

DANGEROUS CROSSING:

Conditions impacting the flight
of Tibetan Refugees
2010 Update



A report by the International Campaign for Tibet
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Front cover photograph:

The broad scope of what Beijing defines as “anti-China” activities has led not only to the erosion in the ability of Tibetans in Nepal to express public support for the Tibetan struggle in Tibet but also to increasing restrictions on expressions of their Tibetan identity in Nepal. Nepalese authorities have deployed police to monitor, intimidate, and detain Tibetans at political protests but also at cultural and religious gatherings. (Photo: ICT)

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SUMMARY

In 2010, the situation for Tibetans in Nepal remained precarious, as China increased diplomatic pressure to block protests about repression in Tibet and stepped-up bilateral initiatives targeting what it deems “anti-China” activities. Border security was still tight following the crackdown in Tibet as a result of unrest that swept the plateau from March, 2008, and numbers of Tibetans escaping into exile were low compared to previous years although slightly higher than in 2009.

In 2010, a total of 874 Tibetans made the dangerous crossing over the Himalayas into Nepal and onward to India, only marginally above the 2009 figure of approximately 838. This is well below the 2,500 to 3,500 who crossed annually in recent years prior to the renewed security crackdown from 2008. The dramatic decrease in numbers can be attributed to the increased dangers Tibetans in Tibet face as part of the intense security climate put in place by government authorities following the start of protests in 2008 and the heightened restrictions along the Tibet-Nepal border.

The dangers increased in 2010, which saw the first known case of refoulement since 2003, when three Tibetans were detained by Nepalese police and forcibly returned to Tibet by helicopter, accompanied by a Nepalese politician and a policeman. According to ICT sources two of the Tibetans were put in jail and due to serve six months (see below).¹

In another major development, a group of seven Tibetans, including a 7 year-old girl and 12 year-old boy, were pursued across the Nepal border by Chinese armed police. The group was detained by Nepalese border police, who began to walk the group back in the direction of the Tibet-Nepal border before abandoning the Tibetans in a remote area. The group remained in hiding for several days before eventually managing to reach the Tibetan Refugee Transit Center in Kathmandu (see below).²

Tibetans make the journey across the Himalayas through Nepal and onward to India each year for many reasons as detailed in this report. Often they are forced to escape due to repressive policies and a climate of fear. Parents often send their children out of Tibet in order for them to receive an education not available in Tibet, while others have lost their land or livelihoods due to China’s economic and strategic objectives in Tibet.



Crackdown in Tibet. A Tibetan school girl, 16-year old Lhundup Tso, was killed when police opened fire on unarmed protestors in Ngaba (Chinese: Aba) on March 16, 2008. Sources from the area identified the body pictured as Lhundup Tso. The protest began when monks at Kirti monastery in Ngaba (the Tibetan area of Amdo) began a spontaneous protest following a morning prayer ceremony, and were joined by monks from other monasteries, laypeople and schoolchildren. (Photo: ICT)

The dangers of the journey itself are compounded by an insecure situation for Tibetans once they arrive in Nepal. As Nepal embraces China's diplomatic overtures, Nepalese officials have taken bold steps at clamping down on the Tibetan community in Nepal. On October 3, 2010, armed Nepalese police in riot gear seized ballot boxes that were being used by Tibetans to vote for a new Chief Minister and Parliament in exile. The seizure by Nepalese authorities, who claimed the election was an "anti-China" activity, left approximately 9,000 Tibetans disenfranchised from the election process (see below).³

In 2010 Nepal continued to adopt Chinese characterizations of Tibetan refugees as "illegal economic migrants," leading officials to accuse Sudeep Sunuwar, a Nepalese citizen who teaches at a school in Lapcha and came into contact with a group of Tibetans who crossed into Nepal, of "human-trafficking."⁴ Even though

the group has said that Sunuwar was not helping them, he still faced a fine of NRs 200,000, or 10 to 15 years in jail (see below).

Despite the risks, some Tibetan exiles in Kathmandu continued to engage in 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 low tolerance approach to protestors after Beijing urged the Nepal government to stop the demonstrations, claiming they were an irritant to China-Nepal relations.

New security and information sharing agreements initiated in 2010 between China and Nepal make the journey into exile from Tibet as dangerous as ever. On July 26 the first “Nepal-China border Security and Law Enforcement Talks” concluded with Beijing and Kathmandu agreeing to establish high-level intelligence sharing capabilities targeting “anti-China” activities and border management,⁵ in addition to a pledge from Beijing for an annual aid package to enhance Nepal’s handling of “anti-China” activities (see below).⁶ Greater cooperation between Chinese and Nepalese security forces regarding intelligence sharing and border enforcement increases the threat of forced repatriation for Tibetans and raises concerns over Nepal’s commitment to ensure the safety of Tibetans transiting through Nepal.



Tibetans arrested in connection with the protests that swept across the plateau since March 10, 2008 at a public sentencing rally in Ngaba (Chinese: Aba) county, Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan province, and broadcast on state-run television. The left side of the screen reads: “Hold high the banner of maintaining stability”. The identity of the Tibetan prisoners is unknown, with the placards hanging around their necks illegible in this image. It is a scene reminiscent of the Cultural Revolution. (Photo: ICT)

THE DANGEROUS CROSSING: CONDITIONS IMPACTING THE FLIGHT OF TIBETAN REFUGEES 2010 UPDATE

Nepal remains one of the poorest countries in the world. After a 10 year bloody conflict which left over 13,000 dead, King Gyanendra was deposed in 2006 and Nepal's Maoists joined the interim government in 2007 and eventually led a coalition of political parties that saw the appointment of Nepal's first Maoist prime minister, Pushpa Kamal Dahal (aka Prachanda) in 2008.

Despite democratic elections and peaceful transitions of power between governing coalitions, political institutions, hampered by rampant corruption,⁷ remain weak in Nepal. A permanent constitution was scheduled to be completed by May 28, 2010, but remained unfinished, leaving in place an interim constitution and calling into question Nepal's Constituent Assembly's ability to govern effectively.

China has increased development and military aid as part of a new emphasis on its relationship with its neighbor to the south. The activities of Tibetans residing in Nepal stands as China's chief concern in its diplomatic relations with Nepal.



The Friendship Bridge border crossing between Tibet and Nepal. Tibetan refugees often cross at or near the China-Nepal Friendship Bridge. It is dangerous for Tibetan refugees to stay near 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. (Photo: ICT)

As the Nepalese government focuses on consolidating power and maintaining stability within its borders, Tibetans, lacking a durable solution, have become vulnerable to the effects of political pressure exerted by Beijing on Nepalese officials. With no such durable solution and no refugee law to bind Nepalese officials to measures that would protect Nepal's long-staying Tibetan community, Tibetans are left vulnerable to political decisions without the protection of the law. A vivid example of these dangers occurred on March 7, 2010, when Thrinley Gyatso, a prominent member of the Tibetan exile community, was detained by Nepalese authorities and warned that if Tibetans attempted to protest inside the "restricted zone" around the Chinese embassy on March 10, Nepalese police would be instructed to open fire on demonstrators (see below for details).

It is within these political circumstances in which an estimated 20,000 Tibetans live in Nepal (though the actual number is most likely far higher). The United Nations High Commissioner for Refugees (UNHCR) classifies an additional 1,500 Tibetans residing in Nepal as "of concern," which, while not designated as having refugee status, still notes that they are in need of protection and a durable solution.⁸

The number of Tibetans making the journey into exile through Nepal rose to 874 in 2010, but is still well below the 2,500 to 3,500 who crossed annually before Chinese authorities implemented a crackdown and increased security across the Tibetan plateau after protests began in March, 2008. The number of Tibetans making the perilous journey into exile sharply declined from 2006, when slightly less than 2,600 Tibetans made the crossing, until 2009, when only 838 Tibetans were recorded by the Tibetan Refugee Transit Center (TRTC) as having made the dangerous crossing from Tibet to Nepal.

Heightened tensions on the Tibet side of the Tibet-Nepal border are the most likely cause for the reduction in the numbers of new arrivals from Tibet. From January, 2008 to the end of December, 2008, only 652 Tibetans managed to arrive safely in exile after the Tibetan plateau was virtually sealed off and security along the Nepal – Tibet border was tightened. More recently, Nepalese authorities agreed to increase security along its border with the Tibetan Autonomous Region as part of a 13-point treaty signed with government officials from Beijing.⁹

The government of Nepal permits Tibetans who sought refuge before January 1, 1990, and their descendants, to remain in Nepal with legal residence and religious freedom. These Tibetans are eligible to receive a government-issued refugee [identity] certificate (RC), which allows them to remain in Nepal with limited civil, political, and economic rights. However, Nepal continues to be unreliable in the issuance of RCs, and thousands of Tibetans who are eligible have



The Tibetan Refugee Transit Center in Kathmandu, Nepal. The UNHCR's failure to conduct border monitoring missions to educate Nepalese border guards both raises the risk of refoulements and means greater efforts must be undertaken by the Tibetan Refugee Transit Center staff or NGOs, whose effectiveness is constrained by lack of resources and a rescue mandate. (Photo: ICT)

been waiting for years for processing to resume and are left with no defined legal status. The issue is compounded by the lack of a refugee law.

Tibetans without citizenship are not allowed to register any businesses such as shops, restaurants, and guest-houses. Sometimes Tibetans are not allowed to register businesses even if they have valid papers and money, according to several anecdotal reports from Kathmandu. Nepalese people typically partner with Tibetans in business ventures so they can be registered and occasionally offer Tibetans employment.

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.

In recent years, the Gentlemen's Agreement has sometimes been skirted by Nepalese authorities, resulting in the detention of refugees caught in transit or in Kathmandu, and the imposition of fines for violating Nepal's immigration laws. At other times the Gentlemen's Agreement has been flagrantly violated, with

Nepalese officials in concert with Chinese officials refouling (forced repatriation)¹⁰ Tibetan new arrivals. Three Tibetans are known to have been refoiled in 2010 (see below), with refolements and possible refolements becoming increasingly difficult to ascertain.

By not ensuring border guards are fully trained on protocols as they relate to the Gentlemen's Agreement, Nepalese officials are allowing for the arbitrary application of their own procedures, undermining not only the application of international law along its own border, but the basis for the Gentlemen's Agreement in allowing the safe transit of those Tibetans seeking refuge in exile.

Although Nepal is not a signatory to international refugee conventions, the forcible return or refolement of refugees to a place where their lives or freedoms could be threatened violates a fundamental norm of international law. However, there is no recourse for refolement and Tibetans that are forcibly returned face torture and harsh prison conditions.

It is possible that refolements are continuing in the border areas without being known about in Kathmandu. This pattern was increasingly evident throughout 2010 as information about possible refolements became more difficult to obtain.

The UNHCR rarely conducts formal status determination interviews with Tibetans who make it across the border into Nepal, presumably in recognition of Chinese government and hence, Nepalese 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. To date, Nepal has no refugee law. In 2010, long-staying Bhutanese and Tibetans residing in Nepal (the two largest refugee communities in Nepal) joined refugee advocates in issuing an 8-point declaration (see below), urging the government to recognize and enforce fundamental rights and to establish a refugee commission to address refugee issues. The declaration was issued following a November 19, 2010 conference on the major issues facing refugees residing in Nepal organized by the Human Rights Organization of Nepal (HURON). Participants included human rights advocates, community leaders, Nepalese politicians, members of the press and an official from the U.S. embassy. The participants spoke to the Nepal government's inaction on refugee issues, including the lack of a clear vision regarding refugees. Speaking at the conference, the former president of the Federation of Nepalese Journalists (FNJ) told participants that it "is shameful for everyone who believes in democracy, as the basic rights of refugees are being violated everyday."

Kathmandu Declaration 2010

1. We demand the Nepal government provide Refugee Cards (RC) to Tibetan and Bhutanese refugee families and their children who were born in Nepal.
2. We request the government provide basic civil rights and ensure the identification of refugees.
3. Refugees who are born and educated in Nepal and assimilated in Nepali culture should get RCs and there should be a provision to provide them citizenship if they show the interest to have it.
4. The government is requested to endorse the Refugee Convention of 1951 and optional protocols at the earliest.
5. The government of Nepal is advised to establish a separate office to look at the problems of refugees.
6. It is suggested that the Nepal government include rights for refugees in the new constitution which is being drafted.
7. Respecting the Universal Declaration of Human Rights, we request the government of Nepal create an environment for refugees where they can celebrate their festivals and cultural activities in their ways and respect the cultural values of refugees.
8. The government is asked to formulate a law about refugees in order to ensure the rights of Bhutanese, Tibetan and other refugees residing in Nepal.

Nonetheless, the UNHCR does interview all new arrivals, monitors the assistance provided to them at the Tibetan Refugee Transit Center, intervenes in cases of danger of refoulement or abusive detention and, when required, deals with protection issues relating to the long-staying Tibetan refugee population (prior to 1990 arrivals) in Nepal.

Beginning in 2009 the UNHCR departed from past practice and abandoned 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. The UNHCR's failure to conduct these missions to educate Nepalese border guards both raises the risks of refoulements and means greater efforts must be undertaken by the Tibetan Refugee Transit Center staff or NGOs, whose effectiveness is constrained by lack of resources and a rescue mandate.

With no formal protections or status in Nepal, Beijing continues to raise incentives for Nepalese to refoule Tibetans. The danger for Tibetans crossing into Nepal is heightened as a result of UNHCR's failure to conduct border monitoring missions

and ensure that Nepalese border police are properly instructed on Nepal's obligations not to reful Tibetans.

As part of its overall annual contributions to the UNHCR, the United States government funds support to Tibetan refugees at the Tibetan Refugee Transit Center 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.

In 2005 the office of the Dalai Lama's representative in Kathmandu was closed by the Nepalese government following Chinese objections.¹¹ Worries persist that Chinese pressure will lead to increased harassment of Nepal's Tibetan community and the eventual closure of the TRTC, an essential lifeline for the refugees coming across the border and transiting through Nepal onward to India. Closure of the TRTC would frustrate the ability of the UNHCR to offer protection and expose Tibetans fleeing China through Nepal to exploitation and refolements.

In addition to the risk of refolement, Tibetan refugees face harassment and theft by Nepalese security personnel. There have been numerous documented incidents of theft of money and possessions from Tibetan refugees arriving in Nepal over the past years, with a number of such incidents recorded in 2010. Sometimes these thefts have amounted to thousands of yuan plus the confiscation of items such as cell phones. In one incident in January, police searched a group of 17 Tibetans attempting to make the crossing and confiscated cash and mobile phones worth a total of 25,000 Chinese yuan (\$3,660), plus several thousand Nepalese rupees (see below).

In a disturbing development, Nepalese police filed human trafficking charges against a Nepalese teacher who allegedly helped a group of seven Tibetans refugees on their way to Kathmandu after they crossed into Nepal at the Lapchi border area.¹² The group told exiled Tibetans living in Kathmandu that Sudeep Sunuwar, a teacher from the town of Lapcha, was not helping them, although he was travelling with them [in Nepal]. Sunuwar faces a fine of NRs 200,000 fine, or 10-15 years in jail if found guilty.

RISKS FOR TIBETANS IN NEPAL: NEW DEVELOPMENTS IN 2010

Incidents and trends in 2010 contributed to a demoralizing atmosphere for Tibetan refugees both in transit and resident in Nepal. Hardship in the small business economy in which most Tibetans engage and political instability in Nepal made for bleak expectations generally. However, Chinese pressure on Nepal's government to comply with its Tibet directives, its influence on certain Nepalese authorities, and the infiltration of Chinese informants in Nepal's Tibetan community, made Tibetans fearful of and vulnerable to police harassment and detention, especially those Tibetans with unsettled legal status in the country.

Increased Chinese Pressure

China has made Nepal's handling of Tibetan newly arrived and long-staying refugees a focal point in their bilateral relations. As it does in its diplomatic dealings with other countries when addressing the issue of Tibet, Beijing routinely calls on Nepal to uphold a "one China" principle – that there is one, undivided sovereign China. In this case, China's utilization of "one China" is meant to imply that Tibetans are seeking separation from China thereby obfuscating the Dalai Lama's calls for genuine autonomy for Tibetans,¹³ which is compatible with the principles on autonomy as set out in China's constitution.¹⁴ Chinese officials identify territorial integrity and sovereignty as a "core issue," which therefore explains their uncompromising stance on Tibet.¹⁵

In accordance with the "one China" principle Beijing presses Kathmandu to crack-down on activities it deems to be "anti-China." Nepalese authorities have become increasingly compliant in meeting this demand. A typical gesture to Beijing occurred before the October 26 meeting between Nepal President Dr. Ram Baran Yadav and Tibet Autonomous Region Governor Pema Trinley in Lhasa. The day before the meeting Nepalese police detained and interrogated seven Tibetans in western Nepal.¹⁶ During the meeting, the Nepal President affirmed Nepal's "one China" commitment.¹⁷

China appears to be moving Nepal beyond adherence to the "one China" principle to impose the kind of limits on civil and political rights that China imposes on Tibetans in Tibet. Beijing has buttressed its expectations with cash and other assistance to support Nepal in carrying out security measures targeting Tibetans.



On October 29, 2010, Nepalese police denied members of the Tibetan community entry into Namgyal Middle School, located in Kathmandu's Swayambhu neighborhood, for a religious celebration. Despite receiving prior permission from the Chief District Officer, armed police were deployed, preventing most Tibetans in the area from taking part, leaving only students and a few teachers to carry on the program. (Photo: ICT)

In the first “Nepal-China Border Security and Law Enforcement Talks,” which concluded on July 26, China pledged an annual aid package of \$1.47 million for measures against “anti-China” activities. During the same meeting, Chinese officials delivered night vision cameras and “other logistics” worth approximately \$295,006.¹⁸ The meeting concluded with an agreement to establish high-level intelligence sharing capabilities targeting “anti-China” activities and “other illegal cross-border activities.”¹⁹

One Nepalese government official involved in the talks said: “The Chinese side assured full support to enhance capacity building, training of Nepali security personnel to be deployed across the northern border, seeking Nepal’s full commitment on information sharing on anti-China activities with effective law enforcement mechanism to contain the activities.”²⁰

In early November police and government officials from Nepal’s border areas attended a special training arranged by the Chinese government that focused on the issue of “anti-China” activities. Representatives from the Nepal Police and Armed Police Force from the Rasuwa, Sindhupalchowk, Dolakha, Mustang and Solukhumbu districts, along with Chief District Officers from Kaski and Dolpa, traveled to Beijing for the two-week long training.²¹

Greater cooperation between Chinese and Nepalese officials against so-called “illegal cross-border activities” has raised concern over Nepal’s adherence to its Gentlemen’s Agreement with the UNHCR that provides for the safe transit of Tibetan refugees through Nepalese territory onward to India.

In January, Nepalese police apprehended a group of 22 Tibetan refugees and instead of assuring their safe passage to Kathmandu, the police began to walk them back towards the Tibet border. The group had been apprehended near Lamabagar on January 13, three days after crossing into Nepal through a snowbound mountain pass.²² Three members of the group were suffering from frostbite, and their guide had been injured in a fall. The Nepalese police officers had no interpreter but somehow indicated to the group that they could not enter Nepal and had to return to Tibet. The group refused to move until it began to get dark. The police then proposed that they go together to their station for the night. The guide advised the group that some should try to escape, get to Kathmandu and inform people at the UNHCR reception center that police were threatening to deport their companions. They walked for several hours through the dark to the police post, and four of them escaped. The police went looking for the missing people without success. The remaining 17 were locked up in a farm building near the police station. Later that night, police came in, searched them, and confiscated cash and mobile phones worth a total of 25,000 Chinese yuan (\$3,660), plus several thousand Nepalese rupees.

The next day (January 14) police resumed the march towards the Tibet border. As they neared the border, and the Tibetans recognized they were returning the way they had come, they again sat down and refused to move. The standoff went on until evening, when the police agreed to return to the police post. They walked back in the dark, and two more went missing along the way. The police were unable to find them. The group of 15 was confined in the same building for the night and given a little food. The building was not a secure one and during the night some members of the group made a hole in the wall and several escaped. Some police came and discovered what had happened, lost their temper and beat the remaining detainees with sticks.

On January 15, the group began its descent away from the border escorted by the police. They spent the night along the way, and two more managed to escape in the dark. The next day they reached the road and were handed over to another group of police. By afternoon they were put on a bus and taken to the nearest town, where they spent the night in detention at the police station. On January 17, they were driven to Kathmandu and handed over to Nepal Immigration, per the Gentlemen’s Agreement.²³

In June, Chinese armed police crossed the border into Nepal in pursuit of a group of seven Tibetan refugees, including a 7 year-old girl and 12 year-old boy. The group had first been apprehended by Nepalese border police. After an arduous trek back in the direction of the Tibet-Nepal border, the police abandoned the group in a remote forested area. The Tibetans, fearing forcible return to Tibet, remained in hiding for several days near Lamabagar. According to local sources in contact with Tibetans, at least six Chinese armed security personnel (likely to be People's Armed Police) were searching for the group.

First news of the danger these Tibetans were facing came from a single member of the group who had broken from the rest and managed to reach the UNHCR-run Tibetan Refugee Transit Center in Kathmandu. Urgent interventions by the UNHCR and several foreign embassies in Kathmandu secured assurances from the Nepal government that Nepalese border personnel would assist the Tibetans to travel safely to Kathmandu.²⁴

Also in June there was a confirmed forcible return of three Tibetans, the first since 2003. According to reports received by UNHCR, two of the three Tibetans forcibly returned to China were imprisoned (see "Confirmed Refoulement" below).²⁵

The broad scope of what Beijing defines as "anti-China" activities has led not only to the erosion in the ability of Tibetans in Nepal to express public support for the Tibetan struggle in Tibet but also to increasing restrictions on expressions of their Tibetan identity in Nepal. Nepalese authorities have deployed police to monitor, intimidate, and detain Tibetans at political protests but also at cultural and religious gatherings.

The U.S. State Department Country Report on Human Rights Practices for 2010 reported that Nepal limited freedoms of expression and assembly for the Tibetan community. It specifically cites the following incidents.

On February 14, the Office of the High Commissioner for Human Rights in Kathmandu reported that police seized Tibetan flags from Tibetans and did not allow them to wear T-shirts displaying the flags during a candlelight program.

On March 9 and 10, the Nepal police and Armed Police Force arrested 28 Tibetans who staged protests to mark the 51st anniversary of the Tibetan uprising against the Chinese in Tibet.



According to the U.S. State Department Country Report on Human Rights Practices for 2010, on July 6, Nepal police set up checkpoints at different locations, stopping Tibetans heading toward the birthday celebrations of the Dalai Lama in Kathmandu. More than 100 persons reportedly were detained. (Photo: ICT)

On July 6, Nepal police set up checkpoints at different locations, stopping Tibetans heading toward the birthday celebrations of the Dalai Lama in Kathmandu. More than 100 persons reportedly were detained.

On October 3, the Nepal government seized ballot boxes from at least three locations in Kathmandu during an election held by the Central Tibetan Administration and, at year's end, the government continued to hold the boxes.

During the July 6 incident cited by the State Department, a journalist with the Associated Press witnessed at least 22 Tibetans being detained before being ordered to leave the area by Nepalese authorities.²⁶

The State Department also reported the following concerns about long-staying Tibetan refugees in Nepal:

On August 3 or 4, Chinese police crossed the border in Nepal and arrested three Tibetans.



During the July 6 celebration of the Dalai Lama's birthday in Kathmandu, a journalist with the Associated Press witnessed at least 22 Tibetans being detained before being ordered to leave the area by Nepalese authorities. (Photo: ICT)

There were numerous reports that police and other local officials harassed Tibetans engaged in daily activities. Police reportedly conducted random checks of identity documents of Tibetans, including monks. These checks sometimes included threats of deportation, followed by requests for bribes.

On February 17, 13 young Tibetans were arrested in Thamel in Kathmandu while celebrating Losar (Tibetan New Year).

In April, nine Tibetans were charged and sentenced to long-term detention for entering the country illegally.

On October 29, members of the Tibetan community were prevented by police from attending a religious celebration held at Namgyal Middle School in the Swayambhu neighborhood of Kathmandu.

On November 11, five Tibetans were arrested in Boudha. Police claimed the arrests were prompted by reports that the Tibetans were planning to protest outside the Chinese embassy.

Nepalese halt Tibetan election

On October 3, as cited by the State Department, in a dramatic incident of harassment, armed Nepalese police in riot gear seized ballot boxes that were being used by Tibetans in Kathmandu to vote for a Chief Minister or Kalon Tripa of the Tibetan exile government, as well as for their representatives to the Tibetan parliament in exile.

According to Tibetan sources in contact with prominent Nepalese rights advocates, the Chinese embassy in Kathmandu had instructed the Nepalese Home Ministry to stop the election, and subsequently sent in police who stormed three centers where Tibetans were voting and seized the ballot boxes. The seizure left thousands of Tibetan voters disenfranchised in a democratic election that otherwise occurred without incident in countries around the world, as observed by an international team funded in part by the National Endowment for Democracy.²⁷

A Tibetan eyewitness said: "This was a terrible day for Tibetans in Nepal. People felt desperate. Many of the Tibetan elders in the community were crying, they were not able to do anything as there were so many police and they were so aggressive."²⁸

March 10 anniversary

This year, the Chinese authorities again stepped up pressure on the Nepal government in the buildup to the March 10 anniversary. On February 6, Nepal's Home Minister Bhim Rawal led an eight-member delegation on a week-long visit to Lhasa and Beijing to discuss border control and preventing so-called "anti-China" activities by Tibetans on Nepalese soil.²⁹ Rawal, accompanied by the chiefs of



Tibetans in Kathmandu voting for a new Kalon Tripa and Parliament in exile on October 3, 2010, before armed Nepalese police in riot gear seized ballot boxes. The seizure by Nepalese authorities, who claimed the election was an "anti-China" activity, left approximately 9,000 Tibetans disenfranchised from the election process.

Nepal Police, Armed Police and state intelligence agency National Investigation Department, was to discuss security cooperation along the Tibet-Nepal border areas with his Chinese counterpart.

At the Kathmandu airport, planes bound for Lhasa were grounded on the tarmac on March 5 as the Tibet Autonomous Region was effectively closed to foreign tourists until after March 10, and the border crossing between Tibet and Nepal at the Friendship Bridge was effectively closed for this period.

ICT monitors reported that in the week prior to March 10, Nepalese police started searching guest-houses almost every night in Boudha, the center of the Tibetan community in Kathmandu. A site of religious pilgrimage for centuries, the Boudha stupa is encircled by Tibetan stalls, shops and temples, and many Tibetan Buddhist monasteries are located in the immediate vicinity. A number of Tibetans who did not have regularized legal status in Nepal were taken into custody and only released upon payment of a bribe, typically 10,000 Nepalese rupees (\$134).

ICT monitors provided more information on the February 17 incident cited by the State Department: 14 young Tibetans (five females and nine males) were detained by Nepalese police early in the morning in a noodle café in Thamel, the heart of Kathmandu's tourist area. One of the Tibetans told ICT: "Suddenly a group of police with a truck came and told us to get in. They did not give us time to ask why; they were using wooden sticks and started beating us. At the police station, they locked us in a cell for the rest of the night. They started asking us about our identity cards and where we were going. They thought we were going to do a protest. They searched our bodies but found no Tibetan flags or other evidence. Later we managed to contact our families and friends. But in order to secure our release we had to pay."

The Human Rights Organization of Nepal (HURON) recorded a total of 29 Tibetans detained within a period of 5 days from February 4 through 9. According to HURON, which expressed concern about the number of detentions in a statement on February 15, many of those were accused of illegally entering and living in Nepal without proper documentation. Five of the 29 were detained in a search of the Boudha Guest House in the Boudha area in the middle of the night. Most were released upon payment of fines by HURON.

On March 7, Thrinley Gyatso, a prominent member of the Tibetan exile community in Nepal, was taken to the Home Ministry by Nepalese police for questioning about Tibetan activities for the March 10 anniversary. The Chief District Officer gave him a warning that if Tibetans attempted to protest inside the



Tibetans demonstrating near the Boudha Stupa in Kathmandu on March 10, 2010, the 51st anniversary of the 1959 Tibetan Uprising. The Chinese authorities again stepped up pressure on the Nepal government in the buildup to the March 10 anniversary. Thrinley Gyatso, a prominent member of the Tibetan exile community, was detained by Nepalese authorities and warned that if Tibetans attempted to protest inside the “restricted zone” around the Chinese embassy on March 10, Nepalese police would be instructed to open fire on demonstrators. (Photo: ICT)

“restricted zone” around the Chinese embassy, Nepalese police would be instructed to open fire on demonstrators.

Thrinley Gyatso gave the following detailed account to ICT about what happened after he received a call from the Nepalese police. According to Thrinley Gyatso, he invited the police officer to his office (the former location of the Office of the Representative of His Holiness the Dalai Lama to Kathmandu and Tibetan Welfare Office, whose closures were mandated by the Nepal Government in January 2005). Six fully armed police arrived in a van. The police officer told Thrinley Gyatso that he must accompany them to the Hanuman Dhoka police station, which is also a detention center. Thrinley Gyatso told his staff to alert the UNHCR and others, and he was taken in the van to the police station at nearby Durbar Marg.

“It seems then that the police started receiving calls, probably because my staff had alerted international organizations. So the police took me away from the police station to meet with the Chief District Officer at the Home Ministry, who asked what our program was for March 10 (Uprising Day). I told him about the official program at Boudha and Samtenling Monastery, saying that the Tibetan community gathers at 9:30 a.m. around His Holiness the Dalai Lama’s photograph and that there is a prayer ceremony by lamas before I read out His Holiness’ annual March 10 statement. I told them every detail of the official program. They asked about whether people would demonstrate from March 14 onwards [the second anniversary of the day that peaceful protests turned to rioting in Lhasa for a short period].

“I was informed that the Nepalese government needed to peacefully cooperate with China due to the ‘one China’ policy, to which I replied that we know your position, and we have been advising youngsters not to protest. He told me that I had to take full responsibility for demonstrations in or near the restricted area around the Chinese embassy, and said that: ‘If there are any protests in the restricted area I may have to ask my men to shoot,’” Thrinley Gyatso said.

Nepal’s Supreme Court rules pre-emptive Tibetan detentions “illegal”

On March 9, three young Tibetan men, Sherap Dhondup, Sonam Dhondup and Kelsang Dhondup, were detained in the Boudhanath area and imprisoned. The Tibetans were accused of “posing a threat to Nepal-China relations,” with the police also claiming that they found weapons on the Tibetans, an allegation that the Tibetans denied as “totally fabricated.”

On March 22, the Supreme Court of Nepal ordered the Ministry of Home Affairs, the Police Headquarters and the Kathmandu District Police office of Hanuman Dhoka to release the three Tibetans, ruling that the detention violated Section 3(1) of the Public Offense Act, 1989. For Tibetans, the ruling was an encouraging indication of the autonomy of Nepal’s legal institutions in the face of Chinese pressure, a concern reportedly shared among members of Nepal’s professional elite.

Following Tibetan New Year (Losar) in February and in the buildup to March 10, increased numbers of police in riot gear were posted in the three main areas where Tibetan communities are based in Kathmandu, Boudha, Jowalakhel and Swayambhu. ICT monitors on the ground reported that it was virtually impossible to get anywhere near the Chinese embassy for the last weeks of February and early March.

One senior Nepalese police officer was quoted as saying: "We won't spare any pro-Tibetan if found guilty of provoking anger. They will be immediately arrested and handed over to the Department of Immigration for deportation."³⁰ *The Himalayan Times* also quoted Deputy Inspector General of Nepal Police as saying: "We will take stern action against the Tibetans if they dare to stage anti-China demonstrations [this week]."³¹ ICT monitors also learned that Nepalese police officers who were transferring Tibetans from one jail to another after a peaceful protest in March taunted them by saying that they were taking them to the Chinese embassy.

On March 14, ICT monitors noted the presence of around 100 Nepalese police in riot gear around the Chinese embassy and beyond the "restricted zone" that encircles it. The riot gear was new and provided by the Chinese authorities, according to informed sources in Kathmandu. The riot police remained lining the road when around eight Tibetans emerged from several taxis, and shouted free Tibet slogans, and "China, talk to the Dalai Lama!" Within seconds the small group of Tibetans were surrounded by riot police and bundled quickly into a waiting police truck and into custody. They were held until the next day.

A total of 23 Tibetans were detained in Kathmandu on March 10 and 14 following the protests at the Chinese embassy. Although a 90-day jail sentence under a security law that allows detention without trial was imposed on 18 of the Tibetans, they were released after 20 days following dialogue between HURON and the Nepalese authorities. The group of 18 was brought to the Kathmandu District Court (Babar Mahal) on March 29 where they signed a release paper issued by the Chief District Officer to the court under the provisions of the 90 day administrative detention law. The activists were deemed to be no longer a threat and released, Kathmandu Chief Administrator Laxmi Dhakal was reported as saying. Norbu Dorje, one of the protestors, said: "We will continue our non-violent protests against China demanding there should be talks between the Dalai Lama and the Chinese government."

According to an ICT monitor in Kathmandu: "This group was in the process of filing an appeal to the Supreme Court and waiting on a delay in the paperwork. Then a minister removed the grounds for appeal by approving their release. Presumably the delay in the legal process until yesterday was not accidental. March 28 was the deadline specified by the Chinese embassy, which made sure that police and armed police were deployed in sensitive locations on the so-called 'Serf Emancipation Day,' despite the fact that this date has no real significance for Tibetans and no protests or assemblies were planned or attempted."

Also during the sensitive anniversary month of March, more than 150 Tibetans trying to return to Nepal after an important religious teaching by the Dalai Lama in India were stranded at the border. Presumably, the Nepalese authorities acted on suspicions that these Tibetans were sent to instigate protests against China, although there was no evidence that this would be the case. The Tibetans were only allowed to return to Nepal following the intervention of HURON, who made it clear that the Tibetans were pilgrims and not intending to be involved in demonstrations.

Confirmed refoulement

Nepal is not a party to the 1951 Convention or 1967 Protocol relating to the Status of Refugees, and Nepalese law does not provide for the granting of asylum or refugee status. However, the Gentlemen's Agreement between the Nepal government and the UNHCR provides some protection for Tibetan refugees, specifically providing for the safe transit of Tibetan refugees through Nepalese territory and onward to India. Over the years, systematic adherence to the Gentlemen's Agreement has been undermined by inadequate access to border areas by the UNHCR and inadequate training of border police by Nepalese authorities, further aggravated by petty incentives from the Chinese authorities to hand over Tibetan refugees. More recently, China-Nepal cooperation on heightened border security has meant a more dangerous crossing for Tibetan refugees.

The Gentlemen's Agreement was put into practice in 1990 after Nepal stopped recognizing newly arrived Tibetans as refugees. Pursuant to the directive, Nepal police who apprehend Tibetans in the border area are instructed to hand them over to the Department of Immigration and subsequently to the UNHCR-run Tibetan refugee transit center in Kathmandu. After processing as "persons of concern" by the UNHCR and provided food, shelter and emergency assistance as required, Tibetans are facilitated in their transit onward to India.

A significant violation of the Gentlemen's Agreement occurred in early June, 2010 when two Tibetan monks, 20-year old Dawa and 21-year old Dorjee, and a 22-year old woman called Penpa, were detained by Nepalese police in Nepal's Humla district bordering Purang (Chinese: Burang) county in Ngari prefecture, Tibet Autonomous Region. The three Tibetans were held at the police post in the village of Muchu, about a day's walk from the Tibet-Nepal border. According to ICT sources, Chinese border police were in touch with their Nepalese counterparts, and the three Tibetans were taken by helicopter to the border at Hilsa, accompanied by a Nepalese politician and a policeman. Chinese security person-

nel collected them there and took them back into Tibet. According to the same sources, two of the Tibetans, one of the monks and the young woman, were put in jail and would serve around six months. The second monk was allowed to return to his monastery.

The Tibetan woman is from Shigatse and may be a Chinese government official, and the monks are from Korchak monastery, just a couple of hours walk from the border with Nepal. Tibetans living this close to the border are typically allowed to cross over and travel a short distance into Nepal without penalty, so their detention is unusual. According to local sources, the Chinese authorities were looking for the woman, hoping to stop her from reaching Kathmandu and traveling onward to India. The Nepalese Armed Police Force, tasked with monitoring the borders, was reportedly not involved in the incident.

The principle of non-refoulement (no forced repatriation) is a norm of international law that forbids the expulsion of a refugee into an area where the person might be subjected to persecution. Although Nepal is not a signatory to the U.N. Convention or Protocol Relating to the Status of Refugees, it has acceded to the U.N. Torture Convention in which the principle of non-refoulement is also enshrined.

While this it is the first confirmed case of refoulement of Tibetans from Nepal since May 2003 when Chinese officials seized 18 Tibetan refugees from a Kathmandu jail, it is certainly possible that other incidents have happened unobserved in remote border areas.

The international community, including a core group of foreign embassies in Kathmandu, regularly urge Nepal to adhere to its Gentlemen's Agreement with the UNHCR and to find durable solutions for its long-staying Tibetan refugee population, including proper documentation. However, *The Kathmandu Post* reported on July 11, 2010 that the Nepal Home Ministry had directed police across Nepal not to transfer detained Tibetan refugees to the Immigration Department for legal processing but to immediately send the refugees back to Tibet, in direct contravention of the Gentlemen's Agreement.³³



The Qinghai-Tibet railway has been the marquee project of the “Western Development Strategy” to date. Tibetan views of what development in Tibet should look like are not solicited, as the PRC pushes forward with development plans that are quickly transforming life on the Tibetan plateau. Most passengers on the railroad from Golmud (in the Tibetan area of Amdo in Qinghai province) and beyond traveling to Lhasa are Chinese migrants, settlers and tourists. This image depicts a group of passengers getting ready to board the train at the Naqchu (Chinese: Naqu) station on their way to Xining. (Photo: ICT)

WHY TIBETANS LEAVE TIBET

Despite the widespread demonstrations that have taken place across Tibet since 2008, the government of the People’s Republic of China (PRC) has maintained the position that economic and social changes are improving the living conditions of Tibetans in Tibet and, therefore, that their loyalty towards the “motherland” and the Communist Party 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 the 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, often due to peaceful dissent in Tibet.

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 benefits 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.

In recent 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).

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."³⁴

Periods of political unrest have resulted in the strengthening of new political campaigns, patriotic 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, 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.

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.



Although it is impossible as yet to assess the full impact of the ambitious plans to settle nomads throughout Tibetan areas of the PRC, reports from informed sources in Tibet make it clear that many young Tibetans who move to small urban areas and encampments move between unemployment and menial seasonal jobs following the loss of their livelihoods on the rangelands. 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 freedoms and opportunities. This image shows a popular pastime among young and increasingly marginalized Tibetans in the settlement camps. (Photo: ICT)

CROSSING THE HIMALAYAS

Tibetans faced continued dangers on the Tibet side of the border if caught trying to escape or to return to Tibet. The dangers for guides leading Tibetans across the mountain passes have increased in recent years, as longer sentences have been imposed on those who are caught.

The value of guides for Tibetans lies in their knowledge on how to evade both Chinese border security and the Nepalese police (or to negotiate with the latter in terms of ensuring a safe journey to Kathmandu), and to navigate the difficult terrain and mountain paths. The fee received by Tibetan guides used to be around \$80-\$350 per person, often a year's wage for rural Tibetans – but reports since 2006 suggest that as the risks of the journey have increased, so have the fees. But Tibetans still know that refugee groups led by a guide are much more likely to arrive safely at the TRTC in Kathmandu than those without a group guide.



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 practice Tibetan Buddhism. (Photo: ICT)

The Routes

There are well-established historical and cultural ties between Tibet and Nepal. Nomads, pilgrims, as well as traders and businesspeople, 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 feet above sea-level – are still used by Tibetan traders leading their yak caravans from Tibet into Nepal.

Along the Nangpa pass route, used less in 2010 by Tibetans than before, 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, fingers, and other limbs, are not unusual. No significant cases of frostbite were reported by the TRTC in 2010. 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 Transit Center. The current TRTC 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.

The TRTC is critical for the welfare of Tibetans arriving in exile, but it is already subject to considerable scrutiny from the authorities due to Chinese concern over the activities of Tibetans in Nepal.

The TRTC's clinic offers only rudimentary medical care. The facility lacks equipment to conduct blood tests, many vaccinations, adequate internet access and medical reference books. While treatment for frost-bite and other common illnesses and diseases often resulting from the journey of the new arrivals are available at the TRTC's clinic, those requiring higher levels of care must be treated at local hospitals, which is not covered by UN funds and forces the TRTC to seek outside funding to cover these expenses.



Despite its dedicated staff, the TRTC's clinic is only able to offer rudimentary medical care. The facility lacks equipment to conduct blood tests, many vaccinations, adequate internet access and medical reference books. While treatment for frost-bite and other common illnesses and diseases often resulting from the journey of the new arrivals are available at the TRTC's clinic, those requiring higher levels of care must be treated at local hospitals, which is not covered by UN funds and forces the TRTC to seek outside funding to cover these expenses. (Photo: ICT)

A team of two nurses and a clinician in charge are responsible for the general health and hygiene of the new arrivals. The nurses often feel unprepared to treat patients with serious problems because of inadequate facilities, and none has midwifery training. Upon their arrival at the TRTC, health and hygiene lessons are conducted on a group or individual basis, in addition to administering some vaccinations and medications. Common diseases seen among the refugees and treated at TRTC clinic are typically mumps, measles, diarrhea, infections, and viral cold, although many conditions are more serious such as frostbite. Often the clinic at the TRTC and Nepalese hospitals provide healthcare 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 TRTC clinic patients with serious health problems to hospitals after a thorough health examination. The clinic also has a Tibetan doctor who visits the TRTC once a week.

FOREIGN GOVERNMENTS' SUPPORT FOR TIBETANS IN NEPAL

During a visit to Kathmandu in August, US Acting Deputy Assistant Secretary of State for South and Central Asian Affairs, Atul Keshap voiced concern to Nepalese Home Minister Bhim Rawal over Nepal's violation of the "Gentlemen's Agreement," after three Tibetans were refouled in June (see above).

Keshap's meeting follows an earlier visit in June by US Deputy Under-Secretary for Population, Refugees and Migration Kelly Clements, who raised the issue of the "Gentlemen's Agreement" with Nepalese Foreign Minister Sujata Koirala and Minister Rawal.³⁵

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.

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 and has imposed hefty fines for immigration violations, in spite of UNHCR appeals on their behalf.

RECOMMENDATIONS

Recommendations to UNHCR:

1. Resume UNHCR monitoring of 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.
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 government of Nepal:

1. 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.
2. Provide absolute guarantee for the preservation of the Tibetan Refugee Transit 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.

3. 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.
4. Implement a clear refugee policy and engage a process to provide a solution to refugees who arrived after 1989 and lack status.
5. Consent to the US government-proposed Tibetan refugee resettlement program for certain Tibetans from Nepal and provide necessary cooperation for its successful implementation.
6. Expeditiously issue travel permits to Tibetans resident in Nepal.
7. Investigate incidents of theft from Tibetans in transit through Nepal, in keeping with normal standards and practices and consistent with the government's attempts to fight corruption.
8. Recognize and enunciate the clear legal distinction between Tibetan refugees fleeing a fear of persecution in Tibet, whose transit through Nepal is provided under international law, and the illegal trafficking of persons across the border.

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 Refugee Coordinator at the U.S. embassy in Kathmandu should continue to play an active role.

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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:

Conditions impacting the flight of Tibetan Refugees 2010 Update

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