

DANGEROUS CROSSING:

CONDITIONS IMPACTING THE FLIGHT OF
TIBETAN REFUGEES | 2007-08 REPORT



A report by the International Campaign for Tibet
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Front cover photograph: A Tibetan protestor being dragged away during a demonstration in Kathmandu. Despite the risks, from March 2008 Tibetan exiles in Kathmandu engaged in a series of almost daily protests, driven by anguish and anger at the impact of the crack-down in Tibet. These were met by a severe response from the Nepalese authorities, which adopted a 'zero tolerance' approach to protestors after Beijing urged the Nepal government to stop the demonstrations, claiming they were an irritant to China-Nepal relations.

SUMMARY

TYPICALLY SOME 2,500 TO 3,500 TIBETANS make the dangerous crossing across the Himalayas through Nepal, and onward to India each year. However, in March 2008, a wave of protests against Chinese rule swept across Tibet and with the resulting crackdown transformed the political landscape. The Chinese government virtually sealed off the Tibetan plateau for several months and stepped up security in border areas. As a result the number of Tibetans escaping into exile in 2008 was dramatically lower than in previous years — approximately 652, about 25 percent of the numbers typically seen. In the fall of 2008, Tibetans once again began to attempt the journey, despite increased risks. Given the continued repression and stifling political atmosphere in Tibet, it is possible that more Tibetans may see no other alternative but to seek to escape Tibet in 2009 and beyond.

The dangers of the journey itself are compounded by an insecure situation for Tibetans once they arrive in Nepal. In recent years, due to pressure from the Chinese government, Nepal's attitude regarding Tibetans entering or transiting its territory has changed. This report deals specifically with the situation for Tibetans crossing Nepal in 2007 and 2008.

In 2007 and 2008, the Nepalese authorities increasingly parroted the language used by the Chinese government to describe the Tibetan refugee flow through their country, suggesting a 'law and order' approach rather than the humanitarian approach that has characterized Nepal's treatment of Tibetans over the last decades. For example, Tibetan refugees are now more frequently described as 'illegal immigrants' and Nepalese leaders have frequently asserted the need to prevent 'anti-China' activity on Nepal's soil.

China's acute sensitivity over Tibet has been the primary feature of China-Nepal relations for some years and was re-established with the new Maoist-led government. Prime Minister Pushpa Kamal Dahal, also known as Prachanda,¹ was given a red carpet welcome in Beijing when he flew in for the closing ceremony of the Olympics in 2008, his first trip overseas after being sworn in on August 18. In Beijing, Prachanda reiterated his intention to support China on the Tibet issue.

In 2008, leaders of the new Maoist-led government, including Prime Minister Prachanda, signaled an adherence to the previous government's approach on Tibet by affirming to Beijing that Nepal would not be used by Tibetan separatists for any anti-Chinese activities. The new government also allowed Chinese diplomats extraordinary and extrajudicial influence in dealing with Tibetan issues in Nepal.

Chinese government influence was evident in how Tibetan protesters were dealt with and, in one egregious incident, in how a case was settled in the Nepal Supreme Court.

Maoist Prime Minister Prachanda has also expressed his support for the Chinese government's suppression of Tibetans as a result of the protests in the spring of 2008. "We cannot term the Chinese government's step to check violence unleashed by the separatists in Tibet as 'crackdown,'" he was quoted as telling reporters on March 24, 2008.² "We regard Tibet as inseparable part of China." In 2007 Prachanda had ruled out allowing the Tibetan Refugee Welfare Center to reopen their office in Kathmandu — closed in January 2005 under King Gyanendra — on the grounds that it would harm the country's "good relations" with its "friendly" northern neighbor China.

Despite the risks, from March 2008 Tibetan exiles in Kathmandu engaged in a series of almost daily protests, driven by anguish and anger at the impact of the crackdown in Tibet. These were met by a severe response from the Nepalese authorities, which adopted a 'zero tolerance' approach to protestors after Beijing urged the Nepal government to stop the demonstrations, claiming they were an irritant to China-Nepal relations.

For the first time, Chinese embassy personnel were witnessed and photographed working behind police lines guiding the handling of protests and arrests of demonstrators, even going so far as to direct the positioning of Nepalese police officers. Similarly, in border areas, Chinese People's Armed Police (plain-clothed and uniformed) were increasingly visible as an often aggressive presence on the Nepalese side of the border in 2008, particularly in the few months prior to the Beijing Olympics in August when the border was virtually sealed.

Pressure on the Tibetan community was also stepped up when the head of the Tibetan Refugee Reception Center (TRRC) was arrested and detained in June–July 2008 and other Tibetan community leaders were forced underground due to fear of arrest by Nepalese police and their agents.

According to Human Rights Watch, there were more than 8,000 detentions of Tibetans between March and July 2008, most of whom were held overnight and released without charge. On occasion, police employed excessive force against the protestors, using *lathis* (canes) to beat people around the body and head. Several governments with embassies in Kathmandu as well as the Office of the UN High



According to Human Rights Watch, there were more than 8,000 detentions of Tibetans between March and July 2008, most of whom were held overnight and released without charge. (PHOTO: ICT)

Commissioner for Human Rights expressed strong dismay to Nepal about the treatment of Tibetan protestors and conveyed their support for the right to peaceful protest.

A group of Nepalese Sherpas also called upon the government to stop its 'repressive actions' against the Tibetan demonstrators, signaling a stronger public voice in Nepalese civil society in support of the Tibetan community in Nepal. Nepal and Tibet share deep cultural and religious ties — Nepal is the birthplace of the Buddha, and many Himalayan peoples share the Buddhist faith.

In August, 2008, Nepal's Home Minister announced that Tibetans residing in Nepal without legal documentation could face deportation, a response to Chinese pressure to put an end to Tibetan protestors demonstrating in front of the Chinese embassy in Kathmandu. It was later clarified that this meant deportation to India. Nonetheless, foreign embassies conveyed their concerns and cautioned Prime Minister Prachanda that his inaugural appearance at the UN Security Council meeting in New York City in September might not go well if his government had just deported a large number of Tibetans to China. At year's end, a group of Tibetans remained under the loose custody of the UNHCR, pending an investigation of their status in Nepal and discussions with authorities on durable solutions.

It is Nepal's policy that Tibetans who arrived prior to 1989, and their offspring, are eligible to receive a government-issued refugee [identity] certificate (RC), which

allows them to remain in Nepal with certain limited civil rights. However, Nepal has been unreliable in the issuance of RCs and thousands of Tibetans who are eligible have been waiting for years for processing to resume. The UNHCR is said to be in discussion with Nepalese authorities on practicalities related to the issuance of RCs, including the advisability of conducting a census of Nepal's long-staying Tibetan refugee community.

Other measures that indicate an alignment of Nepal policy towards Tibet with Chinese interests have included: an unprecedented night-time raid by Nepalese police on the UNHCR-run Tibetan Refugee Reception Center in order to detain a Tibetan allegedly linked to a stabbing in Tibet, and the direct interjection by the Chinese Ambassador into a court case blocking the registration of a welfare organization, which would have assumed some of the responsibilities of the Tibetan Welfare Office.

The Nepal government, with few exceptions, continued to withhold permission from the UNHCR to conduct border monitoring missions in order to establish whether Tibetans were safely entering Nepal, and missions to instruct Nepalese border authorities in the terms of the Gentlemen's Agreement were not allowed. This report includes details of known incidents of forced repatriations of Tibetans. Due to the heavy security presence along the border, the relationships forged between Chinese and Nepalese border police, and a lack of presence of human rights monitors in the border areas, other cases of refoulement are unknown.

Nepal has also so far withheld permission for a U.S. government program to start up that would allow certain Tibetan refugees in Nepal to resettle in the United States. Such a program is intended to find durable solutions for long-staying Tibetan refugees, including thousands who are legally entitled to resident status but have yet to be registered by Nepal.

On December 7, 2008, China announced a \$2.61-million military assistance package to Nepal. During that announcement, Chinese deputy Chief of Staff Lt-Gen. Ma Xiaotian, accompanied by a 10-member military delegation, said that his meeting with Nepal's Defense Minister Ram Bahadur Thapa had focused on border management and the "One China" policy.

¹ Prachanda resigned amidst political turmoil on May 4, 2009

² 'Tibetans cast shadow on Olympic torch ceremony', *Express India*, March 24, 2008, <http://www.expressindia.com/story.php?storyId=287801>

THE DANGEROUS CROSSING: Conditions Impacting the Flight of Tibetan Refugees 2007-2008 Update

ACCORDING TO the UNHCR Global Report 2008, there are 20,060 “persons of concern” of Tibetan origin in Nepal.³ Since 2006, when slightly less than 2,600 Tibetans made the crossing, the number of Tibetans making the perilous journey into exile has declined. Between January 1 and December 31, 2007, only 2,163 Tibetans were recorded by the Tibetan Refugee Reception Center (TRRC) as having made the dangerous crossing from Tibet to Nepal. Heightened security in the border areas, including a substantial Nepal army presence to combat Maoist forces, had for years dissuaded many Tibetans and their would-be guides from attempting to enter Nepal but, at the end of 2006, the two warring sides signed a peace accord formally ending their decade-long conflict. At the beginning of 2007, the Maoists began their integration into an interim government and, by year’s end, Nepal’s monarchy was abolished. Therefore, tensions on the Tibet side of the border likely contributed to the reduction in the numbers of new arrivals from Tibet in 2007.

The widespread crackdown and security increase on the Tibetan plateau has contributed to a further decline in the number of Tibetans making the dangerous crossing in 2008. The Tibetan plateau was virtually sealed off and security along the Tibet Autonomous Region (TAR)-Nepal border tightened. From January 2008 to the end of December 2008, 652 managed to arrive safely in exile.

The number of Tibetans escaping into exile had also dropped dramatically after the imposition of martial law in Lhasa in March, 1989, but increased again in 1990. The current crackdown, which began in March 2008, is far more wide-ranging and extensive than the repression of the late 1980s, and it is possible that refugee influx may increase significantly in the years to come as a result.

In 2007 and 2008, Nepalese authorities demonstrated an acute sensitivity to Chinese government concerns about the Tibetan refugee flow through their country, suggesting a ‘law and order’ approach rather than the humanitarian approach that had earlier characterized Nepal’s treatment of Tibetans. Tibetan refugees were frequently described by Nepal authorities as “illegal immigrants.” Trade and diplomatic links were further strengthened, and Prachanda made his first foreign visit as Prime Minister to Beijing rather than to New Delhi, departing from precedent and



A group of Tibetan refugees including several small children and a group of monks on the journey to Nepal through the Nangpa pass at 13,000 feet. (PHOTO: ICT)

signaling a new priority in Nepal's relationships with its more powerful and influential neighbors.

The UNHCR rarely conducts formal status determination interviews with Tibetans, presumably in recognition of Chinese government and, hence, Nepal government sensitivity regarding the term "refugee," which denotes a person who owing to a well-founded fear of persecution is outside his/her country and unable or unwilling to return. Nonetheless, the UNHCR does interview all new arrivals, monitors the assistance provided to them at the TRRC, intervenes in case of danger of refoulement or abusive detention and, as required, deals with protection issues relating to the long-staying Tibetan refugee population (prior to 1990 arrivals) in Nepal.

The government of Nepal permits Tibetans who sought refuge before December 31, 1989, and their descendants, to remain in Nepal. These Tibetans are eligible to receive a government-issued refugee [identity] certificate (RC), which allows them to remain in Nepal with certain limited civil rights. However, Nepal has been unreliable in the issuance of RCs and thousands of Tibetans who are eligible have been waiting for years for processing to resume.

The RC 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 still do not enjoy the civil and legal rights of Nepalese citizens and have no defined legal status.

Tibetan refugees who have arrived or will arrive in Nepal after 1989 have been allowed to stay only in transit, and are intended to 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.

As part of its overall annual contributions to the UNHCR, the United States government contributes \$250,000 each year for support to Tibetan refugees at the Tibetan Refugee Reception Center (TRRC) in Kathmandu. At the center, Tibetans receive emergency care, clothing, food and shelter. Tibetans may stay at the center to recuperate from serious illness or injury but most depart for India after several days, following processing by the Indian government for entry permits. The Tibetan

government in exile arranges for the refugees to be sent to schools, monasteries, or Tibetan refugee settlements in various locations around India. All new refugees are provided an opportunity for an audience with the Dalai Lama — many Tibetans make the perilous journey into exile solely to be in the presence of their exiled leader.

The Chinese government, to avoid controversy in its Olympic year that could result from mishaps or demonstrations along the border, increased border security and closed it completely in the spring to ensure that a Chinese climbing team could carry unmolested the Olympic torch to the summit of Everest. China allegedly compensated Nepalese officials for the loss of climbing and tourist income. This marked the first time since 1990 that the Nepal government had wholly abrogated the Gentlemen's Agreement with the UNHCR by sealing off its territory as a route of safe passage for Tibetans fleeing onward to India.

In recent years, the Gentlemen's Agreement has sometimes been skirted by Nepalese authorities, resulting in refoulement in the border areas, imprisonment of refugees caught in transit or in Kathmandu, and the imposition of fines for violating Nepal's immigration laws. The most notorious violation was the government-sanctioned refoulement of 18 Tibetan refugees, including 10 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. They were beaten severely on return and forced to carry out labor in a detention center. Tibetans who are caught attempting to cross the border often face torture and varying periods of imprisonment. After the 2003 incident, Nepalese police were photographed carrying back cases of beer from the Tibetan side of the border.⁴ Since then, anxiety and fears have increased among new arrivals and have intensified recently.

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 2007



Tibetan demonstrators hold a sit-in protest in Kathmandu, Nepal. Tibetans in Nepal faced another challenge to their status as a result of almost daily protests against the Chinese government's crackdown on demonstrators in Tibet from March 10, 2008, the 49th anniversary of the failed 1959 uprising in Lhasa that led to the Dalai Lama's own journey into exile. Hundreds of Tibetans residing in Nepal began protesting almost daily in front of the Chinese embassy in Kathmandu, where they were met by a 'zero tolerance' approach by the Nepalese authorities. (PHOTO: ICT)

and in 2008 as information about refoulements became more difficult to obtain.

On July 16, 2007, a young Tibetan man who had been living in exile in India after escaping from Tibet was handed over to the Chinese authorities by the Nepalese government after being held in custody of the immigration department in Kathmandu. It was the first documented case of a government-sanctioned refoulement from Kathmandu since 2003. Twenty-five year old Tsering Wangchen, from Jyekundo (Chinese: Yushu) Tibetan Autonomous Prefecture, Qinghai province (in the Tibetan area of Kham), was handed over to Chinese officials and police on the Friendship Bridge, which marks the border between Nepal and Tibet. According to an eyewitness source in Nepal: "Wangchen initially refused to get into the Immigration Department's vehicle [to take him to the border] because he was afraid, knowing he

was going to be deported to China. But he got into the vehicle when immigration officers told him that he would be sent to India." Nepalese immigration officials had also reportedly assured staff of the TRRC in Kathmandu that he would be released into their care.

A letter from the Immigration Department of the Nepalese Home Ministry to the Tatopani immigration office in the Sindupalchok district of Nepal near the border, copy of which has been obtained by ICT, states: "The decision has been reached that Mr. Tsering Wangchen, an ethnic Tibetan, should be deported from Nepal and not allowed to enter Nepal for three years... he must be deported from the Tatopani border from Nepal on July 16, 2007."³

According to reports received by ICT, seven Tibetans were returned across the border after arriving in Nepal at the Friendship Bridge crossing in March 2007.

A Sherpa monk informed Tibetan community leaders in Kathmandu that two Tibetans had crossed into Nepal and were detained by Nepalese border police at Tatopani in March 2007. When the monk attempted to meet with the two Tibetans the next day, they had already been handed over to Chinese border guards.

According to a Tibetan source living in Nepal near the border with Tibet, in June 2007 a group of five Tibetans managed to cross into Nepal near Tatopani, but did not arrive at the TRRC in Kathmandu. The source reported to ICT that the group had been detained by Nepalese police and handed over to Chinese authorities at the Friendship Bridge.

The Nepalese authorities have generally withheld permission from the UNHCR for regular border monitoring missions, intended to collect information on possible refoulements and to educate Nepalese border police and other officials on the terms of the Gentlemen's Agreement.

³ See UNHCR Global Report 2008— Nepal, p. 197. For an electronic version see <http://www.unhcr.org/publ/PUBL/4a2d305e2.pdf>

⁴ See: p. 28, 'Dangerous Crossing: 2003 Update', ICT, <http://www.savetibet.org/documents/reports/2003-refugee-report-dangerous-crossing-2003-update>

⁵ For more details, see: 'New refoulement case in Nepal: Tibetan exile returned to Tibet', ICT, August 3, 2007, <http://www.savetibet.org/media-center/ict-news-reports/new-refoulement-case-nepal-tibetan-exile-returned-tibet>

INCREASING DANGER FOR TIBETANS IN NEPAL: New Developments 2007-2008

IN 2007–8 ICT monitored an increasingly insecure environment for Tibetan refugees both in transit and living in Nepal, and reported the following incidents and trends:

Intensified Chinese Security Presence in the Border Areas of Nepal

Nepalese authorities stepped up security dramatically along the border following the beginning of the protests in March 2008 and in the run-up to the Beijing Olympics in August 2008, with restrictions on the movements of Tibetans in the area and the border virtually sealed. Officials in the Mustang region also increased security, looking for the “unauthorized entry of Tibetans into Nepal.”⁶

Tibetans living in Nepal near the Tibetan border reported being harassed by Chinese security during this period, and photographed by Nepalese informers. Two journalists with valid Nepalese press passes were questioned by Chinese People’s Armed Police on the Nepalese side of the Friendship Bridge border crossing. The reporters said that a senior Nepali military official who requested anonymity told AFP, “Because of the situation in Lhasa, there are more plain-clothes Chinese armed police on the Nepal side.”⁷ Another Nepalese border official said: “Before, there was less Chinese security on our side, but since the protests in Lhasa, there has been at least six Chinese security officials on the Nepalese side of the border post all the time. Sometimes, there are as many as twelve.”⁸

The increased emphasis on border security was evident when Jampa Phuntsog, the Chairman of the Government of the Tibet Autonomous Region, made a rare trip to the Dram border area, one of the most well used crossing points used by Tibetan refugees along the Tibet-Nepal border, on September 1, 2008. Security along the border had been heightened in the wake of the protests that started in March 2008, and increased in the run-up to the 2008 Beijing Olympics.

An ICT monitor visiting Kathmandu in May, 2008, was given the following information by Tibetans who had visited the border area at that time: “The Tatopani border is sealed off, the Chinese security forces have restricted the bordering areas, and the Nepalese border armed security forces are helping the Chinese security



The Friendship Bridge serves as one of the main crossing points into Nepal. Nepalese authorities stepped up security dramatically along the border following the beginning of the protests in March 2008 and in the run-up to the Beijing Olympics in August 2008, with restrictions on the movements of Tibetans in the area and the border virtually sealed. Chinese security forces were regularly seen on the Nepal side of the border and approached a Tibetan researcher in the area, while on the Nepal side, and instructed him to delete pictures in his camera of the bridge. (PHOTO: ICT)

forces. Chinese security forces in plainclothes have been seen inside the Nepalese territory checking every vehicles leaving and entering inside Tibet.”

A Western scholar visiting Kathmandu a few days before the Beijing Olympics reported the following: “We went up to the Nepal-Tibet border at Kodari (now seems to be called Liping). Of course we cannot cross that border, no foreigners can these days, but Chinese people can in the other direction. We were told by a local official that we should leave the area [near the Friendship Bridge] immediately and we walked up to the small Tibetan monastery 30 minutes or so away — only to be followed and then surrounded by Chinese police for the rest of our time there. They were in plainclothes, and they didn’t actually touch us or confiscate our cameras (as they do in some cases). They all spoke Chinese to each other. They just followed us, accompanied us, wherever we went, asked questions, made the monks nervous, and filmed us continuously. Altogether we counted 19 men who were clearly plainclothes Chinese police in or near the village. All this was inside Nepal.”

An ICT monitor who visited the Friendship Bridge area in November, 2008, reported that some restrictions had been lifted since the ending of the Olympic Games. Even so, Chinese People’s Armed Police in plainclothes approached a Tibetan researcher in the area, on the Nepal side, and instructed him to delete pictures in his camera of the bridge.

Responding to China’s plan for Chinese climbers to carry the Olympic torch to the summit of Mt. Everest and its fears of further disruptions of the international Olympic torch relay by protestors in the run-up to the 2008 Beijing Summer Olympics, Nepal agreed to close down access to Mt. Everest for the spring climbing season in 2008. Unnamed Nepalese officials told the Associated Press that Chinese officials made the request in February 2008.⁹ In April 2007, activists associated with the international Tibet support group, Students for a Free Tibet, successfully unfurled a banner at Everest base camp. The students were detained and released by Chinese security personnel, but not before they gained international attention to their cause.

ICT was told that Nepalese government officials were given a cash sum in the millions of dollars by the Chinese government to compensate for the loss of revenue associated with such a massive disruption of the climbing season. While this information came from a reliable source, details could not be confirmed with the Nepalese government. Nepal agreed to reopen access to Mt. Everest on May 10, 2008, the same date that China reopened access to the north side of the mountain.

Chinese security forces effectively closed off the Tibetan border with Nepal, in part due to increased security measures during a Chinese team’s planned ascent, carrying the Olympic flame, of Mt. Everest (Tibetan: Chomolungma). This not only prevented would-be refugees from making the journey to Nepal but also closed off a vital trade route local traders on both sides of the border depend upon for their livelihood.¹⁰



From March 2008, Tibetan exiles in Kathmandu engaged in a series of almost daily protests, driven by anguish and anger at the impact of the crackdown in Tibet. These were met by a severe response from the Nepalese authorities, which adopted a ‘zero tolerance’ approach to protestors after Beijing urged the Nepal government to stop the demonstrations, claiming they were an irritant to China-Nepal relations. (PHOTO: ICT)

Police Round Up Key Tibetan Community Leaders

Three Tibetan community leaders, Kelsang Chung, Director of the United Nations-funded Tibetan Refugee Reception Center, and Ngawang Sangmo and Tashi Dolma, president and vice president of the regional Tibetan Women’s Association, were detained in police raids on their homes in Kathmandu on June 19, 2008, and taken to prison.¹¹

The round-up of Tibetan community leaders in Nepal sent shockwaves through the community and suggested that an alliance between a new Maoist-controlled government in Nepal and the Chinese government did not bode well for the future of long-staying Tibetan refugees and residents in Nepal.

The three Tibetan community activists were detained for more than two weeks apparently in order to send a warning to the Tibetan exile community in Nepal, and because they were suspected of being able to influence 'anti-China' protests in Kathmandu. They were released after a Supreme Court Order ruled that their detention was illegal.¹²

Justices Min Bahadur Rayamajhi and Top Bahadur Magar said the accused were arrested without mentioning the effect of their activities on peace and security in Nepal, hence their detention was illegal. "There is no basis for reaching a conclusion that they threatened peace and security just by chanting slogans," the judges said in their ruling, according to *The Tibet Post International* on July 8 and the *Times of India*.

Ruling on Closure of Dalai Lama Office and Welfare Office Upheld: Chinese Involvement in Nepal Supreme Court Case on New Welfare Group

As of the end of 2008, the Office of the Representative of His Holiness the Dalai Lama and the Tibetan Welfare Office in Kathmandu, established in the 1960s and closed by King Gyanendra in 2005, remained closed. The closures, which were purely in response to Chinese pressure, deprive long-staying Tibetan refugees of important community services.

In 2007, Prachanda ruled out allowing the Tibetan Welfare Office to reopen alleging that it would harm the country's "good relations" with its "friendly" northern neighbor China.¹³ "Though we will not repatriate the refugees who have been living in camps in Nepal for some time, we won't allow them to open new organizations since we consider Tibet an integral part of China," Prachanda said.

The closures of the Tibetan Welfare Office and the Office of the Representative of His Holiness the Dalai Lama 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. Tibetans had once again been dramatically reminded of their precarious and insecure existence in Nepal.

Since the closure of offices, several foreign embassies in Kathmandu urged Nepal to register an alternative Tibetan office to partner with the United Nations High Commissioner for Refugees to provide urgent humanitarian assistance to the some 2,500 Tibetan refugees who typically transit through Nepal every year, and to provide social services to the long-staying Tibetan refugee community, numbering around 20,000 throughout Nepal. In October 2005, the Nepal Home Ministry quietly registered the Bhota Welfare Society, headed by a Nepalese citizen of Tibetan origin. However, the organization was de-registered on October 24, 2006, by instruction of the Nepal Foreign Ministry.



Tibetan protesters handed over to the United Nations High Commission for Refugees (UNHCR) after being detained by Nepalese authorities. The Tibetans were taken into custody by Nepalese authorities on September 9, 10, and 11 were handed over to the UNHCR in Kathmandu with the understanding that those who do not hold valid papers will be sent to India. This followed the participation of thousands of Tibetans in months of protests in Kathmandu, often near the Chinese Embassy, against China's crackdown in Tibet that was a result of the demonstrations across the Tibetan plateau. (PHOTO: ICT)

Tibetan Protestors Without Nepalese Papers Face Removal to India

Nepalese authorities detained 137 Tibetan protesters on September 9, 10, and 11 and later handed them over to the United Nations High Commission for Refugees (UNHCR) in Kathmandu with the understanding that those who do not hold valid papers will be sent to India. This followed the participation of thousands of Tibetans in months of protests in Kathmandu, often near the Chinese Embassy, against China's crackdown in Tibet that was a result of the demonstrations across the Tibetan plateau.¹⁴ Most of the Tibetans being processed are laypeople although there are some monks and nuns; the oldest is in his late fifties, and the youngest is 16. This is the first time the UNHCR has been involved in conducting status investigations of long-staying Tibetan refugees and is an indication of increased scrutiny from the Nepalese authorities of the Tibetan population in Nepal. At the end of 2008 the UNHCR was investigating 92 of the 137 after some members of the group were able to immediately verify their Nepalese residency.

Tibetans who arrived in Nepal prior to 1989, and their offspring, are eligible to receive an RC, which allows them to remain in Nepal with certain limited civil rights. However, Nepal has been unreliable in the issuance of RCs and thousands of Tibetans who are eligible have been waiting for years for processing to resume. In 2000, the Nepal Ministry of Home Affairs told US Special Coordinator for Tibetan Issues Assistant Secretary Julia Taft that Nepal would issue RCs to all eligible Tibetans. This has not been done.

Nepal Blocks Travel Permits for Tibetan Refugees

In recent years, the number of Tibetans crossing the border with Chinese passports had been increasing. Overall, it appeared to be easier for Tibetans living in areas outside the TAR to obtain passports. Many Tibetans holding Chinese passports traveled to Nepal on religious pilgrimage — the stupas of Swayambhunath and Boudhanath in Kathmandu together with Namcho Boudha, 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.

Over the past eight years, around 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).



Protests near Labrang monastery on March 14, 2008. (Photo: TCHRD) The widespread crackdown and security increase on the Tibetan plateau has contributed to a further decline in the number of Tibetans making the dangerous crossing in 2008. The Tibetan plateau was virtually sealed off and security along the TAR-Nepal border tightened. From January 2008 to the end of December 2008, 652 managed to arrive safely in exile. Given the continued violent repression and stifling political atmosphere in Tibet, it is possible that more Tibetans may see no other alternative but to seek to escape Tibet in 2009 and beyond.

However, in 2007 the number of Tibetans crossing the border with Chinese passports dramatically decreased. Initially, Tibetans applying for passports were told that no passports would be issued until after the 2008 Beijing Olympics had ended. Still, some Tibetan pilgrim groups were able to arrive using Chinese passports issued in 2006 or before. However, since the wave of protests that swept across the Tibetan plateau in the spring of 2008, it has become even more difficult for Tibetans to secure passports.

Tibetans arriving from Lhasa who spoke with ICT believed that the Chinese government was restricting the travel of Tibetans throughout Tibet as part of the ongoing crackdown, in addition to restrictions already set in place in the run-up to the Beijing Olympics.

US Refugee Resettlement Program Stalled

In September 2005, then US President George Bush proposed a new program to resettle certain Tibetan refugees from Nepal in the United States.¹⁵ This policy decision was made in consideration of the vulnerability of many long-staying

Tibetan refugees in Nepal. In November 2007, Ellen Sauerbrey, US Assistant Secretary of State for Population, Refugees, and Migration, visited Nepal and was told by Nepalese government officials that a US plan to resettle Bhutanese living in Nepal should be completed first, and then they could talk about the Tibetans in Nepal. However, the Nepal government continues to block the US Tibetan refugee resettlement program.

Increased Tension and Chinese Influence Following Tibetan Protests

Tibetans in Nepal faced another challenge to their status as a result of almost daily protests against the Chinese government's crackdown on demonstrators in Tibet from March 10, 2008, the 49th anniversary of the failed 1959 uprising in Lhasa that led to the Dalai Lama's own journey into exile. Hundreds of Tibetans residing in Nepal began protesting almost daily in front of the Chinese embassy in Kathmandu, where they were met by a 'zero tolerance' approach by the Nepalese authorities.

Images published on ICT's website show Chinese embassy officials working behind police lines in Kathmandu on March 10, 2008, and attempting to prevent their photograph being taken by an American observer, who reported to ICT that they spat at him.¹⁶ Chinese officials were working with the Nepalese police, according to the American, "directing them, positioning them, [and] telling them to remove people".

Human Rights Watch reported numerous violations of human rights by the Nepalese authorities, particularly the police, against Tibetans involved in peaceful demonstrations during this period in Kathmandu, including:

- unnecessary and excessive use of force;
- arbitrary arrest;
- sexual assault of women during arrest;
- arbitrary and preventive detention;
- beatings in detention;
- unlawful threats to deport Tibetans to China;
- restrictions on freedom of movement in the Kathmandu valley;
- harassment of Tibetan and foreign journalists; and
- harassment of Nepali, Tibetan, and foreign human rights defenders.¹⁷



Images taken on March 10, 2008 show Chinese embassy officials working behind police lines directing police activity against Tibetan protests in Kathmandu. One official attempted to prevent their photograph from being taken by an American observer, who reported to ICT that they spat at him. (PHOTO: ICT)



According to Human Rights Watch, on occasion, police employed excessive force against Tibetan protestors, using *lathis* (canes) to beat people around the body and head. Several governments with embassies in Kathmandu as well as the UN Office of the High Commissioner for Human Rights expressed strong dismay to Nepal about the treatment of Tibetan protestors and conveyed their support for the right to peaceful protest. (PHOTO: ICT)



Human Rights Watch observed 18 protests in Kathmandu in the weeks following March 10, 2008, and reported Nepalese police using excessive force in all 18 protests, despite nearly all of the protests being peaceful. (PHOTO: ICT)

Human Rights Watch observed 18 of the protests in the ensuing weeks after the demonstrations began on March 10, 2008, and reported Nepalese police using excessive force in all 18 protests, despite nearly all of the protests being peaceful.

The U.N. Office of the High Commissioner for Human Rights expressed concern over the treatment of Tibetan demonstrators at the hands of Nepalese authorities, stating that “OHCHR human rights officers observed police baton-charging and using teargas on peaceful demonstrators who were protesting current incidents taking place in Lhasa”.¹⁸

Tom Casey, Deputy Spokesman, the US State Department said in a statement on June 28, 2008: “The ongoing harsh treatment of peaceful protesters during their arrests by the Nepali police is distressing. We understand and respect Nepal’s national security concerns and the importance of protecting diplomatic premises. We urge Nepal to ensure the humane treatment of peaceful protesters and to adhere to its international human rights obligations as Nepal continues on its path as a democratic nation.”

Nepal’s Handling of Protests by Tibetans

Further demonstrating China’s influence is how the Tibetan protests have been portrayed to the public at large as “anti-China activities” organized by Tibetans associated with the Dalai Lama. The Maoist Political Bureau member, Chandra Prakash Gajurel, told Nepal’s *Weekly Telegraph* in an interview: “If we talk of the recent days’ activities, Kathmandu has become the venue for initiating anti-Tibet activities. While China was busy with its Olympic games, each and every day there could be seen anti-China activities. The anti-China activities went to the extent that some enthusiasts even tried to climb the Nepali mountains wearing ‘Free-Tibet’ vests.”¹⁹

“The Dalai Lama lives in Dharamsala, India. However, there were no such protests against China in India. Now it has been an established fact that the Dalai men came down to Kathmandu and encouraged the anti-China protests during that time. It became evidently clear that some one tried to make Nepal their playground. If China senses a threat to its security, it will not remain as a mere onlooker.”²⁰

In a sign of support for the Tibetan demonstrators, Nepal’s Sherpa community issued a statement condemning the Nepalese government’s actions.²¹ Written by Ngima Tendup Sherpa, the General Secretary of the Sherpa Association of Nepal, the statement called upon the Maoist-led government of Nepal to stop its “repressive actions” against the Tibetan demonstrators. The full letter is included below:

“We, the Sherpa Himalayan community of Nepal, express our serious concern over the barbaric and repressive behavior of the Nepalese government in dealing with the peaceful demonstrations of Tibetan refugees here in Kathmandu — behavior exhibited in the name of ‘controlling’ demonstrations since March 10th, 2008. These actions are inhumane, repressive and in violation of Tibetans’ basic human rights.

We are very much worried about those injured both during those peaceful demonstrations and during incarceration afterwards. These abuses are very serious violations of the Interim Constitution of Nepal, which upholds the dignity of all people’s basic human rights. We strongly condemn and demand the government to cease such barbaric and repressive actions against the Tibetan refugees.

We share with Tibetans the same religion, culture, language and tradition and we are pained to see the beating of protesting Buddhist monks whom we revere very highly. We also urge the government of Nepal to stop the double standard when it comes to dealing with both Tibetan and Bhutanese.



The Boudha Stupa in Kathmandu. Nepal and Tibet share deep cultural and religious ties – Nepal is the birthplace of the Buddha, and many Himalayan peoples share the Buddhist faith. During the Nepalese government crackdown on Tibetan protestors in 2008, a group of Nepalese Sherpas called upon the government to stop its “repressive actions” against the Tibetan demonstrators, signaling a stronger public voice in the Nepalese civil society in support of the Tibetan community in Nepal. (PHOTO: ICT)

We are also concerned with the international community’s negative image of Nepalese people as a whole due to repressive behavior of the government towards Tibetan refugees. We request that our government pays attention to world opinion. We stand in solidarity with the Tibetan refugees in this critical moment of Tibetan history. We appeal to all Nepali political parties, civic society and human rights organizations to help stop the government’s repressive actions.”

Raid on Tibetan Refugee Reception Center and Detention of a Tibetan

On February 23, 2008, the Nepalese police conducted an unprecedented late night raid on the TRRC. Their target was a 27-year old Tibetan man, Tsering Dhundup from Bayan Khar (Chinese: Hualong) Hui Autonomous County in Tsoshar (Haidong) Tibetan Autonomous Prefecture, Qinghai Province.²² Between 50 and 60 Nepalese police, some in plain clothes, searched from bed-to-bed in the male dormitory of the TRRC until they located Tsering Dhundup, confirming his identity with a photograph. He was taken into custody and handcuffed.

Tsering Dhundup’s detention by the Nepalese authorities was linked to allegations that he had been involved in stabbing a Chinese man in Tibet. He was jailed at the Nepal Immigration Office before being handed over to Chinese authorities.

⁶ ‘Security tightened along Nepal-China border’, Nepalnews.com, March 18, 2008, <http://www.nepalnews.com/np/archive/2008/mar/mar18/news11.php>

⁷ *ibid*

⁸ *ibid*

⁹ ‘China asks Nepal to ban Everest climbs during spring amid fears of protest’, *International Herald Tribune*, March 14, 2008

¹⁰ Soon after Chinese officials closed off the border, villagers in parts of the Taplejung, Sankhuwasabha, and Gorkha districts on the Nepal side began to face starvation due to the lack of access to food supplies that were normally obtained from across the border in Tibet. See: ‘Border sealing leads to food crisis in Taplejung villages’, *The Himalayan Times*, April 22, 2008 and ‘Starvation looms near China border’, *Himalayan Times*, August 6, 2008.

¹¹ ‘Governments criticize Nepal authorities for detention of three Tibetans and mistreatment of Tibetan protestors in Nepal’, ICT, June 27, 2008, <http://savetibet.org/media-center/ict-news-reports/governments-criticize-nepal-authorities-detention-three-tibetans-and-m>

¹² During their 20 days of detention, the group reported being allowed only one phone call to family members.

¹³ ‘Dalai Lama’s office won’t reopen in Nepal: Prachanda’, Indo-Asian News Service, April 9, 2007

¹⁴ ‘Tibetan protesters without Nepalese papers face removal to India’, ICT, September 12, 2008, <http://savetibet.org/media-center/ict-news-reports/tibetan-protesters-without-nepalese-papers-face-removal-india>

¹⁵ See ‘US proposes new Tibetan refugee admissions program’, ICT, September 7, 2007, <http://www.savetibet.org/media-center/ict-news-reports/us-proposes-new-tibetan-refugee-admissions-program>

¹⁶ See ICT report: ‘Unprecedented’ Chinese intervention in handling of Tibetan protests in Nepal, Greece’, ICT, March 11, 2008, <http://www.savetibet.org/media-center/ict-news-reports/unprecedented-chinese-intervention-handling-tibetan-protests-nepal-gre>

¹⁷ ‘Appeasing China: Restricting the Rights of Tibetans in Nepal’, Human Rights Watch, July 23, 2008, <http://www.hrw.org/de/news/2008/07/23/nepal-abuses-against-tibetans-protesting-china-s-tibet-crackdown>

¹⁸ ‘Concern over police action’, *Gulf Times*, March 18, 2008, http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=207776&version=1&template_id=44&parent_id=24

¹⁹ In April, 2007, activists for the action group Students for a Free Tibet unfurled a banner at Mount Everest base camp and made a video of their protest.

²⁰ ‘Nepal is main venue of anti-China activities’, *The Weekly Telegraph*, December 9, 2008, http://www.telegraphnepal.com/news_det.php?news_id=4493&PHPSESSID=d54882a81745794734356f4f3a7f8e35

²¹ Published for the first time outside of Nepal on writer Mikel Dunham’s blog at <http://www.mikel-dunham.blogs.com/mikeldunham/2008/05/1st-time-publis.html>

²² ‘Nepal hands over Tibetan after late night raid on Tibetan refugee center in Kathmandu’, ICT, February 25, 2008, <http://savetibet.org/media-center/ict-news-reports/tibetan-protesters-without-nepalese-papers-face-removal-india>

NEPAL'S SHIFTING ORDER

NEPAL AND TIBET share deep cultural and religious ties — Nepal is the birthplace of the Buddha, and many of the Himalayan peoples share the Buddhist faith. But as Kathmandu responds to pressure from China, the status of long-staying Tibetans living in Nepal, and those from Tibet seeking passage to India, has become increasingly insecure.

The current Maoist-led government came into power following a 10-year bloody rebellion that ended with a formal peace accord and ceasefire in November 2006.

After briefly withdrawing from the interim government in September 2007 over demands to abolish the monarchy, the Maoists rejoined the government in December 2007, and elections for Nepal's Constituent Assembly were held in April 2008 with the Maoists emerging as the largest political party. A Maoist-led government was formed in August 2008, with former guerilla leader Prachanda, the nom-de-guerre of Pushpa Kamal Dahal, becoming Nepal's first Maoist prime minister.

Despite China's prior support for King Gyanendra, notably when he disbanded the government and usurped power in 2005 and which included the sale of arms to the king's military to fight the Maoists, China has been able to smoothly transfer its good relations to the new Maoist-led government.

Nepalese heads of state traditionally call on Delhi upon taking office, reflecting the strong commercial and political ties between Nepal and India. However, Prachanda, in a nod to the political shift that has accompanied the formation of a Maoist-led government and China's intense diplomatic offensive to dictate Nepal's Tibet policy, broke with tradition and visited Beijing first.

An Indian delegation had visited Nepal on August 17, 2008 the day before Prachanda's inauguration, and it is believed that a formal invitation to visit New Delhi was extended to the soon-to-be prime minister.²³ However, Prachanda chose to make his first trip abroad at the closing ceremonies of the 2008 Beijing Olympics, where he received a red carpet welcome from Chinese President Hu Jintao.

In addition to formal diplomatic exchanges, China has increased trade and cultural exchanges with Nepal and, in turn, has maintained pressure on Nepal to enact restrictive policies towards Tibetans. Until recently, exchanges between the two countries have occurred primarily at the border, where trade between locals has



Nepal-China Tibet Economic and Trade Fair held in Kathmandu in 2007. Trade and diplomatic links have been further strengthened since PM Prachanda took office. His first foreign visit as Prime Minister was to Beijing rather than to New Delhi, departing from precedent and signaling a new priority in Nepal's relationships with its more powerful and influential neighbors.

been active, but there are now two Chinese airlines that shuttle between Chengdu and Guangzhou to Kathmandu and a direct bus service that links Lhasa and Kathmandu.

The two countries have actively sought to increase trade links, with a proposed extension of the Qinghai-Tibet railway to Nepal being a key component.²⁴ The issue was raised again in December 2007, when Nepal's then Prime Minister Girija Prasad Koirala, urged the Chinese government to extend the Tibetan railway down to the northern border of Nepal while reiterating his government's support for the 'one-China' policy.²⁵ A delegation of Chinese Communist Party officials visiting Nepal in April 2008 informed then Prime Minister Koirala that construction had already begun on the Chinese side to build the rail link to Nepal. The delegation stated that a rail link to the border town of Khasa, approximately 50 miles north of Kathmandu, was scheduled to be completed within five years.²⁶ The Tibetan railway, which became operational in July 2006, would significantly enhance Chinese transport links with Nepal, as well as the rest of south Asia.²⁷

Nepal's tourist industry is a key source of foreign exchange, and Nepal seeks to increase its share of Chinese tourists. In a meeting between Nepal's then Prime Minister Girija Prasad Koirala and Chinese Assistant Minister for Foreign Affairs He Yafei, Mr. He said that China was looking at the possibility of extending railway and road links to Nepal.²⁸ Following the meeting, Mr. He remarked that Koirala was "a good friend of China," and that "Nepal is the most reliable and good neighbour."²⁹

Following a meeting between Prachanda and visiting Chinese Foreign Minister Yang Jiechi, a spokesperson for Prachanda told reporters that "The Chinese foreign minister said China appreciates Nepal's alertness and role in controlling anti-China protests."³⁰

Nepal's policy towards Tibetans is the primary bilateral issue in its relations with China. In November 2008, China replaced its ambassador to Nepal, Zheng Xianglin, who had served since April 2007. According to the Indo-Asian News Service, Zheng was removed half way through his three-year term due to his failure to put an end to the Tibetan protests.³¹ Qiu Guohong, described as "a fierce territorial loyalist," was appointed to take his place. Prior to his appointment in Kathmandu, Qiu was a deputy director-general at the Asia department of the Chinese foreign affairs ministry and staffer at the Chinese consulate in Osaka, Japan. Given the importance and sensitivity under which China-Japan relations are conducted, Qiu's promotion from a post in Japan to Kathmandu indicates the high priority accorded to the post in Nepal.

Speaking during his first press conference, Ambassador Qiu Guohong commented that the stability of Nepal is important for the greater stability of the Tibet Autonomous Region and China. He added: "If in the future Nepal faces problems, then China would support the effort of Nepalese government and people's efforts to safeguard its independence, sovereignty and territorial integrity."³²

Emphasizing the growing trade ambitions between the two countries, he added, "Nepal is also a very important potential trade passage for the middle and western part of China. Nepal can also serve as an important economic bridge linking China and South Asia." Qiu stated during the news conference that he would like to see bilateral trade ties increase from the current level of \$400 million to \$4 billion in the coming years.³³

²³ 'Nepal's Political Situation: Prime Minister Prachanda severs the chord of tradition', August 10, 2008, <http://www.mikeldunham.blogspot.com/mikeldunham/2008/08/nepals-political-situation-prime-minister-prachanda-severs-the-cord-of-tradition.html>

²⁴ 'Qinghai-Tibet Railway may extend to Nepal', People's Daily, August 29, 2006, http://english.peopledaily.com.cn/200608/29/eng20060829_297771.html

²⁵ 'PM urges China to bring railway network up to border', *Nepalnews*, December 19, 2007, <http://www.nepalnews.com/archive/2007/dec/dec19/news07.php>

²⁶ 'China begins building Tibet-Nepal rail link: official', AFP, April 26, 2008

²⁷ 'Development of China's Overland Transportation Links with Central, South-West and South Asia,' John Garver, *The China Quarterly*, (2006), 185: pp. 1-22.

²⁸ 'China pledges support for CA polls', *The Himalayan Times*, March 3, 2008, <http://www.thehimalayantimes.com/fullstory.asp?filename=aFanataosa3qzpcAoRa4ra.axamal&folder=aHaoamW&Name=Home&dtSiteDate=20080304>

²⁹ *ibid*

³⁰ 'China praises Nepal for role in controlling Tibetan protests after March uprising', *The China Post*, December 12, 2008, <http://www.chinapost.com.tw/asia/other/2008/12/03/186063/China-praises.htm>

³¹ 'China changes Nepal ambassador after Tibet fiasco', IANS, November 23, 2008, http://www.thaindian.com/newsportal/south-asia/china-changes-nepal-ambassador-after-tibet-fiasco_100122426.html

³² 'Stable Nepal crucial for stability of Tibet: Chinese envoy', *Nepal News*, December 12, 2008, <http://www.nepalnews.com/archive/2008/dec/dec12/news10.php>

³³ *ibid*

THE 2006 SHOOTING DEATH AT NANGPA LA: Update

A GROUP OF TIBETANS — mainly monks, nuns and including two children — were fired upon by People's Armed Police (PAP) as they attempted to cross the border along the Nangpa pass into Nepal and exile on October 18, 2007 according to several members of the group after they reached Kathmandu. No Tibetans in the group were killed or injured but several of them, including three monks in their twenties from eastern Tibet, were taken into Chinese custody.

The shooting took place just over a year after a 17-year old nun, Kelsang Namtso, was shot dead by PAP border guards along the Nangpa pass on September 30, 2006, in an incident that led to widespread condemnation of China after it was captured on film by a climber.³⁴ Kelsang Namtso's death follows other known incidents where Tibetans had been fired upon by PAP when attempting to cross the pass into exile, in 2005 and 2002. The shooting on October 18, 2007 indicates that firing at unarmed Tibetans escaping into exile, including children, is still regarded by the Chinese authorities as 'normal border management,' as Beijing informed Western governments after the shooting death of Kelsang Namtso. Following the 2007 shooting, China's foreign ministry spokesperson, Liu Jianchao, told reporters "We have been in touch with relevant authorities regarding news about Chinese police opening fire on people crossing the border. It's a piece of fabricated news... It's groundless."³⁵



Chinese soldiers approach the body of Kelsang Namtso, the 17-year old nun killed when Chinese border patrols opened fire on a group of Tibetans escaping into exile across the Nangpa Pass on September 30, 2006. The image was obtained by ICT from a British climber who wished to remain anonymous.

³⁴ See: 'Dangerous Crossing: 2006 Update', ICT, <http://www.savetibet.org/documents/reports/2006-refugee-report-dangerous-crossing-2006-update>

³⁵ 'China denies Tibetan refugee shooting', AFP, November 1, 2007



The Chinese authorities are implementing a policy of fencing off grasslands in many areas of eastern and central Tibet, as part of their intention to settle nomads and end the nomadic lifestyle. For a very low compensation Tibetan herders are often required to erect fences themselves in order to limit the mobility of their livestock. This image was taken in Kham, eastern Tibet, in August 2007 and depicts bales of wire that have been left in the grasslands for herders to fence off the pastures. Burdened with low economic prospects, a number of Tibetans choose to leave Tibet each year for a life in exile in the hopes of greater economic opportunities. (PHOTO: ICT)

WHY TIBETANS LEAVE TIBET

THE GOVERNMENT of the People's Republic of China (PRC) 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, the dangerous journey into exile continues to be undertaken by monks and nuns seeking a religious education unhindered by the political restrictions imposed by the Chinese state. Parents send their children to Tibetan schools in exile, where they have the opportunity for a Tibetan education that is often impossible in Tibet due to a focus on Chinese language teaching or inability of poor families to afford school fees. Others leave because they have been resettled off their lands, separated from their traditional livelihoods or otherwise marginalized by China's economic policies. Many Tibetans have left in order to avoid arrest and persecution, sometimes due to peaceful dissent activities in Tibet.



Ugyen Trinley Dorje, the then 14-year old 17th Karmapa (center), making his daring escape from Tibet. He was the first Buddhist reincarnated monk to be recognized by the Dalai Lama and also accepted by Beijing, which attempted to groom him as a patriotic leader. The dangerous journey into exile continues to be undertaken by monks and nuns seeking a religious education unhindered by political restrictions imposed by the Chinese government. (PHOTO: DARGYE)



Tibetan religious devotees in Kardze (Chinese: Ganzi) Tibetan Autonomous Prefecture, Kardze province, performing prostrations while on pilgrimage. Many Tibetans who leave Tibet in order to see the Dalai Lama or go on pilgrimage later return to Tibet, facing similar risks on their return journey. (PHOTO: ICT)

The PRC cites increased investment and material development in Tibetan areas as a means of improving the lives of Tibetans. While these benefits penetrate Tibet's geographical borders, the majority of it does not reach the Tibetan people, but rather lands with Chinese companies and workers who come from central China to earn a living from the government's investment in the bureaucratic administration of Tibetan areas, infrastructure development projects such as the Tibetan railway, and mining activities.³⁶

Chinese policies are designed to manage and control Tibetan areas while promoting the state's vision of a prosperous society through modern development. Tibetan views of what development in Tibet should look like are not solicited, as the PRC pushes forward with its 'Western Development Strategy'.

Periods of political unrest have resulted with the implementation of new political

campaigns or re-education and the implementation of measures that fail to take into account Tibetan priorities or reflect the unique Tibetan identity. Tibetan parents take enormous risks to send their children to Tibetan schools in India in the hopes they will receive a Tibetan education that is now rare in Tibet. Today in Tibet, the best opportunity for a quality education for a Tibetan student who does not make the journey into exile is through schools in central and eastern China. Parents who have the means send their children to these schools in the hopes that they will be better prepared to compete in the rapidly expanding Chinese economy.

Monks and nuns leave Tibet for religious training free of the Party's political interference.

Many Tibetans who leave in order to see the Dalai Lama or on pilgrimage later return to Tibet, facing similar risks on their return journey. Some Tibetans also choose to go back after receiving an education in exile schools, or after visiting relatives in exile.

³⁶ See 'Tracking the Steel Dragon: How China's economic policies and the railway are transforming Tibet', ICT, February 28, 2008, <http://savetibet.org/documents/reports/tracking-steel-dragon>

CROSSING THE HIMALAYAS

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. Many of these ancient trading routes, such as the Nangpa pass — nearly 19,000 ft. above sea-level — are still used by Tibetan traders leading their yak caravans from Tibet into Nepal.

In 2007, most Tibetan escapees made the journey 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. Along the Nangpa pass route, 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.

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 at or near 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 10 days walk or six to seven hours by bus, through the Nepalese border towns of Kodari, Tatopani and Barabise.

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

Most Tibetans make the perilous crossing through the Nangpa pass into Nepal during winter, and cases of severe frostbite, sometimes requiring amputation of toes,



Although multiple caravans of Tibetan yak herders cross the border every year, the majority of Tibetans fleeing their country encounter extreme difficulties in their attempt to cross the pass mainly because they are unprepared for the task, poorly equipped, and unaware of the toughness of the enterprise. (PHOTO: ICT)



The Tibetan Refugee Reception Center in Kathmandu, Nepal. (PHOTO: ICT)

fingers, and other limbs, are not unusual. No significant cases of frostbite were reported by the TRRC in 2007 or 2008. Although still only a small number of cases, there appears to be an emerging trend of Tibetans journeying onward to India for medical treatment that is unavailable to them in Tibet.

Assistance to Tibetans Escaping from Tibet

Tibetans who arrive safely in Kathmandu are provided temporary shelter at the Tibetan Refugee Reception Center (TRRC). The current TRRC building and its adjacent clinic were constructed with support from the US government and private donations. The construction of an additional dormitory building was completed in 2007.

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 2007, the clinic registered 1,733 patients. Among these, three cases were referred to hospitals in Kathmandu.

A team of three health care workers, including the clinician in charge, is responsible for the general health and hygiene of the new arrivals. Upon their arrival at the TRRC, health and hygiene lessons are conducted on a group or individual basis, in addition to administering necessary vaccinations and medications. Common diseases seen among the refugees and treated at TRRC clinic are typically mumps, measles, diarrhea, infections, and viral cold, although many conditions are more serious such as frostbite. Often the clinic at the TRRC and Nepalese hospitals provide health care that has simply not been available or inadequate in Tibet. Prior to their journey to India, proper vaccinations are given to every refugee. The clinic provides reports on its administration of vaccines and treatments to the UNHCR and some donor 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.

FOREIGN GOVERNMENTS' SUPPORT FOR TIBETANS IN NEPAL

SEVERAL FOREIGN GOVERNMENTS with embassies in Nepal actively engage the government of Nepal and the UNHCR in efforts to protect and assist refugees. Beyond pressing Nepal to provide protection for Tibetan refugees passing through to India, they have been urging Nepal to regularize the status of its long-staying Tibetan refugee population.

In September 2008, foreign governments responded swiftly when the government of Nepal indicated that Tibetans arrested for demonstrating in front of the Chinese Embassy would face deportation.³⁷

In 2008, these governments expressed strong dismay to Nepal about the treatment of Tibetan protesters and conveyed their support for the right to peaceful protest. At the same time, governments urged local Tibetans to respect legal — and internationally recognized — prohibitions against protests in restricted areas, specifically in front of the Chinese embassy and consulate.

Tibetans who have no legal status in Nepal take a serious risk by violating the law as, in the past, the government of Nepal has sentenced Tibetans to lengthy jail sentences, imposed hefty fines for immigration violations, in spite of UNHCR appeals on their behalf.³⁸

In December 2007, a UNHCR official raised with the government of Nepal the possibility of a UNHCR-funded census of the long-staying Tibetan population in Nepal and expressed support for the idea of a “core group” of foreign embassies that could act in a mutually supportive way to advance certain Tibetan issues with the Nepal government, as had been successfully done in the case of Bhutanese refugees.



Commenting on the treatment of Tibetan protesters, Tom Casey, Deputy Spokesman, the US State Department said in a statement on June 28, 2008: “The ongoing harsh treatment of peaceful protesters during their arrests by the Nepali police is distressing. We understand and respect Nepal’s national security concerns and the importance of protecting diplomatic premises. We urge Nepal to ensure the humane treatment of peaceful protesters and to adhere to its international human rights obligations as Nepal continues on its path as a democratic nation.” (PHOTO: ICT)

³⁷ ‘Nepal to deport illegal Tibetans: govt’, AFP, September 11, 2008, <http://afp.google.com/article/ALeqM5i9WLroDv8aTlMHjAOCWzqVTnnZdQ>

³⁸ In one instance, on November 18, 2003, nine Tibetan refugees serving lengthy jail sentences on immigration charges were released into the care of the UNHCR in Kathmandu after their fines (ranging from US \$1,000 to \$9,000 each) were paid by an anonymous source. In each case, a default sentence of 10 years imprisonment had been imposed for non-payment of fines, and repeated humanitarian and legal appeals, and requests for a royal pardon with the support of foreign embassies, between 2000 and 2002 had been unsuccessful. See, p. 38, ‘Dangerous Crossing: Conditions Impacting the Flight of Tibetan Refugees — 2003 Update, ICT, <http://www.savetibet.org/documents/reports/2003-refugee-report-dangerous-crossing-2003-update>



A protester injured during demonstrations in Kathmandu in 2008. In 2007 and 2008, Nepalese authorities demonstrated an acute sensitivity to Chinese government concerns about the Tibetan refugee flow through their country, suggesting a 'law and order' approach rather than the humanitarian approach that had earlier characterized Nepal's treatment of Tibetans. As Kathmandu responds to pressure from China, the status of long-staying Tibetans living in Nepal, and those from Tibet seeking passage to India, has become increasingly insecure. (PHOTO: MIKEL DUNHAM – WWW.MIKELDUNHAM.BLOGS.COM)

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 Nepal government to adhere to the principle 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 policy, security forces and immigration authorities in proper procedures (as per the Gentlemen's Agreement) and international human rights standards and practices.
3. Press the Nepal government on finding durable solutions for the long-staying Tibetan refugee population in Nepal, including issuance of RCs, opening the path to citizenship, and cooperation with the US government-proposed refugee resettlement program for certain Tibetans in Nepal.
4. Make every effort, in concert with supportive governments, to preserve the Tibetan Refugee Reception Center in Kathmandu and its integrity as a secure place of temporary refuge and respite for Tibetans fleeing Tibet through Nepal and onward to India.

Recommendations to the Nepal Government:

1. Systematically issue refugee [identity] certificates (RC) to all Tibetan refugees who meet the criteria set by the Nepal government, having entered Nepal before December 31, 1989, and their eligible off-spring.
2. Expeditiously issue travel permits to Tibetans resident in Nepal.
3. Adhere to the Gentlemen's Agreement with the UNHCR on the safe transit of Tibetans fleeing Tibet through Nepal and onward to India, with heightened

vigilance concerning possible violations of the agreement at or near the Tibet-Nepal border.

3. Consent to the US government-proposed Tibetan refugee resettlement program for certain Tibetans from Nepal and provide necessary cooperation for its successful implementation.
4. Provide absolute guarantee for the preservation of the Tibetan Refugee Reception Center in Kathmandu and its integrity as a secure place of temporary refuge and respite for Tibetans fleeing Tibet through Nepal and onward to India.

Recommendations to the US, EU and Other Foreign Governments:

1. Work multilaterally to urge the Nepal government to implement a formal protection policy for refugees, including to preserve the integrity of the Tibetan refugee reception center, to regularize the status of eligible Tibetans, and on other Tibetan refugee issues.
2. Direct appropriate embassy officials to monitor the Tibetan refugee situation in Nepal, which includes meeting regularly with NGOs and Tibetans in Nepal, with particular attention to the situation at and near the Tibet-Nepal border.

The International Campaign for Tibet is a non-profit membership organization that monitors and promotes internationally recognized human rights in Tibet. ICT was founded in 1988 and has offices in Washington, DC, Amsterdam, Berlin and Brussels.

DANGEROUS CROSSING:

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