

Political Rights, Citizenship and the Marginalised Refugees: The Case of Tibetans in Nepal

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Abstract: *The core intention of this article is to examine some of the major citizenship and political rights related issues faced by the Tibetan refugees in Nepal. The study assumes that a theoretical exploration on concepts like citizenship and political rights could help in understanding the actual circumstances of Tibetan refugees in Nepal. It focuses on the current socio, political, economic and educational status of Tibetans in Nepal particularly from 1990 to 2012 and enquires into the government policies which have been initiated during these time periods. During these periods, Nepal had undergone several political and economic changes and developments. It saw two different governments with different political and ideological inclinations. Both these governments were marked by two various approaches in its dealing with refugee population in the country. But nothing has positively affected the Tibetans and they remain and live as marginalized minority in Nepal.*

Index terms: *Refugees, Citizenship, Identity, Exclusion, Political Rights*

I. INTRODUCTION:

Most of the theories and experiences from the states, reflects that only political citizenship could bring far reaching and positive impacts on the life of migrants and refugees. Among various political rights of an individual, the rights to vote, right to form association, right to contest election etc., are considered most relevant ones. The Tibetan refugees are being ignored in this aspect and totally discriminated in enjoying political rights in Nepal. Their place of domicile in the past, cultural differences and fear of Chinese might prevent the government of Nepal to consider Tibetan's demand for political rights. It made the refugees politically incapable, socially segregated and culturally deserted. Here, this section examines various political rights as part of political citizenship and how it makes a community of nowhere. An analysis of various types of political rights and the political status of Tibetan refugees in Nepal through the lens of major political theories are discussed here.

For an analytical purpose, the discussion of political rights focuses on four types of rights: personal political rights, organizational rights, membership rights, and group self-determination rights [30]. First, personal political rights consist of voting in elections chosen through a democratic political process. But in the context of Tibetan refugees in Nepal, what the Nepal government provided to them was only a Refugee Card. Since the inception of Nepali state, the demand for more political rights for refugees are being ignored though there were constant pressure on the government from inside and outside. It's a fact that the Tibetan refugees are already accommodated and assimilated with the Nepali society, political inclusion of Tibetans into

Nepal is not a reality still[10]. So, it's a genuine question to be posed without a political formation or a party or a politically elected or selected representatives, how do refugees make their demands in front of a government? So the political rights especially right to vote and contest election clearly demarcates citizens and aliens.

Second, organizational political rights refer to the rights of various political parties, social movements and interest groups to form and take part and action in legislative forums, the courts and in the media. As with voting and legislating, these rights are not substantive but procedural. Political parties can freely form to participate in selecting candidates to run for office and if they win, political parties may play a prominent role in the ruling of the country. Interest groups may form, collect money through contributions, give money to candidates in many countries and influence politicians to enact their policy preferences[19].

Now we can look into the issues of Tibetan refugees in Nepal. In 1990s, some of the Tibetan cultural organizations attempted to make a dent in politics with an aim to strengthen their demand for citizenship. But the then government of Nepal banned the political activities of such organisations and detained several Tibetan activists. When some of the pro-Tibetan NGOs in Nepal triggered their activities and demanded more political space for Tibetans in Nepal, their response was stonewalled [30]. These days even any cultural procession or demonstrations of Tibetans are required to take prior permission from the concerned authorities. Therefore, the right to organize under a political party and raise Tibetan political demands in Nepal is under a status quo. Still such political rights are the founding stones of recognition and highly a need of the time.

Third, countries differ according to their propensity to grant membership to citizens within and outside of their borders. Immigration quotas for certain migrants sending countries were quite popular before the 1960s. Naturalization rights refer to the procedures that an immigrant must go through in order to become a citizen. In the most general cases, immigrant must be in the country for a specific period of time. They should demonstrate knowledge of the language, have good character and so on [21]. Tibetans refugees in Nepal also had provided with some sort of rights and privileges in the beginning. But it was stopped when migration continued to Nepal from Tibet. The first generation of refugees was provided with Refugee Cards (RC) which gave them a legal identity, but it was stopped since the second generation. Eventually it created a long line of refugees who are illegal in every sense. Tibetan

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refugees have also assimilated well with the Nepali society. They acquired the language skills, compromised their own culture and accepted Nepali culture. But it didn't help them to achieve any political space and rights.

Fourth, the right of a group of people to self-determination is not an individual right since one person cannot form a government. This is a group right afforded to regional, ethnic or racial groups who claim that they constitute a nation and should stand independently with some form of sovereignty. Countries can emerge out of other larger countries or empires in one of two ways: decolonization and secession. Decolonization takes place when a country existed and then was taken over by a colonizing country[11]. The usually distinct people of the country develop nationalistic consciousness often through discrimination and illegitimacy claims, with social movements and political parties and through force or sometimes non-violent resistance pressure the colonizer to grant them freedom and sovereignty.

The major European colonisers have largely gone through the de-colonization process and former colonies are independent states. Countries can also emerge out of non-colonial secession processes but this is more difficult. To succeed secession movements need discontent, leaders, a distinct community and a geographical base. There are several points to be discussed when we compare the above mentioned statements with Tibetan refugees. First, do Tibetan refugees in Nepal have any powerful cultural or political organizations to project their demand for citizenship? The answer is no. Centre for Tibetan Administration stands mainly for the coordination and smooth running of their refugee settlement camps across the world. They lack strong discontent, leaders and geographical base in Nepal to deliver their demand for equal rights and justice. It has adverse impacts on their status and forced to live a life of destitute and aliens [10]. The fact of the matter is the promise of citizenship has been denied to them and more surveillance measures have been employed on their any activities. So, all these points try to affirm the fact that a refugee or migrant community cannot move forward in the absence of political rights. And such political rights are essential in taking any community to a different stage where it posses with political citizenship.

II. CHANGING DIMENSIONS OF EXCLUSION AND THE IDEA OF CITIZENSHIP: AN ANALYSIS

A detailed reading and analysis of exclusion helps us to understand social exclusion trigger the discrimination and injustice x`within and outside society who are completely deprived of access to decision making process, institutions and resources. Therefore, one could able to analyse how exclusion particularly socio-political and economic exclusion links to accountability and, democratization, liberal and development driven agendas intend to precise on citizenship and participation. Moreover, the concepts like exclusion and citizenship are inter-related in its functional aspects. It is also found that social exclusion deals the highly political form of degradation and deprivation [31]. Such an understanding again helps to examine the links between level of poverty

and the nature of citizenship.

Here is also the need to understand social exclusion as an incomplete citizenship. A sociological observation can provide an understanding that an outside community can merge with another one through the process of social adaptation and social inclusion. Such situations may help that outsider to get the benefits of citizenship of receiving nation, but in the process of merging, if result is social exclusion and rejection, then the idea of citizenship is incomplete there. It does not mean that conferring citizenship is based only on identity similarities. There are several fundamental and core values too that mass or the logical elements of society correlate with the idea of citizenship. These consist sense of horizontal solidarity with others, self-determination and social justice [32]. It interprets some fundamental questions including how discourses around rights, duties and citizenship can be analysed in the light of those values. Although in the present world, the first idea of citizenship-based on identity-prevails and gets much prominence.

There is an economic aspect of exclusion which could help a researcher to understand the intensity of exclusion in a society [33]. In this aspect, the distribution and accumulation of resources and wealth are unequal and unjust process, which is clearly laid on several assumptions including power holdings and relations, the capability of several wings to influence the government's agenda for their peculiar interests and by having deep impacts on the structure of governmental system. Economic exclusion defines as the exclusion and segregation of workers or laborers from three relevant aspects of market system: insurance, credit and labour. So, by looking at these three types of exclusions, one could easily trace out forms of segregation experienced by the indigenous populations and marginalized minorities in any given country. It summarizes that degradation by discrimination often act as a core hurdle to sustainable development of all [14].

Here, there is also the need to emphasize the idea of citizenship as it is centered on the capability of exercising individual and collective rights. Citizenship status based on identities produce inequalities and it can generate a social hierarchy, made up of first and second-class citizens[33]. But all these inequalities and injustice are the creations of various forms of exclusions. It underlines the fact creation of one identity and domination on another, the creation of insider or outsider feeling can happened through various exclusionary processes. It does mean that all individuals are not equal before law and all do not have same access to public goods supplied by the state. Among these various processes of exclusion, political exclusion of one identity or community is the most dangerous one. Because, political exclusion comes in a situation where one lacks all political rights (Chopra 1989). It includes the lack of political rights such as alienation from or lack of confidence in political processes, political participation

and the right to organize, and lack of freedom of expression and equality of opportunity.

III. CITIZENSHIP AND REFUGEE ISSUES: LOCATING TIBETAN REFUGEES IN NEPAL

The idea of citizenship faces tremendous challenges when discuss and read it with the issues of refugees in any parts of the world. Such challenges may drag systems in third world and least developed countries into constant political and social disturbances. For instance, states in South Asian Region have been continuously facing enormous threats from population movements from one place to another. Huge influx of Rohingya refugees to Bangladesh, Afghans and Bangladeshis to India, Nepali Lhotsampas to Bhutan, Afghans to Pakistan etc., can be looked by each respective system as potential threats which even capable of shaking the foundation of states. Some states in South Asia of course do have a humanitarian approach but in most of the cases migrants and refugees are not welcomed; instead states would prefer to deport them as aliens [16]. At the same time, there are several groups of communities in South Asia who got asylum in their receiving countries and made their stay legal. Tibetan refugees in India, Bangladeshi migrants in India, Bhutanis in Nepal etc are examples. In some cases, it was provided with citizenship and all other constitutional rights of the receiving countries.

The case of Tibetan refugees in Nepal and their long decades of stay without any proper legal documents could instigate a new discourse on different aspects of citizenship. The primary purpose of this section is to observe what kind of citizenship status they have in Nepal? And analyse their political status and demand for citizenship by looking and explaining some of the major political science theories. The study considers political citizenship as the most relevant requirement for any migrants or refugees to survive in an alien land. Here the same approach-political citizenship-could be used to measure the level of Tibetan refugees' legal status in Nepal. Why political citizenship is the serious question going to be addressed in the coming section. Generally, every scholar agrees the fact that political citizenship is the foundation of all individual rights in a world governed by rule of law. But on a journey to reach the destinations, plethora of impediments need to be addressed and overcome. There are several socio-economic and political elements have to be considered and gained to attain that stage.

Therefore, it is also noted that all rights related to legal and political nature have been cherishing tremendous impacts on the idea of citizenship, particularly in the case of refugees across the globe. At last what these legal and political bodies primarily make is law. Thus, legal and political rights encompass many other citizenship rights. This study has an assumption that what lacks in the case of Tibetan refugees in Nepal is a political citizenship which is highly recommended for their legal stay in Nepal. In this sense, citizenship can be interpreted as inactive and active membership of all people in a state system with common and fundamental rights and duties at a specified level of equality. What rights guaranteed to the Tibetan refugees in Nepal would be a question of irrelevance as they are entitled to nothing.

One could analyse the situation of Tibetan refugees by taking four various points of major citizenship theories. First, citizenship commences with impactful membership in a state system, which signifies that founding personhood or who out of the entirety of denizens are recognized as citizens with particular obligations and rights. Here where do we locate Tibetan refugees? For decades, they have been accommodated in Nepal but forced to live without any legal documents. They are also not provided with any specific rights. Second, citizenship consists powerful and detrimental capabilities to impact passive rights of existence, economy and politics under a legal system. Tibetans do not provide any associational freedom in Nepal. Their rights to organize and form any political platforms are being restricted. Political mobility has direct impacts and plays vital role in the political development of any communities. When it becomes restricted, it affects badly. Third, rights which are generated out of citizenship are universalistic and much acknowledged rights framed in the form of law documents and vindicated for the overall well-being of individuals. Fourth, citizenship is a statement of equality with rights and obligations being balanced within certain limits. The two points mentioned above, universalistic rights and equality are not even mentioned in the case of Tibetan refugees. What we see in International Conventions on Refugees and domestic laws of government of Nepal are a far distant dream to refugees in Nepal. It needs to be addressed from systemic level and whatever be the desired changes expecting could come through political ay only.

Therefore, a political decision with regard to Tibetan refugees would be the only solution to decide granting citizenship. An active citizenship is necessary to lead a peaceful and tranquil life in any societies at all levels. The rights, privileges and obligations come out of citizenship always survive at three relevant levels- societal, organizational and individual. At the first that is societal level, it defines as a concept directly linked to the development and growth of quality of citizenship and the focus is on the existence, breadth and extent of obligations and rights. At the organizational level, it talks about concerns and privileges of number of people and groups to generate consciousness on this regard and act in public domains. At the individual and micro level, the nature of citizenship relies on questions how each person looks and examine the relationship of privileges, obligations and rights within a particular frame of stability and interchange. It traces the development of the self in relation to various political groups and the state as a critical part of citizenship, especially the development of social movement or community oriented attitudes and behaviours.

IV. CONCLUSION

The unobstructed and secured life of people in a society has been influenced by several factors. Among them, identity acts as decisive and most crucial factor because which determines the quality of citizenship. Such understanding

would reach to another level when identity differences occur between communities of various nationalities. Though culture plays a pivotal role in the formation of each identity, territories demarcate each and define it as legal or illegal, citizens or non-citizens, national or alien, insider or outsider etc. So, it's obvious that there is a systemic or recognized political set up which draws territories or lines between various segments of societies. Therefore, political identity of a person based on common norms, virtues and practices within a particular boundary would be taken as the prime criterion to determine whether a person is legal or illegal entity. Such inclusion or exclusion based on similarities and differences determine the status of a person within an established system.

The political foundations and interpretations of citizenship are contested, discoursed and debated these days than before. The citizenship theories have discoursed from the perspective of citizenship state relations. The individual or community attempts to be part of a legal set up even questioned and supervised by state organs. State considers such inclusion of new segments with the common people as intrusion into the socio-political-economic and cultural space of majorities. Still, state offers protection of such different identities, in some cases, from the monopoly and violence of majoritarian or politically high represented factions. State offers some privileges of citizenship to such other identities within a social system as a protection against markets and capitalism and various culturally dominant groups. At the same time, it never undermines the fact the term citizenship differentiates people as legal and illegal. The primary responsibility is to assign legal status and colour to people who lives in a specified boundary and consider others as alien.

As this article stated before, rather than social, cultural, economic and geographic identity, the most crucial is political identity. It can decide who can come in and who can go out. Although all these identities prompted or provoked political decisions are the results of a long process noted with various stages of exclusion. The 'other' feeling and its practical trajectories can be explained with different levels of exclusion-social exclusion, economic exclusion, cultural exclusion and political exclusion. At each level of these exclusions, individuals are going through a space deterioration process which ultimately derail and make them as incomplete citizen of a society or state system. An analysis of micro aspects of these processes, once again draw attention into another stage of exclusion: exclusion from public and private spheres.

It is assumed that all privileges of citizenship and rights enjoyed are aimed to pursue a hurdle less life in the public and private spheres of an individual. Although both these spheres of communities who follow different life styles and culture from the majority are totally regulated, supervised and dominated by the state system. This process of vigilant and deliberate exclusion of the 'other' identities is a historical process. The case of refugees and people who flee to other countries and engage in constant political struggle to get into the circle of refugee rights are pathetic. They may be welcomed by the host country but will be isolated and deserted from major streams of social life. Through various processes of exclusion, refugees would be

compartmentalized or forced to stay in an enclave and counter enclave like situations. It resulted in complete compartmentalization and all their socio cultural and political space are observed and supervised. It labels them as marginalized minorities and forces them to live a life of abandonment. So they are culturally discriminated, politically under-represented, socially deserted, and economically marginalized.

At the end, this article, after analyzing some of the major theories on concepts citizenship and political rights, gives an impression that the situations of refugees should be studied with a new dimension. So, the study prefers to adopt a term-marginalized minority-to understand and analyse the situations of refugees, particularly Tibetan refugees in Nepal. While analysing the objectives of this study, the term marginalized minority will be justified. The following chapters would expand and justify this idea by looking at the incomplete citizenship scenario of Tibetan refugees through the process of exclusion, particularly social and political exclusion.

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