TIBETAN REFUGEES: STILL AT RISK

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This issue brief was written by USCR policy analyst Hiram A. Ruiz. It is based in part on his site visit to Nepal and Tibet in August 1990.
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For many people, Tibet, Land of Snows, Rooftop of the World, is a source of great fascination. But the popular image of Tibet as a Himalayan Shangri-La is a far cry from the reality on the ground. Perhaps that has always been the case. Some observers argue that the Tibet of old has been much romanticized and that the lot of most Tibetan people has always been a harsh one. One thing is certain, though. As human rights groups have consistently documented, since the 1949-50 invasion and occupation of Tibet by the People's Republic of China, Tibet has been--and continues to be--a human rights nightmare.

An estimated 1.2 million Tibetans are said to have died as a result of Chinese policies in Tibet. Countless others have been imprisoned and tortured. Thousands of Buddhist monasteries have been destroyed.

The massive outpouring of Tibetan refugees that took place in 1959, when an estimated 100,000 Tibetans followed their spiritual leader, the Dalai Lama, into exile, came in response to heightened repression by the Chinese authorities in Tibet following mass uprisings against Chinese rule. More than 87,000 Tibetans are thought to have been killed in the 1959 uprising, leading the International Commission of Jurists, in a 1960 report, to determine that "acts of genocide had been committed in Tibet in an attempt to destroy the Tibetans as a religious group."

After 1959, refugee flight virtually ended. During the past decade, however, several hundred Tibetans each year have evaded Chinese border guards and fled to Nepal or India. Some who tried never made it, while others were forcibly returned. For example, in June 1989, the Calcutta Statesman reported
Chinese security forces killed seven Tibetans who were trying to cross into India. In September 1988, Nepalese border guards reportedly handed over 26 Tibetan asylum seekers to the Chinese authorities.

The vast majority of those who have fled Tibet since 1959 live in India, with smaller communities in Nepal, Sikkim, and Bhutan. The religious, cultural, and political center of exiled Tibetans is in Dharamsala, India, home of the Dalai Lama and the Tibetan government-in-exile. An estimated 10,000 to 14,000 Tibetan refugees live in Nepal.

Recently, there has been a significant increase in the number of refugees fleeing Tibet. During August and September 1990, more than 300 Tibetan refugees made their way safely to Kathmandu, the Nepalese capital. Some have remained in Nepal and are being assisted by leaders of the established Tibetan refugee community, while others have proceeded to India.

But not all the refugees who have fled since August have been so lucky. On August 7, Nepalese border guards forcibly returned (refouled) 43 Tibetan refugees--including 27 monks and 6 nuns--who had recently fled from Tibet to Nepal. Following their refoulement, the refugees were jailed by the Chinese authorities in Gutsa prison, Lhasa, Tibet.

These recent developments reflect the continuing abuses of human rights being committed by Chinese authorities in Tibet. The resurgence of a pro-independence movement has been marked by demonstrations against Chinese rule, the imposition of martial law, arrests and torture of pro-independence activists--including many in the clergy--and the expulsion of monks and nuns from monasteries and convents.

This paper focuses on the experience of the Tibetan refugee population in Nepal, on the new influx of Tibetan refugees into Nepal since August 1990, and on the root cause of their flight. It is based in part on a U.S. Committee
for Refugees (USCR) site visit to Nepal and Tibet in August. USCR visited
Tibetan refugee sites in Nepal, met with Tibetan leaders and interviewed newly
arrived Tibetan refugees, and consulted with officials in the Kathmandu office
of the UN High Commissioner for Refugees (UNHCR).

PROTEST, REPRESION, FLIGHT

The New Influx In August, at the Tibetan Welfare Center in Kathmandu, to
which newly arrived refugees turn for assistance, USCR met with the
representative of the Dalai Lama in Nepal, Paljor Tsering, who heads the
center. On the day prior to USCR's visit, 41 Tibetan refugees had arrived,
one of the largest single groups of Tibetans to arrive in Kathmandu in years.

Tsering said that the Tibetan exile community was doing its best to assist
the new arrivals but that the size of the influx was severely straining the
center's resources. Tsering said that his group would need outside help to
provide the new arrivals with even basic necessities. UNHCR is giving some
assistance, but that agency is also in the midst of a critical funding crisis.

In interviews with new arrivals at the center, USCR learned that some,
particularly monks and nuns, hoped to continue onward to India to be near the
Dalai Lama.

Two events contributed to the influx of Tibetan refugees into Nepal that
began this August. Because Chinese authorities lifted martial law on May 1,
1990, it became easier for Tibetans to move within the country. At about the
same time, the Chinese authorities expelled from monasteries and convents a
number of monks and nuns who were suspected of being pro-independence.

After the Chinese occupation of Tibet, and particularly during the
"Cultural Revolution," almost all monasteries were destroyed, the number of
monks drastically reduced (Drepung and Sera monasteries, which in 1950 had 10,000 and 7,000 monks respectively, now have only 300 monks each), and the practice of religion by ordinary people was strictly banned. In recent years, monks and nuns have become closely identified with the pro-independence movement, and since 1987, when that movement was actively revived, many have been imprisoned and/or expelled from their monasteries.

The expulsions are detailed in a September 1990 report by the International Campaign for Tibet, which says that in protest against the increased expulsions, "hundreds of monks from Sera and Drepung Monastery staged walkouts, closing down the monastery and locking the temples."

Reporting on the expulsions, the International Herald Tribune said, "Monks and nuns not detained or questioned were escorted back to their home villages, handed over to the local authorities and told not to practice religion.... The Chussa convent on the outskirts of Lhasa was emptied of nearly 175 nuns, and in many of Lhasa'a monasteries, 10 percent of the monks were removed."

These events were confirmed in two interviews USCR conducted in Nepal with monks who had recently fled Tibet. One, a 27-year-old from Ganden monastery, was arrested for participating in pro-democracy demonstrations and, after being released from prison, kicked out of his monastery by Chinese authorities (See Box). The other, a 23-year-old also from Ganden, was expelled for raising a Tibetan flag and was also returned to his village. Prevented from working, dependent on relatives for food, and wishing to continue an active religious life, both fled to Nepal. According to the UNHCR office in Kathmandu, approximately half of the more than 300 refugees who have arrived in Nepal since August are monks or nuns.

Human Rights Abuses in Tibet Although the People's Republic of China (PRC)
For six years, Gyaltsen, now 27, was a monk in the Ganden monastery, near Lhasa. When the pro-independence movement re-surfaced in 1987, it sparked his interest. "I always felt that things were not right," he said. "I thought that the Dalai Lama should be Tibet's leader. I felt a change was necessary."

In 1988, Gyaltsen twice joined in pro-independence demonstrations in Lhasa. The Chinese officials who had been placed at his monastery to watch over the monks' activities warned Gyaltsen that if he continued to participate, he would be in trouble. But Gyaltsen decided that regardless of what might happen to him in the future, he would continue to support the pro-independence movement. "I wanted a free Tibet," he said.

In March 1989, Gyaltsen and a fellow monk went to Lhasa and joined the largest of the recent pro-independence demonstrations. When the Chinese authorities opened fire on the demonstrators, his friend was shot twice, in the shoulder and leg. After he returned to the monastery, the Chinese official there turned Gyaltsen in to the police. He was taken to Gutsa prison, near Lhasa, where he was fingerprinted, photographed, and interrogated. Gyaltsen said that 17 other Buddhist monks from Ganden were also imprisoned at Gutsa.

During the five months he was imprisoned, Gyaltsen said that he was often beaten. He was kicked in the stomach and hit on the shoulders and back with a stick. At night, despite the cold, he was made to stand naked in the courtyard.

After his release, the Chinese authorities told Gyaltsen he could no longer be a monk, and that he would never again be allowed to re-enter the monastery. He was sent back to his home village, where he was not allowed to work and had to depend on his family for food. At that point, Gyaltsen decided to flee Tibet. "Even if I got killed trying," he said, "it would be better."

Gyaltsen walked at nights for weeks to reach the border. He was able to get across safely and reached Kathmandu on August 7. Gyaltsen said that he hoped to go to India to continue to be a monk, to study, and to be near the Dalai Lama. "But I hope that one day Tibet will be free so I can return," he said.
ratified the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988, a number of those imprisoned are known to have been tortured. According to a Physicians for Human Rights report on torture and imprisonment in Tibet, "Torture of Tibetan political prisoners is routine." The report says that prisoners "are beaten with gun butts, truncheons and clubs with nails driven through the ends, and shocked with electric cattle prods.... Other forms of torture include hanging prisoners by their wrists, ankles or thumbs for periods of hours or even days."

One of the newly arrived Tibetan refugees USCR interviewed in Nepal, a 27-year-old monk, said, "They kicked me in the stomach and hit me in the shoulders and on my back with a stick. At night, although it was cold, they made me take off my clothes and stand naked in the courtyard." According to a February 1989 Amnesty International report on Tibet, "Torture and ill-treatment appear to have been particularly frequent at...'Gutsa Prison,' where many of those detained after the 5 March [1989] demonstrations were held." Gutsa is the same prison in which the refugees who were forcibly repatriated from Nepal in August were imprisoned by the Chinese authorities.

Abuses are not directly solely against individuals, but against Tibetans as a people, and even against the land itself. According to The Boston Globe, "Much of the forests and wildlife of Tibet were extirpated by the foreign rulers, who also used the Land of Snows as a dumping ground for toxic wastes and for a gulag holding millions of slave laborers."

"An Unsettling Experience" As USCR experienced, visitors to Tibet are constantly exposed to the impact of Chinese rule there, and its campaign to rid Tibet of its religious and cultural heritage. Walking the deserted streets of Drepung, a monastery-city, one had the sense of being in a ghost
town. Only a handful of monks were present, mostly old men who appeared to be aimlessly wandering the monastery grounds. Although a group of workmen were busy with the renovation of one of the main temples, one needed only to walk a few yards to see the many ruined buildings off the main visitors' route.

Although it appeared that villages and small towns--where visitors are not taken--are inhabited primarily by Tibetans, the number of Chinese people living in the larger cities seems many times that of Tibetans. Besides the Chinese civilians, large numbers of Chinese troops are seen in the cities. Everywhere, it is the Chinese influence that predominates. The required tour guides who escort visitors are Chinese. My guide did not speak Tibetan, and, though he lived in Lhasa, did not appear to know much about Tibet. In the hotels where visitors are obliged to stay, they are met by Chinese staff and served Chinese food by Chinese waitresses dressed in traditional Tibetan outfits. Most shopkeepers and restaurant owners are Chinese. Compared to the Chinese, Tibetans often seem poorer and appear to be engaged in less desirable occupations, e.g. construction work and rickshaw driving.

According to an editorial in the Montreal Gazette:

For the traveller, Tibet is a rare and unsettling experience.... On the roof of the Potala palace, with the city far below, the feeling of peace and tranquility is overwhelming.... Down on the streets, however, the reality of a harsh existence strikes home. Tibetans are wonderfully friendly. They are also desperately poor.... Among them move their Chinese masters, classic occupiers, there in body but not in spirit in a land whose language they do not speak...and whose sun-blackened tribesmen they regard with disdain, if not disgust.

The striking Chinese presence is no accident. Beijing has actively pursued a policy of populating Tibet with Chinese nationals. According to John F. Avedon, author of several well-known works on Tibet, "The PRC has adopted a final solution for Tibet: the rapid sinocization of the country within 10-20 years and with it the demise of the Tibetan race itself. The
current population transfer policy began in 1983.... All told, excluding the People's Liberation Army [whose number in Tibet is estimated to be 200-500,000], there are 7.5 million Chinese to 6 million Tibetans in Tibet."

Deaths, Arrests, Follow Recent Pro-Independence Demonstrations The Chinese authorities imposed martial law in Tibet in March 1989, following the largest and most violent of the estimated 30 pro-independence demonstrations by Tibetans in the past three years. During the 14 months martial law was in effect, thousands of Tibetans were reportedly arrested. Although by all accounts the demonstrations began peacefully, the Chinese authorities provoked violence by attacking the demonstrators.

Although Chinese authorities claim that only 16 people were killed during the March uprising, all other sources--including Western tourists who witnessed the events and a well-connected Chinese journalist who has since defected from China--report that anywhere between 60 and 450 Tibetans, including a number of Buddhist monks and nuns, were killed. Personal accounts of the March events conveyed to USCR include those of an English-speaking Tibetan man interviewed in Lhasa who said that his brother, a monk, was among those killed during the March demonstrations. Since then, he has been waiting for a chance to flee the country. One of the refugee monks interviewed in Nepal said that a fellow monk from Ganden monastery with whom he had gone to the demonstrations was shot but survived.

The massacre in Lhasa occurred at the same time that world attention was focused on large, pro-democracy demonstrations in Beijing and other cities around China, and three months before the far more widely publicized and internationally condemned massacre in Beijing's Tiananmen Square in June 1989.
Lhasa, Tibet, October 1, 1987: Two monks run into a burning police station hoping to help other monks who had been arrested. According to a report by Asia Watch, pro-independence demonstrations in Tibet "have largely begun non-violently, and the degeneration into violence has generally been precipitated by overt violence on the part of the [Chinese] authorities."

Photo credit: J. Ackerley/Intl. Campaign for Tibet

At the Jawalakhel refugee camp, near Kathmandu, Nepal, a Tibetan refugee woman spins wool. Most of the 500 refugees living in the camp work in the cooperative carpet factory run by the refugees themselves, but many also spin wool or weave carpets at home.

Photo credit: H. Ruiz/USCR
For Nepal, New Arrivals Present Thorny Problem

Nepal is not a signatory to the UN Convention and Protocol Relating to the Status of Refugees, and also has no statutes on its books that relate to the recognition or treatment of refugees. Nevertheless, Nepal has traditionally allowed Tibetan refugees to remain in Nepal safely. The influx of Tibetan refugees since August presents problems for the new government of Nepal, which came into power in April 1990, following widespread pro-democracy demonstrations in Nepal (in which dozens were also killed). Pledged to democratic reform and improved human rights, the new government has shown a willingness to draft legislation that would spell out protections for refugees, but has not yet done so.

Nepal's diplomatic concerns impinge upon its treatment of refugees. Sandwiched between India and the Chinese in Tibet, Nepal tries to maintain friendly relations with both of its large, powerful neighbors. It does not want to be seen to support or encourage a new outflow of Tibetan refugees, since the exodus of refugees is embarrassing to the Chinese. (An even thornier problem for Nepal is the presence of a small group of Chinese refugees who fled to Nepal in the months following the Tiananmen Square massacre and subsequent clampdown on the pro-democracy movement in China.) This may account for the disparity in the way newly arrived Tibetan refugees have been treated: the majority are allowed to reach Kathmandu safely, but a smaller number are forcibly returned.

Observers familiar with Nepal and Tibetan refugees speculate that the refoulement of 43 Tibetan refugees in August may not, in fact, have been ordered by the central government in Kathmandu, and may not have been an indication of Nepalese policy. While it is not unlikely that the action was in fact taken independently by local officials in Humla, the area of western Nepal which the refugees had entered when they fled Tibet, the central
government remains accountable for the actions of its local officials.

The office of the representative of the Dalai Lama in Nepal, which operates a welfare center for Tibetan refugees, is also in a delicate position. It must be careful not to be perceived by the Nepalese government as in any way encouraging refugee flows, since that would jeopardize its position vis-a-vis the Nepalese government.

The UNHCR Presence UNHCR reopened its office in Nepal in August 1988. The agency had been present in Nepal during the 1960s, after the initial influx from Tibet, but had closed its office in 1973. According to UNHCR, the reason for re-opening the office had to do not so much with the long-staying Tibetan refugee population as with the approximately 400 refugees of various other nationalities, mostly Afghans and Iranians, who had made their way to Nepal from Pakistan or India, who were in Kathmandu, and who required short-term assistance and a long-term resolution to their situation.

Since reopening its office, however, UNHCR has encountered not only the sensitive problem of the several dozen Chinese refugees, but also the new influx of Tibetans—and the recent refoulement. However, while in Kathmandu, USCR learned that due to the major funding crisis that has engulfed UNHCR worldwide, the agency was considering again closing its office in Nepal. After reviewing the total situation of refugees in Nepal, UNHCR decided this autumn to retain a full-time presence.

Established Refugees Economically Well-Integrated While many problems and concerns surround the newly arrived refugees, the estimated 14,000 Tibetans who for the most part have been living in Nepal since 1959 are doing quite well. To preserve a sense of their identity and culture, the refugees try to
maintain Tibetan schools, and when possible, send their children for higher education to one of the larger Tibetan refugee centers in India.

The refugees do face some restrictions, however. According to a 1989 study on Tibetan refugees in Nepal, *Settlements of Hope*, "Although few economic or social limitations are imposed on the Tibetan refugees in Nepal, they have no political freedom. They cannot organize politically, hang propaganda signs, or demonstrate on the streets." Such restrictions on political activities are not uncommon in many refugee-hosting countries, and are not surprising given Nepal's concerns regarding its relations with China. But the restrictions are important to the refugees because, after three decades of exile, political activity, particularly continued protest against Chinese rule in Tibet, is an important factor in helping the younger generation maintain its Tibetan identity. Without such expression, the study says, older Tibetan refugees fear that "their children will gradually lose interest [in Tibetan independence]; they will not inherit the sense of urgency, the sense of responsibility that if they do not work for the Tibetan cause, they will have betrayed their country."

According to Tsering, the Dalai Lama's representative in Nepal, another major problem faced by the established refugee population is their lack of status or proper identification papers. In 1963, Tibetan refugees who were 18 years of age or older were registered and issued identification cards (although Tsering says many refugees avoided registration out of fear). Since then, however, there have not been any further registrations, and a whole generation of Tibetans born in Nepal--but not Nepali citizens--remains unregistered.

Economically, the refugees have integrated well. Many refugees have become involved in the Tibetan carpet-making industry, which has flourished in
recent years and brought prosperity--or at least a reasonable livelihood--to many refugees. The study on Tibetans in Nepal says that carpet-making has "not only been the backbone of the refugees' livelihood in Nepal, but has also become the second-largest earner of foreign currency in the entire country [Nepal]."

In a USCR interview at the Tibetan carpet factory in the Jawalakhel refugee camp near Kathmandu, Tsega, a 49-year-old woman who was 18 when she fled Tibet, said that while she and her family get by financially, she misses the independence they had in Tibet, where they lived off the land. "Here, we work for others," she said. "In Tibet, we worked for ourselves." Tsega said that her main concern was her inability to provide higher education for her children.

The question of education was also raised by 18-year-old Tsering, who was born in Nepal and has never been to Tibet. After completing primary education in Kathmandu, she went to India, where she continued her education at Tibetan schools for six years. Her education was financed by a Norwegian sponsor whom she and her family never met. After the sponsor's death, her family was unable to support her in India, and she returned to Nepal. Although she would have preferred a different type of job, Tsering found that opportunities outside the carpet industry are limited. She works at a loom next to her mother.

CONCLUSION AND RECOMMENDATIONS

Although many groups and individuals around the world take an active interest in the plight of Tibetan refugees, the root cause of their flight--the continued Chinese occupation of Tibet and the human rights abuses committed by the Chinese authorities against the Tibetan people--continues to
draw little international attention. In large part, that is because most
nations seek to maintain good relations with Beijing, which steadfastly
maintains that Tibet is part of China and that any discussion of human rights
in Tibet is an interference in China's internal affairs.

In the past three years, Tibetans have renewed their calls for
independence. The repressive Chinese response, particularly the targeting of
monks and nuns for retribution, has been the direct cause of a new outflow of
Tibetan refugees. As long as such abuses continue, Tibetans will continue to
flee.

The U.S. Committee for Refugees makes the following recommendations aimed
at ensuring the rights of Tibetan people, both at home and in the countries to
which they have fled:

1. The government of the People's Republic of China should desist from human
rights abuses against the Tibetan people. The United States and other
governments should consistently press for human rights in Tibet in its
dealings with the People's Republic of China. It is time to refocus attention
on this often forgotten, isolated oppression of the Tibetan people.

Report after report has documented the continuing abuses that the government
of the People's Republic of China commits against Tibetans, both individually
and as a people. Beijing has paid little heed to appeals from humanitarian
organizations to stop these abuses. The international community, bowing to
vested interests, has been meek in its criticism of Beijing or in defense of
the rights of Tibetans. The United States has been particularly silent on the
issue of human rights abuses in Tibet. Indeed, given the Bush
Administration's weak and short-lived castigation of China following the
Tiananmen Square massacres, it is not surprising that the abuses in Tibet have gone largely unaddressed. Rep. Tom Lantos (D-Calif.) has said, "Official U.S. policy toward Tibet has been indifferent at worst and equivocal at best." The people of Tibet should not be sacrificed to the expediency of profitable economic and convenient political relations with China.

2. The government of Nepal must ensure that Tibetans fleeing persecution in their homeland are not forcibly returned there.

It is as yet unclear if the *refoulement* in August of 43 Tibetan refugees by Nepalese border guards reflects a policy of the government of Nepal or was an action taken independently by border guards in the Humla area. If these were actions taken in error by local officials, the government must take steps to prevent any further incidents. If they reflected policy, we urge the Nepalese government, which has traditionally allowed Tibetan refugees to remain in Nepal in safety, to reject further forced returns of Tibetan asylum seekers—thereby conforming to established international refugee protection practices.

3. The government of Nepal should enact legislation that provides a framework for granting of refugee status and spells out the rights and proper treatment of refugees.

Nepal is not a signatory to the UN Convention and Protocol Relating to the Status of Refugees. We encourage Kathmandu to sign on to these important documents that provide an international framework for the treatment and protection of refugees. It is also necessary, however, that the principles enshrined in these conventions be incorporated into Nepalese law. It is a
first step in developing a refugee policy that will be known and understood by all Nepalese officials and which will help prevent a repeat of situations such as the recent refoulement. We also urge Kathmandu to conduct a registration of refugees 18 years of age and older, as none has been conducted since 1963.

4. The UN High Commissioner for Refugees (UNHCR) should maintain its presence in Nepal.

USCR applauds the decision of UNHCR to maintain a presence in Nepal, even though it is facing serious budget constraints and staff limitations around the world. Particularly in view of the recent refoulement, and the fact that the new Nepalese government has shown a willingness to draft legislation regarding the status of refugees, a UNHCR presence in Nepal is vital. It presence ensures that the safety and welfare of refugees in Nepal is monitored by the international community.

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The world community resoundingly condemned the human rights abuses committed against demonstrators in Beijing's Tiananmen Square in June 1989. But at the same time, in the shadows of world attention, China was violently putting down pro-democracy demonstrations by Tibetans in Lhasa. Tibetans in flight from such abuse deserve the same international response on their behalf.