), while relatively speaking, small in number, represents a classic case of state-sponsored forced migration with little popular support.

The deracination of such a large number of people from their places of abode was a part of the process of state rebuilding. In this process States have used citizenship as an instrument to effectuate the politics of exclusion and inclusion in nation building. Ethnicity has been a major factor in defining who are to be excluded or included. Thus ‘forced displacement’ has drawn the interest of sociologists and socio-political scientists too, as ethnic definition in itself is a social construct.

Bhutan, a small and the only surviving Buddhist kingdom in South Asia, is apprehensive of development lest it disregards its religious beliefs, cultural values, ancient history and ‘unique’ ethnic origin. Bhutan seems to feel that the changes it sees around in Nepal, the then independent Sikkim, the then East Pakistan, and India is not conducive to its survival as a viable nation because what it sees is a ruthless levelling of cultural diversity, political contour and ethnic identities that used to enrich the subcontinent. Being a small nation with antiquarian governance structure, Bhutan felt threatened by the political changes sweeping the subcontinent and beyond. It found protection in a new definition of its identity couched in a nebulous concept of *Tsawa Sum* (King, Country, People). Here the idea was to ‘harmonize’ increasing diversity in the construct of its population by imposing uniform code of behaviours (*Driglam Namzha*) ranging from dresses to how and in which language to speak. The King was seen as a surrogate of people and nation; one would not be able to exist without the other. Hence preservation of kingship became a national imperative. By the same token increasing size and prominence of Lhotshampas in the national affairs was seen as a threat to this concept, as the Lhotshampas are different culturally and historically. When Lhotshampas opposed this move there began systematic and rather well coordinated actions that eventually resulted in the mass exodus of Bhutanese of Nepali origin, which began in 1990 and peaked in mid-1990. More than 115,000 Bhutanese refugees entered Nepal after India refused them refugee-status, and are now settled in five camps in Jhapa district of eastern Nepal. After almost two decades of inexcusable inaction in the part of the Governments of Bhutan, Nepal and India during which time the refugees

languished in improvised settlements with untold misery, the majority of them are now being resettled in 'third' country in the West.

1.2 Statement of the problem

The source of ethnic conflict, under which Bhutanese refugees problem may be classified, is the result of cultural incompatibility coupled with the sudden rise in awareness of one's identity vis-à-vis another groups' identities (Mathema 2010). In the ethnic conflict at least one group will claim that the power distribution in the society does not allow the group to express its unique identity and to take collective actions towards its preservation. This is often expressed in political (*under-representation*), economic (*exploitation of individuals or resources under their control by the dominant class*) and social (*hate, biases, denigration and derisions*) terms, and takes many different forms of contestation. The dominant group, which need not necessarily be the majority group, seeks every means to fortify its boundary to prevent members of the opponent groups from joining the dominant group. When there is a clear distinction between groups, such as in colour, facial construct, language and religion, these are used to accentuate the difference and maintain the separation. Naturally, language, political beliefs and religion are a weak means of maintaining the separation, as people can switch their religion or language without much problem. However, facial construct and colour, if used as the marker, are difficult to surmount. (Fearon, et.al. 2000 and Caselli & Cioleman, 2006)

Similar methods were used by Bhutan to create the separation between the Bhutanese of Nepali origin and the dominant Ngalong group. What are the reasons that underpinned the ethnic conflict in Bhutan? Ethnic incompatibility was not the source of but an instrument to maintain the division, and as such does not explain the origin of the conflict. The underlying reasons must be found elsewhere and mainly in the sphere of control of country's resources.

As a small country in the midst of countries in turmoil the ruling class of Bhutan was uncertain of its future. The political changes sweeping the subcontinent – People's revolution in Nepal, the cession of Sikkim, dismembering of Pakistan and the emergence of the new nation of Bangladesh as a result, the ethnic war in Sri Lanka, and

the loss of Tibet to China – were a wakening call for the elites of Bhutan to rise to the occasion and safeguard its privileges. This is the context of the ethnic conflict that unfolded in Bhutan during late 1980s and early 1990s.

1.3 Objectives:

The objectives of the research are as follows:

- J To understand why ethnic Nepalese of Bhutan were displaced from Bhutan (genesis of the crisis)
- J To understand how the process of displacement took place
- J To understand how the refugee crisis has been handled.

1.4 Scope of the study

The study is a sociological investigation of the ethnic conflict in Bhutan in the broader context of its development dynamics that opened up new opportunities for its ruling class to amass country's wealth in its favour.

The study is based on literature survey and is not about Bhutanese refugees per se but about how they came to exist. Thus it was important for the study to acquire a better understanding of Bhutan's history and its place in the region as well as unfolding economic opportunities provided by globalization and development that, in many ways, altered the status quo in the distribution of wealth in Bhutan.

The study attempts to understand the instruments used by Bhutan Government to force the supremacy of the ruling class on the Bhutanese of Nepali origin, and to examine the conflict in the light of relevant international conventions and protocols. The fact that none of the South Asian countries including Afghanistan has acceded to the 1951 Convention Relating to the Status of Refugees (and the 1967 Protocol) and the 1961 Convention on the Reduction of Statelessness has not made any material difference to the way refugee problems have been treated by the South Asian countries.

Further most of the research which have been conducted in the Bhutanese Refugee area is confined to the issue concerning to the refugee, the issue arose decade ago but the government of Bhutan still reluctant to consider the Lhotsampas as their citizens. So in the present context this study will be helpful in better understanding of the policies of the Bhutanese government to expel the Nepali or Lhotsampas from Bhutan. This study is on Bhutan and its people so this research will be helpful for sociologist and anthropologist for better understanding of the social background of the Bhutan and also the ethnic diversity within the country. Moreover this research will open a new way for further researcher. Therefore, this study will be a significant from sociological perspective.



CHAPTER II

METHODOLOGY

2.1 Research Design

The researcher used exploratory and descriptive methods for this research. Studying the causes of the Bhutanese Refugees required researcher to explain and describe the causes that led to its emergence.

2.2 Nature and Sources of Data

This study required both qualitative and quantitative data. These data are further classified into primary and secondary data. Much of the research is based on secondary data that were available with UNHCR, Ministry of Home and various publications on the subject of refugees, in general and Bhutanese refugees, in particular. Literature research also provided a framework to interpret information collected from the secondary data.

2.3 Secondary data

The data that is not is collected first hand by the researcher but by some other researcher is called secondary data. These data were used to interpret events leading to the emergence of Bhutanese refugees but also based on various theories elucidated in the literature survey.

The major sources of secondary data are:

1. Various publications on Bhutanese refugees.
2. Relevant publications of the Royal Government of Bhutan
3. Books and research publications on particularly regional conflicts
4. UN publications related to human rights
5. Relevant articles published in regional and national newspapers of repute

6. Theses relevant to the research theme submitted by students in Nepal.

2.4 Content Analysis

International Refugee Law: B.S. Chimni

This book is intended as an introduction to International refugee law. The status of the refugee in international law is constituted by a complex network of national, regional and international laws. The principle legal instruments on the international plane are the 1951 United Nations Convention on the Status of Refugees and the 1967 Protocol relating to the status of refugees which have been ratified by 134 states respectively. The 1951 Convention contains the most widely accepted definition of the term 'refugee'. It also incorporates the principle of *non-refoulement* (described as the cardinal principle of international refugee law) and outdoes away, albeit prospectively, with certain temporal and geographical limitations of the 1951 Convention.

At the regional level, there is the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa which came into force in 1974. The OAU Convention goes further than the 1951 Convention in offering protection to refugees. it expands the definition of the term 'refugee' as well as gives the principle of *non-refoulement* a broader interpretation. it is also the binding international instrument to contain as explicit provision on voluntary repatriation, the preferred solution to the global refugee problem.

Insofar as Asia is concerned, mention may be made of the principles adopted by the Asian-African Legal Consultative Committee (AALCC) in 1966. these principles, also non-binding in character, have however exercised little influence in the region. Finally, a Group of Arab experts meeting in Cairo in November 1992 adopted a non-binding Declaration on the Protection of Refugees and Displaced Persons in the Arab world.

The focus of the Reader, insofar as international legal instruments go is on the 1951 Convention even as it includes some material on regional conventions and declarations and considers some detail the mandate and functions of the UNHCR.

The Reader has been divided in to eight chapters. the first four chapters deal with the definition of 'refugee', the law of asylum, the rights and duties of refugees, and the mandate and functions of the UNHCR respectively.

The subsequent three chapters considers the issue of the root cause of refugee flows and the law of state responsibility, durable solutions to the refugee condition, and the international law of internally displaced persons. These chapters address concerns which go beyond the 1951 Convention but are crucial to the understanding and resolution of the global refugee problem.

The final chapter deals with the legal condition of refugees in India, which is not a party to the 1951 Convention or the 1967 Protocol.

THE REFUGEE IN INTERNATINAL LAW, THIRD EDITION, Guy S. Goodwin-Gill and Jane McAdam

In this book, introductory chapter outlines the legal framework, and situates both the refugee and protection in the practice of the United Nations and in the context of international and national law.

Chapters 2-5 look at how the refugee definition has evolved, analyze its constituent parts, and the circumstances leading to the cessation or denial of refugee status. The past ten or so years have seen a continuing expansion in the jurisprudence, references to which are used to illustrate areas of emerging consensus among national decision-makers and areas of divergent interpretation.

Part 2 on Asylum has been substantially revised as to structure and content. *Non-refoulement* - the principle that no State shall return a refugee to a territory in which he or she is at risk of persecution or other 'relevant harm' - remains the central feature in the international refugee protection regime. Chapter 5 looks closely at its scope and application in the context of the 1951 Convention/1967 Protocol, while a new Chapter 6, entitled 'Protection under Human Rights and General International Law', examines States' *non-refoulement* obligations beyond the 1951 Convention, in the area of 'complementary protection'. Chapter 7 then draws the analysis together in a re-examination of the concept of asylum, with due regard to practice as it affects the 'right

to seek asylum' to which States lent their voice in the 1948 Universal Declaration of Human Rights.

Finally, Part 3 on Protection has been revised and updated to take account of the stronger emphasis now being given internationally to the plight of internally displaced persons, and to the legal responsibilities of international organizations in human rights matters.

THE LAW OF REFUGEE STATUS, *James C. Hathaway*

This book is an attempt to explain first definition of the refugee before 1951 and after also. And explain the scope of the Convention refugee definition and drafted, and as it has evolved in practice. While this definition was not intended to, and does not in fact, address the whole range of concerns which prompt involuntary migration, a generous interpretation of the Convention can go some distance to meeting the needs of at least the most acutely at risk populations outside the borders of their own nation. It remains tragically true that international human rights law - the intended means of permitting the world community to respond to wrongs committed by a country within its own territory - has not been permitted to evolve to a state of genuine efficacy.

Chapter 1 deals about an introduction to the development of the international refugee definition, this book address each of these five criteria in a distinct chapter.

The first essential definitional element, comprehending a range of contextual concerns, is referred to here as *alienage*. The convention definition includes only persons who have left their country of former habitual residence. Each of these concerns is examined in detail in chapter 2. Chapter 3 address the historical and practical reasons which underpin the Convention's focus on the prospective assessment of objective risk, and its exclusion of claims based on purely subjective apprehension. Chapter 4 defines this serious harm as the sustained or systemic violation of core, internationally recognized human rights. The nature of both civil and political rights and socio-economic human rights is addressed, and the distinction is drawn between the violation of human rights and generalized hardship or lack of opportunity.

The risk faced by the refugee claimant must have some nexus to her race, religion, nationality, membership in a particular social group, or political opinion. The critical question is whether but for her *civil or political status* she could reasonably be said to be at risk of serious harm. The meaning of each of the recognized forms of civil and political status is examined in Chapter 5.

Chapter 6 looks at each of the cessation and exclusion clauses in detail, in an effort clearly to delineate the recognized exceptions to the duty of protection.

Ms Kate Jastram & Ms Marilyn Achiron, *Refugee Protection: A Guide to International Refugee Law*, UNHCR & IPU, 2001

Especially this book is handbook for parliamentarians, although the researcher has been able to achieve sufficient knowledge and guidelines on the subject. The hand book is general guideline of Refugee Law in holistic approach, has not sufficiently address in specific area of resettlement which is main focal point of the study. About need for a legal for a legal framework, the book provides some ideas due to the book itself are a guideline for parliamentarians to frame the legal measures. The researcher has tried to fulfill the gap and has also tried to identify that the resettlement can be a durable solution or not and need for legal frameworks in Nepalese and regional (South Asian) Perspective.

Ms Marilyn Achiron, *National and Statelessness*, UNHCR & IPU, 2005

This book is also a handbook for parliamentarians. The book has sufficiently addressed on the right to nationality, reduction of statelessness, similarities and dissimilarities between stateless person and refugee and the role of UNHCR in reduction of the statelessness etc. Through the handbook, the researcher has been able to acquire some ideas and knowledge, by which to design entire research program has been very comfortable for the researcher. The handbook has not sufficiently dealt with refugee problems and their resettlement as well as their repatriation after the resettlement program can be possible or not. The researcher has tried to fulfill the gap in the context of Bhutanese refugees and their resettlement in USA & others as well as need for legal frameworks in Nepalese and regional (South Asian) perspective.

Prof. Dr. Laxman K. Upadhyaya, A Glance at Refugee Law, Policy and Practice in Nepal, Nepal Law Review, Vol. 19, Nepal Law Campus (T.U.), 2008.

This is a very influential and impressive Article written by Prof. Dr. Laxman K. Upadhyaya. In the Article, Prof. Dr. Upadhyaya has explained overall picture of international refugee law, obligation of refugee receiving and generating countries, Nepalese domestic laws and practice relating to refugee affairs, Nepal's reluctance as well as other South Asian countries to be a party to the 1951 Convention and suggestion to be a party etc. The focal point of the study is resettlement of Bhutanese refugees as a mode of durable solution as well as possibilities of repatriation after resettlement program, but the scope, context and purpose of the Article is different. Through the dissemination of the Article, the researcher has achieved sufficient knowledge, ideas and techniques on the subject and has tried to fulfill the requirement of the study.

Tapan K. Bose, Protection of Refugees in South Asia: Need for Legal Framework, SAFHR, Kathmandu, Nepal, 2000.

This book has truly addressed the real picture and scenario of the refugee crisis in South Asian region. The book has clearly dealt with the genesis of the refugee problem, South Asian scenario, South Asia as a refugee receiving/hosting as well as equally refugee generation region, Scenario of the Internally Displaced Persons (IDP) in the region, diagnosis and mode of the solution of the problem, Reluctant of South Asian states to be a party to the 1951 Convention & its 1967 protocol, model legal framework for South Asian states and recommendation for the durable solution etc. The book has not sufficiently dealt with the solution of the Bhutanese refugees problems which Nepal has been continuously facing for since last 22 years. The researcher has gained sufficient knowledge through the dissemination of the book and has tried to fulfill the gap about resettlement program and need for legal framework in context of Bhutanese refugees to which the said book not properly dealt.

Prof. S. D. Muni & Prof. Lok Raj Baral, Refugees and Regional Security in South Asia, Konark Publishers, New Delhi, 1996.

This book is a volume of the compilation of papers presented in a seminar session at **Regional Centre for Strategic Studies (RCSS)** Colombo, Sri Lanka edited by two eminent persons Prof. S. D. Muni and Prof. Lok Raj Baral. As earlier stated, two eminent personality and editors of the said 'treatise are well-known political scientists popular in the South Asian continent. They equally deserve the knowledge and experience in the domain of International Relation, Foreign Policy and Diplomacy. So the researcher has undoubtedly hope that the said volume produced through efforts on editing by Muni & Baral is really indispensable for the dissemination of knowledge in refugee sector identification of the crisis and problems as well as mode of the solution. In such background, the volume has successfully addressed the refugee crisis in South Asia especially sociopolitical-economic viewpoints i. e. South Asia as a platform of refugee through receiving/hosting, South Asia as a refugee generating continent due to breakdown of colonial rule in South Asia, nation building process in the region through the democratization in the region especially after UN regime as well as extra regional refugee flow in the region etc. Through the valuable volume, the researcher has been able to gather sufficient knowledge on the subject by which to tackle with the research problem, has been very unproblematic for the researcher in the course of the research project. though the refugee crisis is not only socio-politico-economic problem, it is also legal crisis and solution of the problem cannot be possible without operation and diagnosis of the problem in jurisprudential idea which portion has been totally ignored by the experts group of this volume. the major theme of the research project is diagnosis of the problem and to provide the major measures of the solution through the techniques produced by International law, International Humanitarian Law as well as International Human Rights & Refugee law for which the said volume has not properly tackled, and the researcher has tried to fulfill the shortcomings resettlement program and need for the legal framework according to the requirement of the study.

2.4 Limitation of the study

The research is based primarily on secondary data and literature survey. Because of time and resource constraints the researcher could not visit the refugee camps and Bhutan. As the study needs to be completed within the given time frame the study is concentrated on the secondary data and literature review. Collection of primary data from the

Bhutanese refugees itself would have been much significant for this research due lack of the primary data the researcher tried to explain the origin of the Bhutanese refugee crisis from the surface level. Interviewing directly to the related personnel regarding the issue would add more valuable information to the research .While these limitations impinge on the depth of the research it is however believed that this has not affected the overall conclusion of the research.



CHAPTER III

LITERATURE REVIEW

3.1 Scope of the Review

Given the objective of the research, viz., to explain, inter alia, the genesis of the Bhutanese refugee crisis, it is necessary to examine available data and information from specific theoretical perspective. This is because interpretation of data (information, events, and numbers) depends largely on the researcher's one belief and understanding, which is influenced by his or her understanding of theoretical premise. The Bhutanese refugee crisis is about ethnic conflict but with one significant distinction, and that is, it was a state sponsored and initiated conflict with limited popular support. There was nothing like the ethnic cleansing that we heard of in Afghanistan, former Yugoslavia or Rwanda – where some segments of the people co-opted with the state to undertake mass cleansing of one particular ethnic group.

In the above context, literature survey had to include two aspects: theoretical basis on ethnic conflict, and emerging development trend in Bhutan that contributed to the emergence of the conflict.

3.2 Review of the theoretical framework

The researcher reviewed the following theories which can shed light on the topic.

3.2.1 Fractionalization, ethnic conflict and political violence

Writing on ethnic separatist movements and ethnic fractionalization and their impacts on political violence, Brown and et al (1997) observed that “researchers have typically examined the effects of ethnicity on political violence using one of the two indicators: the intensity of ethnic separatist movements or ethnic fractionalization” (Pp 123-134). While fractionalization reflects the extent to which smaller ethnic units divide the national population, separatist intensity is about the degree to which an ethnic community is mobilised and politically active around its minority status. Thus, fractionalization reflects ethnic diversity whereas separatist intensity indicates a significant degree of political mobilization.

However, they argue, separatism and fractionalization have different implications for understanding ethnic relations and should affect levels of political violence in fundamentally different ways. Separatist intensity represents the degree to which an ethnic community is mobilized and politically active around its minority status. Ethnic fractionalization reflects the extent to which smaller ethnic units (which may or may not be mobilized in a struggle for resources or political power) divide the national population. Thus, separatism involves a significant degree of ethnic mobilization while fractionalization reflects ethnic diversity. Based on Competition and Split Labour theories they arrived at the conclusion that ethnic diversity should reduce political violence, holding separatist intensity constant. On the other hand, separatist mobilisation increases levels of political violence because “established ethnic movements provide a vehicle for the organization of discontent” (Pp 34-56).

3.2.2 Competition and Split Level Theories

Both the theories seek to explain conditions under which ethnic mobilisation and ethnic identity supersede other political loyalties and political cleavages. In both the theories, competition for resources holds key to ethnic conflict as well as maintaining ethnic divisions in a country. In this context collective action is necessary but there are conditions that will either promote or erode collective actions. Under the Competition theory competing groups are more likely to mobilise in a way that reinforced ethnic division if ethnicity has clear economic, political or demographic advantages. Thus, *ethnic mobilization is best understood as a process of emergent group interest rather than simply the mobilization of primordial sentiments*. The Split theory also accepts the thesis that competitive economic processes engender ethnic antagonism. But when the cost of labour is a function of ethnic belonging, collective action is discouraged. Thus, dominant group might try to prevent minority from entering the labour market and the minority in turn may be more than willing to break strikes to get jobs. To the extent that a population is ethnically diverse the Split theory predicts greater internal dissention and ineffective collective action against the state. Competition theory, on the other hand, says that when a minority group explicitly mobilizes around ethnicity, increase in resources will produce collective action and conflict. In conclusion, both the theories postulate that ethnic diversity should decrease collective action and political violence.

3.2.3 Fractionalization and Growth

Fractionalization is an important determinant of the political economy of many nations and localities (Alesina, et al, 2003). For example, in more ethnically fragmented localities public goods provision is less efficient. Given its importance, however, fractionalization to date has not received critical review as far as measuring it is concerned. Measures like ethnolinguistic variable or similar ethnic classifications do not necessarily yield correct interpretation because it may obscure other aspects of ethnicity. For example, ethnic classifications are not caste in stone and may be affected by endogenous factors like migration.

Using three different measures (ethnic, religious, and linguistic), Alesina et al. calculated ethnic fractionalization indices for a wide range of countries around the world. Accordingly, Uganda was the most ethnically diverse (fractionalized) country in the world with a fractionalization index of 0.93. In the same score card, Bhutan registered 0.605 and Nepal, 0.66. The ethnic, linguistic and religion indices were correlated with a number of development variables like growth and quality of governance, and concluded that ethnic and linguistic fractionalization are likely to be important determinants of economic success.

3.2.4 Theories of Ethnic Conflict

Caselli and Coleman's theory of ethnic conflict is based on two seemingly simple premises (Caselli & Coleman, 2006):

- In a country with more than one ethnic group or coalition, each group will try to wrest control of the country's endowments (land and minerals, for example) from the rest of the population.
- The winning coalition will do all it can to prevent the losing group from infiltrating it while the latter will use all possible ways to gain membership in the winning coalition.
- If the population is ethnically heterogenous, coalition can be formed along ethnic lines, and ethnic identity can be used as a marker to recognize potential infiltrators. In a more homogenous environment the cost of enforcing

membership in the winning coalition is more expensive than in a more heterogeneous environment.

- Thus ethnically heterogeneous societies are more likely to experience ethnic conflict over resources
- *Distance* among the potential contenders is a major determinant of whether conflict may erupt. 'Distance' is the cost of distinguishing members from non-members of the dominant group. Relative size of the groups will also play an important role in this.
- The theory goes on to elaborate the conditions that could determine the probability of ethnic conflict taking place.
- Finally, the theory concludes that (i) economic development is the best recipe for avoiding ethnic conflict, (ii) ethnic conflict is sometimes pre-emptive, in the sense that the stronger group pre-empts with conflict to protect itself from aggression by a smaller group, and (iii) a policy of discouraging primary commodity exports (grain and timber, for example) and encouraging a larger human-capital content to exports would reduce incentive for conflict because skills (human capital) cannot be expropriated.

The theory postulated by Fearon (1999) is similar to Caselli's and the group. Fearon starts his investigation from a question, "Why political coalitions in so many countries based on ethnicity are, and what explains variation in the political science across countries and over time?" The social science literature, broadly speaking, suggests two views on the sources of ethnic politics. The Primordialist view holds that 'ethnic bonds are particularly strong, enduring, and pervasive due to (reputed) facts about human nature – we are "hard wired" in such a way that ethnic ties have powerful emotional resonance, much more so than do ties of class, party, ideology, or universal religions, for instance.' However, the political salience of ethnicity varies across countries and over time. For example, "white" and "black" category in the US is a more recent origin than one is led to believe. Also, ethnically based political coalitions are more common in poorer countries than in the richer countries. These 'shortcomings' have led the

instrumentalists to view ethnic groups as political coalitions formed to extract material benefits from the less dominant-groups. In other words, ethnic groups are formed as political coalitions in order to secure benefits created by development. Thus, it has been observed that in the colonial era new and more encompassing ethnic groups emerged for the same reason. But this still begs the question as to why political coalition is so often based on ethnic lines rather than on religion, for example. Fearon, like Caselli, argues that there is a compelling reason for a winning group to limit its size in order to maximise benefits accruing to members of the group. This requires adopting certain criteria that distinguish the members of the group from the rest. He argues, in this regard nothing works better than the ascriptive mark of ethnicity. Thus, the politics of reward “favours coalitions based on features not easily chosen or changed by individuals”. Having said this, “common culture, language, and region are contingent properties of ethnic groups, whereas descent rules for deciding membership are constitutive of our concept of ethnicity”⁴.

Finally, Fearon and Laitin (2000) explore the relationship between the social construction of ethnic identities and the probability of ethnic war. They argue that the mere observation that ethnic identities are socially constructed does not by itself explain ethnic violence. They reason that the way ethnic identities are constructed or its processes might give further insight to ethnic violence. They identify two ways to look into ethnic construction. One way to look is from the perspective of individuals’ actions – either the elites who construct antagonistic ethnic identities in order to maintain or increase their political power, or the public in general who wish to modify the boundaries of ethnic categories. In the second route “supra-individual discourses of ethnicity contain internal, ideational logics that construct actors and motivate or define their possibilities for action”. The discursive logic this route refers to have been verified in a number of studies they refer to. In short, the folklore and the myths that surround a certain ethnic group can prompt individual members to enact them, as was the case in Rwanda’s genocide. In conclusion, the processes of constructing identities help to explain ethnic violence.

⁴ The term ‘descent’ here implies lineage

3.3 Studies on Bhutan: Its History and Struggle to Secure Identity

A large number of studies on Bhutan ranging from its history of 'origin' to its attempt to emerge as a modern nation were reviewed. Of all the studies reviewed the two that surfaced as the most informative and comprehensive ones were those carried out by Michael Hutt (2003) and A.C. Sinha (1998 and 2008). Both the studies link the origin of Bhutan as a state nation to the autonomous region of Tibet and its theological structure prevailing then. When the British became more established in India they began to expand their territories either to facilitate trade and transit (to Tibet, for instance) or to bring lucrative land under cultivation (Darjeeling and the Assam Duars) it directly affected Bhutan. Thus Bhutan lost significant amount of its landmass to the British when it entered into the Treaty of Sinchula (1865). The secession of Duars to the British saw the beginning of mass migration of people of Eastern Nepal to these new areas. At the same time, Bhutan also needed hard working cultivators to open up their southern strip of flat land for which they began to encourage Nepalis to settle there. Nepali population began to grow much faster than that of the original inhabitant, Ngalong. By mid 20th century Bhutanese of Nepali origin accounted for 35% to 45% of the total population of Bhutan.

As Indian became independent in 1947 the entire sub-region underwent massive upheaval. Nepal freed itself from the yoke of the Rana oligarchy in 1951. This was soon followed by the annexation of Tibet by the People's Republic of China (PRC) in 1959. In 1971, Pakistan was dismembered, lost its East Pakistan in the process giving birth to a new nation of Bangladesh. Sikkim gave up its independence and joined India in 1975, some claims in a dubious way in which the Nepali-speaking majority of Sikkim population had an infamous role to play. The aftermath of the Indian independence movement also spread a wave of political consciousness throughout the sub-region of which Bhutan could not remain aloof. A number of political incidents that directly affected the political setup of Bhutan occurred during 1950s. All these had a chilling effect on Bhutan and the ruling class.

The succession of rulers since the first ruler of the current dynasty was enthroned in 1907 adopted various strategies to secure its place in history and for perpetuity. As may be expected, Bhutan adopted multiple strategy to secure its in the world arena. It

remained effortful to gain international recognition by becoming a member of the United Nations (1971). Bhutan commenced modernisation drive by launching its first Five Year Plan in 1961, and since then it has successfully implemented nine more Five Year plans with considerable success. Bhutan has also introduced a number of path breaking political liberalisation: government based in national election, a written constitution, decentralisation of power at the village level, and ‘limiting’ the power of its King and so on. On the other hand, it continued to remain a secretive state in which information, particularly those related to population, ethnicity and political activities of its citizens, became a closely guarded state secret. Thus to this day no one knows its population for a certainty, and ethnic composition. As Bhutan gained material progress it began to close its grips on individual freedom of its citizens by introducing a policy that effectively equated sovereignty with monarchy and nationalism with loyalty to the king. This policy began to take different shapes, each harsher than the preceding one. The Marriage Act that essentially penalize any Bhutanese for marrying a foreigner, the Citizenship Act (1985) that effectively grant the state power to strip Bhutanese from their citizenship, and code of conduct that demands all its citizens to ‘harmonize’ into a singular line of ethnic identity marked by one language, one script, one dress code, and one set of behaviours. The growing assimilation of Bhutan in the global (or at least, regional) economy also altered the economic, and hence political importance, of its southern belt where majority of Bhutanese of Nepali origin live. With its growing trade with India (mainly sell of its hydropower and imports of Indian goods), the southern towns of Bhutan became strategically and physically more important than the rest of its towns.

Modernisation has its cost, mainly to the hereditary rulers and the elites. In its attempt to keep in check the negative effects of modernisation (manifested mainly in citizens aspiring for greater political participation) Bhutan invented lacklustre terms like Gross Domestic Happiness (as opposed to Gross Domestic Product, GDP) in which religion, culture and history remain unchanged despite everything else changes.

The end output of these strategies was to create a uniform (“harmonize”) nation with no ethnic diversity or ascriptive undulation. This meant reducing, if not cleansing, the

primacy of Bhutanese of Nepali origin who was inscriptively or facially different from the dominant group of Tibetan origin, Ngalong.

While the Lhotshampas, Bhutanese of Nepali origin, found it inordinately difficult to fit with the larger scheme of ethnic harmonization promulgated by the Royal Government of Bhutan, in many ways it was also an impossible task, as the ethnic markers they possessed could not be altered at their will. As Hutt (2003) put it so succinctly, “many Lhotshampas began to experience a sense of conflict between policies which had been designed to make them the same and their natural urge to remain different and true to themselves” (P.192).

This was the beginning of ‘mass revolt’ by Lhotshampas which resulted in their prosecution – arrest without warrant, burning their assets, limiting their movement and right to engage in local trade, torture, jail sentence, other forms of human rights abuses, gender violation and finally expulsion.

Reportedly, more than 145,000 Lhotshampas have been expelled and have lost their citizenship (stateless). About 110,000 of them took protection in Nepal and the rest are reportedly languishing in Indian cities.

Bhutan and Nepal have no common border. These refugees had to travel through India to enter Nepal, which suggests that India was the first port of call for these refugees. That India refused to recognise their refugee status was in violation of the UN convention and protocols. Nepal did not do much to ameliorate their plight although some claim that the refugees were caught between the political turmoil Nepal was (and still is) going through.

The continual survival of those refugees owes much to the generosity of the donors and the United Nations but Nepal’s failure to secure their right to return is hard to explain. A few western nations have come forward to give the refugees a new home and perhaps a renewed hope but it will be difficult for many of them, with no English language capability and urban skill, to meet the cultural transformation in an alien culture.

Royal Government of Bhutan’s strategy called for actions aimed at reducing the numerical primacy of Lhotshampas in the population. To the extent that the Royal

Government has been successful in ‘facilitating’ the exodus of more than 145,000 Lhotshampas or some about 18% of its population, it must be admitted that this strategy has been a success. Notwithstanding those demographic and ethnic details of Bhutan is a closely guarded state secret, it is generally agreed that the impact of the expulsion has been in favour of so-called indigenous Bhutanese. However, whether the outcome of this coercive method of redrawing of ethnic boundary in Bhutan will sustain over time or not is a question that merits some thinking.

Conclusion

The first element of the strategy called for actions aimed at reducing the numerical primacy of Lhotshampas in the population. To the extent that the Royal Government has been successful in ‘facilitating’ the exodus of more than 110,000 Lhotshampas or some about 18% of its population, it must be admitted that this strategy has been a success. Notwithstanding those demographic and ethnic details of Bhutan is a closely guarded state secret, it is generally agreed that the impact of the expulsion has been in favour of so-called indigenous Bhutanese. However, whether the outcome of this coercive method of redrawing of ethnic boundary in Bhutan will sustain over time or not is a question that merits some thinking.

Fearon and Laitin define *identity* as a social category that ‘an individual takes special pride in or view as more-or-less unchangeable and socially consequential attribute’.⁵ Where social categories are taken as natural, inevitable, and unchanging facts about the social world, such beliefs may be termed *everyday primordialism*. In this sense Bhutan’s endeavour to turn the clock back to pre-1850’s status as far as ethnic composition is concerned may be termed primordial.



⁵ Fearon, James D. & Laitin David D., *Violence and the Social Construction of Ethnic Identity*. International Organisation Autumn MIT, p.54-4

CHAPTER IV

GENESIS OF THE PROBLEM

4.1 Bhutan: Historical Background

The kingdom of Bhutan is the last surviving monarchical state in the Indian subcontinent. Until 1907 when Ugyen Wangchuck (1862-1926) – a descendent of the governor or Pönlop of Tongsa, Jigme Namgyal – was enthroned as the first hereditary King of Bhutan with full assistance of the British government in India, as a reward for assistance rendered to the British incursion into Tibet in 1906, Bhutan was still a country of loosely-tied principalities under the theological and to an extent military influence of Tibet. His accession to the throne gave birth to Bhutan, as we know it today although some historians credit *Shabdrung* Ngawang Namgyel (1594-1651) as the one who unified several principalities that existed in the country during mid seventeenth century into a single nation.⁶ Namgyel was the prince-abbot of Ralung monastery in Tibet who fled to Bhutan in 1616 where he settled at Druk Chöding monastery at Paro. As the unchallenged head of the Drukpa (a suborder of the Kagyü school of Buddhism) hierarchy, Namgyel successfully united all the leading families in western Bhutan. The country was divided into three regions each governed by a ‘universal lama’ called the *pönlop*. In the process he made to build a number of fortress (*dzongs*), at strategic locations, which later became the seat of the religious and temporal leaders of the districts laying the foundation for the emergence of the symbiotic relationship between the religious and temporal rulers.

Bhutan became Druk Yul, the *Land of the Thunder Dragon*, governed under a code of laws promulgated by the *Shabdrung*. A division of the state affairs into two hands supplanted the theocracy that came to exist then. The administration of political affairs was entrusted to *Druk Desi* while the *Shabdrung* (Dharma Raja) who also assumed the role of head of the state was responsible for managing the spiritual affairs of the country.

⁶ Royal Government of Bhutan, Department of Works, Housing & Roads. *An Introduction to Traditional Architecture of Bhutan*, Thimphu, 1993, p. 21

The emergence of a hereditary king in 1907 altered the political map of the region in the sense that Bhutan came under the protective influence of the British government in India. His ascendancy also marked the end of theocracy in Bhutan and culmination of the harmonious and indivisible relationship that existed between the king and the monks and, by extension, the people – the cultural ethos that the rulers of the recent past have tried to harness for the sake of continuity, peace and progress. Until then the relationship between the two countries was at best an uneasy alliance punctured by occasional disputes and unequal treaties. British interest on Bhutan was primarily a mercantile one with a view to gain easy access to Tibet and beyond into China – a fact that gain importance with the ascendancy of Prithvi Narayan Shah as the new King of Kathmandu Valley in 1768. Towards the beginning of the 20th century the rising influence of China over Tibet forced the British to court Bhutan's allegiance. The British were also apprehensive of the three Himalayan kingdoms of Nepal, Tibet and Bhutan forming an alliance against the British interest, which were both commercial and geopolitical. The steady advancement of Russians south into central Asia and eventually Indian subcontinent was, in the minds of British government in India a threat that could be countered only by looking at Nepal, Bhutan, Afghanistan and the North East frontier of the then India (tribal regions of Pakistan) as a single strategic frontier in fight against the Russian advancement. While the British interest and influence over Bhutan waned in the wake of World War II, the relationship that was carved between these two regimes over the past two centuries was passed on to the independent India and continues to this day.⁷

The first hereditary king of Bhutan died in 1926 and succeeded by his son Gyalse Jigme Wangchuck (1905-1952). He is generally credited for ushering Bhutan to a modern era forsaking the policy of isolation championed by his father. He died in 1952 and was succeeded by Jigme Dorji Wangchuck (1928-1972) who rules Bhutan until 1972. The fourth king of Bhutan Jigme Singye Wangchuck (1955-) ascended the throne in 1972 at a time when a new nation of Bangladesh (1971) to its south had just come to exist. King

⁷ For reference, see Hutt (2003), Sinha (1998), Woodruff (?), Whelpton (2005), Library of Congress (1991) and Encyclopaedia Britannica (2004)

Singye Wangchuck voluntarily renounces the throne in favour of his son Jigme Khesar Namgyel Wangchuck who became the 5th King of Bhutan.⁸

Jigme Dorji Wangchuck (reign 1952-72) was a wise king who became king at a critical juncture in the regional history: annexation of Tibet by China, emergence of a new nation of Bangladesh, accession of a new king in Nepal, and the rise of India as a regional power. It was during his tenure that Bhutan got its first development plan, its first citizenship act (Nationality Act 1958), the first land reform initiative, a National Assembly (called Tshogdu) and the first national highway connecting Thimphu with Indian border. The Nationality Act of 1958 was the one that is thought to have allowed the Lhotshampa gain Bhutanese citizenship.⁹

4.2 Human geography

Its small size, both in terms of geographical area it commands and population it sustains, in a rapidly globalising world has forced Bhutan to carve out a unique national identity (*distinctive way of life*) based on ethnicity and history in the community of nations. This wish of the ruling class in Bhutan is not a recent phenomenon. In the past the ruling class use isolation as the only way to ‘protect’ Bhutan from the outside world, a fact that went against its strategic importance in the regional trade regime.¹⁰

Bhutan lies on the southern rim of the Great Himalaya between Sikkim in the west and Arunchal Pradesh in the east. Assam and the Duars plain of West Bengal form its southern boundary. The Tibet region of China adjoins Bhutan along its northern border. The Himalayan belt within Bhutan has many high mountains and high valleys some in the range of 12,000 to 18,000 feet. The Alpine pasture on the high ranges is used for grazing yaks in the summer. This region has a dry climate.¹¹

⁸ Bhima Subba (2003)

⁹ See Basu (1998)

¹⁰ Mishra Om Prakash (ed), 2004 (PP. 204-2210).

¹¹ Bose Tapan K. and Manchandani Rita , 1997 (P. 45)

Series of spurs from the Northern Himalayan run north south across the country forming a chain of mountains and valleys. Several fertile valleys – Paro, Thimphu, Punakha and Ha – located in this region are relatively flat and suitable for agriculture as well as settlements.

Six major rivers drain Bhutan into River Brahmaputra. From east to west these are, Torsa (Amo-Chu), Wangchu (Raidak), Sankosh (Mo-Chu), Lhobrak and its tributary Dangme Chu (Manas rivers). Running parallel to these rivers and in-between them are series of high mountain ranges running north to south (Inner or Lesser Himalayas; of these the most important one is the Black Mountain range midway between Punakha and Tongsa. The Black Mountain divides Bhutan not only geographically and climatically but also ethnographically into two distinct regions. People living to the east of Tongsa were directly under the jurisdiction of Tongsa Pönlop (Governor) while those living to its west were of pure Tibetan origin and under the jurisdiction of the Pönlop of Thimphu and Paro. The people of the eastern region have greater affinity with the population of the Assam hills.¹²

Topographically Bhutan may be seen comprising three lateral zones: the Great Himalayas in the north, the Inner or Lesser Himalayan, and the Sub-Himalaya outermost ranges in the south. The Great Himalaya is pierced at six major locations by passes that allows traders to trade between Tibet and Bhutan and further south. Beyond the Great Himalayan lies Tibeto-marginal desert which provide undisturbed path to the Bhutanese traders carrying cloth, species, and grains to Tibet and bringing back salt, wool, musk, and sometimes herds of yaks in return. Inhabitant of this region are known as 'bzloop' to the western Bhutanese and 'brokpa' to the other groups in the east – both these terms have distinct connection with the Tibetan 'drukpa'.¹³

The Inner Himalaya region has an average altitude of 5000 ft and above. Intersected by series of rivers this region has many narrow river valleys such as Paro, Punakha and Thimphu. To the east of Black Mountain the climate is moist and humid whereas the

¹² Hutt (2003), Sinha (1998), RGB (1998) and the World Bank (2009)

¹³ Encyclopaedia Britannica (2004): Bhutan

western part is dry, cold and devoid of lush vegetation giving rise to pastoral-transhumant economy. The southern tips of these ranges forms the third geographical layer of Bhutan, relatively flat and fertile, hot and humid. This comprises the Duars and the hills up to 5,000 ft altitude. The Duars are suitable for intensive agriculture and are being developed by the government for growing cash crops.¹⁴

The Inner Himalaya region of Bhutan with its many valleys makes the heartland of the country because of a number of historical reasons. With more convenient link with the Chumbi Valley of Tibet, this region has been the home of many Tibetan lamas and princes enshrined in places like Paro, Punakha, Thimphu and Wangi Phodrang. This region is also ethnologically Tibetan in origin. In fact this region is believed to be at one point in time an integral part of Tibet¹⁵.

Figures on Bhutan's area vary from 38,394 sq km to 47,000 sq km, depending on the source used. Both the World Bank and UNDP use the larger figure in all their official reports whereas the Government tend to use both the figures as occasions suit. Whatever the correct figure, the Himalayas, high mountains and narrow river valleys cover a large portion of Bhutan. Land under agriculture accounts for merely 13% of its landmass, which is a direct result of its rugged topography and the circumstance of history, whereas forests makes up 60% of the total land.

In earlier times when national boundaries were unclear and people living along the fuzzy borders could choose which of the adjoining principalities they would pay the tax to, Bhutan's border had extended well inside the plains of River Brahmaputra to the south and up to River Tista to the southwest including the trading post of Kalimpong¹⁶. Much of these fertile plains adjoining the mountains in Bhutan's west and south were covered with dense forest. The British saw the potential of the plains for agriculture,

¹⁴ This figure corresponds to the one used in a write-up on Bhutan by CIA and published on website and in government own publication. The World Bank's Data Query however gives a figure of 47,000 sq km. According to *Kuensel* (an official news bulletin of the Royal Government of Bhutan) the area of Bhutan is about 18,000 sq miles (Vol. VI (12 Part 12) Nov 14 1971). In this research I have used the government figure of 38,394 sq km.

¹⁵ Sinha 1998 (P .15)

¹⁶ Kalimpong, an important trading post belonging to Bhutan, was annexed by the British in 1865.

especially for growing tea, and gradually began annexing them. Following the 1864 war with the British, Bhutan lost its southern territory to the British under the terms of the Treaty of Sinchula (1865) and gained an annual compensation of Rs 50,000, later increased to Rs, 100,000 and finally, Rs 500,000.¹⁷ The same tactic was used to annex the *Duar* running along the base of the lower range of Bhutan hills from Darjeeling to Koch Bihar. By 1841 all of the Assam *Duars* had been annexed by the British and by 1865, the rest of the *Duars* (Bengal) had come under British control leaving Bhutan only a thin strip of Duars. During this period, one estimate puts the total population of Bhutan at 145,200 with 60,000 in the *Duars*¹⁸. The annexation of the Duars by the British opened up the vast tract of land for cultivation and lured thousands of agricultural labourers from eastern Nepal and Sikkim to migrate to these areas, a process that had also received official endorsement from both the British and the Bhutanese authorities. Sinha (1998) states that Bhutanese of Nepali origin emerged as a sizeable part of the population from about a century or so ago. He writes further, "... Ugyen Kazi, the Jongpen of Ha and ally of (the king) ... was instrumental in inducting the Nepalese into the HA valley and western Duars after seeing the similar experiences from Darjeeling."¹⁹

According to the official website of the Royal Government of Bhutan the national population stands at 634,982 (2005/06) with the ratio of male to female of 1.107.²⁰ Bhutan's population figures have often been shrouded in mystery and are often a source of heated debate amongst development planners. Before the 1969 census the estimate of the population of the country ranged from 300,000 to 800,000. The 1969 census revealed a national population of one million, which was later revised to a total of 930,614. Most of the government publications of the Government assumed a population of a million. In 1990 King Jigme Singye Wangchuck announced that Bhutan population

¹⁷ The Treaty of Sinchula had pervasive impact on the economy and hence the independence of Bhutan. First, the treaty barred Bhutan from levying any duties on British goods brought inside or passing through. This along with the cessation of the *duars* deprived Bhutan of sizeable revenue, but the annual subscription paid by the British to Bhutan for these concessions had less than altruistic motives, as this allowed the British to close the tap in case Bhutan 'misbehaved'. See Basu (1998/page 17). See also Hutt (2003) (PP.34-39). See also Sinha 1998 (PP 11- 38)

¹⁸ Hutt 2003 (P.36)

¹⁹ Sinha, 1998 (P. 30)

²⁰ <http://www.bhutan.gov.bt/government/aboutbhutan.php>

was in fact 600,000 and since then this has appeared as the correct figure. The sensitivity surrounding the population figure of Bhutan reflects increasingly the desire of the Government to achieve ethnic balance in the country in favour of its 'indigenous' group. In fact the number of who can be classified as Bhutanese remained contested but ensuing confusion seems deliberate²¹. Writing on this Michael Hutt in his book titled *Unbecoming Citizens* writes,

An explanation for this policy of apparently deliberate mystification must be sought in the context of the increasingly ethnicized politics, not just of Bhutan but also of the Indian states that adjoin it....²²

To what extent the population figure announced by the king included Bhutanese of Nepali origin – known as the *Lhotshampa* – is not known. But most estimates put the percentage of Bhutanese people of Nepali origin in the range of 25 to 30% of the total. Gupta (1998) estimated that the *Lhotshampa* accounted for “over 53%” of the total population²³. The *Lhotshampa* are of Nepali origin, follow Hindu religion and live mainly in the southern part of the country.

Ethnic details of the population are not available but historically the Nepali community in Bhutan may have been predominately the Kirats (Rai, Gurung, Limbu).²⁴ This may be for two reasons: first the puritanical Nepali of *tagadhari* group did not hold the Bhutanese in high esteem (barbarian, rude, beef-eating, pastoral, polyandry, easy divorce and re-marriage).²⁵ On the other hand the Bhutanese officials were not too keen to let the Newars or other members of trading community from Nepal to settle inside the main Bhutan lest they erode the Bhutanese monopoly over trade and commerce in and across their own country. However, this relationship underwent a change as the hill economy of Nepal began to suffer from long stagnation and exploitation, in the process

²¹ Gautam, Kumar Basu, *Bhutan: The Political Economy of Development*, South Asian Publishers, New Delhi. 1998, p. mentions a figure of 1.4 million

²² Hutt 2003 (P. 4)

²³ Ibid. (P. 125)

²⁴ The Nepali culture be seen comprising the *Kirats*, the *Newars* and the *Takuris*. They may also be divided by the *tagadhari* (those who wear the scared thread) and the *matawali* (those who are by tradition entitled to drink spirit or intoxicant drinks).

²⁵ Bharati Agehanand, *The Himalaya as a Cultural Area in Main Currents in Indian Sociology* (ed. GR Gupta), Vikas Publication, New Delhi, (1976), Vol I, p.

letting the Brahmins and the Chetris migrate to southern Bhutan and start replacing the Kirats. But the ethnic distance between the people of Nepali origin and the indigenous Bhutanese continue to exist, split by difference in their roots: the Drupka Lamaists as a part of the Great Tibetan Buddhist tradition versus the Hindus drawing inspirations from their sacred centres in India and Nepal. As it will be clear later the Government exploited these differences to widen the gap between the Bhutanese of Nepali origin and the indigenous Bhutanese resulting in ethnic tension and subsequently expulsion of the Bhutanese citizens of Nepali origin.

The other two important, perhaps more important ethnic groups are the *Ngalong* (28%) and *Sharchop* (44%). To this one must add a small but distinct group ‘with no specific ethnonym of their own’, but still using the local dialects of an ancient language which has its centre in the Bhumthang region of Bhutan (see Map 1).²⁶ In addition there are a number of other ethnic groups that have their distinct identities, language and culture. These are Lepcha, Doyas, Birmis, Brokpas, Mangdipas, Kurtoepas and Khenpas.²⁷

The Ngalong (also called the *Bhutia*) are of Tibetan-origin, reside mainly in the western part of the country – Ha, Paro, Thimphu, Punakha, Wangdi Phodrang and Shar valleys, follow Drupka Kargyü school of Mahayana Buddhism, and smallest of the three ethnic groups. The areas inhabited by the Ngalong have traditionally been frequented by the traders from this region, marauding gangs from the north, Tibetan princes either fleeing from domestic hostility or chasing the defeated ones, and the Lamas from the Chumbi Valley, and therefore came under heavy influence of the Tibetan religio-cultural and political structures. It may be recalled that it was Songsten Gampo (reign c. 627-49), King of Tibet, who founded the first Buddhist temple in the Bumtang valley of Chökhör. The tantric sage from Tibet, Padmasambhava – Guru Rinpoche, as he is commonly know, had visited Bhutan at the invitation of a king of Bumthang to subdue demons and placate local deities during the 8th century. Finally, it may be reiterated that it was the prince-abbot from Ralung monastery of Tibet, Ngawang Namgyel (1954-1651) who is credited for unifying Bhutan and giving it the semblance of a state. Thus being the first group to be converted into Buddhism and thus civilized, and with long

²⁶ Hutt (2003) p 4

²⁷ Basu (1998) p94 See also Sinha (1998) p 30

history of association with Tibet, the Ngalong are also called the first risen ones²⁸. This group therefore is politically the most dominant one in Bhutan.

The Sharchop are of Indo-Mongoloid origin, follow Mahayana school of Buddhism, live mainly in the eastern part of the country, and ethnically closely related to the tribes living in adjoining areas in Assam and Arunachal Pradesh. They are believed to be the earliest inhabitants of Bhutan. They also share many cultural traits with people of Assam and Arunachal Pradesh²⁹. There has been extensive intermarriage between the Nglong and the Sharchops, in the process consolidating the broad identity of Bhutanese in terms of religion, facial structure and a culture rooted to Tibet³⁰.

The central highland has been the traditional population zone of the country accounting for some 55% of the total population (2005)³¹. During the 19th century the southern belt of the country - comprising five southern districts or *dzongkhag* of Chukha, Dagana, Samdrup Jopngkhar, Samtse, and Sarpang – came under cultivation by the people of Nepal origin migrating from Eastern Nepal and Sikkim. While the people living in the central highlands practised subsistence agriculture and animal husbandry requiring trans-district seasonal migration, those living in the south were more rooted to traditional agriculture in location-specific settlements. These two types of livelihoods often brought the *Lhotshampa* in contact with the indigenous population. Sometimes this would result in quarrels that would erupt such as in sharing common pastureland. But more often it was perceived as a beneficial relationship, as the grazing animals were also source of fertilizer in an otherwise degrading soil.

Table 1 below presents an approximate distribution of population of Bhutan (2005) by geographic zones. As mentioned in the footnote 28 below these figures are from post-refugee period. If we include the people who became refugees (103,000) in the population figure of southern Bhutan, the overall percentage of population residing in the zone will increase to more than 46% with corresponding decrease in the share of the

²⁸ Sinha 1998 (P. 28)

²⁹ Encyclopaedia Britannica, 2003

³⁰ See also Hutt 2003 (PP. 1-11)

³¹ We need to exercise care in interpreting statistics on population of Bhutan after 2000 because of the distortion the exodus of *Lhotshampa* refugees from Bhutan must have created in the ethnic composition as well as geographical distribution of population.

highland population to a little over 47% even after assuming that the displaced population did not grow in the period between 2000-2005. This suggests that *Lhotshampa* as a group were and still are a significant part of the total population.

Table 1

ZONE	Total Population	Distribution	Urban Population	Distribution
Mountains	52,367	8.2%	9,099	4.6%
Highlands	348,396	54.9%	118,429	60.4%
South	234,219	36.9%	68,583	35.0%
Bhutan	634,982		196,111	30.88%

Source: Based on data published by RGoB's Census office (RGB 2007)

A sizeable number of the population (31%) live in urban places (towns) which are twenty in number including the two largest towns of Thimphu (79,185) and Phuentsholing (32,926) and three new towns of Gelephu Municipal Corporation, Sandrup Jongkhar Municipal Corporation and Monggar Municipal Corporation, of which the first two are located in the Indo-Bhutan border.

Bhutan is rapidly urbanising (see Table 2). In 1965 a mere 3% of the population used to live in urban-designated places. In 1985 the level of urbanization increased to 4% while in 1990 it stood at 5%. In 2005 almost 31% of the population was urban. As per a government estimate the urban population will reach 243,266 in 2020 – about 31% of the total estimated population of 768,727³².

Generally speaking, urbanization is associated with economic modernization and growth, as it is a wealth creating process. In the case of Bhutan the rapid rate of urbanization is also due to the decision to designate all district centres as Urban. This

³² Royal Government of Bhutan. Ministry of Works & Human Settlements. *Annual Information Bulletin 2008*. Thimpu. 2008 (P. 53). An ADB report on *Bhutan Urban Infrastructure Development Project* (TAR: BHU 38049) states that in 2002 the total urban population was 21%. If this is correct then Bhutan must have gone through unusual period of urbanization between 2002 and 2005.

along with the sudden increase in the number of public officials in these district centres as a part of the decentralization policy was responsible for an unusual increase in the urban size. For example, during the Fifth Five Year Plan (1981/82-86/87) the number of district staff increased more than nine folds to 2,894 from 303 in the beginning of the plan period³³. The increased number of well-paid civil servants generates demand for a range of services that are usually provided by the private sector, thus stimulating rural to urban migration. With increased education and income many Bhutanese are finding it more to live and work in towns and urban centres. Interestingly, barring the capital town of Thimphu, all major urban centres - Phuentsholing, Gelephu and Sandrup Jongkhar - are located in the southwest and along the border with India.

Table 2: Population Distribution by Dzongkhag (districts) and Urban (2005)

Sr	BHUTAN	Population (2005)				URBAN (2005)	
	Name	Male	Female	Total	%	Total	%
1	Bumthang	8,751	7,365	16,116	2.5	4,203	2.1
2	Chukha	42,298	32,089	74,387	11.7	32,926	16.8
3	Dagana	9,168	9,054	18,222	2.9	1,958	1.0
4	Gasa	1,635	1,481	3,116	0.5	402	0.2
5	Haa	6,284	5,364	11,648	1.8	2,495	1.3
6	Lhuntse	7,727	7,668	15,395	2.4	1,476	0.8
7	Mongar	18,694	18,375	37,069	5.8	7,153	3.6
8	Paro	19,294	17,139	36,433	5.7	2,932	1.5
9	Pemagatshel	6,856	7,008	13,864	2.2	2,287	1.2
10	Punakha	8,989	8,726	17,715	2.8	2,292	1.2
11	Samdrup Jongkhar	20,555	19,406	39,961	6.3	10,964	5.6
12	Samtse	31,306	28,794	60,100	9.5	10,139	5.2

³³ Basu (1998) P. 93

Sr	BHUTAN	Population (2005)				URBAN (2005)	
	Name	Male	Female	Total	%	Total	%
13	Sarpang	21,664	19,885	41,549	6.5	12,596	6.4
14	Thimphu	53,496	45,180	98,676	15.5	79,185	40.4
15	Trashigang	26,056	25,078	51,134	8.1	6,816	3.5
16	Trashiyangtse	8,861	8,879	17,740	2.8	3,018	1.5
17	Trongsa (Tongsa)	6,869	6,550	13,419	2.1	2,695	1.4
18	Tsirang Chirang)	9,517	9,150	18,667	2.9	1,666	0.8
19	Wangdue Phodrang	16,083	15,052	31,135	4.9	7,522	3.8
20	Zhemgang (Shemgang)	9,492	9,144	18,636	2.9%	3,386	1.7
21	Bhutan	333,595	301,387	634,982	100.0	196,111	30.9
Total							100.0

Source: Office of Census Commissioner, Royal Government of Bhutan (RGB 2007)

Region-wise, the western part of Bhutan with Thimphu, Paro, Chhuka, Chenghari and Phuentsholing urban centres is most urbanised whereas the eastern region the least urbanized region. However at this early stage of urbanization of Bhutan it is difficult to suggest how urbanization will play out in future. But a broad trend is discernable: the Government has recognized export (hydropower and tourism as well as cash crops through intensive farming) as the prime mover in its quest for higher economic growth rate. If this strategy is applied with due diligence then urban centres will assume an increasingly important role in shaping the space economy of Bhutan. This may suggest that urban growth will happen (as it is happening) in places where there is scope for trade and commerce and such areas in the case of Bhutan happened to be its southern part. The southern Bhutan will therefore enjoy location-benefit in the development scenario of the country.

4.3 Government/Governance

Over the past half a century Bhutan underwent a series of unprecedented changes in an otherwise a conservative and feudal society. The second King Jigme Wangchuck (1926-1952) started the program of education and training of the Bhutanese abroad. The third king (Dorji Wangchuck (1952-1972)) introduced far-reaching political, social and economic reforms. He instituted the National Assembly, the High Court, the Royal Advisory Council and a system of Government responsive to the needs of the country. It was during his reign that Bhutan got the first Five Year Plan. He also guided Bhutan to membership in the UN in 1971, ensuring the kingdom a place in the international community.

Bhutan has been pursuing a policy of decentralization of authority as well as responsibility to the local level for the past three decades. Pursuant to this policy District Development Committees were established with a total of 572 elected members, in 1981.³⁴ The policy got further boost when similar development committees were established in each of the two hundred and one gewogs (blocks or county).

The year 2008 was a turning point in the modern history of the country. Praising the achievements of the year the former Indian Foreign Secretary Salman Haidar summed it up as follows:

2008 has turned out to be Bhutan's annus mirabilis (an auspicious year). In this twelve-month period, it has adopted a new constitution that establishes it firmly within the community of democratic nations. General elections have been held under the new constitution, fair and free, so that an elected Prime Minister and Cabinet are now in charge. The monarchy, which has shaped the Bhutan of today, observes its centenary this same year, and a new King has been crowned in Thimphu, the fifth in the line, taking over from his revered predecessor who has voluntarily ceded the throne.³⁵

Today Bhutan can boast of raising itself from the low-income group of nations to lower-middle income group, a GNI per capita that is double that of the South Asia average,

³⁴ The World Bank. Bhutan: Country Profile (undated) (<http://siteresources.worldbank.org/INTBHUTAN/Resources/9FYP.pdf>)

³⁵ The Statesman. A daily published in Calcutta, dated Nov 13, 2008

and an average economic growth of 9.6% in real terms over the 9th Five Year Plan (2003-7). There has been corresponding improvement in the Human Development front as well, as demonstrated by the fact that its HDI went up to 0.613 in 2006 from 0.583 in 2003. The 10th Five Year Plan summarises the achievements, “(T)hese accomplishments appear particularly noteworthy given that only a few decades ago, Bhutan was ranked among the poorest countries in the world with extremely low levels of human and social development.”³⁶

It would be instructive to know more about the government structure in Bhutan, while recognizing that it was only in 1907 that the country came out of a theocratic system of government/governance.

The king (*Druk Gyalpo*) is “the Head of State and the symbol of unity of the Kingdom and of the people of Bhutan”, as per Art 2.1 of the Constitution. The King wields considerable power, concomitant with widespread support of the people he enjoys, hence the power to influence the course of country’s destiny³⁷. The Constitution also validates the symbiosis of religion and politics in country’s governance: *The Chhoe-sid-nyi (dual system of religion and politics) of Bhutan shall be unified in the person of the Druk Gyalpo who, as a Buddhist, shall be the upholder of the Chhoe-sid (religion and politics).*³⁸

The Constitution also requires the King to step down upon reaching the age of 65 and hand over the throne to the reigning Crown Prince. The Constitution provides for the removal of a reigning king but bars handing over the reign to a different dynasty. In that sense kingship is a permanent feature of Bhutan polity.

The Constitution allows people to form political parties but only two parties, who have proved their majority in the primary round of election held at the district level (in which all registered parties may participate) are allowed to stand for the general election to select members for the National Assembly. The party gaining the majority will form the

³⁶ The Royal Government of Bhutan. The 10th Five Year Plan (2008-2013).(P. 3)

³⁷ King Jigme Khesar Namgyel Wangchuck, the 5th in the chain of monarch of Wangchuck dynasty, was crowned on Nov 6, 2008.

³⁸ Words inside parenthesis are supplied by the author.

government. Inter-party defection is not allowed by the constitution. Finally, political parties based on regionalism, religion, and ethnicities are not allowed (Article 15.3).

As per the constitution the country is governed by a Parliament – “which shall consist of the Druk Gyalpo, the National Council and the National Assembly”³⁹. The democratically elected National Assembly known as *Tshogdu* has 55 members elected from each of the 20 districts. The National Council has 25 members, one elected from each of twenty districts plus five nominees. The National Council advises the King and acts as a bridge between the government and the people⁴⁰. A Prime Minister who reports to the National Assembly and the King heads the Council of Ministers. The ministers manage the affairs of their sectors through ministries and its district level offices.

As per the Constitution of Bhutan (Art 20):

The Prime Minister shall keep the Druk Gyalpo informed from time to time about the affairs of the State, including international affairs, and shall submit such information and files as called for by the Druk Gyalpo.

Administratively, the country is divided into 20 districts or *dzongkhag*, which is further divided into a number of *dunghags* or sub-districts. A district is made of *gewogs* (blocks or county) and *thromde* (municipality)⁴¹. Gewogs or blocks are made of one or more villages. Each *dzongkhag* has a District Development Committee comprising Heads of all the gewogs within its jurisdiction. This structure is mirrored at the gewog level with Gewog Committee made from the village heads.

There are a number of check-and-balance provisions in the Constitution to avoid excessive concentration of power in any one body of the Government. All said, the King acts as the quintessential arbitrator in the vagaries of party-politics and reserves the right to call for referendum on any issues of national importance in which there is a disagreement with the Parliament.

³⁹ The Constitution of the Kingdom of Bhutan, 2008. Article 10.

⁴⁰ Ibid.

⁴¹ The Constitution of Bhutan in its Article 22 (2) states that “Bhutan shall have Local Government in each (District) comprising the (District Committee), Gewog (Committee) and (Municipal Committee)”. Words inside parenthesis supplied by the author.

It must be noted that the principles and concepts embodied in the Constitution were arrived at over a period of almost four decades in successive but more matured or strategic measures conditioned by changing regional politics, emergence of aggressive political demands, violence and ethnic rifts. While examining the evolution of the Constitution of Bhutan in its present form it would be useful to bear in mind the wave of political changes that swiped the greater region since the emergence of India in August 1947 as a democratic nation and the birth of Republic of China as in October 1949 a communist nation.

Indian independence spawned nationalism and desire for recognition of ethnic identity across the subcontinent. Immediate fallouts were the demise of Rana regime in Nepal and the emergence of tribal and ethnic political groups in Darjeeling, Assam and Bhutan seeking greater role in the national polity. Among them the most visible one was the movement centred in and around Darjeeling and carried out under the banner of All India Gurkha League (1924).

The fall of Tibet in 1950 brought seismic change in regional politics and the three Himalayan kingdoms were forced to realign their foreign policies in one way or another. A small kingdom like Bhutan felt the need to make her alignment clearer and unequivocal. This resulted in the signing of the Treaty of Friendship (1949) between India and Bhutan in which it was allowed to manage its internal affairs the way it sees fit while making sure that it conducts its security and foreign affairs under the guidance of India. Thus the British suzerainty over Bhutan was transformed to India through this treaty.

The very first election held in Nepal in 1959 based on universal suffrage brought Nepali Congress (which had its seeds in Indian independence movement) to power thus weakening the hold of the monarchy in Nepal but only to be unseated by the then reigning King Mahendra twenty months later. Two years later King Mahendra introduced a guided, partyless democracy labelled the 'Panchayat Democracy' through a new 1962 Constitution. It provided for directly elected Village or Town Councils (Panchayats), their members forming an electoral college to choose representative to District Panchayatas. Members of the national assembly, the Rastriya Panchayat, were

selected from amongst the members of the District Panchayat. Additional members to the national assembly came from government-sponsored class organizations⁴².

King Birendra who succeeded King Mahendra in 1972 brought a few noticeable changes in the political system left by his father including the introduction of direct elections to the Rastriya Panchayat. In essence the system remain the same – partyless, supremacy of the monarch, his family members and courtiers, limited freedom of speech, and above all a mental construct that forced people to gain personal progress by serving the king and his surrogates rather than the people.

These changes were Nepal's monarch's response albeit half-hearted to the emerging cry for freedom and democracy inside the country – something Bhutan was closely watching with great interest and apprehension. The annexation of Sikkim in India in 1975, which was supposedly based on the overwhelming result of the popular referendum, had a chilling effect on both Nepal and Bhutan. This event caused Sikkim to lose its monarch as well as independence and reasserted India's dominance in the sub-region. The following excerpt from an article published in NEPAL weekly summarizes the depth of Indian influence in the Himalayan kingdoms:

Under pressure from Delhi, the Sikkimese King was forced to hold tripartite talks with SNC (Sikkim National Congress) and India. The talks not only curtailed royal powers, it also turned Sikkim into an Indian 'protectorate.' In the elections held in 1974, Lhendup's SNC got overwhelming majority in the parliament ultimately, the cabinet meeting, on 27th March 1975, decided to abolish monarchy. The Sikkimese parliament endorsed it and decided to hold a referendum on the future of monarchy. Four days later, the outcome of the poll in 57 stations across the country was: 'Abolition of the monarchy.'

Immediately after the referendum, Kazi Lhendup moved a motion in the parliament proposing that Sikkim be annexed to India. The 32-member parliament, which had 31 members from Lhendup's SNC—passed the motion without a blink. It is needless to say that the entire episode was being orchestrated by India. The then Indian envoy to Sikkim (known as 'political officer') B. S. Das wrote in his book *The Sikkim Saga*,

⁴² John Whelpton. *A History of Nepal*. Cambridge University Press. 2005. Page 99-107

Sikkim's merger was necessary for Indian national interest. And we worked to that end. Maybe if the Chogyal had been smarter, and played his cards better, it wouldn't have turned out the way it did.”⁴³

Given the proximity of where these events were taking place and the fluidity of the movement of the population across the inter-national spaces Bhutan found itself in the middle of these political vagaries with far reaching repercussions on its future. This realization hastened the King of Bhutan to move towards democracy, a process that had already received a nudge from political protests waged by the Bhutanese of Nepali origin during the 1950s.

In response to these regional events and to keep in pace with modern development trends Bhutan started its quest for democracy by pursuing decentralization of power and authority at the district level and beyond – a policy now enshrined in the Constitution. Article 22 of the constitution provides for Local Governments to exist in all *Dzongkhag* (districts), *Gewog* (county) and *Thromde* (municipality) in the form of a Tshogdu (committee) at each level. Local Governments are empowered to self-manage, entitled to levy taxes and charges, duties, tolls and fees as per due process and obtain yearly financial grant from the government, seek revenue sharing with the centre, possess assets and incur liabilities through borrowing as per the prescribed law. As mentioned earlier Bhutan has been investing heavily on training of public officials (civil servants) and keeping their remuneration at par with regional standard or above. If Bhutan continues to pursue this path of decentralization and to that end there is no sign that it is not, Bhutan will have a strong local-centre coalition in the management of the country. The logical consequence of this strategy is the empowerment of local populations for conducting the affairs of local development and safeguarding national interest when need arises. In this context as well it was imperative for the Bhutanese elites to be sure about their confidence on the Bhutanese of Nepali origin.

4.4 Economy

In Bhutan the cultivable land constitutes merely 13% of the landmass and yet the role of agriculture in the national economy is profound⁴⁴. Like Nepal Bhutan is an agricultural

⁴³ Sudheer Sharma. *The Pain of Losing A Nation*. Nepal weekly reprinted in NepalNews.

country with Agriculture (Renewable Natural Resource, RNR) sector contributing 25% to the Gross Domestic Product (2004) and providing livelihoods to 69% of its rural population⁴⁵. Table 5.2 below captures the essential elements of Bhutan's natural endowments. Further elaboration of the economy and its trend is presented in Table 5.3 below.

The limited agricultural land and the altitude attest to the point that the economy is subsistence, transhumance, and isolated. While Bhutan's agricultural density (106 persons per sq km of agricultural land in 2005) is highly favourable as compared to that of Nepal (614), Sri Lanka (833), Bangladesh (1,541) or Pakistan (559), one may argue that this is also a reflection of a low population growth rate. On the other hand, this also explains why Bhutan in the past (say during the 19th century through early 20th century) was so anxious to claim its jungles for cultivable lands and in the process invite people of Nepali origin to do the job. For the elites the country had to rely more on trade and commerce for their existence in the beginning but soon they new rewards in opening the south for organized agriculture



⁴⁴ The report published by the Royal Government of Bhutan, Ministry of Health titled Adolescent Health and Development: A Country Profile: Bhutan dated March 2008 uses a figure of 8% (p 1). But most of the cited works have used 13% as the correct ratio.

⁴⁵ UNDP (Bhutan). Bhutan Human Resource Development Report: 2007. Thimphu. 2007 (P 2)

TABLE 3: Bhutan At a Glimpse

Items	Figure	Year	Remarks
Area in sq km.	38,394		The World Bank uses a figure of 47,000
Population	634,982	2005	
Gross density (per sq km)	11.68		
Urban population	196,111 (30.9%)	2005	
Rate of urban growth	1.45%		
Area under agriculture (sq km)	4,230 (11%)		
Land under forest	30,350 (79%)		National target: 60%
Agricultural density	106.36		The World Bank
GDP in real term	Nu. 37.5 billion	2007	Nu is on par with Indian Rupees
GDP growth rate (real)	9.6%	2003-2007	
GNI per capita (US\$)	1,414	2006	
Fastest growing sectors			
Electricity	36% per annum	2003-2007	
Agriculture	1.3% per annum		
Trade & Service	13% per annum		
Import	Nu 22.19 billion	2006-2007	Grew @ 32% average over 2003-2007
Export	Nu 22.64 billion	2006-2007	Grew @ 35% average over 2003-2007. Electricity accounts for nearly half.
Official Development Assistance (ODA)	< 20% of GDP	2007	In 1980s ODA was about 50% of GDP

Source: Government source

Historically, like the rest of the countries in the subcontinent, the gentries in Bhutan lived on the poor peasants and taxing trade & commerce between Tibet and the Indian subcontinent. The Bhutanese elites, individually and as a group of the ruling class, could not derive much benefit from increasing trade between the British India and Tibet, as Bhutan was barred from taxing British trade transiting the country since the Treaty of Sinchula (1865). Worse, the annexation of the western Duars by the British wiped out Bhutan's lucrative source of revenue that it used to amass from the passing trade between greater India and Tibet, although the British did agree to pay a sum of money annually to Bhutan as "compensation for territorial annexations"⁴⁶. With the annexation of Tibet by China 85 years later the trade between northern Bhutan and Tibet came to a standstill thus aggravating the poverty and isolation of northern Bhutan and forcing the government to look for alternative means of livelihoods for its people. This change in the regional politics also made Bhutan to start fostering better integration across its northern, central and southern parts.

Given the importance of agriculture in the national economy it is no mere coincidence that the third king of Bhutan Jigme Dorje Wangchuck introduced a number of land reforms measures when he was enthroned in 1952. This was the period of great political awakening in China, Nepal and India as well. Similar efforts were underway in India and China; Nepal followed suit five years later. The salient features of the Bhutan's land reforms were:

-) Right granted to tenants and former slave families to own land for them to cultivate;
-) Land holding not to exceed 25-30 acres depending on the type of land;
-) Anyone holding pastureland is not entitled to use it unless he has cattle. Such land belongs to the community and anyone who has a cattle can use it for grazing by paying tax to the Government;
-) No farmer is allowed to sell lands if he possess less than 5 acres

⁴⁶ See Basu 1998 (P. 5)

-) Mortgage of land is not allowed
-) No individual shall sell land and thus become a landless.

These measures were daring and innovative at that time when Bhutan was just trying to come out of centuries of feudalism and enter an era of planned economic development. However, if we argue that one of the main objectives of land reform is to bring positive change in the distribution of agricultural land across the population, the initiative taken by King Jigme Dorje met with only a limited success because of some inherent weakness in the development environment:

-) Many small farmers were reluctant to take advantage of the Reform for one reason or another;
-) The Reform (land ceiling) could not yield much excess land;
-) There was severe constraint in credits supply, and the economy was still largely a non-monetized one;
-) Forced labour (*chunidom*) was still prevalent thereby taking away many valuable workdays from the peasants. This also reinforced the continuation of the age-old system of servitude and oppression.
-) The Reform required a highly proficient cadre of civil servants and local politicians well tuned to its ethos; both were missing in the Bhutan of those days.

Bhutan is currently on its Tenth Five Year Plan (2008-2013) having completed the last nine five-year plans. The 10th Plan development objectives are formed on the basic of A Vision of Bhutan in the Year 2020 according to which the country aspires to achieve the following:

-) Bhutan's sovereignty and borders will be firmly secure, based on constructive and mutually beneficial relationships with its neighbours rather than on military capability. The vision further anticipates that Bhutan will have demonstrated to the world that it is entirely possible to embrace the benefits of modernization

without being overwhelmed by accompanying negative influences, while proudly maintaining a distinct identity that is well recognized, valued and respected.

- J Economically, the vision pictures that hydropower led development and growth will have helped the country achieve a high degree of self-reliance, with much of the responsibility for the financing of development in its own hands.
- J The economy will be well balanced and sufficiently diversified by a thriving horticulture and organic based high-value agriculture sector, a solid and clean manufacturing base and a burgeoning hospitality industry.
- J In 2020, providing equitable access to and delivering improved quality social services across the nation will no longer be an issue.
- J Bhutan in 2020 is expected to not only have its rich culture still vibrant, alive and clearly visible in Bhutanese lives, but that it will be richly infused with contemporary relevance and meaning. The vision perceives the latter to be particularly important for young people.
- J The emphasis on cultural preservation, cultivating a distinct identity and achieving a right balance between modernisation and continuity are astounding and seldom found in national development plans. It may be noted that the emphasis on national identity and culture was first introduced in the 4th Five Year Plan and has continued to this date, as is made clear from the above extract from the Vision 2020.

On poverty counts Bhutan fares better than all other countries in the region. As per the 2007 Poverty Survey Report, 23.2% of the population are below the national poverty line whereas a little less than 6% of the population are below the subsistence level (ultra poor). When disaggregated by Urban and Rural it is seen that poverty in Bhutan is essentially a rural phenomenon. For instance, 8% of the rural population, as compared to 0.16% of urban population, are ultra poor, and of all the poor 98% live in rural

areas.⁴⁷ Data on the incidence of poverty by ethnicity are not available. However, in the districts that have traditionally been inhabited predominately by *Lhotshampa – Samtse, Chukha, Dagana, Sarpang and Samdrup Jongkhar*, poverty incidence is higher than the national average of 23.2%. For instance, in the three districts of *Samtse, Samdrup, Jongkhar, and Dagana* Poverty Incidence was found to be 46.8%, 38.0% and 31.1%, respectively. The Subsistence Incidence, measured in terms of food required to maintain a fixed level of calorie intake are found to be 14.7% in Samtse, 11.0% in Samdrup Jongkhar and 8.8% in Dagana, respectively, as against the national average of 6.1%, the first two being the top three worst hit districts. The three other worst districts in terms of poverty incidence were Zhemgang (52.9%), Monggar (44.4%) and Lhuntse (43.0%) – all in the eastern region. However, caution is advised in interpreting the geographical dispersal of poverty as a measure of its dispersal by ethnicity because the survey postdates the exodus of Lhotshampas.

4.5 Concerns of Ethnic Imbalance

Since early on Bhutanese officials have occasionally been expressing concern on the significant and increasing presence of the people of Nepali origin in Bhutan. A few visiting British officials from the East India Company had also expressed similar views but probably for different reason. A comment from the Bhutanese Foreign Minister Dawa Tsering that the Bhutanese would be a minority in their own land and the country would be turned into ‘another Sikkim and Darjeeling’ sums up the sentiment of the Bhutanese ruling class on this issue.⁴⁸ Ethnic imbalance, meaning a situation where the Drukpas are in minority in the land of the Drukpas, has become a matter of national security, so the sentiment goes. The Royal Government of Bhutan have been pursuing different stands of argument and course of actions to deal with this situation over the past thirty years which together can be grouped in five areas of concern:

4.5.1 Ethnic imbalance:

Implicit is the notion that the Lhotshampas are ethnically different from the ‘indigenous’ Bhutanese in terms of language, religion, facial construction and social

⁴⁷ Royal Government of Bhutan, National Statistics Bureau. *Poverty Analysis Report 2007*. Thimphu. Dec 2007. Page 13-14/Table 2,3 & 4

⁴⁸ Basu, *ibid* p96

norms – in short they do not share the Drukpa ethos⁴⁹. As they constitute a sizable part of the population this pose a challenge to the identity of this small and conservative nation. The high growth rate amongst the Nepali population exacerbated the problem created by a low rate of growth of indigenous population attributed to celibacy, inbreeding and venereal diseases. An often quoted remark by a British officer sums up this concern, “(B)oth in Bhutan and Sikkim a very practical problem in politics is whether the local races are destined to be overwhelmed by the Nepalese”.⁵⁰

4.5.2 Loyalty

The loyalty of Bhutanese of Nepali origin towards the king and the country was always in doubt. This feeling of mistrust was reinforced by the circumstances that led to the annexation of Sikkim by India, rising voice for a separate Gorkhaland, a rapid political change in Nepal in the late 1990s, and later on the political unrest that unravelled inside Bhutan in the wake of 1988 Census and after a firm implementation of Driglam Namzha in 1980s and early 1990s.

4.5.3 Land scarcity

Bhutan, like the rest of its neighbours, is no longer a country with plenty of potentials for the expansion of agriculture land. In the past the southern districts had been supplying new land for agriculture, which is no longer the case also because of increasing emphasis on the preservation of natural environment. In fact the Royal Government had come up with a plan to establish a Green Belt all along its southern border with India. This idea was dropped when the donors were apprehensive of the detrimental impact the policy would have on existing settlements but the emphasis on forest preservation is very much in the heart of the country’s planners since the 8th Five Year Plan.

⁴⁹ One of the many responses to this concern was the introduction of DRIGLAM NAMZHA, literally ‘the way of conscious harmony’. See Hutt, *ibid* p165 Hidden behind the objective of imparting uniformity across the diverse ethnic groups, Royal Government has been pursuing the goal of ‘preservation and promotion of culture’ since the 6th Five Year Plan.

⁵⁰ This remark is attributed to Basil Gould in his 1938 report. See Hutt/page37n/page 112

4.5.4 Increasing importance of southern Bhutan from development perspective:

While Agriculture has always been its professed priority Bhutan in fact has been pursuing a policy of industrialization and seeking greater role in regional trade and transit. The completion of north-south and east-west highways has enhanced the role of its southern districts as the entry-exit points for the country, more so because of its topography and proximity to Indian transport system. Unmistakably modernisation of Bhutan has become synonymous with the development of its plains and in this sense keeping the southern belt under a firm government control has now become a matter of national interest.⁵¹ Still in other words the changing importance of the plains has in fact the effect of enlarging the size of natural endowment of Bhutan. Further, the economic importance of the south increased considerably with the introduction of cash crops for export purpose.⁵²

4.5.5 Migration:

Another claim the government of Bhutan consistently makes is that a substantial numbers of Nepali who entered southern Bhutan as temporary labour migrant at the time of massive construction of national infrastructure in Bhutan have continued to stay. This had the effect of increasing the ethnic imbalance and did impose undue and inordinate burden on the Royal Government of Bhutan to provide social services like health and education as well as employment. Notwithstanding the fact that Bhutan had always faced labour shortage there are no valid evidence to suggest that this claim of the government is applicable to the majority of Lhotshampas.⁵³

⁵¹ On this theme Hutt writes, “(U)ntill the 1950s, the south had been a hinterland; after the 1950s it became a frontier. This was the region of Bhutan with the greatest potential for the kind of planned economic growth that began to be envisaged” Ibid p129

⁵² INHURID Hutt/po cit page 141

⁵³ Basu 1998 (P.98) and Hutt 2003 (P. 158)

4.6 Chapter Conclusion

No doubt, historical facts show that Lhotsampas are having history of settlement in Bhutan of approximately 300 years. The People of Nepali origin were brought to Bhutan by Shbdrung Nwang Namgyal for various purposes. State of Gorkha was well organized and powerful state in Himalayan range, NaWang Namgyal wanted to tie up the strong relation with Gorkha kingdom in order to protect from external invasion. on the request of Bhutanese ruler, Ram Shah the then king of Gorkha sent a group of Nepali people with various skills to Bhutan. Later in Shiv Singh Malla, the king of Kathmandu valley sent a large number of Sculptures, carpenters, Masons and Goldsmiths to erect Dzomkhas and monasteries. The sculptures brought into Bhutan constructed Tang Monastery in Northern Bhutan which is even regarded as one of the major and holiest monastery of Bhutan. Settlement of Nepalese people continued from 1640 and these Neplese people brought by Nwang Nangyal were settled in Southern boarder.⁵⁴ The Neplese people were settled in this area between Tista River and Tursa River, the Thaga province of Present Bhutan.⁵⁵ But now the racist regime of Bhutan has been claiming that the Nepalese of southern Bhutan are new settlers. Jigme Thenley by rejecting pre 1865 settlement of Nepalis in Bhutan asserts that No Nepalese even crossed beyond the Tista River until after 1865.⁵⁶ However, some of the British accounts shows that Nepalese dwelled in Southern Bhutan before the war of 1864-5. At the time Nepalese were perhaps in Small number yet Lhotsampas settlement in southern Bhutan dates at least one and half century before. Lhotsmpas of Southern Bhutan occupy nearly 45% of total population in Bhutan. Southern Bhutan in comparison to North is fertile land and people in Southern Bhutan are educated and politically conscious. The consciousness of Southern People might have been taken as a theraat to Drukpa autocratic regime in one hand and fertile land in Bhutan lured the Northern on the other. Drukpa ruler therefore imposed the Policy of Dring Lam Namza, dress code and discriminatory citizenship laws. Consequently Lhotsampas started to be apprised with new Policy and Finally that caused the eviction of the Lhotsmpas from drangon Kingdom.

⁵⁴ Bala Ran Poudel Bhutan Hizo ra Aaz 2001 Bani Prokhthan Kathmandu (P.P 18-19)

⁵⁵ Ibid.

⁵⁶ Michael Hutt, Unbecoming Citizens Oxford, Delhi, 2003 (PP 38-39).



CHAPTER V

BHUTANESE OF NEPALI ORIGIN (*LHOTSHAMPA*)⁵⁷

5.1 Early settlements of Lhotshampas

Michael Hutt (2003) states, “(T)he strategy employed by the rulers of both Nepal and Bhutan until, at least, the late 1930s assumed that it was axiomatic that forests had to be cleared and lands settled and cultivated if the prosperity of the kingdom was to be assured and enhanced.”⁵⁸ Both territorial expansion and forest clearance were essential

⁵⁷ The term Lhotshampa (Inhabitants of Southern Bhutan) was coined by King Jigme Singye Wangchuck 1975 in his bid to encourage ethnic integration in the country. See AC Sinha 2008 (P. 54)

⁵⁸ Michael Hutt 2003. (P. 86)

for maintaining wealth and prosperity of the ruling class and to finance the growing empire they nurtured. The same may be said of the British India especially in the context of its annexation of the Duars of Bengal and Assam.

Two factors played a mutually reinforcing role in causing a rapid growth of settlements in the plains of Bengal called the Duars. The first factor was an increasingly exploitative taxation system in Nepal in the wake of ‘unification’ by Prithvi Narayan Shah in the mid-eighteen century that also saw the territory of Nepal extended up to Sikkim. The rapidly expanding kingdom required posting the elites in outlying districts whose main aim was to collect taxes and extract free-labour from the peasants and to maintain their loyalty to the ruler. The high level of tax and the exploitative nature of relationship between the elites and the peasants forced many peasants to migrate towards east where the British were opening the Duars for cultivation (second factor). It is this process of eastward migration that brought the Nepalis from the eastern hill of Nepal to the southern districts of today’s Bhutan. This flow of cheap and desperate tillers started sometime in 1860s and subsided after the 1930s⁵⁹.

How early did the Nepalese begin to settle in Bhutan is a question that has drawn considerable debate between the Bhutanese Government on the one hand and the refugees and their leaders on the other. The Bhutan’s Prime Minister Jigme Y. Thinley in a book titled *Bhutan: Perspective on Conflict and Dissent* argued that, “... no Nepalese ever crossed beyond the Teesta river until after 1865, let alone penetrated into Bhutan”. Thus the Royal Government of Bhutan claims that “Historical documents, including British records, do not report the presence of any Nepalis in Bhutan until the beginning of the twentieth century. Bhutanese authorities allowed the entry of Nepalis into the country only in 1900...”⁶⁰ On the other hand, some Nepali historians have argued that the Nepalis started migrating to Bhutan since as early as the 17th century⁶¹. In this context the human rights organization (INHURD) observed that ‘ the historical record in Nepal including the dynastic history of the rulers indicate that the first batch of

⁵⁹ Blaikie, Piers; Cameron, J & Sedon D. 1980 (P, 68)

⁶⁰ As quoted in Hutt’s *Unbecoming Citizens*. (P. 25)

⁶¹ Op cit p11

Nepali settlers had been taken to Bhutan as far back as in 1624 AD”(INHURD, undated)

All said and done there are historical evidences to suggest that Bhutan and Nepal had friendly relations that dated as far as 1620s. But the relationship was of priest-patron where Bhutan, the home of the *Shabdrung* (Dharmadeva), was the religious guide for the emerging ruling class of Nepal. But the existing historical evidences suggesting that mass migration from Nepal to Bhutan started in the late 17th century do not seem to exist. At the same time a broader picture of the state of population movement within the Great Himalayan belt would be useful in order to be able to form a judgement on since when the Nepalis from Nepal began to move into Bhutan.

Nepal, Sikkim and Bhutan together constitute about half of the 1,800 miles long the Great Himalayan Range. The Lesser Himalayan region (the mountain belt and its river valleys) that transverses these countries form a unified ecological zone with common flora and fauna and human habitation.⁶² The common ethnic groups found in this region are the Lepchas, Tamang, Sherpa, Magar, Gurung, Bhotia and Rai & Limbu (Kirat).⁶³ The Kirat people are more prevalent in the eastern hills of Nepal. They together with the rest of the groups are bound together by a common root of their languages, common religion, and common physiography. They barring the Lepchas and the Bhotias form a distinct group of people loosely classified under the broader ethno-linguistic group called ‘Nepali’ although this term would also include a range of ethnic groups commonly classified under ‘Paharis’ and the Newars as well as the Tarai-basi (Mahadeshi, Tharu and a number of other subgroups). It may be noted that the Bhotia, who also live in Sikkim and Nepal, are the dominant race in Bhutan as well. The hill

⁶² An excellent exposé of this theme (that the Great Himalayan belt is a frontier of great many cultures revolving around two principal culture: Tibetan culture of Lamaism and the Hindu culture of the south) is found in AC Sinha’s *Bhutan: Ethnic Identity & National Dilemma* (Chapter-I)

⁶³ Dor Bahadur Bitsa. *People of Nepal*. Ratna Pustak Bhandar, Kathmandu, Nepal. 1967. See also "The People (from Himalayas)." *Encyclopædia Britannica* from Encyclopædia Britannica 2004 Encyclopædia Britannica, Inc.

people prefer to migrate within this ecological zone rather than across into the Terai, as experienced during the implementation of Nepali's resettlement programs.⁶⁴

Until recently these countries had no clearly defined border. There are ample examples of how the people living in the fuzzy border areas would shift (exploit) their allegiance to competing rulers for their convenience⁶⁵. The same can be said of the borders between Nepal and Sikkim in the one hand and Sikkim-Darjeeling and Bhutan on the other. The peasants tilling the land along the border probably had no clear idea of whom they were working for beyond their *zamindars*.

Lastly, it may be reiterated that till the first half of the 20th century these three countries along with the British Government in India were competing for cheap labour they needed to clear forests within their land and turn them into cultivable lands and to secure border land⁶⁶. Bhutan, like other countries in the region, had an elaborate system of hiring the migrants-*raitis* – a subject on which Hutt devotes two chapters in his book titled *Unbecoming Citizens* (Chapters 4 & 5). In those days (say before mid-20th century) it was common to recruit raitis through contractors (the *kādārs*) who were also responsible for administering tax system on behalf of their overlords (*Pönlops*). In fact a system of tax collection had developed in southern Bhutan comprising the *Pönlops* in top followed by the contracted landlords called the *kadars* or *Kazis*, and village headmen called *mandalas*.

As a kingdom contiguous to Nepal, Sikkim must have had a steady inflow of migrants from the eastern hill of Nepal long before Prithvi Narayan Shah conquered Kathmandu Valley in 1775 and brought the principalities that existed to the east of Kathmandu under one rule. The brief occupation of Sikkim by the Nepali rulers in 1788 must have greatly facilitated the inflow of Nepalis to Sikkim till the time it became a British

⁶⁴ Tribhuvan University, Institute of Asian Studies. *Planned Resettlement in Nepal's Terai: A Social Analysis of the Khajura/Bardia Punarvas Projects*. Tribhuvan University Press. Kathmandu. 1976

⁶⁵ Hutt, Regmi, Whelpton and Woodruff cite a number of examples of shifting loyalties along the border areas. See Hutt (P. 86), Regmi (P.67) and Woodruff (P.87)

⁶⁶ Mahesh C Regmi. *A Study in Economic History of Nepal (1768-1846)*. Manjusri Publishing House. 1972 (reprint). (P. 143) see also Hutt. *Unbecoming Citizens*, op. cit. (P. 50)

protectorate in 1890. By 1872 Nepali were in majority in the British-ruled Darjeeling⁶⁷, and by 1891 more than 65% of the population of Sikkim were made of Nepali migrants.⁶⁸ Whelpton observed, “From around the time of the 1864-5 Anglo-Bhutan war until the 1930s, (Nepali) migrants also settled in southern Bhutan, opening up new areas unattractive to the Lepchas of the north.”⁶⁹

In this context two questions would assume inordinate importance in any attempt to resolve the issue of Bhutanese refugees in Nepal. These are, (i) since how long a Nepali migrant should have been living inside Bhutan in order to be eligible for its citizenship, and (ii) broadly speaking were those Nepali migrants to Bhutan illegal settlers, contract labourers or invitees brought by the government to serve some specific purposes? Closely related to these two questions is a concern of the ruling elites of Bhutan that the Lhotshampa are not Bhutanese, as they have nothing in common with the indigenous counterpart from the north in terms of religion, language, lifestyle and values.

Regarding the second question historical evidence as analysed in the preceding paragraphs suggests that the migration of Nepalis to Bhutan became most prevalent after the annexation of the Duars by the British although some migration must have occurred well before then. Bhutan derived considerable benefit from the inflow of Nepalis into Bhutan notwithstanding occasional expression of apprehension of ethnic imbalance this might result and potential conflicts inherent in the unchecked expansion of Nepali settlements into the pastureland seasonally used by the highlanders. The benefits derived were not only additional taxes and free labour but also the opening up of a hitherto hostile part of the country for future development.

The circumstance behind the decision of Bhutanese authorities to encourage Nepali migration to their country has already been explained above. To reiterate, with the annexation of the Duars by the British the fiscal situation of Bhutan deteriorated. Hence it had a pragmatic reason to open up its unopened southern rim for settlements by the Nepalis. Since they paid taxes in cash, as opposed to in-kind paid by the highlanders,

⁶⁷ Darjeeling was established as a hill station in 1839. By 1871 it had tea estates covering 700,000 acres that created huge demand for labours. See John Whelpton. *A History of Nepal*. Cambridge University Press. 2005. (P. 57)

⁶⁸ Ibid p75-76

⁶⁹ Ibid. p 76

the overlords found it more attractive as cash is liquid and can facilitate trade transaction⁷⁰. The Nepali settlers paid a wide variety of taxes: cultivation tax levied per house, a labour tax in lieu of ‘voluntary labour’ called *chunidom* that they were obliged to provide to the headmen, and a grazing charge. Compared to this the indigenous Bhutanese paid cultivation tax in kind (grain) and a tax on cattle (paid in butter at an outdated rate). As the Nepali settlers were working for their Bhutanese and Tibetan lords under a raiyat system much of the tax burden was passed on to them by their landlords. Moreover, non-tax irregular charges like fines ‘levied by the officials on most trivial pretexts’ swelled the burden to the level of extortion. Importantly there are no evidences to suggest that these Nepali migrants were paid labourers; otherwise they would not have been required to pay taxes and participate in *chunidom*.⁷¹

Voluntary labour, meaning giving labour to the state without receiving payment of wage (unpaid labour service), has been a time-tested technique of financing military operation and to transport goods required by the state and the ruling class (portage). But participating in this system requires one to be location-fixed which grants the individuals involved a sense of geographical identity not found in temporary migrants. Within this understanding, in all probability the Nepali settlers borne the brunt of this free labor system, as much of the goods Bhutan imported came from the south. The extent of the voluntary labor was great. In 1962 Bhutan Government introduced a compulsory labor contribution system called Druk Drum that required all able-bodied persons to contribute one month of free labor twice a year. Another system called Sum Drum, which doubled the compulsory contribution, replaced this system in 1963. Sum drum was replaced by Chunidom in 1968 in which a group of 12 men make a team to provide free labour to the state throughout the year at the rate of one month per person. Chunidom was abolished in 1988 and replaced by a household labor tax (equal to 15 days of free labor per year per household with some remuneration). This was eventually

⁷⁰ Talking about the fiscal difficulties faced by the Bhutanese Government during the first half of the 20th century Hutt noted that “(T)he central government (of Bhutan) had few sources of revenue, especially as most taxes were paid in kind. It is therefore very clear that the main motives of encouraging Nepali settlement in the south were economic ones...” Hutt, op.cit. p80

⁷¹ Oberai Pia, 2006 (PP.14-116)

abolished in 1996 and replaced by a system in which each household is required to provide free labour for community works (like water supply, school construction, etc.) and paid labour for the maintenance of village infrastructure. It may be reiterated that Bhutan had always face labour shortage but this is not the only reason behind forcing 'voluntary' system of labour extraction. Unpaid labour service has always been a means to extort both obedience and energy from commoners by the ruling class especially in a feudal and theocratic system.

The fact that the Nepalis settled in Bhutan were coming under heavy taxation did not go without complain but in a society where obedience is absolute complains of this sort do not always reach high enough. In later dates this system gained further legitimacy from the call of the state to all its citizens to participate in 'national development' in the form of voluntary labour contribution. But the prolonged presence of systems of free labour extraction in Bhutan and their effective enforcement on Lhotshampas also vindicate the argument that this group of people did contribute to the development and/or maintenance of Bhutan in no uncertain terms.⁷²

The next obvious question is who exactly the Lhotshampa are in terms of their ethnic makeup? As far as the ethnohistory of the Lhotshampa is concerned, unfortunately little is available. Hutt thus lamented, "*(W)hile the ordinary people of the north were under-represented in accounts of Bhutanese history and culture, the people of the south were practically invisible.*"⁷³

With this caveat in mind we may recall from the preceding paragraphs that most Nepali who migrated to Bhutan before 1900s were the people from the eastern hill region of Nepal and perhaps Nepali from Sikkim and Darjeeling. While we do not know much about the degree or the extent of ethnic assimilation and ethnic displacement within the broader group that comprised the Nepali migrants, one may argue that the original settlers who were mainly of Tibeto-Burmese origin were gradually replaced by their

⁷² Many literatures on this subject allude to the fact that Nepali settlers were hardworking, honest and resourceful unlike their northern counterparts. This validates the argument that Lhotshampas contributed substantially to the development of Bhutan. See AC Sinha op.cit. page 7

⁷³ Hutt, *ibid*, page 9

Parbatiya counterparts (mainly Brahmin and Chetris) in due course of time. Thinley in his article published in *Bhutan: Perspective on Conflict and Dissent* writes:

Inter-ethnic exploitation often comes to play among the settlers in the south. The pioneers are usually the non-Bahun who are more simple of mind and physically stronger. Once the forest is cleared by the slash and burn practice and the land is tamed, the Bahuns and the Thakuris follow with cash and guile.

At this juncture we may also take note of the fact that the Bhotiyas or Drupka in general are more akin to Kirats than the Parbatiyas both in terms of religion and social preference and practices as well as facial makeups. It is therefore practical for the Government of Bhutan to show some preference to the 'non-Bahun' while remaining with the limit of some truth.

5.2 Citizenship to Lhotshampas

In 1958 Bhutan enacted its first Nationality Act that empowered the Government to issue citizenship to eligible individuals under which many Lhotshampas received Bhutanese citizenship by Royal decree. The Government also initiated a number of measures to woo the loyalty of Lhotshampas. Between 1978 and 1989 more than 2,645 acres (1071 ha) of land were distributed to 997 landless families in the south. In addition, a special loan facility of Nu 8.713 million was established to enable southern Bhutanese farmers to grow cash crops. Further, in 1979 the National Assembly declared that henceforth the landless people from the south would be granted land in the interior.⁷⁴ How many of those who were resettled were from the Lhotshampa community is not known; nor do we know if any one from that community was ever resettled in the interior of the country. We may also recall that some of the Lhotshampas were even nominated to the formal government bodies and the bureaucracy. In fact, the first country representative to the United Nations was a Bhutanese of Nepali extraction.⁷⁵ A statement issued by the National Assembly shows a desire in the part of the state to promote better integration between the Lhotshampa and the rest of the Bhutanese. And this was happening.

⁷⁴ Basu *ibid* p97

⁷⁵ AC Sinha, *op.cit.* (P. 188)

5.3 Cultural Assimilation

In their eagerness to create ‘One Country One People’ the Royal Government of Bhutan initiated a number of measures since 1970s that may be described as forced assimilation of Lhotshampas in a predominate culture of the minority Ngalong. The historical nexus that exist between the Royalties and business house continues to this day and has often fuelled national sentiments as a way to preserve this relationship. George Bogle noted that there are three classes in Bhutan – “the priest, the servants or the officers of the government and the landholders and the husbandmen”⁷⁶. In this complex equation the king takes a central position and the monarchy is seen as an interface that harmonizes business interest with religion. In Bhutan it is not uncommon to find individuals at high positions engaged in trade and commerce. In fact some of the principal monasteries are maintained from the proceeds of trade and commerce, and “high lamas were often the most adept and shrewd in the conduct of commerce”. King’s relatives still hold extensive estates in central and southern Bhutan. For example the King’s stepsister owns three-quarters of the cultivable land in the Bumthang area (a north-central district). The democratic change that King Jigme Dorji Wangchuck (reign 1952-72) began in the 1960s and advanced to its current state by his son King Jigme Singye Wangchuck (reign 1972-2008) had a parallel in the demographic change Bhutan was seeking since early on.⁷⁷

Having secured a seat in the United Nations the new king was eager to achieve comparable development of his country while making sure that his dynasty continues. In pursuit of this objective they brought considerable change in the existing ethnic relationship. For instance, King Jigme Dorji Wangchuck granted by decree citizenship to the Nepalis living in the south. King Jigme Singye Wangchuck publicly welcomed the marriage of his sister with an Lhotshampa from the south. He also started participating in the Dasain festival, and declared it a national holiday. By the late 1880s many Lhotshampas had attained high position in the bureaucracy and of Bhutan’s 146

⁷⁶ Anirudha Deb. *Bhutan and India*. Firma K.L.M., Calcutta 1972 as cited in Gautum Kumar Basu. *Bhutan: The Political Economy of Development*. South Asian Publishers, New Delhi 1998 (P. 91)

⁷⁷ Rizal, Tek Nath. 2009.

government-stipend students studying in India 98 were of Nepali origin. Reportedly out of 195 schools in the kingdom 79 were in the south.⁷⁸

But this process of developmental change and ethnic integration were also fraught with much danger. For example, in April 1964 bloodshed ensued between the *modernist* led by the then Prime Minister Jigme Palden Dorje on the one side and the military and *traditionalist* (Wangchuck-loyalists) on the other resulting in the death of Jigme Palden. Others believe that this crisis was not about modernisation but a result of power struggle between the Dorje family and the King's mistress. Eventually the internal infighting led to a failed attempt to kill the King in July 1965.⁷⁹

These aberrations are seen by many as a result of internal power struggle between those who wanted change and those who did not. Thus the change the King was seeking also brought internal tensions between the 'essentialists' and the 'epochalist', the former wanting to build on the past while the latter adopting a mode 'built out of forms implicated in the general movement of contemporary history'. It seems the essentialists won the battle as Bhutan pursue its modernisation drive.

The Lhotshampa community always carried the burden of suspicion of the Bhutanese elites and by extension the Royal Government. The Royal Government rarely made solid attempt to integrate the Nepalese settlers in the south with the mainstream Drupka culture⁸⁰. As a matter of fact the Nepali settlers were not allowed to settle beyond 1500 ft altitude or permitted to travel inside the country written permission from the Government.⁸¹

⁷⁸ The Statesman daily Sept 2, 1990. (The Phoney Crisis by Sunanda K Datta-Ray

⁷⁹ See *Library of Congress Bhutan Study*, Michael Hutt *Unbecoming Citizens, Himal of August 2003* (Book Review of *Unbecoming Citizens* by Bhim Subbha. In the context of the reforms undertaken by the King, Subbha observed, "Hutt may have done a disservice by ignoring the role of his (King) brother-in-law and Prime Minister Jigmi Palden Dorje, the son of Raja ST Dorje and grandson of Ugen Dorje, the Bhutan Agents for the British in Kalimpong, considered by many to be the principal architect of these reforms.

⁸⁰ Basu, op. cit. (P. 95)

⁸¹ Interview with Ananda Kumar Pradhan, an Indian national who served the Bhutan Government for 31 years, now living in Kalimpong. See also Rakesh Chhetri. *Bhutanese Lhotshampas: Victims of Ethnic Cleansing* in Tapan K Bose & Rita Manchanda (ed). *States, Citizens and Outsiders The Uprooted Peoples of South Asia*. South Asia Forum for Human Rights. Kathmandu, 1997 (pp250-265).

This ‘equal but separate’ treatment of Lhotshampas was later superseded by the proclamation of a decree that called for One Country One People, or Driglam Namzha (literal meaning, *the way of conscious harmony*) on January 16, 1989.

From strategic point of view it appears that the Royal Government adopted two-pronged approach to achieving ethnic concerns, having convinced itself that increasing number of Lhotshampas is a threat to the continuity of Bhutan as a one nation:

More stringent and restrictive citizenship procedures applied retroactively resulting in the loss of citizenship or nationality of many Lhotshampas. By reducing the absolute number of the majority class the feasibility of Ngalong becoming the dominant class is improved.

Cultural ‘harmonization’ that essentially meant dissolving of basic ethnic traits of Lhotshampas such as language (written and spoken), dress code and cultural behaviours (‘Thick culture’ to borrow from Geertz’s terminology) – in the process rewriting the history of Lhotshampas

The element of the strategy – the so-called harmonization of cultures – that came to symbolise in the consciousness of Lhotshampas a premeditated attack by the authorities on their survival.

If *culture* is ‘a way of thinking, feeling, and believing’ then *language* is a tool to convey these to others in a way that is meaningful and understandable⁸². In this sense language is more than an arrangement of symbols or a set of phonetic information. It is a means of communicating ideas and knowledge as well as expressing values and beliefs. Language embodies people’s history, lifestyle, beliefs and knowledge. In this sense language is an integral element of *identity*. One can wonder whether the vengeance with which the authorities were trying to impose Bhutanese language (*Dzongkha*) on Lhotshampas was precisely the same reason why Lhotshampas instead wanted to stick to their own Nepali language. It is therefore understandable that since “(A) sense of

⁸² Clifford Geertz. “Description: Towards and Interpretive Theory of Culture”, *The Interpretation of Culture*. Basic Books, NY, 1973

identity can be a source not merely of pride and joy, but also of strength and confidence”, Lhotshampas were so adamant about keeping their language alive.⁸³

The Royal Government decided to introduce a temporal manifestations of Driglam Namzha in the form of code of conduct or behaviour based on unity of *language* (a means to create one identity across the nation), *dresses* (a symbol of national identity) and *behavioural-beliefs* (*uniformity of thoughts*). The extensiveness of the code of conduct may be appreciated by the number of pages (260) it took the Government to list approved etiquettes in the form of manual that it published in 1999. The Code revolves around inculcating a set of values based on respect for authority and a hierarchy that promotes the interest of the society and the nation, respect for elders, respect for each other, a sense of discipline, and a sense of responsibility. Another important element of the Code was dresses. The Royal Government required all, including Lhotshampas, to wear Bhutanese dress (*go* for male and *kira* for female). These are made from the local textile that has come to symbolise distinctiveness of the Drukpa culture.⁸⁴ There are a number of additional elements in the national costume to suite different occasions and to go along with the different status of the persons wearing it. These codes, especially the costume, became compulsory by 1989. Hutt in his book *Unbecoming Citizens* devotes considerable space in presenting the interactions between the authorities and the Lhotshampas community in matter of dresses. In this regard it is meaningful to reproduce the excerpt of a dialogue he had with one of the refugees living in Sanishchare camp in Nepal:

“But when Nepali began to wear *daurã s´uruwal* the government thought: ‘Ah, these are just like Gorkhas, like those in Darjeeling and Kalimpong, and this is not good, they should wear the *bakkhu*.’ Within about three months it became compulsory to wear *bakkhu*.....”⁸⁵

Writing on the efficacy of the Code itself Hutt observed:

⁸³ Amartya Sen. *Identity and Violence: The Illusion of Destiny*. Allen Lane, London. 2006 (see chapter I)

⁸⁴ Hutt (P. 167-168)

⁸⁵ Hutt Michael/op.cit./ (P. 175)

Driglam Namzha is not an ‘invented tradition’ Although there is very little historical evidence to support the story of its promulgation by the first Shabdrung, the code clearly has its origins in the theocratic period of Bhutanese history. It can fairly be described as a set of practices which seek to ‘inculcate certain values and norms of behaviour’ which imply ‘continuity with a suitable historic past’. However, while Driglam Namzha was not ‘invented’ by modern nationalistic ideologues, it was applied well outside the monastic and ceremonial contexts within which it originally evolved. For all Lhotshampas, the dress in particular was unquestionably new.”⁸⁶

In 1961 King Jigme Dorji Wangchuck declared *Dzongkha* (the language of the Dzong) as Bhutan’s national language. Dzongkha is one of the three languages spoken in Bhutan, the other two being Tshangla (Sharchopkha) and Nepali (Lhotshampkha). As the name suggests Dzongkha, the mother tongue of the Ngalong people, has been the language of the rulers since the first series of dzongs were built during the first Shabdrung. However, this did not have any written form and for this purpose Chöké script, the Classical Tibetan language, was used. Government took a number of steps since Dzongkha was declared as the lingua franca of Bhutan, starting with forming a Dzongkha Division within the Department of Education in 1971 followed by the formation of Dzongkha Advisory Committee in 1986. Both these entities were amalgamated into a new Dzongkha Development Commission (DDC) in 1989. DDC was entrusted with “developing Dzongkha school curricula, coordinating and conducting research on Dzongkha, compiling Dzongkha dictionaries, and setting standards for orthography, spelling and usage.”⁸⁷

While there was no noticeable dissent or disagreement on the introduction of Dzongkha as the national language of Bhutan, some Bhutanese were unhappy with the speed with which the progress was being achieved. A few also felt that excessive emphasis on learning Dzongkha could deprive Bhutanese from learning English while others felt Dzongkha speakers were being looked down upon by those who could speak English.

⁸⁶ Hutt/op. cit./page 170

⁸⁷ Hutt/op.cit/ (P. 179-180)

For the Lhotshampa children it meant they had to learn three languages in addition to Nepali and English. To the extent that the progress achieved in making Dzongkha universal in Bhutan was sluggish, rest of the ethnic groups were getting by acquiring a rudimentary knowledge of Dzongkha. But as the years went by Government became more aggressive in making this language acceptable to all the Bhutanese.

From the scholastic year of 1989 (February) teaching of Nepali was discontinued and all Nepali curriculum materials were removed from all Bhutanese schools in the south. This action was defended on the ground that

“Nepali is the national language and lingua franca of another country, and not an ethnic language, and that, in southern Bhutan, there existed many ethnic groups from Nepal who do not consider Nepali their language. Since the language of the Gurung, Newar, Sherpa, Tamang, Limbu, etc. cannot be taught, the continuation of Nepali teaching was considered discriminatory and supportive of another country’s policy to undermine other linguistic cultures.”⁸⁸

The above statement by Thinley also indicates the desire of the Bhutanese authorities to create ethnic cleavages within the Lhotshampa community. Hutt felt that ‘the government policies which were introduced from 1989 onward to ‘Bhutanize’ the cultures of the southern Bhutan were aimed primarily at the higher Parbatiya castes’.⁸⁹

One of the immediate fallouts of the removal of Nepali from the school curricula was that many Nepali teachers became unemployed. It also meant an end to any prospect of Nepali becoming a medium of a modern Bhutanese literature. Finally, this was also seen “as a way of insulating the still culturally conservative agriculturalists of the south from political influences from beyond the border, and maintaining their subjecthood in the process.”⁹⁰

⁸⁸ Jigme Thinley in his *Bhutan: A Kingdom Besieged in Bhutan: Perspectives on Conflict and Dissent*, Michael Hutt (ed). Gartmore: Kiscadale Pblcations. pp 43-76

⁸⁹ Hutt op.ci (P. 98)

⁹⁰ Hutt op.c.i (P 187)

Soon the use of Nepali in official documents was also discontinued and replaced by Dzongkha script that very few Lhotshampas could read. This was followed by a gradual replacement of places with Nepali names by more 'Bhutanese' names. Thus, 'the southern districts of Hatisar and Neoli were renamed 'Geylegphug' and 'Samdrup Jongkhar', respectively...' Similarly, in the Chirang district Lapsibotay became Goseling and Bokary was renamed Kikorthang. District names were also 'corrected'. Samchi became Samtse, Sarbhang became Sarpang, Chirang became Tstring and on and on.

The 'harmonization' of language spelled over vernacular architecture as well. Building elements and motifs were designed by the Government to be included in all buildings built in the south as well in order to give each building a Drupka look. Thus, the measures used to assimilate Lhotshampas in the Druk cultural were pervasive and total and had many facets ranging from visual forms to language as well as behavioural.

5.4 Measures used to achieve ethnic balance (Nationalism)

Bhutan is indeed in a unique position, geographically, politically and historically. While desperate to maintain an exclusive identity of its own Bhutan is destined to foster a close relationship with India. Being the last bastion of monarchy Bhutan is caught between a communist and aggressive China with closed border to its north and a passionate libertarian and somewhat permissive India with open border along its other three sides. Therefore the Treaty of Friendship that Bhutan and India entered into in 1949 (revised and amended in 2007) is mutually beneficial. The Treaty enables India to access its northern border with speed and efficiency while allowing Bhutan a degree of protection from the North as well as wide access to Indian market and manpower. While Bhutan has been able to secure some degree of border security it has not been able to stop infiltration of liberal thoughts from India entering its border despite the restrictions placed by the Government on TV and newspaper. Since amongst the literates Lhotshampas were in majority, the infiltration not only became a serious concern but also an issue linked to this ethnic group. Under such a situation smaller countries often resort to *nationism* to guarantee the continuity of their regime. Nationism is 'the desire of a state to have a nation' as opposed to nationalism which is 'the desire of a nation to

have a state'. The former calls for expulsion, exclusion or subjugation of ethnic group that not conform to the ideals defined by the state or machinery.

The fear of being overrun by the Lhotshampas who were in numerical majority, most of who are Hindus and who have ethnolinguistically little in common with the people of the north, the constant cry for democracy coming from the south, the growing assertion of the Ghurkhas in Darjeeling-Sikkim for greater autonomy, and the imperatives of development that Bhutan was pursuing all together created a deep sense of uncertainty in the ruling elites and threatened their confidence on their future. In response the Government embarked upon the task of building a national consensus on *national identity* based on its past if somewhat outdated history in which the King and the Ngalong became the guardian of the nation. The Government thus endogenously affected this type of national identity based on ethnic fragmentation.⁹¹ It is in this broader context that the ethnic conflict in Bhutan should be seen and understood.

In the following paragraphs it will be shown how the Royal Government of Bhutan was able to modulate or play with ethnic situations and ethnic fragmentation using a range of instruments, both formal and informal. To appreciate the change the Government wanted to see it would be important to gain an appreciation of pertaining laws.

5.4.1 Citizenship

Becoming a citizen of a country is a matter of law-of-the-land where one exists. Is ethnic homogeneity a necessary condition for the birth of a nation? India is a multicultural and multiethnic country of immense size and yet it exists with the same dignity and power enjoyed by many advanced countries. The same can be said of the United States of America and to a lesser extent Canada. On the other hand, Pakistan has a more homogenous population with common religion (at least broadly speaking) and cultural traits, and yet it is finding itself in difficulty to define its national identity. What makes a country a *nation*? A nation is a collection of people with shared values and identity vis-à-vis the rest of the world. Ethnic homogeneity is a factor in the birth of a nation but more important is the system of governance that enables people from

⁹¹ Alberto Alesina, Arnaud Devleeschauwer, William Easterly, Sergio Kurlat, Roman Wacziarg. Fractionalization. *Journal of Economic Growth*, 8, 155±194, 2003 5 2003 Kluwer Academic Publishers. The Netherlands

different social and economic background to identify with a common heritage and values. Where the law governing citizenship (belonging to a nation) is unequal and exclusionary, common sense-of-belonging is lost and trouble will surface in the horizon. Was Bhutan's citizenship law magnanimous enough to accommodate diversity in its population and culture, or it was nothing more than a political expression of the Ecological Theory of race relations?⁹²

The first citizenship law of Bhutan titled Nationality Law was enacted in 1958. This was superseded by the 1977 Citizenship Act (retroactively effective from March 1967), which in turn was replaced by the Bhutan Citizenship Act of 1985. The Marriage Act of 1980 reinforced the core but unwritten objective of the 1977 Citizenship Act, i.e., maintaining the ethnic purity of the country. The comparative picture of these Acts in terms of their basic provisions is presented.

The 1958 Nationality Act was a turning point in the history of Lhotshampas. It was under this Act that the Bhutanese of Nepali origin who had land under their names and who had attained the age of majority were given Bhutanese citizenship through a royal decree. This enabled the Royal Government to distribute lands to a number of landless Bhutanese Nepali in accordance with its plan to drive out the problem of *landlessness*, and to draw their participation in the bureaucracy.

Going through the comparative chart one can easily discern the hardening over time of the position taken by the Royal Government of Bhutan regarding granting of citizenship to its people of Nepali origin. Broadly speaking there are three ways to gain citizenship: by birth, by application and by naturalization. The Nationality Act 1985, for example, allowed the state to grant citizenship to children born out of a Bhutanese father irrespective of their mother's nationality. Similarly individuals domiciled in Bhutan for a specified time period or beyond were also entitled to file petition for citizenship. In the subsequent two acts the provision of citizenship by right-by-birth was made more restrictive. Thus in the 1985 Citizenship Act only a child whose parents are both citizen

⁹² See Michael Banton. *Racial and Ethnic Competition*. Cambridge University Press. Cambridge.1982 Chapter 5: Theoretical Approach on various conflict theories.

of Bhutan is entitled to be a citizen of Bhutan by birth.⁹³ Citizenship by registration require a person to have been living in Bhutan ('permanently domiciled') on or before Dec 31, 1958 provided his or her name is registered in the census register maintained by the Ministry of Home Affairs. Individuals desirous to apply for citizenship by naturalization are required to be living in Bhutan for 20 years (15 years if civil servant or where one of the parents is a Bhutanese citizen) provided their periods of residency are registered in the records of the Department of Immigration & Census. Further the applicant must be 21 years or older, or in case either of the parent is a Bhutanese citizen, 15 years; must be able to 'speak, read and write Dzongkha proficiently'; must have 'a good knowledge of the culture, customs, traditions, and history of Bhutan' and must have 'no record of having spoken or acted against the King, Country and People of Bhutan'. In addition, the applicant must have a good moral character and should not have any record of imprisonment for criminal offences in Bhutan or elsewhere, and willing to take a solemn Oath of Allegiance to the King, Country and People of Bhutan as prescribed. Applicants are taken oral and written tests to affirm their proficiency in Dzongkha and knowledge of culture and history of the country.

The Act also lists conditions under which the citizenship is revoked:

Upon receiving citizenship from another country. The spouse and children will retain their Bhutan citizenship provided they are permanently domiciled in Bhutan and are registered annually in the Citizenship Registry maintained by the Ministry of Home Affairs.

If proved that naturalization has been obtained by means of fraud false representation or the concealment of any material facts.

Any citizen of Bhutan who has acquired citizenship by naturalization may be deprived of citizenship at any time if that person has shown by act or speech to be disloyal in any manner whatsoever to the King, Country and People of Bhutan.

If both the parents are Bhutanese and in case of the children leaving the country of their own accord, without the knowledge of the Royal Government of Bhutan and their

⁹³ Implication of this provision on Lhotshampas is clear when realized that their marriage preference was with the Nepali community inside Bhutan or outside in Nepal or India.

names are also not recorded in the citizenship register maintained in the Ministry of Home Affairs, then they will not be considered as citizens of Bhutan (Resolution No. 16 (2) adopted by the National Assembly of Bhutan in its 62nd Session).

Any citizen of Bhutan who has been deprived of Bhutanese citizenship must dispose of all immovable property in Bhutan within one year, failing which, the immovable property shall be confiscated by the Ministry of Home Affairs on payment of fair and reasonable compensation.⁹⁴

Neither the 1977 Act nor the 1985 Act has any provision that suggests that the 1958 Nationality Act has been repealed. Both these acts however mention that in case of conflict in the provisions of the current Act with that of the previous laws, rules and regulation the provision of the current Act will prevail. Accordingly one would think that any Nepali who had settled in Bhutan on or before 1957 (10 years before 1967 - the year when the '1977 Citizenship Act' came into effect) would be entitled to seek citizenship as per the 1958 Nationality Act. By the same token, *ceteris paribus*, those who had settled in Bhutan on or before 1965 (20 years before 1985) would be entitled to file petition for citizenship as per the 1985 Citizenship Act.

In reality, the Royal Government made a number of what appears to be extralegal decisions which made it either difficult for many Lhotshampas to prove their residency or impossible for a Lhotshampa family members to live in Bhutan without separating from the rest of the family.

5.4.2 The Marriage Act

The Marriage Act of 1977 narrowed the choice Bhutanese could enjoy in choosing their marriage partners. In essence this Act made marrying a foreigner a serious misadventure for an average Bhutanese⁹⁵, as this entailed loss of a range of entitlements from the government (ranging from government subsidy in farming *to* land grant), complication in getting citizenship of their offspring, career stagnation (in the case of government

⁹⁴ The Citizenship Act (1985) of the Royal Government of Bhutan. Paragraphs in italic are from the original text.

⁹⁵ Exceptions have been observed, however. See Tek Nath Rizal: *Torture Killing Me Softly*. HRWF & GRINSO. Kathmandu 2009

employee) and possibly demotion, reduced scope for employment in the government, and financial retribution if receiving educational scholarship.

In 1988 the Royal Government decided to undertake a census in the southern districts and with an objective to implement the 1985 Citizenship Act. But the way this census was carried out and the information interpreted constricted the lives of the Lhotshampas and led to political unrest and eventually expulsion of a large number of them from Bhutan. To fully appreciate why the Bhutanese refugees took the 1988 census as the final nail in the coffin it is necessary to acquire a glimpse of census history in the country.

Census is an important event in any country, more so in a country fragmented along diverse ethnic lines and where natural endowment is so limited that competition amongst the ethnic groups is the natural outcome. Governments in different parts of the world have occasionally used census as a prelude to the actions that address their ethnic concerns. In this regards one may also recall how Idi Amin of Uganda used the 1969 census as a basis to expel the Asians from the country.⁹⁶ Ethnically sensitive country like Pakistan has been postponing its census that was scheduled for 2008 for the fear of inciting ethnic violence. It is also not surprising when one encounters extreme caution in the part of Bhutan authorities to release ethnocentric data on population, as this could damage government strategy in balancing ethnic diversity.

The first census in Bhutan took place in 1969 for the purpose of gaining seat in the United Nations but the full result was never made available because of the incomplete information with respect to Southern Bhutan (Hutt/150). Further, since the data were collected by a group of language teachers and students its accuracy was in question. After allowing for these oversights it was determined that southern Bhutan accounted for 15% of the total population (or 139,600). The latter censuses were carried out to ensure that only bona fide tax-paying residents were counted in the population. To be counted all Bhutanese were required to possess a record of registered landholdings of not less than 5 acres and a house number, which formed the basis for them to be included in the district census records. Another census was taken in 1972 but the major

⁹⁶ Mahmood Mamdani. *From Citizen To Refugee: Uganda Asians Come to Britain*. Frances Printer (Publisher) Ltd. UK 1973

one was the census taken in 1979 through 1981. In this census the enumerators of the Department of Registration & Census went to every village and collected required information through the village chief or Mandals. “All of those whose citizenship had been confirmed were issued with new Bhutanese citizenship cards that was produced specially for this purpose.” (Hutt/151). Possibly as a result of this exercise some 15,000 workers employed in various road projects were expelled in 1980s. The majority of them were ethnic Nepali. This however did not create much ripple in the Lhotshampa community, as with the bona fide citizenship card in their hand they did not see any reason to fear.

5.4.3 The 1988 Census:

The Royal Government of Bhutan undertook a special census of the Southern Bhutan in 1988 over a period of two years to identify Bhutanese nationals and to address the growing problem of illegal immigration in southern Bhutan.⁹⁷ This time the civil servants from the Home Ministry in Thimphu carried out the census. The census classified each respondent in one of the seven categories, the first category (F1) being bon fide Bhutanese Citizen. This determination was made through repeated visits of the census team to each locality. Every member of the households was required to be physically present before the census team on a specified date. Each household had to have a tax receipt of 1958 (not of earlier or later year) as well as Certificate of Origin from the locality where he or she was born. In this scheme of enumeration households faced a number of difficulties.

First, the citizenship card that was issued in 1969 and between 1979-1988 was no longer considered a valid proof of citizenship and allegedly “in some cases these were confiscated during the census” (Hutt/p153). Second, in many instance the name that appeared in the tax receipt was that of the father or grandfather of the individual

⁹⁷ Gautum Kumar Basu. *Bhutan: The Political Economy of Development*. South Asia Publishers, New Delhi.1998. (P.96-98). In this book Basu based on a report claimed that “As far back as 1977 there were about 50,000 Nepali immigrants in Bhutan without proper status and citizenship.” (P. 96) Further, he quotes from a statement made by Bhutan’s Foreign Minister” Considering the economic boom that Bhutan is experiencing, the logical aspiration of the ordinary Nepalese is to move into Bhutan and capitalize on its prosperity to start with. (P. 99) This statement by the Minister is at odd with the fact that Bhutan has always been a labour-shortage country that needed help of external labourers to complete its expanding infrastructure projects.

producing it in which case the onus was on him or her to prove the relationship to the census officials. Third, during the time of census it was not known what would happen to those who were not able to produce the 1958-tax receipt. Fourth, in case of people who had moved to the locality recently they were required to produce 'Certificate of Origin' from the administrative unit of the locality where they were born. This was problematic especially for women who were born in other locality and had moved to their present locality after marriage. In some cases they were required to produce the Certificate of Origin of their mothers as well. Thus women who lived outside but moved to Bhutan after marriage could not produce the Certificate and therefore were liable to be listed as non-nationals. Fifth, in the 1988 census each individual had to fill his or her own form, which increased the risk of being classified in a category different from that of the rest of family members. Last but not least, members of the household who had to obtain the Certificate of Origin from another locality found themselves unable to present the Certificate because the census team had already moved out of their present locality. The citizenship policy enacted only to the Lhotsampas which is clearly states that the Royal Government of Bhutan aim is to expel Nepalese by any means .

The end-result of the census was the classification of each individual in one of the following seven categories (status):

-) Genuine Bhutanese citizens (F1)
-) Returned migrants (F2)
-) People who did not participate in the count because they were not around, so-called Drop-out cases (F3)
-) A non-national woman married to a national (F4)
-) A non-national man married to a national woman. (F5)
-) Children legally adopted (F6)
-) Non-nationals: migrants and illegal settlers (F7)

There were a number of anomalies in the implementation of the census and the way it was used to determine the status of the respondents. These may be listed as follows:

- J The 1988 census did not reveal the legal basis for establishing the seven categories listed above.
- J The 1988 census was designed to implement the 1985 Citizenship Act but there is nothing in the Act that suggests that the previous two acts have been repealed. In absence of such a pronouncement the 1958 Nationality Act should have been still in force until March 1967 when the 1977 Citizenship Act came into effect retroactively. If this is correct then all Nepali settlers who had settled in Bhutan before 1957, had a piece of land and reached the age of majority were entitled to the Bhutanese citizenship. In particular, this would have allowed foreign born wives of Lhotshampas to gain citizenship.
- J There was nothing in the Citizenship Act to suggest that tax receipt, as a proof of holding a physical asset, must be of year 1958.
- J Individuals carrying citizenship card issued earlier but not able to produce the tax receipt of the particular year of 1958 risked being classified in F2 category.
- J Individuals who missed the census in the beginning but returned with a view to be interviewed could not do so because by 1992 the F3 category had been phased out.
- J The offspring of a Bhutanese mother and non-Bhutanese father were classified under F5 (as per earlier Citizenship Act the children were entitled to Bhutanese citizenship by birth).

In addition, the census along with the Marriage Act was especially harsh on the spouses who came from outside Bhutan. It is customary for the Lhotshampa families to marry from within their communities or with Nepali families living in India or Nepal. When the bride is a non-Bhutanese citizen it becomes quite difficult for her to obtain Bhutanese citizenship in accordance with the 1985 Citizenship Act, as under this act she would be treated like any other foreigner interested in gaining Bhutanese citizenship

(meaning she would have to live in Bhutan for 20 years before her application can be considered). Similarly, their offspring also has to fulfil this domicile requirement before they can apply for citizenship; meanwhile they are deprived of state's assistance in education, health and similar matters. In addition the Marriage Act of 1980 imposed inordinate restriction on the Lhotshampas in marrying non-Bhutanese citizens, more so if he or she is a civil servant; marrying a non-national would otherwise put a halt in their career development or strip them of a wide variety of state provided facilities like agriculture loan or grant, land grant and so forth. Conservative culture of the Drukpa led to small percentage of the Drukpa getting marries to the Lhotsampas although the official figure of such is unknown b.

In summary, "... the actual practice of the census on the ground meant that in 1988 a number of individuals lost the Bhutanese citizenship they had previously been granted".⁹⁸

In the aftermath of the census the Royal Government alleged that there has been substantial encroachment of forest by the settlers. This allegation was based on the difference in total cultivable land that came to exist between the land survey conducted in 1988 & 1989 and the land registration record. As in Nepal it was the case of under-reporting of land area by the owner in order to reduce tax liabilities, something the landowners would not be able to do without conniving with the officials of the government.

Further, many Lhotshampas also refuted Government claim that a large number of Nepali started settling in Bhutan illegally in order to take the advantage of economic growth Bhutan was going through. But the Royal Government always monitored the movement of Lhotshampas; even to travel to the northern districts they were required to obtain a written permission of the Government; these rules were not applied to Drukpa.

⁹⁸ See also BBC Bhutan Timeline: 1988 - Census leads to branding of many ethnic Nepalis as illegal immigrants. New measures adopted to enforce citizenship law. Government also introduces other measures to stress Tibetan-based Bhutanese culture, antagonising minority ethnic Nepali community.

The aftermath of the 1988 Census led to political unrest in southern Bhutan, and began to draw many Lhotshampas into political activities seeking their rights of citizenship. This led to hardening of government position on their issues.

5.4.4 Driglam Namza (The Way of Conscious Harmony)

Driglam Namzha includes both outward and inward behaviours, such as dresses and forms of greeting and inner attitude such as respect for ones elder and all other⁹⁹

The essence of Driglam Namzha is to follow a code of conduct expected to promote a well-ordered society where every individual member a proud and responsible citizen of the country. Driglam Mantha inculcates the following values.

- Respect for authority and hierarchy that promotes the interest of the society and nation.
- Respect for elders Respect for each other as a members of society and fellow citizens.
- A sense of responsibility

Driglam Namzha was the ultimate attempt to convert Lhotshampas to an image of ideal Bhutanese as seen by the dominant class, Ngalong. By and large Lhotshampas are followers of Hindu cultures. Those who are Buddhist by religion, they follow Hindu rituals and festivals along with other Bhutanese Nepali. Driglam Namza essentially is meant to assimilate them into Drukpa culture.

Enforcement of Driglam Namzha in general Public began in 1989. In 1973 National Assembly of Bhutan passed a resolution requiring all Bhutanese to wear national dress, except the operators of modern machines and citizen working outside the country. A penalty of one month's imprisonment was to be imposed upon any individuals caught not wearing national dress.¹⁰⁰

⁹⁹ History of Bhutan. Introductory course Book, Department of Education. Ministry of social service.Thimphu. 1991(P.67)

¹⁰⁰ Supra 79, (P.166)

5.4.5 National Dress

Males in high land Bhutan were Gho and female were kira. Gho and Kira is the dress worn by Tibetan people suitable to mountain climate. But it was made compulsory even for southern Bhutanese of Nepalese origin (Hutt, 2003). The national dress of Bhutan was imposed on common people even in time before and after the festivals and national ceremony. As the dress being most unfavourable to the climate of southern Bhutan, the rulings Drukpas were searching national unity and homogeneity in Gho and Kira in southern Bhutan. Lhotshampas in southern Bhutan Mainly wear simple dress. Male wear Pants and Shirts and woman wear Sari and Choubandi (Blouse with Sleeves). But in the name of national unity dress code was imposed to discourage cultural and religious freedom of southern Bhutanese.

5.4.6 National Language

No single language is spoken in Bhutan. Ngalong of western highland district of Bhutan speak Dzonkha, Sharchops of eastern Bhutan speak Tsangla and Lhotshampas of southern Bhutan speak Nepali. Dzonkha, which is the mother language of Ngalong people of western Bhutan, was declared to be national language of Bhutan by King Jigme Dorje in 1961.

Choke' the Tibetan language was the language originally written and spoken in Bhutan because Dzonkha had no written form. When modernization began, Hindi was adopted as medium in school because teachers and pedagogical materials were in Hindi. By 1964 teaching materials were produced in English and English replaced Hindi. The government launched a program of modernizing Dzonkha with the aim of introducing it as sole medium of education. The Bhutanese government not only started modernizing Dzonkha equally it started suppression on other language particularly 1989 on wards. Nepali curricular materials were removed from school. As the Nepali Language was the medium of school education in south the Government thought it counter productive for advancement of Dzonkha as national language. Thus Nepali teaching schools were shut

down and teachers were removed from their jobs. Such the activity by government was a part of deliberate suppression of Nepali language.¹⁰¹

5.5 Response to Crisis: Political Activities of Lhotshampas

The 1988 census caused widespread dissatisfaction amongst Lhotshampas resulting in occasional protests and appeal for a review. Before this political protest amongst them was neither widespread nor frequent.

Commenting on the subject, Hutt (2003) writes, “An important element of the Lhotshampa refugees’ historical consciousness is their collective memory of a movement of political protest which arose in southern Bhutan during the late 1940s and early 1950s. This movement was probably heavily influenced by events outside Bhutan – particularly Indian independence and the fall of the Ranas in Nepal.”¹⁰²

The saliency of the movement as described by Hutt (2003) may be summarised as follows:

All India Gorkha League was formed in 1924¹⁰³. Protest and movement were carried out by the Lhotsampas since 1927¹⁰⁴ different group and institutions were formed all these movements and protest were anti Royal Government in nature . Tekh Nath Rijal was the representative of Lamidara village National Assembly later he was selected to the Royal Advisory council in 1985 . He was approached by Lhotsampas to address the

¹⁰¹ Hutt (PP. 183-1990 and 220)

¹⁰² Op cit page 114

¹⁰³ The All India Gorkha League (AIGL) was formed in Dhera Dun in 1924.. Both the British and the Bhutan authorities saw such organizations with great disfavour.

¹⁰⁴ Pasupathi Adhakari, who was the Mandal of Lamidara village in Chirang organised a protest against “what were perceived to be excessive rates of taxation” in 1927.

problem¹⁰⁵. Rizal submitted a written petition to the King drawing his attention to many anomalies that characterized the census. For reasons still unclear to him Rizal was branded as “an instigator and anti-national”¹⁰⁶ He was briefly imprisoned and after signing a confession released. He left Bhutan fearing threat to his life and liberty and took refuge in Nepal. Rizal’s People’s Forum for Human Rights staged a demonstration in southern Bhutan between 19 and 25 September 1990. Some 40,000 to 50,000 men, women and children were reported to have taken part in the demonstration. This ensued confrontation between the demonstrators and the security force. Government sources alleged that government properties were destroyed, national dresses were burned and government records were thrown out and destroyed. Allegedly some level of coercion was applied by the organisers of this event but ‘that the small number of activists could have exerted this measure of control over what was still largely a conservative agrarian population’ seems unlikely.”¹⁰⁷ Whatever the truth may be for Government this demonstration and its aftermath was a living testimony of the disloyalty of the Lhotshampas and therefore since then the term was taken as synonymous with the term “*Ngolop*” (anti –nationals). Tek Nath Rizal was imprisoned in Bhutan for almost 10 years, tortured and then released without charge.¹⁰⁸ The 1988 census and the political unrest that followed created a climate of fear amongst the Lhotshampas. Arbitrary arrests, confiscation of citizenship papers and property documents and forceful eviction of people from their land all contributed to the exodus of Lhotshampas to India and eventually to Nepal.

¹⁰⁵Tek Nath Rizal was the representative of Lamidara village to the National Assembly and served for three consecutive three-year terms. He had an additional assignment from 1977 to 1985 as a labour recruiting officer for the Department of Trade and Industry. Finally he was elected to the Royal Advisory Council in 1985, and was appointed as a member of the judicial system in the High Court

¹⁰⁶ Tek Nath Rizal. *Torture Killing Me Softly*. Human Rights Without Frontier, Nepal. Kathmandu 2009. (P. 9)

¹⁰⁷ Hutt 2003 (P 207)

¹⁰⁸ Details of abused on Rizal are found in his book “*Torture Killing Me Softly*” (Rizal, 2009) and various publications of Amnesty International (AI 1994, 2002b).

5.6 The Fallout

The 1988 Census along with the uncompromising enforcement of Driglam Namzha incited Lhotshampas to take out protests in September and October 1990 that resulted in a number of civilian deaths. This incident led to the emergence of radical groups called by Government as anti-nationals (“Ngolops”) in response to which Government formed citizen militias. The conflict that ensued thereafter claimed many lives and destroyed many government properties. Government also imposed restriction on movement of Lhotshampas and on the transportation of goods. They were also required to produce ‘No Objection Certificate’ (NOC) from Royal Bhutan Police in order for their children to get enrolled in schools, to get any kind of government services or to buy and sell commodities in the market.

Later Government pursued with greater determination police actions that resulted in the loss of citizenship by many Lhotshampas, destruction of their properties, eviction and finally forced departure from Bhutan. Many Lhotshampas were required to sign ‘voluntary emigration form’ written in Dzongkha which technically tantamount to relinquishing Bhutan citizenship (1977 Citizenship Act, Article Nga 2). Torturing the suspects became rampant and those who were arrested were forced to perform *incongruent acts* that violate their cultural and religious norms. This created an atmosphere of fear and intimidation.

A report on Bhutan refugees prepared and published by Amnesty International summarized the plight of the Lhotshampa community in the wake of political dissent as follows:

The practice of forced exile took place in the context of opposition by the Nepali-speaking population in the south of Bhutan against the government’s policy of national integration. This policy was based on the northern Bhutanese traditions and culture, and the application of the 1985 Citizenship Act, which makes provision for the deprivation of nationality in circumstances which Amnesty International considers to be arbitrary. Particularly in the period after demonstrations against the government’s new policies in September 1990, the Nepali-speaking community was labelled as ‘anti-national’ and its members were forced to leave the country, by various means. These included coercing

them into applying for ‘voluntary migration’ or by arresting community leaders and releasing them on condition that they and their family left the country. While the government maintains that people left voluntarily, the refugee community insists that people were compelled to leave by physical abuse, coercion, threats, harassment and intimidation. Amnesty International estimates that people who were put under pressure to sign ‘Voluntary Migration Forms’ (VMFs) form the majority of the people in the refugee camps.

As per one estimate since 1990 almost half of the Lhotshampas left Bhutan as a result of the 1988 Census and in its aftermath, and 100,000 of them lost their land, home and livelihoods between 1990 and 1993. By the beginning of 1990 Lhotshampas from southern Bhutan began to leave the country, first in trickle and later en masse. The first refugees fled to India but were not permitted to camp there and had to move to eastern Nepal. Repressive measures continued unabated in Bhutan during 1991 and 1992. More and more people start losing their citizenship cards and found their names missing in the census record. In 1991 UNHCR established seven refugee camps in eastern Nepal (Jhapa) at the request of the Government of Nepal. By mid-1992 up to 600 refugees per day began to arrive in the camp and by June 1993 the total number of refugees registered in the camp reached 98,269¹⁰⁹. As at mid-2007 the Bhutanese refugees numbered 107,232¹¹⁰. The increased number was mainly due to new births in the refugee camps.¹¹¹ It is estimated that additional 15,000 Bhutanese refugees are living outside the camp in Nepal and India.¹¹²

Children born in the camps pose special problem, as they are likely to be in statelessness. Since their parents’ Bhutanese citizenship is in question for reasons explained above and as they were not born in Bhutan they are likely to have no citizenship either of Nepal or Bhutan. Under-aged individuals living the camps are also likely to become stateless, as pointed by the report on published by Amnesty

¹⁰⁹ Bhutanese Refugees Crisis in Nepal (<http://the-voyagers.tripod.com>)

¹¹⁰ IOM. *Cultural Profile: The Bhutanese Refugees in Nepal*. Damak, Nepal 2008 (P. 6) See also Human Rights Watch. *Last Hope*. May 2007 (www.hrw.org)

¹¹¹ Based on a statement from Michael Hutt, Professor of Nepali and Himalayan Studies, School of Oriental & African Studies, London

¹¹² Bhutanese Refugees Crisis in Nepal (<http://the-voyagers.tripod.com>)

International titled *Bhutan: Ten Years Later and Still Waiting to Go Home: The Case of the Refugees* (ASA 14/001/2002).

Majority of the Bhutanese refugees are eager and committed to get safe return passage to their homeland. However, since the 1990 trouble Bhutan Government has launched an aggressive resettlement plan in which sizeable number of families from the north is being settled in the land that became vacant on account of ‘voluntary’ emigration of Lhotshampas. The above-mentioned report by Amnesty International noted that

A visit to a ‘resettlement scheme’ in progress found a few positive signs of a community trying to rebuild amid the northerners and easterners being resettled there. Amnesty International urged that the resettlement of landless people from other parts of the country be carried out in such a way that it would not further complicate the negotiating process with Nepal, by jeopardizing the return of people currently in the refugee camps to land that they may have legitimate claim to. This concern also arises from Clause 2(4) of the Land Act which provides that if land not registered in anyone’s name is registered by someone under a new land deed and this person pays tax on and tills the land for five or more than five years, the latter shall continue to retain the ownership of the said land even if another person acquires a *kasho* (decree) from the King of Bhutan regarding the ownership of the same land.

Almost two decades have gone and there is no sign of the refugees being able to return to their homeland. A third-country resettlements is already underway and, while this should not dilute the refugees’ right to return, passage of time would make it difficult for them to exercise this right as and when situation improves.

5.7 Squaring the Circle

In the preceding paragraphs arguments were made as to why Bhutan remained so committed to carving out a separate and perhaps new identity in South Asia. A broad-brush picture of the history of the sub-region (northern Nepal, Sikkim, Bhutan, North-eastern India (Arunachal Pradesh and Assam) and Tibet) led to the conclusion that this space is really a frontier, or what an eminent Indian historian Brajadulal Chattopadhyaya calls ‘autonomous spaces’ – inhabited by people of the similar race or ethnic

background.¹¹³ While the space comprised of many countries their borders were not only porous but also unmarked in most places. The people who inhabited this space were exploited peasants – “a faceless, individuated mass, whose role in the elitist historiographies of the region has been to cultivate the land and provide basic food commodities, taxes, and labour for those who rule over them”.¹¹⁴

Movement of the population within this space was a part of their survival strategy although the rulers joined hand to exploit this compulsion to the rulers’ great advantage. The people of varied ethnic background, the chief among them being the Bhotiyas (Tibeto-Burmese), the Parbatiyas and the Madheshis, populated the greater sub-region (the whole of Nepal, Bhutan, Sikkim, the Duars, Arunachal Pradesh and western Assam).¹¹⁵ The Ngalongs (dominant ethnic group in Bhutan) had much in common with Tamangs, Gurungs and the Kirats (including Rais ad Limbus) and their eastern counterparts called the Sharchops than with the Parbatiyas (Bahun, Chettri and Thakuris (the twice-born), the Renouncers (Yogi, Giri, Puri, Sanyashi, etc.) and finally the Untouchables).¹¹⁶ The commonness was to an extent in facial construct (phenotypic similarities), origin, religion, customs and beliefs. Within this broad similarity there were many sharp distinctions as well. For example, the Bhutanese of the north were isolated, lived in marginal land and practiced mystic religion. They abhorred the southern belt for its hot climate, malaria and monotonous terrain. The Tamang, Gurung, Kirats on the other hand were hardy, diligent, innovative, and risk taking. They therefore became the favoured group to be brought for settlement in new areas. Later the Parbatiyas replaced some of the original settlers from Nepal. The dynamics of displacement of the original settlers by the new ones brought fundamental change in the ethnic balance or in the perception. The new group ethnolinguistically belong to the larger Nepali group that has a large spread covering Nepal, Sikkim, Darjeeling, Bhutan

¹¹³ Cited in Tapan K Bose & Rita Manchanda (ed.) *States, Citizens and Outsiders: The Uprooted People of South Asia*. South Asia Forum for Human Rights. Kathmandu.1997. (P. 18)

¹¹⁴ Hutt. Op.cit. (P. 85) Regmi Philip Woodruff had made similar observation in his *The Men Who Rules India*. Vol II. The Guardians op.cit.

¹¹⁵ John Whelpton. *A History of Nepal*. Cambridge University Press. 2005 (Chapter I). These groups are made up of a wide variety of ethnic groups. For example, included in Madheshi group are Tharus, Muslim minority and many others.

¹¹⁶ Ibid page 13 and Table 1.1. See also History (from Sikkim)." *Encyclopædia Britannica* 2004

and Assam. It was not difficult for the Bhutanese authorities to associate this new group with the political climate prevailing in Sikkim and Darjeeling district as well as Assam. The Lhotshampas therefore came under the suspicion of the Bhutanese authorities. In short the events described widened the *distance* between the Ngalongs and the Bhutanese of Nepali origin.

What follows next is an attempt to examine the actions taken by the Royal Government of Bhutan from the perspective of a conflict theory postulated by Francesco Caselli and Wilbur John Coleman II.¹¹⁷ Where opportunity arises other theoretical works will also be referenced.

Sharchops pose no special problem to accommodate with the numerically smaller but politically superior Ngalong, as they are willing to be assimilated in the dominant culture. A.C. Sinha wonders why “(T)he eastern Bhutan, the abode of the Indo-Mongoloid ethnic groups, identical to the people of Arunachal Pradesh, does not appear to pose problems for the Brugpa national identity in spite of their distinct dialects, local customs, dress, food habits, etc.”¹¹⁸ Adopting instrumentalists’ argument, it is possible that the two groups found it advantageous to form the coalition to extract material benefit or to defend possession against increasing Lhotshampa population. This argument gives credence to Robert Bates’ view that “ethnic groups represent, in essence, coalitions which have been formed as part of rational efforts to secure benefits created by the forces of modernization – benefits which are desired but scared”.¹¹⁹

Fearon asks, why are political coalitions in so many countries based on ethnicity? He starts his thesis by stating that coalitions formed around political ‘pork’ must be able to limit the size (membership) so as to maximize per capita claim on the spoils. Thus ‘pork’ goods favour *politics of exclusion*. In this regard, he argued, “the ascriptive mark of ethnicity fits the bill much better than do marks or criteria that can be chosen by anyone who wants to access the pork’ because ‘the politics of pork favours

¹¹⁷ Francesco Caselli & Wilburn John Coleman II: *On the Theory of Ethnic Conflict*. London School of Economic, CEOR and NBER. March 2006

¹¹⁸ AC Sinha op.cit. page 186. ‘Brugpa’ is same as ‘Drukpa’

¹¹⁹ Quoted in James D Fearon. Why Ethnic Politics And “Pork” Tend To Go Together”. A paper presented at a MacArthur Foundation-sponsored conference on Ethic Politics and Democratic Stability, Chicago. June 16, 1999

coalitions based on features not easily chosen or changed by individuals”.¹²⁰ Perhaps following this line of argument one can explain why Drukpa chose to form coalition with Sharchop and why they wanted to exclude the Lhotshampas in the distribution.

This submissive behaviour of Sharchops imposes cost on both Ngalong and Sharchops. For the former the spoil has to be distributed amongst larger number of members, which decreases per capita share. For the latter this dilutes their identity, may force them to accept less than rightful gain, etc. But the advantage associated with the numerical superiority of this new group vis-à-vis Lhotshampas far exceeds the cost to the dominant group. In this scenario Sharchops are the exploited group.

For the dominant group expulsion of Sharchops is not politically feasible (India would not accept them) and would be culturally diabolic.

Each of the three groups has a distinct geographical address: Ngalong in western Bhutan (less amicable to agriculture but exposed to trade opportunities), Sharchops in central-eastern Bhutan (plentiful rain, good agriculture and relatively secluded), and Lhotshampas in the south (used to be filled with hardy trees, malaria and wildlife infested, desolate).

Over time the economic value of these three locations changed dramatically. The Lhotshampas were able to turned their hostile area into a fertile belt. More importantly with changing development strategy of the Government the southern belt became an invaluable piece of real estate, a point of entry-and-exit, and a good land to grow cash crops for export. Land in higher hills had marginal gain in their value because of the emergence of new albeit small administrative centres.

This meant that the proportion of national endowment (economic value) going to Lhotshampas far exceeded the proportions going to the other two groups. Firm control over lucrative part of the country increases the political energy and enhances the status of the possessor.

¹²⁰ Fearon, op.cit. page 5 The term ‘pork’ refers to highly divisible and tangible rewards from political association, such as government contracts, development projects in one’s locality, public jobs, funding, special tax offers, etc.

Lhotshampas were better educated, more aggressive and resourceful. In other words their income from exogenous assets (the asset that cannot be expropriated, like skill) was higher than the incomes of other groups.

Government undertook a number of appeasement steps, among them inducting educated Lhotshampas into the bureaucracy. This had the effect of increasing the proportion of national endowment (which includes all the privileges associated with bureaucratic positions besides land and other resources) going to Lhotshampas.

Thus in a changed circumstance Lhotshampas emerged more powerful and, given their political inclination, more threatening to the status quo that had prevailed in Bhutan till recently.

This upset the balance of relationship between the dominant group and Lhotshampas. The only immediate step that they could take was to reduce the size of Lhotshampa group. Moving Lhotshampas to the north and the dominant group to the south was not a feasible proposition because of financial, legal, social and political cost and visibility. Government has to resort to a more direct and legalistic means like enacting a new Act (1987 Citizenship Act) and imposing a new census (1988).

To the extent that settlers in the south had title to their land and citizenship papers not much sacrifice was required of them in submitting themselves to the dominant group. This position the Lhotshampas took was both expedient and politically correct. However, the 1988 census and the enforcement of *Driglam Namzha* changed all that in the sense that many lost their citizenship (and hence entitlements), realized that their family would break apart sooner than ever, and their ability to procreate and maintain their ethnic distinction could be put to halt. In short they as a distinct ethnic group in Bhutan would be obliterated. Becoming submissive and spending much of their energy in protecting ever decreasing niche in the national economy was no longer a proposition worth pursuing.

By not granting the Sharchops a separate identity the Royal Government made a strategic mistake. Research indicates that ethnic diversity or fractionalization tends to minimize conflict and the rise of separatist movement (a theme that drew much

attention of the Royal Government). Ethnic fractionalization is a measure of ethnic diversity, and reflects the extent to which smaller ethnic units (which may or may not be mobilized in a struggle for resources or political power) divide the national population.¹²¹

Actions taken by Bhutan to address its ethnic concerns raise many constitutional, legal and moral questions. But a practical concern of great importance to the Bhutanese authorities is whether or not the measures they took towards ‘securing the future of Bhutan’ are politically sustainable? This question requires us to examine how a nation is formed. A nation as a socio-political entity has the following minimum attributes¹²²:

-) It commands a geographical area with a reasonably clear boundary
-) Its boundary with its contiguous nations is agreed by those nations as well as by a larger number of members of the international community.
-) People inhabiting the area may represent different ethnic backgrounds and races but all share a common aspiration and identity.
-) It has the necessary apparatus to govern by itself so that there is a rule of law prevailing inside the territory.
-) It is sovereign and entitled to make its own decision in internal as well as external matters.
-) It belongs to the community of nations like the United Nations, or is eligible for its membership.

Nations are formed through a process of creating common identity among people of different ethnicity. Following the school of thoughts championed by constructivist,

¹²¹ Brown, Cliff, Boswell and Terry. Op.cit.

¹²² Fishman sees ‘nation’ as “politico-geographical entity (otherwise referred to as country, polity, state) such as might qualify for membership in the United Nations. A nation may present no high degree of sociocultural unity, and, indeed, nation vary greatly in the extent to which they possess such unity within their borders”. See Joshua A. Fishman. *Nationality-Nationalism and Nation-Nationism*. 1968. Offprint from *Language Problems of Developing Nations* (PP. 39-51)

ethnicity is a social construct rather than an inborn quality.¹²³ A group has a common *identity* which might be taken as a social category that individuals of the group take a special pride in or “views as a more-or-less unchangeable and socially consequential attributes”.¹²⁴ All social categories have two main features: rules of membership, and content (sets of characteristics such as beliefs, desires, moral commitments, and physical attributes thought to be typical of the members). Constructivists believe that social categories are fixed by human nature rather than social convention and practice. Fearon and Laitin call the beliefs contrary to this position (social categories are given and immutable) ‘everyday primordialism’. They argue that social construction of ethnicity not only is a result of ‘speech and action’ but it also invokes ‘a *specific process* by which identities are produced and reproduced in action and speech’. They go one to argue that identities are formed in three different ways: structural forces, discursive formations, or individuals as the agents that act to produce or reproduce a system of social categories¹²⁵. Further the boundary rules (the criteria defining membership) changes with change in the interpretation, political manipulation and material progress. In this sense nations and nationalities are always in the state of flux, and that nation that can keep in pace with changing cultural, moral and economic needs of its ever changing coalitions of people is likely to endure the test of time. Writing on the role of language in national integration Fishman concluded that ‘the process of national integration does not require monolingualisa.’ He continued, “(T)he western, post-Versailles, intellectual heritage prompts contemporary sociologists to assume that cultural and linguistic differences automatically tend toward demands for nation formation and language recognition.”¹²⁶ He cites the example of India and a number of new nations of Africa and Asia to make his point.

Exploring the process of birth of a nation in the context of language, Fishman make distinction between *Nationality* and *Nation*, the former being what he calls sociocultural

¹²³ James D Fearon & David D Laitin. *Violence and The Social Construction of Ethnic Identity*. International Organization 54,4 Autumn 2000 (PP 845-877)

¹²⁴ Ibid. (P.848)

¹²⁵ These quotes are from the afore-mentioned article by Fearon and Laitin, the aim of the writing being about the exploration of the relationship between ethnicity and violence. In this context agents are political entities that manipulate public sentiments on events and give it an ethnic colour in the process redefining identity.

¹²⁶ Joshua A. Fishman. Op.cit.

entity and the latter, politico-geographic entity. The process by which nationality aids to the formation of a nation is called *Nationalism* which, in the history of a nation, may change as conditions change. For examples, two or more nationalities may decide to join to form a new nation. Thus, he defines *nationalism* as the ‘process of transformation from fragmentary and tradition-bound ethnicity to unifying and ideologized nationality’.

Referring to the history of Western Europe Fishman points out how nationalism was instrumental in forming the state rather than nationalism merely catching up with political boundaries and then creating nationality to match the new situation. “Where the political boundaries are most salient and most efforts are directed toward maintaining or strengthening them, regardless of the immediate socio-cultural character of the population they embrace – indeed, wherever politico-geographic momentum and consolidation are in advance of socio-cultural momentum and consolidation – we might prefer a term such as *nationism* ...” In this context he makes an important observation, “whenever the boundary of a nation, however, is more ideologized than that of the nationality we may begin to find pressure building up for ‘authentic’ cultural unification or intensification.”

The importance of culture and its preservation has always assumed an important position in all its ten Five Year Plans. The Tenth Five Year Plan of the country puts the significance of culture in the following words:

For a small country, culture has been and will continue to serve as a deep binding force for building national unity and a shared common identity that has enabled the country to maintain its full sovereignty and security. Moreover, this has greatly contributed to enhancing Bhutan’s distinct image and standing in the global community.

With rapid socio-economic transformation taking place, the country’s cultural heritage is not seen as being or becoming irrelevant but actually assuming an even greater pertinence and importance to balance out the influences of globalization and its attendant pressures and impact. Culture can help unify, integrate and build harmony and social cohesiveness while providing society with the capability of internalizing change within tradition.

Writing about Bhutan's bid for a new national identity, Chhetri observes, "In the absence of a strong tradition of nation-building, nationalism was by-and-large state sponsored."¹²⁷ The absence of conflict amongst the ethnic groups at the level of people in Bhutan is not only understandable but also attests to the artificial nature of the problem. By forcing ethnic cleavages in the country the Government might have rekindle the primordial desire of the ethnic groups in the country to be different and to be assertive in a country collectively owned. The increasing involvement of Sharchops in the political affairs of the country indicates to this direction.¹²⁸

Bhutan's desire to create a monoethnic country, as it were, was neither necessary nor desirable. People have multiple identities. One can be Nepali and speaking the language other its national language, Nepali. One can belong to the social group called Teachers and yet he or she can also be playing an active role as a political activist. Recognising the possibility of individual owning multiple identities is critical to progress, peace and harmony – both at politico-geographic and socio-cultural levels.¹²⁹ By pursuing nationalism Bhutan might be giving ground for the eventual emergence of a larger socio-cultural space in the sub-region.

Another important question that surfaces is, in this pursuit of a distinct identity was it necessary for Bhutan to impose Dzongkha inherent in Driglam Namzha concept? Writing on the role of language in nation-formation, Fishman concludes that 'the process of national integration does not necessarily require mono-lingualism.'¹³⁰ He argues that countries like India have multitude of languages and this has not been a divisive factor. In new nations in Africa and Asia diglossia is widespread and perhaps a major factor in keeping these nations intact. In the context of nation building the relationship between language and nationalism occupies a central place. However, *nationalism* and *nation* are two complementary concepts. Fishman argues that ' a nation

¹²⁷ Rakesh Chhetri. *Bhutanese Lhotshampas: Victims of Ethnic Cleansing* in Tapan K Bose & Rita Manchanda. *States, Citizens and Outsider*. Op. cit (P. 252)

¹²⁸ Chhetri (op cit) writes, 'The arrest of Rongthong Kuenly Dorji in New Delhi in April 1997, at the behest of the Bhutan government, has focused attention on the increasing involvement of the Sharchop community in the Democratic movement.' (P. 254)

¹²⁹ Amartya Sen. *Indentity and Violence: The Illusion of Destiny*. Allen Lane (an imprint of Penguin Books) London, 2006.

¹³⁰ Joshua A. Fishman. *Nationality-Nationalism and Nation-Natism*. (offprint from *Language Problems in Developing Countries*, 1968.

may present no high degree of socio-cultural unity, and, indeed, nations vary greatly in the extent to which they possess such unity within their borders. Those who choose to ignore this often confuse the separate questions of political community and socio-cultural community – each having very different language needs that frequently go unrecognized by the others.’¹³¹ And this is exactly what is seemed to happen in Bhutan. With modernization language will assume importance according to its utility in meeting the scientific and technological needs of the people. Since technology is ‘basically nonethnic and uniformizing throughout the world’, it is quite reasonable to allow for more than one language to exist in a given territory. This suggests that with modernisation Bhutan will need to allow for diglossia, a set up where ethnic languages flourish side by side with a main language.

Another important issue that deserves further analysis is whether the actions taken by the Government in regard to Lhotshampas would ultimately contributed to Bhutan’s national security. National security threat can be external or internal or both. It can take a variety of forms: natural disaster like earthquake and famine, border dispute leading to military intervention, economic threats including blockade, internal unrest due to various reasons (discrimination being an important one), etc. In general, internal threat to national security arises from the failure of the state to address current as well as longer term development problem facing the country. Ethnic composition and access to opportunities that each ethnic group enjoys to enhance their participation in development (sharing of the fruits of development) are two critical long-term determinants of harmony and national unity.

¹³¹ op.cit. (P.39)

Chapter VI

RESETTLEMENT OF BHUTANESE REFUGEES

6.1 Resettlement Process

Resettlement involves the assisted movement of refugees who are unable to return home to safe third countries. The UNHCR has traditionally seen resettlement as the least preferable of the "durable solutions" to refugee situations. However, in April 2000 the then UN High Commissioner for Refugees, [Sadako Ogata](#), stated: *Resettlement can no longer be seen as the least-preferred durable solution; in many cases it is the only solution for refugees.*

Since then resettlement (third-country settlement) is being regarded as an important measure of durable solution to refugee problems. Resettlement is geared to the special needs of an individual whose life, liberty, health and fundamental human rights are in danger in the country of origin. Resettlement is highly complex and organized process that requires identifying those in urgent need and finding a suitable country prepared to accept them.

Resettlement policy aims to achieve a variety of objectives. First, it provides a durable solution for refugees unable to return to the country of origin or to remain in the host country. Second, it is way of relieving host country from the burden of maintaining refugees over a prolonged period while assisting that country to avoid political confrontation with the country of origin. Third, it provides significant potential for the return of professional and skilled resettled individuals at some future time when repatriation may become viable. Finally, resettlement contributes to international solidarity and help to maintaining the fundamental principles of protection.¹³²

However, resettlement is not a preferred solution of refugee problem. As a least preferred option, it may be dictated by various factors ranging from political, economic and ethnic pressure within the state of first admission and concern for the security of refugee themselves .

¹³² Supra 1

The most preferred and desirable solution the refugee is voluntary repatriation. Repatriation to their homeland is dignified way resolving refugee crisis. There is also a need to ensure that when they repatriate they will not have to face the problem of livelihood and shelter. One way to ensure this is to guarantee the return their confiscated property.

States however have different perceptions as to the desirability of various solutions. Some states give emphasis on regional responsibility and local integration while other states emphasize a global responsibility and a broadening of the resettlement burden, and still a few other states may prefer to lay corresponding emphasis on extra regional settlement.

Some state due to their physical, demographic, and socioeconomic limitations, together with the potential for cultural problems of adjustment of resettled refugees, may be unwilling to accept refugee for local integration. Both developed and developing countries are impacted economically and socially by the presence of a large number of refugee.

At an individual level resettlement can still mean the difference between life and death. Refugee may be denied basic human right in the country of first refuge. Their lives and freedom may be threatened by local elements motivated by racial, religious or political reasons or by attack or assassination directed from outside. The authorities in turn may be unable or unwilling to offer effective protection. In such circumstance resettlement, in absence of possibility of repatriation, becomes not the solution of last resort but the most preferred one.

The official dialogue between Bhutan and Nepal aimed at the repatriation of Bhutanese refugees was first held during the 7th SAARC Summit in Dhaka on 10 April 1993 between King Jigme Singe Wangchuk of Bhutan and Prime Minister Girija Prasad Koirala of Nepal. This was followed by a letter (April 25, 1993) from the Government of Nepal to the Royal Government of Bhutan expressing a desire on the part of Nepal to hold bilateral talks on the refugee problem. Consequently, a delegation led by Sher badhur Deupa, the then Minister of Home Affairs of Nepal visited Thimphu on July 15, 1993 to hold a meeting with his Bhutanese counterpart Dasho Tshering. This resulted in

the formation of a Ministerial Joint Committee (MJC) comprising three members from each of the two countries. The mandate of MJC was as follows:

-) Determine different categories of Bhutanese refugees in the Camp.
-) Specify the position of two government on each of these categories,
-) Arrive at mutually acceptable agreement on each of the categories.

The first MJC meeting was held in Kathmandu on October 4-7,1993. The meeting agreed to categorise the refugees in 4 groups:

-) Bona fide Bhutanese who have been forcibly evicted
-) Bhutanese who emigrated
-) Non-Bhutanese, and
-) Bhutanese who have committed criminal activities

Another important breakthrough came in the 10th MJC meeting held on December 25-26, 2000 in Kathmandu between Chakra Bastola, Foreign Minister of Nepal and Jigme Dorje Thinley, Foreign Minister of Bhutan. The meeting decided to form a Joint Verification Team (JVT) in order to pursue the decisions of MJC. This was the fruit of seven years of dialogues between Bhutan and Nepal through MJC. The first meeting of JVT was held on March 26, 2001. Only Bhutanese team interviewed the refugees but that too at a snail's pace (10 refugee families a day). At this rate it would take JVT some 7 years to complete the entire interviews. Most regrettably the same person who was responsible for expelling a large number of Lhotshampas from Sarpang district when he was its Head of the district was also heading the Bhutanese team.¹³³ In February 2004, JVT announced the completion of interviewing 12, 183 refugees from one camp. What was more surprising was that out of this number only 2.4% were found to be eligible to

¹³³ An article published on Voyagers based on reports from Amnesty International, UNHCR and Bhootan Organization. <http://the-voyagers.tripod.com/refugees.htm>

return, and another 70.5% were determined to be those who willingly chose to emigrate to Nepal.

A report that appeared in a regional monthly (*Himal Southasian*, August 2003) summarised the extent of incompetence Nepal exhibited in dealing with the issue of Bhutanese refugees:

“The first travesty was for Kathmandu to agree to go through with the verification exercise at all, but the final blow was concurring with Thimphu that the overwhelming majority of refugees had left Bhutan voluntarily, which means that under Bhutan’s what-can-only-be-called medieval laws they would ipso facto lose citizenship.

The release of categorization figures was accompanied by the announcement of some startling agreements between the two governments. Among them, first, Kathmandu agreed with Thimphu’s pre-conditions attached to their willingness to take back ‘voluntary emigrants’ (that they would be allowed to reapply for Bhutanese citizenship after two years of waiting). Second, in the event that these refugees did not wish to return to Bhutan, Nepal would grant them Nepali citizenship. Third, the appeals process only allowed for 15 days and involved going back to the same JVT which had made the decision in the first place.”

"This decision sends a message to other governments that it is legally acceptable to arbitrarily deprive a whole ethnic group of their nationality, expel them from their country, and then refuse to accept them back," said Ingrid Massage, interim director of the Asia and Pacific program at Amnesty International.¹³⁴

After 16 rounds of bilateral talks over a period of little less than two decades nothing much has happened as far as the refugees’ dream of returning home is concerned. Commenting on their flight, Bill Frelick, Refugee Director of Human Rights Watch, lamented that “While repatriation would be the best option for most refugees, it can only be viable if Bhutan upholds its duty to guarantee the returnees’ human rights. Until

¹³⁴ *Himal Southasian*. *Bhutan: Law, Humanity and Categorization*. August 2003

then, repatriation to Bhutan cannot be promoted as a durable solution for the Bhutanese refugees in Nepal.”¹³⁵

With the hope for repatriation diminishing by the day international community, particularly the United States showed her interest in resettling Bhutanese refugees. US Assistance Secretary of State Ellen Sauer Burry expressed in Geneva that her government was willing to absorb 50,000 or 60,000 of Bhutanese people who are now in the refugee camps living in Nepal. With this announcement other countries like Australia New Zealand and Canada also showed their interest in resettling remaining number of refugee.¹³⁶ Consequently, the International Organization for Migration (IOM) established a Refugee Settlement Processing Centre in Denmark on 19 Jan 2008. US ambassador Nancy Powel unfolded her plan that 13,000 refugees will be resettled by 2008 and another 20,000 refugee will be resettle by the end of 2009. Altogether 60 refugee of 17 families from Goldhap, Khudunabari and Timai refugee camps were selected for third country resettlement and they have began their Journey to USA and New Zealand. The journey of some Bhutanese refugee to USA and other country for resettlement raised question about the future of refugees, their rights to return to their country and so on. Dispute among refugee took place on the issue of repatriation to Bhutan. Many fear that their right to return has been compromised by the resettlement program while others believe that resettlement was the only option left to them.

6.2 The Resettlement Program: Was It a Mistake?

There are unquestionable evidences to suggest that Bhutan deliberately expelled a significant number of its citizens of Nepali origin on ethno-religious and political ground. In this sense as well Bhutan violated Declaration of Human Rights and a number of other international covenants. While the resettlement program is laudable from the perspective of refugees who were getting increasingly desperate to start a new and more dignified life, will not this be construed as condonation of Bhutan’s violation of human rights? It is agreed that Bhutan is a small country with limited natural resources and perpetually dependant on India for its security and development. Should

¹³⁵ Human Rights Watch. Last Hope (undated)

¹³⁶ <http://www.nepalmountainnews.org.Bhutan.htm>.

such considerations be entertained while discussing human rights violation? Will not doing nothing encourages Bhutan to expel more Lhotshampas in future? Should not international community also ask India, the so-called largest democracy of the world, to share a part of the moral burden for not doing enough to resolve the issue of Bhutanese refugees in Nepal – given its special relationships with Bhutan?¹³⁷ When does national security concerns become overwhelmingly important to justify ignoring fundamental human rights: rights to life, property, association and travel, for example?

Another major worry associated with the current resettlement program is that there is an inherent assumption amongst the donors as well as some refugees that going west would improve their lot. Millions from developing countries risk their lives to go to the West, as it represents hope and prosperity. Do the Bhutanese refugees have requisite

KATHMANDU, Nepal, December 9, 2009 (UNHCR)

Number of refugees resettled from Nepal passes 25,000 mark

The number of refugees from Bhutan resettled in the United States and other receiving countries from camps in eastern Nepal has reached the 25,000 mark.

The United States, with 22,060, has accepted the majority of the refugees originating from Bhutan since the resettlement programme was launched by UNHCR in November 2007 with the cooperation of the government of Nepal and the International Organization for Migration (IOM). The other countries to accept refugees are Australia (1,006), Canada (892), Norway (316), Denmark (305), New Zealand (299) and the Netherlands (122).

Many of the tens of thousands of refugees in seven camps in eastern Nepal have been living in exile for almost 20 years. They arrived in Nepal after fleeing ethnic tensions in Bhutan in the early 1990s.

But while resettlement offers a way out for refugees who see no future in the camps, UNHCR continues to advocate for voluntary repatriation for those who are willing to wait in the camps.

Some 86,739 refugees from Bhutan remain in the eastern Nepal camps. More than 550 of them are expected to be flown to resettlement countries between now and the end of the year.

[Note: Only selected paragraphs have been reproduced above]

¹³⁷ Art.2 Indo- Bhutanese Treaty of 1949

motivation to make a new start in the West? For example, there are reports of Bhutanese refugees committing suicide in the US for not being able to assimilate in the new culture. There is also an issue about how to help those refugees who are not willing to opt for resettlement.

6.3 UNHCR

The United Nations General Assembly (UNGA) established the Office of the United Nations High Commissioner for refugees (UNHCR) in 1950. This agency is mandated to lead and coordinate international action to protect rights of refugees and resolve refugees' problems worldwide.¹³⁸ Its primary purpose is to safeguard the rights and to ensure the well being of the refugees. The agency strives to ensure that everyone can exercise the right to seek asylum and to find safe asylum in another state with the option to return home voluntarily. The agency has a mandate to effort durable solution by means of three major options i.e. voluntary repatriation, local integration and resettlement. In more than five decade, the agency has helped an estimated 50 million people restart their lives today. Today the agency has branch offices in 116 countries helping at least 20.8 million people as refugees.¹³⁹ States have obligation to cooperate with the High Commissioner concerning refugees' problems under UNHCR. The work and area of UNHCR is humanitarian and social. The function of the agency is an entirely non-political character. The headquarters of UNHCR are located in Geneva, Switzerland.

The functioning of the agency is guided by the UN Convention relating to the status of Refugees, 1951 and the Protocol relating to the Status of Refugees 1967. UNHCR determines the status of refugees, initiate actions to protect their safety as well as rights and seek cooperation of relevant governments in achieving its final objective, i.e. the safe return of refugees. At the filed level the agency undertake both physical and diplomatic actions that result in the better protection of the refugees from hunger, weather and fear as well as any potential abuses. To this end UNHCR provides shelter, food, medicine, education and host of services to the refugees in cooperation with other UN and international agencies.

¹³⁸ The United Nations Today, 2008 at 43.

¹³⁹ The United Nations Today, 2008 at 44.

UNHCR commenced its presence in Nepal in 1967 on ad hoc basis to help address the Tibetan refugees' problem. At that time, the problem was not so complex and critical. They were in very few in numbers and problems were less complicated and easier to solve. The agency was active here till 1990.¹⁴⁰ After the emergence of Bhutanese refugees crisis UNHCR returned to Nepal in 1992 at the request of Nepal government.¹⁴¹ Nepal's representative's office of UNHCR is located in Kathmandu and it has extended its local branches in Jhapa, nearly the refugee camps. Therefore UNHCR's role is very important for protection of existing refugees' rights. But durable solution as like repatriation, integration and resettlement were highly influenced by the functions and activities of UNHCR in Nepalese perspectives.

Though the work of UNHCR is humanitarian and social character¹⁴², this agency can play a vital role to resolve the Bhutanese refugees' problems. Firstly, UNHCR is subsidiary body of United Nations, which has international standing and mandate to seek political solution to the refugee problems. However, it must yield to the supremacy of sovereignty of a nation when conflict arises between its action and the national interest of a nation. This explains why it cannot force Bhutan to accept repatriation or ask Nepal to become signatory to various conventions and protocols related to refugees and stateless persons. In this sense its ability to seek permanent solution to refugee crisis around the world depend much on the extent of support it will enjoy of international community – which in many cases turns out to be the ones who foot the bill. On the other hand, its moral standing on issues of refugees rights and its advocacy role on refugee protection is well recognized by all nations.



¹⁴⁰ Hari Phuyal, *Refugee Law* (in Nepali), Pairavi Books Publications, Kathmandu.

¹⁴¹ Ibid.

¹⁴² Article 2 of the Statute of the UNHCR, 1950.

Chapter VII

CONCLUSION

7.1 Conclusions

A large body of studies on Bhutan's ethnic problem points to the fact that through deliberate enforcement of state policy Bhutan has violated the rights of its citizens of Nepali origin to pursue legitimate activities in the country.

The genesis of the problem lies in the desire of the country's ruling class to maintain its privileges against rising wave of political freedom in and around the country. Given its limited natural resources (land, minerals and water) the ruling class had the compulsion to limit its size so that they retain the maximum share of development benefits. However, the ruling class saw a threat in Lhotshampas: numerical supremacy, better educated, hardworking and risk taking, and politically agile. The only way to prevent them (Lhotshampas) from joining the ruling coalition was to create 'rules of entry' which was impossible to adhere to. This would either result in political conflict or subjugation of Lhotshampas. Political conflict would give the state the right to expel them, as it were, given their 'questionable' ethnicity and on ground of national security. Subjugation would mean that the ruling class would continue to enjoy their privileges.

The state used both carrot and stick strategy. In the beginning Lhotshampas were given land, their children were sent to higher education and many educated of them were absorbed in the state apparatus. The stick side was restriction on their movement and where they can settle, which later took a more draconian shape like Driglam Namzha. The state demanded full loyalty to the king who was considered a surrogate of the country and its identity. This translated into total obedience to the crown so much so that even a legitimate complain would land even a high official in jail. Such was the case of Tekh Nath Rizal.

The political dissent by Lhotshampas led to systematic expulsion preceded by abuse of human rights in its various forms. As a result some 145,000 Lhotshampas are estimated to have left the country either in duress or to escape from tyranny and unlawful

prosecution. About 110,000 of them ended in Nepal. All this happened some twenty years ago but the problem of Bhutanese refugees show no sign of real resolution.

The political dialogue between Bhutan and Nepal was not materially effective for one reason or another. Nepal exhibited profound incompetence in handling the situation and the total lack of foresight when it agreed with Bhutan to go for categorization of the refugees. Its inability to convince India to give a lending hand was a mark of its diplomatic failure and its half-hearted adherence to the cause of the refugees. Bhutan, on the other hand, demonstrated its political clout and agility by refusing to take back the refugees despite increasing international pressure and demonstrated evidences of excesses it inflicted on its citizens of Nepali origin.

Nepal's negligence of Bhutanese refugees is also seen the dearth of studies, research, surveys about them published in Nepal. It is somewhat disconcerting to find that very few publications and quality research on Bhutanese refugees were conducted by Nepal. There is no systematic collection of information about the refugees: they continue to survive in the margin of Nepalese consciousness.

Nepal also made a blunder and violated a basic principle of non-expulsion and non-refoulement enshrined in the Convention Relating to the Status of Refugees (1951) when it nabbed Bhutanese refugee Tek Nath Rizal and sent him forcibly to Bhutan.¹⁴³ As a result Rizal was imprisoned for almost a decade and tortured throughout its entire period.

¹⁴³ Convention Relating to the Status of Refugees. Article 32 and Article 33

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Appendix 1:

TIMELINE BHUTAN'S HISTORY

Sr	PERIOD	EVENT	REMARK
1	ca. 500 B.C.	State of Monyul established; continues to A.D. 600.	
2	ca. A.D. 630-640	Early Buddhist temples built.	
3	747	Guru Rimpoche visits Bhutan; founds Nyingmapa sect several years later.	
4	ca. 810	Independent monarchies develop.	
5	830s-840s	Tibetan Buddhist religion and culture firmly established	
6	11 th Century	Bhutan occupied by Tibetan-Mongol military forces	
7	1360a	Gelukpa sect monks flee to Bhutan from Tibet	
8	1616	Drukpa monk Ngawang Namgyal arrives from Tibet, seeking freedom from Dalai Lama	
9	1629	First Westerners--Portuguese Jesuits--visit Bhutan.	
10	1629-47	Successive Tibetan invasions of Bhutan end in withdrawal or defeat	

1651	Ngawang Namgyal dies; theocratic Buddhist state rules unified Bhutan (then called Drukyl) and joint civil-religious administration established; summer capital established at Thimphu, winter capital at Punakha. Drukpa sub-sect emerges as dominant religious force	
1680s-1700	Bhutanese forces invade Sikkim	
1714	Tibetan-Mongolian invasion thwarted.	
1728	Civil war accompanies struggle for succession to throne	
1730	Bhutan aids Raja of Cooch Behar against Indian Mughals.	
1760s	Cooch Behar becomes de facto Bhutanese dependency; Assam Duars come under Bhutanese control.	1763: Mir Kasim of Bengal aided Jaya P Mall against PN Shah 1763: British intervened but defeated by Gurkhas.
1770	Bhutan- Cooch Behar forces invade Sikkim.	
1772	Cooch Behar seeks protection from British East India Company	
1772-73	British forces invade Bhutan.	
1774	Bhutan signs peace treaty with British East India Company	1775: Prithvi N Shah captured KV
1787	Boundary disputes plague Bhutanese-Indian relations	1793: Colonel Kirkpatrick dispatched to

			KTM
	1826-28	Border tensions between Bhutan and British increase after British seize Lower Assam, threaten Assam Duars.	
	1834-35	British invade Bhutan	
	1841	British take control of Bhutanese portion of Assam Duars and begin annual compensation payments to Bhutan.	1855-6: Jang Badhur attempted war against Tibet
	1862	Bhutan raids Sikkim and Cooch Behar	
	1864	Civil war waged in Bhutan; British seek peace relationship with both sides	
	1864-65	Duar War waged between Britain and Bhutan	Nepali migration soon followed
	1865	Treaty of Sinchula signed; Bhutan Duars territories ceded to Britain in return for annual subsidy	
	1883-85	Period of civil war and rebellion leads to a united Bhutan under Ugyen Wangchuck	
	1904	Ugyen Wangchuck helps secure Anglo-Tibetan Convention on behalf of Britain	
	1907	Theocracy ends; hereditary monarchy, with Ugyen Wangchuck as Druk Gyalpo (Dragon King), established	
	1910	China invades Tibet, laying claim to Bhutan, Nepal, and Sikkim; Treaty of Punakha signed with Britain, stipulating annual increase of stipend and Bhutan's control of own internal affairs	Since the Treaty Bhutan agreed to be guided by the advice of the British Gov in regards to external relations.

1926	Ugyen Wangchuck dies and is succeeded by Jigme Dorji Wangchuck (1952-1972)	All India Gorkha League (AIGL) formed in 1926 in Dehra Dun
1927	A Pasupati Adhikar tried to organise a protest against high tax, etc.	Hutt/116
1940s & early 50s	Political protest in southern Bhutan	Hutt/114 Nepali Congress in 1947; Nepali Communist in 1949 and Sikkim State Congress formed in 1948
1947	British rule of India and British association with Bhutan end Two Mandals from Dagana mae contacts with AIGL and subsequently returned to southern Bhutan	- Hutt/116
1949	Treaty of Friendship signed with India, essentially continuing 1910 agreement with British	
1950	In 1950, the People's Liberation Army (PLA) of the newly-formed People's Republic of China invaded Tibet.	
1952	Third Druk Gyalpo, Jigme Dorji Wangchuck, enthroned; introduced first land reform . Bhutan State Congress formed under DB Gurung, DB Cheeri & GP Sharma demanding "a speedier amelioration of the wretched conditions of the oppressed Bhutani masses" and "quick democratization of administration". (quote: Basu/p29 and 35). Land Reform: (i) option to tenants and former slaves to own land for cultivation; (ii) land ownership not more than 25-30 acres, (iii) mortgage on land not allowed, (iv) those owning pasture must also own cattle, (v) no one is allowed to sell land and become landless. HOWEVER: a closer look reveals that the state did not seek	Both China & India were introducing land reforms in their countries. -short-lived honeymoon- Hutt/128 The Congress made a number of demand Little progress on party-formation but Govt

		<p>to transform the existing agrarian system nor did it aim at introducing monetized econ system. The Reform did not eliminate the chunidom (voluntary labour) system. Also land ceiling did not yield much excess land. Third, this did not change the life style (Basu/p30)</p> <p>Bhutan State Congress formed (Nov 1952) by DB Gurung, DB Chetri and GP Sharma</p>	<p>forced to undertake measures for its legitimacy, and give real emphasis on land reform (Basu/29)</p> <p>See Hutt/121 & 128 for more on the reform</p> <p><i>Until 1950s, the south had been a hinterland after 1950s it became a frontier; a region for the kind of planned econ growth envisaged</i></p>
	1953	National Assembly established as part of government reform.	
	1954	A group of 100 protestors crossed the border into Bhutan and staged a demonstration; resulted in a number of deaths.	See Hutt/122 for details of the aftermath
	1957	Nepal's Land Reform	
	1958	1958 Nationality Act	Nepalis resident at this time was made citizens (Basu/95)
	March 1959	Dalai Lama escaped to India from Tibet	
	1961	First five-year plan introduced: Emphasis on transport & communication between the southern districts and the interiors. Development based on state patronage system; road would give northern traders an outlet for their commercial transactions with the main benefit going to India capital looking for broadening their market.	<p>Funding mainly from Indian aid (Basu/31)</p> <p>Roads were of strategic importance to India</p>

	1962	Indian troops retreat through Bhutan during Sino-Indian border war	
	1964	<p>Jigme Palden Dorji assassinated; factional politics emerge</p> <p>Modernization efforts moved forward in the 1960s under the direction of the <i>lonchen</i>, Jigme Palden Dorji, the Druk Gyalpo's brother-in-law. In 1962, however, Dorji incurred disfavor with the Royal Bhutan Army over the use of military vehicles and the forced retirement of some fifty officers. Religious elements also were antagonized by Dorji's efforts to reduce the power of the state-supported religious institutions. In April 1964, while the Druk Gyalpo was in Switzerland for medical care, Dorji was assassinated in Phuntsholing by an army corporal. The majority of those arrested and accused of the crime were military personnel and included the army chief of operations, Namgyal Bahadur, the Druk Gyalpo's uncle, who was executed for his part in the plot.</p>	
	1965	<p>Assassination attempt on Jigme Dorji Wangchuck</p> <p>The unstable situation continued under Dorji's successor as acting <i>lonchen</i>, his brother Lhendup Dorji, and for a time under the Druk Gyalpo's brother, Namgyal Wangchuck, as head of the army. According to some sources, a power struggle ensued between pro-Wangchuck loyalists and "modernist" Dorji supporters. The main issue was not an end to</p>	

		or lessening of the power of the monarchy but "full freedom from Indian interference." Other observers believe the 1964 crisis was not so much a policy struggle as competition for influence on the palace between the Dorji family and the Druk Gyalpo's Tibetan mistress, Yangki, and her father. Nevertheless, with the concurrence of the National Assembly, Lhendup Dorji and other family members were exiled in 1965. The tense political situation continued, however, with an assassination attempt on the Druk Gyalpo himself in July 1965. The Dorjis were not implicated in the attempt, and the would-be assassins were pardoned by the Druk Gyalpo.	
	1966	Thimphu made year-round capital.	II FY Plan (1966/67-1970/71)
	1966	Second FY Plan (1966/67-1970/71)	Emphasis on north-south continued from the 1 st FYP
	1968	Druk Gyalpo decrees that sovereign power resides in himself and National Assembly (Tshogdu)	Tshogdu became legislative body, and was entrusted with power to dethrone by 2/3 vote. Tshogdu members are elected from the votes of village elders and ...
	1971	Jugme Singye Wangchuck (1955-) enthroned; Bhutan admitted to United Nations; Bangladesh created.	II FY Plan (1972/73-75/76)

1971	Third FY Plan (1971/72-1975/76)	
1972	Fourth Druk Gyalpo, Jigme Singye Wangchuck, succeeds upon father's death	
1974	New monetary system established separate from India's Assassination attempt on King	
1976	Fourth FY Plan (1976/77-1980/81)	See Basu p34
1979	Nat Assembly decided that henceforth landless people from Southern Bhutan would be granted land in the interior.	Between 1978-89 2,645 acres of land was distributed to 997 landless families in the south, and 8.713 million ngultrums of special loan facility was established to help them free from the clutches of Indian moneylenders.
1980	Hindu dasain declared a national holiday	Since 1988 the king marked this occasion by receiving tika (Hutt/106)
1981	Fifth FY Plan (1981/82-1986/87) Self-reliance through decentralization and people's participation	Introduced concepts of Dzongkhag (district) level planning & decentralization. District Dev Committee's members were made strict. In the plan period district staff swelled from 303 to 2,894. National Assembly 54 th session

			decided that districts can keep revenue raised at that level (Basu /92) Limited success→ see Basu/93
	1983	Resolution to make Royal Advisory Council the supreme watchdog was passed	It was suggested that a supervising body be established to make sure that the Council does not go against the interests of the govt and people.
	1985	Citizenship Act	
	1986	A pundit made member in the Special Commission for Cultural Affairs	Suggests dominance of Vaishnav style of Hindusim (Hutt/107)
	1986	One thousand illegal foreign laborers-- mostly Nepalese-expelled.	
	1987	Sixth FY Plan (1987/88-1991/92) Since the 6 th FY Plan RGoB made vigorous efforts towards privatization, and it wanted private sector to manage all trade and industrial activities in the country (Basu/57); introduced zonal (regional) approach. In the 7 th FY Plan indicated that RGoB still has significant role to play in the industrialization process. (See Basu/93	
	1988	Census undertaken in the south	“.. the purpose of which was to curb the entry of illegal Nepalese immigrants” (Basu/95)

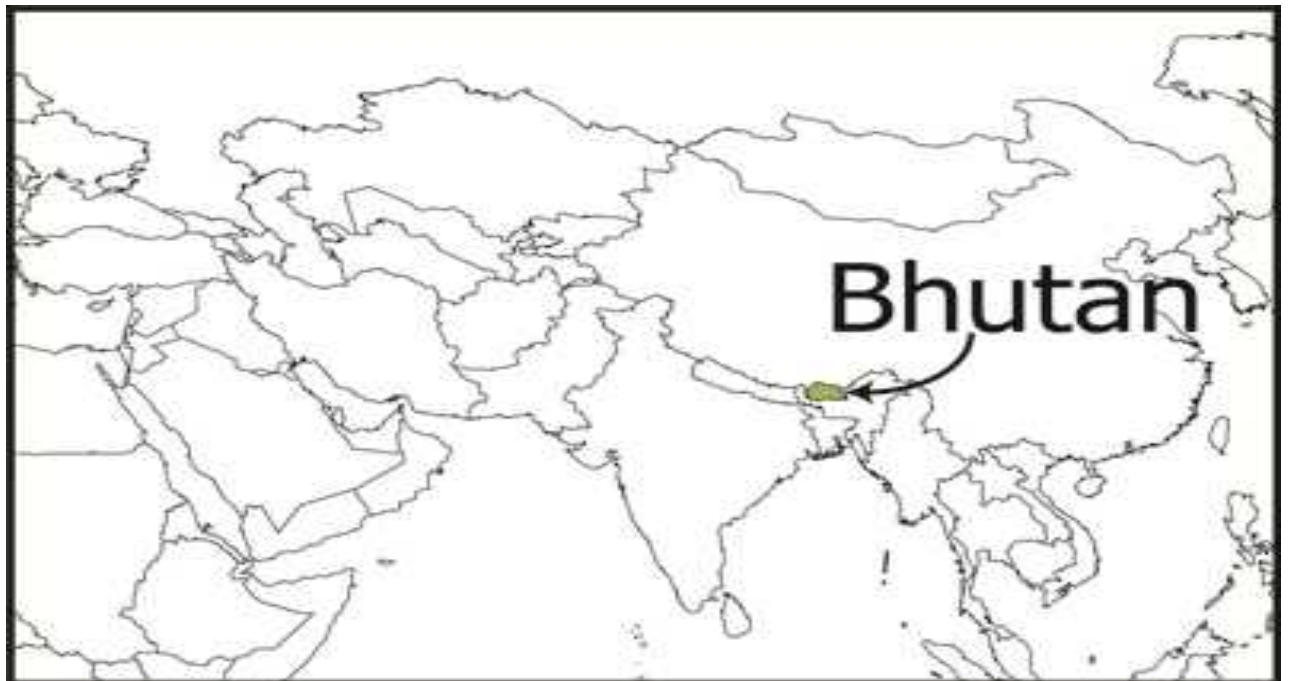
	1989	<p>Drik Lam Namzha introduced.</p> <p>Unrest among Nepalese minority brings government efforts to ameliorate differences between ethnic communities as well as additional government restrictions.</p>	In the same year Nat Assembly took the decision to award permanent residence card to foreigners married to Bhutnese – enjoy all rights except voting (Basu/95)
	1990	Antigovernment terrorist activities initiated; ethnic Nepalese protesters in southern Bhutan clash with Royal Bhutan Army; violence and crime increase; citizen militias formed in pro-government communities	
	1991	<p>Jigme Singye Wangchuck threatens to abdicate in face of hardline opposition in National Assembly to his efforts to resolve ethnic unrest; cancels participation in annual three-day South Asian Association for Regional Cooperation (SAARC) conference because of unrest at home; attends abbreviated one-day SAARC session in Colombo, Sri Lanka.</p>	
	1992	7 th FY Plan	
	2007	India renegotiated the 1949 treaty with Bhutan. The new treaty replaced the provision requiring Bhutan to take India's guidance on foreign policy with broader sovereignty and not require Bhutan to obtain India's permission over arms imports	
	May 2007	On 29 May 2007, a large number of them tried to foray into Bhutan through the Indian soil at Panitanki corridor in Siliguri. The	The Statesman Daily

		attempt however, was foiled at the cost of a Bhutanese refugee youth giving his life to bullets shot by the Indian security personnel	
	Dec 2007	<p>First general election. The landlocked kingdom will go for polls to form the National Council (Upper House of parliament) today. The council will have 20 directly elected members from each dzongkhag (district). Five eminent personalities from such various fields as literature, music, social service and other areas will be nominated by the King to form the 25-member Upper House.</p> <p>The election to the Lower House of parliament will be held in February and March. To be known as the National Assembly, it will have 47 seats.</p>	The Statesman Daily
	Nov 13, 2008	<p><i>2008 has turned out to be Bhutan's annus mirabilis (an auspicious year). In this twelve-month period, it has adopted a new constitution that establishes it firmly within the community of democratic nations. General elections have been held under the new constitution, fair and free, so that an elected Prime Minister and Cabinet are now in charge. The monarchy, which has shaped the Bhutan of today, observes its centenary this same year, and a new King has been crowned in Thimphu, the fifth in the line, taking over from his revered predecessor who has voluntarily ceded the throne.</i></p>	The Statesman Daily (Nov 13, 2008). Excerpt from an article written by India's former Foreign Secretary Salman Haidar
	Nov 6, 2008	The fifth Bhutan King Jigme Khesar Namgyel	

		Wangchuck in Thimpu crowned	

Sources: Library of Congress Country Studies (Sept 1991); Basu; Hutt

Appendix 2:



Map of Bhutan



Bhutanese Refugees at Nepal

Appendix

3:



House of refugees



Refugees walking through their burnt house

Appendix 4:



Fire victim of Bhutanese refugees



Hurl stones at Indian securities

Appendix 5:



Pressurizing for repatriation



Really for Talk with authorities

