

## 1. INTRODUCTION

In the early 1990s, in response to political turmoil and violence, tens of thousands of residents of Bhutan fled the country. Fear and intimidation forced many to leave without their property, or to sell it a far less than market value. Some were also coerced by authorities to "voluntarily" renounce their citizenship.<sup>1</sup> Most of these refugees moved to eastern Nepal, where they had ethnic or linguistic ties. They were joined in camps there by an indefinite number of internally displaced and migrant Nepalis.

In 1993, Bhutan and Nepal agreed on a four-fold categorization of persons residing in the camps in Nepal, aimed at allowing Bhutanese to return to their own country and non-Bhutanese to return to or be resettled in theirs. Little has happened in the intervening years, though, leaving approximately 100,000 people unable to move on or return to permanent homes.

Progress has been stalled in part because of a political dispute over the temporal priority of "verification" (assigning people to categories) and "harmonization" (determining what treatment is due to people thus assigned). Once this impasse is broken, technical problems of verification will have to be addressed. But this report, one of two submitted to Amnesty International (AI) through the Legal Support Network, suggests a very different approach to the problem. Instead of

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<sup>1</sup> See *Bhutan: Forcible Exile* (AI INDEX: ASA 14/04/94).

these technical and political issues, we focus on a very different part of the charge from AI's London office.

Definitions: what is it that makes people belong to a state? not in a legalistic sense, but more in an anthropological one, bearing in mind the reality of Bhutan. Providing some input of definitions used in return programs in Guatemala, CIS and other parts of the world. This part may also look at what has commonly been defined as "voluntary" in voluntary repatriation programs and how that could be used in analogy for "voluntary" emigration.

This report argues that the four-fold categorization in conjunction with the internationally recognized human rights to return to one's own country clearly implies a particular harmonization.

## **2. NATIONALITY, MEMBERSHIP, AND THE RIGHT TO RETURN**

### **A. The Right to Return**

Freedom of movement, including a right to return to one's own country, is a basic internationally recognized human right. Article 13(2) of the Universal Declaration of Human Rights states: "Everyone has the right to leave any country, including his own, and to return to his own country." Article 12(4) of the International Covenant on Civil and Political Rights declares: "No one shall be arbitrarily deprived of the right to enter his own country." The Vienna Declaration in Article 23

likewise recognizes "the right to return to one's own country."<sup>2</sup>

Such a right is implicit in the four-fold categorization. Category 1 (those forcibly evicted) are Bhutanese who clearly have a right to return to the country from which they were forced to flee. Category 2 (Bhutanese who have emigrated) are entitled to enjoy this right so long as Bhutan remains "their own country." Category 3 (non-Bhutanese) do not have a right to return; Bhutan cannot be considered to be their country. Category 4 (Bhutanese who have committed criminal acts) introduces an additional consideration that might in some circumstances trump the right of return.<sup>3</sup>

## **B. Nationality and Membership**

The central conceptual issue then is to determine what is meant by "one's own country." That one can call the

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<sup>2</sup> Bhutan is not a party to the Covenant. The Universal Declaration and the Vienna Declaration do not in themselves create binding international legal obligations. These provisions, however, are so widely endorsed that they can be considered parts of customary international law that are binding on Bhutan, which has not clearly rejected the custom during its formation. See Bruno Simma and Philip Alston, "The Sources of Human Rights Law: Custom, Jus Cogens, and General Principles," *Australian Year Book of International Law* 12 (1992): 82-108.

<sup>3</sup> In fact, however, this category is of limited relevance. Criminal behavior is relevant to naturalization under the 1985 Citizenship Act. It is not, however, relevant to the right to return. At the very least, if the authorities did not expel a person from Bhutan on this basis, he retains his right to return. Any other interpretation would permit Bhutan to "export" its criminals, at considerable (and entirely unjustified) potential costs to its neighbors.

country of which one is a national (citizen) one's own is beyond dispute. But at least some non-nationals can also legitimately call a country their own.

Article 15 of the Universal Declaration of Human Rights states: "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." International human rights law, however, is implemented largely through decentralized, national mechanisms. The right to nationality identifies the principal group of persons for whom each state has primary responsibility. In a world in which states have the primary obligation to protect the rights of their own nationals, the right to nationality is for most people a necessary (although by no means a sufficient) condition for the enjoyment of the full range of internationally recognized human rights.

Statelessness thus is a particularly important human rights problem, as reflected in the 1961 Convention on the Reduction of Statelessness. Bhutan is one of about a dozen current cases of displaced people where statelessness or disputed nationality plays an important role. Other prominent cases include the Palestinians, Rohingyas in Myanmar (Burma), ethnic Chinese and Vietnamese in Cambodia, Bidoons in Kuwait, ethnic Tutsis in Eastern Zaire, many groups in the states of the former Yugoslavia, ethnic Russians in the Baltic states, Tatars in Ukraine, Roma in the Czech Republic and Slovakia, Biharis in Bangladesh, and Kurds in Syria.<sup>4</sup>

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<sup>4</sup> This report draws on comparative evidence from the first six of these cases, plus UNHCR experience in the 1990s with the

States, however, also have international human rights obligations to non-nationals under their jurisdiction. Some internationally recognized human rights, such as the right to vote, need not be guaranteed to non-nationals. But many, even most, internationally recognized human rights create obligations with respect to non-nationals. These include rights to freedom of association, access to courts, basic education, and freedom of movement.<sup>5</sup>

Non-nationals fall into three major categories: 1) transients, such as tourists and traders; 2) long-term or permanently resident non-nationals; and 3) non-nationals who are preparing for or seeking citizenship. Although transients ordinarily may not refer to the country through which they are passing as their own, most people in the second and third groups legitimately can.

Permanently resident aliens and non-nationals preparing for citizenship have made a life commitment to their place of residence. Unlike transients, who are merely subject to the law of the place, they have a long-term relationship with that state that can be considered a form of allegiance. Conversely, the state by

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return of Guatemalans from Mexico. For a general discussion of the problem, see "Statelessness: Does Anyone Want These People," *Refugees* no. 112 (1998), also available at <http://www.unhcr.ch/pubs/rm112/rm11204.htm>. See also UNHCR Executive Committee General Conclusion No. 78 (XLVI) 1995.

<sup>5</sup> These particular obligations are formally restated in Articles 15, 16, 22, and 26 of the 1951 Convention relating to the Status of Refugees.

its behavior has established a relationship with them that includes obligations beyond those owed to transients. These include not merely the right to leave, which they must extend to every human being, but the right to return, which need not be recognized for transients.

The state, of course, reserves a right to require even long-resident non-nationals to leave. But so long as it chooses not to exercise that option, those who have by their behavior demonstrated a special commitment and allegiance to that country are entitled to refer to that country as their own. It is where they have made their life. It is the place they call home. They are members of the society. And when they are away from it, they have an internationally recognized human right to return.

In other words, "one's own country" and "the country of which one is a national" need not be identical. In particular, one may not be a citizen of one's country. The relations of citizens and non-citizens with the state differ in important ways. Who falls into which category is regulated by a country's nationality laws. But nationality laws alone do not determine who can call a country their own. In addition to the formal legal recognition of nationality there is the test of fact, of the relationship between the state and particular individuals and families.

A political community, in addition to the body of citizens, includes those who have demonstrated a more or less permanent tie and allegiance to that community through extended residence. All such individuals and families are entitled to treat their home as "their own"

country. And the right of such people to return is recognized in the national law of most countries, including countries with as divergent attitudes toward citizenship as the United States and Germany.

### **C. Bhutanese and the Right to Return**

Although the restrictive language "the country of which one is a national" was available, the Universal Declaration, the Civil and Political Covenant, and the Vienna Declaration all use the more inclusive formulation "one's own country." In much the same way, the agreement between Nepal and Bhutan refers to "Bhutanese," a class that should be read to include non-nationals who are members of the community. "Bhutanese," in other words, should be taken to refer to those who by birth or other long-term links with the country, and acting as loyal subjects of its King and its laws, have a right to call the country their own.

Who falls into this class, as we have already noted, cannot be determined by Bhutan's immigration and citizenship laws alone. Bhutan has for forty years largely prohibited immigration. Its citizenship laws require lengthy residence. But these legal formalities do not override the facts of membership in the community attested to by the behavior of both long-term residents and Bhutan itself.

By choosing to allow people to build their lives in Bhutan the state creates an implicit contract. It does not commit itself to allowing citizenship to all such residents. Quite the contrary, Bhutan's laws clearly indicate its intent to limit naturalization. But in allowing these people not merely to pass through but to

make their life in Bhutan, the state creates an expectation that, barring legal action to the contrary, they may continue to enjoy that life – including a right to return to it from abroad.

The situation would be more complex if Bhutan had chosen to expel non-citizen Bhutanese en masse. (The legal status of mass expulsions is extremely controversial.) Bhutan, however, has vigorously denied expelling these people. Barring valid legal acts of expulsion, they have an implicit right to remain – and thus a right to return.

#### **D. Citizenship, Residence, and Membership**

Such an understanding, in addition to being morally attractive and consistent with international human rights law, is consistent with the basic thrust of Bhutan's citizenship legislation. The Bhutan Citizenship Act of 1985 specifies three means of obtaining citizenship: 1) birth (those whose parents are both citizens of Bhutan); 2) registration (prior to 1959); and 3) naturalization. The minimum residency period is 15 years for government employees and those who have one parent with Bhutanese citizenship, and 20 years for others. This assures that there will be a sizable group of individuals who have made the necessary life commitment to be able to call Bhutan their own country but who are not citizens.

In exercising its right to establish lengthy residency requirements, Bhutan seeks to assure that those who become citizens are not merely willing to swear an oath of allegiance (which is also required for naturalization) but have demonstrated a deep factual allegiance

by having made their home and their life in Bhutan. Those who are in the process of making such a commitment can in return expect that Bhutan will treat them as members of the community – and thus recognize their right to return. This prima facie right may in particular cases be overridden by other rights or interests. But barring explicit action by the government – which, we repeat, has not been taken with respect to most of the people in the camps in Nepal – such individuals and families have established a relationship that entitles them to call the country "their own" long before they meet the conditions set for citizenship.

### **3. INTERNATIONAL PRACTICE ON THE RIGHT TO RETURN**

This understanding is clearly reflected in recent international practice, including prominent cases in South-east Asia. For example, Article 20(1) of Part V of the Final Act of the Paris Conference on Cambodia (U.N. Doc. A/46/608 [1991]) states that "Cambodian refugees and displaced persons located outside Cambodia, shall have the right to return to Cambodia." The reference to displaced persons is especially clear. And this inclusive understanding has continued even though the constitution adopted following UN-sponsored elections in 1993 extends nationality and citizenship rights to "Khmer citizens" and "Khmer peoples." This last formulation has often in the past been interpreted not to include ethnic Chinese and Vietnamese minorities, who may be further disadvantaged in establishing their right to residence by frequent changes in their national identity cards. Nonetheless, many of the 30,000 ethnic

Vietnamese who fled the country in 1993 following a Khmer Rouge campaign of kidnapping, murder, and terror were permitted to return to Cambodia without establishing citizenship.

A similar scenario was played out in Burma. Beginning in 1991, over 250,000 Burmese Muslims (known as Rohingyas) fled to Bangladesh in search of asylum from pervasive human rights abuses committed by the Burmese army and security forces. With the assistance of UNCHR, more than 200,000 Rohingyas returned to Burma between 1994 and 1997 after certifying only their former residency in the country.

We draw special attention to these cases because of their proximity in time, space, and substance to Bhutan. But there are many other comparable examples. For example, when Guatemalan refugees returned from Mexico with UNHCR support, the criterion was proof of prior residence, not citizenship. The Dayton Accords, which ended the fighting in Bosnia, also simply specified a right to return to where one had previously lived, without any reference to citizenship. Following the genocide in Rwanda, identification cards were provided by UNHCR to returnees on the basis of prior residence, not nationality.

We thus conclude that the language of authoritative international human rights law, the implications of Bhutan's citizenship law, and a well-established pattern of international and regional practice all clearly recognize the right of non-nationals with a prior domicile in Bhutan to return to Bhutan as their own country.

We can add that any other reading would leave many thousands of people in permanent limbo. Nepal has no

obligation to grant residence or citizenship to Bhutanese, especially those who through their behavior have demonstrated a principal allegiance to Bhutan. Therefore, if the right of return applied only to citizens of Bhutan, the agreement between Bhutan and Nepal would create a huge group of stateless individuals and families. This is so inconsistent with international human rights norms that it cannot be imagined to be the intent of the parties.

#### **4. LOSS OF THE RIGHT TO RETURN**

Neither nationality nor the broader membership in society discussed above is irrevocable. The right to return rests on a mutual relation of allegiance and obligation that either side may sever. Without the right to change or renounce one's nationality, one would be little more than property of the state. States for their part may have a legitimate interest in depriving citizens of their nationality, so long as it is not done arbitrarily or on racial, ethnic, religious, or political grounds.<sup>6</sup>

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<sup>6</sup> These restrictions are stipulated in Article 15(2) of the Universal Declaration and Article 9 of the Convention on Statelessness (and by implication in the general prohibition of discrimination in Article 2 of the Universal Declaration and the International Human Rights Covenants). Furthermore, Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, which Bhutan ratified in 1973, includes a requirement of non-discrimination with respect to movement and nationality.

Bhutan, however, has consistently maintained that it did not intend to expel those in the camps. In fact, the clear import of the category of persons who were forcibly evicted is to recognize that – whether unintentionally, as a result of unauthorized actions of local officials, or through policies that were later recognized to be misguided – some people might have been forced to flee. Such individuals, who have been arbitrarily deprived of their legitimate residence, have an unquestioned right to return.

This leaves unresolved, though, the issue of renunciation of one's membership in the community (and thus loss of one's right to return). This cannot be supposed to have occurred for citizens of Bhutan. The 1985 Citizenship Act specifies only three grounds for termination of citizenship: acquisition of citizenship elsewhere; proof of fraud, false representation, or concealment during naturalization; and, for naturalized citizens, disloyalty in act or speech to the King, country, or people of Bhutan. In all three cases it is incumbent on the government to demonstrate evidence of loss of nationality. Barring such demonstration, all citizens have an unquestionable right to return to Bhutan.

For non-nationals, the link with Bhutan that established their right to return depends heavily on residence. But residence *per se* is not the crucial issue. Rather, long-established residence provides presumptive proof of the sort of commitment that makes the country one's own. Therefore, we must inquire into the reasons for their leaving.

One might imagine that this issue had already been settled by the agreement between Nepal and Bhutan to distinguish between those who emigrated and those who were forcibly evicted. But voluntary exit does not entail loss of the right to return. The internationally recognized human right to freedom of movement, as we saw above, explicitly includes a right to leave as well as to return to one's own country.

Furthermore, there is the potential for considerable ambiguity about the voluntary nature of the exit of many in the camps. As previous Amnesty International reports have documented,<sup>7</sup> many left in a situation of turmoil and with some pressure from at least some local authorities. Their exit may not have been at gunpoint, but neither was it entirely voluntary. Therefore, it will often be unclear whether a person or family should be classified in Category 1 or Category 2.<sup>8</sup>

But even those who are classified in Category 2 (emigres) have not tacitly renounced their right to return if they believed their flight to be either temporary or not entirely voluntary. In order to know whether they tacitly renounced their right to return, we must know their state of mind on leaving. The fact that they wish to return provides strong presumptive evidence that they did not intend to renounce their right to return. There may be grounds that rebut that presumption, but the

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<sup>7</sup> See *Bhutan: Forcible Exile* (AI INDEX: ASA 14/04/94).

<sup>8</sup> Were the details of the classification agreement to be revised, we would suggest that Categories 1 and 2 be defined as those who left Bhutan involuntarily and voluntarily.

burden of proof should lie with those who claim to know the intent of those who left.

One final factual issue needs to be addressed. Many Bhutanese in the camps signed "voluntary migration forms." Amnesty International has previously documented that these often were signed only under the threat of fines or imprisonment, and sometimes even physical violence. Furthermore, the general context of political unrest or turmoil in the parts of southern Bhutan where such procedures were used renders these signatures of questionable significance. Finally, the fact that they appear to have been obtained only from Nepali speakers in southern Bhutan makes them suspect on grounds of ethnic, religious, or political discrimination.

## **5. RECOMMENDATIONS**

### **A. Harmonization**

These conceptual distinctions clearly suggest some simple but powerful policy recommendations on "harmonization."

- 1. All Bhutanese, citizens and non-citizens alike, who were forcibly exiled (Category 1) have a right to return to their country.**
- 2. All Bhutanese, citizens and non-citizens alike, who left the country during times of local or regional turmoil within Bhutan should be classified as forcibly exiled.**
- 3. All long-term residents of Bhutan who left voluntarily (Category 2) have a presumptive right to**

**return.** The burden of proof that the right to return has been renounced or sacrificed lies with the government of Bhutan.

**4. Those who are neither citizens nor long-term residents of Bhutan should have the opportunity to return to or be resettled in *their* own country.**

**5. All movements out of the camps are subject to the overriding principle of *nonrefoulement*: no one shall be forced to return to their own country who has a well-founded fear of persecution.**

## **B. Verification**

The special situation in Bhutan suggests four further conceptual recommendations on "verification." The overriding consideration in the case of Bhutanese returning is that citizenship and immigration are *not* at issue. Those who are returning to their own country are not immigrating. And those who are returning may or may not now or ever be eligible for naturalization. All citizens clearly have a right to be classified as Bhutanese and thus to return. But in addition, we make the following recommendations.

**6. Children born in Bhutan should be classified as "Bhutanese" (Category 1 or 2).** This is required by Article 7 of the Convention on the Rights of the Child, of which Bhutan is a party. Failure to classify such children as Bhutanese would be to deprive them of the right to acquire a nationality guaranteed in this article.

**7. Parents of children born in Bhutan should be classified as "Bhutanese" (Category 1 or 2).** This is required by Article 9 of the Convention on the Rights

of the Child. In addition, bearing children in a country, except for those temporarily present for tourism, work, or other such transient activities, is presumptive evidence of a life commitment to the place and thus of it being one's own country.

**8. Those who both a) have one parent who is a citizen of Bhutan, and b) have resided in Bhutan for more than one year should be classified as "Bhutanese" (Category 1 or 2).** This provision reflects the special consideration given in Bhutan's citizenship law to children with one citizen parent.

**9. Anyone who has resided in Bhutan for five years should be classified as "Bhutanese" (Category 1 or 2).** This presumption may be rebutted by evidence of a purely transient residence, but the burden of proof lies with the government of Bhutan.<sup>9</sup>

Finally, there are technical issues of verification that must be addressed. This is an area where UNHCR has considerable expertise on which we do not feel competent to infringe. Furthermore, a successful verification system depends significantly on detailed knowledge of local law, history, and practice. Nonetheless, from other recent cases of return one overriding principle emerges as our final recommendation.

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<sup>9</sup> In addition, the spouse of any person covered by this or the preceding recommendations should be considered "Bhutanese." This is another instance in which international human rights law – in particular, the International Convention on the Elimination of Discrimination Against Women, of which Bhutan is a party – takes priority over Bhutanese citizenship law, which treats fathers and mothers differently.

**10. Verifiable evidence in official documents should be used when available but cannot be expected to be adequate in many, perhaps even most, cases.** For example, in Cambodia evidence of prior residency could take the form of testimony by guarantors from one's home village.<sup>10</sup> Such a practice has a considerable international legal history, going back at least to *The Kidd Claim*, which was submitted to arbitration by Great Britain and Mexico in November 1926.

## **6. MAKING RETURN AND RESETTLEMENT A SUCCESS**

In order to assure the success of repatriation and resettlement efforts, the parties must recognize additional responsibilities, including 1) reintegrating returnees into the economic and social life of Bhutan; 2) mitigating the negative effects of the sudden influx of returnees; 3) providing incentives to the Bhutanese government to facilitate the smooth repatriation of the refugees; 4) restoring the communities in Nepal that have hosted refugee populations; and 5) assisting in the resettlement of those classified in Category 3 (non-Bhutanese).

In *The State of the World's Refugees: A Humanitarian Agenda*, UNHCR describes the uncertainties typically confronting returning refugees as including physical safety, social and psychological security, legal protec-

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<sup>10</sup> See Amnesty International, *Kingdom of Cambodia: Human Rights and the New Government* (AI Index: ASA 23/02/95), pp. 38-39.

tion, and material security.<sup>11</sup> Legal insecurity in this case extends beyond citizenship to important issues such as the property rights of returnees. Given that Bhutan is an agrarian society, with 94% of its population residing in rural areas, the lack of property rights will also significantly contribute to the material insecurity of the returning Bhutanese.

In addition, socio-economic conditions in Bhutan, which is classified by the United Nations Development Programme (UNDP) as a low human development country,<sup>12</sup> leave it ill-equipped to absorb large numbers of returnees. Fear of economic instability is a legitimate concern of the government of Bhutan.

Therefore, we propose the formation of a partnership between the government of Bhutan, multilateral organizations, and NGOs aimed at 1) developing and implementing small-scale individual and community development initiatives to mitigate the negative economic and social effects of reintegration; 2) ensuring access of returnees to property or employment; and 3) fulfilling humanitarian responsibilities by strengthening the rule of law, justice, and accountability.

UNHCR clearly should take the lead in forming this partnership. In addition to its substantial experience elsewhere, UNHCR has been actively involved with the Nepali camps since 1991 and UNHCR delegates, including the president of the Executive Committee, have dealt directly with the parties in seeking an end to

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<sup>11</sup> <http://www.unhcr.ch/refworld/pub/state/97/ch4.htm>.

<sup>12</sup> <http://www.undp.org/hdro/98hdi.htm>.

the current impasse. Numerous UNHCR-led repatriation programs have established a precedent for such a partnership, including the relief and rehabilitation efforts in Sudan, the repatriation of Rohingya refugees in Myanmar (Burma), and the reconstruction of war-torn Mozambique. NGO participation is especially well developed in the context of the CIS (former Soviet Union).<sup>13</sup>

In addition to specifically targeting returnees, these programs should provide benefits to those in the community who did not leave. In fact, assistance that "brings no benefits to the population at large may well become a source of social tension and conflict."<sup>14</sup> Thus UNHCR has pioneered the use of "quick impact projects" (QIP), small scale projects that benefit the local community and thus help to mobilize it behind successful return.

The UNHCR repatriation program in Myanmar (Burma), carried out in partnership with the World Food Program (WFP), presents a possible model in a nearby country dealing with non-war-related returnees. In addition to WFP's Food-for-Activities program (which provides food in return for work on local projects), UNHCR has supported 1) agricultural projects, such as mini-damns and irrigation channels, and the

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<sup>13</sup> See the report of the 1998 NGO consultation, at <http://www.unhcr.ch/refworld/unhcr/cis/ngomeet.html>. More generally, see the recent speech by the High Commissioner at <http://www.unhcr.ch/refworld/unhcr/hcspeech/990311.htm>.

<sup>14</sup> *The State of the World's Refugees*, pp. 13-14. On UNHCR resettlement activities, see <http://www.unhcr.ch/resettle/reset.htm>.

provision of seeds, fertilizers, and equipment to local farmers; 2) education and the repair and construction of schools; 3) income generation, such as the family food production program; 4) health, including medical supplies and the construction of health care centers; 5) water and sanitation; 6) reforestation, to prevent the over-exploitation of natural resources; and 7) transport, primarily road construction and repair.<sup>15</sup>

Recognizing that some in the camps will not be classified as Bhutanese, and that there may be Bhutanese with a legitimate right to *nonrefoulement*, parallel efforts will need to be undertaken in Nepal. These should focus not only on successful resettlement of individuals but, as in Bhutan, on helping the communities to which they move (as well as the communities near the camps that will be affected). Again, UNHCR has the experience and expertise to carry out such resettlement programs. For example, a large program is currently underway to resettle 20,000 Guatemalans in Mexico who have chosen not to return to Guatemala.

In order to ensure the protection of human rights, all UNHCR repatriation programs include a human rights protection component. In 1985, the UNHCR Executive Committee affirmed that the High Commissioner "should be recognized as having a legitimate interest for the consequences of return ... Within the framework of close consultations with the state concerned, [UNHCR] should be given direct and unhindered access to returnees so that [UNHCR] is in a position to

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<sup>15</sup> UNHCR, "Funding and Donor Relations," December 1997. Available at <http://www.unhcr.ch/fdrs/mmrapp.htm>.

monitor fulfillment of" agreed upon conditions of return. The provision of similar assistance in Bhutan is, of course, dependent on the willingness of the government to collaborate with UNHCR on strengthening legal principles and human rights standards. It is, however, essential to the long-term success of such an effort.

We can summarize the import of the preceding discussion in six additional recommendations.

- a) The role of UNHCR in mediating repatriation and resettlement must be central and formalized.
- b) Small-scale projects, coordinated by UNHCR, should be implemented in Bhutan in order to meet the needs of returnee communities, as well as to contribute to community-based development.
- c) Similar small-scale projects should be implemented in Nepal in order to meet the continued needs of remaining refugees and assist the recovery and development of host communities.
- d) UNHCR should collaborate with the government of Bhutan to strengthen legal principles and to enhance the government's capacity to fulfill its humanitarian obligations.
- e) UNHCR must be guaranteed unhindered access to returnees in order to ensure that the terms of the repatriation agreement are being met.
- f) An agreement addressing the property and land rights of returnees should be a high priority of the parties in formulating the repatriation agreement.