

DANGEROUS CROSSING:

Conditions impacting the flight
of Tibetan Refugees
2009 Update



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

A Tibetan protestor being led to detention following a demonstration in Kathmandu on October 1, 2009, the anniversary of the Chinese Communist Party's ascendency to power in China. Nepalese authorities detained approximately 70 Tibetans for protesting near the Chinese embassy's visa offices and elsewhere in Kathmandu.

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SUMMARY

IN 2009, THE SITUATION FOR TIBETANS deteriorated further in Nepal as the Chinese sought to block protests about repression in Tibet. Border security was still tight following the crackdown in Tibet as a result of unrest that swept the plateau from March, 2008, and numbers of Tibetans escaping into exile were low compared to previous years although higher than in 2008.

In 2009, a total of 838 Tibetans made the dangerous crossing over the Himalayas into Nepal and onward to India in 2009, only slightly above the 2008 figure of approximately 652. This is well below the 2,500 to 3,500 who crossed annually in recent years. The dramatic decrease in numbers can be attributed to the increased dangers Tibetans in Tibet face as part of the ongoing crackdown that followed the start of protests in 2008 and heightened security along the Tibet-Nepal border.

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

The dangers of the journey itself are compounded by an insecure situation for Tibetans once they arrive in Nepal. In recent years, due to pressure from the Chinese government, Nepal's attitude regarding Tibetans entering or transiting its territory has changed. This report deals specifically with the situation for Tibetans crossing Nepal in 2009.

In 2009, consistent with the pattern over the previous two years, the Nepalese authorities increasingly reiterated the language used by the Chinese government to describe the Tibetan refugee flow through their country, suggesting a 'law and order' approach rather than the humanitarian approach that has characterized Nepal's treatment of Tibetans over the last decades. For example, Tibetan refugees are now more frequently described as 'illegal immigrants' and Nepalese leaders have frequently asserted the need to prevent 'anti-China' activity on Nepal's soil. In 2009,

there was a particular focus on attempting to prevent demonstrations by Tibetans outside the Chinese embassy in Kathmandu, for the one year anniversary of the date protests broke out in Tibet in March, 2008.

Despite the risks, from March, 2009, some Tibetan exiles in Kathmandu continued to engage in protests, driven by anguish and anger at the impact of the crackdown in Tibet. These were met by a severe response from the Nepalese authorities, which adopted a low tolerance approach to protestors after Beijing urged the Nepal government to stop the demonstrations, claiming they were an irritant to China- Nepal relations.

Tibetans in Nepal are increasingly vulnerable, both those in transit and those resident in Nepal, leaving one senior Tibetan community leader in the Boudhanath stupa area of Kathmandu to describe Tibetans in the area as "desperate" and feeling "as though they are invisible, as though they have no right to exist."

The wave of protests that began in Lhasa in March, 2008 and swept across the Tibetan plateau dramatically transformed the political landscape for Tibetans both in Tibet, and also in Nepal. ICT has monitored over 200 protests in Tibet since March 10, 2008. The harsh and violent government crackdown that ensued has led to the death, 'disappearance,' or imprisonment of hundreds of Tibetans, including over 700 arrested or detained on political charges.¹



Drepung monks confront police in Lhasa on March 10, beginning a wave of protests that swept the plateau. The whereabouts of many of these monks is now unknown.

The Chinese government closed the Tibet-Nepal border ahead of the Beijing Olympics in 2008 in order to prevent any protests from occurring during the Olympic torch's ascent on Mt. Everest. Security along the border was again tightened following the March, 2008 protests, contributing along with the crackdown to a significant decrease in the number of Tibetans who made the dangerous crossing into Nepal.

In anticipation of Tibetan protests in Kathmandu in 2009, according to information received by ICT, on March 8 and 9, 2009 up to 25 prominent Tibetans who were suspected of playing a leading role in protests in Kathmandu in 2008 were detained by Nepalese police. In some cases the Tibetans were detained during police searches of their homes without providing warrants or reasons for the detentions. The detentions took place prior to the customary March 10 anniversary gathering due to take place.

No refoulements were reported in 2009, but difficulties in obtaining information from border areas makes confirming the safety of Tibetans crossing into Nepal as difficult as ever.

The Dangerous Crossing: Conditions impacting the flight of Tibetan Refugees 2009 Update

According to the United Nations High Commissioner for Refugees (UNHCR) Global Appeal 2010-11, there are 20,000 Tibetan refugees living in Nepal, with an additional 1,500 Tibetans living in "refugee-like situations,"² although the real number is likely to be far higher. Since 2006, when slightly less than 2,600 Tibetans made the crossing, the number of Tibetans making the perilous journey into exile has declined. Between January 1 and December 31, 2009, only 838 Tibetans were recorded by the Tibetan Refugee Reception Center (TRRC) as having made the dangerous crossing from Tibet to Nepal.

Heightened tensions on the Tibet side of the Tibet-Nepal border are the most likely cause for the reduction in the numbers of new arrivals from Tibet. Following the March 2008 protests, the Chinese authorities implemented a widespread crackdown and increased security on the Tibetan plateau. From January, 2008 to the end of December, 2008, only 652 Tibetans managed to arrive safely in exile after the Tibetan plateau was virtually sealed off and security along the Nepal - Tibet border was tightened.

The protests that began in Lhasa on March 10, 2008 and quickly spread throughout Tibetan areas in the ensuing months caused a dramatic shift in the plight of Tibetans living in the People's Republic of China (PRC), as Tibetans faced greater risks to express the deeply held belief that the Dalai Lama represents their interests and not the Chinese Communist Party. Over 200 peaceful demonstrations occurred across the Tibetan plateau in 2008-2009. They were met with a harsh government crackdown that has included 'disappearances,' torture, detentions without charge, and court trials that fall well short of the legal standards guaranteed by the Chinese constitution. As a result, a number of Tibetans have crossed into Nepal in order to escape persecution for demonstrating their beliefs.

The UNHCR rarely conducts formal status determination interviews with Tibetans, presumably in recognition of Chinese government and hence, Nepalese government, sensitivity regarding the term "refugee," which denotes a person - who owing to a well-founded fear of persecution - is outside his/her country and unable or unwilling to return. Nonetheless, the UNHCR does interview all new arrivals, monitors the assistance provided to them at the Tibetan Refugee Reception Center, intervenes in case of danger of *refoulement*³ or abusive detention and, when required, deals with

protection issues relating to the long-staying Tibetan refugee population (prior to 1990 arrivals) in Nepal.

The government of Nepal permits Tibetans who sought refuge before December 31, 1989, and their descendants, to remain in Nepal. These Tibetans are eligible to receive a government-issued refugee [identity] certificate (RC), which allows them to remain in Nepal with certain limited civil rights. However, Nepal has been unreliable in the issuance of RCs, and thousands of Tibetans who are eligible have been waiting for years for processing to resume and are left with no defined legal status.

Tibetan refugees who have arrived or will arrive in Nepal after 1989 have been allowed to stay only in transit, and are intended to benefit from an informal agreement between the government of Nepal and the UNHCR, often referred to as the Gentlemen's Agreement, which assumes cooperation among Nepalese police and government officials with the UNHCR in providing for the safe transit of Tibetan refugees through Nepal and onward to India.

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

As part of its overall annual contributions to the UNHCR, the United States government funds support to Tibetan refugees at the Tibetan Refugee Reception Center in Kathmandu. At the center, Tibetans receive emergency care, clothing, food, and shelter. Tibetans may stay at the center to recuperate from serious illness or injury, but most depart for India after several days, following processing by the Indian government for entry permits. The Tibetan government in exile arranges for the refugees to be sent to schools, monasteries, or Tibetan refugee settlements in various locations around India. All new refugees are provided an opportunity for an audience with the Dalai Lama – many Tibetans make the perilous journey into exile solely to be in the presence of their exiled leader.

The TRRC in Kathmandu is an essential lifeline for the refugees coming across the border and transiting through Nepal onward to India. Closure of the TRRC would frustrate the ability of the UNHCR to offer protection and expose Tibetans fleeing China through Nepal to exploitation and refoulements. It may be the next target of Chinese pressure.

Today, many refoulements, particularly those in border areas, are not reported or known about in Kathmandu. This pattern was increasingly evident throughout 2009 as information about possible refoulements became more difficult to obtain.

In a departure from past practice, the UNHCR has abandoned regular border monitoring missions, intended to collect information on possible refoulements and to educate Nepalese border police and other officials on the terms of the Gentlemen's Agreement. The UNHCR's failure to conduct these missions to educate Nepalese border guards both raises the risks of refoulements and means greater efforts must be undertaken to Reception Center staff or NGOs, whose effectiveness is constrained by lack of resources and a mandate.

There have been numerous documented incidents of theft of money and possessions from Tibetan refugees arriving in Nepal over the past years, with at least one such incident in 2009. Sometimes these thefts have amounted to thousands of yuan plus the confiscation of items such as cell-phones.

INCREASING DANGER FOR TIBETANS IN NEPAL: New Developments 2009

In 2009 ICT monitored an insecure environment for Tibetan refugees both in transit through and living in Nepal. Incidents and trends contributed to creating a demoralizing and fearful atmosphere for Tibetans in Nepal, based both on their perception of increased Chinese pressure on the government of Nepal and vulnerability due to their lack of legal status in the country.



A Tibetan protestor being carried away for detention following a demonstration in Kathmandu on October 1, 2009, the anniversary of the Chinese Communist Party's ascendancy to power in China. Despite the risks, from March 2009, some Tibetan exiles in Kathmandu continued to engage in protests, driven by anguish and anger at the impact of the crackdown in Tibet. These were met by a severe response from the Nepalese authorities, which adopted a 'zero tolerance' approach to protestors after Beijing urged the Nepal government to stop the demonstrations, claiming they were an irritant to China- Nepal relations.

Increased Chinese Pressure

In recent years China has increased efforts to exert influence on its neighbor to the south. The political gains made by Nepal's Maoists that followed the end of Nepal's decade long rebellion and the end of the monarchy, came with greater engagement with Beijing. While this engagement has included development aid packages, trade agreements, and plans for cross-border transportation linkages, it has also allowed Beijing a platform from which to exert its influence on Nepal's internal policies concerning Nepal's Tibetan community.

Nepalese officials, already under pressure from Chinese officials for the 2008 protests in Kathmandu, made clear that protesting in the area surrounding the Chinese embassy was prohibited.⁴ Security measures taken by Nepalese and Chinese authorities extended beyond the Chinese diplomatic presence in Kathmandu. On April 23, 2009, it was reported that Chinese security personnel closed the border with Nepal at Kimathanka.⁵ Shortages have been reported as a result of the border closing, as in 2008, when the China-Nepal border was closed for six months. Local Nepalese sell and acquire many of their daily necessities from the Chinese market on the other side of the border. According to NepalNews.com, Chinese officials claimed that the Dalai Lama had an "army" in Sankhuwasahba, on the Nepal side, necessitating the border closing.⁶

In an article appearing in *Review Nepal*,⁷ a source in Nepal's foreign ministry acknowledged intense pressure from China on Nepalese officials to put an end to "anti-China" activities by Tibetans in Nepal, with one source reporting the Chinese embassy in Kathmandu sending over a dozen letters within one month concerning the situation. The source told of increased Chinese pressure on Nepal, holding it responsible for any activities carried out by the Tibetan community. The letters asserted that "being a neighboring country, Nepal would be able to control any form of Tibetan refugee activities or anti-China sentiment from Nepal."

As a result, Nepalese authorities have demonstrated an acute sensitivity towards Chinese government concerns about the Tibetan refugee flow through their country and the activities of the Tibetan population living in Kathmandu, despite former Prime Minister Prachanda's statement in an interview with the Indian newspaper, *The Hindu*, in which he seemed to distance his government from the perception that Kathmandu was courting Beijing: "Last year [2008], because of the Tibet situation, the Chinese side got more sensitive about Tibet-related activities going on in Nepal.

I would like to say clearly that not a single delegation came to Nepal on my invitation. The initiative came solely from the Chinese side.” Nepalese officials have publically consented to Chinese demands made during meetings that Nepal not support what China defines as “anti-China activities” on Nepalese soil.⁹

Multiple Chinese delegations visited Kathmandu early in 2009 to meet with the prime minister and other officials, including Nepal’s Home Secretary, Chief of Police and the Chief of the Armed Police Force, to discuss ways to prevent Tibetans from participating in ‘anti-China’ activities expected to take place in the run-up to the 50th anniversary of the failed March 10, 1959 Tibetan uprising in Lhasa.¹⁰

Beijing’s concerns were met with promises by Prime Minister Prachanda that Nepal would implement “strong measures to control anti-China activities,” according to his press secretary. Defense Minister Thapa reportedly promised the delegation that Nepal would increase security along the Tibet-Nepal border and later told reporters that “We are committed to addressing the national security concerns of China... But this is more than a bilateral issue between Nepal and China. The issue of Tibet is a tripartite issue between Nepal, India and China. So the three countries must work together to solve it.”¹¹ China’s Assistant Foreign Minister Hu later referred to the meetings as a “regular and normal exchange of visits,” before also telling reporters that China would increase foreign aid to Nepal. Continuing established policy, then-Prime Minister Prachanda reiterated Nepal’s ‘one-China’ stance, a reference that while misused in the Tibet context,¹² refers to respecting the territorial integrity of China. Prachanda also vowed not to allow ‘anti-China’ activities to take place in Nepal.¹³ Prachanda’s remarks came during a meeting with a 14-person Chinese delegation, which included Assistant Foreign Minister Liu Jieyi, which took place amidst expectations of Tibetan protests in Kathmandu on March 10.¹⁴ During the meeting, Liu Jieyi reportedly “urged premier Prachanda to control anti-China activities in Nepal.”¹⁵

NEPAL’S SHIFTING ORDER

Nepal and Tibet share deep cultural and religious ties – Nepal is the birthplace of the Buddha, and many of the Himalayan peoples share the Buddhist faith. However, as Kathmandu grows increasingly responsive to pressure from Beijing, the status of long-staying Tibetans in Nepal, and those from Tibet seeking passage to India, becomes increasingly insecure.

Situated between two regional superpowers, Nepal must balance its historical and cultural ties with India, which has traditionally had great influence on Nepalese politics, with increased engagement with China, that has actively courted Nepal in order to expand its political foothold in South Asia.

After the 2008 protests, China deemed Tibet to be one of its ‘core interests’¹⁶ pertaining to its national sovereignty, giving the Tibet issue increased public prominence in China’s diplomatic relations. Nepal’s geographic position as a transit point for Tibetans leaving Tibet for India, as well as the estimated 20,000 long-staying Tibetans residing in Nepal, has made it a focal point of Chinese diplomatic pressure. As a result, Nepal has adopted a harder line stance against its Tibetan community, a significant shift from the humanitarian approach that had previously characterized Nepal’s treatment of Tibetans.



A Tibetan protestor being detained following a demonstration in Kathmandu on October 1, 2009. Nepalese officials, already under pressure from Chinese officials for the 2008 protests in Kathmandu, made clear that protesting in the area surrounding the Chinese embassy was prohibited.

Over the last several years Nepal has experienced significant political turbulence on its way to becoming the world's newest republic. In 2007, a Maoist-led government came into power following a bloody 10-year rebellion that ended with a formal peace accord and ceasefire in November, 2006. After briefly withdrawing from the interim government that September over demands to abolish the monarchy, the Maoists rejoined the government in December, 2007, and elections for Nepal's Constituent Assembly were held in April, 2008 with the Maoists emerging as the largest political party. A Maoist-led government formed in August, 2008 and former guerilla leader Prachanda, the nom-de-guerre of Pushpa Kamal Dahal, became Nepal's first Maoist prime minister.

Despite China's prior support for King Gyanendra, notably when he disbanded the government and usurped power in 2005 and which included the sale of arms to the king's military to fight the Maoists, China was able to smoothly transfer its good relations to the Maoist-led government. This was further reinforced when Prachanda made his first trip abroad as prime minister to Beijing, rather than New Delhi, as had become tradition.

Political infighting led to Prachanda stepping down as prime minister on May 4, 2009, after Nepalese President Ram Baran Yadav and opposition parties blocked Prachanda's attempt to oust the head of Nepal's army, General Rookmangud Katawal. Prachanda and the Maoist party had feuded with Nepal's army concerning the integration of Maoist guerilla fighters into Nepal's military. Communist leader, Madhav Kumar Nepal, was named as the new Prime Minister on May 23, 2009.

The political row had already caused the cancellation of Prachanda's second trip to China, which would have included a stop in Lhasa, during which informed observers speculated that he would negotiate a new "friendship treaty" defining parameters for Nepal-Chinese relations. China's ambassador to Nepal, Qiu Guohong, had previously characterized the visit as "one of the most important events in Nepal-China relations this year."¹⁷

There were serious concerns that any such "friendship treaty" could seek to legitimize the Chinese position that the Tibetans in Nepal are economic/illegal migrants, not refugees, which, if adopted, would undermine protections they currently have. Some observers feared that it could include an extradition component.

It is believed that the treaty will serve to codify Nepal's pledged 'One-China' policy, further signaling to the Tibetan community who arrived in Nepal after 1989 that their already tenuous status in Nepal is in greater danger.



Tibetans protesting in Kathmandu on October 1, 2009. In anticipation of Tibetan protests in Kathmandu in 2009, according to information received by ICT, on March 8 and 9, 2009 up to 25 prominent Tibetans who were suspected of playing a leading role in protests in Kathmandu in 2008 were detained by Nepalese police, in some cases during police searches of their homes without providing warrants or reasons for the detentions. The detentions took place prior to the customary March 10 anniversary gathering due to take place.

While Prachanda's resignation caused a reshuffling of domestic politics, relations with China remained close, with China having already made inroads with Nepal's political establishment, leaving Chinese officials to characterize Sino-Nepal relations as a "friendship ... passed on from generation to generation." In addition to the Maoists, China has sought assurances from Nepal's major political parties that they would not support what China defines as "anti-China activities" on Nepalese soil.²⁰

Madhav Kumar Nepal conducted a state visit to China, which included a stop in Lhasa, in December, 2009. During his time in Beijing the Nepalese prime minister met with both President Hu Jintao and Premier Wen Jiabao. On December 29, 2009 he told Wen Jiabao that the “Nepalese government... believes that Taiwan and Tibet are inalienable parts of the Chinese territory,” and that Nepal “will not allow any forces to use Nepalese territory to engage in anti-China activities.”²⁰ CCTV reported that officials from both countries signed agreements on trade and exchanges during the visit. Some analysts also regard the prime minister’s visit as a sign to Nepal’s Maoists of his ability to maintain close relations with China, as political factions in Nepal compete to demonstrate strong ties with Beijing.

Nepal remained the Tibet Autonomous Region’s (TAR) largest trading partner into 2009, totaling 262 million U.S. dollars in 2008, nearly a 46% increase over the previous year and approximately 67% of the TAR’s total foreign trade.²¹ During the regional people’s congress held in January 2009, then TAR governor Jampa Phuntsok (Chinese: Qiangba Puncog), unveiled plans to match the 2008 increase in foreign exports of 10% for 2009.²²

Warming relations between Nepal and China has led to increased aid from China, the signing of several new trade pacts, and an agreement to extend the Qinghai-Tibet railway to Nepal.

On November 25, 2009, a memorandum of understanding was signed in which China agreed to provide 20.8 million yuan (approximately US \$3 million) in “non-lethal” military aid to Nepal, which would include training and logistical support. The agreement was reached during a meeting between the deputy executive vice-chair of the Tibet Autonomous Region, Hao Peng, and Nepalese authorities. The agreement for military aid includes 800,000 yuan (US \$117,187) for the construction of a “friendship building” in Nepal near the Nepal-Tibet Autonomous Region border.

The Chinese ambassador to Nepal, Qiu Guohong, stated in an interview, “The intentions to restore the feudal serfdom and separate Tibet from China by the Dalai clique will incur strong objection from all Chinese including Tibetans, and is doomed to failure.

“The Nepali Government and people always pursue a one-China policy, and firmly support the Chinese side on Tibet-related issues, which is highly appreciated by the Chinese Government and people. Especially in March 2009, the sensitive period for Tibet-related issues, the Nepali Government

has taken strong and effective measures to successfully foil the attempts of so-called ‘Tibet independence’ activists to conduct all kinds of sabotage and disruptive activities targeted at the Chinese Embassy in Nepal and other establishments on China’s territory, and ensured the security and proper order of the Chinese Embassy. We highly appreciate that.”²³



A Tibetan protestor being detained following a demonstration in Kathmandu on October 1, 2009, the anniversary of the Chinese Communist Party’s ascendancy to power in China. While foreign governments and international institutions engaged the Nepal government in advance of March 10 to urge restraint in dealing with Tibetan protestors, the Chinese authorities made it clear that they expected Nepal to impose the same limits on civil and political rights imposed on Tibetans in Tibet.

By the end of 2009, while more than three years had passed since the ending of the civil war, Nepal was still beset with political instability and weak governance, often due to feuding between Nepal's biggest political parties - the Communist Party of Nepal-Maoists (CPN-M), the Unified Marxist Leninist (UML) and Nepali Congress (NC).

Political deadlock is hampering much-needed development and efforts to improve the country's infrastructure. Nepal's economic performance lags behind that of other South Asian countries, and its per capita GDP remains the lowest in the region, according to a July 2009 report on the country's development constraints <http://www.adb.org/Documents/Studies/Nepal-Critical-Development-Constraints/Main-Report-Nepal-Critical-Development-Constraints/default.asp> published by the Asian Development Bank (ADB), the UK Department for International Development (DFID) and the International Labour Organization (ILO).

Detention of Tibetans

Tibetans living in Kathmandu who are out after dark are routinely stopped and questioned by police. Those who arrived in Nepal after the 1989 amnesty date and without the proper legal documents face detention and the threat of deportation.

Reflecting Nepal's shifting policy towards the Tibetan community, constraining free speech and political demonstrations directed at China as "criminal" at Beijing's behest, a Nepalese Home Ministry spokesman stated that "The government is [sic] stick to one China policy and we will not allow activities directed against our neighbours... It is natural that precautionary measures should be taken to control criminal activities."²⁴

Since 2008 in Kathmandu and the surrounding Tibetan communities in Nepal, authorities have preemptively detained prominent Tibetans prior to key anniversary dates in Tibet and China. Caving to pressure from Beijing, who routinely views political dissent, even outside its borders, as an affront to the political stability of the PRC, Nepalese authorities detained up to 25 Tibetans prior to the March 10 anniversary.²⁵

March 10 anniversary

March 10 is a significant date in the Tibetan political calendar, marking the anniversary of the Tibetan Uprising of 1959, which led to the Dalai Lama's escape into exile. In March, 2008, demonstrations marking the date in Lhasa and elsewhere in Tibet in Beijing's Olympics year became a wave of protests that swept across the Tibetan plateau and resulted in a large-scale crackdown by Chinese authorities, who continue to maintain an increased security presence in Tibetan areas. Following the protests and subsequent government crackdown in Tibet, Tibetans in Nepal began protesting in front of the Chinese Embassy in Kathmandu, raising the ire of Beijing, which in turn placed increased diplomatic pressure on the Nepalese government to restrain the Tibetan community in Nepal.

Throughout 2009, ICT documented a comprehensive and determined containment of Tibetans in Kathmandu. While foreign governments and international institutions engaged the Nepal government in advance of March 10 to urge restraint in dealing with Tibetan protestors, the Chinese authorities made it clear that they expected Nepal to impose the same limits on civil and political rights imposed on Tibetans in Tibet. A critical issue in Nepal is that the government has failed to provide its long-staying Tibetan refugee population with legal status and, therefore, Tibetans there are left exposed to any misuse of power or undue influence from the Chinese embassy, which has occurred in the past.

In anticipation of Tibetan protests in Kathmandu in 2009, according to information received by ICT, on March 8 and 9, 2009 up to 25 prominent Tibetans who were suspected of playing a leading role in protests in Kathmandu in 2008 were detained by Nepalese police, in some cases during police searches of their homes without providing warrants or reasons for the detentions. The detentions took place prior to the customary March 10 anniversary gathering due to take place. A planned seven-day prayer vigil in the main Tibetan community centers was prevented, and police in riot gear were stationed in Tibetan communities.

Other Tibetan celebrations throughout the year were allowed by authorities in Kathmandu, but not without a heavy security presence in place. Under the current political and security setting, Tibetans living in Nepal "are desperate," as one senior Tibetan community leader in the Boudhanath area of Kathmandu told ICT. "We dread being stopped by police and the raiding of our homes raided because we do not have papers

that give us even minimal rights. This is damaging our community. It is hard to describe the fear and vulnerability. People feel as though they are invisible, as though they have no right to exist. We cannot go home to Tibet, nor are we safe here.”

The same community leader said that his own home had been raided by Maoists, and that they had demanded 50,000 Nepalese Rupees (US \$681) which he negotiated down to a smaller sum and had to pay. They threatened him with worse treatment if he told anyone about it. “This is very typical,” he said. “Tibetans who are stopped by Nepalese police on the way home without papers are sometimes beaten up, often huge fines are demanded. They are always told that it will be worse for them if they tell the UNHCR or any other organization or individual. For this reason most harassment is not reported.” Multiple instances of this kind have been reported to ICT by trusted sources in Kathmandu.

Harassment of Tibetans has not been confined to Nepalese security forces. It was reported on February 23, 2009 that members of the Young Communist League (YCL), a strong arm faction of Nepal’s Maoist party, detained five Tibetans attempting to cross the Tibet-Nepal border before turning them over to local police in Sindhupalchowk. The YCL members claimed the Tibetans were crossing the border in order to take part in “Free Tibet” activities. The detention marks the first time that Nepal’s Maoist party has directly intervened in attempting to capture Tibetans crossing the border.²⁶ The group of Tibetans, seven in total, was eventually turned over to UNCHR, as stipulated by the Gentlemen’s Agreement, however, intervention by groups such as the YCL places the provisional protections afforded to Tibetans at greater risk of being abrogated.

Twenty-nine Tibetans were arrested throughout Kathmandu on February 27, 2009, as police sought to crackdown on alleged ‘anti-China’ activities.²⁷ Twelve men and 17 women were detained and were accused of illegally entering from India and Tibet to stage protests ahead of March 10. The arrests come on the heels of a visiting Chinese delegation, which requested Nepalese officials not to allow “anti-China” activities to take place in Nepal.²⁸

Despite warnings by Nepalese officials not to protest, a group of Tibetan demonstrators were able to paint ‘Free Tibet’ and raise the Tibetan national flag atop the barbed wire fencing at the Chinese embassy in Kathmandu on February 25, 2009.²⁹ Shortly afterwards on February 26, 2009, Chinese Vice Foreign Minister Hu Zhengyue met with Nepalese offi-

cial in Kathmandu to discuss the prevention of ‘anti-China’ activities. Nepalese authorities then declared that protests would be prohibited within a 200-meter perimeter of the Chinese embassy.³⁰ Protests were also banned near the Chinese consular office in Hattisar.³¹ After the meetings, then Prime Minister Prachanda reiterated claims made by the Chinese Communist Party, adopting the language of the PRC on the Tibet issue, which has since become common practice by Nepalese officials, that Tibetan exiles posed a threat to ‘stability’ in Nepal, and specifically that militant exiles from India were infiltrating the country to stage anti-Chinese protests.

More than a dozen Tibetan monks and nuns were detained on February 27, 2009 in the Chabahil area of Kathmandu.³² The nuns were released later that evening, while the monks remained in detention. Superintendent of Police Nawa Raj Silwal claimed that the group, who were going about their daily business when they were stopped and arrested, did “not have necessary documents and visas to legally live in Nepal.”³³ The vulnerability of Tibetans left one Tibetan refugee to remark, “Tibetan people are unsafe now even to go to the city on their daily business. Where is our right? Aren’t we Tibetans human beings? Stop treating us like animals.”³⁴

Nepalese police detained 16 Tibetans on February 28, 2009 for protesting near the Chinese embassy in Kathmandu. The detentions resulted from increased pressure from China, according to one police officer.³⁵

A large police presence was deployed to the Tibetan Reception Center on March 9, 2009, and plainclothes officers entered the premises and demanded information about people there.

One Western observer told ICT: “There is a strong visible presence of police/armed police in what passes for riot gear here patrolling Tibetan areas in the valley and around the two PRC diplomatic missions. By night there are road blocks and foot patrols in Boudha (and perhaps elsewhere) targeting Tibetans. If you are out without papers it will cost you a few hours of abuse in detention and Rs 50,000 (US \$681).”

A message sent by a Tibetan to ICT stated: “There are police in every chowks [neighborhood] and roundabouts all over Boudha, Chabhil and so on. Nepal is and Tibetans are stopped if they are travelling in groups. A few days ago nuns in Swayambhu nunnery were stopped and forced to stay inside the gonpa [temple] while they were preparing to go and per-

form pujas in Boudha. Tibetans do not have religious rights in Nepal. It feels as though we are in China and the Chinese government is ruling Nepal. We do not have rights to go out, and feel like caged animals." (See 'New Dangers for Tibetans in Nepal, ICT report, <http://www.savetibet.org/media-center/ict-press-releases/new-dangers-tibetans-nepal>).

Kathmandu police increased security on March 9. A large security presence had already been set in place near the Chinese embassy, consulates and businesses, where the Nepalese government had banned all forms of protests and demonstrations. Plain-clothed police officers had also been deployed throughout the city to collect information and monitor Tibetans living in Kathmandu.³⁶

While no protests were reported in the area, an increased Nepalese security presence was deployed at Tatopani and elsewhere along the Tibet-Nepal border as a further measure to stymie Tibetan protests.³⁷

The increased security presence stems from Nepalese fears over the reaction Tibetan protests would elicit from Chinese officials, who have publicly expressed their discontent with how Nepal has handled Tibetan protests in the past. As a result, Nepalese authorities have stepped up security to prevent protests outside the Chinese embassy. Despite these concerns and the large police deployment throughout the city, especially outside the Chinese embassy and the Boudha stupa area at anniversary times, the Tibetan community peacefully marked the March 10 anniversary with a prayer ceremony in the Boudha area of Kathmandu, attended by over 1000 Tibetans.³⁸

A small demonstration was reported afterwards, when approximately 50 protestors scuffled with police and called for a "Free Tibet" and "long live the Dalai Lama." Police detained a few demonstrators before releasing them shortly after tensions subsided.³⁹ Kathmandu police reported no other protests or arrests occurred throughout the day.⁴⁰

While the March 10 anniversary passed with little interruption, fears and frustrations among the Tibetan community and its supporters did not subside. On March 14, three foreign nationals, from Norway, Denmark, and the UK, were arrested after they wore 'Free Tibet' T-shirts and held a demonstration outside the Chinese embassy's visa office in Kathmandu.⁴¹

The authorities' crackdown on the protests included attempts at suppressing media coverage of the demonstrations. Kathmandu police seized the

camera memory cards of local Nepalese journalists seeking to cover a March 10 vigil at the Boudhanath stupa. Prior to March 10 a Tibetan journalist working for a Tibetan language newspaper was accused of writing "anti-Chinese" articles and subsequently detained and his home searched. The journalist, whose name is withheld, was later released after paying a large bribe to officials. These actions took place in a context of intense pressure from the Chinese embassy in Kathmandu on the then Maoist-led government.⁴²

The run-up to the March 10 anniversary had already seen the China border at Kodari closed to all travelers. Beijing has restricted the entry of foreign tourists in Tibet over fears of Tibetan demonstrations, causing Nepal's own tourist industry to suffer as a consequence, with estimates of the loss of revenue from at least 10,000 tourists who would otherwise have visited.⁴³

Nepalese officials intensified searches of Tibetans at Thankot (where the road to India enters the Kathmandu Valley), including incidents of Tibetans with ID papers being stopped from entering Nepal from India for a short time period.

On March 28, 2009, Tibetans demonstrated in Kathmandu during what has been deemed by Communist Party officials as 'Serf Emancipation Day' in Tibet.⁴⁴ Approximately 500 protestors demonstrated in Kathmandu without interference by police.⁴⁵ March 28 has been declared 'Serf Emancipation Day' by authorities in the Tibet Autonomous Region, and intended to mark an end to Tibetan 'feudalism.' For Tibetans, March 28 marks the defeat of the 1959 Tibetan uprising against Chinese rule, the dissolution of the Tibetan government, and 50 years of separation from the Dalai Lama.



Tibetans gathered in Kathmandu on October 26, 2009 to demonstrate against the execution of four Tibetans in connection with the Lhasa riot of March 14, 2008. A large police presence was deployed in the Boudhanath area of Kathmandu where the demonstration took place. No incidents between protestors and police were reported. In meetings with Chinese officials, then-Prime Minister Prachanda reiterated claims made by the Chinese Communist Party, adopting the language of the PRC on the Tibet issue, which has since become common practice by Nepalese officials, that Tibetan exiles posed a threat to 'stability' in Nepal, and specifically that militant exiles from India were infiltrating the country to stage anti-Chinese protests.

Close to three dozen Tibetans were detained by police in Kathmandu after participating in a protest on April 9, 2009. The demonstrators were holding a candle-light vigil to protest the death sentences handed down by the Lhasa Intermediate People's Court to Lobsang Gyaltsen and Loyak, as well as the suspended death sentences given to Tenzin Phuntsok and Kangtsuk.⁴⁶ The Tibetans carried photos of the Dalai Lama, the Tibetan national flag and banners, and chanted prayers during the demonstration before being detained by police.⁴⁷

During a seven-day visit to China, Nepal Foreign Minister Upendra Yadav gave further assurances to government officials that Nepal would not allow 'anti-China' activities to take place in Nepal.⁴⁸ Chinese Vice President Xi Jinping, tipped to be China's next President, said after the meeting that

"We will work with Nepal to increase communication and cooperation, in an effort to advance the bilateral relationship to a new level."⁴⁹ Yadav repeated promises made earlier while meeting with TAR Chairman Jampa Phuntsok in Lhasa, that "Nepal has always been supporting the one-China policy, and any kind of anti-China activities is not allowed on the Nepali territory."⁵⁰ The meeting also concluded with a pledge from Jampa Phuntsok of 3 million yuan (\$439,000) in annual aid from the TAR to Nepal's northern region over the ensuing five years.⁵¹

Protests continue

On June 26, 2009 a group of 34 Tibetans, 26 men and eight women,⁵² many of whom had been detained in 2008 for protesting in Nepal, were detained before later being released by the Nepalese army as they made their way to the Friendship Bridge border crossing that connects the TAR and Nepal. According to information received by ICT, the group protested out of a strong sense of desperation and a feeling that that the situation for Tibetans in Nepal would not change, and that it is inextricably linked to the situation inside Tibet.

On July 14, 2009, police interrupted a demonstration and detained dozens of Tibetans in front of the UN office in Kathmandu, where Tibetans appealed for officials to "Free Tibet. Stop killings in Tibet. Wake up UN, investigate the killings," referring to the Chinese crackdown in the wake of the 2008 protests in Tibet.⁵³



Tibetans gathered in Kathmandu on October 26, 2009 to demonstrate against the execution of four Tibetans in connection with the Lhasa riot of March 14, 2008. A large police presence was deployed in the Boudhanath area of Kathmandu where the demonstration took place. No incidents between protestors and police were reported. The execution of two Tibetans in Lhasa, Lobsang Gyaltsen and Loyak, were officially confirmed by the Chinese embassy in London on October 23. They are the first known executions of Tibetans in

connection with the Lhasa riot of March 14, 2008 although others have been killed following torture in custody.

On October 1, 2009, the anniversary of the Chinese Communist Party's ascendancy to power in China, Nepalese authorities detained approximately 70 Tibetans for protesting near the Chinese embassy's visa offices and elsewhere in Kathmandu.⁵⁴ In general, most of the Tibetans who were detained during protests in Kathmandu in 2009 were kept for a few hours or overnight before being released, although some were kept for longer

Threatened Livelihoods

Increased pressure from the Nepalese government, compounded by the global economic downturn, has placed the livelihood of exiled Tibetans in Nepal at greater risk, creating an atmosphere in which Tibetans are increasingly fearful and demoralized.

A once staple industry for Nepal's Tibetan community, carpet weaving has suffered greatly due to global economic conditions and harassing restrictions placed upon the Tibetan business community. A decrease in exports and the tourist trade, in addition to demands by local officials for "fees,"⁵⁵ has contributed to the closure of nearly 500 factories, most of which occurred in 2008-2009.⁵⁶

The difficulties faced by Tibetans attempting to make a living in Nepal is compounded by the Nepalese government's unreliability in issuing refugee [identity] certificates (RC), which are supposed to be issued to Tibetans who arrived prior to 1989, and their offspring, which allows them to remain in Nepal with certain limited civil rights. Tibetans are unable to register and run businesses without holding an RC and are at greater risk of harassment and arbitrary demands for "fees" by local officials.

A Tibetan who runs a guesthouse in Boudha told ICT that "Since May 2009 Tibetans holding an RC are not allowed to register any businesses, including restaurants, shops and guesthouses. Those who had already opened businesses with their RC would have to pay double the tax to the Nepalese government. The police and people from the tax office came to my guesthouse to check my registration in May 2009. They told me that if I registered my guesthouse with my RC I had to pay double the tax, but luckily my guesthouse is registered under the name of my landlord, who is Nepalese, otherwise I would have had to pay double the tax. This new policy about taxing is clearly because of Chinese political pressure. Every Tibetan knows the Chinese government wants to destroy the Tibetan community in

Nepal, creating as many difficulties as they can for us, both politically and economically. If the Nepal government doesn't let us do business, then where do we go and how do we eat? I think the Chinese government is not happy to see that there are many Tibetan restaurants, shops and hotels [in Nepal] because these are major sources of income for Tibetans, who depend on these businesses."

According to other Tibetan sources in Nepal, there are fears that Tibetan children may be prevented from studying in Nepalese schools in some of the settlements outside Kathmandu. Some Tibetan students currently attend Nepalese schools after class 10 because there are not enough Tibetan schools. A Tibetan who is a member of the exiled Tibetan Parliament and who has been living in Nepal since 1959 told ICT that this year the Nepalese government has introduced new application forms which require children to have full Nepalese citizenship before being admitted to the schools.

Negative media coverage of Tibet in Nepal

There has been a noticeable pattern of negative news coverage on Tibet that has coincided with increasing Chinese outreach to Nepalese media. The June 21, 2009 visit of six Nepalese MPs from four different parties to Dharamsala, India, where they met the Dalai Lama and Tibetan exile government officials, became a particular focus. According to Siddharth Gautam, President of the Lumbini Foundation for Development & Peace and the delegation leader, the meeting was held in order to gain "a deeper understanding of Tibetan issue and situation, and to pave ways to bridge closer relations between the two communities" in the long term.⁵⁷

China made its reservations known immediately following news of the visit. Zhang Jiujuan, a former ambassador to Nepal, met Nepal's Foreign Minister Sujata Koirala to register the Chinese government's concern, and the Prime Minister called in senior lawmakers in the presence of the Chinese Ambassador, Qiu Guohong.

Later, one of the Nepalese MPs who had met the Dalai Lama gave an interview to the Nepalese press claiming that she had been "coerced" into doing so. In the interview for the Nepalese Telegraph, Rukmini Chaudhary, the Constituent Assembly member from the Loktantrik Rastriya Manch-Democratic National Front, said, "I just want to tell the Nepalese people

that I was deceived very badly. I did not know that I will be meeting the Dalai Lama. I and my party still stick to Nepal's Once China Policy."⁵⁸

Some Nepalese media outlets have focused on China's suspicions that Nepal is being used as a base for "free Tibet activity." This includes rumors published in the Nepalese press that by visiting the Mustang region, former US Ambassador Nancy Powell was supporting "guerrilla resistance against China," during a trip taken before her resignation in July, 2009.

US Ambassador Powell visited remote Mustang in northern Nepal, which borders Tibet, in order to visit a cultural preservation project and to pursue her interest in photography. But the visit was interpreted by some Nepalese journalists as an "inspection of the Chinese-Nepalese border" in preparation for the "next Khampa rebellion." In a reference to the Khampa guerilla resistance against China in the 1960s, supported by the CIA, Bishnu Sharma of the *Dristi Weekly* reported: "A former army official who is well acquainted with the Khampa rebellion instigated by the American detective wing CIA three and half decade ago said, 'The activities [Nancy Powell's visit, and the visits of other ambassadors from Kathmandu] are directed at reviving the Khampa rebellion.'" The CIA-funded Tibetan resistance force operated out of Mustang from 1959-1974.

In an indication of the level of concern about this visit to a sensitive border area, the Chinese Ambassador Quo Guohang visited Mustang himself in June. Kantipur's Nepalese-language weekly magazine, *Nepal*, reported: "The Chinese ambassador did not believe that the American Ambassador Nancy J Powell reached bordering district of Mustang to fulfill her photography passion, carrying her SLR camera. Maybe that is why within three months of her visit, the Chinese ambassador reached Mustang with his own associates. He not just kept an eye on whether there were any 'Free Tibet movement' going on in Mustang, but also inquired about it with the Nepali authorities and locals." (July 5-11).

Further stories in the Nepalese media reported in December, 2009 that a report by Nepal's National Intelligence Department (NID) "listed 24 Buddhist monasteries in the Kathmandu Valley as sensitive for their involvement in the 'Free Tibet Movement' and 'anti-China activities.'... The national spy agency has placed seven of them on the 'very sensitive' list from the security point of view. It has suggested the Home Ministry to keep tabs on altogether 43 monasteries in the capital [Kathmandu], out of 59 it studied."



Several thousand Tibetans gathered in Kathmandu on December 10, 2009 to celebrate the 20th anniversary of the Dalai Lama receiving the Nobel Peace Prize. A large police presence was evident throughout the Boudhanath area of Kathmandu where Tibetans carried a large photo of the Dalai Lama around the Boudhanath stupa. While no incidents between police and Tibetans occurred, Tibetans from Jawalakhel, Kopan monastery and Swayambhu Tibetan nunnery were surrounded by police and stopped from travelling to Boudhanath for the celebration.

In response, the Nepal Buddhist Federation referred to the allegations as "baseless," while noting that there was "a growing negative media campaign against monastery institutions established in the land of Buddha's birth and that the state police has been unnecessarily harassing our monks and nuns," and that there were attempts being made in the Nepalese media to "fabricat[e] false and imaginary accusations such as storing weapons and organizing [a] so called 'Free Tibet movement.'"⁵⁹

Increasing Danger for Tibetans in Nepal

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

As of the end of 2009, the Office of the Representative of His Holiness the Dalai Lama and the Tibetan Welfare Office in Kathmandu, established in the 1960s and closed by King Gyanendra in 2005, remained closed. The closures, which were purely in response to Chinese pressure, deprive long-staying Tibetan refugees of important community services.

The closures of the Tibetan Welfare Office and the Office of the Representative of His Holiness the Dalai Lama exacerbates the 'protracted refugee situation' for long-staying Tibetan refugees and means that governments and NGOs have no established point of contact with experience and expertise in dealing with Tibetan issues in Nepal. Tibetans had once again been dramatically reminded of their precarious and insecure existence in Nepal.

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

Tibetan pilgrims refused visas for travel to Nepal

In recent years, the number of Tibetans crossing the border with Chinese passports had been increasing. Overall, it appeared to be easier for Tibetans living in areas outside the TAR to obtain passports. Many Tibetans holding Chinese passports traveled to Nepal on religious pilgrimage – the stupas of Swayambhunath and Boudhanath in Kathmandu together with Namo Boudha, near Kathmandu, and Lumbini, the birthplace of the Buddha, are the most visited sacred Buddhist places in Nepal. Many Tibetan pilgrims also travel onto India, mainly to Sarnath in Uttar Pradesh, where the Buddha preached his first sermon, and Bodh Gaya in Bihar, where he is said to have gained enlightenment.

In 2009, 941 Tibetan traveling on religious pilgrimage with Chinese passports registered at the TRRC in Kathmandu. The number significantly declined in December 2009, however, as the Nepalese embassy in Lhasa stopped issuing visas to Tibetans, when many Tibetans began applying for visas in order to travel to Nepal and onward to Bodh Gaya, India, where the Dalai Lama held teachings from January 5 until January 10, 2010.



Tibetans gathered on December 10, 2009 at Samten Ling monastery in Boudha, Kathmandu to celebrate the twentieth anniversary of the Dalai Lama being awarded the Nobel Peace Prize. Over one thousand Tibetans were estimated to have taken part in the celebrations despite the heavy deployment of Nepalese police. No incidents were reported.

According to one man who spoke with ICT: “I planned on coming here [Kathmandu] for the end of December because I wanted to go to the teaching. I knew that the teaching started on January 5 and finished on January 10. However, the Nepalese embassy in Lhasa stopped issuing visas for Tibetans since mid December [2009]. It is obvious that the Chinese government told the Nepalese embassy to stop issuing visas for us [Tibetans] because the Chinese government knows that there was a five day teaching. They worry that we will attend the teaching.

“When I applied for my visa at the Nepalese embassy in Lhasa, an embassy staffer told me that I had to wait three weeks. I begged him to give me the visa. I told him that one of my relatives was very sick in Kathmandu, but he told me that it is what the authorities’ decision and he could not give me a visa. I went to the Nepalese embassy almost every other day since mid December, but ever time they told me the same thing. There are hundreds of Tibetan visa applicants at the Nepalese embassy in Lhasa every day in December and all of them were having the same experience and problem. At the same time and place, all the Chinese visa applicants were getting visas without any problems every day. I think it was because they are Chinese and were not going to India for the teaching.

“Some Tibetans were able to bribe Nepalese embassy staff with 5,000 RMB (US \$732) in order to get a visa on time so that they could attend the teaching. The Nepalese embassy started issuing visas for Tibetans on Wednesday (January 6, 2010), but it was already too late for us to attend the teaching. By the time I got my visa, it was too late to attend the teaching. I am extremely disappointed that I missed the teaching, but now I am going to Dharamsala to see His Holiness.”

US Refugee Resettlement Program Stalled

In September, 2005, then US President George Bush proposed a new program to resettle certain Tibetan refugees from Nepal in the United States.⁶⁰ This policy decision was made in consideration of the vulnerability of many long-staying Tibetan refugees in Nepal. In November, 2007, Ellen Sauerbrey, then US Assistant Secretary of State for Population, Refugees, and Migration, visited Nepal and was told by Nepalese government officials that a US plan to resettle Bhutanese living in Nepal should be completed first, and then they could talk about the Tibetans in Nepal. However, the Nepal government continues to be non-cooperative with the U.S. proposal for a Tibetan refugee resettlement program.



Constructed in the winter of 2004, the Darlag nomad settlement camp in Golok Tibetan Autonomous Prefecture (Chinese: Guoluo TAP) in Qinghai province now houses hundreds of Tibetan families who once sustained themselves from the land as nomadic pastoralists. Their livelihoods are now more precarious.

WHY TIBETANS LEAVE TIBET

Despite the widespread demonstrations that have taken place across Tibet since 2008, the government of the People's Republic of China (PRC) has maintained the position that economic and social changes are improving the living conditions of Tibetans in Tibet and, therefore, that their loyalty towards the 'motherland' and the Communist Party should be enhanced. However, the dangerous journey into exile continues to be undertaken by monks and nuns seeking a religious education unhindered by the political restrictions imposed by the Chinese state. Parents send their children to Tibetan schools in exile, where they have the opportunity for a Tibetan education that is often impossible in Tibet due to a focus on Chinese language teaching, or the inability of poor families to afford school fees. Others leave because they have been resettled off their lands, separated from their traditional livelihoods, or otherwise marginalized by China's economic policies. Many Tibetans have left in order to avoid arrest and persecution, often due to peaceful dissent in Tibet.

The PRC cites increased investment and material development in Tibetan areas as a means of improving the lives of Tibetans. While these benefits penetrate Tibet's geographical borders, the majority of it does not reach the Tibetan people, but rather lands with Chinese companies and workers who come from central China to earn a living from the government's investment in the bureaucratic administration of Tibetan areas, infrastructure development projects such as the Tibetan railway, and mining activities.⁶¹



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

In recent years around three-quarters of the refugees who arrived in Nepal were from the Kham or Amdo regions of eastern Tibet (now primarily incorporated into the Chinese provinces of Qinghai, Gansu, Sichuan and Yunnan).

Chinese policies are designed to manage and control Tibetan areas while promoting the state's vision of a prosperous society through modern development. Tibetan views of what development in Tibet should look like are not solicited, as the PRC pushes forward with its 'Western Development Strategy.'⁶²

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



Tibetan religious devotees in front of the Jokhang temple in Lhasa, performing religious prostrations. Many Tibetans who leave Tibet in order to see the Dalai Lama or go on pilgrimage later return to Tibet, facing similar risks on their return journey. (Photo: Eva Bartlett)

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

An ICT researcher tells of a typical encounter at the Tibetan Refugee Reception Center in Dharamsala, India.⁶³

Today it is raining. On the way to the office I stopped by the Tibetan Refugee Reception Center (RC) where all the newly arrived refugees are kept for a while until they are sent to a school or monastery. It's my daily work routine.

I talked with an old woman who was sitting outside the RC in the chilly winter rain. She told me she came with her nephew who is mentally retarded and is around 17 years-old. She told me they lived all alone back in Tibet; the boy's parents died when he was young. She said she and her nephew used to earn their daily living by transporting goods for local shops by handcart; the mentally retarded nephew would pull the cart while she pushed.

The old woman, who even had trouble climbing stairs, told me it took them around three months to cross the Himalayan mountains all alone, begging all the way until they got to the Tibetan Refugee Reception Center in Kathmandu, Nepal.

She said that she is very happy that they will have an audience with His Holiness the Dalai Lama now that they are here in Dharamsala, a dream she's had her entire life. She then expressed her hope that she will be able to stay in the local retirement home, but she is uncertain about what will happen to her nephew, since there are no facilities and programs to assist him here. She asked me, eyes filled with expectation, if she could take her nephew with her to the retirement home. I knew that it was technically against regulation, but I couldn't utter the word "no," so I said that the officials will surely arrange a proper place for him.

Before I left, at the other end of the hall, a group of children from around age 7 to 13 were playing. They arrived a few days ago; they said their parents sent them with a guide and that they walked for 27 days. They looked happy. Maybe they are too small to understand the situation. A girl, probably the smallest of them, approached me holding a pencil and a book in her hand and asked me how to write "apples."

CROSSING THE HIMALAYAS

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

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

The Border

Soon after the visit of a high-level Chinese delegation to Kathmandu, the Nepalese Home Ministry announced the deployment of Armed Police Force (APF) personnel in the border areas, saying that this was at the request of the Chinese government. (Press Trust of India report, July 16, quoting the Nagarika Daily quoting Home Ministry officials). According to Nepalnews.com, it is the first time that a fully-fledged border security force has been installed along the border, and security bases will be established in Tatopani of Sindhupalchok, Lomanthang of Mustang, Kimathanka of Sankhuwasabha, Limi of Humla and Tinker of Darchula in the first phase. Each base will have an Armed Police Force (APF) squad under the command of a Superintendent of Police (SP). (<http://www.nepalnews.com/main/index.php/news-archive/2-political/463-govt-mulls-security-deployment-to-nepal-china-border.html>, July 16, 2009).

In Tibet, a prison near Shigatse houses Tibetans caught en route. Former inmates report that there have been as many as 500 prisoners there at any one time, nearly all caught at the Nangpa pass or near the Chinese-Nepal

Friendship Bridge border crossing at Dram, the main commercial crossing at the Tibet/Nepal border. Most Tibetans serve from three to five months, some longer, and face severe beatings and hard labor, usually road building in and around Shigatse. They must usually sign a document that they will never again attempt to leave the People's Republic of China to go to India. According to Article 322 of the Chinese criminal law, such Tibetans are subject to imprisonment for "secretly crossing the national boundary."

A Chinese-language website, *boxun.com*, reported on a case of two Tibetan teenagers who were detained in April when seeking to go home to Tibet through Nepal. They were detained after crossing the border into Tibet and held in Shigatse, where they were "beaten with electric batons, causing severe damage to their abdomen and genitals" (*phayul.com*, July 15, quoting from *boxun.com*). The same source reported that Dagah and Tsultrim had initially tried to enter Tibet in February, but were unable to do so due to tightened border security in the buildup to the March 10 anniversary. By the time they again entered Tibet in April, their travel permit had expired for 15 days and they were detained and taken to the Shigatse detention center where they were subjected to "severe and violent" interrogation. Dagah's mother, who came looking for her son, was reported to have fainted upon seeing the condition of her son, who was later taken to hospital.

Nepalese authorities stepped up border security dramatically following the protests in Tibet that began last spring and in the run-up to the Beijing Olympics last summer. The border was virtually sealed. Tibetans living near the Tibet border reported being harassed by Chinese security and photographed by Nepalese informers during this period. TAR Chairman Jampa Phuntsog made a rare trip to the Tibet-Nepal border on September 1, 2008, to congratulate security stationed there for their work in "preventing splittism."

The Routes

There are well-established historical and cultural ties between Tibet and Nepal. Nomads, pilgrims, as well as traders and businesspeople, both Tibetan and Nepalese, commonly crossed the border in both directions. Many of these ancient trading routes, such as the Nangpa pass – nearly 19,000 feet above sea-level – are still used by Tibetan traders leading their yak caravans from Tibet into Nepal.

Along the Nangpa pass route, used less in 2009 by Tibetans than before, hypothermia, snow blindness, frost-bite, as well as injuries from slipping on ice or falling, are common. Injury can lead to abandonment by the hired guide, who is often key to evading border security. In the summer months, snow can turn to slush and fog can obscure trails and deadly crevasses.

The town of Dram (Chinese: Zhangmu, Nepalese: Khasa) at 7,544 ft. is the gateway to Tibet for many Indian and Nepalese truck drivers who wait for days to receive custom clearances and continue on to their destinations. Here, Tibetan refugees seeking to enter Nepal must cross at or near the China-Nepal Friendship Bridge. It is dangerous for Tibetan refugees to stay on the Nepalese side of the Friendship Bridge for long; according to a source in the area, if Chinese police hear about refugees taking shelter on the other side of the bridge, it has been known for them to cross to the Nepalese side and take them back into Tibet. From Khasa, on the Nepalese side, the journey to Kathmandu is more than a week to 10 days walk or six to seven hours by bus, through the Nepalese border towns of Kodari, Tatopani and Barabise.

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

Most Tibetans make the perilous crossing through the Nangpa pass into Nepal during winter, and cases of severe frostbite, sometimes requiring amputation of toes, fingers, and other limbs, are not unusual. No significant cases of frostbite were reported by the TRRC in 2009. Although still only a small number of cases, there appears to be an emerging trend of Tibetans journeying onward to India for medical treatment that is unavailable to them in Tibet.



The director of the TRRC addresses a group of new arrivals in front of the main building. In recent years approximately 2,500 to 3,500 Tibetan refugees would make the dangerous crossing over the Himalayas into Nepal and onward to India. However, since the Chinese crackdown following the Tibetan protests that began in March, 2008, the number has dropped dramatically, with only 838 Tibetans making the journey in 2009.

Assistance to Tibetans Escaping from Tibet

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

The TRRC is critical for the welfare of Tibetans arriving in exile, but it is already subject to considerable scrutiny from the authorities due to Chinese concern over the activities of Tibetans in Nepal. Prior to the 50th anniversary of March 10, a substantial police deployment was reported at the Reception Center, with plain-clothes officers entering the premises and demanding information about the names and movements of Tibetans staying there.



Nurse Tsering at the TRRC clinic in Kathmandu. Treatment for frost-bite and other common illnesses and diseases, often resulting from the journey, of the new arrivals are available at the TRRC's clinic, while more serious conditions must be referred to hospitals in Kathmandu.

The TRRC's clinic offers only rudimentary medical care. The facility lacks equipment to conduct blood tests, many vaccinations, adequate internet access and medical reference books. While treatment for frost-bite and other common illnesses and diseases often resulting from the journey of the new arrivals are available at the TRRC's clinic, those requiring higher levels of care must be treated at local hospitals, which is not covered by UN funds and forces the TRRC to seek outside funding to cover these expenses. In 2009, the clinic registered 894 patients, some of whom visited the clinic four or five times for treatment. Among these, 25 cases were referred to hospitals in Kathmandu.

A team of two nurses and a clinician in charge are responsible for the general health and hygiene of the new arrivals. The nurses often feel unprepared to treat patients with serious problems because of inadequate facilities, and none has midwifery training. Upon their arrival at the TRRC, health and hygiene lessons are conducted on a group or individual basis, in addition to administering some vaccinations and medications. Common diseases seen among the refugees and treated at TRRC clinic are typically mumps, measles, diarrhea, infections, and viral cold, although

many conditions are more serious such as frostbite. Often the clinic at the TRRC and Nepalese hospitals provide healthcare that has simply not been available or inadequate in Tibet. Prior to their journey to India, proper vaccinations are given to every refugee. The clinic provides reports on its administration of vaccines and treatments to the UNHCR and some donor aid organizations. A visiting doctor refers TRRC clinic patients with serious health problems to hospitals after a thorough health examination. The clinic also has a Tibetan doctor who visits the TRRC once a week.

FOREIGN GOVERNMENTS' SUPPORT FOR TIBETANS IN NEPAL

Asserting the Tibetans' right to protest, then outgoing US ambassador to Nepal, Nancy Powell said, "Not enough attention is paid to the fact that Nepal and the United States share and support the one-China policy. We have not advocated the independence of Tibet, but we are very concerned about the human rights of Tibetans in any country. They have the right to express themselves freely, they have the right to peacefully assemble and advocate for themselves. This is a major concern and it is a major difference in opinion with some people. But this does not mean that the United States is supporting the Free Tibet movement. Certainly we understand that Nepal is in an awkward position but we would expect that the human rights of all individuals in Nepal would be respected."



A delegation of United States government officials visited the TRRC on November 11, 2009. The United States government funds support to Tibetan refugees at the Tibetan Refugee Reception Center (TRRC) in Kathmandu.

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

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

RECOMMENDATIONS

Recommendations to UNHCR:

1. Resume UNHCR monitoring of border regions to educate local authorities in the proper treatment of refugees, monitor adherence to the policy of nonrefoulement by immigration and local security forces, and intervene when refoulement and/or abuse occurs.
2. Urge the Nepal government to adhere to the principle of non-refoulement by taking the adequate policy and administrative steps, which include written policy instruction to all border immigration and police, and training of Nepalese policy, security forces and immigration authorities in proper procedures (as per the Gentlemen's Agreement) and international human rights standards and practices.
3. Press the Nepal government on finding durable solutions for the long-staying Tibetan refugee population in Nepal, including issuance of RCs, opening the path to citizenship, and cooperation with the US government-proposed refugee resettlement program for certain Tibetans in Nepal.
4. Make every effort, in concert with supportive governments, to preserve the Tibetan Refugee Reception Center in Kathmandu and its integrity as a secure place of temporary refuge and respite for Tibetans fleeing Tibet through Nepal and onward to India.

Recommendations to the Nepal Government:

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

4. Consent to the US government-proposed Tibetan refugee resettlement program for certain Tibetans from Nepal and provide necessary co-operation for its successful implementation.
5. Provide absolute guarantee for the preservation of the Tibetan Refugee Reception Center in Kathmandu and its integrity as a secure place of temporary refuge and respite for Tibetans fleeing Tibet through Nepal and onward to India.
6. Investigate incidents of theft from Tibetans in transit through Nepal, in keeping with normal standards and practices and consistent with the government's attempts to fight corruption.

Recommendations to the US, EU and Other Foreign Governments:

1. Work multilaterally to urge the Nepal government to implement a formal protection policy for refugees, including to preserve the integrity of the Tibetan Refugee Reception Center, to regularize the status of eligible Tibetans, and on other Tibetan refugee issues.
2. Direct appropriate embassy officials to monitor the Tibetan refugee situation in Nepal, which includes meeting regularly with NGOs and Tibetans in Nepal, with particular attention to the situation at and near the Tibet-Nepal border. The Refugee Coordinator at the U.S. Embassy in Kathmandu should continue to play an active role.
3. Take a clear position against any Nepal-China extradition treaty that would codify the PRC position that Tibetans are economic migrants and turn Tibetan refugees in Nepal into criminal illegal aliens that could lead to their extradition to China, where they would face a credible fear of persecution.

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

DANGEROUS CROSSING:

Conditions impacting the flight
of Tibetan Refugees
2009 Update

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