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## **Citizenship and Marriage Laws of Bhutan**

*Govinda Rizal*

Citizenship of a state is the right of the holder to have rights as any other member of the state. Categorisation of citizenship creates distinct groups with different limitations, rights, and privileges and makes citizens unequal before the law. In Bhutan, there are three major and seven subcategories of citizens created by the government. This article highlights the background of promulgation of citizenship and marriage laws and their implication.

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*I P Adhikari*

Bhutan is graduating from Least Developing Country (LDC) status in 2023. Fair political stability, consistent economic growth, and improved social indicators in the last few decades helped the country achieve this status early on. However, Bhutan will face tough challenges following graduation as the resources allocated for LDCs are not available. The country also has the challenge to ensure it does not return to LDC status again. This article investigates the process, progress, and challenges of the country for when it attains the status of a developing nation.

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*C M Nirola*

Gender violence is an old problem worldwide. It is not an exception in Bhutanese community. However, severity of the problem has grown substantially within the Bhutanese American community following resettlement. In most cases the victims are women and girls. A deeper investigation and historical authenticity are required to unveil the cause and catalysts of the problem. This research digs out the causes and seeks solution to the problem.

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## **Editorial**

Democratic days of Bhutan heralded with the transfer of power from fourth to fifth kings with new king accepting the fact that governance should be through the peoples' elected representatives. In the past the monarchy used to face pressure to relinquish power; the transition to democracy witnessed appreciation and approval.

The maturing of democracy did not go well in terms of practice, functioning and delivery. The monarchy remained the central force influencing decision-making and intervening the projects of the elected government. Though the constitution includes enormous royal prerogatives, it was positively hoped that path to democracy will widen as time goes. Many steps taken by the palace are proving to be otherwise.

In 2013, the palace interfered the election with the objectives to stop Druk Phuensum Tshogpa (DPT) regaining power. Only days before election, a calculated step was taken through India to stop supplying petroleum products to Bhutan, which was repealed following the election results in its favour, resulting in pro-palace People's Democratic Party (PDP) winning the vote.

The PDP government formed on the bases of Thimphu palace and New Delhi has left behind no remarkable achievement during its five years' rule. The government remained under the shadow of the palace's hyperactivities.

Palace wanted to wipe out DPT in 2018 but failed to do so – pointing out the fact that monarchy is still not trusted in the east. The new party Druk Nyamrup Tshogpa (DNT) offered several ministers to win votes in the east – maintaining some success. The primary target of the palace was to snatch away the legacy of DPT

from Nanong-Shumar constituency in Pema Gatshel district from where Jigmi Y Thinley had won the election twice.

Pema Gyamtsho who took over the reins of the party from Thinley was forced to exit from politics. Other DPT MP Kuenga Loday was entangled into criminal case and made to resign. The new DPT leader has chosen silence ever since taking over the role – the opposition is thus neutralised. Entire media agencies and houses in the country are subjugated by the Royal Media Foundation that evaluates their contents and asserts rewards and punishments.

While still being chief commander of the Royal Bhutan Army, Royal Bhutan Police and Royal Bodyguards, the King constituted a new force called De-Suung. This paramilitary force has been active in development activities, rescue operation and other important task which should have been the responsibilities of an elected government. This Orange Army is outside the constitutional mandate.

A new project, announced in 2019, is in full swing. Gyalsung – literally mean Crown Prince – is a project aimed at providing training for police, army, de-suung along with other trainings for those coming out of the university and ready for employment. The project is directly supervised by the royal palace, though by norm such projects must be administered by an elected government. No one has the authority to questions the intention of the palace-led project, its funding mechanism and auditing the irregularities.

The 2021 National Day was celebrated in closed doors citing COVID 19 pandemic. The strangest thing of the event was a dance performance by 10 government ministers and prime minister – the height of hypocrisy to appease the palace.

Further, the king has been active travelling across the length and breadth of the country to monitor the COVID situation and providing instructions to the field staffs.

All these instances are testimony of the king's interest in being pro-active politician and weaken the mandate of elected government. Weakening of an elected government results in death of democracy and returning to the order of absolute monarchy. That's has been the repeat history of Bhutan under Wangchuk dynasty.

There has been no exercise on the part of the government to address the issue of Bhutanese in exile and diaspora abroad. The citizenship issues of citizens inside Bhutan are not solved yet. Several Bhutanese people resettled in European and other countries are unable to access to citizenships of those countries. Bhutanese community in America is plagued with domestic and gender-based violence.



# **Statelessness Among Former Bhutanese Citizens: A Public Issue of Concern**

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## **ABSTRACT**

Much has been studied and written on Gross National Happiness (GNH) and Bhutanese Refugee Issue in the past decades, but the scholars and researchers are yet to write on the issue of statelessness among the former Bhutanese Citizens. In this article, I have attempted to study and analyze this issue to find the root cause of Bhutanese Citizens becoming stateless in their own country and in diaspora. An attempt has been made to find the suitable answer of how a country that propagates the philosophy of happiness could revoke the citizenship of its people and escape from the crime. This paper mainly focuses on the issue of statelessness among the former Bhutanese Refugees in their country of resettlement and studies the activities of respective community organizations that make the issue public for its resolution. Phenomenological approach was followed to write this article.

**Keywords:** Bhutanese diaspora, Bhutanese refugees, gross national happiness, Lhotsampas, Statelessness

## **Introduction**

Bhutanese Citizens after being evicted lived as refugees in United Nation High Commissioner for Refugees (UNHCR) assisted camps in Nepal for many years and were resettled in eight countries namely, Australia, Canada, Denmark, New Zealand, Norway, The

Netherlands, United Kingdom, United States of America from 2007 to 2016. Around 7,000 Bhutanese refugees are still living in refugee camps in eastern Nepal. In due course of time almost everyone has become the citizen of their respective countries of resettlement but those resettled in Denmark, a few in The Netherlands and the United Kingdom continue to remain stateless even after living there for more than 10 years. “Having lost the citizenship of my country-of-origin Bhutan and living as refugees in Nepal’s improvised camps for more than 20 years, my expectation was that I will become citizen after being resettled and having fulfilled the basic criteria, but that has not happened even after 12 years of being resettled in The Netherlands,” said 83 years old Pabitra Khadga during a conversation with the author. Khadga was one of those unfortunate resettled Bhutanese refugees who was brought to The Netherlands by International Office of Migration (IOM) under UN resettlement program in 2010 and is still stateless. Like her, there are others who are curiously waiting to become the citizen of their host country.

This issue has been considered as a very insignificant by both the local and the mainstream medias as well as the local representatives, thus making it public has become a herculean task for the concerned stateless people alone. In the recent days community workers has been meeting politicians, policy makers, aligning with wider non-governmental bodies, publishing articles etc. towards finding some attention on this issue. Lately because of persistent effort of the community leaders this issue has been gaining attention of the public in the Netherlands.

### **Statelessness in general**

United Nation in its 1954 Convention relating to the Status of Stateless Persons defined the term ‘stateless person’ “as somebody who is not considered as a national by any state under the operation of its law” (United Nation, 1954, p. 3). “While immigrants can return to their state of nationality, and refugees

are covered by an extensive system of international law and protection, the stateless have no state to which to ‘return’ and no comprehensive system of international law and protection to safeguard them” (Belton, 2011). Kristy further said that due of “their non-immigrant, unknown status, the stateless people demand a distinct place within liberal theorising on just membership. Thus far, liberal political theory has either ignored this category of persons or subsumed them under the subjects of immigration or refugee-hood” (Belton, 2011).

UN Refugee Agency United Nation High Commissioner for Refugees in its 2019 report mentioned that the total numbers of stateless people stand 4.2 million and they are all shattered around 76 countries of the world (Global Trends, 2019). Similarly in Europe, as per European Network of Statelessness, over 50,000 stateless face the risk of rights violations every day (ENS, 2021). It said that many European Nations do not have any rules or an established process to find stateless people, determine their statelessness, and provide them with a route out of limbo (ENS, 2021). Out of Europe’s 50,000 stateless population a small group of the resettled Bhutanese refugees, who were resettled as part of the UNHCR resettlement project during 2009-2011 (UNHCR, 2020). Resettled refugees are the invitees of those countries that accepted them to live permanently with dignity and honour. European Commission has defined a resettled refugee as “a refugee who is identified by the United Nations High Commissioner for Refugees and who is transferred from the country in which they have sought protection to a third state which has agreed to admit them as refugees with permanent residence status” (EC, 2021, p. 2). It is unclear in that definition if such a refugee can be left stateless or can acquire citizenship in their resettled country. If European countries don’t have an established process to identify stateless people, determine their statelessness, and provide them with a route out of limbo (ENS, 2021) then how can such issue find its due place as one of the public issues among the policy makers?

Stateless people are equal to non-existence people. If the people do not exist legally, they are vulnerable to human trade, forced labor, violence, organisational discrimination human rights abuses, health care denial, to restrictions on freedom of movement (Qualliotine, 2015). If stateless is nonexistence, then are such people considered as public? Public is a group of people who, in facing a similar problem, recognise it and organise themselves to address it (Dewey, 1927). In this case stateless people are those without citizenship and they cannot exercise the right to organise themselves to express their issues.

### **Stateless people of Bhutanese origin**

Bhutan, a small landlocked Kingdom in the eastern Himalayas with a population of around a million multi-ethnic, multi-religious, multi-racial and multi-lingual citizen staged a mass uprising by its ethnic minorities Lhosampa community (inhabitants of southern Bhutan) demanding human rights and justice during early 1990. The king's overnight implementations of 'one nation one people' policy requiring all the citizens to wear same clothes, speak same languages, follow same religion, tradition and culture antagonised citizens. Initial appeals to the king through representatives about the arising mass anger, due to the abrupt implementation of 'one nation one people' policy was seen as an act of treason and such representatives were thrown into prisoners labelling them 'anti-nationals' and 'terrorists' (Rajesh, 2001). Student leaders and activists from various educational institutions organised themselves to bring issues to the public in an underground manner through leaflets, booklets, cassettes and visits to educational institutions and meeting fellow with students. They organised cultural programs in many schools (though clandestinely) to educate and aware students to organise themselves and raise voice against the ensuing injustice in schools and colleges. But before any concrete plans were implemented the authorities knew the students' plans and used the police forces to

crush them mercilessly. The police arrested prominent student leaders and other fearing arrests were successful in fleeing from the country to neighbouring India.

Country's media were all government-owned that published news labeling the students as terrorists and traitors. They were accused of plotting to over-throw the king. In a country like Bhutan where kings are considered as the God, the news of Southern Bhutanese trying to overthrow king (published in the media) was enough to provoke those majority ruling ethnic group (Ngalong), who worships the king as an undisputed God. A huge communal backlash followed which instantly changed the situation in all walks of life, all over Bhutan. In school and other educational institutions, all time prevailing harmony and friendship between Ngalong and Lhosampa students ended abruptly. In no time Ngalong friends turned into hardcore enemies of Lhosampa students. The environment of fear, suspicion, hatred etc., overtook in every sphere of the public all over Bhutan. It led to massive arbitrary arrest, disappearance, exodus, suspension from public services, military intervention resulting in loot, rape, torture, and all forms of oppression on to the Lhosampa community.

### **Efforts from exile**

Student leaders and other Bhutanese activists managed to bring together many Bhutanese who after fleeing from Bhutan were sheltering in the various parts of India into one common place. After days of deliberations, they decided to continue their work of bringing the issues in public both in India and Bhutan. Students in exile reactivated their student body called Students Union of Bhutan (SUB) and other activists re-organized themselves into Peoples Forum for Human Rights in Bhutan (PFHRB).

The SUB started to publish a monthly newsletter called "The Bhutan Focus" to expose the atrocities of the Royal Government of Bhutan on students and other common people and also for disseminating other related information. The Bhutan Focus was

circulated widely in Bhutan and also in India and that reached the information to the respective stakeholder. In Bhutan, there was no private media thus all media were the mouthpiece of the king and his autocratic regime, thus Bhutan Focus had a huge challenge to counter the misleading allegation of the regime against the activists. The continuous suppression and persecutions of the activists inside Bhutan had tremendously increased the exodus of Bhutanese intellectuals into India. To bring the political issue into public (both inside and outside Bhutan) a group of former civil service officers launched a political party called Bhutan Peoples' Party (BPP) on 2 June 1990. Representative delegations from these organizations traveled repeatedly to Calcutta and New Delhi, met with the concerned Indian authorities and sought their support to resolve human rights violations in Southern Bhutan. A support group consisting of several prominent civil society leaders was formed in India to take the issues to concerned stakeholders and put pressures on Bhutan's regime to resolve the issues. Local people and their leaders in the bordering India provided food, shelter, and protection.

### **Peaceful protests**

During September 1990 tens of thousands of Southern Bhutanese took to the streets protesting against discriminatory policy of the government (AHURA-Bhutan, 2000). The government deployed its army and police to suppress the peaceful protestors and ultimately everyone present in the demonstrations were expelled from the country labeling them as anti-national terrorists (The Diplomat, 2016). Many were arrested, disappeared and killed in various parts of Bhutan. The relatives of those demonstrators who were not expelled had their Bhutanese Citizenship Identity Cards revoked and they were rendered stateless inside the country. Houses and other properties of those leading the protest were either burnt or confiscated. Martial law was imposed. Schools, hospitals, private houses, marketplaces and other public places

were used to house the Royal Bhutan Army, Royal Bhutan Police and the Militias (created solely to suppress the protesters).

In the meantime, the king of Bhutan and his government accused protestors that their objectives were to overtake the country by overthrowing the king. The only governments-controlled two media of the country were publishing and broadcasting the king's messages to unite against the protesting citizens. All the destructions done by the security agencies while quelling and expelling the peaceful protestors were shown as acts done by the peaceful protestors, thus the entire country minus the ethnic Lhosampa united and turned against the Lhosampa community giving a false impression that they are separatist and are involving in vandalism and terrorism to destroy the country. The king established a separate militia force (mostly recruited from ruling ethnic Ngalong community members) to fight and spy the ethnic Lhosampa community.

The government representatives took the same blames and accusation to the international media and forum. They sought international community's support to suppress and defeat the protestors in the name of terrorists' eradication.

Likewise, due to the command of the king, the government of Bhutan initiated a campaign of changing all the names of the villages, towns, rivers, and other names of cultural symbols of Lhosampa community that existed since centuries to ruling ethnic community's names. Similarly, the king distributed (as gift) all the land and properties vacated by the evicted citizens to those ruling ethnic group people who joined militia and other loyal people as his appreciation for their support to crush and evict the protestors from the country.

Meanwhile the Ministry of Home and Cultural Affairs, Bhutan issued a circular stating that the citizenship of all those protestors, their family members and close supporters has been cancelled and

have been levelled as non-nationals. This has resulted in the production of more than eighty-thousand Bhutanese Citizens as stateless inside their own country. Any attempts by the victims to raise their voice publicly against injustice was considered as going against the king and were levelled as traitors and were dealt with forceful eviction, arrest, torture, social boycott, and several other extreme means of punishments, thus as of now nobody has been daring to highlight these issues from inside the country. As of now all those issues has been successfully suppressed even though numerous attempts have been made by exile-based organizations, activists, and intellectuals to expose those issues from outside the country.

### **Bhutanese refugees and their exile-based struggles**

By the end of 1990 tens of thousands of Bhutanese were already evicted and were taking shelter in the various tea garden areas of neighbouring India (Amnesty International, 1992). In the meantime, India denied shelter and used force to expel those evicted Bhutanese from Indian soil and pushed them into Nepal that resulted in the establishment of Bhutanese Refugee Camp in eastern part of Nepal during early 1991 (Bhutan News Network, 2018). UNHCR organised seven Bhutanese Refugee Camps in various parts of eastern Nepal at the end of 1991 (Manfred Ringhofer, 2002-2003).

Fifteen rounds of Bhutan-Nepal bilateral talks for the dignified return of Bhutanese refugees failed amidst huge international pressure on Bhutan to take back its citizens (European Parliament, 2000).

Peaceful movements like Appeal Movement Coordinating Council (AMCC)'s peace march to Bhutan, cycle rally to Bhutan by SUB, March to Bhutan campaign by Bhutan Gorkha National Liberation Front (BGNLF), BPP's hunger strike at Jantar Mantar in New Delhi, mass meetings in and around refugee camps, numerous



peaceful demonstrations inside and outside the refugee camps organised by refugees and many other similar efforts in exile were successful to gain the attention of the international communities like that of European Union that passed a resolution in support of efforts of the refugees to return to Bhutan. Several regional as well as the international non-governmental organisations like Human Rights Watch, Amnesty International, International Red Cross Society, Lutheran World Service, Jesuit Refugee Service and others came forward to support of Bhutanese refugee issue and released statements pressuring Bhutan to resolve their issues amicably.

Despite all these efforts from refugees as well as the international communities, Bhutan government continued resisting all outside pressures. Instead, it managed to deflect the attention of the international community by aggressively campaigning its initiatives like that of Gross National Happiness (GNH), sustainable development, preservation of forest and its claim of preserving and protecting its unique culture and Buddhism.

### **Issues dispersed with resettlement**

Thus, when the hope of the protracted refugee issue to get its just resolution diminished even after an exercise of two decades, eight core group of countries namely Australia, Canada, Denmark, New Zealand, Norway, The Netherlands, United Kingdom, United States of America volunteered to resettle all those willing Bhutanese refugees in their respective countries. During the initial period refugees were sharply divided into two groups: one those supporting the third country resettlement and the other group in favouring repatriation but not in support of resettlement. Those supporting third country resettlement argued that the Bhutan Government will never allow repatriation to happen and prolonging their stay in the refugee camps can reach them nowhere, instead unlimited stay in the uncertain manner in the refugee camps can ultimately ruins the future of children and subsequent generations. Therefore, they said that to make the life

easy and to build the future of their children one needs to opt for resettlement outrightly. Meanwhile the group that opposes the resettlement argued that Bhutan is their country where they were born and brought up, built houses, owned lands and properties, have family members, friends and relatives thus it is their birth right to get repatriated to Bhutan and to live a dignified life. This group also opined that their language, culture, religion and other aspects of life is quite different from the people in the resettling countries, thus the life there will become much more difficult mostly of those elderly and uneducated people.

Amidst deep division among the Bhutanese Refugee Community on the issue of resettlement UNHCR started the Bhutanese Refugee resettlement program during the year of 2007. By 2015, it successfully resettled 5,554 in Australia, 6,500 in Canada, 874 in Denmark, 1,002 in New Zealand, 327 in The Netherlands, 566 in Norway, 358 in UK and 84,819 in USA (UNHCR, 2015).

As of 30 November 2021, around seven thousand Bhutanese Refugees were still living in the refugee camps in Nepal waiting for a day to be repatriated home in Bhutan. Leaders and activists among them make public statements time and again with the aim to make their issue public and to create pressure on Bhutan but as of now nothing positive can be seen on Bhutan's stand towards the issues of Lhosampas and its refugee community. Family members of political prisoners are waiting that one-day Bhutan will release them out of mercy and they could be reunited. As per Bhutan Watch Annual Human Rights Report published in 2021 there were fifty-five political prisoners serving life sentences in various prisons of the country (Bhutan Watch, 2021)

### **Resettlement in Europe**

UNHCR's resettlement program enabled just over 2,000 Bhutanese refugees to find homes in various European countries

— Denmark, Norway, The Netherlands The United Kingdom, - with the first groups arriving in each country between 2007 and 2010 (BNS, 2009). In the United Kingdom, the resettled Bhutanese refugees are living mostly in Manchester and its neighbouring areas, but in Norway, Denmark and the Netherlands, refugees were dispersed across the countries, not out of their own choice, but according to the plans of the respective governments.

### **Formation of Bhutanese community organisations**

The resettled Bhutanese refugees formed community organizations in their respective countries of resettlement to stay connected and find collective solutions to common issues. The Bhutanese Community in The Netherlands (BCN) was registered with the Dutch Chamber of Commerce in 2009, the Association of Bhutanese Communities in Denmark (ABCD), the Bhutanese Welfare Association (BWA, UK), and the Association of Bhutanese in Norway (ABN) were like wise registered by the resettled Bhutanese in Denmark, United Kingdom and Norway, respectively. The common objectives of these community organizations are to unite all former Bhutanese Citizens who are living in the same country to assist them with effective integration into local society, to preserve and promote their language, culture and traditions, to show support and solidarity to both their community members and other communities during times of need and emergencies, to provide a platform for community members to develop their skills and talents by organizing periodic cultural programs, seminars, workshops, leadership trainings and other related gatherings, to act as a network with Bhutanese communities living in other parts of the world and make efforts to work together towards preserving their common history, documents and other precious articles, to raise awareness about their existence with their local communities and governments by inviting them to cultural events, to enable reconnection with families and friends living back in Bhutan, to network with

organizations working on similar issues and find common solutions (BCN, 2009).

## **Statelessness among Bhutanese community members in Europe**

Most Bhutanese refugees resettled in the Netherlands are successful naturalized citizens, but some community members have been denied their right to citizenship on the grounds that they could not fulfil the criteria required for the language diploma, as they were elderly and had never been to school. The Bhutanese Community in The Netherlands (BCN) has been doing everything possible, including meeting with Dutch Parliamentarians to help them to get citizenship, but as of today 30 November 2021 it has been unsuccessful, and these community members continues to remain stateless (Bhutan News Network, 2019). Similarly, in the United Kingdom a few elderly Bhutanese Community members remain statelessness due to their inability to fulfil the language requirements to acquire citizenship, and BWA representatives there are working to try and resolve the issue.

In Denmark, many Bhutanese community members are without citizenship even after living legally for 10 years in the country and fulfilling several other criteria. The ABCD representatives have been actively campaigning to garner support in finding a just solution to this human rights violation.

Bhutanese Community organizations based in Europe has been in recent days teaming up with other like-minded organizations to work for the common cause and to bring their issues on the surface and to garner media attentions. Recently they also got connected to a powerful pressure group on statelessness in Europe called European Network on Statelessness (ENS) and got its membership. BCN representatives during the last parliamentary election in The Netherlands were in contact with various

parliamentary candidates most from Dutch Green Party and lobbied for their help to seek the possible resolution of the statelessness in the Bhutanese Community members in The Netherlands (deKanttekening, 2021).

Statelessness has become a major issue for the resettled Bhutanese communities in the Netherlands, Denmark and United Kingdom. As invited refugees that also through the United Nations resettlement program, the resettling countries must be responsible for providing all the needs of those people including the citizenship. Citizenship plays a vital role for restoring the self confidence among the stateless people and it further allows them to travel and participates in the political processes of the host country. It is quite strange that such invited guests have been forced to continue living the life of statelessness without any apparent solution in sight.

### **Community's effort to make this issue public**

In the Netherlands it is almost impossible to receive the attention of the policy makers as well the concerned stakeholders on the issue of a small ethnic community. The public in this issue are even a small section of community members who have almost never been to formal schooling and cannot read or write even in their native language, Nepali. Having to go to school in a very strange environment, in a strange school, to learn a strange language, to obtain a language diploma to be able to qualify for applying for nationality and that also at the age of 60 plus is not a possibility for the normal human beings. Thus, those Bhutanese Community members have no other option other than to remain without citizenship for the rest of their lives.

The BCN and its representatives were taking the issue of statelessness in the community out of the confinement of four walls of the concerned community member's house. To that extent the following strategies were adopted:-

- Data and proper documents of the stateless members of the community were collected and compiled.
- Similar stateless from other communities were identified and meetings were held with their representatives to find a common ground for a joint action.
- BCN became the member of pan European stateless network called European Network on Statelessness, participated in virtual meetings and other activities and could introduce the community's issue with the network.
- Friendly candidates, who stood for the Dutch Parliamentary election of March 2020 were identified and meetings introducing them about Bhutanese Community and their issue of statelessness were held. They were sought help if they got elected to the parliament. Community members with citizenship were encouraged to vote for those candidates with whom the issue was discussed and assurance of support was received. Later, the photographs of ballot papers with vote on their names were sent to them for making proper relationship so that the chance of raising issue at the parliament could be higher.
- Community representatives met the concerned parliamentary committee members at the Dutch parliament and submitted memorandum seeking their support for the resolution of the stateless issue in the community.
- Issue was highlighted during several meetings of the Refugee Focus Group formed to advise on the issue of refugee and related matters to the Dutch Government, Hague based UNHCR officials, Dutch Refugee Council and Central Agency for the Reception of Asylum Seekers and their support to raise the issue of statelessness in The Bhutanese Community was sought.
- The BCN organized a few workshops aimed at creating awareness about the issue of the stateless people in the community.

- Dinner events were organized inviting the local Dutch community members and the issues faced by the community were discussed.

## **Conclusion**

There are many issues in all communities but not all communities' issues could be brought to public. They remain hidden and the public facing those issues suffer all the time silently and invisibly.

In Bhutan the issues of discrimination on the Lhosampa community exploded automatically, only because the point of saturation of repression was reached and people became fearless to bring out their issues out in the form of appeals, literatures circulations and mass protest. But unfortunately, the regime was autocratic which crushed those public's movement using armies and militia resulting in ethnic cleansing, killing, arresting etc. There are around eighty-thousand stateless people inside Bhutan now, but they do not dare to form a group, nor can they dare to bring that issue public due to fear of reprisal and eviction from the country. Efforts made by the exiled organizations to expose those issues from outside the country lacks concrete data as Bhutan is a closed country which does not issue visas to the independent researchers who wanted to do research on issues faced by the people. There are several other issues being faced by the people but none of those issues comes out.

On 10 October 2021 a video of prisoners' unrest (in one of the notorious and highly guarded prison of Bhutan) became viral in the social media where prisoners at Chemgang Central Prison were seen raising slogans against the police officer for torturing and treating them like animals in the prison (Bhutan News Network, 2021). The country that propagates the philosophy of Gross National Happiness and claims to have a separate ministry to look after the happiness of the people seems very peaceful and happy to the outside world, but the world never even tries to see why prisons

in such a happy country are full of political prisoners and why do prisoners unrest take place in such a happy country. Tourists are guided by the government trained guides who determine the itinerary and accommodation to make sure that the visiting tourist do not intermingle with the common people because there are series of serious common people's issues and if heard by tourist then its happiness image will be destroyed.

Few stateless people of Bhutanese origin are too insignificant issue to be made public in such a highly populated country like that of The Netherlands. Thus, organising enough to make this issue public is a herculean task on the shoulder of the community leaders. Identifying other communities having similar issues and working collaboratively with them can be the only alternative for Bhutanese Community organisations.



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# Citizenship and Marriage Laws of Bhutan

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## ABSTRACT

Citizenship of a state is the right of the holder to have the same rights as any other member of the state. In contrast, categorization of citizenship creates distinct groups with different limitations, rights, and privileges and makes citizens unequal before the law. In Bhutan, there are three major and seven subcategories of citizens created by the government. The three major categories include 'natural-born citizen of Bhutan,' 'Bhutanese citizen by registration,' and 'naturalized citizen of Bhutan.' Based on marriage and presence or absence during regular and surprise censuses, there are seven sub-categories of citizens ranked F1 to F7, the abbreviations of the files (F) in which their names are listed. Marriage laws of Bhutan discourage marriages between a Bhutanese citizen and a non-Bhutanese spouse through lifelong penalties and demotion in citizenship categories. While both polyandry and polygamy are legal for up to four marriages, the encouragement is on intra-category marriages. The marriage law applies even to the crown prince, who is a successor of the throne, that he must marry only 'natural-born citizen of Bhutan' to remain eligible to the throne. This article highlights the background of promulgation of citizenship and marriage laws and their implication, so that future researchers can compare the Bhutanese and international laws and study how the outlook of the people are shaped.

**Keywords:** Citizenship-by-registration, nation-building, natural-born citizen, naturalized citizens, polyandry, polygamy

## **Introduction**

Citizenship of a territory is a recognition based on national self-definition developed as the means of insulation from weathering in the politically dynamic world. Nationality is the basis of one's identity that has its roots in the peoples' ethnic, linguistic, religious, territorial, or other commonalities which temporally and spatially unite the members.

While identity, nationality, and space continuities are perceived fading at the global level (Maier, 2007); globalization, and mobility are bringing instability in practice and in perception of citizenships (Wong & Waterworth, 2005).

In Bhutan's context, the need for citizenship began to be felt after the country emerged out of the self-imposed isolation and began planned development projects that needed the count of the people living within it. After the end of the second world war, the rulers of Bhutan had resorted to self-imposed isolation (UNCTAD, 2011). After China annexed Tibet and became an adjacent neighbor, Bhutan out of fear of China had to come out of its self-imposed isolation to join the rest of the countries in the world. While the United Nations' Universal Declaration of Human Rights 1948 specified what citizens can expect from their states vis-à-vis the rights that a state should guarantee to its people (United Nations, 1948), Bhutan was ruled by a totalitarian hereditary monarchy (Pulla, 2015) with little adherence to the UN declaration.

As in other parts of the world, people in Bhutan began to pressurize their government but sporadically. The totalitarian rulers crushed the movements under boots and bayonets but was compelled to introduce reforms such as the end of slavery 1953, adoption of the First Nationality Law of Bhutan 1958 (Ministry of Foreign Affairs, 1958), written constitution, democracy, and periodic elections in 2008. Nationality acts, citizenship laws, and marriage laws of Bhutan are designed to retain the direct

descendent of Sir Ugyen Wangchuk- the first monarch of Bhutan instituted in 1907 - as the hereditary Drukpa monarch (Article 2-3 (Royal Government of Bhutan, 2008)) and a few selected families as the rulers.

The rulers declared all people belonging to the ruling tribe and those who participated in the establishment of the monarchy as natural-born citizens of Bhutan.

Bhutan had a large population of Gorkha descent who were not signatory to the 1907 proclamation that declared Sir Ugyen Wangchuk as the first hereditary monarch (Gyal Yong Düchen, 1907). For several years before the declaration of the first hereditary monarch, several Drukpa groups would fight with each other for leadership and privileges. The group led by Ugyen Wangchuk, then called Tongsa Penlop, was the most notorious among all that would lead gangs to plains to plunder, steal, and take away properties, wealth, and people with them. When the news of Tongsa Penlop becoming the king became public, people became apprehensive instead of happy. The people of the Gorkha descent living in the plain (Duars) and foothills did not participate in the installation of Sir Ugyen Wangchuk (1862-1926) as the first hereditary monarch of Bhutan on 17 December 1907, but without a choice, they accepted the King of Druk-Yul as their king. Their population was big and was the largest contributor of revenues in cash, kind, services. They had to be included in the nation-building, national security, and development works of five-year plans- as the nationals of the state. A Nationality Act of Bhutan was legislated in 1958, the people of Gorkha or Nepali descent were asked to submit allegiance to the Druk Monarch to be counted as a national of the country. They were incorporated as 'Bhutanese citizens by registration.'

Nationality Act of Bhutan 1958 was replaced by Citizenship Act of Bhutan 1977, which in turn was replaced by Citizenship Act of Bhutan 1985. All three acts had provisions for the naturalization of

foreigners, with later acts imposing stringent measures. The stringent acts were enacted as measures to prevent Sikkim episodes from repeating with Bhutan. In 1974-75, India annexed the Kingdom of Sikkim (Datta-Ray, 1984). The rulers of Bhutan had concluded that the annexation was a consequence of Sikkim's lenient immigration policies and indulgent marriage laws.

In 1980, the rulers used their intellectual armory to draft a stringent marriage act that made a marriage of a Bhutanese national with foreigner wrongdoing and to prevent it they designed dissuasive penalties with lifelong consequences (National Assembly of Bhutan, 1980).

As per the call of the United Nations Organization and with the help of the government of India, the government of Bhutan started planned development projects. It conducted the first nationwide census in 1963-64 to count the population and to compile an inventory of human resources. While the rulers and the government coerced the people to contribute labor and resources for the development, they made discriminatory laws. They categorized people into different citizenship groups and were treated differently. The population under 'citizenship by registration group' was sub-divided into seven categories F1 to F7 (SAARC Jurists Mission on Bhutan, 1992) and (Hutt, 1994) .

- F1: Bhutanese citizen who had lived in Bhutan before 1958,
- F2: Returned migrants (people who had left Bhutan and then returned),
- F3: Drop-out cases (people who were absent during some census),
- F4: A non-national woman married to a Bhutanese man and their children,
- F5: A non-national man married to a Bhutanese woman and their children,
- F6: Children adopted by Bhutanese couple, and

F7: Those who could not provide documents of their presence in Bhutan in 1958.

The government ordered the people in the F5 and F7 sub-categories to leave Bhutan, in 1988. The people in other categories were to follow them soon. By then, the Drukpa government had decided to reduce the population of Bhutanese Citizens by Registration category to less than 25 percent from the estimated 45 to 55 percent of the total population.

People took to the streets demanding democracy and a written constitution, in 1990-91 in southern districts and in 1997 in eastern districts. At first, the government neutralized the movement through eviction and imprisonment of the protesters and their relatives, then, it prepared and unveiled a structural democracy and a written constitution that institutionalized the existing system. To ensure the legacy, on the command of the Drukpa King also called Druk Gyalpo, the government drafted a constitution, categorized the Bhutanese citizens into three broad citizen categories (Royal Government of Bhutan, 2008), included the categories of people in the constitution, and the sub-categories are retained in practice. The people in the smallest of the three categories- natural-born Bhutanese- reserved for selected Drukpa families have the hereditary rights to lead organizations in the country.

Citizens of other categories have limited freedom, rights, and access to the law. Although the constitution mentions that all people are equal before the law; in practice, the categorization makes them unequal.

## **Methods**

An extensive desk study was carried out to collect and analyze information on the citizenship and marriage laws of Bhutan. Both primary and secondary sources were used. Qualitative information was studied and triangulated to come to conclusion. Most

documents referred to here were retrieved from online sources. The contents were discussed with the experts on Bhutan issues.

## **Findings**

Regardless of what is written in legal documents, the practice is different. The categories of citizenships vary based on the regional distinctions and ethnic-linguistic differences and their affinity to the power centers.

The first nationality law of Bhutan in 1958 envisioned two types of Bhutanese nationals. One, a person whose father is a Bhutanese national and a resident of the Kingdom of Bhutan before 1958. Second, a person accepted a Bhutanese national through petitions to the king after having lived in Bhutan for more than ten years and owning land in the kingdom. The provision of nationality by petition to the king was extended to foreigner men or women married to Bhutanese nationals; foreigners who had worked in the government service for more than five years, owned lands and lived in the kingdom for more than ten years; and returned nationals upon the approval of the king (Ministry of Foreign Affairs, 1958).

Immediately after the enactment of the Nationality Act of 1958, the national assembly of Bhutan decreed all the people of Gorkha descent living in Bhutan to accept the Druk Gyalpo as their king and in return would be granted nationality by registration.

*“It was resolved that henceforth the Nepalese of Southern Bhutan should abide by the rules and regulations of the Royal Government and, pledging their allegiance to the King, should conscientiously refrain from serving any other authority (such as Gorkha). They should submit a signed agreement to this effect to the government. In addition to the above, the Southern Bhutanese themselves should shoulder the responsibility of protecting the Southern border”* - (National Assembly of Bhutan, 1958)



The people of Gorkha descent were living in the southern part of the country had distinct culture, language, tradition, and ethnicity than the ruling Drukpa tribes. Belonging to Gorkha or Nepalese heritage, they spoke several dialects and the Nepali language as a *lingua franca* and followed Buddhism accommodative Hinduism. King hailed from the Drukpa ethnic group and was called Druk Gyalpo or the King of the Drukpas.

In 1959, the people of Gorkha decent submitted allegiance to the Drukpa king agreeing to refrain from following Gorkha king.

*“There were two ethnic groups in the kingdom under the rule of His Majesty the King. Since the Nepalese inhabiting Southern Bhutan as bona fide citizens of this country had submitted a bond agreement affirming their allegiance to the King and Country, the Assembly resolved that from this date the Nepalese would enjoy equal rights in the National Assembly, as well as in the country, like other bona fide citizens”-* (National Assembly of Bhutan, 1959)

The rulers consider this section of the population as the Bhutanese citizens by registration. This bulk of Bhutanese citizens have identities such as Southern Bhutanese, Lhotshampa people, Gorkhas of Bhutan, or Nepalese of Bhutan for the sake of their recognition within the country.

In 1963-1964 there was the first pan-national census. They retained the exact number as a secret and a hypothetical number was used as the population of the country. There were two logics behind the inflation of the statistics: Security and membership of the United Nations Organization.

In 1974-75, India annexed the neighboring kingdom of Sikkim. The Bhutanese rulers saw two major flaws in Sikkim that led to its loss of sovereignty and independence. They were weak

immigration laws and flexible marriage regulations. The Bhutanese rulers took immediate measures to prevent Sikkim episodes from repeating with Bhutan.

The parliament promulgated a strict citizenship act in 1977 (National Assembly of Bhutan, 1977) and a marriage act in 1980 (National Assembly of Bhutan, 1980).

By 1984, the Drukpa government realized the people holding Bhutanese Citizenship by Registration outnumbered the ruling Drukpas in number, economy, and administration. A day soon when they must embrace democracy and proportional representation, their calculation showed, the ruling group would be in a minority (Tshering, 1994). They wanted an immediate reduction of its southern population.

They enacted a stricter citizenship act of 1985, created subcategories of citizens, carried out phase-wise eviction of almost fifty percent of the southern population in the name of demographic balance, and implemented a series of forced acculturation for the rest. They removed more than a sixth of the population from the country thereby bringing the population of the 'Citizens by registration' category from an estimated 45 - 55 percent to 22 percent.

Even after that, they have not relaxed on the rules and implementations. In 2008, a constitution was promulgated that upheld the content and spirit of the Citizenship Act of 1985 and the Marriage Act of 1980.

### **Constitution and citizenship policies**

The constitution of the Kingdom of Bhutan 2008 envisages three citizenship types: (1) the natural-born citizens, or the people of Drukpa ethnic group related to the ruling groups through ethnicity, language, religion, or culture; (2) citizenship by

registration, or the people who submitted allegiance to the Drukpa King in 1958-59 and their descendants; and (3) citizenship by naturalization, or the foreigners or returnee citizens who were provided citizenship after petitioning to the king. While all the three categories are regarded as Bhutanese citizens and equal before the law of the land, several clauses and policy documents supporting the constitution reserve the vital constitutional posts to the natural-born Bhutanese citizens only. Those vital constitutional positions include those of the king, the prime minister, the chairperson of the national council (upper house) and the speaker of the national assembly (the lower house), heads of the army, police and royal bodyguards, the leaders of the political parties, holders of constitutional offices, namely (a) the Chief Justice of Supreme Court, (b) Chief Judges of High Courts, (c) Chief Election Commissioner, (d) Auditor General, (e) Chairperson of the Royal Civil Service Commission, (f) Chairperson of the Anti-Corruption Commission, etc., and the head of the religious body (Je Khenpo).

The constitution of Bhutan restricts the constitutional offices to the natural-born citizen of Bhutan only.

*“No person shall hold a constitutional office or post under this Constitution unless the person is: (a) A natural-born citizen of Bhutan; and (b) Not married to a person who is not a citizen of Bhutan”- (Article 31-1a and b (Royal Government of Bhutan, 2008)).*

In 2008, a political party by the name Bhutan Peoples Unity Party was de-registered by the election commission of Bhutan (Wangdi, 2007) on the reason that its leader (who would be the prime minister, if elected) was not a natural-born citizen. The constitution provides explicit differences between Bhutanese citizens and natural-born citizens of Bhutan.

*“A candidate for the post of Prime Minister or Minister shall be an elected member of the National Assembly and a natural-born*

*citizen of Bhutan*”- (Article 17-4 (Royal Government of Bhutan, 2008)).

*“A candidate for an elective office under this Constitution shall: (a) Be a Bhutanese citizen”* (Article 23-3a (Royal Government of Bhutan, 2008)).

*“A person shall have the right to vote by direct adult suffrage through secret ballot at an election if the person is: (a) A Bhutanese citizen as evidenced by a Citizenship Card”* (Article 23-2a (Royal Government of Bhutan, 2008)).

The constitution mentions that only a natural-born Bhutanese citizen can be elected to the position of a minister or prime minister. However, between 2008 and the present there were ministers from the population categories other than the natural-born Bhutanese. The election system could not apply its rule on the selection of ministers. Thus, people from the citizenship by registration category have been elected as ministers in all three governments since the implementation of the constitution in 2008. This exception has provided confidence in people with the second or third type of citizenship. However, for a minister to be elected to the cabinet called Lhengye Zhungshog, the minister must have hailed from the ‘natural born Bhutanese’ citizen category. This rule is being implemented.

*“A ministerial candidate for the Lhengye Zhungtshog<sup>1</sup> shall be: (a) a natural-born citizen of Bhutan; (b) a citizen of Bhutan not married to a foreign national”* – Composition of the Lhengye Zhungtshog-3a (National Assembly of Bhutan, 1999).

The series of legal documents show that all Bhutanese citizens are equal before the law, but the population in the category of the

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<sup>1</sup> *Lhengye Zhungtshog*: Cabinet.

natural-born citizens of Bhutan is the only group born to make the laws and to rule.

There is a large Bhutanese diaspora scattered in different countries in the world. The cause of their scatter has been the systemic expulsion on political grounds by their government. Base on the existing law, they are the denationalized former citizens of Bhutan; for their justice, they have no other options left than to struggle for dual citizenship with a legal mandate to return when the situation in Bhutan becomes favorable and safe for them.

### **Marriage laws**

The Marriage Act of Bhutan 1980 and Marriage Amendment Act of Bhutan 2009 regulate marriages in Bhutan. The laws encourage multiple marriages, but the spouses should be Bhutanese nationals.

Bhutan's marriage acts permit both polyandry and polygamy and provides flexibility to marry up to four times (Kha 1-15 (National Assembly of Bhutan, 1980)). The first three spouses can claim alimony or a share of property upon divorce (Kha 1-16 (National Assembly of Bhutan, 1980)). In the case of a woman marrying multiple husbands, the court issues a marriage certificate to the woman with the name of one husband only (Kha 1-17 (National Assembly of Bhutan, 1980)). In the case of a man marrying multiple wives, the court issues marriage certificates to latter wives on the consent of the previous wives. The consenting wife may appear before the court in person or send signed consent if she is unable to attend the court Kha 1-19 (National Assembly of Bhutan, 1980)).

The Marriage Act of Bhutan 1980 discourages marriages of Bhutanese nationals with non-Bhutanese spouses. There are life-long penalties to the Bhutanese nationals marrying foreigners, including the following:

They have limitations in job holdings:

*“Any Bhutanese national in Government service marrying a non-Bhutanese shall remain in the same rank as on the 11th of June 1977 or on the day of the marriage with a non-Bhutanese held by him or her and shall not be entitled to any further promotions. And such a person shall be restricted from holding any appointment above the rank of a Junior Rabjam (Clerk)”* (Kha 2-4 (National Assembly of Bhutan, 1980).

They have restrictions on promotion:

*“Any Bhutanese national marrying a non-Bhutanese shall remain in the same position in society as on 11 June 1977 or prior to his or her marriage with a non-Bhutanese; and from the date of the marriage with a non-Bhutanese or after 11 June 1977, such a person shall not be given a higher position of more importance”*- (Kha 2-5 (National Assembly of Bhutan, 1980).

They cannot serve in foreign and defense services:

*“If any Bhutanese national employed in the defense or foreign department of the Government of Bhutan marries a non-Bhutanese, then that Bhutanese national shall be discharged from the said departments. And any Bhutanese national married to a non-Bhutanese, shall not be offered employment in any of the two said departments”* (Kha 2-6 (National Assembly of Bhutan, 1980).

They forfeit the right to access to privileges enjoyed by other citizens:

*“A Bhutanese citizen, irrespective of his or her status, shall be restricted from enjoying the privileges and other benefits as mentioned herein below subsequent to a marriage with a non-Bhutanese: (A) Allotment of land (through royal decree); (B) Cash Loans; (C) Seeds for fields and lands and ploughing bulls; (D) Cattle and livestock from the Department of Animal Husbandry; (E) Medical treatment in foreign countries; and (F)*

*Capital for workshops, trade and industries” – (Kha 2-7; (National Assembly of Bhutan, 1980).*

They forfeit the right to studies and training:

*“Any Bhutanese citizen receiving training or education under Government sponsorship if married to a non-Bhutanese shall be restricted from enjoying the privileges and benefits as mentioned herein below: (A) Restriction from receiving any aid from the government to pursue or undergo training in foreign countries; (B) From the date of contracting such a marriage, the Government aided expenses given for studies and training shall be withdrawn forthwith; (C) The expenditure given by the government for pursuing studies or undergoing training up till date of such a marriage shall have to be refunded; (D) The Government of Bhutan shall send an intimation to the country sponsoring the student to withdraw all the expenses provided for studies or training to a Bhutanese national whose marriage is contracted with a non-Bhutanese” -Kha 2-8 (National Assembly of Bhutan, 1980).*

They cannot contest for elective offices:

*“A person shall be disqualified as a candidate or a member holding an elective office under this Constitution, if the person: (A) Is married to a person who is not a citizen of Bhutan” (Article 23-4a: (Royal Government of Bhutan, 2008)).*

A member of the parliament who marries a non -Bhutanese spouse becomes disqualified to hold the position:

*“A member of the National Assembly shall be disqualified if the member: (A) Is married to a person who is not a citizen of Bhutan” (Chapter 3-14a (National Assembly of Bhutan, 2008)*

While these laws are aimed at the commoners, there is no consideration to the members of the royal families, especially to those in the line to the throne:

*“The title to the Golden Throne of Bhutan shall... Not pass to a person entitled to succeed to the Throne who enters into a marriage with a person other than a natural-born citizen of Bhutan” (Article 3f (Royal Government of Bhutan, 2008)).*

The king must choose his bride not just within Bhutan or Bhutanese citizens- the to-be queen must hail from the category of natural-born citizens.

### **An opposition leader who quit politics**

In the election after the promulgation of the Constitution of the Kingdom of Bhutan 2008, Dr. Pema Gyamtsho elected to the National Assembly of Bhutan was selected by his Druk Phunsum Tshokpa party as the agriculture minister. In 2013, his party lost the election, owing to the acquisition of tilting towards China against the traditional practices of siding with India. The party cadres accused the government of India, the palace in Thimphu of campaigning against their party leading to their loss in the election. The party members took to anti-king sloganeering for the first time in the country. The party president, the vanquished former prime minister, resigned from the party. The party leadership was passed to Dr. Pema Gyamtsho. Although he comes from a Drukpa lineage, he does not belong to the families of people who signed the 1907 proclamation of hereditary monarchy, and his party is perceived as anti-monarchy. He became the opposition leader by being the president of the second largest of the two parties in the parliament.

The king ignored the protocol of recognizing and honoring the opposition leader with decorations as he had done with the first opposition leader in 2008. The king had decorated the earlier opposition leader with an orange scarf and ceremonial sword on time. The king disowned the tradition with the second opposition leader (Druk National Congress, 2013).



The opposition leader was neither acknowledged nor entertained for his roles. He was made aware that he would not qualify to be a prime minister even if his party swept the majority seats in the parliament. He accepted his limitations, citizenship of a non-ruling category, prospect-less future in Bhutan's controlled democracy, and chose a safe exit from the present politics (Pem, 2020). In 2020, he joined International Centre for Integrated Mountain Development- a regional inter-governmental organization as its director-general- a position equivalent to that of a joint secretary of his country. Thus, a former minister, a serving national assembly member, the only opposition leader, and a candidate for a prime minister's position of a country landed up leading a regional organization with the position equivalent to a joint secretary.

## **Discussion**

Three categories of citizens are envisioned by the constitution of the Kingdom of Bhutan: the natural-born citizens of Bhutan, Bhutanese citizens by registration, and naturalized Bhutanese citizens. The constitution guarantees the vital administrative, elective, and constitutional posts to the natural-born citizens only. The other two categories of citizens are deprived of the apex positions. They have framed the constitution in such a way that the position of the present ruling tribe of a few ruling Drukpa families remains in the ruling position for good. Even the leader of a political party, if she or he comes, from a different citizenship category cannot be a prime minister.

It is not public what percentage of the Bhutanese population falls under the selected natural-born citizen categories; a rough estimate shows that one to three percent of the people fall in this category. Even the most flexible estimate shows that this category of people does not exceed five percent. Thus, less than five percent of the population are made eligible and destined to rule the country.

The Constitution of the Kingdom of Bhutan-2008 was a calculated attempt of the rulers to retain their hold on the power for good. They have been successful to crush and neutralize every resistance from the people. With the written constitution the government of less than five percent of the population has been holding the grip on power firmly and with determination.

As the apex positions of all the institutions are held by the selected few families through a systemic constitutional way, everything looks peaceful and controlled from the surface. Yet, many citizens have no rights and means to proportional representation in policy-making bodies.

The international community is satisfied with the finding that all constitutional bodies are established and there are periodic elections, but there are no academicians, researchers, or activists to study how the system is controlled.

The much-hyped democracy of Bhutan is the legalization of the autocratic system of the past through a written constitution and premediated elections. There has been no proportional representation, no fair promotion, and no access to vital positions by the people from non-ruling tribes.

The people of Bhutan have been raising their voices for democracy, and a written constitution since 1950. They formed political parties to represent peoples' concerns. However, the government crushed the political activities at an early stage. After 1990, the international community began to join the Bhutanese people in pressuring the Drukpa government of Bhutan to accept democracy and promulgate a written constitution. The dissidents and forerunners limited the demands to the words and terms but not the contents. The government yielded to the words and terms of demands but added contents of its convenience. The political leaders, and international pressure groups seldom explained to the

people what comes with democracy and a constitution. Today, people are contented that they have been given what they have asked for (i.e., democracy) and do not know if the democracy they have received is of the correct type and use.

## **Conclusion**

Citizenship of a country is the right of the citizens to have rights. In Bhutan, the ruling few have categorized the citizens into categories and kept one small group under the name 'natural-born citizen of Bhutan' as the sole rulers of the country. The categorization and restrictions have made over ninety-five percent of the population without or limited rights. International law has almost no role in citizenship practices of individual states and taking advantage of the lack of international directions, petty rulers in small states use citizenship as a tool to divide citizens and use one against the other, the method by which they secure their rules, positions, and privileges. Though Bhutan is now a democracy by words and structural makeup, the citizens of Bhutan are both unaware of their rights and live-in constant fear of being denationalized should their actions be perceived as reformative or revolutionary. A small group of people associated with the monarchy link the system as a means of their survival and coerce the people to follow the compartmentalization of citizens without a question.

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# **LDC Graduation: Opportunities and Challenges for Bhutan**

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## **ABSTRACT**

Bhutan is graduating from Least Developing Country (LDC) status in 2023. It was granted LDC status in 1971. Bhutan has maintained fair political stability, consistent economic growth, and improved social indicators in the last few decades. However, Bhutan's graduation comes amid the worst economic blow by the COVID-19 pandemic. The pillars of growth have been shattered but the plan for graduation is unlikely to be extended. Bhutan has not met a few criteria under the Economic Vulnerability Index (EVI) while it has fulfilled other criteria. The graduation is expected to cause no major impact on Bhutan due to its economic reliance (in both grants and trade) on a single country (India). Bhutan has low volume trade with third countries. Yet sensible amount of grants, funds and market access will be lost that may challenge Bhutan's continued economic growth and economic prosperity. This article investigates the process, progress, and challenges of the country after it attains the status of a developing nation.

**Keywords:** economic development, gross domestic product, poverty, social indicators

## **1. Introduction**

The idea of categorising countries based on their economic strengths is not old. The term Least Developed Countries (LDCs) was coined in 1960s. The first list of 25 LDCs was prepared by the United Nations through its resolution 2768 (XXVI) on 18 November 1971. Bhutan was approved as a LDC by the Economic and Social Council and endorsed by United Nations General

Assembly (UNGA) in November 1971<sup>1</sup>. The fourth conference on LDCs in 2011 adopted the Istanbul Programme of Action (IPoA) and resolved to half the then existing 49 LDCs in a decade (Ford, 2011). As of December 2020, there were still 46 countries in the category<sup>2</sup>. Only three countries graduated from LDC before the programme was designed<sup>3</sup>.

The LDCs are defined by the United Nations systems as the most vulnerable members of the international community – having both low incomes and facing severe structural and physical impediments to their long term economic and social development<sup>4</sup>.

Lack of productive capacity to overcome development challenges was one of the priority areas included in the IPoA (UN, 2011). The programme provided a window on the requirement of resources for LDCs to come out of their status. Since the conception of the LDC and so-called continued financial support, these countries have hardly made any progress. ‘The dominant development paradigm and the current international aid architecture, which overwhelmingly prioritise profits and markets have failed to address the development challenges faced by LDCs’<sup>5</sup>.

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<sup>1</sup> Bhutan was formally admitted to United Nations as member state on 21 September 1971.

<sup>2</sup> LDCs: Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People’s Dem. Republic, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, South Sudan, Sudan, Timor-Leste, Togo, Tuvalu, Uganda, United Republic of Tanzania, Yemen, Zambia.

<sup>3</sup> Botswana graduated in December 1994, Cape Verde in December 2007 and Maldives in January 2011.

<sup>4</sup> 2010 Triennial Review Report of the Committee for Development Policy (CDP).

<sup>5</sup> Statement given by Dr Arjun Karki at a ministerial meeting of the Asia Pacific LDCs held in Kathmandu on 16-18 December 2014.

Bhutan is set to move into the category of developing nations in 2023. The graduation comes with both greater opportunities and challenges. The country's road to the club of developing nations was highly driven by its hydropower exploitation for fiscal revenues. The income from hydropower sales helped the country invest on human capital which led to significant improvements in service delivery and improvements in health and education sectors.

The country will face multiple post-graduation challenges for lack of diversity in its income sources – be it internal or external. The country has large current account deficits, high public debt, an underdeveloped private sector, and a high unemployment rate. The hydropower plants and other infrastructures of the country are vulnerable to natural disasters and climate-related risks.

We will look at the socio-economic progress Bhutan has made so far that enable the country to come out of the LDC status, challenges it will face when certain facilities for LDCs are stopped after graduation and recommendations for Bhutan to overcome those challenges.

## **2. Bhutan's socio-economic progress**

### ***2.1. Growth in Gross Domestic Product***

Fair stable politics helped Bhutan maintain a solid growth and macroeconomic stability for decades. Except on a few occasions, the country depressed the inflation to single digit, kept stable exchange rate<sup>6</sup>, and accumulated international reserves. Poverty was reduced significantly and has improved gender equality.

Bhutan's average Gross Domestic Product (GDP) growth since 1980s remains at 7.5% (Chart 1) making it one of the fastest growing economies in the world. Gross National Income (GNI) per

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<sup>6</sup> The forex is pegged with Indian Rupee, and Bhutan has the biggest share of trade with India helping the stability in foreign exchange.



capita, at \$2,860 as of 2020, is almost three times the threshold for lower middle-income countries. The share of population living on less than \$3.20 per day fell from 14.7% in 2012 to 12.2% in 2017 (The World Bank Group, April 2021). The country also made good progress in shared prosperity though the pace of progress slowed down in recent years.

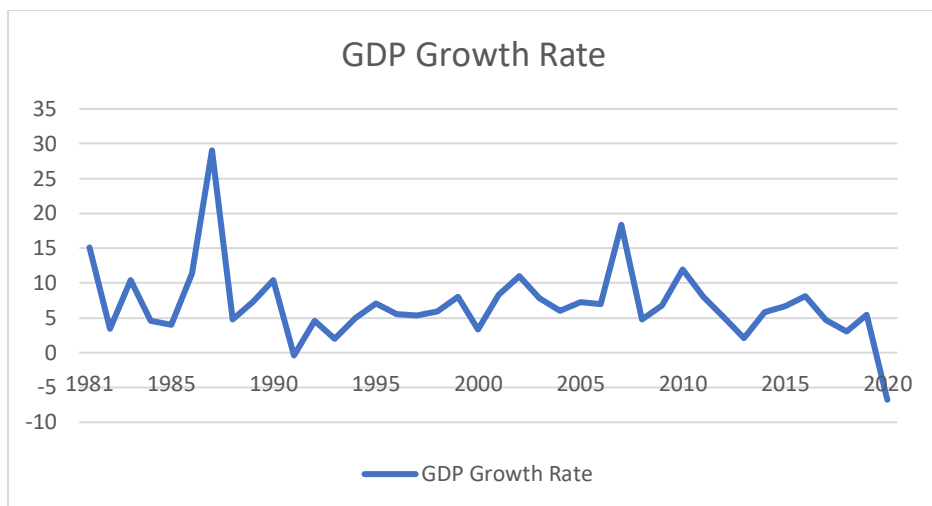


Chart 1: Bhutan's historical GDP growth rate Data sources: World Bank Group, GNHC & National Statistics Bureau.

Bhutan's economy is heavily dominated by hydropower and its economic relationship with India (Subba M. , Remittance inflow grows despite Covid-19, 2021). Lack of manufacturing industry means Bhutan heavily relies on India for daily consumable goods. Trade balance with India remains negative, though hugely subsidized by electricity. Significant trade reliance and forex pegging with Indian currency means Bhutan's inflation is influenced by inflation in India.

Developments in the hydropower sector contributed to a narrowing of the current account deficit. Increasing tourism numbers (Tourism Council of Bhutan, 2018) contributed to the

growth of service exports. The current account deficit was primarily financed through capital inflows from India though the country has experienced significant growth in remittance from Europe, America, and Australia in recent years (Subba M. , Remittance inflow grows despite Covid-19, 2021). Foreign exchange reserves cover nearly 10.1 months of imports.

Except during COVID, Bhutan has maintained sustainable public finances with low fiscal deficit. In 2021, the deficit widened to 7.36% of GDP. Bhutan's fiscal deficit in the previous three years hovered around 2 to 3% (Subba M. , Ailing economic indicators, 2021). Decreasing deficit was the result of revenue growth from reforms that increased the corporate income tax base and change of the valuation rules for sales tax on vehicles introduced in 2018.

The government debt is estimated at 120.8% of the GDP in 2020 (Ministry of Finance (RGOB), 2020) which is higher than expected. The debts are primarily borrowings from India for hydropower construction. It is considered sustainable due to a special financing arrangement with India, which guarantees a return on surplus power purchases.

Labour force participation rate has fallen from 65.7% in 2017 to 62.6% in 2018 and bounced back to 67.8% in 2020 (National Statistics Bureau, 2020). Agriculture contributes approximately 15% to GDP but accounts for roughly 50% of employment (National Statistics Bureau, 2020).

## ***2.2. Bhutan's path to graduation***

A country's graduation from LDC status is determined by three indicators – Gross National Income (GNI) per capita, Human Asset Index (HAI), and Economic Vulnerability Index (EVI) (United Nations, 2021). The LDCs are assessed on these indicators every three years by the UN's Committee on Development Policy which reports to the Economic and Social Council. The council recommends to the United Nations General Assembly (UNGA) for

approval for a country to graduate. The graduation is not by application but part of the UN procedure to measure the socio-economic progress of its member states.

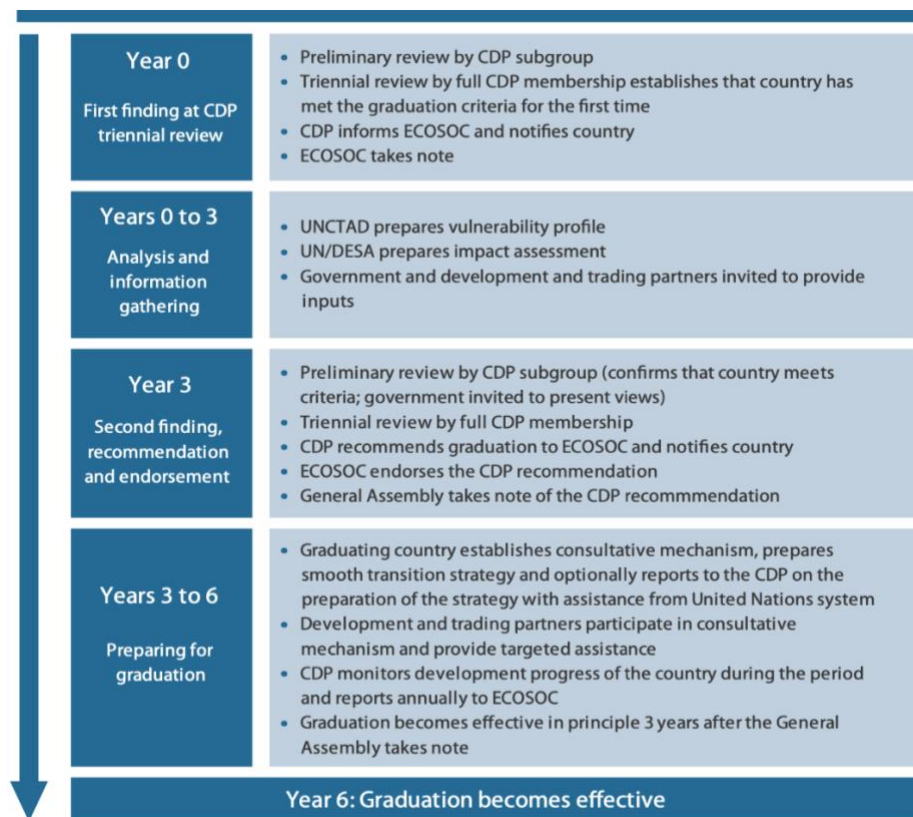


Chart 2: UN's graduation pathway for LDCs (Source: UN)

### *2.2.1. Gross National Income*

The GNI is the total amount of money earned by people and businesses in a country. GNI can be much higher than GDP if a country receives a large amount of foreign aid. But for a developed country, there's hardly any difference – income received, and payments made to other countries might be close to equal.

For the graduation rule, the inclusion threshold is set at the three-year average of the level of GNI per capita, which the World Bank defines for identifying low-income countries. This is reviewed every three years. At 2021 review, this is set at \$1,018. The graduation threshold is set at 20% above the inclusion threshold. At the 2021 review it is \$1,222 and the income-only graduation threshold is twice the graduation threshold which has been set at \$2,444 in 2021 review. According to the World Bank, Bhutan's GNI per capital in 2020 was \$2,860 – which is significantly higher than the threshold required for graduation.

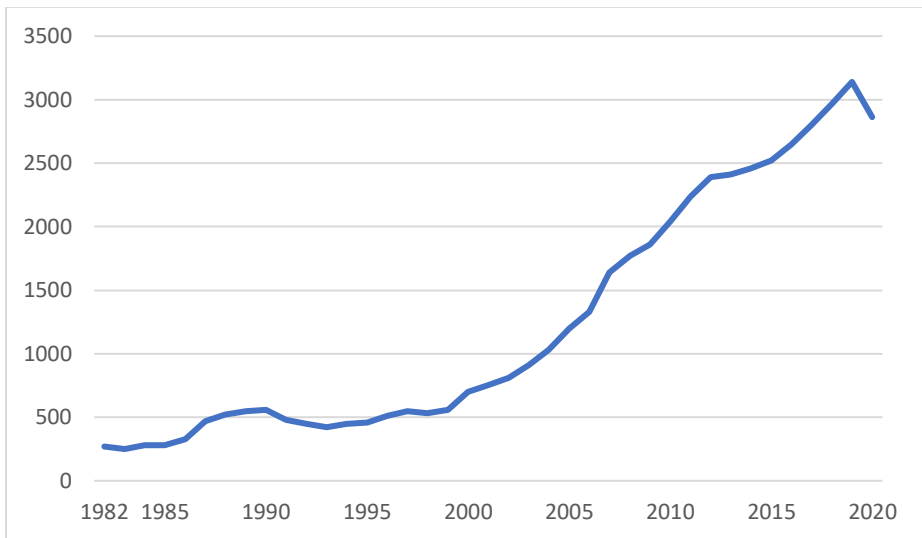


Table 1: Bhutan's historical GNI (Source: World Bank)

Bhutan has made good progress in reducing the poverty rate. According to Asian Development Bank, the poverty rate in 2017 was 8.2%, based on the \$3.20/day poverty line, down from 12% in 2012. Between 2004 and 2012, the country's poverty rate reduced by 19.7%. In the last 13 years, poverty rate is reduced by 23.5%, with an average annual reduction rate of 1.8%. The portion of the

population living in extreme poverty also saw a decrease from 5.9% in 2007 and 1.6% in 2017 (Wangchuk K. , 2018).

Despite the progress, there has been sharp widening of the income distribution disparity - economic inequality has widened. Inequality in Bhutan fell by around 6% in the period of 2007–2012 but rose by 1% during 2012–2017. Urban inequality experienced a consecutive fall by 2% in the period of 2007–2012 and almost 4% in the period of 2012–2017. The richest 20% who received almost nine times the income of the poorest 20% in 2007, fell to eight times in 2012 and then again rose to more than eight times in 2017 (Tobden, 2019).

Bhutan has progressed significantly on GNI criterion – almost doubled in the last decade. From a gap of 23.3% of the threshold in 2006, it exceeded the GNI graduation threshold in 2012 by over 42.8% and crossed the upper threshold in 2020. Bhutan's GNI per capita is estimated at USD\$2,982 in 2021, which is more than double the graduation threshold of USD\$1,222. As such the triannual review in 2018 recommended Bhutan for graduation in 2021 but Bhutan sought deferral until 2023 (Gyem, 2018) in recognition of the work that needs to be continued and to prepare not only for graduation but also beyond graduation (BBS, 2018).

### *2.2.2. Human Assets Index*

The HAI measurement is based on: (a) nutrition: percentage of population undernourished; (b) health: mortality rate for children aged five years or under; (c) education: the gross secondary school enrolment ratio; and (d) adult literacy rate.

Although still below the graduation threshold, Bhutan has made progress on human assets in recent years. The country's HAI index has improved from 45 in 2000 to nearly 73 in 2018, driven mainly by an increase in gross secondary education enrolment.

Health indicators are not promising. According to the World Food Programme (WFP), Bhutan is facing the triple burden of malnutrition with co-existence of undernutrition, micronutrient deficiencies, and overnutrition. Over the years, the health and nutritional status of children has improved with wasting and underweight prevalence reduced to 4 and 9% respectively. However, overweight/obesity is emerging with 11.4% of Bhutanese obese and 33.5% overweight.

Micronutrient deficiencies remain a major public health issue. Anaemia, a proxy indicator for micronutrient deficiencies, is at 44% for 6-59 months old children. Over 35% of non-pregnant women and 31% of adolescent girls are anaemic. More than 1 in 5 preschool aged children and 17% of pregnant women are deficient in Vitamin A. Amongst school aged children (5-19 years), several outbreaks of Vitamin B deficiencies including peripheral neuropathy and glossitis have been reported over the years.

According to UNICEF, under-five mortality has dropped from 39.9 in 2011 to 28.5 in 2019 per 1000 live births. The figure is higher among male children (31) than female children (26).

Gross secondary school enrolment rates have all improved (67.25% in 2011 to 90.09% in 2018 – as per UNESCO). The school system requires parents to prove they have Bhutanese citizenship for children to be enrolled in any schools. And acquiring citizenship is almost impossible for migrants. Bhutan has quite a large resident population without citizenship. They include relatives of Bhutanese in exile. Further, Bhutan has a significant uncounted population born out of PchiruShelni (Night Hunting)<sup>7</sup> culture. The fathers of these children remain unknown. This leads to denial of education and citizenship to them. Parents who can afford to do so send these children to India for education. The

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<sup>7</sup> Bhutanese laws require Bhutanese identity of both father and mother for children to obtain Bhutanese citizenship. Because the fathers of these children are unknown, they do not receive Bhutanese citizenship – unless directly ordered by King in the form of Kasho.

country is unlikely to receive full enrolment until it resolves the citizenship issue, which also means Bhutan will have a challenge in reducing its adult illiteracy rate. Only 66% of the country's citizens (aged 15 or over) are literate. Many of the illiterates include citizens in southern Bhutan where schools were closed for more than one and half decades – when the country evicted large number of southern Bhutanese.

### *2.2.3. Economic Vulnerability Index*

The EVI comprise of (a) population size; (b) remoteness; (c) merchandise export concentration; (d) share of agriculture, forestry, and fisheries; (e) share of population in low elevated coastal zones; (f) instability of exports of goods and services; (g) victims of natural disasters; and (h) instability of agricultural production.

Despite improvements in EVI from 40 in 2000 to 36.3 in 2018, Bhutan has failed to meet the set criterion. The EVI criterion is designed to reflect the level of vulnerability and determine the extent to which a country would be affected by shocks. This is challenging for all LDCs.

With a population of slightly over 750,000<sup>8</sup> and a small economy, Bhutan is dependent on cross-border trade over its internal economic base. The trade to GDP ratio has worsened in the last decade - from 109.57 in 2009 to 84.36 in 2019. Despite the efforts and mission to make the country self-reliant, Bhutan has become more dependent. Hydropower dominates the trade industry, and this industry is severely vulnerable to hydrological risk<sup>9</sup>. Furthermore, Bhutan's export is concentrated on hydropower exports to India (monopsony buyer) – any changes in the trade

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<sup>8</sup> Population projection for 2021 as per National Statistics Bureau, Bhutan

<sup>9</sup> For example, the case of South American country Venezuela, which concentrated its export of petroleum products. The country's economy flourished while petroleum products fetched good prices in international market, but the country plunged into economic crisis when global oil market plummeted.

structure or political difference would severely hit Bhutan's economy. Bhutan relies heavily on India for uninterrupted trade conducts. Bhutan has structural obstacles to trade due to its topography (mountain eco-system) and lack of direct access to sea route (landlocked).

Other industries, like agriculture, fisheries and forestry, are also exposed to geographical vulnerability and they affect GDP growth. Though share of these industries in GDP is in declining trend.

Glacial lake outburst floods, persistent landslides, frequent earthquakes, floods, forest fires, and windstorms are major natural disasters of concern. These natural disasters pose severe threat to the country's hydropower sector. Climate change has further accelerated these risks.

Bhutan has persistent current account deficits since 2001 (Table 2). The deficits were results of Bhutan's massive capital borrowing from India to facilitate hydropower plant constructions. Majority of the contractors and employees in these hydropower projects are Indians and required payments in Indian rupees or do exchange if salaries are paid in Bhutanese currencies. This situation, coupled with high import from India, created huge rupee shortages in recent years – reflecting instability of Bhutan's exports and varying capacity to import goods and services from export earnings.



Year	GDP (US\$)	Deficits (US\$)	%
2006	874,989,895	37,902,200	4.3
2007	1,168,000,000	84,937,868	7.2
2008	1,228,000,000	112,487,375	91
2009	1,234,000,000	65,940,668	5.3
2010	1,548,000,000	323,097,108	20.88
2011	1,777,000,000	526,214,663	29.61
2012	1,781,000,000	377,036,786	21.17
2013	1,756,000,000	472,191,887	26.89
2014	1,907,000,000	490,282,016	25.71
2015	2,004,000,000	548,326,099	27.36
2016	2,159,000,000	622,690,306	28.84
2017	2,450,000,000	540,419,849	22.1
2018	2,447,000,000	478,153,519	19.54
2019	2,531,000,000	500,801,565	19.79
2020	2,409,000,000	381,152,580	15.82

Table 2: Bhutan's historical deficit rates Data: Multiple sources collected by author

### **3. Potential implications of LDC graduation**

#### ***3.1 Erosion of preferential treatment in international trade***

Developed and many developing countries provide preferential access for LDCs imports at zero or reduced tariff rates under the Generalised System of Preferences (GSP) and the Global System of Trade Preferences (GSTP). Regional trading agreement like the South Asian Free Trade Agreement (SAFTA) contains preferential market access provisions for their LDC members like Bhutan (South Asian Association for Regional Cooperations, 1993).

When a country graduates from the LDC category, it no longer receives benefits from LDC-specific international support system.

The practical implications and significance of the change differs among countries. One of the main support measures for LDCs is preferential access to markets. Bhutan's majority of the trade is with India and the two countries have bilateral free trade agreement, which would reduce the impact that Bhutanese trade will face on the loss of preferential market access. Bhutan will lose the benefit of less restrictive application of the rules of origin when it moves out of the LDCs group. This may impact the current Bhutanese vision of having a 'brand Bhutan' in global markets. Impact on Bhutan's trades with other countries would be insignificant.

Bhutan's major exports (as per Bhutan trade statistics 2020) include ferro-silicon, boulders, semi-finished products of iron and non-alloy steel, Portland cement, pebbles and gravels, gypsum, silicon-carbide, cardamom, and dolomite. Major export destinations for the country include India (77%), Bangladesh (19%), Nepal (1.7%), Italy (1%) and less than 1% go to the rest of the world.

Similarly, the country's major imports include petroleum products and aviation fuel, rice, wood charcoal, motor vehicles, finished ferrous products, soft drinks, and soya bean oil. The 2020 statistics included higher proportion of aeroplane import which is not a regular phenomenon. Of the total imports, 77% was from India, 9.4% from France, 3% from China, 2% from Thailand and Singapore, and 1% from Germany.

Trade/ Year	Trade including electricity			Trade excluding electricity		
	Export	Import	Balance	Export	Import	Balance
<b>2020</b>	48,255	66,637	-18,382	20,732	66,456	-45,725
<b>2019</b>	47,487	69,112	-21,625	31,250	68,906	-37,656
<b>2018</b>	41,413	71,640	-30,227	30,835	71,345	-40,510
<b>2017</b>	37,297	66,996	29,699	25,314	66,921	-41,607
<b>2016</b>	35,258	67,360	-32,102	22,226	67,187	-44,961
<b>2015</b>	68,037	35,229	-32,808	67,787	23,104	-44,682

<b>2014</b>	56,884	35,584	-21,299	56,565	24,951	-31,614
<b>2013</b>	53,272	31,852	-21,420	53,050	20,625	-32,424
<b>2012</b>	53,093	28,420	-24,673	53,080	19,294	-33,785
<b>2011</b>	48,697	31,485	-17,211	48,687	21,044	-27,642

Table 3. Bhutan's overall balance of trade (in Mil Nu, 1 US\$ = Nu 73)

Trade/ Year	Trade including electricity			Trade excluding electricity		
	Export	Import	Balance	Export	Import	Balance
<b>2020</b>	43,513	51,379	-7866	15,990	51,198	-35,208
<b>2019</b>	39,810	56,659	-16849	23,573	56,453	-
						32,880
<b>2018</b>	32,170	60,107	-27,937	21,592	59,812	-
						38,220
<b>2017</b>	31,618	53,973	-22,355	19,635	53,898	-34,263
<b>2016</b>	32,052	55,285	-23,233	19,020	55,112	-36,092
<b>2015</b>	53,740	31,801	-21,939	53,490	19,676	-33,813
<b>2014</b>	47,847	31,790	-16,046	47,528	21,167	-26,360
<b>2013</b>	43,889	28,979	-14,910	43,666	17,751	-25,914
<b>2012</b>	41,834	26,627	-15,206	41,825	17,502	-24,323
<b>2011</b>	35,201	26,377	-8823	35,190	15,936	-19,254

Table 4: Bhutan's balance of trade with India (in Mil Nu, 1 US\$ = Nu 73)

Trade/Year	Export	Import	Balance
<b>2020</b>	4,743	15,258	-10,516
<b>2019</b>	7,677	12,453	-4,776
<b>2018</b>	9,243	11,534	-2,291
<b>2017</b>	5,679	13,023	-7,344
<b>2016</b>	3,206	12,075	-8,869
<b>2015</b>	3,783	14,296	-10,868
<b>2014</b>	3,783	9,036	-5,253
<b>2013</b>	2,873	9,383	-6,509
<b>2012</b>	1,972	11,255	-9,282
<b>2011</b>	5,107	13,496	-8,388

Table 5: Bhutan's trade with other countries (in Mil Nu, 1 US\$ = Nu 73)

Source: Bhutan Trade Statistics, Ministry of Finance, RGoB. Exchange rate as of Jan 2022.

### **3.2 WTO accession issues**

LDCs benefit from special provisions safeguarding of their interests in the World Trade Organisation (WTO), such as increased flexibility in rules and disciplines governing trade measures, and extension of longer transitional periods and provision of technical assistance. The most significant of these are lead-in periods of ten years on compliance with Trade Related Intellectual Property Rights (TRIPs) and Trade Related Investment Measures (TRIMs). The WTO also has guidelines for facilitating and accelerating negotiations with acceding LDCs, such as the exercise of restraint in seeking excessive concessions from acceding LDCs; the granting of transitional periods to enable acceding LDCs to implement commitments and obligations effectively; the provision of technical assistance by WTO member States in the accession process of an LDC; and the provision of technical assistance on accession procedures by the WTO Secretariat.

The graduation will mean Bhutan no longer benefits from these treatments in the fulfillment of WTO commitments. It will also lose LDC-specific support for the WTO accession process. Following graduation, Bhutan will have to meet restrictive requirements to receive WTO membership. Bhutan is yet to be a WTO member and is not actively seeking the membership, though has been recommended several times by experts to join the WTO (Subba B. , 2021). The latest two governments made no initiation towards assessing WTO membership due to concern over market liberalisation.

As a country prepares for graduation, Bhutan will need to factor this in its transition strategy. Bhutan will benefit from joining the WTO prior to graduation if the country intends to the join the organisation in the long run.

### **3.3 Development Cooperation**

Bhutan is likely to lose some of the development cooperation from multilateral donors including the United Nations, such as reduced benefits from United Nations Capital Development Fund (UNCDF), WFP, United Nations Framework Convention on Climate Change (UNFCCC) Least Developed Countries Fund (LDCF) and the World Meteorological Organisation (WMO) as it graduates to developing nation.

Considering the importance of environment in Bhutan's development framework and its high vulnerability to climate change, loss of support under the Global Environment Facility (GEF) and WMO is a concern.

The international community collectively provides several assistances to LDCs in developing trade capacity, financing climate change adaptation, and other areas. Once graduated from the group, the country no longer has access to these support mechanisms. However, development partners, more specifically the bilateral partners, do not base their assistance measures on LDC status.

Support measures in the area of bilateral development financing, technical cooperation, and other forms of assistance commonly involve voluntary commitments made by donor countries. Bilateral development agencies such as USAID, Swiss Development Agency, JICA, DANIDA and multilateral partners like ADB, IFC, World Bank will still be active in providing financial and technical assistance to Bhutan for its development needs.

### **3.4 Contributions to UN**

LDCs benefit from discounts and maximum thresholds on their contributions to the budgets of the United Nations and United Nations systems. Budget contributions depend on a country's

income level and other factors, and in many cases, graduation has no impact on contributions as countries remain under the maximum threshold for LDCs.

Furthermore, contributions by LDCs to the regular budget of the United Nations are capped at 0.01% of the total United Nations budget irrespective of their GNI national income and a 90% discount is granted in their contributions to peacekeeping operations. From 2024 Bhutan will have to increase its contribution to the UN funds.

## **IV. Ways forward for Bhutan**

### ***4.1 Staying focused on achieving SDGs***

The Sustainable Development Goals (SDGs) are a global call to action to end poverty, protect the earth's environment and climate, and ensure that people everywhere can enjoy peace and prosperity.

Bhutan is graduating without fulfilling all the criteria. The government has been championing the Gross National Happiness (GNH) as the core philosophy for sustainable and holistic development as an alternative approach to GDP. Its propagators claim the approach is not merely materialistic like GDP; - GNH is more about qualitative life improvement than quantitative economic expansion (Hartz-Karp, 2019). Many of the core indicators of the GNH align with the quality of life which correspond to most of the SDGs. However, the parameter of the SDGs are much wider than the GNH framework. For this ambitious development blueprint to unfold, a business-as-usual approach will simply not work (Smith, 2017). GNH approach may not be sufficient.

Bhutan has challenges to reducing hunger to zero, improving basic health indicators, attaining gender equality, supplying clean drinking water for all residents, building infrastructure, reducing

economic inequality, and sustainably managing forests and natural resources.

Reduced financial support from donors and UN agencies after graduation means Bhutan will have difficult days to ensure these goals are attained within the deadline. Higher bilateral support and internal resources are required to attain these goals. The country must seek creative alternatives for financial sources without impacting the business environment with additional taxes.

#### ***4.2 Engaging trade and development partners***

Bhutan's major development partner remains to be India – even after graduation, as it has been historically (Bhonsale, 2020). The bilateral relationship originated before Bhutan was known to the world as a country. India's assistance to Bhutan is not bound by any international conventions or treaties, nor is it allocated based on the economic progress Bhutan has made. Rather, India's assistance is more for tightening the diplomatic relations between the two countries.

However, other bilateral assistance from donor countries and multilateral institutions are likely to be reduced. Bhutan must continue to engage its bilateral donors should it aim to receive additional support for any development activities. Though costly, Bhutan may have to look for alternative sources such as ADB, World Bank, IMF, AIIB for any financial need.

Round Table Meeting (RTM) of the donors held in Thimphu on 2 September 2021 briefly discussed the challenges for Bhutan following the graduation. The Round Table Meeting (RTM) is the traditional method employed by Bhutan in boarding donors into confidence, yet such a brief meeting may not be adequate to present the plans and proposal seeking development assistance.

Further, the country has the opportunity to diversify its industries, besides hydropower. Trade diversification is the need, the country must seek additional market for its goods. One of the potential service industries that can prosper is call centres. India has been the closet example for Bhutan to learn about the industry.

Bhutan has not harnessed its medicinal herbs potential. Both India and China have huge markets for medicinal herbs that Bhutan can grasp. The country also has huge potentiality in raw or finished timber products, tourism, and minerals. Bhutan may want to invite investors to investigate these potentials that would help boost its trade beyond India.

#### ***4.3 Dealing with general development challenges***

Bhutan has several other development challenges – from geographical, geological, social to economic. The mountain ecosystem is very fragile, and any form of infrastructure development requires extensive studies to ensure not harm is caused. And without adequate infrastructures, Bhutanese products are unlikely to find their buyers – within or outside the country.

Growing youth unemployment is a concern. Despite several initiatives to provide employment opportunities to young graduates, the issue has not seen a durable solution. Every year, approximately 20,000 young graduates enter into labour market. The Labour Force Survey 2020 estimated youth unemployment rate to be 22.6% in 2020 (National Statistics Bureau, 2020), almost doubled from previous year - 11.9% in 2019. The overall unemployment rate has increased to 5%, while it was estimated 2.7% in 2019 (Choden, 2021). The growth of hydropower sector has failed to create enough opportunities.

Access to finance for those willing to start new business is a serious constraint, including for the application process, location, and



acceptable collateral. Banking and other financial services are limited to select urban centres. The government has not encouraged their extension to rural area. Micro enterprises in rural areas have to rely on high-cost informal lenders. The financial industry should look beyond real estate and machinery as collateral, such as accounts receivables and inventories for business loans, extend their services outside cities, and simplify application processes.

Bhutan also needs to ramp up efforts in improving technology that improves efficiency. The current manual culture to conduct business does not support quicker growth.

#### ***4.4 Developing a vibrant private sector***

Public sector is the biggest employer of the country. Bhutan's private sector has minimal contribution to national economic development plans. There are roughly 20,000 establishments employing around 90,000 people (Wangchuk D. , Enabling the Private Sector for Economic Well-being, 2021) constituting 29% of the total workforce. Over 97% of these establishments are shed vendors, single proprietors, or partnerships, and over 80% operate in the retail and wholesale trade, repair of vehicles, and the hospitality sectors (Wangchuk D. , Kuenselonline, 2020). In recent years, the tourism industry has seen significant improvements in providing employment opportunities (Chezom, 2020).

The IT Park in Thimphu (The Bhutanese, 2013) and ambitious Education City projects (Bhutan News Network, 2014) have severely failed due to inadequate private sector investments. Larger projects of this sort without commitments from investors will dilute investment climate in the country.

To enable private-sector firms to access essential skills, the government should provide vocational training to the adult population; adjust public-sector compensation and recruitment policies to improve the relative attractiveness of private-sector

employment; and relax restrictions on the recruitment of skilled expatriates (Massimiliano Satini, 2017).

#### **4.5 Attracting Foreign Direct Investment**

The Foreign Direct Investment Policy 2019 stipulates diversification of economy<sup>10</sup> among others. The diversification mission to address the poor FDI flows. The FDI inflows averages less than \$20 million annually since 2010. In 2016, it turned negative (\$-13 million), recovering in 2017 at \$10 million but fell to \$5 million in 2018. Complex licencing and reporting process, share equity restriction, investment threshold, and difficulty in obtaining business investor visas are some of the hindrances to attract FDI. Bhutan has not improved its environment for foreigners to live and work in the country.

The country lacks infrastructure to meet expectations of foreign investors. The government systematically discourages FDI in southern districts where road networks are better. Agribusiness industry has potential for FDI but market access due to infrastructure constraints discourage foreign investors.

### **5. Conclusion**

Six countries have so far graduated from LDC status<sup>11</sup>. There may be some learning for Bhutan from them, although these countries have more dissimilarities with Bhutan than similarities.

For Bhutan to continue with its current economic growth and improve the social indicators, it must invest or create climate for investments. The private sector must have easy access to finance to accelerate trade and create more employment opportunities. The financing application process requires simplification.

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<sup>10</sup> <https://www.moea.gov.bt/wp-content/uploads/2017/07/FDI-Policy-2019.pdf>

<sup>11</sup> Botswana in 1994, Cape Verde in 2007, Maldives in 2011, Samoa in 2014, Equatorial Guinea in 2017, and Vanuatu in 2020.

The country must accelerate its endeavour to access WTO membership before graduation. Process would be harder after 2023 and without access to WTO, Bhutan's exploration of market beyond India is a herculean challenge. The international community's willingness to connect Bhutan economically and socially has increased over the past few decades, So Bhutan should tap this opportunity for economic benefits.

The country must envision its income source beyond hydropower. Solar and nuclear have become cheaper energy sources compared to hydropower. Power hungry countries like India already have plans to generate nuclear and solar energy (Tagotra, 2020), in which case Bhutan's hydropower will have no customers.

Other important task ahead for Bhutan is to open up the country for FDI by easing the application process, shared equity, and investment threshold. Removing the threshold will encourage smaller investors and their success stories will appeal the bigger investors. Bhutan cannot demand huge investment without proving it is profitable. The country also must address the difficult business visa process and allow skilled foreigners stay in the country for longer periods to monitor their investment rather than rely on their Bhutanese partners. Like other LDCs, Bhutan should prepare appropriate strategies and action plans and engage with their development cum trading partners for ensuring smooth integration into the global economy following their graduation (Ahmed, 2020).

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# **Gender Violence Within the Bhutanese American Community**

C M Nirola

## **ABSTRACT**

Gender violence is an old problem worldwide. It is not an exception in Bhutanese Community. However, severity of the problem has grown substantially within the Bhutanese American Community following resettlement. In most cases the victims are women and girls. A deeper investigation and historical authenticity might require finding the cause – whether the problem has grown following resettlement, or it was subdued while living in exile. This research was aimed to dig out the causes of growing gender violence in a newly resettled community and seek solution to the problem. Anonymous survey was conducted, and author held conversation with number of community members and victims. Educating the victims to speak against their perpetrators while still providing social and other support would change the way the newly established community prosper. A dedicated service and support are required from local law enforcement agencies to encourage them to tell their stories. They need easy access to and guarantee of privacy and security from police department, sexual assault hotline, medical practitioners, school and community organisations.

***Keywords:*** girls, sexual assault, women,

## **Introduction**

Violence against women is not an isolated case of a particular community but an issue that affects most communities globally. They historically appeared in different contexts, scenarios and situations. We heard, read and saw these. The consequences of

these incidences could be in the form of health complications, mental disorder, anxiety and intense fear (Petrak, 2003). WHO's 2013 study on the health burden associated with violence against women found that women who had been physically or sexually abused were 1.5 times more likely to have a sexually transmitted infection including HIV compared to women who had not experienced sexual violence. They are twice as likely to have an abortion<sup>1</sup>.

Governments, organisations and communities made attempts to address it, be it at local, state or national level, but with little or no success. The #MeToo movement took the issue to a new height. It widened the dimensions, invoked seriousness on policy makers and law enforcement agencies and challenged the stubborn psychology of the perpetrators that they are superior.

In 1994, the US Congress passed the Violence Against Women Act (VAWA). This act, and the 1996 additions to the act, recognise that domestic violence is a national crime and that federal laws extend support to states and local judicial administrations to address the issue. Every state has its separate law. However, these laws are ineffective.

According to National Organisation of Women (NOW), on average three women/girls are killed every day in domestic violence in the USA. According to the National Crime Victimization Survey, which includes incidences not reported to the police, 232,960 women in the U.S. were raped or sexually assaulted in 2006. That's more than 600 women every day<sup>2</sup>.

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<sup>1</sup> WHO, LSHTM, SAMRC. Global and regional estimates of violence against women: prevalence and health impacts of intimate partner violence and non-partner sexual violence. WHO: Geneva, 2013.

<sup>2</sup> Bureau of Justice Statistics (table 2, page 15), Criminal Victimization in the United States, 2006 Statistical Tables (<https://bjs.ojp.gov/content/pub/pdf/cvus0601.pdf>)



While these are alarming situations at the national and international level, this article investigates situation of gender violence within the Bhutanese American community, understand communication perceptions towards this issue and the possible alternative that community members and local authority may use to address the situation. The victims not always come public to name and shame the perpetrators. They may not be as strong as Dr. Christine Ford (Edwards, 2018) to speak against the perpetrators but the stories spill into public gradually.

### **Bhutanese Americans**

Exiled Bhutanese started resettling in the US in 2008, the majority of the population has made the states of Ohio and Pennsylvania homes. There are Bhutanese folks in other states too, but majority migrating internally to these two states. The community has now settled well – economically, professionally and socially (Tran & Lara-García, 2020). Larger population concentration means larger prospects of social and cultural support – critical need of a new community in a new country.

To understand the community perspective and seek their views on possible solution on growing cases of gender violence, author did a survey in Bhutanese American community. A total of 80 individual responded to the survey. There were 10 questions on family nuclearisation, reasons for families to split and their relationship with growing gender violence in the community. Some questions had options of multiple answers.

The exiled Bhutanese after living in refugee camps in eastern Nepal for over two decades were successfully resettled in the US and other developed countries. The family structure of the Bhutanese following resettlement is changing (Chart 1). Seventy percent of respondents to the survey conducted by author believe that families have gone nuclear. Less than 4% believe otherwise whereas 26% were not sure. Most of the respondents believe the causes of split and formation nuclear families were family disputes

and feeling of being independent. Over 60% respondents believe the family disputes and splits have affected female members of the community most.

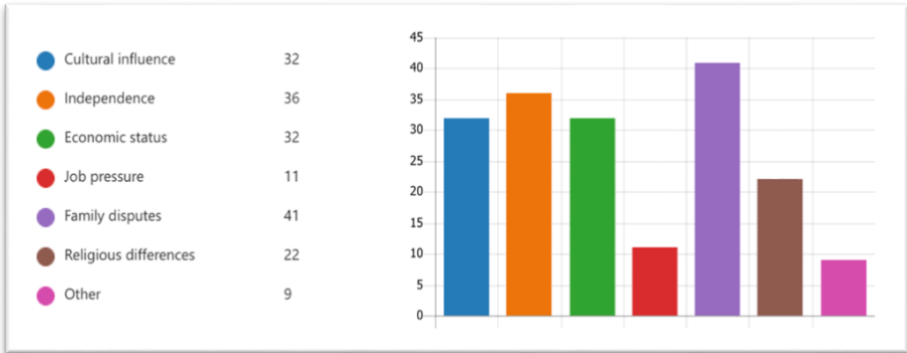


Chart 1: Survey responses on cause of family split

With larger congregation, community has also experienced social problems including gender violence. Despite being in a country that is leading the ‘right to expression movement’, Bhutanese American community members fear discussing/disclosing incidents of gender violences – residual of the social, religious or cultural beliefs. Not just community members and their leaders but the victims too are hesitant to speak their issues. Further, the parents and elders stop them from speaking against their perpetrators. Most of the sexually exploited victims this author interviewed were underaged.

A formal survey, community consultation or open discussion is unlikely to reveal the true picture of the severity of the issue. Author decided to have one on one interview with victims and girls who were vulnerable – through social media and phone. Approximately 10% of those who came into author’s contact revealed that she was the victim of sexual assaults.

The incident not only adds trauma to the victims but helps spread of the sexually transmitted diseases in the community. Among

more than 2000 resettled Bhutanese screened in Texas between 2008–2011, only 0.5% were positive for HIV infection and Syphilis. The survey has not been repeated to assess the current situation.

## **Findings and opinion**

Majority of the survey respondents pointed out the need for education and awareness and this must be carried out by the community organisations and their leaders. The respondents pointed out the fact that despite growing number of community organisations, none of the organisation ever initiated such programme. Survey respondents said the community organisation must engage in providing confidential counselling and mental health support to the victims through professionals and experts.

Other suggestion that most respondents included was to report the incidents to the law enforcement agencies as soon as possible. Role of parents in taking confidence of the victimised girls encouraging them to come out in public was another suggestion. The respondents believe naming and shaming in public will have greater impact on the perpetrators.

While family split has increased after resettlement, respondents feel family reunion and living in larger family would be one solution to this issue. Creating more employment opportunities and empowering females would address the problem to a greater extent, respondents say.

There could be several reasons why the victims within the community feel it uneasy to come forward and tell the story of being sexually assaulted or facing gender-based violence. The circumstances and severity could vary but the nature through which victims are tortured, community and legal support is required. Let's look at some of the social barriers that stops victims from coming into public and how these barriers create environment perfect for the perpetrators.

## **Cultural Beliefs**

Sex is not just private affairs but talking about sex is culturally discouraged. The community lacks sex education and awareness on sexuality. Discussion on sex is a taboo and talking anything related to sex is treated as unsocial. The individuals who discuss sex are treated not cultured. Individuals publicly talking about their sexual life or history are seen as bad examples. Bhutanese Americans are not different to many other communities when it comes to sex. In fact, many people find it extremely impossible to talk about sex; it can be a sensitive and awkward topic that raises feelings of embarrassment, shame or inadequacy (Silver, 2014).

The issues are more severe when it comes to underage girls. Child sexual abuse are influenced by sensitivity, fear, taboo, attitude, acceptable practices and prejudices; also, community passivity, legal system inadequacies and weaknesses, and the general perceptions and attitudes toward sexual offences against children contribute to a much-muted response (Kisanga, 2011). The cultural behavior observed within the Bhutanese American community is not different. Sometimes, children are culturally obliged to obey what their seniors tell them and keep silece to all abuses as a respect to their seniors. Further, young girls remain stressed that they might be rejected for marriage if the issues were revealed, and people knew about the incident.

## **Religion activities**

Sixty percent of the resettled Bhutanese are Hindu, 27% are Buddhists, 10% are Kirats, and the remaining refugees are Christians (Ranard, 2007). They are forgiving and believe on *karma*<sup>3</sup>. Parents and senior members of the family frequently visit temples and attend religious events like *bhajan*<sup>4</sup> and *puran*<sup>5</sup>. Children usually don't follow parents to these events. While the

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<sup>3</sup> Concept in Hinduism referring to fate based on actions of previous life

<sup>4</sup> Religious chanting.

<sup>5</sup> Hindu religious texts

religious events are long processed and parents are busy, children are likely to be abused back at home by the perpetrators. Parents remain unaware. Gap of friendship between children and parents makes children hesitant to discuss their difficulties with parents. The youngsters tend not to report to authorities as well.

Religious leaders tend to discourage this issue being discussed in public domain. They avoid it because they believe this is not part of their domain – rather part of the individual and family affairs. Young girls whom this author talked to said ‘priest’ occasionally teased them for how they look and what they wear.

### **Economic condition**

It's been a decade of resettlement but struggle for economic stability continues. The dream of the resettled Bhutanese is to have a car, a house and some savings in bank account. But their relatives back in Nepal or Bhutan have bigger dream of getting financial support. Not all adult members of the family tend to find a decent job. Further young people prefer to continue their studies as long as their parents can help them achieve bigger dream of becoming a professional. The dream put more pressure on parents, mostly father, to stay away from home – working longer hours. Such an environment provide opportunity for abusers.

Many of the parents do not speak English. And have not owned a car. They require assistance from community members for transportation. Abusers often take undue advantage of this informal community support system.

Survey respondents also pointed that being independent and economic improvements to be some of the reasons for living single or nuclear. With reduced social support and community congregations, members of the nuclear families become more vulnerable.

## **Family disputes and nuclear families**

Following resettlement, many Bhutanese families have gone nuclear. We now rarely see any extended family. Nuclear families have a few mutual support mechanisms. As they spend more time in work and fail to meet expectations of each other, family disputes are likely the results. The survey result shows young, and older parents are most affected by the increasing sexual violence. Disputes further divide the family and make women and girl children vulnerable. The disputes encourage people to live separate and create nuclear families. The split families become more vulnerable. Respondents to author's survey also believe that known individuals within the community, family members and close relatives are the perpetrators. Some believe unknown people are the perpetrators (Chart 2).

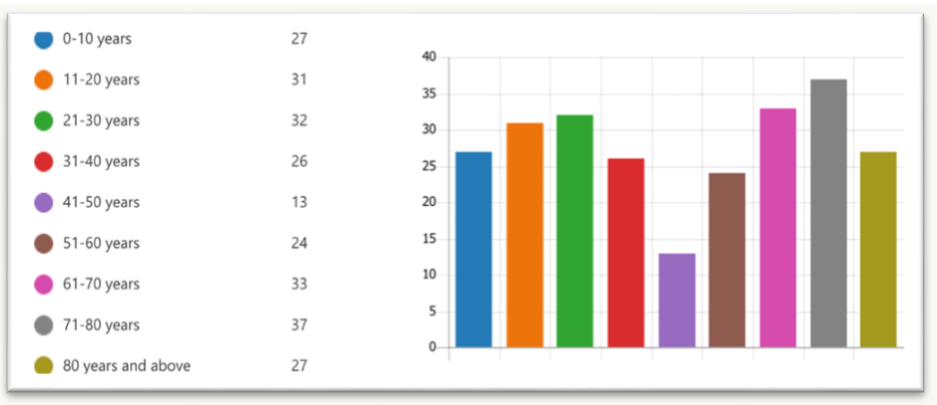


Chart 2: People affected by sexual violence by age group, based on respondents' view (multiple answers)

## **Alcohol and Drugs**

Over consumption of alcohol and illicit drugs is unsocial and illegal. Open access to alcohol has been an advantage for many community members – especially those who were restricted to drink while in Nepal – be it due to social values or economic condition. The culture of alcohol or illicit drug parties have become the norm of a generation. Those heavily drunk are then sexually

abused. People I chatted pointed out that youngsters of 18-30 years are mostly abused in such gatherings. People who attend such events tend to mis-inform their parents. Parents are either told they are going for the job, or friend's house or have a school function.

## **Social media**

We have access to so many new social media. Or we even do not know what our kids are using. Social media has been the greatest tool for abusers to get access to children and eventually sexually abused them. Sexual abuse isn't always sex – it can be any form of sexual activity – physical, verbal, or emotional. Offer of money has become the most effective tool in influencing children through social media. While parents are still learning use of social media, providing guidance to children in proper use of the media is a bigger challenge.

## **The Story**

One morning, I wore black tee and pink shorts. My mother walked into my room, yelling at me that I should not wear shorts.

‘Go change,’ she said. I refused.

She angrily added, ‘Wear one that reaches below your knee’. I wondered why I should wear that long.

The dress I wore, as a naive eight-year-old, was below my knee. That pink dress, with plaid patterns, was below my knee. But the long dress did not stop me being abused. If concealing clothes were to protect me, why was I regularly abused in those concealing clothes?

Even after a decade since those incidents, questions still rumble my head, although some are unanswerable. The days are haunted, and trauma makes everyday life painful, downtrodden. I need courage every minute to heal the wound.

I am not ready to tell my story to my parents and family members. The things will get more complicated if story gets spilled over as the abuser was part of my extended family.

Everyone sees him to be educated and polite. Little do they know that he is a predator under a mask. Little do they know that he is an abuser, who preys on little girls. He is a pedophile. He is an abuser. He is a predator.

## **Conclusion**

The sexual abuse of women and young girls in the Bhutanese community has grown bigger and wider. The male-dominated community organisations have not come up with any programmes to address the issue. The problem is unlikely to received national attention like mental health. The patriarchal system promoters believe the problem is with the females. It's time the community and its leadership make collective approaches. Legal avenues are solution when trauma is already inflicted. The community leaderships have the responsibility to teach the perpetrators that their action is a crime.

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## **Interview with Father David Townsend**

Father David Townsend worked with the refugee education of the Bhutanese refugee students in Nepal. His contribution to the students deserves a historical archiving. I P Adhikari and Govinda Rizal of Bhutan Watch approached Father David for a written interview. He has given insightful information of the education system in refugee camps in the final years of the 20<sup>th</sup> century and several other facts related to Bhutan and Bhutanese refugees:



**Father David, what made you join the refugee education programme in Nepal? What were your imagination before and what did you find? Were you culture shocked?**

My Jesuit Refugee Service superiors needed to find a Project Director for BREC. At the time I was one of the JRS people at work in the Vietnamese Holding camp in Malaysia. I was pretty conversant with the Vietnamese refugee situation. However, I knew nothing concerning refugees from Bhutan. I was transferred from a majority Muslim Malaysia to Hindu Nepal; from South East to South Asia; from the tropics to the Himalayas; from one small refugee camp with a shrinking population to several sprawling camps with a rising population; from being part of a team of pastoral counsellors to being the Project Director concerned with the education of some 35,000+ refugees students together with almost 1,000 refugee staff, mostly untrained volunteer teachers, and a dedicated group of largely expatriate volunteer teacher-

trainers. Nothing in my wildest imagination could have prepared me for this. I was welcomed with great kindness and hospitality by people of great patience. Wherever I have been in Asia, whether South-East or South, I have never experienced culture shock. The generous humanity of the people prevented any such alienation. I can honestly say that the only place where I have spent extended time and suffered culture shock was the USA.

**Compared to your previous experiences, what was the standard among refugee students and teachers? What they lacked and what they excelled in?**

Not having been involved in formal refugee education before my arrival in Damak I have no previous experience against which to judge. There are some memories I can share. All the teacher-trainers, including the non-Bhutanese, had been working in Bhutan. When their Bhutanese counterparts were expelled, they decided as a group to continue to work with them in the Nepali camps. I was greatly edified by the earnest dedication and commitment to enhancing the education of the uprooted Bhutanese youth in the camps. The ongoing teacher-training focussed on enhancing and supporting the very many untrained Bhutanese teaching volunteers who faced several large classes each day, all refugees themselves. Without the courage and dedication of these volunteers there would have been no BREC. Because of these heroes and heroines, I had a yearly headache. Since parents were seeing the value of education for their children two things were happening. First, parents enrolled their children as soon as they were of age. Second, students remained in school; there's very little dropout. My headache was finding ways of expanding the physical size of the schools, building extra classrooms, etc. and finding more teachers, to accommodate the growing population.

**As an Executive Director of the refugee education programme, what changes did you intend to bring in and how far were you successful?**

I received a well-honed young programme that was functioning and effective, despite the inherent difficulties that face any refugee programme. Long before I arrived it was the central success and jewel in the eyes of UNHCR. My initial hope was that I do no harm. Generally speaking, I believe that in this I was successful. Fairly quickly it became obvious to me that the programme needed to find supportive counterparts closer to Nepal. I took soundings from the experienced educators among the Jesuits in India. I invited some to give some teacher-training in the camps. From this developed, after I had left the scene, what seems to have been a very fruitful collaboration.

**Was education system designed to instil in students love towards their country of origin or prepare them to meet the demand of the local labour market?**

The education in the camp schools was to prepare the students to sit the Nepali School Leaving Exam. This education was done, as in Bhutan itself, through the medium of English. In this the camp schools, with a success rate of 86%, were more than twice as successful than the Nepali-medium schools. Since local absorption of Bhutanese refugees was never an option for them, neither was the local labour market the object of the education programme. Another diminishing hope was that of any return to Bhutan. With its English-medium teaching, the programme did in some way prepare the youth for resettlement, which was in mainly English-speaking receiving countries.

**Your time in Nepal also coincided with the first students' revolt in the camp. What was the genesis of the problem and how did you solve it?**

I have no recollection of any student revolt.

**Years later, the refugees were resettled in the developed countries. Was the education system preparing them for the march to these countries? Or should they have been taught differently to match their future?**

You need to ask the many Bhutanese who have had to go through the trauma of resettling in a third country. A few years after I had moved from Nepal, I had the opportunity to visit in Canada and the USA, several former refugees, including those with whom I worked closely. All seemed to have settled with good employment, and were in good contact with each other, despite great physical distance.

**How is/was your relationship with the Government of Bhutan? Did you intend to travel to Bhutan? What was the response?**

I never had any relationship, good or otherwise, with the Government of Bhutan. I never tried to visit Bhutan. The opportunity never arose, since I was not able to afford the expensive daily cost to foreign visitors.

**Your message to your former students, teachers and staff and to the refugee students back in the camps?**

Thank you for your welcome. Thank you for your kindnesses and especially your patience to me when I was with you. Thank you for the extraordinary example of your cohesive selfless dedication of yourselves to the future of your people. I trust

you can be relaxed and justifiably proud of what you have achieved, something in which some few of you are still labouring today. Finally, I hope you will forgive me any hurts I caused any of you, which must be so since I am human. Hold me in your prayer before God as I do you.

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