



## Tibetans in Nepal:

A HOST AND A TRANSIT POINT

Suresh Subba

Department of Himalayan Studies

Research Scholar

University of North Bengal

Darjeeling

West Bengal

India

**Abstract:** Nepal and Tibet have old age relation because of their cultural and religious ties. Nepal had played an important role in spreading Buddhism in Tibet. After the Chinese aggression in Tibet in 1959 many Tibetans also entered Nepal crossing Himalayas to seek refuge. Nepal though was not party to 1951 United Nation Refugee Convention, however the than King of Nepal had welcomed Tibetans with open arms and Tibetan settlement were setup with help of many international agencies. Initially Tibetans were treated with adequately in Nepal but with time the treatment of Tibetans by Nepali government began to change. Policies of Nepali government towards Tibetans began to change with Chinese influence. Today there are heightened restrictions for Tibetan refugees in Nepal. Their human rights have been curtailed by Nepali government. For Tibetan refugee, Nepal now only served as a transit point to enter India.

**Keywords:** *Refugees, Tibetans, Restrictions, Policies*

### Introduction:

Nepal is a small beautiful Hindu country that lies in central Himalayas in South Asia. It is divided into seven states and seventy five districts and is the 93<sup>rd</sup> largest country by area. Nepal is sandwiched between two giant Asian countries i.e. China in the north and India in the south, east and west. Geographically Nepal is diverse in nature; it has fertile plains and subalpine forest and has eight tallest mountains which also include Mount Everest.

In the texts from the Vedic Age, the name Nepal was first recorded, the era which founded Hinduism. Hinduism is the predominant religion of the country. In the southern part of the country, Gautam Buddha was born, the founder of Buddhism. The Shah dynasty established the kingdom of Nepal. Majority of people in Nepal identify themselves as Hindu but Buddhist influence are omnipresent in most aspects of Nepali culture. The temples of Buddhist and Hindu in Nepal are shared places for worship for both faiths so it's very hard to make distinction between Buddhism and Hinduism clearly. People who speak Tibeto-Burman widely practice the Tibetan Buddhism form. People belonging to Buddhist are also influenced by Hinduism. Northern areas of Nepal which is thinly populated, Buddhism is the dominant religion which is inhibited by Tibetan related peoples like Sherpa, Lopa, Thakali, Dolpa and Nyimba which constitutes a small minority in Nepal. We can also find some ethnic groups of people from Central Nepal like Tamangs, Newars, Gurung, Lepcha, Mangar, Yakkha, Thami also practice Buddhism. However these ethnic groups of people are larger in population than people from northern parts and are more influenced by Hinduism because of their close contact with Hindu caste.

Throughout its history Nepal has been a monarchy state and it was ruled by Shah Dynasty of kings until 2008. Prithivi Narayan Shah, a Gorkha king was the first Shah ruler to unify small kingdoms into one large unified one. After many bloody battles and sieges in 1769

Shah was able to conquer Kathmandu valley after the war of Kirtipur. During its height Gorkha dominance Shah was able to annex North Indian territories of Kumaon and Gharwal in west and Sikkim in east. Nepal was able to extend its territory from Teesta River in the east, Kangra in Himachal Pradesh across Sutlej in the west as well as further south into Terai plains and North of Himalayas. Anglo-Nepali War (1815-16) was eventually fallout between Kingdom of Nepal and East India Company over the annexation of minor states bordering Nepal. Saugali Treaty brought end to the war under which Nepal was ceded recently captured portions of Sikkim and lands in Terai as well. There was instability within the dynasty due to Factionalism. The Kot Massacre in 1846 between the military personal of fast rising military leader Jung Bahadur Rana and administrators loyal to queen who was plotting to over throw Jung Bahadur led to the executions of several princes and chieftains. Thus Jung Bahadur Rana emerged victorious and was able to establish Rana dynasty. King was made ostensible figure and Prime Minister was made more powerful and hereditary. During reign of Rana dynasty Saugali Treaty was also supersede by signing of Agreement of Friendship between Nepal and United Kingdom. The Ranas were resolutely pro British and assisted them during the Indian Rebellion of 1857. However Rana reign was marked by exploitation, tyranny, debauchery and religious exploitation. Political parties and newly emerging pro-democracy movements in Nepal were critical of Rana reign. During 1950's with the invasion of Tibet by China, India sought to counter balance the perceived military threat from its northern neighbour by taking pre-emptive measures to assert more influence in Nepal. India sponsored both King Tribhuvan as Nepal's new ruler and a new government, compromising the Nepali Congress thus terminating the Rana hegemony in the kingdom.

Nepal was never colonized but served as a buffer state between imperial China and colonial India. From 20<sup>th</sup> century onwards, Nepal ended its isolation and forged strong ties with regional powers. Slavery was abolished in 1924. Though parliamentary democracy was introduced in 1951, it was twice suspended by the Nepalese Kings in 1960 and 2005. The civil war in Nepal resulted in proclamation of the republic in 2008, thus ending the reign of the last Hindu King. Modern Nepal is a Federal Secular Parliamentary Republic. Nepal has been struggling with the transition from a Monarch to a Republic. It struggles with high level of hunger, poverty and unemployment. Despite many hardships and challenges, Nepal is making steady progress, with government declaring its commitment to elevate the nation from least developed country by coming decade. Nepal has also a vast potential to generate hydropower for export. Nepal is a founding member and hosts the permanent secretariat of South Asian Association for Regional Cooperation (SAARC). It is also the member of Non-Aligned Movement and the Bay of Bengal Initiative. Nepal is also a significant contributor to United Nations peace keeping operations.

### Tibetan Refugees in Nepal

“Approximately 13,000 Tibetans live in Nepal, according to a 2009 census published by the Tibetan Central Administration (the Tibetan government-in-exile, based in Dharamsala.)” (UNHCR, 2013). “The Chinese occupation caused over a hundred thousand Tibetans to flee over Himalayas, where most of them settled and formed refugee communities. Nepal has been a transit point for most refugees, and is also kindred culturally” (Bansh, 1992). Nepal though being a transit point to Tibetan refugees to India is also a host to some of the Tibetan refugees. From 1949-59, the expansionist policy of the Chinese government resulted in internal displacement of thousands of Tibetan citizens. Most of the displaced Tibetans took refuge in India. “However, a considerable number of Tibetans also entered Nepal seeking refuge. Tibetan refugees started arriving in the 1950s, but their first major inflow in Nepal occurred after the 1959 Lhasa uprising. King Mahendra of Nepal earned considerable gratitude for opening the Nepalese borders for Tibetan refugees. Asylum was granted to all Tibetans, irrespective of their social status. Refugee Camps were built along the mountain passes that linked Nepal to Tibet. This was a commendable action on King Mahendra's part, considering the threats of reprisal issued by the Chinese government” (Maura 2003). There was shortage of food, scarcity of shelter and basic health facilities in the camp.

“In 1960, upon the request of Nepalese authority, the International Committee of the Red Cross (ICRC) established emergency relief camps. In a similar vein, the Nepalese government, with the assistance of funds donated by the Office of the United Nations High Commissioner for Refugee (UNHCR) also set up refugee shelter homes. Till the mid-1980s, the Nepalese government welcomed the Tibetan Refugees with open hands as the latter was not perceived as a threat to Nepalese diplomatic relations with China” (mtholyoke.edu 2013). But after that there was a definite shift in the Nepalese foreign policy vis-a vis China. “In 1986, Tibet signed a treaty with China. One of the major impacts of the treaty was the restriction on the entry and transit of Tibetan Refugees into Nepal. From 1989, owing to Chinese pressure, Nepal embarked upon an even stricter border control policy leading to more restrictions on the entry of Tibetan refugees” (Lander, 2009). One of the major impacts of the treaty was the restriction on the entry and transit of Tibetan Refugees into Nepal.

From 1989 onwards owing to Chinese pressure, Nepal embarked upon a stricter border control policy. From this period onwards, Tibetans in Nepal have been subjected to a number of problems, the most important of these being the lack of documentation. This denies them the legal right of education and employment. Earlier, the Tibetan Refugees were granted Refugee Cards (RC) by Nepalese Government to enable them to access basic amenities, but after 1989 they do not have any legal status as refugees, nor have access to the protection of their Human Rights. “Recent information suggests that fewer than 25% of Tibetans recorded in the settlements hold valid Refugee Certificates (RCs), Nepali identity documents that the government at one time issued to Tibetan refugees and their descendants. The government stopped accepting new Tibetan refugees and therefore issuing RCs after December 31, 1989, following a diplomatic rapprochement with China” (Human Rights Watch, 2014). Refugee Certificates (RC) is an official document for identity and such cards holders have the right to reside and travel in Nepal but it does not enable its owner to an extensive range of rights like property ownership, higher education and for traveling abroad. “Those who arrived before 1989 were granted refugee ID cards, but more recent arrivals have no legal status. As comprehensive registration exercise has not been undertaken and a large number of Tibetan refugees were born and

raised in Nepal, many Tibetans are now undocumented” (Shrestha 2015). “A study conducted by Human Rights Organization Nepal in 2017 showed that there are 12,331 Tibetan Refugees without Refugee Cards, out of which 40% are under the age of 16 Years who are born in Nepal” (HURON, 2015). Thus RCs must be annually renewed. However Nepal government has not distributed RCs to those Tibetans who have reached 18 and are entitled to RC. “Without RCs, Tibetans also cannot exercise the limited rights they possess; for example, to apply for a refugee travel document, to purchase a motorbike, to work in certain fields, or to apply for a driver’s license. Children without RCs may find themselves excluded from Nepalese primary schools and higher education. Tibetans without RCs also at times suffer official harassment and in some cases threats of deportation” (Tibet Justice Center, 2002). “Sometimes Tibetans are not allowed to register businesses even if they have valid papers and money, according to several anecdotal reports from Kathmandu. Nepalese people typically partner with Tibetans in business ventures so they can be registered and occasionally offer Tibetans employment” (ITC, 2010).

According to the ICT (2011) report because of the centuries-old relations between Nepal and Tibet, the Tibetans who took refuge in Nepal in the late 1950s found themselves greeted and were able to live throughout Nepal in relative freedom. This began to change in 1989 when the Nepal government changed its policy and stopped allowing the Tibetan refugees. With this effect, a Gentleman’s Agreement was established between the UNHCR and the Nepal government which stated the latter’s commitment to allowing Tibetans safe passage through Nepali territory and onward to India. “According to the agreement, the asylum-seekers may be stopped at the border, but if caught within Nepal, they have to be guided to the Tibetan Refugee Reception Center. They are entitled to all the necessities, like food, accommodation and medical assistance. They also receive an “exit-permit”, which gives them the right to stay in Nepal for two weeks until they travel to the Indian border, where they are accepted on the basis of this document and a small ‘fee’” (Tibet Justice Center, 2002).

Tibetan refugees who had settled in Nepal before 1989 and were recognized by their official government which issued Refugee Cards which allowed the bearers the right to stay and have freedom of movement inside Nepal (ICT, 2011). The “Gentleman’s Agreement” was established between Nepal and UNHCR guaranteeing the “safe passage” of refugees from Tibet to India. The agreement states that Tibetan refugees apprehended by the Nepali authorities be handed over to UNHCR for processing and transit to Dharamsala. China rejects the categorization of Tibetans who have fled Tibet as “refugees” (Human Right Watch, 2014). However, the “terms” of the gentleman’s agreement are seldom followed. “In practice, most Tibetans arrive at the Reception Centre in Kathmandu independently, usually by one of two routes: via the Friendship Highway, which extends from Lhasa to Kathmandu, or via the Nangpa-la pass in the Solu Khumbu region of the Himalayas in northern Nepal. Tibetans often employ freelance guides to assist them in journeying safely to Kathmandu. Both the Friendship Highway and Nangpa-la routes are fraught with danger, including natural perils such as a lack of adequate food and shelter, particularly in the winter months, and the risk of apprehension by Chinese or Nepalese authorities” (Tibet Justice Center, 2002). The Tibetan government-in-exile which operates through Tibetan Welfare Office in Kathmandu does most of the work to maintain gentleman’s agreement like providing shelter, food and medical care to new Tibetan arrivals and assist them with co-operation from UNHCR to reach the Reception Centre and ensure their departure to India. “While the Nepalese government does not officially recognize the Tibetan Welfare Office because this would be perceived by China as an intolerable political statement, it relies on the assistance of the Tibetan Welfare Office to implement the gentleman’s agreement” (ibid, 2002). The funding which United States gives is channeled through Tibetan Welfare Office and UNHCR to support the operation of the gentleman’s agreement.

Many Tibetan Refugees began to enter into Nepal in 1960’s by crossing Nepal-Tibet border through passes like mustang, dolpa, tatopani, humla and rasuwa. Those of them who were nearer to Nepal-Tibet border could enter into Nepal without difficulty but it took months for others living in remote areas of Tibet to reach Nepal. Many of them lost their life on the way due to diseases, starvation or encounters with the Chinese patrolling army. Most of them could not bring any property with them and those who brought little with them like gold, coral, animals had to sell them at throw away price to the Nepalese to buy food. Most of the Tibetan refugees lived in the north-east, north-west and Kathmandu valley in the initial years of their arrival in Nepal. With time passing by Tibetan refugees those who asked for asylum and wanted to settle in Nepal were allowed to do so. “The refugees established numerous Tibetan monasteries and temples, which welcome not only ethnic Tibetans, but largely indigenous Himalayan people, who share the same faith. The monasteries provide tremendous help in maintaining Tibetan identity give religious education to monastic’s, regardless of ethnicity” (Singh, 2006).

According to the Gombo (1985) in his study he states that in the initial stages of their exile the Tibetan refugees of the Kathmandu Valley found themselves in a condition in which they could have farming or non-farming occupations. In starting both farming and handicraft production were encouraged by Nepalese Government. He further states that with the later the handicraft industry gradually took hold, and as the exiles became more and more familiar with the fast-growing tourist industry and general market economy of the Kathmandu Valley. “They chose to concentrate on non-agricultural activities because, as an often-repeated expression used by respondents has it, “the path to eating is shorter with skills or business intelligence” (Gombo, 1985).

“The guerilla operation in Mustang created a second major source of Nepal’s original Tibetan refugee population. From about 1959 to 1974, the Nepalese government turned a blind eye to a Tibetan military base located in the remote northwestern Kingdom of Mustang, which received covert support from the United States Central Intelligence Agency (CIA)” (Knaus, 1999). “From this base, Tibetans, primarily former residents of the province of Kham, carried out guerilla strikes against the PLA. For about ten years, the CIA funded military training for Tibetan guerillas, including in “camouflage, spy photography, guns, and radio operation,” (Salopek, 1997) and provided them with weapons and other equipment to sustain the Mustang base. “By the late 1960s, however, the U.S. government’s support for this covert operation dwindled, and the CIA gradually discontinued aid to the guerillas” (Knaus, 1999). “At about the same time, Nepal began to seek a closer relationship with China because “[n]o longer fearful, as it had been in the early 1960s, of a Chinese attack, Nepal now wished to counter New Delhi’s influence in the region by furthering ties with [Beijing]” (ibid, 1997). With Nepal’s growing closer ties with China, Nepal government ordered to shut down the operation of Mustang. Tibetan administration in Dharamsala



had to agree because they did not want to put in danger the Tibetan community in Nepal and wanted to avoid violent conflict with Nepalese. A personal tape recorded message was sent to guerilla forces of Mustang by His Holiness the Dalai Lama to disbandment of the forces and to lay down their arms.

Tibetans added to the cultural diversity of Nepal, attracting and catering for large number of tourist and the industry ran by refugees like Tibetan woolen carpets, medicines, pieces of arts and other spiritual attributes significantly increased exports from Nepal. “Despite economic burden the refugee flow was supported by contemporary government and local people, who were, despite poverty, eager to share whatever they had. This charity paid off, when carpet industry was established in the regions of refugee settlements, boosting economy, and engaging Nepali workers as well as refugees” (Bansh Jha 1992). “Nowadays, the demand for Tibetan carpets has decreased, but the refugee communities have also long since become economically independent from Nepal, owing to lavish international help” (Sharapan, 2015). “The refugee community receives a lot of foreign aid from NGOs and personal sponsors, and many Tibetans turn out to be successful entrepreneurs, which creates jealousy and distrust among the locals, who are not always aware of the real difficulties faced by the refugees and their families” (Frechette, 2002; Prost, 2006).

Most of the Tibetan refugees in Nepal have settled in their proximate camps and shared distinct livelihood patterns, ethnic clusters, and cultural identity. There are also other categories of Tibetan refugees who have got married to Nepali male or married a Nepali female and under constitutional provision of Nepal have been able to acquire Nepali citizenship. “Tibetan refugees do not enjoy the rights guaranteed to Nepalese citizens. The law in theory permits naturalization under certain limited circumstances, but in practice the government does not view citizenship as a viable option for Tibetans—even though most have resided in Nepal for decades or were born and raised there. Tibetans residing in Nepal are essentially stateless. They are neither citizens nor refugees under the law, and they possess neither the legal status nor the rights with which to improve their welfare” (Tibet Justice Centre, 2002).

“Generally, the accommodation of Tibetans in Nepal after 1959 could be regarded as the most successful refugee settlement in history” (Frechette, 2002). “There are two types of reasons for this phenomenon: on the one hand, it is the Tibetan willingness to work hard, both men and women, and their flair for business and reliability in this matter, on the other hand, it is the receptivity of host environment, despite its poverty, and lavish foreign assistance” (ibid 2002). “However, the same beneficial factors that contributed to the smooth accommodation of Tibetans in cities and settlements in Nepal have also had controversial effects on their current situation” (Sharapan, 2015). With the end of royal dynasty tragically the reins of power were distributed between political parties. The Unified Communist Party of Nepal (Maoist) came to the power after receiving majority of seats in the Parliament as well as garnering lot of support from neighbouring state China that had serious concerns regarding Nepal giving refuge to Tibetans. The leading Maoist communist party enjoys primarily support from simple people from rural areas of Nepal. “Growth of support for Maoist party leads to strengthening of relations with China, which resulted in subsidies, investments, development works lead by the Chinese partners in the territory of Nepal, such as building new roads and material development that would be desirable in one of the poorest countries in the world” (Hattlebakk, 2010).

“In the late 1980s, the most significant protests in Lhasa since 1959 prompted China’s imposition of martial law in Lhasa and another exodus of Tibetan refugees into South Asia. Under pressure from China, Nepal stopped accepting new Tibetan refugees in 1989, but agreed to guarantee their safe transit through Nepali territory and onward safe passage to India” (ICT, 2011).

“With the exception of some Tibeto-Burmese ethnic groups residing in the northern regions of Nepal, with whom Tibetans share cultural and religious affinities, Tibetans remain largely alienated from Nepalese society. While most have spent the majority of their lives in Nepal, in the main they reside in isolated settlements or segregated neighborhoods on the outskirts of Kathmandu” (Tibet Justice Center, 2002). Mostly children’s of Tibetan refugees attend separate schools. “Economic and political instability in Nepal, and the continuing Maoist insurgency, also have generated some resentment among Nepalese citizens toward the Tibetan community in Nepal, particularly toward the few Tibetans who have achieved financial success (often by virtue of their involvement in the once-thriving carpet industry). Disaffected political groups sometimes scapegoat Tibetans, blaming them for the socioeconomic and political problems Nepal faces. At times, this resentment manifests itself in dangerous ways. In recent years Tibetans residents have been the victims of burglaries and ethnically motivated violence” (ibid, 2002).

In the early 1960s, the Nepalese government arranged to provide the Tibetan refugees with land. It established four “temporary” settlements: (1) Chialsa, in the Solu Khumbu mountain range east of Kathmandu; (2) Tashi Palkhiel, on the outskirts of Pokhara; (3) Dhorpatan, in western Nepal; and (4) Jawalakhel, on the southern edge of Kathmandu. The Nepal Red Cross which was established in 1963 purchased lands with funds donated by UNHCR. Tibetan refugees did not have legal rights and did not have ability to purchase land so Nepal Red Cross served this critical function. This also enabled the Nepalese government to renounce any direct support for the refugees in order to avoid jeopardizing its tenuous relationship with China. In 2001 when Tibet Justice Center interviewed T. R Onta, Executive Director, Nepal Red Cross he said that the NRC aided the refugees “with the [tacit] support of the government,” but “not exactly for the government. “By 1969 seven Tibetan settlements had been established in Nepal” (Office of HH The Dalai Lama, 1969).

As it became clear to the Tibetan government their exile would not be short-term, the Tibetan government sought to bring the refugees scattered throughout Nepal together in the newly established settlements. Tibet Justice Center conducted an interview with Shanmo Palchung who was assigned by Tibetan officials to gather all Tibetan refugees who were settled temporarily in encampments near border and bring them to Pokhara. He recalled that in year 1964 he arrived in Pokhara with 377 Tibetan refugees from throughout Nepal and then petitioned the Nepal Red Cross to purchase land for them from government of Nepal. He further said that the Nepal Red Cross gave them

land for living and agriculture but was in bad condition and undeveloped and told that during first year around sixty refugees died from exposure to the heat and monsoon rains because of living without shelter.

However Nepal government soon realized that necessary step were required to make refugee settlements self sufficient. “In 1964, Nepal asked the Swiss government—acting through the Swiss Red Cross and the Swiss Association for Technical Assistance—to help to resettle the refugees and administer the settlements. On November 22, 1964, the two governments entered into an agreement stipulating the main goals of the settlements: long-term economic self-sufficiency and gradual integration into Nepalese society” (FORBES, supra note 10). “Thereafter, the Swiss groups provided the residents of the settlements with basic humanitarian aid, technical assistance, and vocational training. Other organizations, including USAID, the Protestant United Mission, the Nepal International Tibetan Refugee Relief Committee, the Norwegian Refugee Council, and United Nations affiliates, such as the U.N. Children’s Fund (UNICEF) and the World Health Organization (WHO), contributed additional aid in the form of medical care, primary school education, construction of housing, and food rations” (Holborn, 1975; Office of HH the Dalai Lama 1969). Tibetan government-in-exile also felt the need to establish its own representatives to administer the smooth running of settlements and as such they appointed welfare officer in each of the settlements. These appointed welfare officers were to co-ordinate with the principle representative of Tibetan government-in-exile in Kathmandu for running of settlements and to look after the needs of their people.

“UNHCR offered financial assistance to the ICRC and other aid organizations from the outset. Its role expanded significantly, however, in 1964. At that time, the High Commissioner, at the request of the Nepalese government, sent an envoy, J.D.R. Kelly, to appraise the situation. Kelly reported that Tibetan refugees remained in dire need of humanitarian assistance. In August 1964, the Nepalese government authorized UNHCR to open an office in Kathmandu to serve as a liaison between the Tibetan community and the government” (Holborn, 1975). “UNHCR remained actively involved throughout the 1960s and the early 1970s. Its role shifted over time. Initially, UNHCR focused on providing urgently needed emergency relief; in later years it began to search for more permanent solutions. In 1973, however, UNHCR discontinued its assistance program for Tibetan refugees and closed its Kathmandu office. It concluded that Nepal was well on its way to achieving a durable solution to the problem through local integration” (ibid, 1975).

Roads, schools, homes and medical facilities were built with the help of non-governmental organizations. “Thereafter; each settlement began to establish industries with which to sustain it. These included, for example, agriculture, handicraft production, and carpentry. But the refugees achieved their greatest financial success in the carpet industry. Swiss aid workers first encouraged the development of this trade at the Jawalakhel, Chialsa, and Tashi Palkhiel settlements. In 1966 the factories were converted into private companies managed though not owned by the Tibetan refugees themselves” (Office of HH the Dalai Lama, 1969). This carpet industry became the primary source of income for the Tibetan community in Nepal. T. R. Onta, the Executive Director of Nepal Red Cross in an interview with Tibet Justice Center said that by the late 1980s, it had become the largest handicraft industry and the second largest earner of foreign currency in Nepal.

Currently there are twelve Tibetan refugee camps in Nepal, each supervised by a representative appointed by the Central Tibetan Administration, Dharamsala.

The following points are the some of the problems of Tibetan Refugees they submitted in their memorandum to the Government of Nepal through Tibetan Refugee Welfare Office situated in Lazimpat in Kathmandu in year 2011.

1. Since Nepal became a republic, for the first time Nepalese people are getting the opportunity to write their own constitution through the constituent assembly. Refugees are also hopeful of this historic change. Refugees continue to face administrative harassment and difficulties due to lack of proper refugee law. Writing appropriate law in the new constitution for protection of refugees will also be a historic achievement. In order to address the problems of all the refugees in Nepal in equal footing, we appeal to the Nepal government to discuss with the concerned refugees, human rights organizations, international and national organizations working for the refugees and based on democratic values and the various international.
2. **Issues of Refugee Card (RC):**
  - a. According to the demographic survey of Tibetan exile conducted by Central Tibetan Administration, Dharamsala in 2009, the population of Tibetan refugees in Nepal stands as 13,500. Based on the statistics, 50% of the Tibetan Refugees do not have refugee card. Nepal government discontinued the practice of issuing Refugee card, legally in 1989. Children born and brought up after 1989 and those who could not get their RC before the said date are today undocumented people. Due to this, they are not able to produce any ID in government departments when required and they are not able to obtain even a driving license and travel documents and other basic facilities and rights. We request Nepal government to continue issuing of Refugees cards to those bona-fide Tibetan refugees living in Nepal.
  - b. RC holders are allowed simply to stay in Nepal legally. It does not give right of livelihood individually and even registration of social organizations as community. They are denied rights to participate in local social activities and contribute to the wellbeing of the society. Therefore, we request the Government of Nepal to issue necessary notifications to allow the RC holders the benefit of registration of non political nonprofit social organizations.
  - c. Tibetan refugees in Nepal have to frequently crossover to India due to medical, study and pilgrimage reason. In the absence of citizenship of both the countries they continue to face difficulties to travel. We appeal Nepal government to either recognize the current RC for travel locally or issue another identity card which enables them to travel through airways.
  - d. For the long time, RC holders used to get driving license issued. This practice of issuing license to the new applicants and also renewal of the validity of the old license stopped recently. In the absence of the driving license the occupation of driving a taxi could not be pursued and taxis purchased earlier by paying lakh of rupees had to be sold under compulsion at

throwaway cheap prices. The current RC has not helped solve the problem of employment, business and travels for the Tibetan refugees. We request the government to continue the system of renewal and issue of driving license based on the RC to pursue a reasonable livelihood.

- e. There is a large number of Tibetans born and brought up in Nepal. Many skilled and qualified youths remain unemployed even today. Since RC only allows to stay in Nepal legally without any strong opportunities of employment. Such a treatment to RC holder is not only stopping them to contribute to the social and economic fabrics of the country but a waste of precious human resources and thus a burden on the society. We appeal to the Nepal government to issue directives to allow the RC holders to engage in business, open small scale industries and earn livelihood by granting necessary work permit to enable them to work similar to citizen of Nepal.
- f. For Tibetan refugee students who passed their middle level education and seeking admission to the higher level institutions in Engineering, medical etc, the only option today is through foreign student's quota. Even those who manage to get quota and graduated medical from the medical quota, they are barred from sitting in the exam of Nepal Medical Council and thus do not get license to practice. Similarly RC holders are disqualified to obtain teaching license in private and public educational institutions with the result; they can't find any employment even with the highest education. We request the government to issue directives to allow the RC holders to join universities by proving a separate system of 'Refugee Quota for Higher Studies' or allow them to study as Nepali citizens and make necessary law to allow them to sit in exam through medical council (NMC), teaching and in similar professions.
- g. Today, physical appearance is mandatory for RC renewal at the office of CDO annually. Many RC holders are very old and sick living in remote areas of Nepal for a long time or other districts of Nepal with their relatives and caretakers and some of them are also scattered pursuing different professions. They are not in a position to physically walk long distance to the CDO office. There are many cases where the RC is snatched away since they fail to appear three years continuously. We appeal to Nepal government to have humanitarian consideration and allow the renewal in which ever district they are staying, based on the recommendations of the concerned camp leaders and the Village Development Committee.

### 3. **Travel Documents:**

- a. All Tibetan refugees in Nepal must possess a travel document for the purpose of travelling outside Nepal for business, pilgrims, employment and medical treatment. The process of obtaining a travel document based on RC from the administration is very cumbersome, full of hurdles and expensive. Even after a person is able to pass the long arduous route and obtains a travel document, the validity is for one year only and without provision for renewal. We appeal to the Nepal government to make the validity of Travel documents for 10 years like the Nepali passport with provision to renew.
- b. Tibetan refugees travel abroad with the help of travel documents. Recent administration directives have banned changing foreign currency for people travelling with travel documents and are not even allowed to carry foreign currency, the amounts normally allowed for the other passport holders. We appeal the government to allow the same facility sanctioned for basic need.

### 4. **Human Rights:**

- a. For a long time, Tibetan Refugees have been allowed to observe/celebrate religious festivals, cultural traditions without obstructions. Even after 5 years of Nepal being declared as a democratic, secular republic country, during the past few years many restrictions have been imposed on even simple religious festivals. It is a well known fact that these restrictions have not only harmed the Tibetan Refugees but affected adversely all the dharma brothers and sisters of Himalayan region of Nepal like Sherpas, Bhotias and Lamas who are Nepalese. Therefore, we appeal to the Nepal Government to create conducive atmosphere to allow us celebrate pure religious and cultural festivals without fear and restrictions: declare the monasteries and stupas complexes as zone of peace.
  - b. Since Nepal is a signatory to Universal Declaration of Human Rights (UDHR) adopted by the United Nation General Assembly in 1948 and International Covenant on Civil and Political rights (ICCPR), we appeal to the Nepal Government to provide those rights to the refugees in full.
  - c. Honorable Supreme Court of Nepal under a joint bench of Justice Balram KC and Justice Sharda Prasad Pandit has directed the Government in 23<sup>rd</sup> September, 2006 to make necessary refugee laws and to sign 1951 Convention Relating to the Status of Refugees and ratify its optional protocols. We appeal to the Nepal Government to accept the international convention, amend law of Nepal and exhibit to the world our identity as a nation respecting international laws.
  - d. Due to adverse situations in Tibet, young Tibetans continue to flee to the Nepal border for seeking refuge. It is a well known fact that in the name of controlling the border many of our youths have been subjected to loot, an especially our women are subjected to mental tension and physical rape. In the absence of RC many have been threatened or subjected to deportation. In the absence of written agreement of the Gentleman's agreement between the UNHCR and Nepal Government, the new comers are faced with practical difficulties on regular basis. We appeal to Nepal Government to make necessary amendments in the law and have the agreement is written and to treat the Tibetan Refugees on humanitarian ground and protect their live and dignity. The commitment by Nepal Government in writing to United States Government by Mr. Madhu Raman Acharya, Foreign Secretary on August4, 2003 may also be respected.
5. Until such time, necessary refugee law is in place and find a durable solution to the refugee problem, we appeal to the Nepal Government to constitute an urgent permanent high level refugee commission to look into the various problems faced by the refugees in Nepal.
  6. Some developed countries have expressed their desire for third country resettlement project. We appeal to the Nepal Government to grant exit permit and create conducive atmosphere and pave way so that the refugees can live a dignified life.



7. Nepal Government has been extending support and facilities to the other refugees in Nepal from time to time. We appeal to the Nepal Government to treat all refugees alike and grant those facilities granted to other refugees in Nepal.
  8. Nepal as a good neighbour of China and host of Tibetan Refugees, we appeal to Nepal Government to take necessary steps to support the 'Middle Way Policy' presented by our spiritual leader His Holiness the Dalai Lama and adopted by Central Tibetan Administration (CTA) to solve the issues of Tibet which is beneficiary both for the Tibet and China, and create conducive atmosphere to return to motherland with dignity for those who are compelled to scatter worldwide.
  9. Refugee camp and allied camp related organizations such as health clinics, old age homes and orphanages and other community organizations are not allowed to open bank accounts, with the result, the accounts have to be opened in individual names which calls for many complications including personal taxes etc. We appeal to the Nepal Government to allow opening of bank accounts in the names of offices with social and public importance.
  10. Registration of birth, Marriage and death is not allowed for the Tibetan Refugees. The system of writing names of children below 18 years on the RC of the parents existed till 1994 which also discontinued. We appeal Nepal Government to allow proper registration of birth, marriages and deaths with the Government department.
  11. Settlement lands allotted for the purpose of dwelling of Tibetan Refugees by the Government of Nepal before 50 years are now slowly encroached by various local individuals and organizations and some even destroyed by natural calamities. We request Nepal Government to conduct a proper survey of the lands allotted to the Tibetan Refugees and protect these lands so as no locals or organization may encroach/interfere and from disaster.
- Finally, we draw the kind attention of the Honorable Prime Minister of Nepal Government to protect the human rights of the refugees and raise the democratic image of Nepal.

### Role of Chinese Influence

With Nepal's change in stance of policy to grant asylum to Tibetan refugees, the Tibetan refugees have been facing numerous problems. The most important problem is regarding their lack of documentation of refugees. A large number of Tibetan refugees do not have access to any form of documentation with which they are unable to get their legal right of education and employment in Nepal. In pre 1989 period Tibetan refugees were granted Refugee Cards by Nepalese government and thus they were able to access basic amenities. However, post 1989 those Tibetan refugees entering into Nepal do not have legal status as refugees and neither have access to the protection of their human rights. All these change in Nepal's policy point towards the pressure exerted by China. On the other hand China constantly influenced the foreign policy of her counterpart Nepal. China has also been offering economic aid to Nepal, in return Nepal have a tough policy towards the Tibetan refugees. Nepal has been denying the fundamental rights of freedom and expression of Tibetan refugees. Nepalese government have imposed ban on protests and demonstrations around Chinese embassy citing security reasons.

"China has made Nepal's handling of Tibetan newly arrived and long-staying refugees a focal point in their bilateral relations. As it does in its diplomatic dealings with other countries when addressing the issue of Tibet, Beijing routinely calls on Nepal to uphold a "one China" principle – that there is one, undivided sovereign China" (ICT, 2010).

### Conclusion:

It is clear that the Nepal government has been violating the freedom and rights of Tibetan refugees and has also bargained the status of Tibetan refugees for Chinese aids. Nepal has also not listened to any calls of International Organizations and Human Rights groups to ensure rights of the Tibetan refugees those living in her country. On the other hand the most important fact is that Nepal is not a signature to the 1951, Refugee Convention of the United Nations, which explicitly states the rights of refugees and issues guidelines, laws and conventions to ensure their fair treatment.

The current situation of Tibetan refugees in Nepal due to increasing Chinese pressure has implications for India too. "India needs to assert its presence in Nepal through diplomatic means as well as by stepping up economic aid to Nepal. To ensure the protection of human rights of the Tibetan refugees in Nepal, India, along with the United Nations, and the European Union, must exert pressure on Nepal to sign the 1951 Refugee Convention. Active intervention by India is a necessary measure if the problems of Tibetan refugees are to be addressed effectively" (Kumar, 2014). The International Campaign for Tibet monitors the current situation of Tibetan refugees and provides first hand information through their annual report, *Dangerous Crossing: Conditions Impacting the Flight of Tibetan Refugees*. It brings out information to interested parties like Nepalese government, foreign embassies, the United Nation High Commission for Refugees (UNHCR), the US and EU governments.

Prominent international organizations like United Nations and the European Union have taken stock of the plight of Tibetan Refugee in Nepal. "The UNHCR has strongly advocated for protecting the rights of the Tibetan refugees by urging the Nepal government to grant them official documentation" (United Nations, 2013). "Former US President Jimmy Carter minced no words in directly stating that pressure exerted by the Chinese was responsible for the sorry state of conditions of refugees from Tibet" (Wong, 2013).

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