

MODULE A: Refugees, Internally Displaced Persons (IDPs): Definitions and New Issues in Protection

## Refugees' 'Right to Return'

### Abstract

The refugees by the mere fact of being refugees comprise a fragile population. Compared to the nationals they enjoy limited rights and being in another country definitely has its limitation in various aspects. Despite the ground realities, the refugees are accorded the right to enjoy all the fundamental rights and also the right to return. Right to return is perhaps the most significant and ambitious right that the refugees are supposed to enjoy. Yet this particular right remains a fantasy. Those compelled to seek refuge due to direct political events have the slimmest chances of ever returning to their homeland.

This paper will explore why 'right to return' is an important issue for refugees, with specific examples of the Tibetan refugees and Bhutanese refugees residing in Nepal. While ministerial level talks were held between Nepal and Bhutan to repatriate the Bhutanese refugees, the case of Tibetan refugees in regard to their return is clouded by the growing influence of China in Tibet and the host countries of the Tibetan refugees including Nepal. Since being displaced, both the Tibetan and Bhutanese refugees have not been able to return and the ministerial level talks in regards to repatriation of Bhutanese refugees failed to yield any results. On the contrary the Bhutanese refugees have taken up third country resettlement in the United States, Canada and Europe, while the Tibetan refugees despite very strict measures to prohibit them from leaving Nepal for a third country, a few have attempted to move on to the western countries. Right to return holds more significance for the older generation than the youth. But right to return remains not only elusive but also on the wane.

The paper is based on secondary sources of data mainly books, journal and news articles, reports, and documentary analysis of legal framework. Both qualitative and quantitative data will be utilised.

Amrita Limbu  
Kathmandu  
August 09, 2012