

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: ASA 31/060/2003 (Public)
News Service No: 247
28 October 2003

Nepal/Bhutan: Bilateral Talks Fail to Solve Refugee Crisis -- International Community Should Take Concerted Action

(New York/London, October 28, 2003) -- The latest round of talks between the governments of Bhutan and Nepal to resolve the Bhutanese refugee crisis has failed to provide a solution, a coalition of five leading non-governmental organizations (NGOs) said today. Donor countries should convene an international conference to devise a solution to the longstanding crisis.

The two governments heralded the bilateral talks, held last week in the Bhutanese capital, Thimpu, as a "historic breakthrough".

"These talks between Nepal and Bhutan were neither historic nor a breakthrough," said Rachael Reilly, refugee policy advisor at Human Rights Watch. "The bilateral talks have ignored the concerns of the international community and failed to provide a solution for the Bhutanese refugees in Nepal. Donor countries must insist on the full involvement of the international community in solving the refugee crisis."

The coalition of NGOs - Amnesty International, Human Rights Watch, the Lutheran World Federation, Habitat International Coalition and the Bhutanese Refugee Support Group - called on donors to urgently convene an international conference involving the two governments, refugee representatives, the office of the United Nations High Commissioner for Refugees (UNHCR), and other relevant U.N. agencies to devise a comprehensive and just solution to the 12-year-long refugee crisis.

More than 100,000 Bhutanese refugees - an estimated one-sixth of the population of Bhutan - have been living in camps in south-eastern Nepal since the early 1990s when they were arbitrarily stripped of their nationality and forcibly expelled from Bhutan in one of the largest ethnic expulsions in modern history.

After years of stalemate, the governments of Bhutan and Nepal in March 2001 agreed to conduct a pilot screening of the refugees in Khudunabari camp, which houses 12,000 refugees, to determine their identities and eligibility to return to Bhutan. The refugees were divided into four categories:

- Category I - bona fide Bhutanese citizens (just 2.5% of the refugees);
- Category II - refugees who supposedly "voluntarily" migrated from Bhutan (70% of the refugees);
- Category III - non-Bhutanese (24% of the refugees);
- Category IV - refugees who have committed "criminal" acts, including those who participated in so-called "anti-national" pro-democracy activities in Bhutan (3% of the refugees).

In August, a group of NGO representatives visited Khudunabari camp as part of a joint international mission to Nepal and India. The mission expressed grave concern about flaws in the screening process as

it excludes UNHCR, fails to comply with international human rights and refugee standards, and risks leaving tens of thousands of refugees stateless.

The mission also identified the refugees' key concerns regarding repatriation to Bhutan. These include guarantees of safety and security, full citizenship rights, and return to original homes and properties for refugees returning to Bhutan. None of these conditions was addressed by the latest round of talks, said the NGOs.

The NGOs had hoped that the 15th round of bilateral talks would answer some of the serious concerns about the ongoing screening of the Bhutanese refugees and plans for their repatriation.

Instead, the NGOs pointed out the following shortcomings in the outcome of the talks:

Both governments have rejected the strong appeals of the international community to involve an independent third party, preferably UNHCR, in the screening and repatriation process;

The Bhutanese government repeated its position (announced at the 14th round of talks in May) that it would allow refugees in Categories I, II and IV to return. However, the talks failed to clarify the conditions under which the refugees would be readmitted;

The Bhutanese government affirmed that refugees in Category II would have to reapply for citizenship in Bhutan after a probationary period of at least two years, even though the majority of them were forced to sign so-called "voluntary migration forms" when leaving Bhutan. The stringent and discriminatory nature of Bhutan's citizenship laws, including the requirement that all applicants are fluent in the language of northern Bhutan, Dzonkha, could exclude many southern Bhutanese from reacquiring citizenship;

The Nepalese government repeated their offer of citizenship for refugees in Category II, the supposedly "voluntary" migrants, who choose not to return to Bhutan. But the growing insecurity and instability in Nepal raise questions about the viability of this offer;

Refugees in Category IV, including those who participated in peaceful pro-democracy activities, would have to stand trial in Bhutan if they returned, despite the absence of any guarantees of fair trials or due process in Bhutan;

The talks gave no guarantees that refugees would be able to return to their original homes and properties or enjoy basic human rights protections and full access to social services, including education, all of which are critical conditions for sustainable return;

The governments agreed that the screening would proceed in a second camp - Sanischare - without any assurances that the serious anomalies and inadequacies in the process would be addressed. The decision to continue the screening process camp-by-camp in the other 6 camps will further delay the process. It took over two years just to complete the screening in Khudunabari camp;

The governments set a deadline of January 2004 for reviewing the appeals of refugees in Category III but failed to address the serious concerns of the international community regarding the flaws in the appeal process. These include: the absence of an independent third party to hear the appeals, the lack of transparency regarding the criteria for screening, and the extremely short timeframe for appeals.

"The two governments look set to repeat all the mistakes of the initial screening in Khudunabari camp," said Peter Prove, Assistant to the General Secretary of the Lutheran World Federation. "None of the fears of the refugees have been properly addressed, and the process could drag on for years, prolonging the suffering of the refugees."

In a move criticized by the NGOs, UNHCR announced earlier this month that it would begin phasing out assistance to the refugee camps in the absence of a just and lasting solution by Nepal and Bhutan.

The NGOs called on donors to apply new pressure to Nepal and Bhutan and insist the two governments uphold the refugees' rights and allow UNHCR to monitor the repatriation process.

"For too long donor governments have offered tacit support to the bilateral process between Nepal and Bhutan," said Eve Lester, refugee coordinator at Amnesty International. "Now they must recognize that

this strategy has failed and international efforts are needed to find a comprehensive solution for the refugees."

For further information, please contact:

In London, Magda Wendorff-Kowalczyk, Amnesty International: +44 20 7413 5729/ + 44 7778 472 173 (mobile)

In Geneva, Peter Prove, Lutheran World Federation:

+ 41 22 791 6364/ 41 78 757 6749 (mobile)

In New York, Rory Mungoven, Human Rights Watch: + 1 917 497 9704

In New Delhi, Malavika Vartak, Habitat International Coalition: + 91 11 2435 8492 (office)/ + 91 11 3590 0378 (mobile)

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>