

DANGEROUS CROSSING:

CONDITIONS IMPACTING THE FLIGHT OF
TIBETAN REFUGEES | 2005 UPDATE



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INTRODUCTION

Political developments linked to the increasing influence of China on Nepal and shifts in the balance of power in the Himalayan kingdom transformed the situation for Tibetan refugees in 2005. The risks for Tibetans transiting through Nepal increased dramatically over the year with the notice to close the office of the Dalai Lama's representative in Kathmandu and the Tibetan Refugee Welfare Office, both critical for the security and welfare of Tibetan exiles in Nepal. The closures took place in the context of King Gyanendra's seizure of power in February 2005 and the ongoing Maoist insurgency in Nepal, which has claimed more than 13,000 lives.

Between 2,000 and 3,000 Tibetans make the dangerous crossing through the Himalayas via Nepal to India each year, seeking refuge after repression in Tibet, or simply to be in the presence of the Dalai Lama. Often novice monks and nuns are seeking a religious education that is not possible in Tibet due to the restrictions imposed by the Chinese state, or hopeful parents are sending their children to study in Tibetan exile schools, feeling that it is their only chance for a reasonable education. Others leave because they have been relocated from their land to make way for development projects such as the Golmud-Lhasa railway¹ or a new mine, or as a result of intensified urbanization in Tibetan areas. Some of the reasons for their departure are explored in this report, based on field research in Nepal and India and monitoring of the socio-economic and political situation in Tibetan areas of the People's Republic of China.

The most significant downturn in the political situation in Nepal for Tibetans in 2005 came in January with the notice from the Nepalese authorities to close Office of the Representative of His Holiness the Dalai Lama and the Tibetan Refugee Welfare Office (TRWO) in Kathmandu – a move that was clearly linked to China's influence on the Kingdom.

Together with the United Nations High Commissioner for Refugees (UNHCR), the TRWO is responsible for the care of Tibetan refugees transiting through and, with the Office of the Representative of His Holiness the Dalai Lama, legally resident in Nepal.





Nepalese riot police await the end of a political rally in Kathmandu in 2005.

Within a week of the closure orders, on February 1 2005, Nepal's King Gyanendra seized power, sacked the government and declared a state of emergency. Although India, the United States and Europe reacted with statements of strong disapproval at the takeover and the dissolution of democratic institutions and freedoms, China backed the King. As this report shows, China has taken advantage of the turmoil created by the Nepalese insurgency and conflicts within the Nepalese government to exert increasing political influence on Nepal. The year ended with Nepalese opposition parties calling for anti-monarchy demonstrations and with protests in the streets demanding a return to democracy in Nepal.

The complex and insecure situation for Tibetans in Nepal, both long-staying and those who are in transit, is set in a context of worsening conflict in Nepal, one of the poorest countries of South Asia. Ordinary Nepalese people continue to be caught in a bitter and protracted conflict between the Maoist insurgency and government troops. The Maoist insurgency has now claimed

more than 13,000 lives not only among Maoist rebels and army soldiers, but also among village people and children. The tourist industry, one of the main sources of income for the country, has been heavily damaged. Although foreign tourists have not so far been deliberately harmed, some trekkers have been asked to pay 'taxes' when they come into contact with Maoists.

The Maoists are well organized and funded with an estimated 10-15,000 fighters. Many analysts see Nepal as a failed country and King Gyanendra's rule disastrous in many, if not all, fronts, including political, economic, and human rights. Due to the volatile political situation, precarious security conditions, and the lack of a stable and durable government, persons of concern to the UNHCR, such as the Tibetan refugees, are constantly under threat of losing their rights to protection.²



Barbed wire close to a checkpoint on the road from the Friendship Bridge, marking the border between Nepal and Tibet, in Nepal.

China is exerting an increasing influence on and forging closer trade links with Nepal. In return, Nepalese authorities have made statements asserting that Nepal will not tolerate ‘anti-China’ activities on its soil, and they have disallowed or curtailed long-established and traditional Tibetan cultural and religious events. China has ongoing plans to survey and demarcate the Tibet-Nepal border, which will enable the authorities to inventory Tibetan crossing areas and plan future outposts for the People’s Liberation Army.

Throughout 2005, the situation for Tibetan refugees in Nepal was deeply insecure, with further risks of forced repatriation or *refoulement* (the return of persons to a country where they fear persecution) and increasing concern for long-staying Tibetans in Nepal. Towards the end of 2005, it became apparent that Nepalese police were showing less restraint in capturing and detaining Tibetan refugees moving through Nepal.

According to the UNHCR Global Report for Nepal, in 2004 there were 20,700 “persons of concern” of Tibetan origin in the country.³ From January 1 to December 31, 2005 the TRRC registration book totaled 3,406 individuals, representing the number of newly arrived Tibetans they assisted in transit to India. The UNHCR registered slightly more, 3,395 Tibetan arrivals as “persons of concern”. This was the second highest number of arrivals (the largest was 3,697 in 1993) reported by the UNHCR since it began assisting Tibetan refugees in 1990 and is regarded internationally as a high refugee influx, as it has been taking place to varying degrees since the Dalai Lama escaped from Tibet in March 1959. There is increasing evidence that some Tibetans are by-passing the TRRC in their escape into exile for security reasons, so the real total is likely to be higher.

For nearly ten months following the closure orders in January 2005, the UNHCR with certain governments and non-governmental organizations (NGOs) pressed the government of Nepal to register a new organization, the Tibetan Welfare Society (TWS) so that the UNHCR would have an implementing partner in the management of the Tibetan Refugee Reception Center (TRRC) in Kathmandu. In October, facing the continued intransigence of Nepalese authorities and the TRRC at overflow capacity, the UNHCR was compelled to reach beyond the Tibetan community in Nepal and partner temporarily with the Lutheran World Federation (LWF), duly registered and operating in Nepal.

In mid-2005, the US President included in the annual notification to Congress concerning refugee resettlement the intention of the State Department to settle certain Tibetans from Nepal in the United States. However, at year's end, instability in Nepal and within the US-Nepal relationship made it impossible to initiate the US Tibetan refugee resettlement program.



Newly arrived Tibetans queue at the Immigration Office in Kodari, Nepal, en route from Tibet.



TIBETANS IN NEPAL

Policy And Implementation

The government of Nepal permits Tibetans who sought refuge before December 31, 1989, and their descendants, to remain in Nepal. Tibetan refugees who have arrived or will arrive in Nepal after that date should benefit from an informal agreement between the government of Nepal and the UNHCR, often referred to as the 'Gentlemen's Agreement', which assumes cooperation among Nepalese police and government officials with the UNHCR in providing for the safe transit of Tibetan refugees through Nepal and onward to India.

Tibetans who arrived in Nepal prior to 1989 are meant to be provided with a 'refugee identity certificate' (RC), which allows them to remain in Nepal with certain limited civil rights, restricted freedom of movement within the country (Tibetans are not permitted to reach restricted areas such as, for instance, Nepal-Tibet border areas), and some degree of security in case of harassment. But Tibetans residing in Nepal do not enjoy the civil and legal rights of Nepalese citizens and have no defined legal status. According to UNHCR numbers provided by the TRWO, there are at present 4,617 eligible Tibetan refugees without a RC in Nepal, although the real figure is likely to be higher, as some Tibetans have opted out of the application process.

The Gentleman's Agreement is often abrogated by Nepalese authorities, resulting in refoulement in the border areas, imprisonment of refugees caught in transit or in Kathmandu, and the imposition of exorbitant fines for 'violating' Nepal's immigration laws. The most notorious violation was the government-sanctioned refoulement of 18 Tibetan refugees, including ten minors, who, on May 31, 2003 were handed over to Chinese authorities in Kathmandu, driven several hours to the border town of Kodari, and forcibly repatriated to Tibet. After the incident, anxiety and fears have increased among new arrivals.⁴

As one result of the May 2003 incident the US Congress withdrew a bill that would have given Nepal duty-free and quota-free access to US markets for two years. In August 2003, Nepal's then Foreign Minister Madhu Raman Acharya, conveyed the precise language of 'a newly adopted refugee policy' as

an attachment to a letter to Senator Dianne Feinstein. It remains unknown if this policy was ever implemented and it has yet to be directly circulated by the Nepalese beyond US government circles. Certainly, it has not been communicated to border security forces in Nepal, where it is most needed to serve as a form of legal protection for Tibetan refugees.

Today, many refoulements, particularly those in border areas, are not reported or known about in Kathmandu. This pattern was increasingly evident throughout 2005 as information about refoulements became more difficult to obtain.

CLOSURE OF THE OFFICE OF THE REPRESENTATIVE OF HIS HOLINESS THE DALAI LAMA AND THE TIBETAN REFUGEE WELFARE OFFICE

Both the TRWO and the Office of the Representative of His Holiness the Dalai Lama in Kathmandu have existed since the early 1960s with the full knowledge, and even unofficial recognition, of the government of Nepal. However, there is no legal provision for non-citizens to register any organization or institution (collectively or individually) in Nepal; therefore, the two offices were not formally registered.

The Office of the Representative of the Dalai Lama in Kathmandu is symbolic of the presence of His Holiness the Dalai Lama to the 20,000 Tibetans living in Nepal and to hundreds of thousands of Nepalese Buddhists in the Himalayan regions who follow the Tibetan Buddhist tradition.

In January 2005, both offices were issued with orders to close from the Nepalese authorities, increasing the risks for Tibetan new arrivals, and making the safe transit of those sheltered at the TRRC in Kathmandu more uncertain. In addition, the closure of the TRWO exacerbates the 'protracted refugee situation' for long-staying Tibetan refugees and means that governments and NGOs have no established point of contact with experience and expertise in dealing with Tibetan issues in Nepal. This meant that Tibetans had once again been dramatically reminded of their precarious and insecure existence in Nepal.

After emergency efforts to forestall the closures failed, an initiative was pursued with the support of certain governments, the UNHCR and NGOs





Lunch for new arrivals at the Tibetan Refugee Reception Center, Kathmandu

to register a new entity to oversee Tibetan refugee work in Nepal. The new office, the Tibetan Welfare Society, would be headed by Tibetans who held Nepalese citizenship and additional registration procedures were scrupulously followed. In spite of international interventions in support of the new entity, weeks and months passed with no action on the registration taken by the Nepal authorities. In the interim, the UNHCR took extraordinary measures to continue to support operations at the TRRC without an implementing partner. In October, with the TRRC at overflow capacity, patience at UNHCR headquarters in Geneva gave out, and the UNHCR reached out to the Lutheran World Federation (LWF), already duly registered and operating in Nepal, to temporarily serve as its implementing partner in the administration of the TRRC. In December, 20 LWF volunteers received appointment letters to be TRRC volunteers.

In 2005 the TRRC staff faced increasing difficulties at the border, where Tibetan refugees are most vulnerable to being returned to Tibet. Prior to the closure of the offices, TRRC staff used to arrange pick-ups of refugees arriving in Nepalese border areas, but they have had to drastically cut back

on this practice due to fears of punitive government action. Moreover, there has never been an adequate effort to educate Nepalese border police about procedures for handling Tibetan refugees and, since the King's takeover, they refuse the UNHCR authorization letters for the rescue of Tibetan refugees as representing a policy attached to the previous and sacked government. General strikes and the increased Maoist activities in many border areas have additionally restricted the ability of Tibetan organisations to access and monitor the border areas.

MONITORING MISSIONS

The UNHCR either has no regular procedure for visiting the border areas or the collection of data from same, or does not implement this procedure. However it has on occasion sent monitoring missions to sensitive and border regions in order to prevent deportations occurring and to educate Nepalese security personnel about the existence of UNHCR funding for facilitating the travel of Tibetan refugees to the TRRC. These mission destinations included the Sindhupalchok district towns of Kodari, Tatopani, Chautara and Barabise, all located near the China-Nepal Friendship Highway; Lukla airport in the Solo Khumbu region near the Nangpa mountain pass; and

New arrivals at the Tibetan Refugee Reception Center in 2005 — due to overcrowding at certain periods during 2005 because of the number of Tibetan refugees arriving, many were forced to sleep outside or in corridors



Dunche and Sabru Besi in the Rasuwa district north of Kathmandu. The UNHCR has also met government officials from these areas in Kathmandu.

Due to the lack of these monitoring visits in 2005, risks for Tibetans escaping from Tibet increased.

Throughout 2005, many Tibetan refugees were apprehended by the Nepalese armed forces during their patrolling of border areas where the Maoists are known to be active. In these cases, Tibetans risk harassment and maltreatment, looting of their jewelry, money and other precious belongings, and often suffer beatings.

A few days after they crossed the border into Nepal on February 22, 2005, a young Tibetan monk from Kathmandu returning from Tibet with his two siblings and a small group of Tibetan refugees joined a group of more than 50 refugees in transit. Police forced him to hand over money, and beat him so severely that he fell unconscious. A few days later the same monk was targeted by police officers during a check on the bus he took in the Jiri border area, and was asked to hand over his money or they would turn him over to the Chinese. They took 5,000 Nepalese Rupees (\$69) from him and 3,000 Nepalese Rupees (\$41) from each of the monk's sisters which they had hidden in their shoes, as well as some gem-stones they were carrying.

A makeshift checkpoint along the road from Tibet's border in Nepal.





A checkpoint manned by the Royal Nepalese Army on the road close to the border with Tibet.

In April, soldiers of the Nepalese Unified Command apprehended a group of 52 Tibetan refugees as they passed near Lukla airport (in the Solu Khumbu area) on their way to Kathmandu. The group included monks and laypeople, with the youngest of the group a seven-year old child. Fifteen security officials, both in camouflage uniforms and in plain clothes, detained and questioned the Tibetans. When the Tibetans refused to disclose the name of their guide, many of them were punched and beaten with clubs and rifle butts. One of the Tibetans in the group said: "We simply told them that we had crossed the border ourselves and that we were going to India to seek political asylum. The security forces started beating us and almost all the members of our group got beaten for not telling the name of our group guide. Our guide, who was the only one who could speak Nepali, was beaten the most. They [the security forces] beat us with sticks, rifles, and punched all over our body. A police hit me on my nose with a rifle. I couldn't stop the bleeding for a while. Few of their cadres forcibly dragged me and told me to wash the bleeding with water. I refused to wash my nose and I would not get up. A policeman said that he would shoot me if I did not comply with their orders. He even pointed his rifle towards me and asked me: 'Are you ready to die?' After beating us, we were told to return to Tibet. We requested them to allow us to go to Kathmandu. Finally we managed to walk down further and caught the bus to Kathmandu."



This incident follows a decision by the Nepalese authorities to limit flights from the airport in Lukla in accordance with measures meant to protect the area from Maoist attacks. In 2004, the Chief District Officer in Salleri had issued instructions to Lukla's airport security not to allow Tibetan refugees UNHCR-assisted transit from Lukla airport, nor to pass on foot. This directive came despite a UNHCR request to airport security in April 2004 that UNHCR being allowed unhindered access to new arrivals from Tibet in the region. Later in the fall of 2004, the head of security in Lukla refused to meet UNHCR staff at all when they undertook a mission to the area.

On October 12, 2005, four Tibetan men were detained by Nepalese police at Sabru Besi in the Rasuwa District, not far from the Tibet-Nepal border in the Kyirong area in the Solu Khumbu region. The Tibetans claimed that they crossed the border into Nepal from India. However the Nepalese authorities seemed to believe that they came from Tibet and arrested and charged them with illegal entry. The Tibetans were arrested at a time when many Nepalese officials were celebrating Nepal's most important Hindu holiday, Dashain, making UNHCR interventions on their behalf difficult. On October 19, the group received a notification from the Nepalese Immigration Department of cash penalties for not being in possession of their national passport and necessary visa to enter Nepal.

A group of 18 Tibetan refugees who were arrested on November 28, 2005 when crossing into Nepal were freed from the Kathmandu Central Jail on December 8, 2005 after fines imposed on them were paid by the Tibetan community. The Tibetans were aged 16 to 30 years. A Tibetan member of the group told the US government surrogate radio service, Radio Free Asia, that: "Most in the group wanted to enroll in monasteries and schools for further education." (RFA, December 14 2005). Another said: "Some came to attend the Kalachakra teachings given by His Holiness the Dalai Lama. I came for the teaching and to seek an audience with His Holiness and then take monks' vows."



NEPAL BLOCKS TRAVEL PERMITS FOR TIBETAN REFUGEES

It is notable that increasing numbers of Tibetans holding Chinese passports entered Nepal in 2005. This trend has been more noticeable since Nepal was designated as a tourist destination by China in 2002. Many Tibetans holding Chinese passports travel to Nepal on religious pilgrimage - the stupas of Swayambhunath and Boudhanath in Kathmandu together with Namobuddha, near Kathmandu, and Lumbini, the birthplace of the Buddha, are the most visited sacred Buddhist places in Nepal. Many Tibetan pilgrims also travel onto India, mainly to Sarnath in Uttar Pradesh, where the Buddha preached his first sermon, and Bodhi Gaya in Bihar, where he is said to have gained enlightenment.

But one of the main reasons for escape into exile for many Tibetans is simply to be in the presence of their spiritual leader, the Dalai Lama, who lives in Dharamsala in northern India. However, this can also put them at risk on return to Tibet. Although they are required by the Central Administration of His Holiness the Dalai Lama (CTA) to have an Indian visa stamp in their passports to be present at an audience with the Dalai Lama, this can lead to harassment, and possibly detention by Chinese security officials, on their return to Tibet. ICT has also received reports of Tibetans having their passports confiscated upon returning from a trip to India.

In late 2005, the number of Tibetans arriving in Nepal increased due to a major religious empowerment, the Kalachakra, being conveyed by the Dalai Lama in January 2006. Thousands of Tibetans, including some 7,000 Tibetans holding Chinese passports, transited through Nepal to go to this important Buddhist ceremony in Amravati in the southern Indian state of Andhra Pradesh.

With the anticipated influx of Tibetans, in October 2005, the Nepalese government stopped issuing travel documents necessary for resident Tibetan and Bhutanese refugees to leave the country and, in November, also suspended issuing exit permits to Tibetan refugees transiting to India. In effect these maneuvers left hundreds of Tibetans stranded in Nepal, exacerbated severe overcrowding at the TRRC, and would prevent the travel of some Tibetans in Nepal to the Kalachakra empowerment in India.





Royal Nepalese Army soldiers walking from a checkpoint on the road from the border towards Kathmandu

For newly arrived Tibetan refugees, the new policy placed another potentially dangerous obstacle along their path through Nepal to India. The procedure at the TRRC had been to acquire group travel documentation for new arrivals as soon as they were registered, processed by the UNHCR, and provided an entry permit by the Indian authorities. The TRRC would then arrange for transit by bus to India. Without the group exit permit, new refugees are exposed to the whims of authorities at the Nepal-India border crossing.



WHY TIBETANS LEAVE TIBET

The government of the People's Republic of China takes the position that economic and social changes are improving the living conditions of Tibetans in Tibet and, therefore, that their loyalty towards the 'motherland' should be enhanced. However thousands of Tibetans continue to leave Tibet due to these so-called 'improvements' as well as political and cultural factors.

Among all factors, the one most affecting Tibetans' lives in Tibet today is Beijing's economic development strategy, under the rubric of 'Western Development'. The Western Development strategy, initiated in 1999 by then Party Secretary and President Jiang Zemin, has a highly political agenda directly linked to the repression of the Tibetan people under Chinese rule. The campaign emerges from Beijing's political objectives to further assimilate Tibet into China and ensure stability in the region. Beijing's development policies are focused on the exploitation of mineral and natural resources, and infrastructure development in Tibet to benefit areas in China. Implementation of fast-track economic development is inimical to cultural and religious diversity and the exercise of political freedoms. These

Tibetan monks talk to Nepalese army officials with the border point, the Friendship Bridge, in the background. These monks had legal papers to travel.





Children and teacher in the schoolroom at the Kathmandu Tibetan Refugee Reception Center.

economic policies are imposed from the top-down and are insensitive to local needs; they reflect the priorities of the central government and not the Tibetan population.

Among the groups of Tibetan refugees who cross the borders into Nepal are marginalized people affected by the economic development of their regions and the market competition dominated by new Chinese migrants. The new opportunities offered by the Chinese government to Chinese in terms of freedom of movement and the development of the western regions have produced a competitive environment in many Tibetan areas. Tibetans find themselves unable to pursue their traditional livelihoods and pressured by heavy taxation and state-imposed market controls.

In 2005, as in the past, most Tibetan refugees are monks and nuns who found it impossible to pursue a religious vocation in Tibet. Over the last ten years more than 45% of Tibetan refugees led monastic lives, including about 3-4% nuns. Monks and nuns continue to be targeted by political campaigns aimed at devaluing religious education and limiting monastic influence in the Tibetan communities, and the Chinese government maintains tight controls on religious practices and places of worship in Tibetan areas.⁵

The lack of proper education policies encouraging and supporting the study of Tibetan language at all levels of scholastic curriculum is also a cause of major frustration for Tibetans and one of the major reasons for seeking refuge in India for many children and adults. Chinese policies and the competitive employment market penalize those who do not know the Chinese language. The national curriculum is taught in Tibetan language medium only in primary schools in Tibet. Beyond primary school, Tibetan language is typically an elective class, and all other subjects are taught in Mandarin Chinese. Children lacking the Chinese language skills needed to understand other subjects in upper grades often fall behind and lose interest in school. Prosperous Tibetan families often send their children to study in China in order to improve their Chinese language skills and obtain a good degree from a Chinese university. Families with a lower income, who cannot afford school fees, often make the decision to send their children into exile in India so that they can gain a Tibetan education and be close to the Dalai Lama.

Over the last decade, approximately 30% of Tibetan refugees were children and students seeking a Tibetan education in exile. The remaining 20% were farmers and 5% were nomads and unemployed. Over the past four years, three-quarters of the refugees who arrived in Nepal were from the Kham or Amdo regions of eastern Tibet (now primarily incorporated into the Chinese provinces of Qinghai, Gansu, Sichuan and Yunnan).

Former political prisoners and those who have been targeted by the state for participating in what the Chinese authorities broadly term 'splittist activities' (attempting to 'split' Tibet from China) are also among those who flee Tibet every year. Political activism and pro-independence activities are strictly prohibited and heavily penalized according to Chinese laws. Ex-prisoners and political activists face a meager life once released from prison. Nuns and monks are prohibited from returning to their monasteries. Though many among them try to build a new life, the opportunities are scarce and they suffer constant supervision and suspicion. Among those who flee are also many Tibetans who have evaded arrest for political charges. If they returned to Tibet they would face severe punishment.



CROSSING THE HIMALAYAS

To reach Nepal, Tibetan refugees embark on a dangerous journey, which, depending on their point of departure and weather conditions, can take from two to six weeks. The dangers lie not only in the harsh geographical conditions of the routes that Tibetans commonly use to cross the border on foot, but also in the high risk of being captured by Chinese border guards. In order to minimize the chances of capture, most of the Tibetan refugees travel in winter, as the Chinese People's Armed Police (PAP) patrolling the Tibetan side of the border are believed to be less active in their patrols during these colder months. The PAP is responsible for China's internal security, the protection of state installations and prisons, and is the primary security presence in the mountain passes.

In 2005, approximately 80% of Tibetan escapees made the journey between October and April, when the mountains were deep in snow and glacial areas were frozen. In order to disguise their intentions from the local authorities, Tibetans en route often carry little food or extra clothing. Hypothermia, snow blindness, frost-bite, as well as injuries from slipping on ice or falling, are common. Injury can lead to abandonment by the hired guide, who is often key to evading border security. In the summer months, snow can turn to slush and fog can obscure trails and deadly crevasses.

A yak caravan en route from Tibet to Nepal along the Nangpa pass.



Since 2003 the PAP has tightened up border security and access to remote mountain routes. In 2003 a new prison, the Snowland New Reception Center, was opened in Shigatse specifically to receive Tibetans caught attempting to escape to or returning illegally from Nepal or India. Border security on the Nepal side has also increased due to the presence of the Unified Command⁶ of the Royal Nepal Army (RNA) formed by army soldiers, armed police and regular police, with the principal mission to combat the Maoists. In some areas, such as Kodari, the special armed paramilitary police assume all border monitoring duties. It is common for Chinese and Nepalese security to cooperate in initiatives to ensure that the borders are protected.

THE ROUTES

There are well-established historical and cultural ties between Tibet and Nepal. Nomads, pilgrims, as well as traders and businessmen, both Tibetan and Nepalese, commonly crossed the border in both directions from the eighth century. Many of these ancient trading routes, such as the Nangpa-la - nearly 19,000 ft. above sea-level - are still used by Tibetan traders leading their yak caravans from Tibet into Nepal. Towering over the spectacular Solu Khumbu region in Nepal to the west of Mount Everest, the Nangpa pass is crossed yearly by an average 2,000 Tibetan refugees each year. The ancient route connects the Tibetan town of Tingri to the Himalayan foothill towns of Namche Bazaar, Lukla, and Jiri. Under ideal climatic conditions the trek from Tingri to the Nangpa mountain pass usually takes two or three days but can take five and even ten days. It takes approximately another two days to cross the frozen Nangpa pass, and no less than two to three weeks to reach Kathmandu on foot.

The town of Dram (Chinese: Zhangmu, Nepalese: Khasa) at 7,544 ft. is the gateway to Tibet for many Indian and Nepalese truck drivers who wait for days to receive custom clearances and continue on to their destinations. Here, Tibetan refugees seeking to enter Nepal must cross the China-Nepal Friendship Bridge. It is dangerous for Tibetan refugees to stay on the Nepalese side of the Friendship Bridge for long; according to a source in the area, if Chinese police hear about refugees taking shelter on the other side of the bridge, it has been known for them to cross to the Nepalese side and take them back into Tibet. From Khasa, on the Nepalese side, the journey to Kathmandu is more than a week to ten days walk or six to seven hours by bus, through the Nepalese border towns of Kodari, Tatopani and Barabisi.



Sign at the Friendship Bridge marking the border between Nepal and Tibet — 'Savage jeopardy for put out a fire' and 'Deep friendship between China and Nepal'.



The Friendship Bridge between Tibet and Nepal. The Chinese characters say: 'The People's Republic of China' and underneath: 'Making a new contribution to the country' (a quote from former Chinese President and Party Secretary Jiang Zemin).

Tibetans also journey through the Himalayan regions of Mustang and Humla in the western part of Nepal. Some Tibetans cross through Purang (Nep. Taklakot) along the Humla Karnali River, close to Mount Kailash (Tib. Khang Rinpoche) one of the most sacred mountains in Tibet, worshipped not only by Buddhists, but also by Hindus, Bon-pos, Sikhs and Jains.

ROLE OF GUIDES

According to Chinese criminal law, Tibetans who cross the border illegally violate Article 322 and are subject to imprisonment for 'secretly crossing the national boundary.' The dangers for guides leading Tibetans across the mountain passes have increased in recent years, as longer sentences have been imposed on those who are caught.

The value of guides lies in their knowledge on how to evade both Chinese border security and the Nepalese police (or to negotiate with the latter), and to navigate the difficult terrain and mountain paths. The fee received by Tibetan guides ranges around \$80-\$350 per person, often a year's wage for rural Tibetans. Despite the risks and the high fees, Tibetans know that refugee groups led by a guide are much more likely to arrive safely at the TRRC in Kathmandu than those without a group guide.

Tibetans continue to face dangers even after crossing into Nepal from Tibet, particularly in the last few years, as Nepal has strengthened relations with China and cooperation with Nepalese and Chinese security on both sides of the border has increased. There are frequent reports of abuse and harassment of Tibetan refugees by Nepalese police and armed forces, which include incidents of forced repatriation, robberies, beatings and rape. With the aggravating factors of the Maoist insurgency, the shifting Nepalese approach to Tibetan refugees and the complicated political conditions in the country, the situation of Tibetans in Nepal declined still further in 2005.

ASSISTANCE TO TIBETANS ESCAPING FROM TIBET

Tibetans who arrive safely in Kathmandu are provided temporary shelter at the Tibetan Refugee Reception Center (TRRC) set outside the city's ring road. The current TRRC building and its adjacent clinic were constructed in the last ten years with support from the US government and private donations. Nonetheless, its sleeping, dining and toilet capacities are inadequate



to the numbers of Tibetans who pass through annually. Improvements to the physical plant have been made periodically, and the construction of an additional dormitory building should begin in 2006.

Treatment for frost-bite and other conditions resulting from the journey of the new arrivals is available at the TRRC's clinic, and at hospitals in Kathmandu.

In February 2005, 13-year old Tenzin from Lhasa had to have all his toes amputated after suffering from severe frostbite en route. He had typically walked through thick snow in the mountains with thin-soled shoes. Tsering, in his thirties, was air-lifted from Lukla airport to Kathmandu in November 2005 after he was found vomiting blood and suffering from frostbite. Several of his toes were amputated. A young Tibetan woman in his group had all her toes amputated.

In 2005, the clinic at the TRRC registered 2,229 patients. Among these 30 Tibetan refugees were reportedly referred to hospitals in Kathmandu with serious illnesses including haemoptysis, ulcers, epigastria, frostbite, burns, hip and ankle deformities, paralysis and polio, and broken bones. Common diseases seen among the refugees and treated at TRRC clinic were mumps, measles, diarrhea, infections, and viral cold. Prior to their journey to India, proper vaccinations are given to every refugee. Yearly and half yearly reports

A Tibetan at the Tibetan Refugee Reception Center clinic displays his frost-bitten toes after the trek across the Himalayas





A case of frostbite being treated at the TRRC.

of vaccines and treatments are sent to the CTA Department of Health, UNHCR, and some donor and aid organizations. A visiting doctor refers TRRC clinic patients with serious health problems to hospitals after a thorough health examination. The clinic also has a Tibetan doctor who visits the TRRC once in a week. Medicines are provided free of charge.

Often the clinic at the TRRC and Nepalese hospitals provide health care that has simply not been available or adequate in Tibet. In one case in 2005, a teenage Tibetan child, Tenzin, was so badly scarred by a childhood accident with kerosene that in Tibet he had been refused school admission, on the grounds that other children would be frightened by his scars. He received plastic surgery at a Nepalese hospital, and is currently recovering.



NEPAL'S SHIFTING NEW ORDER

On February 1, 2005 King Gyanendra, who has developed a close relationship with Beijing, sacked his government and seized absolute power, imposed a state of emergency, and suspended fundamental freedoms of expression, assembly and movement. The coup was immediately followed by a succession of detentions and house arrests of potential protest leaders. Human rights workers and prominent student activists were also arrested. Fixed phone lines, cell phones, and Internet connections were dead for eight days to prevent dissidents from organizing anti-government protests. For more than two months, censorship was applied to all newspaper and television offices, and no national news bulletins were available on FM radio. Until year's end, only post-paid cellular phones were available in Nepal.

The takeover gave rise to a wave of concern and strong disapproval in most of the world. Many governments, including the US, UK, and France recalled their ambassadors for consultation. By the end of 2005 all major countries represented in Nepal had expressed concern for the complete institution of constitutional freedoms in the country. Many were concerned not only about the takeover, but about the lack of genuine democracy of the government prior to the King's actions.

On January 21, 2005, just days before the royal coup, a letter was delivered to Wangchuk Tsering, then the Representative of His Holiness the Dalai Lama in Kathmandu, signed by Chief District Officer (CDO) Biman Prasad Bimane. The letter formally declared that his office and the TRWO were not registered anywhere in Nepal, which contravened the Society Act 2034, Article 3. The two offices were to be closed immediately or face legal action, and Wangchuk Tsering was asked to inform the CDO accordingly.

The timing of the closure notices did not appear to be a coincidence; they were the culmination of years of consistent and direct pressure from the Chinese Embassy in Kathmandu on the Foreign and Home Ministries seeking a sympathetic response to China's discomfort with the Tibetan refugee situation. Chandi Prasad Shrestha, who served as Nepal's Home Secretary before the King's takeover appeared to reaffirm this when he said soon after the closure notices were issued: "We believe in one-China policy. There should not be any political activity in Nepal against China."⁷



In a keynote speech on the relationship between China and Nepal in 2004, Sun Heping, Ambassador of the People's Republic of China to the Kingdom of Nepal, echoed Beijing's language on the Tibet issue when he said: "There are, however, still some Tibetans illegally crossing the border between China and Nepal. It is not because what the Chinese government is doing in Tibet. It is because they are misguided by Tibetan separatists under religious cloak, who make use of ordinary Tibetans' simple aspiration for better life."⁸ Sun Heping said in an interview in April 2005 that: "China highly appreciates HMG/N's long standing and valuable support for China's position on the issues of Tibet, Taiwan, and human rights."⁹

CHINA-NEPAL RELATIONS

On March 31, 2005, in coincidence with the 50th anniversary of the establishment of diplomatic relations between Nepal and China, China's Foreign Minister Li Zhaoxing became the first senior member of a foreign government to visit Nepal since the Royal coup a month earlier. During the two-day visit the Foreign Minister exchanged views with Nepal over the further development of China-Nepal relationship.

The golden jubilee was celebrated with a China trade fair in April 2005, the opening of the Kathmandu-Lhasa bus line from April 29, 2005, and a China cultural and trade festival in Kathmandu. The trade fair was announced during a visit to Kathmandu in 2005 of Gao Shangde, Deputy Director General of the Department of Commerce in the Tibet Autonomous Region. During his visit, Gao Shangde discussed bilateral trading opportunities and



A stand at the China trade fair held in Kathmandu in April 2005 shows the route of the new bus from Kathmandu to Lhasa.

possible areas of investment, tourism promotion, development of physical infrastructure and setting up of a special economic zone (SEZ), with his Nepalese counterparts.¹⁰ Earlier, Nepal was looking toward establishing a SEZ in Birgunj in the south, next to the border with India, reportedly with Indian assistance, but this project has been put on hold.

On Sunday May 1, 2005, the first direct Kathmandu-Lhasa passenger bus service set off for Lhasa, Tibet's capital city. Of the 40 passengers onboard, nine were government officials, and the rest were Nepalese businesspeople. But despite initial optimism, the service found difficulties in maintaining schedules for various reasons including Beijing's wariness about allowing foreigners into Tibet. The Lhasa-Kathmandu bus service agreement was implemented quickly in comparison with the plan to start direct bus services between India and Nepal, which have been on the drawing board for some years.



RECOMMENDATIONS

Recommendations to UNHCR:

1. Post UNHCR protection officers in border regions to educate local authorities in the proper treatment of refugees, monitor adherence to the policy of non-refoulement by immigration and local security forces, and intervene when refoulement and/or abuse occurs. In those areas where posting of UNHCR staff is not possible, conduct regular monitoring missions.
2. Urge the Nepalese government to adhere to the principles of non-refoulement by taking the adequate policy and administrative steps which include written policy instruction to all border immigration and police, and training of Nepalese police, security forces and immigration authorities in proper procedures and international human rights standards and practices.
3. Urge the Nepalese government to duly register the Tibetan Welfare Society to serve as implementing partner in the administration of the TRRC and to look after issues of concern for long-staying Tibetan refugees in Nepal.

Recommendations to the Nepal government:

1. Systematically issue Refugee Certificates (RC) to all Tibetan refugees who have entered Nepal before December 31, 1989, and their eligible off-spring.
2. Expeditiously reinstate the issuance of travel permits to Tibetan refugees.
3. Respect the government established system for providing protection to refugees, in the spirit of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, including protection against refoulement.
4. Cooperate with the office of the UNHCR in Kathmandu, NGOs, and foreign governments sympathetic to Tibetan issues in assisting refugees.



Recommendations to the US, EU and other foreign governments:

1. Continue to provide funding to the UNHCR for the operation of the TRRC.
2. Continue to urge the Nepal government to register the TWS.
3. Direct human rights monitors at embassies to interview new arrivals from Tibet about conditions in border areas and in Tibet.
4. Work multilaterally to urge the Nepal government to implement a formal protection policy for refugees, and to cooperate with the UNHCR and NGOs on refugee issues, including trainings of border police and immigration officials.



FOOTNOTES

¹ The Golmud (Qinghai)-Lhasa (Tibet Autonomous Region) railway has been described by the Chinese press as the 'centerpiece of China's ongoing "develop the West" program' (China Daily, December 2004). The rail link and stations in Tibetan areas will facilitate increased exploitation of Tibet's mineral and natural resources, and even the Chinese authorities have acknowledged that it will lead to increased Chinese migration into Tibetan areas. The construction of the railway is intended to accelerate the integration of Tibetan areas into the national economy. For further information see ICT's website - Resettlement and railroad construction in Lhasa, April 15, 2005 at http://www.savetibet.org/news/newsitem.php?id=732_

² See for instance the UNHCR Global Appeal 2005 at <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=PUBL&id=4371d18e0&page=home>

³ See UNHRC Global Report for 2004 - Nepal, p. 2. For a electronic version see <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=PUBL&id=42ad4da50&page=home>.

⁴ For the ICT report on the 2003 refoulement incident see Dangerous Crossing 2003.

⁵ For further information on religious repression see the ICT report 'When the Sky fell to Earth: The New Crackdown on Buddhism in Tibet' available to download from ICT's website at <http://www.savetibet.org/documents/document.php?id=37>

⁶ Nepalese Unified Command (NUC) is a unified military force constituted by the Nepalese government in 2001 to facilitate operations against Maoist insurgents in the country. The NUC comprises the three main security forces of the country Royal Nepalese Army (RNA), Nepal Police, and Armed Police Force plus the intelligence department.

⁷ "Nepal Sticks to One-China Policy". The Kathmandu Post, 30.01.05

⁸ H.E. Sun Heping. "China's Foreign Policy in South Asia". 28.05.04. Nepal Council of World Affairs and China Study Center, Kathmandu.



⁹ "Ambassador's Corner: China Nepal linked by mountains and rivers".
Nepal Post, April 2005, vol. 32. issue 5, pp. 10.

¹⁰ As a product of Chinese 1980s economic strategies under the Chinese Communist Party general secretary Zhao Ziyang (1919-2005), the Special Economic Zones (SEZ) were areas, mainly coastal cities, designated in 1980 to provide special incentives for foreign investments. This fitted with Deng Xiaoping's (1904-1997) economic rationale of boosting the national economy by encouraging local initiative. The TAR is an SEZ.

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