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DISPLACED AND STATELESS PEOPLE IN SOUTH ASIA

The Tibetan Story and Perspective

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ANALYSIS

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1. Abbreviations

CCP	Chinese Communist Party
CTA	Central Tibetan Administration
CJC	Chief Justice Commissioner
EU	European Union
FNF	Friedrich Naumann Foundation for Freedom
FRRO	Foreigners Regional Registration Office
GOI	Government of India
GON	Government of Nepal
IC	Identity Certificate
MHA	Ministry of Home Affairs
MWA	Middle Way Approach
NRC	Nepal Red Cross
PAN	Permanent Account Number
PAP	Protected Area Permit
PRC	People's Republic of China
RC	Registration Certificate
TGIE	Tibetan Government-in-Exile
TPiE	Tibetan Parliament-in-Exile
TRP	Tibetan Rehabilitation Policy
TRs	Tibetan Refugees
TRS	Tibetan Refugee Settlements
TSJC	Tibetan Supreme Justice Commission
UNHCR	United Nations High Commissioner for Refugees

2. Executive Summary

In 1959, over 80,000 Tibetans along with the Dalai Lama, Tibet's spiritual leader, sought refuge in South Asia. The Tibetan refugee community of South Asia residing in the three South Asian countries, namely in India, Nepal and Bhutan fled the Chinese persecution with a clear intention of returning to a free Tibet as soon as the persecution is over. It views itself an exiled rather than a refugee community and even has a central administration that operates like an exiled government. This paper provides an overview of the unique situation of the Tibetan refugees in South Asia and explains their status as well as policies of the host governments. It further describes the strategies adopted by the Tibetan refugee community with possible lessons for other displaced communities. The discussions of this study further focus on the key issues and challenges followed by policy recommendations.

The Tibetan community is faced with a number of issues in their quest for identity and self-determination. The situation in Tibet is deteriorating more than ever in which Xi Jinping has embarked on a hardline policy of assimilation. On the other hand, the Tibetan population is drastically declining in South Asia from a peak of 150,000 due to the outbound migration to the Western countries. There is also the critical issue of succession of the 14th

Dalai Lama who will turn 88 years old in 2023 coupled with a weak political leadership and fragility of the Tibetan democracy in exile; and threats to the culture, language and identity of the Tibetan people.

To tackle the above issues, this paper proposes a number of liberal recommendations. In this regard, it is important to articulate a clear stance on the succession and reincarnation of the 14th Dalai Lama. Strengthening Tibetan leadership and democracy as well as connecting Tibetans to other stateless and refugee communities and sharing best practices are fundamental to survival of the group. Moreover, investing in strengthening the resilience of Tibetan culture and supporting communities and organizations working for a more free and open China should be a top priority.

Can the community find the leadership who will lead it towards the aspiration of Tibetans, and protect their culture, identity and restore freedom in Tibet? The Tibetan refugee has been a success story, but it is at a crossroads. How the community navigates the next ten years is a critical consideration.

3. Introduction

Tibetans began settling in India and Nepal before 1959, when Tibet was a trade center and an important transit point on the Silk Road, the ancient trade route that connected Asia to Europe and Africa. However, the years leading up to 1959 and particularly the following five decades led to a significant arrival of Tibetans seeking political refuge in India, Nepal and Bhutan. The reason for this was the invasion of Tibet by communist China in 1949 and the complete occupation of the country by 1959. China has long claimed Tibet as part of its territory and when the Chinese Communist Party (CCP) defeated the nationalist government in the Chinese civil war in 1949, one of the first actions of Mao Zedong and the new communist government was to invade and annex Tibet. On 10 March 1959, after a failed uprising, over 80,000 Tibetans followed the Dalai Lama and fled Tibet into exile. The Government of India (GOI) received them as guests while several thousand also sought refuge in neighboring Nepal and Bhutan. Today, this community totals around 85,000 people and are long-staying refugees in the above three countries.

4. Context Analysis

Article 1A (2) of the 1951 UN Conventions and Protocol Relating to the Status of Refugees defines a refugee as “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.” The Tibetan refugee community in South Asia meets this definition and they are part of an estimated 1 million stateless people in South Asia.¹ Rohingyas in Bangladesh, Afghan refugees in Pakistan, and Indian Tamils of Sri Lanka are the other prominent communities.

According to the international law and as per UN definition, the displaced and stateless Tibetan population in India and Nepal fully qualify as refugees albeit a long-staying one. However, there are some unique aspects of Tibetan refugees that are absent in other refugee communities in South Asia. Tibetans who fled communist China invasion and persecution, did so with one clear intention to counter the policies and actions of the Chinese government from exile while holding on to the resolute conviction of returning to a free Tibet. This aspiration was the basis of the formation of a Tibetan government-in-exile (TGiE) in India under the leadership of the Dalai Lama on April 28, 1959 in Mussoorie, India. From the outset, the Tibetan exiled government therefore had the dual mandate of restoring freedom in Tibet while also rehabilitating the

community in exile and preserving its culture and the community’s separate identity.

What is the situation of the Tibetan refugee community in the three South Asian countries of India, Nepal and Bhutan? What are their status and the policies of the host governments? What are some of the key issues and challenges faced by this community? This policy paper will answer these and related questions. The main objectives of this study are as follows:

- Provide an overview of the state of displaced communities in South Asia and explain the unique situation of the Tibetan refugee community in comparison to the other displaced communities.
- Explain the status of Tibetans and their situation in the host countries of India, Nepal and Bhutan.
- Describe the strategies adopted by the Tibetan communities along with possible lessons for other stateless and displaced communities.
- Define the key issues, challenges and opportunities facing the Tibetan community in South Asia, and
- Make recommendations to address some of the key issues and challenges.

community in exile and preserving its culture and the community’s separate identity.

The TGiE, which formally changed its name to the Central Tibetan Administration (CTA) in 2011, operates like any other democratically elected government but without its own state. It is led by an elected political leader (Sikyong) and have judiciary, legislative and executive branches. The CTA issues a passport-like document, collects an annual tax from Tibetans in exile, and spearheads the Tibetan freedom movement. Scholars familiar with the Tibetan exile community have defined the exile community as a “population in waiting” to return to its homeland and not merely as a displaced group seeking rehabilitation.² The CTA is the vehicle through which the Tibetan exile leadership carries out its dual mandate.

4.1. Tibetan Community in India

The Government of India (GOI) in consultation with the Dalai Lama and his representatives made the decision to resettle the TRs in Indian government land and establish 45 Tibetan Refugee Settlements (TRS) in ten different states across India. From a peak of around 130,000, the TR population in India as per the latest numbers from the CTA’s population gathering initiative conducted in 2022 is estimated to be around 72,000.³ TRS in India are located in

¹ Migrants, Refugees and the Stateless, South Asia State of Minorities Report 2019, The South Asia Collective, February 2020.

² Sonika Gupta, ‘Enduring Liminality: Voting Rights and

Tibetan Exiles in India’, Article in Asian Ethnicity, Indian Institute of Technology Madras, February 2019.

³ Sikyong Penpa Tsering’s interview with Radio Free Asia on August 19, 2022.

the states of Maharashtra, Himachal Pradesh, Karnataka, Sikkim, Odisha, West Bengal, Arunachal Pradesh, Ladakh, Uttarakhand (UK) and Chhattisgarh. The four major hubs are the five southern and agricultural settlements in Karnataka, Dekyling (UK), Dharamsala (HP) and Ladakh.

TRS are clearly delineated land given to TR on long-term lease by the concerned state governments. This self-enclosed space was aimed to provide shelter and livelihood for the people and preserve Tibetan culture and identity. CTA runs its own school and health systems in the TRS. The exile Tibetan community has also successfully rebuilt most of the major monasteries and cultural institutions in the TRS that have been destroyed in Tibet. Majority of the Tibetans work in unorganized and seasonal economic activities such as agriculture, sweater selling and handicrafts. The average income is a low INR 80,000 per annum for Tibetan households.⁴ CTA provides free K-12 education. 40% of Tibetans pursue higher education in various colleges across India.⁵

The Foreigners Act of 1946 and the Registration of Foreigners Act of 1939 characterize Tibetans simply as “foreigners” and restrict Tibetans from owning properties, gaining employment, moving freely and exercising freedom of speech and assembly. Majority of Tibetans possess Registration Certificates (RCs) issued by the GOI. The RCs need to be renewed every five years for those living in India for more than twenty years and the entire process can be done online. RC is required to apply for an Identity Certificate (IC) which enables TRs to travel internationally and is valid for ten years. Tibetans with RCs are by and large able to apply for Adhar and PAN cards and apply for a ration card, drivers license, open bank accounts, and apply for small loans. Furthermore, all the TRS are protected. A Protected Area Permit (PAP) is required from the Ministry of Home Affairs (MHA) for non-Indian citizens to visit the TRS.

The Tibetan refugee community is unique in the sense that individual Tibetans have a dual identity of being refugees in their host country as well as Tibetan citizens as outlined in The Charter of Tibetans-in-Exile, which states: “all Tibetans born within the dominion of Tibet as well as all Tibetans born in foreign countries shall be citizens of Tibet. Besides, anyone born in a foreign country with any one of his or her parents being Tibetan shall also be eligible to become a citizen of Tibet.”⁶ Fiona McConnell elaborates on the fact that “exiled Tibetans in India are both *de facto* refugees from the perspective of the Indian state and

Tibetan ‘citizens’ in the eyes of the Tibetan government-in-exile (TGiE), residing in self-contained Tibetan settlements and scattered communities across India.”⁷

There are therefore two parallel systems operating in TRS: one accountable to the laws of the host government; and the other to the CTA. The latter plays a dominant role, i.e. every Tibetan in exile and diaspora is issued a passport-like document called *Rangzen Lagteb* or ‘Green Book’ which is the proof that the holder of the document is a bonafide Tibetan. All holders of the Green Book are obligated to pay an annual voluntary contribution that is the closest thing to a tax. The document is a requirement for receiving services and benefits from the CTA.

GOI’s relationship and policy towards Tibetans is linked to India’s complex relationship with the People’s Republic of China (PRC). India adheres to the ‘one-China’ policy. The official Indian policy is that the Dalai Lama is a spiritual leader and an honored guest of India and the Tibetan community in India is not allowed to undertake any political activities. However, in reality, Indian authorities have allowed a great deal of freedom and space for the Dalai Lama and the CTA to advocate for the political aspirations of the Tibetan people which is a demand for genuine autonomy⁸ of the Tibetan people, as advocated in the Middle Way Approach policy.⁹ The issue of Tibet and the well-being of the Dalai Lama is of strategic interest to India.

The biggest recent step that the GOI has taken to provide some measure of stability to the TRs is the Tibetan Rehabilitation Policy (TRP),¹⁰ formalized by the Ministry of Home Affairs in 2014. “TRP is an effort to provide a uniform guideline demarcating the facilities extended to the TRs living within the jurisdiction of each State Govt.”¹¹ The policy allows TRs more freedom in how the leased land can be used. It provides a “Standard Lease Document” and makes TRs eligible to participate in most of the central and state government welfare programs. However, this policy is not mandatory, implementation depends on the individual state governments, and some state governments have not implemented any aspect of the policy.

The GOI is also not keen on Tibetans applying for Indian citizenship and voting in Indian elections as a matter of national policy. The position that GOI has taken is that rather than claiming Indian citizenship as a birth right (which is allowed as per the Indian constitution and the

⁴ Workforce Development Assessment and Policy Recommendations, September 2017, Intellectap.

⁵ Ibid.

⁶ The Charter of Tibetans-in-Exile, Article 8 (1), <https://tibet.net/wp-content/uploads/2011/06/Charter1.pdf>.

⁷ Fiona McConnell, ‘A state within a state? Exploring relations between the Indian state and the Tibetan community and government-in-exile’, September 2011.

⁸ Memorandum on Genuine Autonomy for the Tibetan

People, <https://tibet.net/important-issues/sino-tibetan-dialogue/memorandum-on-genuine-autonomy-for-the-tibetan-people/>.

⁹ The Middle Way Approach, <https://mwa.tibet.net/>.

¹⁰ The Tibetan Rehabilitation Policy, 2014, https://www.mha.gov.in/sites/default/files/FFR_ANNEXU_RE_A_17092019.pdf.

¹¹ Ibid.

Indian Citizen Act), Tibetans should legally seek citizenship. This entails first surrendering the RC and IC and then applying for an Indian passport. The CTA's position has traditionally been to discourage TRs from applying for Indian citizenship and participating in Indian elections. "The CTA's views statelessness as intrinsic to the identity of exile Tibetans and the basis for the struggle for Tibet's future. The struggle for Tibetan autonomy/freedom necessarily invokes and promises the return to the homeland for The Dalai Lama and all other Tibetan exiles. Therefore, processes that grant formal or substantive citizenship are disruptive of political discourse of exile."¹²

4.2. Tibetan Community in Nepal

The ties between Nepal and Tibet are ancient. Many of Nepal's Himalayan communities such as the Sherpa people, Gurung, Tamang, Melangis, and Yolmu are of Tibetan Buddhist heritage. The Nepal government initially welcomed Tibetan refugees fleeing Tibet after 1959. Nepal was the primary entry point for Tibetan refugees. Some of the new arrivals stayed in Nepal, but the majority transited to India. The Tibetan community in Nepal at its peak was over 20,000 with the majority of them having arrived between 1959 and 1974. The current number of Tibetan refugees is closer to 9,000, and the community is settled across 12 settlements with concentration in Kathmandu.¹³

Nepal's policy towards the TRs shifted in the late 1980s as it began adopting a more pro-China foreign policy. Nepal started coming under increased pressure from China to stem the flow of Tibetan refugees and was discouraged from providing safe shelters for Tibetans. Nepal succumbed to the pressure, and initiated a new policy of refusing to accept or recognize new Tibetan refugees after 1989 and began implementing a strict border-control policy.

"The Nepalese Government in late 1989 stopped registering new arrivals and barred them from remaining in the country. However, the Government allowed thousands of Tibetan refugees already in the country to remain in Nepal. Moreover, it adopted an informal policy in 1990 of allowing Tibetans to transit through Nepal on their way to third countries, particularly India."¹⁴ The informal policy allowing newly arrived Tibetan refugees to transit through Nepal is called the "Gentlemen's Agreement" Under the terms of this informal agreement between the

GON and the UNHCR, Nepal permits "safe passage" of refugees from Tibet to India.

Nepal lacks a comprehensive domestic legal framework for refugee protection and for the determination of individual refugee or asylum claims since it is not a signatory to the 1951 United Nations Refugee Convention or its 1967 Protocol. Only Tibetans who arrived before 1989 are recognized as "refugees" and are allowed to remain in Nepal. They are issued with identity documents called "Refugee Certificates" (RCs). The document provides a minimum level of protection and the right to reside in Nepal and freedom of movement. The RCs are also accepted as valid proof of identity. However, RC holders cannot own property, gain official employment, or access higher education. They are also not guaranteed freedom of expression and assembly. GON stopped issuing RCs after 1994 to the children who turned 16, even if they were born to parents holding RCs, and those who arrived post-1989 stateless.

Nepal's Citizen Act of 2006 provides that "any person born before [April 13, 1990] within the territory of Nepal and having domiciled permanently in Nepal shall be deemed a citizen of Nepal by birth."¹⁵ However, children of Tibetan refugees do not qualify, as they are considered to have inherited the refugee status of their parents.

Two major developments occurred in the mid-2000 which dramatically worsened the conditions for Tibetans in Nepal. The end of the Nepalese Civil War from 1996 to 2006 saw the communist come to power. A series of communist-led governments from Prime Minister Prachanda in 2008 to Prime Minister Oli in 2021 adopted an increasingly pro-China foreign policy. The tilt towards China was so close that Lobsang Sangay, the Tibetan leader, claimed that Nepal had "become almost a satellite state of China."¹⁶

Tibet witnessed major unrest in March 2008. The protests spread across the entire Tibetan plateau with the international campaign for Tibet estimating a total of 235 protests having occurred from 10 March until the end of October 2009.¹⁷ The CTA claimed over 400 Tibetans were killed in total and it was the most widespread protests involving laypeople, farmers, nomads, and students along with monks and nuns. The unrest started just months before the start of the 2008 Summer Olympics in Beijing and the world was again reminded of the Chinese

¹² Sonika Gupta, 'Enduring Liminality: Voting Rights and Tibetan Exiles in India', Asian Ethnicity, Indian Institute of Technology Madras, February 2019.

¹³ Information shared with the author from a source at the CTA.

¹⁴ Refworld, US Department of Homeland Security, Nepal: Information on Tibetans in Nepal, 9 June 2003, <https://www.refworld.org/docid/3f51fbfb4.html>.

¹⁵ Nepal Citizen Act 2063 (2006), Article 4(i),

https://jp.nepalembassy.gov.np/wp-content/uploads/2017/11/citizenship_act_eng.pdf.

¹⁶ China Digital Times, Tibetan Exile Leader Says Nepal Curbs Refugees at China's Behest, August 23, 2011, <https://chinadigitaltimes.net/2011/08/tibetan-exile-leader-says-nepal-curbs-refugees-at-china%E2%80%99s-behest/>.

¹⁷ International Campaign for Tibet, 2008-2009 Protests Logs, <https://savetibet.org/archived-research/2008-2009-protest-logs/>.

government's persecution of Tibetans.

The 2008 unrest led to further hardening of Chinese government policies in Tibet with the authorities cracking down hard on every aspect of life in Tibet. It introduced a grid management system to prevent protests and unrest through surveillance and monitoring with the help of technology and increased volunteer security groups.¹⁸ A key area under the new surveillance regime was the movement of people. Border controls were beefed up and the government started tracking Tibetans who had relatives in India and overseas. Families who sent their children and family members to join schools and monastic institutions in India and Nepal were punished. China also put a lot of pressure on GON regarding new Tibetan refugee arrivals in Nepal and the activities of the Tibetan community in Nepal. These measures led to a dramatic decline in the number of Tibetan refugees arriving in Nepal. "From an average of two to three thousand per year before 2008, the numbers fell to 600 in 2008, less than 1,000 annually between 2008 and 2011, and 171 in 2013."¹⁹ The current annual numbers are less than a hundred.

Nepal has increasingly tightened restrictions in the name of "not allowing its territory to be used by any force to carry out 'anti-China' activities" and to "crack down on anti-China activities." In addition to refusal to issue RCs and documents that would offer TRs more protection and rights, there are significant restrictions on expression, assembly and association. Tibetans have been prevented from celebrating the Dalai Lama's birthday and other cultural events. The Nepalese government has also pulled out of the "Gentlemen's Agreement" even though it does not prevent the transit of Tibetan refugees to India.

4.3. Tibetan Community in Bhutan

Bhutan served as the third country of entry for the Tibetan refugees fleeing Chinese government persecution in the late 1950s and early 1960s. An estimated 5,000 TRs have been temporarily settled in seven settlements in Bhutan.

The settlements were built with funds provided by the Government of India. Tibetans in Bhutan today can be broadly classified into three groups: the wealthy and elite who have taken Bhutanese citizenship and are fully integrated into Bhutanese society; Tibetans who have Bhutanese citizenship, and like the wealthier Tibetans have moved out of the settlements, integrated and are now Bhutanese of Tibetan heritage; and the final group of around a thousand who continue to live in the settlements and don't have Bhutanese citizenship.

The Tibetan Bhutanese relationship is deep at multiple levels. Both share common Buddhist heritage. The language and culture are very similar, complimented by many inter-marriages particularly amongst the upper and aristocratic class. However, the ties since 1959 have also been marked by conflict. King Jigme Dorji, who ruled Bhutan from 1928 to 1972, had a Tibetan consort, Ashi Yangkyi, who was very powerful. The Tibetan consort was allegedly involved in a plot to change the succession in Bhutan.²⁰ While what exactly happened and who was involved, may never be known, but the impact on the small Tibetan community in the early 1970s was immediate and harsh. The community began to be viewed with suspicion. Tibetans were given the option to either live as Bhutanese subjects or leave. The CTA with assistance from the GOI began relocating some of the Tibetans. The first group of 76 families were resettled in the Mundgod TRS in Karnataka in the late 1970s. Another group was relocated to Deyling in Uttarakhand in 1982.

The Bhutanese government does not recognize the role of the CTA and the latter is unable to extend benefits or services to the remaining Tibetans living in the TRs in Bhutan. The Bhutanese authorities also began resettling Bhutanese in the TRS and today 50-60 percent of the population in the TRs is non-Tibetan. CTA has encouraged and provided free education up to college in India for children of TRs in Bhutan and sees evacuation of the remaining Tibetans from Bhutan as the best solution.²¹

¹⁸ Human Rights Watch, China: Alarming New Surveillance, Security in Tibet, Restrictions Tightened on Tibetans Despite Lack of Threat, March 20, 2013, <https://www.hrw.org/news/2013/03/20/china-alarming-new-surveillance-security-tibet>.

¹⁹ Human Rights Watch, Under China's Shadow, Mistreatment of Tibetans in Nepal, April 1, 2014.

²⁰ Accounts of the alleged plot and related details are

covered in the book *The Noodle Maker of Kalimpong. The Untold Story of My Struggle for Tibet*, Gyalto Thondup. Random House, 2015.

²¹ Based on a conversation the author had with Lobsang Sangay, the previous Sikyong on October 31, 2022.

5. Key Issues and Challenge

The displaced and stateless Tibetan population in South Asia face a myriad of issues and challenges. Five primary issues and challenges are discussed in this section:

5.1. Deteriorating Situation in Tibet

Xi Jinping's ascension as the President of the PRC in November 2012 was initially greeted with cautious optimism by some in the Tibetan exile community. The new Chinese leader was the son of Xi Zhongxun, the Chinese communist veteran, a moderate who had survived several purges, and was a friend of the Dalai Lama. However, rather than being like his father, Xi has turned out to have adopted similar policies to that of Chairman Mao.

China's authoritarian rule over Tibet and its repression of Tibetans and other ethnic minorities like the Uyghurs has gone from bad to worse under Xi's leadership. As Xi enters an unprecedented third term as the Chinese President, he has begun implementing the "second generation" ethnic policy, which seeks to fully assimilate Tibet, Tibetan Buddhism, language and Tibetan culture into China and the Chinese culture. Tibetan culture is being misappropriated to advance the interest of the Chinese Communist Party and the Chinese state. The hard-line pivot to a policy of assimilation is on the top of the Chinese agenda as Xi and the Party seek to permanently get rid of the Tibet issue by 2049. This date is the 100th anniversary of the founding of the People's Republic of China and the deadline for achieving Xi Jinping's "China Dream" and "the great rejuvenation of the Chinese nation."²²

What happens in Tibet will determine the fate of the Tibetan refugee community in India, Nepal and Bhutan. Penpa Tsering, the current Sikyong heading the CTA, continues to hold steadfast to the official MWA policy and hopes for resumption of dialogue.²³ However, the lack of any dialogue with China since 2010 combined with Xi Jinping's hard-line policies in Tibet has led to a hardening of position amongst Tibetans in exile. A smaller but growing subset of Tibetans are advocating for a more aggressive campaign against China including total independence for Tibet. How these tensions and opposing positions play out needs careful watching as this could disrupt the Tibetan refugee community and its relationship

with the host governments.

5.2. Dwindling Population

The Tibetan refugee population in India and Nepal has declined significantly over the last two decades. From a high of 150,000, the numbers have decreased to about 75,000 to 80,000.²⁴ There are three primary factors for this decline: low birth-rate where the average number of new babies born each year is 500;²⁵ no (or very few) new refugees arriving from Tibet (from a peak annual average of 3000 before 2008 to less than 100 a year); and a large number of Tibetans migrating overseas especially to North America, Western Europe and Australia. The primary reason for the decline in new refugees from Tibet is the pervasive surveillance network where every movement of Tibetans is tracked and hard punishment is meted out to family members and relatives of those who leave Tibet. The growth of the Tibetan diaspora community in the West was greatly aided with the United States government's passing of a special legislation in 1991 that allowed 1,000 displaced Tibetans from South Asia to resettle in the US. The spouses and dependents of these thousand Tibetans emigrated as well. A significant number of Tibetans are also migrating overseas on their own.

The low birth rate, decrease in new refugee arrivals and the outbound migration has profoundly affected the community in India and Nepal. School enrolment has dropped from 20,000 plus students in 2012 to 9700 in 2022.²⁶ Over 50 percent of monks and nuns in the monasteries and nuns are from the Himalayan Buddhist belt in India and not Tibetans. The number of residents in the TRS has decreased with most of the younger people having left for Indian cities or gone overseas for better opportunities. The CTA and other Tibetan institutions are faced with the difficult decision of closing several schools and settlements.

TRs, especially the youth, are migrating because they seek a better life abroad. Unemployment in general and underemployment in India and Nepal are major issues. In Nepal, the government's refusal to issue RC and basic documents has made even the most mundane activities like getting a driver's license, opening a bank account, etc. difficult for Tibetans. In the meantime, the Tibetan population in the West has grown (65,000 to 70,000)²⁷, and

²² Graham Allison, 'What Xi Jinping Wants', *The Atlantic*, June 1, 2017, <https://www.theatlantic.com/international/archive/2017/05/what-china-wants/528561/>.

²³ *The Week*, 'Will work to restart the Sino-Tibetan dialogue,' May 2, 2021, <https://www.theweek.in/theweek/more/2021/04/23/will-work-to-restart-the-sino-tibetan-dialogue.html>.

²⁴ The numbers are based on a head count of Tibetan

refugees in India and Nepal undertaken by the CTA in 2021/22.

²⁵ This number of 500 was cited by Sikyong Penpa Tsering at a speech he gave at the Tibetan Children's Village School on October 22, 2022.

²⁶ *Ibid*.

²⁷ Baseline Study of the Tibetan Diaspora Community Outside South Asia, SARD, CTA 2020,

this has opened up opportunities for the CTA to extend its programs and services outside South Asia.

5.3. Reincarnation and Succession of the 14th Dalai Lama

The Tibetan people's devotion and loyalty to the current 14th Dalai Lama is almost absolute. One of the tragic ways in which Tibetans in Tibet have expressed their grievances against Chinese government persecution is through the spate of self-immolations. 159 Tibetans in Tibet have self-immolated since 2009.²⁸ In majority of the cases, their last words as the body is engulfed in flame were "let His Holiness the Dalai Lama return to Tibet!" In the exile refugee community, the Dalai Lama, despite having voluntarily transferred his political and administrative responsibilities to an elected Tibetan leadership in 2011, is still the supreme Tibetan leader and one that all Tibetans look up to for leadership, guidance and protection. Article 1 of The Charter of Tibetans-in-Exile positions him at the apex as the "Protector and symbol of Tibet and Tibetan people."

The Dalai Lama is 87 years old and in relatively good health. However, COVID-19 and his increasingly frail knees have limited his mobility. He has not travelled internationally since the beginning of the pandemic in December 2019 and even his domestic travels within India post-pandemic has been scaled back significantly. People now visit him at his residence in Dharamsala and that is where he continues to conduct most of his public events. With the Dalai Lama's advancing age, there is growing interest on who succeeds him, how, when, whether there will be a 15th Dalai Lama, etc. The Chinese government of course is closely monitoring the issue and many fear that Beijing already has a plan. A significant part of the US government's Tibetan Policy and Support Act of 2020 (TPSA) is devoted to this important issue.²⁹ Other than a written statement published on September 24, 2011,³⁰ where he states that "when I am about ninety, I will consult the high Lamas of the Tibetan Buddhist traditions, the Tibetan public, and other concerned people who follow Tibetan Buddhism, and re-evaluate whether the institution of the Dalai Lama should continue or not. On that basis we will take a decision," the Dalai Lama has not publicly said much on the topic. Instead, he has reassured the Tibetan people that he will live over 100 years.

5.4. Weak Leadership and a Fragile Democracy

A lasting legacy of the 14th Dalai Lama will be his contribution towards democratizing Tibetan polity and community. He began the process soon after arriving in exile. It culminated in his transferring of political and administrative powers and responsibilities to an elected Tibetan leadership composed primarily of the Sikyong and the 45 members of the Tibetan Parliament-in-Exile (TPIE) in 2011. The path to democracy that he has charted has proven difficult for Tibetans to tread. The Tibetan community though small has multiple sectarian fault lines. Every now and then, these fault lines rupture and cause tremors in the community. The retirement of the Dalai Lama has left a deep leadership vacuum that no Tibetan leader has been able to adequately fill. The challenges of a weak leadership and a young democracy is evident in the difficult and fragile relationship between the various pillars of exile Tibetan democracy particularly between the legislature and the judiciary.

The Tibetan Supreme Justice Commission (TSJC), the judicial wing of the CTA, is currently unable to function properly, because this body is unable to fill the vacant Justice Commissioner positions. The nominating committee for the position has had difficulties finding qualified candidates. The TPIE can modify the applicant qualifications. An amendment to lower the qualifications failed both in the September 2022 and March 2023 sessions of the TPIE. The current situation is a fallout from an earlier constitutional crisis when the TPIE impeached the three commissioners in March 2021. The commissioners reinstated themselves after briefly leaving office, but are now viewed as illegitimate by many in the community.³¹

The most positive aspect of the young Tibetan democracy has been the heightened awareness and participation of the community members in the political processes. Now, multiple candidates contest for various elected offices from the Sikyong, the parliament to local community level positions. The April 2021 elections for the Sikyong and MPs "was conducted in 23 countries and witnessed "the highest voter turnout in the history of exile Tibetan democracy."³² 63,991 Tibetans out of the 83,080 registered voted, with 77.02 percent voters turnout and the

https://sardfund.org/wp-content/uploads/Baseline-Study-of-the-Tibetan-Diaspora-Community-Outside-South-Asia-soft-copy_compressed.pdf

²⁸ International Campaign for Tibet, Self-Immolation Fact Sheet, <https://savetibet.org/tibetan-self-immolations/>.

²⁹ Tibetan Policy and Support Act of 2020, <https://savetibet.org/wp-content/uploads/2020/12/TPSA-bill-text-from-consolidated-spending-bill.pdf>.

³⁰ DalaiLama.com, Reincarnation, Dharamsala,

September 24, 2011, <https://www.dalailama.com/the-dalai-lama/biography-and-daily-life/reincarnation>.

³¹ Radio Free Asia, 'Tibetan Exile MPs Sworn in Amid Political Controversy,' June 16, 2021, <https://www.rfa.org/english/news/tibet/political-06162021182036.html>.

³² Tibetan general election 2021: EC declares elected Sikyong and Members of 17th Tibetan Parliament, May 14,

highest ever recorded.

5.5. An Endangered Culture, Language and Identity

Tibetans in Tibet face an existential threat from the Chinese government policy of rapid assimilation. Every aspect of Tibetan culture, religion, language and the pastoral lifestyle of Tibetan nomads, etc., is being systematically stripped away and Tibetans are being forced to integrate into the dominant Chinese culture. The Chinese authorities have co-opted Tibetan Buddhist institutions and practices and are redirecting it to advance the interest of the Party and the state. Teaching of the Tibetan language is being discontinued in schools. Tibetan nomads are forcibly settled in permanent settlements. An entire generation of Tibetan are being taken away from their parents and culture and sent to a vast network of colonial boarding schools, where the curriculum is in Chinese and Tibetan language and culture is not taught.³³

Tibetans in exile and diaspora live in relative freedom. However, a similar erosion of Tibetan culture and identity is happening. In the past, most Tibetans lived as refugees in South Asia and in close physical proximity. They were part of a close network where Tibetan culture and language flourished. Now the small community is scattered like seeds across a vast field and Tibetans face pressure to integrate into their host societies. The younger generation is unable to properly speak and understand Tibetan and are less familiar with Tibet's history and heritage. Tibetan language, a rich and beautiful language, is seeing less usage. One of the Tibetans interviewed for this paper lamented "Sanskrit is also a beautiful language, but very few people speak or use it today. The Tibetan language could suffer the same fate."³⁴

6. Conclusion

The story of the Tibetan refugees which began in 1959 is very inspiring. The community humbly accepted the help they received from their host governments. The TRS lands in India were once swamps or forestland not very suitable for living or farming. However, the community worked and transformed them into the state they are in today. All the major religious and cultural institutions, which were destroyed in Tibet were rebuilt in exile and today these institutions serve as key repositories of Tibetan culture and have educated thousands of people on Tibet and Tibetan culture. Tibetans in Nepal started the carpet industry and it once served as a key source of revenue and employment for the Nepalese government for many years.

The CTA's primary mandate is to educate the world on the repressive policies of the Chinese government and restore freedom in Tibet. Thanks to the leadership of the Dalai Lama, the Tibetan community's commitment to democracy, rule of law and transparency is admirable and could serve as a model for other refugee communities and organizations.

It is fair to say that the Tibetan refugee community's past and present success is no guarantee for the future. The community is in many ways at a crossroads. The combined leadership of the 14th Dalai Lama and the CTA has held it together so far. The Dalai Lama is now retired and less present in the public. The centrality of CTA's role has diminished, as the community becomes more geographically dispersed and less dependent on the CTA. How the community navigates the next ten years is critical. Can the community continue to strengthen its democratic institutions and practices and nurture leadership that will unite and steer the community towards realizing the aspirations of all Tibetans to preserve their culture, identity and restore freedom in Tibet?

7. Recommendations

While there are no easy solutions to some of the issues and challenges raised in this paper, the recommendations offered focus on some key areas that could both help inform the policy makers or the European Union (EU) on possible areas for interventions and collaboration.

Articulate a Clear Stance on the Issue of Succession and Reincarnation of the 14th Dalai Lama: the German government and the EU could adopt a similar policy as articulated by the United States government through the *Tibet Policy and Support Act of 2020* where there is an entire section entitled "Statement of Policy Regarding the Succession or Reincarnation of the Dalai Lama." The policy states that among other things "the wishes of the 14th Dalai Lama, including any written instructions, should play a key role in the selection, education, and veneration of a future 15th Dalai Lama."

The final decision on succession and a possible 15th Dalai Lama rests with the current Dalai Lama and the Tibetan people. However, it is important that foreign governments and others who care about human rights, religious freedom and the plight of the Tibetan people begin formulating and articulating a position in support of the Tibetan community. The intentions of the PRC/CCP are very clear, which is to co-op, control and install their candidate as the 15th Dalai Lama.

2021, <https://tibet.net/tibetan-general-election-2021-ec-declares-elected-sikyong-and-members-of-17th-tibetan-parliament/>.

³³ Tibet Action Institute, 'Separated From Their Families,

Hidden From the Word. China's Vast System of Colonial Boarding Schools Inside Tibet,' December 2021, <https://tibetaction.net/colonial-boarding-school-report/>.

³⁴ Bhuchung D. Sonam, a well-known Tibetan author, in conversation with the author.

Support Tibetan Leadership and Democracy: The Dalai Lama's retirement has left a deep vacuum. While no one can fill the elderly Tibetan spiritual leader's shoes, there is a critical need to support both existing public leaders as well as nurture potential leaders from the younger generation. A tailored leadership development program targeting younger Tibetans in the age group between 20 and 35 years old should be considered. The objectives of such a program would be to prepare the next generation of Tibetan leaders who are civic-minded, intelligent and highly motivated; provide a rich educational and experiential learning program that teaches participants leadership skills and global awareness; and create a network of educated and engaged Tibetan leaders to serve both the Tibetan community and the world at large.

This need for strengthening Tibetan leadership should happen in parallel with supporting Tibetan democracy and democratic institutions. FNF's sponsoring and organizing of a CTA delegation that visited Germany and Brussels in October 2022 was a step in the right direction. There is a need for more of such programming but participants should be pre-selected and representatives from the larger community both in South Asia and overseas should also be included. The TPIE has the potential to be the catalyst for change and propel the CTA and the Tibetan community forward in a positive direction. Additional programs around educating community members on voter education, capacity building of individual MPs, increasing transparency and accountability, improving the efficiency and capacity of the TPIE should be considered.

Connect Tibetans to other Stateless and Refugee Communities and Share Best Practices: The Tibetan story of freedom struggle, commitment to democracy, success in preserving its culture and identity in the face of daunting challenges needs to be shared with a wider audience. The CTA is somewhat isolated and its singular focus on issues related to Tibet has limited interactions with other stateless and refugee communities both in South Asia and globally. Tibetans can share their experience of establishing and operating an exiled administration based in India, running a network of resettlement camps, handling relations with a growing diaspora community, advocating for its cause with foreign governments and the public, etc. In return, it can learn the strategies of other communities and explore possible areas for collaboration.

Invest in Strengthening the Resilience of Tibetan Culture: In February 2022, the CTA opened the new Tibet Museum in Dharamsala. The museum took five years to build and is one of the most important politico-cultural projects successfully completed in the Tibetan exile community in South Asia. Today, the museum is one of the main draws in Dharamsala, attracting thousands of visitors a month and educating many in the process. Many similar and smaller projects could be supported. There is a Tibetan Arts and Culture Fund that the CTA established in 2017. The fund annually awards small grants to support Tibetan artists, researchers and organizations engaged in the preservation and promotion of traditional and contemporary Tibetan arts and culture. The funding from this initiative however is not enough to meet the demands,

as more applicants apply each year. Support for Tibetan arts and artists is one of the most effective ways to ensure the resilience of Tibetan culture.

Support Communities and Organizations Working for a more Free and Open China: China today is more repressive internally and belligerent externally. Rather than the world changing China, it is China that is changing the world and towards a direction where democracy, human rights and political rights are being undermined. Tibetans, Uyghurs, Mongolians, Chinese democracy activists and Hongkongers are well positioned and have the legitimacy to counter the PRC and the CCP's influence projection by speaking up even more strongly for democracy, challenging the PRC narrative that democracy and especially liberal democracy is a western value. This community, which has directly experienced the repressive policies of the Chinese communist government, needs to be supported. Currently many of these communities and organizations operate on their own with minimum of collaboration between them. There is an opportunity and a need to support greater community building and encourage collaboration, as working together will make this community more effective.

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