

Legal Standards and Autonomy Options

Sorensen and Phillips

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Legal Standards and Autonomy Options for Minorities in China: **THE TIBETAN CASE**

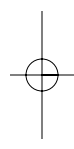
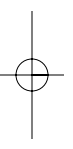
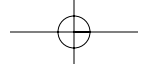
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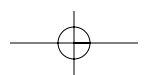
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Foreword

China matters. Whether one considers the country's vast population, economic growth, rich culture and history, or geopolitical significance, China looms large on the international stage. Its international role is bound to continue increasing over time. How China interacts with its own people affects not only those who live within its borders, but can also affect outside perceptions and how others interact with China.

This study of standards and autonomy options presents not only a legal but also a scholarly analysis. At the same time, it is policy relevant in the long-standing tradition of both the Kennedy School of Government and the Belfer Center for Science and International Affairs (BCSIA).

Project Chairman Theodore C. Sorensen and Project Director David L. Phillips have done an important service in pulling together a wide range of experts. The BCSIA review process included top scholars not only from our own Center, but also others from the Kennedy School of Government, Harvard's Faculty of Arts and Sciences, and other top universities.

This study is written as a resource for Chinese legal experts, scholars, and practitioners, as well as Tibetan representatives, who are interested in applying the rule of law to enhance conditions in ethnic Tibetan areas of Western China. Arguably, a comprehensive and fully implemented autonomy arrangement would strengthen China's territorial integrity and, by preserving and promoting Tibetan culture, help bring closure to the Tibetan issue.

We are proud to help contribute to this important discussion.

Graham Allison, Director
Belfer Center for Science and International Affairs

Introduction

Legal Standards and Autonomy Options for Minorities in China: The Tibetan Case is a resource for strengthening minority rights and autonomy arrangements in the ethnic Tibetan areas in China. Rather than attempt to address all 55 of China's minority groups, the report focuses on the Tibet Autonomous Region (TAR) and Tibetans in the provinces of Qinghai, Gansu, Yunnan, and Sichuan. Effective autonomy would enhance, not impair, China's sovereignty and territorial integrity while reinforcing its stated commitment to the rule of law. Autonomy is also the best and most realistic way to preserve Tibetan culture.

Structure

The report does not seek to assess China's human rights practices or every aspect of the treatment of Tibetans in China. Instead, it focuses on China's current laws and identifies possible legal arrangements advantageous to both China and Tibetans. The report is divided into three parts: 1) Minority Rights Legislation in China; 2) International Standards for Minority Rights; and 3) Autonomy Options. Each chapter is organized thematically with information on governance, economic issues, and culture.

- Chapter 1 is an overview of laws and regulations concerning minority rights in China. In addition to national legislation, it focuses on measures adopted in the Tibet Autonomous Region (TAR), and ethnic Tibetan areas in the provinces of Qinghai, Gansu, Yunnan, and Sichuan. To the extent possible, prefectural level laws and regulations have also been reviewed. Variances among the provinces are identified. Gaps between legislative intent and implementation are recognized.
- Chapter 2 describes international minority rights standards by reviewing relevant United Nations and regional instruments and expert opinions. It focuses on treaties and juridical standards concerning equality and nondiscrimination, as well as proactive measures protecting and promoting the unique identity and characteristics of minorities. China's international treaty obligations are included.
- Chapter 3 offers autonomy options. It does not propose a single solution, but identifies different approaches, referencing the implementation of comparable autonomy arrangements in other countries.
- Chapter 4 concludes our discussion of these issues.
- Appendix A is a list of Chinese laws and regulations that were reviewed in the preparation of Chapter 1. A more extensive description of these laws and regulations is also available at www.belfercenter.org.
- Appendix B is a summary of the autonomy arrangements around the world upon which Chapter 3 draws.

As a technical resource, the report does not endorse a single autonomy formula or make specific recommendations. Rather, it highlights China's public commitments and provides information and possible options to help implement them.

Methodology

Information on laws, regulations, rules, and other documents has been collected from publicly available sources, including online databases¹ and published compilations of Chinese laws and regulations.² Research focused on laws, regulations, and rules that are currently in effect in China, as well as other relevant opinions, notices, or reports of government departments or agencies.³ Chinese-language websites that provide Chinese legal information, including in particular the Beijing University School of Law website, were especially useful. Prior to publication, meetings were held the Chinese Center

1. These sources include: www.chinainfobank.com, www.chinalawinfo.com, www.ceilaw.com.cn, and www.law-lib.com. The following terms were searched in Chinese: autonomous prefecture, autonomy, economic rights, education, ethnic, ethnic areas, ethnic minority policy, ethnic minority rights, family, Gansu, labor, language, marriage, minorities, preferential treatment, Qinghai, religion, Sichuan, Tibet Autonomous Region, vocational education, and Yunnan.

2. *Laws and Regulations of the People's Republic of China* compiled by the Legislative Affairs Working Committee of the Standing Committee of the National People's Congress; *China Law Reference Service* (December 1986–present), published by Asia Law and Practice; *Compilation of Selected Regulations on Ethnic Autonomy and Local Autonomy*, compiled by Hu Zhongan, published by the Central Ethnic University Publishing House in May 1995; *Compilation of Local Regulations of Qinghai Province (1980–2002)*, compiled by the Legislative Affairs Working Committee of the Standing Committee of the People's Congress of Qinghai Province, published by the People's Publishing House of Qinghai Province in January 2003; *Compilation of Selected Documents of the State Ethnic Affairs Commission (1985–1995)*, compiled by the General Office and Policy Research Office of the State Ethnic Affairs Commission, published by the China Civil Aviation Publishing House in March 1996; *Compilation of Administrative Regulations and Rules on Religion Throughout China*, compiled by the Policy and Regulation Division of the State Religious Affairs Bureau, published by the Religion and Culture Publishing House in February 2000; *Compilation of Local Regulations of the Tibet Autonomous Region 1991–1994*, compiled by the Legislation Committee of the People's Congress of the Tibet Autonomous Region in January 1995; and *Compilation of Local Regulations of the Tibet Autonomous Region (February 1998–February 2000)*, compiled by the Legislation Committee of the People's Congress of the Tibet Autonomous Region in February 2000.

3. The analysis is thorough but not comprehensive.

for Tibetology Research, the State Ethnic Affairs Commission, the Chinese Academy of Social Sciences, and with scholars at the Central Minorities University, Beijing University, and Qinghua University.

Context

China has experience with autonomy arrangements, going back to Qing decrees in 1791 and 1854, and including the 17-point agreement signed on May 23, 1951, which outlined “Methods for the Peaceful Liberation of Tibet.” While assigning responsibility for security and external affairs to the central government, the agreement also enshrined the right of the Tibetan people to regional ethnic autonomy. Through the agreement, the central government pledged not to “alter the existing political system in Tibet . . . or the established status, functions and powers of the Dalai Lama.” It guaranteed the development of the spoken and written language and school education of the Tibetan nationality.⁴ The 17-point agreement, however, was never implemented; Tibetans rejected the treaty arguing that it was secured under the threat of invasion.

The State Council recently issued a “white paper” on Regional Ethnic Autonomy in Tibet (May 23, 2004). During discussions in Beijing, our Chinese counterparts repeatedly affirmed the commitment of China’s leadership to “improve” the country’s legal system; “perfect” arrangements for ethnic autonomy; and “adapt” measures to local conditions. Today, China has the potential to advance progress further in ethnic Tibetan areas.

History shows that agreements cannot be imposed and that dialogue is necessary to explore mutually acceptable arrangements. We are encouraged by the direct contacts between Chinese officials and Tibetan representatives from Dharamsala. On two trips—from September 9–24, 2002, and May 25–June 8, 2003—Tibetan representatives visited Beijing, Shanghai, and Lhasa. The Tibetans met with Chinese cabinet representatives and officials involved in minority issues. In Tibet, they visited religious sites including the Potala Palace, Jokhang, and other monasteries.

Publicly affirming the benefits of dialogue, a spokesman for the Chinese Ministry of Foreign Affairs said, on June 12, 2003, “This method proves there is contact between the central government and the Dalai Lama. The lines of communication are open.”⁵ The Dalai Lama has issued a clear and unambiguous renunciation of independence for Tibet, emphasizing support for

4. *Sino-Tibetan Agreement, Agreement on Measures for the Peaceful Liberation of Tibet*, Article 4.

5. *The Washington Post*, June 14, 2003, “World in Brief,” p. A20.

“genuine autonomy” consistent with “the one-China line.”⁶ It is to be hoped that such contacts will increase in the spirit of good faith and mutual respect.

Benefits

China has much to gain from more effectively implementing autonomy for Tibetans, as well as other minority groups. By promoting minority rights, Beijing underscores that China is a single, sovereign, multiethnic state with a central government that is serious about maintaining unity among its multiethnic peoples and working to devise effective systems for governing its diverse citizenry. President Hu Jintao affirmed: “It is essential to stick to and improve the system of regional ethnic autonomy.”⁷ Enhanced autonomy for Tibetans could serve as a model for the treatment of other minorities, especially in the Inner Mongolia autonomous region and Xinjiang, where separatist groups are reported to be active.

In recent years, China appears increasingly self-confident about its role in the region and on the international stage. Hong Kong’s return to China marked a new phase in China’s modernization. The Hong Kong Basic Law, which established an executive council, a legislative council, and a judiciary while preserving central government control of foreign affairs and defense, demonstrates that territorial integrity is strengthened through a policy of “One Country Two Systems.”⁸ Just as the return of Hong Kong enhanced China’s self-confidence, progress on minority issues—including those in ethnic Tibetan areas—would also position China to further consolidate its territory.

Stability is an essential condition for economic and social development. Implementing autonomy for Tibetans could facilitate international investment for Western China with benefits to Tibetans, Han, and other residents. Without additional foreign direct investment, China will continue to bear the economic cost of extraordinary expenditures on education, infrastructure, and development in Western China. In addition, the cost of maintaining more security in the region would be a further drain on China’s resources, which could be spent more constructively advancing national security priorities and national prestige projects such as China’s space program.

6. *Associated Press*, June 4, 2003, “Dalai Lama says talks between Tibet, China going well,” Jan M. Olsen.

7. *Hu Jintao at the Rally in Celebration of the 50th Anniversary of the Peaceful Liberation of Tibet (19 July 2001)*, http://fpeng.peopledaily.com.cn/200107/19/eng20010719_75376.html.

8. Difficulties over implementation have recently occurred.

Many countries, including several in the Asia-Pacific region, are looking to China to provide a model for preserving territorial integrity while addressing the concerns of ethnic and minority groups. China's experience has relevance for resolving separatist problems in the Asia-Pacific region, such as Aceh in Indonesia, Mindanao in the Philippines, and Jammu and Kashmir in India. If China succeeds with Tibetans, other states may seek to emulate its approach.

It is clear that China has emerged as a world leader in the twenty-first century. China is, however, still accused in some quarters of human rights violations. In particular, the issue of Tibetan rights is a stigma often raised around the world in parliaments, bilateral meetings, and multilateral conferences. Reflecting international minority-rights standards, a binding, final, and verifiable arrangement enhancing autonomy in China's ethnic Tibetan areas is in the interest of both China and the Tibetan people.

Theodore C. Sorensen
David L. Phillips
August 2004

1. China's Laws on Autonomy and Ethnic Minority Rights

After the revolution of 1949, the Chinese Communist Party developed legal provisions for autonomy, recognizing the advantages of providing minority groups with self-government. China has since added to this body of laws. China's official stance has always been that minorities share equal legal status with the majority Han, and that minorities should exercise autonomous self-government to protect their unique culture. Currently, there are five autonomous regions, over 30 autonomous prefectures, and 120 autonomous counties for China's 55 minority groups.

China is constantly adapting its governance system to meet the challenges of modernization. Reassessment of laws and policies is ongoing as the country's new generation of leaders moves forward with reforms. Through an examination of ethnic minority rights in China, Chinese officials have an opportunity to strengthen positive elements and redress the gaps in law and implementation.

Objective analysis of the existing body of China's laws on ethnic minority rights is an essential starting point for evaluating enhanced autonomy options. The following description of Chinese national, provincial, prefectural, and county laws and regulations, together with the compendium in Appendix A, provides a baseline for considering enhanced autonomy arrangements that strengthen Chinese territorial integrity through the promotion of ethnic minority rights.

Governance

National laws and regulations on self-governance of minorities

Article 4 of the Constitution of the People's Republic of China (PRC) sets forth the fundamental policy of the State with respect to ethnic groups. It indicates that all ethnic groups are equal. The State guarantees the legal rights and interests of all minorities and safeguards and protects the equality, unity, and relationships of all ethnic groups. Article 4 also prohibits discrimination against and oppression of ethnic groups and prohibits activities that destroy the unity of ethnic groups or create ethnic separatism. In accordance with the "special characteristics and needs" of all minorities, the State shall assist minority areas to accelerate the development of their economy and culture. Autonomy is to be implemented in areas where minorities are concentrated. All autonomous areas are an integral part of the People's Republic of China. Each ethnic group has the freedom to use and develop its own oral and written language and to maintain or "reform" its own customs and traditions.

The people's congresses of ethnic autonomous areas have the power to formulate regulations in accordance with the political, economic, and cultural

characteristics of the local minorities. Such regulations are to be submitted to the Standing Committee of the National People's Congress for approval before they become effective. Regulations of autonomous prefectures and autonomous counties are to be submitted to the standing committee of the people's congress of the province or autonomous region for approval before becoming effective and are to be submitted to the Standing Committee of the National People's Congress for the record.⁹ The Standing Committee of the National People's Congress has the authority to abolish any local laws or regulations formulated by state-level agencies in the provinces, autonomous regions, or municipalities directly under the central government that conflict with the Constitution or other laws or administrative regulations.¹⁰

Several other national instruments provide for the equal rights of minorities to self-governance while protecting the unity of the State.¹¹ All minorities are to enjoy the same freedoms of thought, expression, assembly, religion, movement, association, communication, and residence as are enjoyed by the Han people in the same locality.¹² Like the Han majority, minorities are entitled to vote, join groups, pursue any profession, and use their own languages when instituting or defending lawsuits or in any investigation conducted by a procuracy.¹³ The development of a minority's culture and economy are gradually to eradicate inequality,¹⁴ but "reforms" of a minority's

9. *Constitution*, § 116. In contrast, the people's congresses and their standing committees of provinces and municipalities directly under the central government need only submit their local legislation to the Standing Committee of the National People's Congress for the record—*Constitution*, § 100.

10. *Constitution*, § 67(8).

11. *Decision of the State Council Regarding the Guarantee of the Equality of Rights of Minorities Living in Dispersed Communities* (adopted on February 22, 1952, by the 125th Session of the State Council, and issued on August 13, 1952), the *Report of the State Ethnic Affairs Commission* (transmitted on October 12, 1979, by the Central Committee of the Chinese Communist Party and the State Council), and the *Law of the People's Republic of China on the Autonomy of Ethnic Areas* (effective October 1, 1984, adopted at the Second Session of the Sixth National People's Congress and amended on February 28, 2001, by the 20th Session of the Standing Committee of the Ninth National People's Congress).

12. *Decision of the State Council Regarding the Guarantee of the Equality of Rights of Minorities Living in Dispersed Communities* (adopted on February 22, 1952, by the 125th Session of the State Council and issued on August 13, 1952), § 1.

13. *Supra* note 13, § 4; *PRC Autonomy Law*, § 47.

14. *Report of the State Ethnic Affairs Commission* (transmitted on October 12, 1979, by the Central Committee of the Chinese Communist Party and the State Council), Part 2.

customs and traditions cannot be imposed if a majority of the group wishes otherwise.¹⁵ Observance of minority holidays, dietary restrictions, and religious practices must be allowed,¹⁶ and complaints of discrimination are to be handled by the people's governments.

The *Law of the People's Republic of China on the Autonomy of Ethnic Areas* (the *PRC Autonomy Law*) requires that areas where minorities are concentrated are to implement regional autonomy through autonomy agencies at the regional, prefecture, and county levels.¹⁷ Autonomy agencies must place a priority on the interests of the State as a whole, especially the unity of the State, while safeguarding and developing the equality and unity of minorities and the socialist minority relations of mutual assistance.¹⁸ Discrimination against any minority is forbidden.¹⁹

The *PRC Autonomy Law* contains provisions relating to the right of autonomy agencies to establish schools; reduce or waive taxes; establish local commercial banks and credit cooperatives; strengthen culture by developing minority literature, art, news, publishing, films, and television; protect historically significant minority sites and relics; keep and develop "excellent" aspects of minority culture; and establish border trade. Decisions or orders relating to an autonomous area must be "suitable" to circumstances in the area.²⁰ If any "higher level state agency" decision is not appropriate for the actual circumstances of a locality, an autonomy agency may request that such state agency change the decision or request a cessation of its implementation. The state agency is required to respond within 60 days after receipt of the request.²¹ Popular consultations are neither forbidden nor required.

Regional and local laws and regulations on self-governance of minorities

Ethnic Tibetan areas in China include the Tibet Autonomous Region (TAR), six autonomous prefectures in Qinghai province, one autonomous prefecture in Yunnan province, one autonomous prefecture and one autonomous county in Gansu province, and two autonomous prefectures and one autonomous county in Sichuan province.

15. *Supra* note 15, Part 3.

16. *Supra* note 15, Parts 3 and 4.

17. The autonomy agencies are the people's congresses and the people's governments.

18. *Supra* note 13, Part 2 and Part 3; *PRC Autonomy Law*, §§ 5, 7, 9.

19. *PRC Autonomy Law*, § 9.

20. *PRC Autonomy Law*, § 54.

21. *PRC Autonomy Law*, § 20.

TAR regulations²² have been formulated to “standardize” legislation-making activities and improve the procedures for lawmaking. Regulations define the authority of the people’s congress and its standing committee, prescribing proposal-making procedures for local regulations in Lhasa, and identifying which authorities have the power to interpret legislation. Lhasa regulations provide that draft legislation be submitted to the TAR People’s Congress or the Lhasa People’s Congress in both Tibetan and Chinese languages.²³

The autonomy regulations of Tibetan autonomous prefectures in Gansu, Qinghai, and Sichuan Provinces provide for local implementation by the people’s congresses and people’s governments of the *PRC Autonomy Law*. In addition, the prefectural regulations provide for translation agencies to support the use and development of the Tibetan language²⁴ and require Chinese cadres²⁵ to learn Tibetan.²⁶ When studying and using their own language, minority cadres “should” also study Putonghua and the Chinese written language.²⁷

The regulations for the Sichuan prefectures in most cases contain a provision that religion may not be used to “interfere” with marriage.²⁸ Investigators

22. *Regulations of the Tibet Autonomous Region on Legislation* (effective July 1, 2001; adopted by the Fourth Session of the Seventh People’s Congress of the TAR on May 21, 2001).

23. *Regulations on the Formulation of Local Laws by Lhasa Municipality* (effective June 1, 2001; adopted on March 25, 2001, by the Fifth Session of the Seventh People’s Congress of Lhasa Municipality and approved on May 8, 2001, by the 19th Session of the Standing Committee of the Seventh People’s Congress of the TAR), § 47.

24. E.g., *Certain Provisions of Gansu Province on the Implementation of the Law on the Autonomy of Ethnic Areas* (adopted on September 20, 1988, by the Fourth Session of the Standing Committee of the Seventh People’s Congress of Gansu Province [the “*Gansu Autonomy Regulations*”]), § 24; *Autonomy Regulations of Hainan Tibetan Autonomous Prefecture* (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People’s Congress of the Hainan Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People’s Congress of Qinghai Province [the “*Hainan Autonomy Regulations*”]), § 15.

25. A “cadre” is a Party or government official.

26. E.g., *Hainan Autonomy Regulations*, § 56.

27. E.g., *Hainan Autonomy Regulations*, § 56.

28. *Autonomy Regulations of Haibei Tibetan Autonomous Prefecture* (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People’s Congress of the Haibei Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People’s Congress of Qinghai

and judicial staff may not concurrently hold the position of interpreter.²⁹ Regulations call for population planning to promote good health and the improvement of the population.³⁰ The development of minority medicine should be pursued by autonomy agencies or by research agencies established by autonomy agencies.³¹ Generally, the regulations specify that the head of the prefecture government and the chairman or vice chairman of the standing committee of the people's congresses are to be Tibetan, and that leadership positions in the people's courts and people's procuracies are also to include minorities.³² Several regulations also require the suppression of "majority racism," particularly "Han racism" and "regional racism."³³

Province [the "*Haibei Autonomy Regulations*"], § 9; ***Autonomy Regulations of Huangnan Tibetan Autonomous Prefecture*** (effective March 1, 1988; adopted on October 12, 1987, by the Second Session of the Ninth People's Congress of the Huangnan Tibetan Autonomous Prefecture and approved on December 26, 1987, by the 30th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province [the "*Huangnan Autonomy Regulations*"]), § 11; ***Autonomy Regulations of Yushu Tibetan Autonomous Prefecture*** (effective July 25, 1988; adopted on November 19, 1987, by the Third Session of the Seventh People's Congress of the Yushu Tibetan Autonomous Prefecture and approved on April 20, 1988, by the Second Session of the Standing Committee of the Seventh People's Congress of Qinghai Province [the "*Yushu Autonomy Regulations*"]), § 10; ***Autonomy Regulations of Guoluo Tibetan Autonomous Prefecture*** (effective January 1, 1991; adopted on April 16, 1990, by the Sixth Session of the Eighth People's Congress of Guoluo Tibetan Autonomous Prefecture and approved on November 3, 1990, by the 17th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province [the "*Guoluo Autonomy Regulations*"]), § 9; ***Autonomy Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture*** (effective October 1, 1987; approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province and amended on August 28, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province [the "*Haixi Autonomy Regulations*"]), § 5.

29. *Haibei Autonomy Regulations*, § 21; *Huangnan Autonomy Regulations*, § 21.

30. *Haibei Autonomy Regulations*, § 52; *Huangnan Autonomy Regulations*, § 59; *Yushu Autonomy Regulations*, § 54; *Guoluo Autonomy Regulations*, § 54; *Haixi Autonomy Regulations*, § 50.

31. *Haibei Autonomy Regulations*, § 51; *Huangnan Autonomy Regulations*, § 58; *Yushu Autonomy Regulations*, § 53; *Guoluo Autonomy Regulations*, § 53; *Haixi Autonomy Regulations*, § 49.

32. *Haibei Autonomy Regulations*, §§ 11, 13, 20; *Huangnan Autonomy Regulations*, §§ 13, 14, 20; *Yushu Autonomy Regulations*, §§ 11, 12, 19; *Guoluo Autonomy Regulations*, §§ 11, 12, 14; *Haixi Autonomy Regulations*, §§ 12, 14.

33. *Hainan Autonomy Regulations*, § 54; *Haixi Autonomy Regulations*, § 53.

The Guoluo Autonomy Regulations require that at least one-half of the members of the standing committee of its people's congress be Tibetan.³⁴ The Huangnan Autonomy Regulations require the autonomy agencies to adopt measures to gradually change, as determined by the masses, "old concepts and customs" that obstruct progress toward a socialist life. They prohibit anyone from, among other things, using religion to "interfere with" the promotion of technology or to coerce individuals into making contributions to religious institutions.³⁵

National laws and regulations on executive governance

National laws set quotas for minority representation in the National People's Congress.³⁶ Article 65 of the Constitution also provides that the Standing Committee of the National People's Congress is to have an "appropriate" number of minority representatives. To this end, provisions exist 1) clarifying the guidelines and main tasks for selecting minority cadres; 2) strengthening the training and education of minority cadres and further improving their political and professional quality; 3) strengthening the team of minority cadres at the basic levels; 4) strengthening the team of minority specialists and technical cadres; 5) carefully selecting the minority cadres who are to be leaders; and 6) including the training and selection of minority cadres in the agendas of departments in each area.³⁷

Regional and local laws and regulations on local executive governance

*Implementing Measures*³⁸ provides for the composition of residents' committees, which are the most basic autonomy organization of the people. Measures also

34. § 11.

35. §§ 8, 11.

36. A National People's Congress has a term of five years. See *Constitution* § 59; *Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Tenth National People's Congress* (adopted on April 28, 2002, by the 27th Session of the Standing Committee of the Ninth National People's Congress), which is a reiteration of proposals for prior National People's Congress (6th through 9th) for minority representation on the National People's Congress.

37. *Opinion of the State Ethnic Affairs Commission on the Work of Further Training and Selecting Minority Cadres*, effective December 30, 1993, *Zhongzufa* [1993] No. 9.

38. *Implementing Measures of the TAR for the Law of the People's Republic of China on the Organization of Urban Residents Committees* (adopted on December 26, 1993, by the Seventh Session of the Standing Committee of the Sixth TAR People's Congress), and *Detailed Rules for the Implementation of Elections of Representatives of*

relate to the election of representatives of the TAR to the National People's Congress and people's congresses at all levels. Representatives of the TAR on the National People's Congress and the representatives on the people's congresses of the autonomous regions or cities are to be elected by the lower-level people's congresses.³⁹ Voters shall directly elect the representatives on the people's congresses of cities, areas directly under the control of the municipalities, counties, autonomous counties, villages, ethnic villages, and townships.⁴⁰ The standing committees of the people's congresses of autonomous areas or cities are to manage the election of representatives to the people's congresses at their level, and the lower-level administrative subdivisions are to establish election committees to manage the election of representatives to the people's congresses at their levels.⁴¹ The *Election Measures* set forth the number of representatives serving in the various levels of people's congresses in the TAR.⁴² If other minorities live in concentrated areas in the TAR, then they also are to have representatives sitting on the people's congresses in accordance with the national election law.⁴³

The *Election Measures* provide for the creation of electoral districts, voter registration, nomination of candidates, and election procedures. If a person has the right to directly elect a representative, he or she shall exercise his or her vote by presenting either an identification or voting card. If more than half of the electorate votes, then the vote is valid, and a candidate will be considered to be elected if he or she receives a majority of votes.⁴⁴ Where the people's congress at the county level and above elect the representatives to the next level people's congress, the former shall convene a meeting, and a candidate will be considered to be elected if he or she receives a majority of

People's Congresses at All Levels Within the Tibet Autonomous Region (adopted on April 18, 1981, by the 5th Session of the Standing Committee of the Third TAR People's Congress; as amended through the September 28, 1995, by the 16th Session of the Standing Committee of the Sixth TAR People's Congress in accordance with the Decision of the 12th Session of the Standing Committee of the Eight National People's Congress on February 28, 1995, on the Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congresses at All Levels in the Localities [the "*Election Measures*"]).

39. *Election Measures*, § 2.

40. *Election Measures*, § 2.

41. *Election Measures*, § 8.

42. *Election Measures*, § 13.

43. *Election Measures*, § 18.

44. *Election Measures*, §§ 44, 52.

the votes of all of the representatives.⁴⁵ Elections are to be conducted by secret ballot.⁴⁶

The *Election Measures* also provide that all Chinese citizens 18 or older have the right to vote and to be elected to the people's congresses.⁴⁷ All documents used in elections shall be in both Chinese and Tibetan.⁴⁸ It is an offense, among other things, to incite ethnic relations, destroy the unity of the peoples, or instigate the separation of peoples.⁴⁹ Meetings of the people's congress of the TAR must be conducted in both Chinese and Tibetan.⁵⁰

National laws and regulations on police and security

Section 120 of the Constitution provides that the autonomy agencies of ethnic autonomous areas may, upon the approval of the State Council and in accordance with the military system of the State and the needs of the locality, organize public security forces for the local area to safeguard social and public order.

Regional and local laws and regulations on police and security

The TAR and various prefectures in Qinghai Province have adopted regulations to implement the *Decision of the Standing Committee of the National People's Congress on Strengthening the Comprehensive Administration of Social and Public Order*. The regulations set forth a framework to combat crime, specifying the roles of various agencies such as the courts, people's procuracies, public security bureaus, state security agencies, judicial agencies, and the people's armed police, as well as agencies, social groups, and enterprises. The goal is to combat crime by organizing social forces to use political, economic, legal, administrative, cultural, educational, and other measures to attack, prevent, and reduce crime and safeguard social order and stability. The local regulations for the TAR and the Haixi prefecture require the "relevant departments" to "strengthen the management" of religious affairs.⁵¹

45. *Election Measures*, §§ 45, 52.

46. *Election Measures*, § 46.

47. *Election Measures*, § 3.

48. *Election Measures*, § 20.

49. *Election Measures*, § 59(2).

50. *Procedural Rules for the People's Congress of the Tibet Autonomous Region* (adopted on August 7, 1989, by the Second Session of the Fifth TAR People's Congress and amended on January 20, 2002, by the 24th Session of the Standing Committee of the Seventh TAR People's Congress), § 4.

51. *Regulations of the Tibet Autonomous Region on the Comprehensive Administration of Public Security* (effective August 18, 1994; adopted on August 18, 1994, by the

Regional and local laws and regulations on minorities' rights

The *Law of the People's Republic of China on Assemblies, Processions and Demonstrations* and the implementing measures of the TAR⁵² and Lhasa Municipality⁵³ require permits to be issued by the competent authorities before assemblies, processions, and demonstrations may be held. Competent authorities include public security bureaus of the locality, municipality, or county.⁵⁴ No person may use religious or other activities to initiate or organize any assemblies, processions, or demonstrations that endanger the unity of the State or destroy the unity of ethnic groups or social stability.⁵⁵ Activities that oppose the Constitution, harm the State, instigate division among ethnic groups, or endanger public security and order are prohibited.⁵⁶ Citizens may not initiate, organize, or participate in any assembly, procession, or demonstration held in cities outside the place where they reside. Without the approval of the competent authorities, foreign nationals may not participate in any assemblies, processions, or demonstrations organized by citizens in the TAR.⁵⁷

Measures adopted in the TAR are also intended to implement the national legislation for the protection of women, minors, and disabled persons. Guarantees are established to promote the equality and rights of women and the

10th Session of the Standing Committee of the Sixth TAR People's Congress and amended on May 9, 2002, by the 26th Session of the Standing Committee of the Seventh TAR People's Congress), § 14; *Regulations of Haixi Mongolian and Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security* (effective October 1, 1995; adopted on April 25, 1995, by the Sixth Session of the Standing Committee of the Ninth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province and approved on July 29, 1995, by the 19th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province), § 26.

52. *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on Assemblies, Processions and Demonstrations* (adopted on May 15, 1990, by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).

53. *Implementing Measures of Lhasa Municipality for the Law of the People's Republic of China on Assemblies, Processions and Demonstrations* (effective May 15, 1990; adopted on May 5, 1990, by the 17th Session of the Standing Committee of the Fifth People's Congress of Lhasa Municipality and approved on May 15, 1990, by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).

54. *Supra* note 53, § 5; *supra* note 54, § 4.

55. *Supra* note 53, § 4; *supra* note 54, § 5.

56. *Law of the People's Republic of China on Assemblies, Processions and Demonstrations*, Article 12; *supra* note 54, § 12.

57. *Supra* note 53, §§ 13, 23; *supra* note 54, § 25.

disabled and set forth the legal obligations of parents to minors and the obligation of guardians, schools, social organizations, and the judicial system.⁵⁸

Economy

National laws and regulations on economic rights

The PRC Autonomy Law grants autonomy agencies the authority to govern matters that affect the economic conditions of minority areas under their administration. Under the PRC Autonomy Law, autonomy agencies have the authority to determine the use, ownership, and protection of grasslands and forests; manage and protect natural resources; and undertake local infrastructure projects. Autonomy agencies also have the authority to develop foreign economic and trade activities and manage local finances, including contingency funds, taxation, banks, and credit cooperatives.

The PRC Autonomy Law stipulates the following:

- 1) The State shall formulate preferential policies to support the development of foreign economic and trade activities of autonomous areas, expand the foreign trade powers of production enterprises in the autonomous areas, and encourage the export of locally produced products. Autonomous areas may open foreign trade ports with the approval of the State Council. Areas that share a border with foreign countries may, upon the approval of the State Council, develop border trade. Such areas shall enjoy preferential policies of the State with respect to their foreign economic and trade activities.⁵⁹

58. See *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of the Rights and Interests of Women* (adopted on August 18, 1994, by the 10th Session of the Standing Committee of the Sixth TAR People's Congress and amended on March 29, 1997, by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress), *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Minors* (adopted on November 23, 1994, by the 12th Session of the Standing Committee of the Sixth TAR People's Congress, amended on March 29, 1997, by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress, and further amended on November 25, 1999, by the 10th Session of the Standing Committee of the Seventh TAR People's Congress), and *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Disabled Persons* (effective April 1, 1998; adopted on January 9, 1998, by the 28th Session of the Standing Committee of the Sixth TAR People's Congress and amended on July 26, 2002, by the 27th Session of the Standing Committee of the Seventh TAR People's Congress).

59. § 31.

- 2) The State is to formulate preferential policies to attract and encourage the investment of domestic and foreign capital in ethnic autonomous areas. In determining national social and economic development plans, the “higher level state agencies” shall give attention to the special characteristics and needs of ethnic autonomous areas.⁶⁰ In accordance with uniform plans and market demand, the State shall give priority to natural resource development projects and infrastructure projects in ethnic autonomous areas. In major infrastructure projects, the State will “appropriately” increase the proportion of its investment and the ratio of “policy-nature” bank loans. When arranging infrastructure projects in ethnic areas, the State may reduce the amount of matching funds that an ethnic area must provide or exempt them entirely.⁶¹
- 3) “Higher level state agencies” shall support the improvement of conditions for the production for agriculture, animal husbandry, and forestry industries, as well as water, transportation, energy, communications, and other infrastructure.⁶²
- 4) When the State develops natural resources or carries out construction in autonomous regions, the State shall consider the interests of the autonomous area and make arrangements that benefit the economy of the autonomous area, with consideration to the production and lives of local minorities. The State shall take measures to give compensation for natural resources that are transported out of autonomous areas.⁶³
- 5) Autonomy agencies have the authority to manage and protect natural resources in autonomous areas.⁶⁴

The Ministry of Labor has implemented preferential labor policies for minority autonomous areas such as lowering minimum standards for recruitment, giving minorities priority in employment if all other conditions are equal, and giving priority to hiring minorities to fill jobs created by natural attrition. In addition, the ministry has sought to encourage minority students to take entrance exams for vocational training schools and to require vocational schools in minority areas to enroll a “certain percentage” of minority students and “appropriately” modify the admissions score standards.⁶⁵

60. § 55.

61. § 56.

62. § 63.

63. § 65.

64. § 28.

65. *Letter of the General Office of the Ministry of Labor on Giving Special Consideration to Minority Areas in Respect of Labor Matters*, *Laobantinghanzi* (1991) No. 11, April 8, 1991.

The *Provisions on the Management of Subsidies for Minority Areas*⁶⁶ authorize subsidies for minorities in the national budget to meet special expenses of minorities for promoting production, culture, education, medical care, and health.

Regional and local laws and regulations on economic rights

The regional and local autonomy regulations that implement the *PRC Autonomy Law* in the autonomy areas in Qinghai, Sichuan, and Yunnan Provinces (specifically the prefectures of Yushu, Guoluo, Haixi, Ganzi, A Ba, and Qiang, Diqing and Muli County) contain provisions on economic rights that essentially mirror the corresponding provisions in the national *PRC Autonomy Law*. Autonomy agencies have autonomy in arranging and managing the economic development and the finances of the autonomous area. The autonomy agencies are mandated actively to organize the procurement and supply of goods that are specially required by minorities and to give support and consideration in the form of “capital, technology, and the supply of raw materials.”⁶⁷

Regional and local laws and regulations on natural resources

Regulations of the TAR provide for the “rational development” and use of mineral resources.⁶⁸ Entities that develop mineral resources in the TAR are to take into account the interests of the people in the mining area and promote

66. Issued on July 7, 1979, by the State Ethnic Affairs Commission and the Ministry of Finance.

67. E.g., *Autonomy Regulations of Hainan Tibetan Autonomous Prefecture* (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People’s Congress of the Hainan Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People’s Congress of Qinghai Province [the “*Hainan Autonomy Regulations*”]), §§ 30 and 35; *Autonomy Regulations of A Ba Tibetan and Qiang Autonomous Prefecture* (effective July 12, 1986; adopted on May 21, 1986, by the Fourth Session of the Fifth People’s Congress of the A Ba Tibetan Autonomous Prefecture and approved on July 12, 1986, by the 20th Session of the Standing Committee of the Sixth People’s Congress of Sichuan Province; adopted on January 5, 1988, by the First Session of the Sixth People’s Congress of the A Ba Tibetan and Qiang Autonomous Prefecture and approved on March 16, 1988, by the 2nd Session of the Standing Committee of the Seventh People’s Congress of Sichuan Province [the “*A Ba Autonomy Regulations*”]), § 37.

68. *Regulations of the Tibet Autonomous Region on the Management of Mineral Resources* (effective July 1, 1999; adopted on April 1, 1999, by the 6th Session of the Standing Committee of the Seventh TAR People’s Congress and amended on January 20, 2002, by the 24th Session of the Standing Committee of the Seventh TAR People’s Congress), § 3.

economic development and social progress in the area.⁶⁹ All levels of people's governments are to actively encourage and attract mining activities in remote and impoverished areas.⁷⁰ Other regulations protect scenic areas, lakes, rivers, and drinking water sources; control air and noise pollution; and provide other environmental protections.⁷¹

The regulations of Tianzhu County in Gansu Province require that mining programs must implement policies relating to ethnic groups as well as laws relating to workers of an ethnic group and are to respect the minorities' traditions and religion and safeguard and develop the unity of ethnic groups.⁷² Prefecture regulations give priority to the prefecture regarding the rational development and use of natural resources.⁷³ In Gannan prefecture of Gansu Province, a portion of the gold or silver produced may be used by ethnic minorities in the area to make decorative products.⁷⁴

69. *Supra* note 69, § 4.

70. *Supra* note 69, § 5.

71. *Regulations of the Tibet Autonomous Region on the Protection of the Environment* (effective September 1, 2003; adopted on July 24, 2003, by the Fifth Session of the Standing Committee of the Eighth TAR People's Congress).

72. *Regulations of Tianzhu Tibetan Autonomous County of Gansu Province on the Management of Mineral Resources* (effective March 1, 1995; adopted on March 20, 1994, by the Second Session of the Thirteenth People's Congress of Tianzhu Tibetan Autonomous County, approved on January 21, 1995, by the 13th Session of the Standing Committee of the Eighth People's Congress of Gansu Province, and amended on March 26, 1999, by the 9th Session of the Standing Committee of the Ninth People's Congress of Gansu Province), § 4.

73. E.g., A Ba Autonomy Regulations, § 25; *Autonomy Regulations of Ganzi Tibetan Autonomous Prefecture* (effective July 12, 1986; adopted on June 4, 1986, by the Third Session of the Fifth People's Congress of the Ganzi Tibetan Autonomous Prefecture and approved on July 12, 1986, by the 20th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province), § 29; *Autonomy Regulations of Muli Tibetan Autonomous County* (effective March 13, 1992; adopted on March 18, 1990, by the First Session of the Seventh People's Congress of the Muli Tibetan Autonomous County and approved on March 13, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province), § 24.

74. *Regulations of Gannan Tibetan Autonomous Prefecture of Gansu Province on the Management of Mineral Resources* (adopted on March 30, 1999, by the Second Session of the Twelfth People's Congress of Gannan Tibetan Autonomous Prefecture and approved on May 26, 2000, by the 16th Session of the Standing Committee of the Ninth People's Congress of Gansu Province), § 24.

Culture

National laws and regulations on education

Official opinions and notices⁷⁵ direct public institutions to take measures aimed at ensuring an adequate education for minorities. To this end:

- schools may waive or lower tuition and other fees for minority students who have special hardships;
- minority young people with work experience or who have excelled should have priority in admission into colleges and universities;
- preparatory classes at colleges and universities should be available to minorities, and students who successfully complete the one-year preparatory program and who have “a good political outlook” should be admitted to colleges or universities;
- threshold admission scores may be lowered for minority students;
- central government subsidies should be provided for the development of vocational education for minorities;

75. E.g., *Opinion on Strengthening Medical Education in Minority Areas* (effective May 26, 1980, issued by the Ministry of Health, the State Ethnic Affairs Commission and the Ministry of Education), *Opinion on Strengthening the Vocational Skills Education of Minorities and Minority Areas* (effective April 8, 1992, *Jiaozhi* [1992] No. 8, issued by the State Education Commission), *Opinion on the Recruitment of Excellent Minority Youth into Colleges and Universities* (effective October 16, 1992, *Jiaominting* [1992] No. 13, issued by the Office of the State Education Commission), *Opinion on Supporting the Poor Through Education in the 143 Impoverished Minority Counties Throughout the Country* (effective October 19, 1992, *Jiaominting* [1992] No. 12, issued by the Office of the State Education Commission), *Opinion on Strengthening Minority Education in Areas Where Minorities Are Commingled* (effective November 2, 1992, *Jiaominting* [1992] No. 15, issued by the Office of the State Education Commission), *Opinion on Strengthening Minority Preparatory Classes in Ordinary Colleges and Universities* (effective November 17, 1992, *Jiaominting* [1992] No. 17, issued by the Office of the State Education Commission), *Notice on Circulating the Guide on the Development of Electronic Education Systems for Minorities and in Minority Areas* (effective March 9, 1993, *Jiaodian* [1993] No. 2, issued by the State Education Commission and the State Ethnic Affairs Commission), *Notice on Use of Uniform Textbooks for Students in Minority Preparatory Classes* (effective May 12, 1993, *Jiaominting* [1993] No. 10, issued by the Office of the State Education Commission), *Notice on Fulfilling Recruitment Plans for Minority Classes in Universities Directly Administered by the Ministry of Education* (dated May 19, 1999, issued by the Ministry of Education), *Opinion on Accelerating Vocational Education Reform and Development for Minorities and Minority Areas* (effective July 28, 2000, *Minweifa* [2000] No. 199, issued by the State Ethnic Affairs Commission and the Ministry of Education).

- schools for teachers are permitted to have quotas for the admission of minority students from ethnically commingled areas and minority graduates of such schools are to be given priority in assignments to schools for minorities or schools that have a large minority student population;
- medical schools in minority areas must guarantee that an “appropriate” number of minority students are accepted each year such that the ratio of minority students to non-minority students will “eventually” reflect the population ratio in the minority area; and
- medical schools in economically developed provinces should be paired up with those in minority areas—encouraging visiting teachers from minority areas to conduct advanced study and research and sending specialists to minority areas to teach, hold seminars, and train local professionals. For example, Beijing should support Inner Mongolia, Shandong should support Qinghai, Tianjin should support Gansu, Shanghai should support Yunnan and Ningxia, and the entire country should support Tibet. With respect to medical education, special attention is to be given to the development of minority medical studies; Mongolian, Tibetan, and Uighur medical studies shall be performed in Inner Mongolia, Qinghai, and Xinjiang, respectively.⁷⁶

Regional and local laws and regulations on education

The *PRC Autonomy Law* provides that the autonomy agencies have the authority, in accordance with the education policies, laws, and regulations of the State, to determine the education plans of the locality, establishing all types of schools, the school system, the form of classes, the curriculum, the language of instruction, and the method of recruiting students.⁷⁷

Public schools for ethnic minorities shall primarily be boarding schools with special financial assistance targeting schools in minority pastoral areas and mountainous regions where minorities are dispersed and there are economic difficulties. The local financial departments are to “resolve” the funding for establishing schools and for providing financial aid. If they have difficulties, then the higher-level financial departments are to grant subsidies.⁷⁸

Schools and other educational institutes that focus on minority students and have the resources shall use textbooks in minority languages. In addition,

76. *Opinion on Strengthening Medical Education in Minority Areas* (effective May 26, 1980, issued by the Ministry of Health, the State Ethnic Affairs Commission and the Ministry of Education), § 4.

77. § 36.

78. § 37.

the minority language shall be the language of instruction. Chinese classes will be offered, depending on the circumstances in the lower grades of elementary schools or middle schools. Putonghua and standardized Chinese characters will be promoted.⁷⁹ Regional and local laws and regulations that govern education have been formulated to implement the *Law of the People's Republic of China on Compulsory Education*, which requires nine years of compulsory education. Religion may not be advocated in schools, and superstitious thinking may not be propagated.⁸⁰ In the TAR and Gansu, Qinghai, and Sichuan provinces, all children, including minority children, who have reached the age of six or seven are required to enroll in school and receive their compulsory education for a prescribed number of years, which may be less than the nine-year goal depending on circumstances in the locality.⁸¹

79. *Ibid.*

80. E.g., *Measures for the Implementation of the Law of the People's Republic of China on Compulsory Education* (adopted on February 25, 1994, by the 8th Session of the Standing Committee of the Sixth People's Congress of the TAR, and amended on November 23, 2001, by the 23rd Meeting of the Standing Committee of the Seventh People's Congress of the TAR [the "*TAR Education Regulations*"]), § 6; *Measures of Qinghai Province for the Implementation of the PRC Compulsory Education Law* (effective October 1, 1988; adopted on September 2, 1988, by the 4th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province and amended on August 28, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province [the "*Qinghai Education Regulations*"]), § 11.

81. E.g., TAR Education Regulations, § 7; *Measures of Gansu Province for the Implementation of the PRC Compulsory Education Law* (adopted on September 3, 1990, by the 16th Session of the Standing Committee of the Seventh People's Congress of Gansu Province; amended on May 28, 1997, by the 27th Session of the Standing Committee of the Eighth People's Congress of Gansu Province; and further amended on March 30, 2002, by the 27th Session of the Standing Committee of the Ninth People's Congress of Gansu Province), § 8; Qinghai Education Regulations, § 5; *Supplementary Provisions of A Ba Tibetan and Qiang Autonomous Prefecture to Implement the Compulsory Education Regulations of Sichuan Province* (effective April 6, 1998; adopted on December 13, 1997, by the First Session of the Eighth People's Congress of the A Ba Tibetan and Qiang Autonomous Prefecture and approved on April 6, 1998, by the 2nd Session of the Standing Committee of the Ninth People's Congress of Sichuan Province [the "*A Ba Education Regulations*"]), § 3; *Provisions of Ganzi Tibetan Autonomous Prefecture for the Implementing Regulations of Sichuan Province on Compulsory Education* (effective May 28, 1991; adopted on December 21, 1990, by the 11th Session of the Standing Committee of the Sixth People's Congress of Ganzi Tibetan Autonomous Region and approved by the 23rd Session of the Standing Committee of the Seventh People's Congress on May 28, 1991 [the "*Ganzi Education Regulations*"]), § 3.

In the TAR and Gansu, Qinghai, and Sichuan provinces, laws and regulations ensure that minority students receive instruction in both their minority language and Chinese.⁸² In some of these provinces, regulations ensure that students use textbooks in minority languages.⁸³

In the Hainan prefecture of Qinghai, teacher training schools for minorities are to be established for training elementary school teachers. The teaching schools are to strengthen the teaching of the Chinese and Tibetan languages and other subjects so that student elementary teachers can master both Chinese and Tibetan and other required subjects.⁸⁴

No person may carry out religious activities or “advocate” religion to students in elementary or high schools.⁸⁵ Other regulations prohibit school-age children from entering temples and ban religious organizations from recruiting them for religious study.⁸⁶

82. E.g., *Tibet Education Regulations*, § 20; *Gansu Education Regulations*, § 5; *Qinghai Education Regulations*, § 10; *A Ba Qiang Education Regulations*, § 5; *Ganzi Education Regulations*, § 8.

83. E.g., *Minority Education Regulations of the Hainan Tibetan Autonomous Prefecture* (effective October 1, 1994; adopted on March 30, 1994, by the 6th Session of the Standing Committee of the Ninth People’s Congress of the Hainan Tibetan Autonomous Prefecture of Qinghai Province, approved on July 30, 1994, by the 11th Session of the Standing Committee of the Eighth People’s Congress of Qinghai Province; adopted on November 30, 1997, by the Third Session of the Tenth People’s Congress of Hainan Tibetan Autonomous Prefecture and amended and approved on April 3, 1998, by the 1st Session of the Standing Committee of the Ninth People’s Congress of Qinghai Province), § 11.

84. *Minority Education Regulations of the Hainan Tibetan Autonomous Prefecture* (effective October 1, 1994; adopted on March 30, 1994, by the 6th Session of the Standing Committee of the Ninth People’s Congress of the Hainan Tibetan Autonomous Prefecture of Qinghai Province, approved on July 30, 1994, by the 11th Session of the Standing Committee of the Eighth People’s Congress of Qinghai Province; adopted on November 30, 1997, by the Third Session of the Tenth People’s Congress of Hainan Tibetan Autonomous Prefecture and amended and approved on April 3, 1998, by the 1st Session of the Standing Committee of the Ninth People’s Congress of Qinghai Province), § 26.

85. E.g., *TAR Education Regulations*, § 6; *Qinghai Education Regulations*, § 11; *A Ba Education Regulations*, § 6.

86. E.g., *Ganzi Education Regulations*, § 6; *Compulsory Education Regulations of Yushu Tibetan Autonomous Prefecture* (effective November 23, 1994; adopted on May 13, 1994, by the Fifth Session of the Eighth People’s Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province and approved on November 23, 1994, by the 13th Session of the Standing Committee of the Eighth People’s Congress of

National laws and regulations on language

Official notices and national laws provide for the development of minority languages⁸⁷ and indicate that all ethnic groups have the freedom to use and develop their own oral and written languages.⁸⁸ Autonomy agencies of ethnic autonomous areas are to use the local commonly used language or languages in performing their duties in accordance with the stipulations of the autonomy regulations of the ethnic autonomous areas.⁸⁹ Han cadres working in minority areas are required to learn the local minority language, and minority cadres must learn Chinese.⁹⁰ All ethnic groups are encouraged to learn each other's languages.⁹¹ Ethnic groups that do not have their own written language or standard written language are encouraged to choose an existing written language.⁹² Schools with mostly minority students are required to use textbooks in the minority language of the students. While the language of instruction will be the minority language, Chinese language classes are to be offered at the appropriate grade and the use of Putonghua is to be promoted.⁹³ For the medical education of minorities under the *Opinion on Strengthening Medical Education in Minority Areas*,⁹⁴ minority languages may be used provided that the schools have adequate resources.

Qinghai Province), § 13; *Compulsory Education Regulations of the Guoluo Tibetan Autonomous Prefecture* (effective October 1, 1995; adopted by the Sixth Session of the Ninth People's Congress of the Guoluo Tibetan Autonomous Prefecture of Qinghai Province and approved by the 19th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province on July 29, 1995), § 12.

87. E.g., *Report of the State Ethnic Affairs Commission on Further Doing a Good Job in Respect of Minority Languages* (issued on April 30, 1991, by the State Ethnic Affairs Commission and transmitted on June 19, 1991, by the State Council ["SEAC Report"]), *PRC Autonomy Law*. *PRC Autonomy Law*, § 10; *Regulations on the Work on Urban Ethnic Groups* (effective September 15, 1993; approved on August 29, 1993, by the State Council), § 20.

88. *Constitution*, Article 4; *Law of the People's Republic of China on the Commonly Used Oral and Written Language of the State* (effective January 1, 2001; adopted on October 31, 2000, by the 18th Session of the Standing Committee of the Ninth National People's Congress and published on October 31, 2000, by Decree No. 37 of the People's Republic of China), § 8; *PRC Autonomy Law*, § 10.

89. *Constitution*, § 121.

90. E.g., *Hainan Autonomy Regulations*, § 56.

91. *SEAC Report*.

92. *Ibid.*

93. *PRC Autonomy Law*, § 37.

94. Effective May 26, 1980, issued by the Ministry of Health, the State Ethnic Affairs Commission, and the Ministry of Education, § 1.

Departments involved in publishing have been instructed actively to support the requests of ethnic groups with a standardized written language to publish books in those ethnic languages, regardless of the size of the ethnic group. The budget for minority publishing is to be increased on an annual basis, and efforts should be made to increase printing and expand the distribution of minority publications.⁹⁵

Article 134 of the Constitution provides that citizens of all ethnic groups have the right to use their own minority language in conducting litigation. In addition, the people's courts and the people's procuracies are to provide translators for litigants who are not familiar with the locally used language. In hearing cases in areas where minorities are concentrated or where several minorities reside, the locally used language is to be used. Complaints, judgments, notices, and other written documents shall be in the locally used language or languages in accordance with actual needs.

Regional and local laws and regulations on language

Regional and local laws and regulations guarantee the freedom of Tibetan minorities to use and develop their own language.⁹⁶ They also stipulate that the languages of all ethnic groups are equal.⁹⁷ All official seals, forms of identification, and signs of regional and local government agencies, as well as signage for public facilities, advertisements, place names, street signs, and so forth are required to be in the local minority language.⁹⁸ Judicial agencies and

95. *Report of the State Ethnic Affairs Commission and the State Publishing Bureau on Strengthening the Publication of Books in Minority Languages* (transmitted on March 14, 1981, by the State Council).

96. E.g., *Hainan Autonomy Regulations*, § 7; *Haibei Autonomy Regulations*, § 8; *A Ba Autonomy Regulations*, § 6.

97. E.g., *Provisions of the TAR on the Study, Use and Development of the Tibetan Language* (adopted on July 9, 1987, by the Fifth Session of the Fourth TAR People's Congress and amended on May 22, 2002, by the Fifth Session of the Seventh TAR People's Congress [the "*TAR Language Regulations*"]), § 2; *Working Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Tibetan Language* (approved on June 1, 1996, by the 21st Session of the Standing Committee of the Eighth People's Congress of Gansu Province [the "*Gannan Language Regulations*"]), § 2; *Working Regulations of the Hainan Tibetan Autonomous Prefecture on the Tibetan Language* (effective on June 28, 1990, adopted on May 20, 1989, by the Fifth Session of the Eighth People's Congress of the Hainan Tibetan Autonomous Prefecture and approved on June 28, 1990, by the 15th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province [the "*Hainan Language Regulations*"]), § 2.

98. E.g., *TAR Language Regulations*, § 11; *Gannan Language Regulations*, § 14; *Hainan Language Regulations*, § 10; *Working Regulations of the Ganzi Tibetan Autonomous*

courts at all levels are required to use minority languages in hearing or investigating cases and to provide litigants with interpreters.⁹⁹ Minorities also have the right to use their minority language when undertaking “letters to and visits with officials.”¹⁰⁰ Other minority-language protections include laws and regulations providing that individuals who speak both Tibetan and Chinese enjoy preferential treatment with respect to hiring for government positions¹⁰¹ and that Tibetan language broadcasting, television programs, and other media be developed.¹⁰² Election materials may be in minority languages,¹⁰³ and product packaging and product information for goods that are manufactured in the TAR or autonomous prefectures for sale in those areas are to be written in Chinese and Tibetan.¹⁰⁴

Prefecture on the Use of the Tibetan Language (adopted on November 21, 1997, by the Fifth Session of the Seventh People’s Congress of the Ganzi Tibetan Autonomous Prefecture and approved on April 6, 1998, by the 2nd Session of the Standing Committee of the Ninth People’s Congress of Sichuan Province [the “*Ganzi Language Regulations*”]), § 18.

99. E.g., *TAR Language Regulations*, § 5; *Gannan Language Regulations*, § 12; *Hainan Language Regulations*, § 16; *Ganzi Language Regulations*, § 10.

100. The “letters and visits” system is a petition system that allows individuals to make complaints or present grievances to state agencies and officials by writing letters, making phone calls, or visiting such agencies. E.g., *Hainan Language Regulations*, § 17, *Ganzi Language Regulations*, § 11.

101. *TAR Language Regulations*, § 10; *Working Regulations of the Tianzhu Tibetan Autonomous County of Gansu Province on the Tibetan Language* (adopted on January 18, 1999, by the Second Session of the Fourteenth People’s Congress of the Tianzhu Tibetan Autonomous County and approved on March 26, 1999, by the 9th Session of the Standing Committee of the Ninth People’s Congress of Gansu province), § 8.

102. *TAR Language Regulations*, § 9; *Hainan Language Regulations*, § 20; *Ganzi Language Regulations*, § 15.

103. *Ganzi Language Regulations*, § 9; *Working Regulations of the Guoluo Tibetan Autonomous Prefecture on the Tibetan Language* (effective July 17, 1993, adopted on April 24, 1993, by the Fourth Session of the Ninth People’s Congress of Guoluo Tibetan Autonomous Prefecture and approved on July 17, 1993, by the 4th Session of the Standing Committee of the Eighth People’s Congress of Qinghai Province [the “*Guoluo Language Regulations*”]), § 13.

104. *TAR Language Regulations*, § 12; *Gannan Language Regulations*, § 15; *Hainan Language Regulations*, § 11; *Ganzi Language Regulations*, § 18.

National laws and regulations on cultural traditions

Official notices and explanations¹⁰⁵ that govern cultural traditions protect certain traditions, particularly ancient texts as well as the oral and funeral traditions of minority groups. The preservation, collection, and organization of ancient texts of ethnic groups have been deemed a priority by the State Ethnic Affairs Commission, which identifies such texts as part of China's cultural heritage.¹⁰⁶ Relevant departments have been instructed to create the necessary working and living conditions for specialists to organize ancient texts.¹⁰⁷ The provinces, autonomous regions, and municipalities directly under the central authorities are to organize people to collect and save oral traditions.¹⁰⁸ The right of certain minority groups to retain or "reform" their own funeral traditions is also respected. Although subject to certain restrictions for the protection of public health such as the prohibition on moving and the requirement for immediate sterilization and cremation of bodies of persons who have died of the bubonic plague, cholera, or anthrax, no group may be forced to carry out cremations.¹⁰⁹

Regional and local laws and regulations on cultural traditions

Regional and local laws and regulations that govern cultural traditions vary. The development of Tibetan medical undertakings is to be included in the national economic and social development plans, as well as in regional public health plans.¹¹⁰ Public health institutions are required to have Tibetan medical

105. *Notice of the Office of the State Council Transmitting the Request of the State Ethnic Affairs Commission on Saving and Organizing Ancient Minority Books*, April 19, 1984, (the "Ancient Text Notice"); *Explanation Regarding the Provisions of the Funeral Management Regulations of the State Council Relating to Respect of Minority Funeral Traditions* (effective June 10, 1999, issued by the Ministry of Civil Affairs, the State Ethnic Affairs Commission, and the Ministry of Health; *Minshifa* [1999] No. 17[the "Burial Provisions"]).

106. *Ancient Text Notice*, Preamble.

107. *Ancient Text Notice*, Preamble.

108. *Ancient Text Notice*, Section 2(5).

109. *Burial Provisions*, §§ 1, 2, and 3.

110. *Regulations of Qinghai Province on the Development of Chinese, Tibetan and Mongolian Medicine* (effective June 1, 2002; adopted on March 29, 2002, by the 29th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province [the "Qinghai CTM Medicine Regulations"]), § 7; *Regulations of Qinghai Province on the Development of Chinese, Tibetan and Mongolian Drugs* (effective October 1, 2002; adopted on July 29, 2002, by the 31st Session of the Standing Committee of the Ninth People's Congress of Qinghai Province[the "Qinghai CTM Drug

personnel, instruments and equipment, and a Tibetan medical pharmacy.¹¹¹ Some regulations also encourage the development of traditional Tibetan medicine, as well as the protection and management of herb, plant, animal, and mineral resources used in the production of Tibetan medicines.¹¹² The people's governments at all levels in the Gannan prefecture of Gansu Province are required to protect and promote Tibetan and traditional Chinese medicine.¹¹³ Other regulations call for the promotion of Tibetan medical studies, the development of Tibetan medical theory and practice, and the gradual regularization, scientificization, and modernization of Tibetan medical work.¹¹⁴

Regional and local laws and regulations on the family

Regional and local laws and regulations that govern reproduction allow for variations from the national "one couple, one child" policy,¹¹⁵ which is not strictly enforced in minority regions. Although the "one couple, one child" policy is advocated for Tibetans, a second child is permitted, and a third child

Regulations"), § 4; ***Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province Regarding the Development of Tibetan Medicine*** (approved on September 28, 2001, by the 24th Session of the Standing Committee of the Ninth People's Congress of Gansu Province[the "*Gannan Tibetan Medicine Regulations*"]), § 5.

111. *Gannan Tibetan Medicine Regulations*, § 11.

112. *Qinghai CTM Drug Regulations*, § 11; *Gannan Tibetan Medicine Regulations*, § 10; ***Regulations of the Yushu Tibetan Autonomous Prefecture on the Management of Tibetan Medicine*** (effective November 1, 1995, approved on May 14, 1995, by the Sixth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province and adopted on September 22, 1995, by the 20th Session of the Standing Committee of Eighth People's Congress of Qinghai Province), §§ 8, 9.

113. ***Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province Regarding the Development of Tibetan Medicine*** (approved on September 28, 2001, by the 24th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

114. *Qinghai CTM Regulations*, §§ 18, 22, 23; *Gannan Tibetan Medicine Regulations*, § 4.

115. ***Regulations of Gansu Province on Population and Family Planning*** (adopted on November 28, 1989, by the 11th Session of the Standing Committee of the Seventh People's Congress of Gansu Province, amended on September 29, 1997, and further amended on September 27, 2002), § 21; ***Regulations of Qinghai Province on Population and Family Planning*** (effective January 1, 2003; adopted on September 20, 2002, by the 32nd Session of the Standing Committee of the Ninth People's Congress of Qinghai Province), § 13; ***Adapting Provisions of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Implementation of the Regulations of Gansu Province on Family Planning*** (adopted on September 2, 1999, by the 11th Session of

is controlled.¹¹⁶ If both the husband and wife are state cadres, workers, or other non-rural residents, then permission for a second child may be granted if either the husband or wife is Tibetan or the first child has been evaluated as a child with a nonhereditary illness and is unable to participate in the normal labor force.¹¹⁷ With respect to Tibetan people who live in pastoral villages or forested areas, the one-child policy shall be advocated, but second and third children are permitted.¹¹⁸ For the third child, spacing between births is advocated. In the case of state cadres, workers and other non-rural persons, and rural and pastoral residents who wish to have a second child, the period shall be at least three years.¹¹⁹ “Remedial measures” may deal with unplanned pregnancies for couples that already have two children. In areas that permit three children, when a couple already has three children, either the husband or wife must undergo sterilization.¹²⁰

In the TAR, Qinghai, and Sichuan, traditional minority marriage ceremonies are permitted, though polygamy and polyandry have been abolished, and religion may not be used to “interfere” with marriage.¹²¹ Laws and regu-

the Standing Committee of the Ninth People’s Congress of Gansu Province[the “*Gannan Family Planning Regulations*”]; ***Measures of Ganzi Tibetan Autonomous Prefecture on Family Planning*** (adopted on June 24, 1988, by the 27th Session of the Standing Committee of the Fifth People’s Congress of Ganzi Tibetan Autonomous Prefecture and approved on May 8, 1989, by the 9th Session of the Standing Committee of the Seventh People’s Congress of Sichuan Province; amendment adopted on December 18, 1998, by the 35th Session of the Standing Committee of the Seventh People’s Congress of Ganzi Tibetan Autonomous Prefecture and approved on June 1, 1999, by the 9th Session of the Standing Committee of the Ninth People’s Congress of Sichuan Province[“*Ganzi Family Planning Regulations*”]).

116. *Gannan Family Planning Regulations*, § 3.

117. *Gannan Family Planning Regulations*, § 4; *Ganzi Family Planning Regulations*, § 4.

118. *Gannan Family Planning Regulations*, § 5; *Ganzi Family Planning Regulations*, §§ 14, 15.

119. *Gannan Family Planning Regulations*, § 6; *Ganzi Family Planning Regulations*, § 16.

120. *Gannan Family Planning Regulations*, § 9.

121. ***Adapting Regulations of the TAR on the Implementation of the Marriage Law of the People’s Republic of China*** (effective January 1, 1982; adopted on April 18, 1981, by the 5th Session of the Standing Committee of the Third TAR People’s Congress), §§ 2, 3, 4; ***Supplemental Provisions of the Huangnan Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective August 7, 1982; approved on August 7, 1982, by the 19th Session of the Standing Committee of the Fifth People’s Congress of Qinghai Province [the “*Huangnan Marriage Provisions*”]), § 4; ***Supplemental Provisions of the Haibei Tibetan Autonomous Prefecture on the Implementation of the***

lations in certain Tibetan prefectures in Qinghai and Sichuan expressly protect the right of persons of different ethnic groups to marry one another.¹²² Prohibitions exist for arranged marriages and the sale of a person into marriage.¹²³

National laws and regulations on religion

Under a 1952 State Council decision, all minorities are to enjoy, among other things, the same freedom of religion as is enjoyed by Han people in the same locality.¹²⁴ The State Ethnic Affairs Commission requires that the observance of minority holidays, dietary restrictions, and religious practices be allowed.¹²⁵

The *PRC Autonomy Law* requires the autonomy agencies of ethnic autonomy areas to guarantee the freedom of religion of citizens of all ethnic groups. No state agency, social group, or individual may force any citizen to adopt any beliefs or disavow any religious beliefs and may not discriminate against citizens who have religious beliefs and those who do not. The State protects “normal” religious activities. However, no person may use religion to destroy social order, damage the health or well-being of citizens, or interfere with the state education system. In addition, religious groups and institutions may not accept support from “foreign forces.”¹²⁶

PRC Marriage Law (effective July 16, 1983; approved on July 16, 1983, by the 2nd Session of the Standing Committee of the Sixth People’s Congress of Qinghai Province [the “*Haibei Marriage Provisions*”]), § 3; *Supplemental Provisions of the Ganzi Tibetan Autonomous Prefecture of Sichuan Province on the Implementation of the PRC Marriage Law* (effective July 1, 1982; adopted on November 19, 1981, by the Sixth Session of the Fourth People’s Congress of Ganzi Tibetan Autonomous Prefecture and approved on December 26, 1981, by the 13th Session of the Standing Committee of the Fifth People’s Congress of Sichuan Province [the “*Ganzi Marriage Provisions*”]), §§ 3, 7.

122. *Huangnan Marriage Provisions*, § 5; *Haibei Marriage Provisions*, § 4.

123. *Ganzi Marriage Provisions*, § 4, *Supplemental Provisions of A Ba Tibetan and Qiang Autonomous Prefecture on the Implementation of the PRC Marriage Law* (effective January 1, 1984; adopted on March 17, 1983, by the 12th Session of the Standing Committee of the Fourth People’s Congress of the A Ba Tibetan Autonomous Prefecture and approved on July 12, 1983, by the 2nd Session of the Standing Committee of the Sixth People’s Congress of Sichuan Province; amended on July 8, 1988, by the 4th Session of the Standing Committee of the Sixth People’s Congress of A Ba Tibetan and Qiang Autonomous Prefecture and approved on September 26, 1988, by the 5th Session of the Standing Committee of the Seventh People’s Congress of Sichuan Province), § 2; *Hainan Marriage Provisions*, § 3.

124. *Supra* note 13, § 1.

125. *Supra* note 15, Parts 3 and 4.

126. *PRC Autonomy Law*, § 11.

Regional and local laws and regulations on religion

While the government respects and protects the religious freedom of citizens,¹²⁷ all religious activities must be carried out within the scope of the Constitution and in compliance of all laws, regulations, and policies.¹²⁸ All religious groups and places of religious activity and individuals must accept the leadership of the Communist Party of China and the government and support the socialist system.¹²⁹ Religion or places of religious activity may not be used to incite trouble, create havoc, carry out criminal activities such as separatism, destroy the unity of ethnic groups, or disturb social and public order.¹³⁰

The approval of the people's government is required for the rebuilding or opening of all places of religious activity.¹³¹ Registered places will receive legal protection.¹³² Places of religious activity are to be managed by "patriotic religious groups whose members must support the Party and socialism, be patriotic and law abiding, and safeguard the unity of the State and ethnic groups."¹³³

127. *Interim Measures of the TAR on the Administration of Religious Affairs* (effective December 20, 1991; adopted on December 9, 1991, by the Standing Committee of the TAR People's Government [the "*TAR Religion Measures*"]), §1; *Interim Provisions of Gansu Province on the Administration of Religious Affairs* (effective November 16, 1991, adopted by the 21st Session of the Standing Committee of the People's Government of Gansu Province [the "*Gansu Religion Provisions*"]), § 29; *Provisions of Yunnan Province on the Administration of Religious Affairs* (effective January 1, 1998; adopted on December 2, 1997, and issued on December 25, 1997, by the 39th Session of the Standing Committee of the People's Government of Yunnan Province [the "*Yunnan Religion Provisions*"]), §3.

128. *TAR Religion Measures*, § 2; *Provisions of Qinghai Province for the Administration of Places of Religious Activity* (effective October 1, 1992; adopted by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province [the "*Qinghai Religious Places Provisions*"]), §10; *Gansu Religion Provisions*, § 21; *Yunnan Religion Provisions*, § 5.

129. *TAR Religion Measures*, § 3; *Qinghai Religious Places Provisions*, § 12; *Gansu Religion Provisions*, § 29.

130. *TAR Religion Measures*, § 25; *Gansu Religion Provisions*, § 8; *Yunnan Religion Provisions*, § 6.

131. *TAR Religion Measures*, § 4; *Qinghai Religious Places Provisions*, § 3; *Gansu Religion Provisions*, §§ 5, 7; *Yunnan Religion Provisions*, § 15.

132. *TAR Religion Measures*, § 4; *Gansu Religion Provisions*, § 5.

133. *TAR Religion Measures*, §§ 16, 18; *Qinghai Religious Places Provisions*, § 6; *Gansu Religion Provisions*, §§ 6, 33; *Yunnan Religion Provisions*, § 9.

The *Interim Measures of the TAR on the Administration of Religious Affairs* set a quota and application system for monks and nuns.¹³⁴ Those who wish to become monks or nun must, among other things, be patriotic and law abiding.¹³⁵

Propaganda and publishing departments are to control the publication of documents that contain religious content so that they conform with the religious policies of the Party or the State.¹³⁶ Approval from “relevant departments” is required to edit, publish, or distribute religious materials, including video and audio recordings.¹³⁷ In Gansu Province, religious teachers may not proselytize outside places of religious activity.¹³⁸ Moreover, the activities of self-proclaimed preachers are prohibited.¹³⁹

With respect to foreign contacts, places of religious activity are to abide by the principles of independence and autonomy.¹⁴⁰ No foreign donations for proselytizing activities that have “conditions” attached to them may be accepted.¹⁴¹ Major donations from foreign organizations or followers require the approval of the people’s government or the religious affairs bureau of the State Council.¹⁴² Foreign personnel who go to Qinghai may not, “without approval,” broadcast audio or video tapes of sermons by foreign religious persons or distribute religious tracts.¹⁴³

134. § 7.

135. § 8.

136. *TAR Religion Measures*, § 27.

137. *Yunnan Religion Provisions*, § 26; *Gansu Religion Provisions*, § 9.

138. *Gansu Religion Provisions*, § 11.

139. *Gansu Religion Provisions*, § 24.

140. *TAR Religion Measures*, § 19; *Qinghai Religious Places Provisions*, § 19; *Gansu Religion Provisions*, § 38; *Yunnan Religion Provisions*, § 7.

141. *TAR Religion Measures*, § 24; *Yunnan Religion Provisions*, § 29.

142. *TAR Religion Measures*, § 24; *Gansu Religion Provisions*, § 41.

143. *Qinghai Religious Places Provisions*, § 20.

2. MINORITY RIGHTS STANDARDS

Minority rights have a long history under international law, dating back to the Treaty of Westphalia in 1648. International conferences, treaties, and bodies, particularly the League of Nations and the United Nations (UN), have sought to harmonize the rights of sovereign states with the rights of minorities. Over the past fifty years, international law has grown to reflect a broad set of standards for minority rights relevant to all countries.

China has played a significant role in developing minority rights standards. It was a leading proponent of the rights of colonized peoples and helped secure the principle of self-determination under international law. Since then, it has participated in the main UN bodies overseeing minority rights—the Human Rights Commission and the Sub-Commission.¹⁴⁴ China has recognized and committed itself to minority rights through its approval and support for the main UN instruments relating to minority rights, its ratification of relevant treaties, and its internal legislation.¹⁴⁵

Sources

The full array of minority rights has not been aggregated into a single international treaty, but is scattered across various UN and regional instruments as well as national constitutions. From the earliest enumeration of minority rights to the present, the two overriding issues under international law have been (i) equality/nondiscrimination and (ii) protection/promotion of the unique identity of minorities. Equality and non-discrimination have been translated into juridical standards and are part and parcel of all of the major human rights treaties.

Standards relating to minority identity are contingent on the differing circumstances of minority groups and may be derived from the practice of states and emerging international instruments. In particular, those autonomy rights proposed for indigenous peoples, the more advanced European instruments

144. See generally “Human Rights in China,” Information Office of the State Council of the People’s Republic of China, November 1991.

145. See summary of remarks of Chinese representative Li Baodong in Summary Record of the 55th session of the Commission on Human Rights (April 21, 1999), e/CN.4/1999/SR.39; China has ratified or acceded to the *Convention on the Rights of the Child* (April 1, 1992), the *International Convention on the Elimination of All Forms of Racial Discrimination* (January 28, 1982), and the *International Covenant on Economic, Social, and Cultural Rights* (June 27, 2001) and has signed the *International Covenant on Civil and Political Rights* (October 5, 1998).

relating to minority populations, and a growing body of autonomy precedents all provide guidance with respect to the rights of minority groups with historical ties to a specific territory and a history of self-governance.¹⁴⁶

The principles of nondiscrimination and equality are established in the UN Charter and the two major human rights covenants—the International Covenant on Civil and Political Rights (“CCPR”) and the International Covenant on Economic, Social and Cultural Rights (“CESCR”)—and elaborated in the International Convention on the Elimination of all Forms of Racial Discrimination (“CERD”).¹⁴⁷ More specific elaboration of minority rights is rooted in Article 27 of the CCPR, which holds:

In those states in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Article 27 has been interpreted and developed by the reports and general comments of the body charged with the CCPR’s enforcement—the UN Human Rights Committee (“HRC”). General Comment No. 23, issued by the HRC in 1994, elaborates on the content of Article 27, underscoring the affirmative obligations that the article places on state parties:

Although the rights protected under article 27 are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language or religion. Accordingly, positive measures by states may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practice their religion, in community with the other members of the group.¹⁴⁸

The HRC has established a Working Group of the Sub-Committee on Prevention of Discrimination and Protection of Minorities to work in coordination with the CERD to monitor compliance of minority rights.¹⁴⁹ In 1992, the United Nations General Assembly adopted a declaration addressing minority rights directly—the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (“Declaration on Minority Rights”). In

146. See generally, Geoff Gilbert, “Autonomy and Minority Groups: A Right in International Law,” 35 *Cornell Int’l L.J.* 307 (2002); Philip Alston, “Peoples’ Rights: Their Rise and Fall,” in Philip Alston, ed., *Peoples’ Rights* (2001).

147. China has ratified the CESCR and the CERD and has signed the CCPR.

148. HRC, General Comment 23, 1994, (GC#23), para. 3.

149. <http://www.un.org/rights/dpi1774e.htm>.

the absence of a UN treaty devoted to minority rights, the declaration represents a universal baseline standard for minority rights under international law.¹⁵⁰ Standards are also articulated in the *Council of Europe's Framework Convention on the Protection of Minorities and through European Union Partnership Agreements* and accession criteria.¹⁵¹

European states have made additional progress in defining minority rights. The 1990 *Copenhagen Document of the Organization for Security and Cooperation (OSCE)* in Europe (the "Copenhagen Document") represents the most comprehensive international standard in the field of minority rights. The OSCE has designated a High Commissioner for National Minorities to work with member states so that they satisfy criteria in the Copenhagen Document.¹⁵²

Indigenous rights standards offer additional guidance. Of these, the most advanced instruments are *International Labor Organization Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries* ("ILO 169"), which came into force in 1991 and the UN Draft *Declaration on the Rights of Indigenous Peoples*. These instruments provide relevant guidance relating to appropriate levels of local control and suggest that the right of self-determination for certain "peoples" may be best met through autonomy arrangements falling short of secession and not posing a threat to territorial integrity.¹⁵³

International law requires that states take certain measures to effect substantive human rights obligations. With respect to minority rights, states are obligated to

1) recognize minority rights in their national laws and policies;¹⁵⁴

150. The UN Working Group on Minorities has provided an authoritative interpretation of the declaration authored by the Working Group's Chair Asbjorne Eide ("WG Commentary").

151. <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>.

152. <http://www.osce.org/hcnm>.

153. Note that the Tibetan population has been recognized by the United Nations to constitute a "people" with a corresponding right to self-determination through various resolutions adopted by the General Assembly. G.A. Res. 1353 (XIV), UN GAOR, 14th Sess., Supp. No. 16, at 61, UN Doc. A/4354 (1959); G.A. Res. 1723 (XVI), UN GAOR, 16th Sess., Supp. No. 17, Vol. 1 at 66, UN Doc. A/5100 (1961); G.A. Res. 2079 (XX), UN GAOR, 20th Sess., Supp. No. 14, at 3, UN Doc. A/6014 (1965). See also *Situation in Tibet: Note by the Secretary-General submitted pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/10*, UN ESCOR Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, 48th Sess., Agenda Item 12, at 1, UN Doc. E/CN.4/1992/37 (1992).

154. CCPR, Article 2.2, CESCPR, Article 1.2 Minority Rights Declaration.

- 2) adopt legislative and financial measures to ensure the effective implementation of minority rights;¹⁵⁵
- 3) adopt legislative and enforcement measures to ensure that minority rights are not threatened by the state or third parties;¹⁵⁶
- 4) provide effective remedies for violations of minority rights;¹⁵⁷
- 5) undertake regular evaluations, planning, and oversight to ensure accountability and progressive realization of minority rights.

Minority Rights Standards

Governance

Self-Governance

States shall

- Respect the rights of minorities to participate effectively in decisions on the national and regional level concerning the minority to which they belong or the regions in which they live.¹⁵⁸
- Respect the rights of minorities to participate effectively in public life, including through elections, holding public office, and participating in other political and administrative functions.¹⁵⁹
- Respect the rights of minorities to assemble and form associations and political parties and thereby aggregate their interests to make the greatest impact on national and regional decision-making.¹⁶⁰
- Consider the best manner of achieving effective political participation of minorities, including autonomy arrangements.¹⁶¹
- Respect the right of minorities to determine their own political status.¹⁶²
- Give due regard to the legitimate interests of persons belonging to minorities and establish advisory or consultative bodies involving minorities within appropriate institutional frameworks in planning and implementing

155. CERD Article 2.

156. GC #23.

157. CCPR Article 2.3.

158. Declaration on Minority Rights Article 2(3); European Framework, Article 15; Copenhagen Document, Article 31.

159. Declaration on Minority Rights Article 2, GC 23, para. 7; WG Commentary para. 36.

160. Declaration on Minority Rights Article 2, GC 23, para. 7; WG Commentary para. 36.

161. WG Commentary, para. 20.

162. CCPR Article 1.1; CDESCR Article 1.1; Draft Declaration on Indigenous Rights, Article 3; European Framework Article 3.

national policies and programs or international programs of cooperation and assistance.¹⁶³

Judiciary

States shall

- Give due regard to their customs or customary laws, in applying national laws and regulations to certain minority populations.¹⁶⁴
- Respect the rights of certain minority populations to retain their distinctive juridical customs, traditions, and procedures and practices, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognized human rights.¹⁶⁵

Police and Security

States shall

- Respect the rights of minorities to participate effectively in public security and policing functions.¹⁶⁶

International Representation and Agreements

States shall

- Respect the rights of certain minorities to the recognition, observance, and enforcement of treaties, agreements, and other constructive arrangements concluded with states or their successors and to the resolution of conflicts arising out of these by competent international bodies agreed to by all parties concerned.¹⁶⁷
- Respect the rights of minorities to establish and maintain unimpeded contacts among themselves within their country as well as across frontiers with citizens of other states with whom they share a common ethnic or national origin, cultural heritage, or religious belief.¹⁶⁸
- Recognize the rights of minorities to form and join associations and trade unions.¹⁶⁹

163. Declaration on Minority Rights Article 5(1); WG Commentary para. 48; ILO 169, Article 33(2)(a)-(b).

164. ILO 169, Article 8.

165. ILO 169, Article 8(2); Draft Declaration on Indigenous Rights, Article 4.

166. As included in general right to participate in public life and administrative functions, Declaration on Minority Rights Article 2, GC 23, para. 7; WG Commentary, para. 36.

167. Draft Declaration on Indigenous Rights, Article 36.

168. CCPR, Article 22(1); Declaration on Minority Rights Article 2.5, Copenhagen Document, Article 32(4).

169. CCPR, Article 8(1)(b); Draft Declaration on Indigenous Rights, Article 18.

Movement of Peoples

States shall

- Respect the rights of minorities to liberty of movement within the country, the freedom to choose one's residence, and the freedom to leave the country.¹⁷⁰
- Refrain from measures that alter the proportions of the population inhabited by persons belonging to minorities and aim at altering the rights enjoyed by such minorities.¹⁷¹
- Refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.¹⁷²
- Respect the rights of certain minorities not to be relocated, except in exceptional circumstances, without their free and informed consent.¹⁷³

Culture*Education*

States shall

- Recognize the rights of minorities to equal access to education and shall not establish or maintain separate educational systems on the basis of membership in a minority.¹⁷⁴
- Recognize the rights of minorities to organize their own education programs, including the establishment and maintenance of schools.¹⁷⁵
- Take measures in the field of education to encourage knowledge of the history, traditions, language, and culture of minorities.¹⁷⁶

Language

States shall

- Not discriminate against minority groups on the basis of language.¹⁷⁷

170. CCPR, Article 12(1) and 12(2); Universal Declaration of Human Rights, Articles 13(1) and 13(2).

171. European Framework, Article 17.

172. European Framework, Article 5.

173. ILO 169, Article 16(2).

174. Covenant Against Discrimination in Education ("Covenant on Education"), Article 1; CERD, Article 5(e)(v).

175. Covenant on Education, Article 5(1)(b); CESCR, Article 13(3); CCPR, Article 18(3).

176. Declaration on Minority Rights, Article 4(4). Convention on the Rights of the Child, Article 29.1(c).

177. Universal Declaration of Human Rights, Article 2; CCPR Article 2(1).

- Protect the existence and identity of linguistic minorities.¹⁷⁸
- Take measures to encourage knowledge of, and the ability to take instruction in, the language of minorities existing within their territory.¹⁷⁹
- Recognize the rights of minorities to establish and maintain educational systems providing education in their own languages and should, to the extent possible, provide subsidies for such schools.¹⁸⁰
- Adopt measures to inform minority groups of their rights and duties in their own language.¹⁸¹
- Respect the rights of a minority to be informed of any criminal charges and to defend him or herself against such charges in a language that he or she understands and to have the free assistance of an interpreter if necessary.¹⁸²
- Endeavor to display traditional local names, street names, and other topographical indications intended for the public in the minority language in areas traditionally inhabited by substantial numbers of a particular minority.¹⁸³

Religion

States shall

- Not discriminate against minorities on the basis of religion.¹⁸⁴
- Respect the rights of minorities to manifest their religious beliefs and to establish religious institutions, organizations, and associations.¹⁸⁵
- Respect the rights of minorities to establish and maintain contact with individuals and communities in matters of religion at the national and international levels;
- Respect the rights of minorities to make, acquire, and use articles and materials related to religious beliefs.¹⁸⁶

178. Declaration on Minority Rights, Article 1(1).

179. Declaration on Minority Rights, Article 4.3 and 4(4).

180. Declaration on Minority Rights, Article 4.3; WG Commentary, para. 63; Convention Against Discrimination in Education, Article 5(1)(c); Draft Declaration on Indigenous Rights, Article 15.

181. Declaration on Minority Rights.

182. European Framework, Article 10.

183. European Framework, Article 11.

184. CCPR, Article 2(1), 26; CESCR, Article 2; Declaration on Minority Rights, Article 2.1; Universal Declaration of Human Rights, Article 2.

185. CCPR, European Framework, Article 8, Copenhagen Document, Article 33.

186. The Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief, UNG.A. Res. 36/55, UN GAOR, 36th Sess. (1981).

Media

States shall

- Ensure by legislation that minority groups are not discriminated against in their access to the media.¹⁸⁷
- Adopt adequate measures to facilitate access to, and the possibility of creating and using, the media for minorities.¹⁸⁸

Cultural Identity

States shall

- Respect the rights of minorities to determine their cultural identity and to pursue their cultural development freely.¹⁸⁹
- Undertake to promote the conditions necessary for minorities to maintain and develop their culture and to preserve the essential elements of their identity, namely their religion, language, traditions, and cultural heritage.¹⁹⁰
- Undertake initiatives in the field of education in order to encourage knowledge of the culture of minorities existing within their territory.¹⁹¹

Economy*Economic Development*

States shall

- Consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development of their country.¹⁹²

Natural Resources

States shall:

- Consult and ensure the effective participation of minorities with regard to the development of land and natural resources that affect them.¹⁹³

187. European Framework, Article 9.

188. European Framework, Article 9.

189. CCPR, Article 1; CESCR, Article 1; Draft Declaration on Indigenous Rights, Article 3.

190. CESCR, Article 15; Convention on the Elimination of Racial Discrimination, Article 2(2); ILO Convention no. 107, Article 27(2)(a); ILO Convention no. 169, Article 4.1; UN Declaration on the Rights of Minorities, Article 1(1), Article 4.2; Copenhagen Document, Article 33, 35.

191. UN Declaration on the Rights of Minorities, Article 4(4).

192. Declaration on Minority Rights Article 4.5.

193. Declaration on Minority Rights, Article 2.3; WG Commentary, para. 71; ILO, CCPR 27, GC 23#7, ILO Convention No. 169, Article 1(1).

- Respect the rights of certain minorities to own, develop, control, and use the natural resources on those territories that they have traditionally occupied.¹⁹⁴
- Consult with minorities before exploiting mineral and subsurface resources so that minorities benefit from the exploitation of such resources in cases in which the State retains the ownership of mineral or subsurface resources of lands occupied by certain minorities.¹⁹⁵

Property and land management

States shall

- Recognize the rights of ownership and possession of certain minorities over the lands which they have traditionally occupied and shall penalize the unauthorized intrusion on such lands.¹⁹⁶
- Respect the rights of collective ownership and use of land that are established by the customs of certain minority populations.¹⁹⁷

Fulfilling International Standards

Although China has adopted many laws and regulations that reflect international standards, a gap exists between legislative intent and implementation in some instances. In other instances, laws and regulations meeting international standards have simply not been promulgated. Sometimes practices contradict legally defined protections.

Chinese laws and regulations “on the books” have provisions that overlap with the following international standards:

General

PRC laws and regulations hold that China will

- Recognize minority rights in its national laws and policies.¹⁹⁸
- Adopt legislative and financial measures to ensure the effective implementation of minority rights.¹⁹⁹
- Adopt legislative and enforcement measures to ensure that minority rights are not threatened by the state or third parties.²⁰⁰

194. Draft Declaration on Indigenous Rights, Articles 26 and 28.

195. ILO 169, Article 15.2.

196. ILO 169 Articles 17 and 18; CCPR Article 27 and GC#23, para. 3.2.

197. ILO 169 Articles 13 and 17, Draft Declaration on Indigenous Rights, Article 13.

198. CCPR, Article 2.2, CESCER, Article 1.2, Minority Rights Declaration.

199. CERD, Article 2.

200. GC #23.

- Provide effective remedies for violations of minority rights.²⁰¹
- Undertake regular evaluations, planning, and oversight to ensure accountability and progressive realization of minority rights.

Governance

PRC laws and regulations hold that China will

- Respect the rights of minorities to participate effectively in decisions on the national and regional levels concerning the minority to which they belong or the regions in which they live.²⁰²
- Respect the rights of minorities to participate effectively in public life, including through elections, holding public office and participating in other political and administrative functions.²⁰³
- Consider duly the best manner of achieving effective political participation of minorities, including autonomy arrangements.²⁰⁴
- Give due regard to their customs or customary laws in applying national laws and regulations to certain minority populations.²⁰⁵
- Respect the rights of minorities to participate effectively in public security and policing functions.²⁰⁶

Economy

PRC laws and regulations hold that China will

- Respect the rights of certain minorities to own, develop, control, and use the natural resources on those territories that they have traditionally occupied.²⁰⁷
- Consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development of their country.²⁰⁸

201. CCPR, Article 2.3.

202. Declaration on Minority Rights, Article 2(3); European Framework, Article 15; Copenhagen Document, Article 31.

203. Declaration on Minority Rights, Article 2, GC 23, para. 7; WG Commentary, para. 36.

204. WG Commentary, para. 20.

205. ILO 169, Article 8.

206. As included in the general right to participate in public life and administrative functions Declaration on Minority Rights Article 2, GC 23, para. 7; WG Commentary, para. 36.

207. Draft Declaration on Indigenous Rights, Articles 26 and 28.

208. Declaration on Minority Rights, Article 4.5.

- Consult and ensure the effective participation of minorities with regard to the development of land and natural resources that affect them.²⁰⁹
- Recognize the rights of ownership and possession of certain minorities over the lands which they have traditionally occupied and shall penalize the unauthorized intrusion on such lands.²¹⁰

Culture

PRC laws and regulations hold that China will

- Recognize the rights of minorities to equal access to education and shall not establish or maintain separate educational systems on the basis of membership in a minority.²¹¹
- Take measures in the field of education to encourage knowledge of the history, traditions, language, and culture of minorities.²¹²
- Not discriminate against minority groups on the basis of language.²¹³
- States shall protect the existence and identity of linguistic minorities.²¹⁴
- Take measures to encourage knowledge of, and the ability to take instruction in, the language of minorities existing within their territory.²¹⁵
- Adopt measures to inform minority groups of their rights and duties in their own language.²¹⁶
- Respect the rights of a member of a minority to be informed of any criminal charges and to defend him or herself against such charges in a language that he or she understands and to have the free assistance of an interpreter if necessary.²¹⁷
- Endeavor to display traditional local names, street names, and other topographical indications intended for the public in the minority language in areas traditionally inhabited by substantial numbers of a particular minority.²¹⁸

209. Declaration on Minority Rights, Article 2.3; WG Commentary, para. 71; ILO, CCPR 27, GC 23#7, ILO Convention No. 169, Article 1(1).

210. ILO 169, Articles 17 and 18; CCPR, Article 27 and GC#23, para. 3.2.

211. Covenant Against Discrimination in Education (“Covenant on Education”), Article 1; CERD, Article 5(e)(v).

212. Declaration on Minority Rights, Article 4(4). Convention on the Rights of the Child, Article 29.1(c).

213. Universal Declaration of Human Rights, Article 2; CCPR Article 2(1).

214. Declaration on Minority Rights, Article 1(1).

215. Declaration on Minority Rights, Article 4.3 and 4(4).

216. Declaration on Minority Rights.

217. European Framework, Article 10.

218. European Framework, Article 11.

- Not discriminate against members of minorities on the basis of religion.²¹⁹
- Respect the rights of minorities to manifest their religious beliefs and to establish religious institutions, organizations, and associations.²²⁰
- Respect the rights of minorities to make, acquire, and use articles and materials related to religious beliefs.²²¹
- Respect the rights of minorities to freely determine their cultural identity and to freely pursue their cultural development.²²²
- Undertake to promote the conditions necessary for minorities to maintain and develop their culture and to preserve the essential elements of their identity, namely their religion, language, traditions, and cultural heritage.²²³
- Undertake initiatives in the field of education in order to encourage knowledge of the culture of minorities existing within their territory.²²⁴
- Recognize the rights of minorities to establish and maintain educational systems providing education in their own languages and should, to the extent possible, provide subsidies for such schools.²²⁵
- Recognize the rights of minorities to organize their own education programs, including the establishment and maintenance of schools.²²⁶

Bridging the Gap

Despite the fact that China has promulgated laws and regulations in the above areas, multilateral organizations, foreign governments, and nongovernmental

219. CCPR, Article 2(1), 26; CESCR, Article 2; Declaration on Minority Rights, Article 2.1; Universal Declaration of Human Rights, Article 2.

220. CCPR, European Framework, Article 8, Copenhagen Document, Article 33.

221. The Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief, UNG.A. Res. 36/55, UN GAOR, 36th Sess. (1981).

222. CCPR, Article 1; CESCR, Article 1; Draft Declaration on Indigenous Rights, Article 3.

223. CESCR, Article 15; Convention on the Elimination of Racial Discrimination, Article 2(2); ILO Convention no. 107, Article 27(2)(a); ILO Convention no. 169, Article 4.1; UN Declaration on the Rights of Minorities, Article 1(1), Article 4.2; Copenhagen Document, Article 33, 35.

224. UN Declaration on the Rights of Minorities, Article 4(4).

225. Declaration on Minority Rights, Article 4.3; WG Commentary, para. 63; Convention Against Discrimination in Education, Article 5(1)(c); Draft Declaration on Indigenous Rights, Article 15.

226. Covenant on Education, Article 5(1)(b); CESCR, Article 13(3); CCPR, Article 18(3).

organizations have raised concerns about the practice of ethnic minority rights of Tibetans in China. This report does not critique the accuracy of their observations, but it notes that concerns have been raised about:

Basic Freedoms: Arbitrary arrest, detention and abuse while in detention, and lack of due process as well as the imprisonment of Tibetans for expressing their views. Reports also cite restrictions on movement.

Access to Information: The preponderance in the TAR of Chinese language print, television, and radio. Reports also state that leading newspapers are official organs of the Chinese Communist Party censorship of news, radio, and email from outside China.

Economy: Poverty conditions and development patterns with negative effects on the cultural identity of Tibetans. Reports also cite employment discrimination and discrimination in housing linked to China's population transfer policies.

Religion: Control over religious institutions and religious practice including restrictions on monastic activities, recruitment of young monks and nuns, religious manifestations, and pilgrimages to holy sites. Reports also cite systematic attacks on the character and integrity of the Dalai Lama.

Education: Access to education, language policy in education, curriculum content, quality of educational facilities and instruction, and access to education at all levels, especially higher education.

Health Care: Discrepancy between health care for Tibetans and national standards elsewhere in China, as well as excessive health care costs charged to Tibetans and coercive population control policies.

Environment: Policies contributing to deforestation, population displacement resulting from hydroelectric power development, land degradation from mining, and the disposal of nuclear and toxic materials in the TAR.

Shortcomings in implementation of laws on autonomy and ethnic minority rights give rise to the above concerns. Faulty implementation negates the value of legislation and erodes the rule of law. Implementation problems hinder Chinese policy in many areas, not only in autonomy and ethnic minority rights. Problems are due to structural and political reasons. Local cadres and other officials sometimes do not adhere to the directives of the central government. In the TAR, implementation of autonomy arrangements is frustrated because of corruption and power imbalances between the Han and Tibetans. Sometimes minority rights laws are not implemented because China derogates its obligations by granting ethnic minority rights with the caveat that they do not "endanger the unity of the State." Such caveats

are susceptible to broad interpretation, potentially undermining the intent of the law.

Concerns also exist over the unclear mandate of and enforcement measures by jurisdictional bodies such as the Chinese Communist Party, the Public Security Bureau, the provincial governor, and local autonomy agencies.

Legal Gaps

China has not promulgated laws and regulations addressing the following international standards:

Governance

China has not adopted legislation agreeing to

- Respect the rights of minorities to determine their own political status.²²⁷
- Give due regard to the legitimate interests of persons belonging to minorities and establish advisory or consultative bodies involving minorities within appropriate institutional frameworks in planning and implementing national policies and programs or international programs of cooperation and assistance.²²⁸
- Respect the rights of minorities to establish and maintain unimpeded contacts among themselves within their country as well as across frontiers with citizens of other states with whom they share a common ethnic or national origin, cultural heritage, or religious belief.²²⁹
- Recognize the rights of minorities to form and join associations and trade unions.²³⁰
- Respect the rights of minorities to freedom of movement within the country, freedom to choose one's residence, and freedom to leave the country.²³¹

227. CCPR Article 1.1; CESCR Article 1.1; Draft Declaration on Indigenous Rights, Article 3; European Framework, Article 3.

228. Declaration on Minority Rights, Article 5(1); WG Commentary, para. 48; ILO 169, Article 33(2)(a)-(b)).

229. CCPR, Article 22(1); Declaration on Minority Rights, Article 2.5, Copenhagen Document, Article 32(4).

230. CCPR, Article 8(1)(b); Draft Declaration on Indigenous Rights, Article 18.

231. CCPR, Article 12(1) and 12(2); Universal Declaration of Human Rights, Articles 13(1) and 13(2).

Economy

China has not adopted legislation agreeing to

- Respect the rights of collective ownership and use of land that are established by the customs of certain minority populations.²³²

Culture

China has not adopted legislation agreeing to

- Refrain from measures that alter the proportions of minority populations and are aimed at altering their rights.²³³
- Ensure by legislation that minorities are not discriminated against in their access to the media.²³⁴
- Adopt adequate measures to facilitate access to, and the possibility of creating and using, the media for minorities.²³⁵
- Respect the rights of minorities to establish and maintain contact with individuals and communities in matters of religion at the national and international levels.

232. ILO 169, Articles 13 and 17, Draft Declaration on Indigenous Rights, Article 13.

233. European Framework, Article 17.

234. European Framework, Article 9.

235. European Framework, Article 9.

3. Autonomy Options

To promote development, the State mediates between demands for conformity and the benefits of diversity. The overall objective is to achieve a constructive solution harnessing the polity's potential and promoting societal progress. Autonomy enhances stability. A legalistic approach helps resolve conflict and facilitate mutually advantage. Of the myriad power-sharing arrangements—which include trust territories, protectorates, and federal structures—autonomy is preferable for ethnic Tibetan areas in China. Autonomy arrangements preserve the territorial integrity of the State while offering protection from discrimination and promoting the unique characteristics of minorities.

When minorities are unable to secure basic rights through legal means, they may resort to an irrational response involving violence. The State may also resort to repression and violence. Heavy-handed measures run the risk of fomenting opposition and fueling a cycle of violence. Alternatively, the State may respond by trying to assimilate the minority group. This approach rarely works when the group lives in a remote region that is physically isolated from central government control. Under the aegis of development, economic integration and the movement of peoples may accentuate differences and polarize the situation.

State legitimacy rests on the participation of all segments of society in the political, economic, and cultural life of the country. To this end, the State may seek ways of returning power to the local level in order to increase the group's perception of participation in the national political process. Flexible solutions emphasizing compromise and consent help reconcile interests.

This chapter offers options, not solutions. References are provided to countries where autonomy laws and regulations may serve as a model for autonomy arrangements in the fields of governance, economy, and culture.

Governance

As the guardians of autonomy, self-governing institutions give voice to local concerns by institutionalizing representation at the local level and upholding local interests. Self-governing institutions include a local executive, legislature, judiciary, and mechanisms to ensure security such as the local police. Autonomous entities may also have international representation and participate in international agreements.

Local Executive

Chief Executive

- The local executive is independent of the State.²³⁶
- The local executive is supervised by the State.²³⁷
- The local executive is appointed by the State.²³⁸
- The local executive is the chairman of a regional council, whose members are appointed by both the autonomous entity and the State.²³⁹

236. Åland Islands (Finland): See the Åland Islands, where executive power is held by the Executive Council, headed by a prime minister. Basque Country (Spain): See the Basque Country, where executive power is vested in the president of Basque. Catalonia (Spain): See Spain's 1979 *Autonomy Statute of Catalonia*, Article 29, which holds that executive power in Catalonia is held by the president of the Catalan government and with an Executive Council. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 1(2) and 3, which provides that executive power is held by an Executive Council, headed by a prime minister. Micronesia (United States): See Micronesia's 1979 Constitution, Article X Section 1, which provides for a Micronesian president as the executive of the Micronesian government. Navajo (United States): See the Navajo reservation, where the executive power of the reservation is held by the Navajo Tribal Council, headed by a chairman. Puerto Rico (United States): See Puerto Rico's 1952 Constitution, Article IV, Sections 1 and 2, which holds that the head of the executive branch of the Puerto Rico government is the governor.

237. Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 13(2), which provides for a prime minister of the Cook Islands, elected from the Cook Islands' parliament and appointed by the representative of the Queen of England. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 14(1),(2),(4), and (8), which states that Gagauzia's highest official is the governor, elected directly by the people of Gagauzia, who, once elected, is also a member of the government of Moldova, and must report daily to the Moldovan legislature. Jammu and Kashmir (India): See India's 1952 *Ministry of Law and Order No. C O 44*, which states that the head of State in Jammu and Kashmir shall be a governor, appointed by the president of India, on the recommendation of the legislature of Kashmir. Jammu and Kashmir also has a Chief Minister, who is the head of the Council of Ministers, and who advises the governor. The governor is obliged to act on the advice of the Chief Minister.

238. Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 45(1), which states that the executive of Gibraltar is the Queen of England, whose authority is vested in the governor of Gibraltar. Netherlands Antilles (Netherlands): See the Netherlands Antilles, where the executive is the sovereign of Netherlands.

239. Chittagong Hill Tracts (Bangladesh): See the 1997 Peace Accord between India, Bangladesh, and refugee leaders of the Chittagong Hill Tracts, Article C(4), which states that the chairman of the Chittagong Hill Tracts Regional Council assumes the executive position for affairs of the Chittagong Hill Tracts, and members of the

Executive Body

- The separate local executive body exercises all powers separate of the State.²⁴⁰
- The separate local executive body is under the supervision of the State.²⁴¹
- The regional council is appointed by representatives for the autonomous entity and by the State.²⁴²
- No local executive body exists in the autonomous entity.²⁴³

Regional Council are appointed by representatives of the Hill Tracts indigenous people and the Bangladesh government.

240. Åland Islands (Finland): See the Åland Islands, where the Executive Council acts independently of the State government on all matters reserved for the autonomous entity under the *Act on the Autonomy of Åland*. Basque Country (Spain): See Basque Country, where executive power is vested in both the Executive Council and the Basque president. Catalonia (Spain): See Spain's 1979 *Autonomy Statute of Catalonia*, Article 29, which holds that executive power is held by an Executive Council and by the president of the Catalanian government. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 15(1), which provides for an Executive Committee to assist the governor of Gagauzia. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 1(2), which holds that executive power in Greenland shall be held by the Executive Council. Jammu and Kashmir (India): See Jammu and Kashmir, where the local executive body is the Council of Ministers. Micronesia (United States): See Micronesia's 1979 Constitution, Article X, Section 1, which provides for the executive body of the Micronesian government. Navajo (United States): See the Navajo reservation, where the executive power of the reservation is held by the Navajo Tribal Council. Netherlands Antilles (Netherlands): See the Netherlands Antilles, which has a local executive body, the Netherlands Antilles Council of Ministers.

241. Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 22(1), which provides for a Cook Islands Executive Council, made up of the representative of the Queen of England and parliament members, and may only be convened by the Queen's representative or the prime minister.

242. Chittagong Hill Tracts (Bangladesh): See the 1997 Peace Accord between India, Bangladesh, and refugee leaders of the Chittagong Hill Tracts, Article C(1), which states that the Chittagong Hill Tracts Regional Council oversees and coordinates administration, development, and law and order for the Chittagong Hill Tracts. Members of the Regional Council are appointed by representatives of the Hill Tracts indigenous people and the Bangladesh government.

243. Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 46, which provides for a Gibraltar Council, made up of representatives of the United Kingdom.

Composition of the Executive Body

- Members of the executive body must be minorities.
- Members of the executive body must be persons who have lived in the autonomous entity for a specified period.
- Membership of the executive body is subject to quotas.²⁴⁴
- No restrictions exist on membership in the executive body.

Selection of the Executive

- The local executive is elected by the citizens of the autonomous entity.²⁴⁵
- The local executive is selected by the government of the autonomous entity in a process that is independent of the State.²⁴⁶
- The local executive is selected by the local government in a process that is supervised by the State.²⁴⁷
- The local executive is selected by the State.²⁴⁸

244. Chittagong Hill Tracts (Bangladesh): See the 1997 Peace Accord between India, Bangladesh, and refugee leaders of the Chittagong Hill Tracts, Article C(4), which states that 15 out of the 22 members of the Chittagong Hill Tracts Regional Council must be tribal members, and the remaining members must be non-tribals or Bengali settlers.

245. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 14(2), which states that the governor of Gagauzia shall be elected by the people of Gagauzia. Micronesia (United States): See Micronesia's 1979 Constitution, Article VI, which states that elections of federal officials shall be conducted by popular vote. Navajo (United States): See the Navajo reservation, where the Navajo Tribal Council is elected by popular vote. Netherlands Antilles (Netherlands): See the *Charter for the Kingdom of the Netherlands*, Article 46, which holds that locally elected officials in the Netherlands Antilles are elected by residents of the Netherlands Antilles. Puerto Rico (United States): See Puerto Rico's 1952 Constitution of the Commonwealth of Puerto Rico, Article IV, Sections 1 and 2, which holds that the governor shall be directly elected by the people of Puerto Rico.

246. Åland Islands (Finland): See the Åland Islands, where the executive and the executive body are selected from members of the legislature, and then must be accepted by a vote in the legislature. Basque Country (Spain): See Basque Country, where the president of Basque is elected by members of the Basque parliament. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 1(2), which holds that the executive is elected by the legislature.

247. Catalonia (Spain): See Spain's 1979 *Autonomy Statute for Catalonia*, Article 36(1), which states that the president of Catalonia shall be selected from the members of the Catalanian parliament, and formally appointed by the King of Spain.

248. Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 45(1), which states that the executive of Gibraltar is the Queen of England, whose authority is vested in the governor of Gibraltar.

Executive Powers

- The autonomous entity determines the powers of the executive.²⁴⁹
- The executive body presents bills, without interference from the State government.²⁵⁰
- Powers of the executive body are defined by agreement between the autonomous entity and the State government.
- The State determines the powers of the executive.

Governor

- A governor, with limited powers, is appointed by the State with the approval of the autonomous entity.²⁵¹
- A governor, with executive powers, is appointed by the State, subject to consultation with the autonomous entity.²⁵²
- A governor, with executive powers, is appointed by the State.²⁵³
- No governor exists.

249. Catalonia (Spain): See, Spain's 1979 *Autonomy Statute of Catalonia*, Article 37(1), which states that executive powers shall be determined by the Law of Catalonia. Jammu and Kashmir (India): See Jammu and Kashmir, where local executive powers are determined by the local legislative powers.

250. Åland Islands (Finland): See the Åland Islands, where the Åland Islands' Executive Council is responsible for presenting bills to the legislature. Micronesia (United States): See Micronesia, where the executive presents bills to the local legislature, without interference from the United States. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 17(2), which gives the Executive Committee the right to submit legislation to the Gagauz legislature.

251. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 1, which provides that the Queen of Denmark shall appoint a representative, the High Commissioner, to serve as governor of Greenland. The High Commissioner may only participate in local legislative debates following an invitation by the Greenland legislature.

252. Åland Islands (Finland): See Finland's 1991 *Act on the Autonomy of Åland*, Section 52, which holds that the State government shall appoint a governor to the Åland Islands, but may do so only after consulting with the Speaker of the Åland Islands executive. Jammu and Kashmir (India): See India's 1952 *Ministry of Law Order No. C O 44*, which states that the government of India shall appoint a governor on the recommendation of the legislature of Jammu and Kashmir.

253. Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 45(1), which states that the executive of Gibraltar is the Queen of England, whose authority is vested in the governor of Gibraltar.

Legislative

- The local legislative body is independent of the State.²⁵⁴
- The local legislative body is supervised by the State.²⁵⁵
- The local legislative body includes representatives of the State and locally elected representatives.²⁵⁶
- No separate local legislative body exists.²⁵⁷

Selection of local legislature

- The local legislature is elected directly by the persons eligible to vote in the autonomous entity.²⁵⁸

254. Basque Country (Spain): See Spain's 1979 *Statute of Autonomy for Basque Country*, Article 25(1), which states that the legislative power in Basque Country is exercised by the Basque parliament. Catalonia (Spain): See Spain's 1979 *Autonomy Statute for Catalonia*, Article 30(1), which states that legislative authority in Catalonia is vested with the Catalanian parliament. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 7, which provides for a National Assembly, the legislative body of the Gagauz government. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 4, which states that legislative power in Greenland shall be held by a 31-member legislature (the *Landsting*). Jammu and Kashmir (India): See Jammu and Kashmir, which has its own separate legislature. Micronesia (United States): See Micronesia's 1979 Constitution, Article IX Section 1, which states that the legislative body of Micronesia is the Congress of Micronesia. Netherlands Antilles (Netherlands): See the Netherlands Antilles, which has a local parliament (the *Staten*) that handles matters for which it has authority. Puerto Rico (United States): See Puerto Rico's 1952 Constitution of the Commonwealth of Puerto Rico, Article IV, Sections 1 and 2, which provides for a bicameral legislature.

255. Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 27(2), which states that legislative authority for the Cook Islands is located in the Cook Islands' parliament, but all bills must be approved by the representative of the Queen of England before they can become law.

256. Gibraltar (United Kingdom): See the Constitution of Gibraltar, Articles 24 and 25, which states that the legislature of Gibraltar shall consist of the Gibraltar Assembly and the governor, and the Gibraltar Assembly will be made up of representatives of the United Kingdom, appointed by the governor, as well as 15 other members elected by popular vote.

257. Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where all legislative power for the Chittagong Hill Tracts is held by the Bangladesh government.

258. Åland Islands (Finland): See Finland's 1991, *Act on the Autonomy of Åland*, Section 13, which holds that the legislature of the Åland Islands shall be elected by secret ballot, with universal suffrage for persons of the Åland Islands who are over 18 years of age. Basque Country (Spain): See Spain's 1979 *Statute of Autonomy for Basque Country*,

- The local legislature is made up of both elected officials and representatives appointed by the State.²⁵⁹
- The local legislature is made up of representatives appointed by the State.

Legislative Power

- The local legislature is independent of the State.²⁶⁰
- The local legislature is supervised by the State.²⁶¹

Articles 25(1) and 26(1), which states that the Basque Parliament is elected directly by the persons of Basque who are eligible to vote. Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 39(1), which states that the parliament of the Cook Islands shall be elected by the persons of the Cook Islands who are eligible to vote. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 8(1), which holds that members of Gagauzia's legislative body, the National Assembly, shall be elected by the Gagauz people who are eligible to vote. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 2(1), which states that Greenland's local legislature shall be elected directly by the persons of Greenland who are eligible to vote. Micronesia (United States): See Micronesia, where local government officials are elected by direct popular vote by the persons of Micronesia who are eligible to vote. Netherlands Antilles (Netherlands): See the Netherlands Antilles, where members of the local legislative parliament are elected by the persons of Netherlands Antilles who are eligible to vote. Puerto Rico (United States): See Puerto Rico's 1952 Constitution of the Commonwealth of Puerto Rico, Article IV, Sections 1 and 2, which holds that the Puerto Rico legislature shall be directly elected by the persons of Puerto Rico who are eligible to vote.

259. Gibraltar (United Kingdom): See the Constitution of Gibraltar, Articles 24 and 25, which states that the legislature of Gibraltar shall consist of the Gibraltar Assembly and the governor, and the Gibraltar Assembly will be made up of representatives of the United Kingdom, appointed by the governor, and 15 other members elected by popular vote by persons of Gibraltar eligible to vote.

260. Catalonia (Spain): See Spain's 1991 *Autonomy Statute for Catalonia*, Article 30(1), which states that the Catalanian parliament shall exercise the legislative powers assigned to it under the Spanish Constitution and the *Autonomy Statute for Catalonia*. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, 12(2), which states that the Gagauz National Assembly has the power to make laws in five clearly defined areas. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 4 and Schedule, which indicates that the Greenlandic legislature shall have independent legislative authority. Micronesia (United States): See Micronesia, where the local legislature, the Congress of Micronesia, has legislative authority independent from the U.S. government.

261. Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 44(1), which states that all bills passed by the parliament must be approved by the representative of the Queen of England. Gibraltar (United Kingdom): See the Constitution

- The local legislature is independent of the State, and where local legislation conflicts with State legislation, State legislation prevails.²⁶²
- The autonomous entity has no legislative power.²⁶³

Veto power

- The State has veto power over any laws passed by the autonomous entity that exceed its powers.²⁶⁴

Judiciary

- The local judiciary is independent of the State for all matters where jurisdiction is reserved for the autonomous entity.²⁶⁵
- The local judiciary is supervised by the State government.²⁶⁶

of Gibraltar, Article 33, which states that laws passed by the Gibraltar legislature must be approved by the Queen of England or the governor of Gibraltar on the Queen's behalf.

262. Jammu and Kashmir (India): See Jammu and Kashmir, where the Kashmiri legislature may legislate on all issues for the region, but where legislation conflicts with Indian government legislation, the Indian legislation prevails.

263. Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where all legislative power is held by the Bangladesh government.

264. Åland Islands (Finland): See the Åland Islands, where all laws passed by the Åland Islands government that exceed the powers vested with the Åland Islands government by the *Act on the Autonomy of Åland* must be approved by the Finnish President, who has final veto power.

265. Micronesia (United States): See Micronesia's 1979 Constitution, Article XI Section 1, which holds that the Micronesia shall have its own separate judiciary.

266. Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 47(2) and Article 52, which provides for a separate Cook Islands court system, in which the Chief Justice of the High Court and one or more judges in the High Court are appointed by the representative of the Queen of England. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 20(1) and (2), which provides for a separate Gagauz judiciary, in which judges are appointed by the President of Moldova on the recommendation of the Gagauz National Assembly. Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 56, which provides for a separate Gibraltar judiciary, over which the Queen of England has final jurisdiction. Jammu and Kashmir (India): See Jammu and Kashmir, which has a separate judiciary, and the judiciary's high court judges are appointed by the prime minister of India after consultation with the chief minister of Jammu and Kashmir and the chief justice of India. Navajo (United States): See the *Iowa Mut. Ins. Co. v. LaPlante*, 480 U.S. 9 (1987), which affirms that tribal courts shall be used for matters concerning the Navajo nation, and questions concerning tribal members will only be addressed by non-tribal courts after all tribal remedies are exhausted. Puerto Rico (United States): See Puerto Rico's 1952

- The autonomous entity has no separate judiciary, but there are local assessors for minor cases.²⁶⁷
- The autonomous entity has no separate judiciary, but it has some authority over State judicial bodies in the autonomous entity.²⁶⁸
- No separate judiciary exists.²⁶⁹

Administration of Justice

- Administration of justice is the responsibility of the autonomous entity.²⁷⁰
- Administration of justice in the autonomous entity accords with laws of the State government.²⁷¹

Constitution of the Commonwealth of Puerto Rico, Article V, Sections 1 and 2, which provides for a separate judicial system for Puerto Rico, where the Supreme Court of Puerto Rico is the court of last resort. Decisions by the Puerto Rican Supreme Court, however, may be reviewed by the U. S. Supreme Court.

267. Greenland (Denmark): See Greenland, where there is no separate judiciary, but there are 18 court districts overseen by local assessors, handling civil and criminal cases.

268. Basque Country (Spain): See the Basque Country, where the territory has no separate judiciary and the islands are covered under the Spanish judicial system, but the Basque government participates in the appointments of judges for Basque Country courts. Under the *Statute of Autonomy of the Basque country*, Article 34(1), a special High Court, under the authority of the Spanish government, is the supreme court exclusively for Basque Country issues. Netherlands Antilles (Netherlands): See the Netherlands Antilles, where the justices of the Joint High Courts of the Netherlands Antilles are appointed by the Netherlander government, with the consent of the governments of the Netherlands Antilles.

269. Åland Islands (Finland): See the Åland Islands, which is under the Finnish judicial system.

270. Basque Country (Spain): See Basque Country, where the Basque government administers justice. Cook Islands (New Zealand): See the Cook Islands, which has responsibility for the administration of justice. Micronesia (United States): See Micronesia, where the authority is vested with the Micronesian government. Navajo (United States): See the Navajo, where tribal courts are responsible in the Navajo reservation.

271. Åland Islands (Finland): See the Åland Islands, where the administration of justice is handled in accordance with the laws of Finland. Netherlands Antilles (Netherlands): See the *Charter for the Kingdom of the Netherlands*, Article 39(1), which holds that the administration of justice in Netherlands Antilles must be regulated as close as possible to that of the Netherlands.

- Administration of justice is the shared responsibility of the autonomous entity and the State.
- Administration of justice is the sole responsibility of the State government.²⁷²

Public Security

- The autonomous entity is responsible for public security and safety.²⁷³
- The autonomous entity and the State share responsibility for public security and safety.²⁷⁴
- The State is responsible for public security and safety.²⁷⁵
- The autonomous entity has legislative authority for public security and safety.²⁷⁶

272. Greenland (Denmark): See Greenland, where the administration of justice is the responsibility of Denmark.

273. Åland Islands (Finland): See the Åland Islands, which has responsibility for their own public security and safety. Basque Country (Spain); See Spain's 1979 *Statute of Autonomy for Basque Country*, Article 25(1), which states that internal police forces are administered by the Basque government. Chittagong Hill Tracts (Bangladesh): See the 1997 Peace Accord, Article C(9)(a) and (c), which states that the Chittagong Hill Tracts Regional Council has authority over law and order. Cook Islands (New Zealand): See the Cook Islands, where the Cook Islands government maintains law and order on the Islands. Jammu and Kashmir (India): See India's Constitution, State List, which holds that the police force in Jammu and Kashmir is controlled by the Kashmiri government. Micronesia (United States): See Micronesia's 1979 Constitution, Article IX Section 2, which states that the government of Micronesia has authority over policing and security for Micronesia. Navajo (United States): See Navajo, which maintains its own police force for law and order on the reservation. Netherlands Antilles (Netherlands): See the Netherlands Antilles, which has its own police force. Puerto Rico (United States): See Puerto Rico, which has its own police force and national guard.

274. Catalonia (Spain): See Catalonia, where the Catalan government is provided the right to create its own police force, but the Spanish government oversees the recruitment and training of this force, and a State security force has responsibility for nationwide investigations including those within Catalonia. Greenland (Denmark): See Greenland, where the police force is composed of Danes and Greenlanders, and formal responsibility for policing is given to the Danish government.

275. Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 73(1)(a), which states that the governor of Gibraltar shall have responsibility for appointing a police commissioner.

276. Åland Islands (Finland): See Finland's 1991 *Act on the Autonomy of Åland*, Section 18(6), which states that the Åland Islands shall have legislative control over all matters of public order and security. Micronesia (United States): See Micronesia's 1979 Constitution, Article IX, Section 2, which holds that the Micronesian Congress has the power to define national crimes and prescribe penalties.

- The State has legislative authority for public security and safety.²⁷⁷

Participation in International Organizations

- The autonomous entity may seek membership in international organizations.²⁷⁸
- The autonomous entity may have representatives only in certain international organizations.²⁷⁹
- The autonomous entity is not allowed to be a member of any international organizations.²⁸⁰
- The autonomous entity has its own relations with international organizations, absent laws regulating this right.²⁸¹

277. Jammu and Kashmir (India): See India's Constitution, Concurrent List, which holds that procedure for law and order is under the jurisdiction of the Indian government.

278. Cook Islands (New Zealand): See the Cook Islands, which is a member to multiple international organizations. Micronesia (United States): See Micronesia, which has chosen to be a member of numerous international organizations, including the United Nations. The United States has agreed to support any application for membership submitted by Micronesia to any international organization.

279. Åland Islands (Finland): See the Åland Islands, which has representation in the Nordic Council. Gibraltar (United Kingdom): See Gibraltar, which is a member of the European Community and the sub-bureau of Interpol, but for all other international organizations it is represented through the United Kingdom.

280. Basque Country (Spain): See Basque Country, where the Spanish government has exclusive control over all international relations, including membership in international organizations. Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, which has no authority to join international organizations. Gagauzia (Moldova): See Gagauzia, which has no authority to join international organizations. Jammu and Kashmir (India): See Jammu and Kashmir, which has no authority to join international organizations. Navajo (United States): See the Navajo, which has no authority to participate in international organizations.

281. Catalonia (Spain): See Catalonia, which has direct relations with the European Community and the United Nations Educational, Scientific and Cultural Organization (UNESCO), even though the Spanish Constitution reserves authority for all foreign affairs to the Spanish government. Netherlands Antilles (Netherlands): See Netherlands Antilles, which participates in international organizations, though the Netherlands has authority over foreign affairs. Puerto Rico (United States): See Puerto Rico, which has relationships with a number of international organizations, although the U.S. government has authority over Puerto Rico's foreign policy, and no laws exist that give the island this right.

Movements of Peoples

- The autonomous entity has authority over movement of persons to and from the autonomous entity.²⁸²
- The autonomous entity and the State share authority over movement of persons.
- The State government has authority over movement of persons.

ECONOMY

Economic activities provide the resources necessary for the public well-being and support the autonomous entity's functioning. Control over economic affairs may be handled by the State government, provided to the government of the autonomous entity, or jointly undertaken. The development of natural resources, taxes and revenue, trade, employment, and ownership of land are the foundations of an economy. Varying degrees of control dictate the level of autonomy.

See Appendix B, "Global Autonomy Models."

Natural Resources

Development of natural resources

- The autonomous entity has authority over all its natural resources.²⁸³
- The autonomous entity has authority over specific natural resources.²⁸⁴

282. Jammu and Kashmir (India): See Jammu and Kashmir, where the Kashmiri government has authority to control movement of peoples to and from other parts of India into Jammu and Kashmir. Micronesia (United States): See the *Compact of Free Association*. August 24, 1989, U.S. Fed-St of Micronesia T.I.A.S., No. 11,660, Article V, Section 251, which states that Micronesia shall have control over all immigration and emigration issues concerning Micronesia. Navajo (United States): See the Navajo, which has the right to control entry into and residence within the reservation. See also the Navajo Trib. Code Tit. 17, Ch. 5, Subch. 5 (Supp.1984–85), which holds that the right to exclude non-Navajos is part of the sovereignty of the Navajo nation.

283. Cook Islands (New Zealand): See the Cook Islands, which have exclusive right over management of its natural resources. Navajo (United States): See the Navajo, which has authority over its natural resources. Netherlands Antilles (Netherlands): See the Netherlands Antilles, which has control over its natural resources. Puerto Rico (United States): See Puerto Rico, which has control over its natural resources.

284. Basque Country (Spain): See the Spanish Constitution, Article 10(8–11), which states that Basque Country shall have authority over woodland and forestry, livestock, agriculture, fishing, shellfish, hunting, hydraulic projects, canals, and irrigation within Basque Country. Catalonia (Spain): See Spain's *Autonomy Statute for Catalonia*, Article 9(9, 10, and 17), which holds that Catalonia has authority over territorial and coastal planning, woodlands, forestry resources, livestock, protected nature areas, mountain zones, fishing, shellfish, aquaculture, and hunting.

- The autonomous entity has authority over specific natural resources and shares rights over other resources with the State.²⁸⁵
- The development of natural resources requires an agreement between the autonomous entity and the State.²⁸⁶
- The autonomous entity and the State have joint authority over natural resources.²⁸⁷
- The State has authority over natural resources.²⁸⁸

Taxes and Revenue

Tax collection

- The autonomous entity may levy taxes, and the State does not levy any additional taxes.²⁸⁹

285. Åland Islands (Finland): See Finland's *Act on the Autonomy of Finland*, Section 18(17 and 19), 19 and 27(17), which hold that the Åland Islands government has authority over agricultural production, farming, forestry, hunting and fishing, farmlands, forests, and fishing waters, and the Åland Islands government and the Finnish government share authority over mineral finds and mining.

286. Greenland (Denmark): See Denmark's 1978 Greenland Home Rule Act, Section 8(1), which holds that Greenland has fundamental rights to its natural resources, and any development of natural resources must be agreed upon by the Greenlandic and the Danish governments. Additionally, a joint committee of representatives from the Greenlandic government and the Danish government advise on issues regarding natural resources.

287. Jammu and Kashmir (India): See India's Constitution, Union List and State List, which state that the management of natural resources in Jammu and Kashmir shall be the joint responsibility of the Kashmiri government and the Indian government.

288. Faroe Islands (Denmark): See the Faroe Islands, where the Danish government has control over the Faroe Islands' natural resources.

289. Basque Country (Spain): See Basque Country, which has the authority to levy all taxes. Puerto Rico (United States): See the Constitution of the Commonwealth of Puerto Rico, Article VI, Sections 2 and 3, which hold that Puerto Rico has the right to levy its own taxes. Puerto Ricans are not subject to U.S. federal taxes. Micronesia (United States): See the Federated States of Micronesia Constitution, Article VIII, Section 3, which holds that Micronesia may impose income taxes. See also the *Compact of Free Association*, Aug. 24, 1989, U.S.-Fed. St. of Micronesia, T.I.A.S., No. 11,660, Article V, Section 252, which holds that Micronesian citizens are exempt from U.S. taxes. Cook Islands (New Zealand): See the Cook Islands, which levies its own taxes. Netherlands Antilles (Netherlands): See the Netherlands Antilles, which levies taxes, and the Netherlands does not levy any additional taxes.

- The autonomous entity may levy taxes, and the State levies additional taxes.²⁹⁰
- The autonomous entity has authority to levy specific taxes.²⁹¹
- The autonomous entity may levy certain taxes, subject to the laws of the State.²⁹²
- The autonomous entity has limited authority to levy taxes, and certain revenues from taxes levied by the State are returned to the autonomous entity.²⁹³
- The State has authority to levy specific taxes, and the autonomous entity levies all other taxes.²⁹⁴
- The autonomous entity levies certain taxes, and the State levies additional taxes. Additionally, the autonomous entity receives grants, loans, and subsidies from the central government.²⁹⁵

290. Faroe Islands (Denmark): See Denmark's 1978 *Home Rule Act*, Section 6, which states that the Faroese government administers taxes, and the Danish government levies additional taxes. Greenland (Denmark): See Denmark's 1978 *Greenland Home Rule Act*, which states that the Greenlandic government levies taxes and that the Danish government levies additional taxes.

291. Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, which has authority to impose taxes and fees for registration fees for non-mechanical transport, the purchase and sale of goods, holdings from land and buildings, the sale of domestic animals, fees for cases of social justice, holding tax on governmental and nongovernmental industry, royalties from forest resources, supplementary taxes from entertainment, royalties from the exploration and extractions of mineral resources, taxes on business, taxes on the lottery, and taxes on fishing.

292. Catalonia (Spain): See the Spanish Constitution, Article 133(1–2), which holds that while the Spanish government has the original power to levy taxes, autonomous entities such as Catalonia shall have the right to levy certain taxes in accordance with the Constitution. Additionally, the 1980 *Organic Law of the Financing of the Autonomous Communities* provides a mechanism for the autonomous entities of Spain to coordinate their tax policy with the Spanish government.

293. South Tyrol (Italy): See South Tyrol, which has limited authority over taxes, and revenues from taxes levied by the Italian government are automatically applied to South Tyrol in accordance with the *Autonomy Statute*.

294. Jammu and Kashmir (India): See India's Constitution, Union List, which specifies the areas where India may levy taxes for Jammu and Kashmir, and Jammu and Kashmir shall have authority to levy all other taxes.

295. Åland Islands (Finland): See Finland's *Act on the Autonomy of Finland*, Sections 45–51 and 18(5), which holds that the Åland Islands may levy taxes on income, trade, entertainment, and municipal taxes. The Finnish government also levies additional taxes and provides the islands with special grants and subsidies.

- The autonomous entity levies taxes, and the State government imposes taxes on the autonomous entity, the collection of which is delegated to the autonomous entity.²⁹⁶
- The autonomous entity has no right to levy tax.²⁹⁷

Customs

- The autonomous entity has authority over customs.²⁹⁸
- The State controls customs and must inform the autonomous entity of legislation which affects customs matters of the autonomous entity.²⁹⁹
- The autonomous entity and the State have joint control over customs.³⁰⁰
- The autonomous entity has no explicit authority over customs.³⁰¹

Trade

Foreign Trade

- The autonomous entity has authority over all matters concerning its foreign trade.³⁰²

296. This model was practiced by Ethiopia for the then-autonomous region of Eritrea (Eritrea became independent in 1994). The regime was established by a 1950 General Assembly of the United Nations resolution (General Assembly Resolution 390A (V)).

297. Northern Ireland (United Kingdom): See Northern Ireland, which has no right to levy taxes; all taxes are levied by the United Kingdom.

298. Cook Islands (New Zealand): See the Cook Islands, which has authority over customs. Micronesia (United States): See Micronesia, which has authority over customs.

299. Basque Country (Spain): See Spain's 1979 *Statute of Autonomy of the Basque Country*, Article 20(6), which holds that the Spanish government must inform the Basque government of any legislation that affects the customs of Basque Country.

300. Faroe Islands (Denmark): See the Faroe Islands, where the Faroese government and the Danish government have joint authority over imports and exports.

301. Åland Islands (Finland): See Finland's *Act on the Autonomy of Finland*, Section 27(41), which holds that the Finnish government maintains border guards for the Åland Islands, and the Åland Islands have no authority over customs. Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, which has no authority over customs. Greenland (Denmark): See Greenland, where the Danish government controls customs as it would any other part of Denmark. Jammu and Kashmir (India): See India's Constitution, Union List, which states that India has sole authority over customs for the Indian territory, including Jammu and Kashmir. Northern Ireland (United Kingdom): See Northern Ireland, where the United Kingdom controls the customs of the region. Puerto Rico (United States): See Puerto Rico, where U.S. laws apply to customs. South Tyrol (Italy): See South Tyrol, where the Italian government has authority over customs for the region.

302. Micronesia (United States): See Micronesia, which has authority over its own foreign trade.

- The autonomous entity has authority to handle limited issues related to foreign trade.³⁰³
- The autonomous entity has authority to conduct designated foreign trade activities, and the State and the autonomous entity must consult with each other on issues of foreign trade that affect the other party.³⁰⁴
- The autonomous entity maintains representative offices for the purpose of promoting trade.³⁰⁵
- The State authorizes the autonomous entity to sign certain categories of trade agreements with states or international organizations.³⁰⁶
- The State has authority over all matters concerning foreign trade.³⁰⁷

Banking

- The autonomous entity regulates all banks and financial institutions.
- The autonomous entity must cooperate with the State with regard to banking and foreign exchange policy.³⁰⁸
- The State regulates all banks and financial institutions in the autonomous entity.³⁰⁹

303. South Tyrol (Italy): See the Italy's *Autonomy Statute*, Article 8(20), which holds that South Tyrol shall be given authority over issues of foreign trade related to the promotion of tourism.

304. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 13 and Section 16(2) which holds that Greenland's government and the Danish government must consult each other on any foreign trade agreement which affects the interests of the other entity.

305. Catalonia (Spain): See Catalonia, which maintains representative offices in other countries to promote trade and tourism.

306. Palestine (Israel): See the *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip* (1995) (Article 9(5)), which provides the right of Palestine to manage certain categories of foreign trade.

307. Basque Country (Spain): See Spain's Constitution, Article 149(13), which states that the Spanish government has authority over foreign trade for all of Spain.

308. Netherlands Antilles (Netherlands): See the *Charter of the Kingdom of the Netherlands Antilles*, Article 3(c)(1), which holds that the Netherlands Antilles government must cooperate with the Netherlander government regarding problems with the banking system and foreign exchange.

309. Jammu and Kashmir (India): See India's Constitution, Union List, which holds that India shall regulate all banks and financial institutions in Indian territory, including Jammu and Kashmir.

Currency

- The autonomous entity has its own currency and has authority over its currency.
- The autonomous entity has its own currency and must cooperate with the State with regard to its currency.³¹⁰
- The autonomous entity has the right to issue its own currency upon agreement with the State.³¹¹
- The autonomous entity uses both its own currency and the State currency.³¹²
- The autonomous entity uses its own currency as well as the State currency, and the State prints and distributes both currencies.³¹³
- The autonomous entity uses the State currency, and the State has sole control over the currency.³¹⁴

310. Netherlands Antilles (Netherlands): See the Netherlands Antilles, where the official currency is the Netherlands Antilles gulden. See also the *Charter of the Kingdom of the Netherlands Antilles*, Article 3(c)(1), which holds that the Netherlands Antilles government must cooperate with the Netherlander government regarding problems with its currency.

311. Micronesia (United States): See the *Compact of Free Association*, Aug. 24, 1989, U.S.-Fed. St. of Micronesia, T.I.A.S., No. 11,660, Article V, Section 251, which holds that Micronesia may issue its own currency, the terms of which must be agreed to by the government of the United States. Micronesia elects to use the U. S. dollar.

312. Cook Islands (New Zealand): See the Cook Islands, where the official currencies are the Cook Islands dollar and the New Zealand dollar.

313. Faroe Islands (Denmark): See the Faroe Islands, where the official currencies are the Faroe Islands krone and the Danish krone, both printed by the Danish government.

314. Åland Islands (Finland): See Finland's *Act on the Autonomy of Finland*, Section 18(5), which holds that the currency of the Åland Islands is the Finnish markka, and the Finnish government retains total control over the currency. Basque Country (Spain): See Basque Country, where the official currency is the Spanish peseta. See also the Spanish Constitution, Article 149(11), which states that the Spanish government shall have control over currency within Spain. Catalonia (Spain): See Catalonia, where the official currency is the Spanish peseta. See also the Spanish Constitution, Article 149(11), which states that the Spanish government shall have control over currency within Spain. Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where the official currency is the Bangladesh taka. Greenland (Denmark): See Greenland, where the official currency is the Danish krone, and the Danish government has authority over the krone. Northern Ireland (United Kingdom): See Northern Ireland, where the official currency is the British pound sterling, and the United Kingdom has authority over the pound. Puerto Rico (United States): See Puerto Rico, where the official currency is the U.S. dollar, and the U.S. government has authority over the dollar. South Tyrol (Italy): See South Tyrol, where the official currency is the Italian lira, and the Italian government has authority over the lira.

Employment

Labor matters

- The autonomous entity has authority over labor matters.³¹⁵
- The autonomous entity has the right to implement preferential hiring policies.³¹⁶
- The autonomous entity and the State share authority over labor matters.
- The State has authority over labor matters.

Property and Land Ownership

Land ownership

- Only citizens of the autonomous entity may own or lease land in the autonomous entity.³¹⁷
- No land, except land owned by the State, may be transferred or sold without the permission of the autonomous entity.³¹⁸
- Land may be reserved by the State for members of a minority group.³¹⁹
- The autonomous entity has no control over land rights.³²⁰

CULTURE

Common culture is the basis of group identity. The overarching objective of autonomy arrangements is to protect and promote distinct minority cultures. Varying degrees of autonomy are typically allocated to cultural expression in the areas of language, education, religious matters, and symbols of cultural identity.

315. South Tyrol (Italy): See Italy's 1972 *New Autonomy Statute*, Section 8(23) and 9(5), which holds that South Tyrol has authority over labor issues. Faroe Islands (Denmark): See the Faroe Islands, where the Faroese government administers labor issues.

316. Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where the Chittagong Tribal Council has authority over hiring practices and may give priority to tribal citizens.

317. Åland Islands (Finland): See Finland's 1991 *Åland Guarantee Act*, Section 10, which holds that only citizens of Åland Islands may own land in the territory of the Åland Islands.

318. Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where no land except for specified land owned by the Bangladesh government may be transferred or sold without permission from the local district councils.

319. Malaysia: See Malaysia's autonomous regime for ethnic Malays, established under the Malaysian Constitution (Article 89), which holds that the Malaysian government may reserve land for minority groups.

320. Saami People (Finland/Norway): See the autonomous regimes governing the Saami people (Lapps) of northern Sweden, Norway, and Finland.

Legal recognition

- The autonomous entity has a legal guarantee protecting the right of ethnic minorities to cultural autonomy.³²¹
- The autonomous entity has no legal guarantee protecting the right of ethnic minorities to cultural autonomy.

Education

- Education is the responsibility of the autonomous entity.³²²

321. Latvia: See Latvia's 1991 *Law of the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups*. Åland Islands (Finland): See Finland's *Act of Autonomy of Åland*, Section 18(14), which holds that responsibility for all matters relating to culture in the Åland Islands are reserved for the Åland Island government. Catalonia (Spain): See Spain's 1980 *Autonomy Statute for Catalonia*, Article 9(24), which gives power over all cultural issues to the government of Catalonia. Faroe Islands (Denmark): See Denmark's 1948 *Home Rule Act*, which states that the Faroese government has full control over cultural issues for the Faroe Islands. Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 17(1)(h), which gives full control over laws and regulations regarding culture to the Gagauz local government, the National Assembly. Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, which provides that Greenland's local government has authority over the cultural affairs of the autonomous entity. Nunavut (Canada): See the Canadian *Constitution Act (1867)*, Sections 91(10) and 91(13), which hold that Nunavut has authority to promote the Nunavut culture. Palestine (Israel): See the 1995 *Palestinians-Israeli Interim Agreement on the West Bank and the Gaza Strip*, Annex III, Appendix 1, article 32, which gives authority over cultural and religious affairs in Palestine to the Palestinian Authority. South Tyrol (Italy): See Italy's 1972 *Autonomy Statute*, which states that the South Tyrol government has full control over all cultural affairs.

322. Åland Islands (Finland): See Finland's 1991 *Act of Autonomy of Åland*, Section 18(14), which holds that responsibility for education is reserved for the government of the Åland Islands. Catalonia (Spain): See Spain's 1980 *Statute of Autonomy*, Article 9(14), which gives power to Catalonia for all regulation and administration for all issues concerning the region's education. Greenland (Denmark): See the example of Greenland, where education is administered by Greenlanders and managed by the Director of Education for Greenland. Micronesia (United States): See the 1983 *Federated States of Micronesia Constitution*, Article IX, Section 2, which holds that the Micronesian government has full authority to provide and promote education. Netherlands Antilles (Netherlands): See the example of the Netherlands Antilles, where education is regulated by the Netherlands Antilles Council of Ministers. Northern Ireland (United Kingdom): See the example of Northern Ireland, where education is administered by the Northern Ireland Parliament. Palestine (Israel): See the

- Education is the responsibility of the autonomous entity, subject to conditions set by the State.³²³
- Responsibility for education is shared by the autonomous entity and the State.³²⁴
- Education is the responsibility of the State.³²⁵

Construction of Schools

- The autonomous entity has authority to construct new schools.³²⁶
- The autonomous entity and State may each construct new schools.³²⁷
- Only the State may construct new schools.

1995 *Palestinians-Israeli Interim Agreement on the West Bank and the Gaza Strip*, Annex III, Article 9, which gives authority over education in Palestine to the Palestinian Authority. Puerto Rico (United States): See the example of Puerto Rico, which has authority over all education issues.

323. Nunavut (Canada): See the Canadian *Constitution Act* (1867), Section 9 (28), which provides that Nunavut has authority over education, subject to conditions of the central government. Quebec (Canada): See the Canadian *Constitution Act* (1867), which holds that each Canadian province, of which Quebec is one, has authority over education as long as local legislation does not interfere with federal legislation on education.

324. Faroe Islands (Denmark): See the example of Denmark, where the 1948 *Home Rule Act* designates education a responsibility of the Faroe Islands, but the Faroese government elects to share responsibility for education issues with the Danish government. Navajo (United States): See the example of the Navajo, who are guaranteed education as U.S. citizens by the U. S. government under *Myers v. Board of Education of the San Juan School District*, 23 Indian L. Rep. 3045 (D. Utah 1995), but who also may establish their own schools and colleges. Tatarstan (Russian Federation): See the *Treaty on Demarcation of Powers Between the Agencies of State Power of the Russian Federation and the Republic of Tatarstan* (1994), which holds that responsibilities for education are shared by the governments of Russia and Tatarstan. Jammu and Kashmir (India): See the example of Jammu and Kashmir, where the Kashmiri government administers education for the residents of Kashmir. The Indian government influences education through funding and formulation of education policies.

325. Torres Strait Islands (Australia): See the example of the Torres Strait Islands, where the Australian government holds responsibility for education on the Island.

326. South Tyrol (Italy): See the example of South Tyrol, which has legislative control over school construction.

327. Navajo (United States): See the example of the Navajo, who are guaranteed education as U.S. citizens by the U.S. government under *Myers v. Board of Education of the San Juan School District*, 23 Indian L. Rep. 3045 (D. Utah 1995), but who also may establish their own schools and colleges.

Employment and Supervision of Teachers

- The autonomous entity has authority to employ and supervise teachers for schools.³²⁸
- Teachers hired by the autonomous entity must be approved by the State.
- The State has authority to hire and supervise teachers for autonomous schools.³²⁹

Curriculum

- The autonomous entity has authority to develop curriculum.
- The autonomous entity has authority to develop curriculum, and the curriculum is approved by the State.
- The autonomous entity develops curriculum for limited subjects.
- Only the State may develop curriculum for schools in the autonomous entity.

Language*Official status of minority language(s)*

- The local language of the autonomous entity is the only official language of the autonomous entity and is also one of the official languages of the State.³³⁰
- The local language of the autonomous entity is the only official language of the autonomous entity and is not an official language of the State.³³¹
- The local language of the autonomous entity and the State language are official languages of the autonomous entity.³³²

328. Estonia: See Estonia's 1920 Constitution (Section 2), which guarantees minorities in Estonia the right to organize, administer, and supervise public and private schools.

329. South Tyrol (Italy): See Italy's autonomous regime for South Tyrol/Alto Adige, 1972 New Autonomy Statute (Sections 8(26–29), 9(2), and 19).

330. Åland Islands (Finland): See Finland's *Åland Guarantee Act* (Section 36), Lapidoth, which states that Swedish is the only official language of the Åland Islands while both Swedish and Finnish are the official languages of Finland. Jammu and Kashmir (India): See the example of Jammu and Kashmir, where the official language is Urdu. Quebec (Canada): See the example of Quebec, where French is the only official language of the province; French and English are co-official languages of Canada.

331. Navajo (United States): See the example of the Navajo Reservation, where the official language is Navajo.

332. Basque Country (Spain): See Basque Country in Spain, where the local language "Euskera" and Castilian Spanish are co-official languages of the region. Gagauzia (Moldova): See Moldova's 1994 *The Special Status of Gagauz Act*, which holds that Moldovan, Russian, and Gagauz are the official languages of Gagauzia. Greenland

- The local language of the autonomous entity has no official status.³³³

Language at schools

- Students in the autonomous entity are entitled to instruction in their mother tongue.³³⁴
- The local language must be used in schools.³³⁵
- The State language must be used in schools.³³⁶
- Both local and State languages must be used in schools.³³⁷
- The local language is the language of instruction, and the State language must be taught to each student.³³⁸

(Denmark): See the example of Greenland, where both Greenlandic and Danish are official languages for the autonomous entity. Micronesia (United States) See the example of the Federated States of Micronesia, where the official languages are English and all local languages, including Trukese, Pohnpeian, Yapese, Kosrean, Kapingi, Ulithian, Wolian, and Nukuoran. Puerto Rico (United States): See the example of Puerto Rico, where English and Spanish are both official languages. Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 49, which states that Russian and Tatar languages are both official languages of Tatarstan.

333. Netherlands Antilles (Netherlands): See the example of the Netherlands Antilles, where the only official language is Dutch, and the minority languages have no official status. Palestine (Israel): See the example of Palestine, where the official language of Israel is Hebrew, and there is no official status of Arabic, the language spoken by Palestinians. Torres Strait Islands (Australia): See the example of the Torres Strait Islanders, where English is the only official language for the Torres Strait Islands.

334. Chittagong Hill Tracts (Bangladesh): See the example of the Chittagong Hill Tracts, where students in the Hill Tracts are entitled to be educated in their mother tongue.

335. Åland Islands (Finland): See Finland's *Åland Guarantee Act* (Section 40), which states that Swedish is the language of education for all schools maintained or funded by the State within the Åland Islands. Latvia: See Latvia's Law on the Education of National Minorities (1919), which holds that each ethnic minority has a right to educate its children in its mother tongue.

336. Gibraltar (United Kingdom): See the 1969 Constitution of Gibraltar, Article 12(1), which provides that English is the language used in schools. Netherlands Antilles (Netherlands): See the example of the Netherlands Antilles, where all teaching is in Dutch. Puerto Rico (United States): See the example of Puerto Rico, where school instruction is conducted in English.

337. South Tyrol (Italy): See Italy's 1972 *New Autonomy Statute*, Section 29, 2nd para., which provides that separate instruction shall be given for German, Italian, and Ladin in schools, and that teaching in the other main language is obligatory.

338. Faroe Islands: See the example of the Faroe Islands, where Faroese is the language of school instruction, and Danish must be taught to all students.

- The State language is the language of instruction, and the local language must be taught to each student.
- No language requirements exist for schools.

Language proficiency for students

- Students in the autonomous entity do not need to be proficient in the State language.³³⁹
- Students in the autonomous entity must become proficient in the State language.

Language proficiency for teachers

- Teachers must be proficient in State and local languages and must be native speakers of the primary language taught at schools.³⁴⁰
- Teachers do not need to be proficient in both State and local language.

Language proficiency for State government officials

- State officials working in the autonomous entity must be proficient in the local language.³⁴¹
- State officials working in the autonomous entity do not need to be proficient in the local language.
- The executive of the autonomous entity must be fluent in the State and local languages.³⁴²

Language used with autonomous government bodies

- The local language must be used with local autonomous authorities.³⁴³
- The State language must be used with local autonomous authorities.

339. Åland Islands (Finland): See Finland's *Act of Autonomy of Åland*, Section 41, which states that the Åland Islands students may graduate from Finnish institutions without proficiency in Finnish.

340. South Tyrol (Italy): See the example of South Tyrol, where all teachers must be proficient in the languages taught in South Tyrol Schools (Italian and either German or Ladin) and must be native speakers of the primary language taught in a specific school.

341. Åland Islands (Finland): See Finland's *Act of Autonomy of Åland*, Section 42, which states that all State officials in the Åland Islands must be proficient in Swedish.

342. Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 108, which states that the Tatarstan president must be fluent in both Russian and Tatar.

343. Åland Islands (Finland): See Finland's *Åland Guarantee Act*, Section 36, which states that Swedish must be used for all communications with organs of self-government.

- Either the local language or the State language may be used with autonomous authorities.³⁴⁴

Language used for the autonomous government's official documents

- The local language must be used for official documents of the autonomous government.³⁴⁵
- The State language must be used for official documents of the autonomous government.
- Documents of the autonomous government must be in both State and local languages.
- Either the local or State language may be used for documents of the autonomous government.

Language used with local State government representatives

- The local language must be used with State representatives or in local organs of State, and nonminorities may use the State language with State representatives.³⁴⁶
- The State language must be used with State representatives.³⁴⁷
- Either the local or State language may be used with State representatives or in local organs of State, and local authorities must respond in the language in which the citizen has addressed them.³⁴⁸

344. Faroe Islands (Denmark): See the example of the Faroe Islands, where both Faroese and Danish may be used for official matters. Puerto Rico (United States): See the example of Puerto Rico, where both Spanish and English are used in local government affairs. Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 62, which states that local deputies may use the language of the majority of the population in their region.

345. Åland Islands (Finland): See Finland's *Åland Guarantee Act*, Section 36, which states that Swedish must be used for all documents issued by or to organs of self-government in the Åland Islands, and non-Swedish speakers may request a translation of the documents into Finnish.

346. Åland Islands (Finland): See Finland's *Åland Guarantee Act*, Sections 36, 38, and 39, which state that Swedish must be used for all communications by state organs that deal with the Åland Islands, including those communications that take place outside the Åland Islands, excepting non-Swedish speakers, who may use Finnish with state representatives.

347. Gagauzia (Moldova) See the example of Gagauzia, where Moldovan or Russian must be used with Moldovan agencies of public administration. Puerto Rico (United States): See the example of Puerto Rico, where English is used for all business conducted by U.S. federal government institutions.

348. South Tyrol (Italy): See Italy's 1972 New Autonomy Statute (Sections 8(26–29), 9(2), and 19 regarding an autonomous regime for South Tyrol.

Language used for the local State government's official documents

- The local language must be used for official documents of the State government, and nonminorities may request a translation of documents into the State language.³⁴⁹
- The State language must be used for documents of the State government.
- Documents of State government must be in both the local and State languages.
- Either the local or the State language may be used for documents of State government.

Language used in legal proceedings

- The local language must be used for legal proceedings.
- The State language must be used for legal proceedings.³⁵⁰
- Either the local or State language may be used for legal proceedings.³⁵¹

Language used for official legal documents

- The local language must be used for official legal documents, and nonminorities may request a translation of legal documents into the State language.³⁵²
- The State language must be used for official legal documents.
- Legal documents must be in both the local and State languages.
- Either the local or State language may be used for official legal documents.

Language used in the media

- The local language must be used in the media.
- The State language must be used in the media.

349. Åland Islands (Finland): See Finland's *Åland Guarantee Act*, Section 36, which states that Swedish must be used for all official documents issued by State organs that deal with the Åland Islands.

350. Puerto Rico (United States): See the example of Puerto Rico, where business conducted by the U.S. federal courts is conducted in English.

351. Åland Islands (Finland): See Finland's *Åland Guarantee Act* (Section 36, 38, and 39) which states that Swedish is used for all legal proceedings dealing with the Åland Islands, including proceedings in the Finnish Supreme Court that deal with the Åland Islands. For non-Swedish speakers, Finnish may be used in a court of law.

352. Åland Islands (Finland): See Finland's *Åland Guarantee Act* (Section 36, 38, and 39), which states, Swedish must be used for all legal documents dealing with the Åland Islands, including decisions issued by the Finnish Supreme Court that deal with the Åland Islands; non-Swedish speakers may request a translation of court documents into Finnish.

- The local and State languages must receive equal time for media programming.
- Either the local or State language may be used in the media.³⁵³

Religion

- The autonomous entity regulates religious practices.
- The autonomous entity protects religious freedoms and protects access to holy sites.³⁵⁴
- The autonomous entity maintains places of worship and religious education.³⁵⁵
- The autonomous entity writes and disseminates relevant religious publications.³⁵⁶
- The autonomous entity establishes and maintains communications with individuals and communities in matters of religion or belief at the national or international levels.³⁵⁷
- The autonomous entity is guaranteed the right to free exercise of religion, subject to the preservation of public order, morality, and health.³⁵⁸
- The autonomous entity is guaranteed the right to practice religion without interference of the State, but not to proselytize.³⁵⁹

353. Åland Islands (Finnish): See the example of the Åland Islands, where either Swedish or Finnish may be used for television or radio broadcasts, as well as in newspapers. In practice, all newspapers and television broadcasts are in Swedish, and all but one of the radio broadcasts are in Swedish. Puerto Rico (United States): See the example of Puerto Rico, where there is no stipulated language requirement, but most local media use Spanish.

354. Palestine (Israel): See the 1995 *Palestinians-Israeli Interim Agreement on the West Bank and the Gaza Strip*, Annex III, Appendix 1, article 32, which holds that Palestinians shall have authority to protect the freedom of religious worship and access to holy sites.

355. See the *UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*, Article 6.

356. See the *UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*, Article 6.

357. See the *UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*, Article 6.

358. See the Indian Constitution, Articles 25 and 26, which guarantees the free exercise of religion, subject to the preservation of public order, morality, and health.

359. See the Malaysian Constitution, Article 11(4), which protects practicing and professing religion from state interference, but which allows for restriction of proselytizing by the state.

Symbols

Flag

- The autonomous entity may have its own flag and may have legislative powers with respect to the use of its flag.³⁶⁰
- Flags of the autonomous entity may be freely used at the discretion of the autonomous entity, but must be flown alongside at the same height as the State flag.³⁶¹
- There are no provisions for a separate flag for the autonomous entity.³⁶²
- The State flag must be flown in the autonomous entity, and the autonomous entity may have its own flag, subject to approval by the central government.³⁶³
- Displaying certain flags is outlawed by the State government.³⁶⁴

360. Åland Islands (Finland): See Finland's *Act of Autonomy of Åland*, Section 18(3), which states that the Åland Islands has legislative powers with respect to its flag and its coat of arms. Greenland (Denmark): See Greenland's 1948 *Home Rule Act*, Article 12, which states that the Faroe Islands may have and fly its own flag. Jammu and Kashmir (India): See the example of Jammu and Kashmir, which has its own state flag. Micronesia (United States): See the example of Micronesia, which has its own flag. Netherlands Antilles (Netherlands): See the example of the Netherlands Antilles, which has its own territorial flag. Puerto Rico (United States): See the Constitution of the Commonwealth of Puerto Rico, Article VI, Section 15, which states that the Puerto Rican Legislative Assembly determines all matters concerning the flag. Quebec (Canada): See the example of Quebec, which has its own provincial flag. Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 160, which holds that Tatarstan shall have its own flag.

361. Basque Country (Spain): See the example of Basque Country, where the Basque flag may be flown freely, but must be flown alongside the Spanish flag. Catalonia (Spain): The Catalan flag may also be flown freely, but must likewise be flown alongside the Spanish flag.

362. Chittagong Hill Tracts (Bangladesh): See the example of the Chittagong Hill Tracts, where there is no legal provision for a separate Chittagong Hill Tracts flag. Torres Strait Islanders (Australia): See the example of the Torres Strait Islanders, for whom there is no separate flag.

363. South Tyrol (Italy): See Italy's 1972 *Autonomy Statute*, Article 3, which states that the Italian flag must be flown in South Tyrol, and that South Tyrol may have its own flag, which must be approved by the Italian president.

364. Northern Ireland (United Kingdom): See the example of Northern Ireland, where the displaying of the Republic of Ireland's flag is prohibited by the government of the United Kingdom.

Seal

- The autonomous entity may have its own seal, and authority over the use of its seal.³⁶⁵
- The autonomous entity may have its own seal, subject to the approval of the State.³⁶⁶
- The autonomous entity may not have its own seal.

Anthem

- The autonomous entity may have its own anthem, and authority over the use of its anthem.³⁶⁷
- The autonomous entity may have its own anthem, subject to the approval of the State.³⁶⁸
- The autonomous entity may not have its own anthem.

365. Puerto Rico (United States): See the Constitution of the Commonwealth of Puerto Rico, Article VI, Section 15, which states that the Puerto Rican Legislative Assembly determines all matters concerning the seal. Quebec (Canada): See the example of Quebec, which has its own provincial seal. Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 160, which holds that Tatarstan shall have its own coat of arms.

366. South Tyrol (Italy): See Italy's 1972 *Autonomy Statute*, Article 3 (which states that the Italian flag must be flown in South Tyrol, and that South Tyrol may have its own seal), which must be approved by the Italian president.

367. Puerto Rico (United States): See the Constitution of the Commonwealth of Puerto Rico, Article VI, Section 15, which states that the Puerto Rican Legislative Assembly determines all matters concerning the anthem. Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 160, which holds that Tatarstan shall have its own anthem.

368. South Tyrol (Italy): See Italy's 1972 *Autonomy Statute*, Article 3 (which states that the Italian flag must be flown in South Tyrol, and South Tyrol may have its own anthem), which must be approved by the Italian president.

4. A WAY FORWARD

Though this report does not make specific recommendations on Tibetan rights and autonomy, we believe that improving current conditions is in the interest of China and the Tibetan people. Despite significant sums allocated to China's western development, investment has not fundamentally affected the situation. Some Tibetans resent China's policies and chafe under the government's control. A new arrangement that enhances Tibetan culture, while also strengthening China's territorial integrity, would create conditions enabling greater development for the whole of China.

The basic conditions for an arrangement now seem to be in place. China's present leadership is publicly committed to a more legalistic approach emphasizing the rule of law. The Dalai Lama does not dispute that Tibet is part of China. He recognizes China's sovereignty and has embraced genuine autonomy as an alternative to full independence. The visits to China by Tibetan representatives from Dharamsala are a good start. Hopefully, such contacts can continue and evolve.

Among its options, China could continue on its present course. Time is on the side of the Chinese government. The Dalai Lama is aging. No foreign government recognizes the independence of Tibet, and no foreign government is likely to intervene in China's internal affairs. China could simply elect to keep the *status quo*. However, we believe that this approach would not realize the full scope of benefits.

Absent progress, Tibetans could become radicalized, and the present opportunity to negotiate an autonomy arrangement that strengthens China's territorial integrity could disappear. At this time, the Dalai Lama is best placed to endorse an arrangement that advances China's interests as well as the interests of Tibetans.

In short, the Tibetan issue need no longer be a problem. To strengthen unity, a uniform approach should be adopted not only for the Tibet Autonomous Region (TAR), but also all other parts of ethnic Tibetan areas in the provinces of Gansu, Qinghai, Yunnan, and Sichuan. Care must be taken to avoid factionalism and not to fragment unity among the overall population of Tibetans.

Understandably, the Chinese government may be apprehensive that autonomy is a step on the path to independence. It may also be concerned that focusing on autonomy in ethnic Tibetan areas will spark demands by other minorities in China, which could cause disunity. Finality is the essential feature of a new arrangement to address such concerns. Endorsement by the Dalai Lama is critical. When a mutually satisfactory agreement is reached, overseas Tibetans will have the basis to commit to fully, formally, and forever

relinquishing claims to independence. Witnessing the benefits of such autonomy, other minorities in China may also moderate their demands.

Presumably both China and Tibetan representatives will want to proceed cautiously, moving step-by-step. This report is offered as a resource to the parties as they go down that path. Mirroring the report's approach, the first step should entail an examination of existing laws and regulations in the context of international norms and standards. Such an examination should address not only actual legislation, but also its implementation at the national, prefectural, and county levels. In some instances, China has adopted appropriate laws but neglected to fully implement them. Many of these laws contain conditions and caveats that impede or undermine progress toward their implementation. When the necessary laws and regulations are found to be absent, steps should be taken to draft and enact appropriate measures. When laws have already been promulgated but not effectively implemented, prompt measures should be taken to enhance their earliest implementation.

Now more than ever, the Tibetan issue appears ripe for a settlement that would preserve Tibetan culture and China's territorial integrity. This historic opportunity should not be missed. *Legal Standards and Autonomy Options for Minorities in China: The Tibetan Case* is offered as a resource for consideration in moving forward.

Appendix A

PRC Laws and Regulations

Governance

I. Self-governance

A. National

1. *Decision of the State Council Regarding the Guarantee of the Equality of Rights of Minorities Living in Dispersed Communities* (adopted on February 22, 1952, by the 125th Session of the State Council and issued on August 13, 1952).
2. *Report of the State Ethnic Affairs Commission on Strengthening Ethnic Minority Work in Areas Where Minorities Are Commingled* (transmitted and issued on October 12, 1979, by the Central Committee of the Chinese Communist Party and the State Council).
3. *Constitution of the People's Republic of China* (adopted on December 4, 1982, by the Fifth Session of the Fifth National People's Congress), Chapter 3, Sections 5 and 6 only.
4. *Law of the People's Republic of China on the Autonomy of Ethnic Areas* (effective October 1, 1984, adopted on May 31, 1984, by the Second Session of the Sixth National People's Congress and amended on February 28, 2001, by the 20th Session of the Standing Committee of the Ninth National People's Congress).
5. *Regulations on the Work on Urban Ethnic Groups* (effective September 15, 1993; approved on August 29, 1993, by the State Council).
6. *Regulations on the Administrative Work on Ethnic Villages* (effective August 29, 1993; approved by the State Council).

B. Tibet Autonomous Region (the "TAR")

1. *Regulations of the Tibet Autonomous Region on Legislation* (effective July 1, 2001; adopted by the Fourth Session of the Seventh People's Congress of the TAR on May 21, 2001).
2. *Regulations on the Formulation of Local Laws by Lhasa Municipality* (effective June 1, 2001; adopted on March 25, 2001, by the Fifth Session of the Seventh People's Congress of Lhasa Municipality and approved on May 8, 2001, by the 19th Session of the Standing Committee of the Seventh People's Congress of the TAR).
3. *Measures of the Tibet Autonomous Region on Elections to Fill Vacancies of Representatives to the People's Congresses at All Levels* (adopted on November 25, 1999, by the 10th Session of the Standing Committee of the TAR Seventh People's Congress).

C. Gansu Province

1. *Provisions of Gansu Province on the Implementation of the Law on the Autonomy of Ethnic Areas* (effective September 20, 1988; adopted on September 20, 1988, by the Fourth Session of the Seventh People's Congress of the Gansu Province)
2. *Autonomy Regulations of Gannan Tibetan Autonomous Prefecture in Gansu Province* (effective October 1, 1989; adopted on August 7, 1989, by the Second Session of the Tenth People's Congress of the Gannan Tibetan Autonomous Prefecture and approved on September 27, 1989, by the 10th Session of the Standing Committee of the Seventh People's Congress of Gansu Province).

D. Qinghai Province

1. *Autonomy Regulations of Hainan Tibetan Autonomous Prefecture* (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People's Congress of the Hainan Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
2. *Autonomy Regulations of Haibei Tibetan Autonomous Prefecture* (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People's Congress of the Haibei Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
3. *Autonomy Regulations of Huangnan Tibetan Autonomous Prefecture* (effective March 1, 1988; adopted on October 12, 1987, by the Second Session of the Ninth People's Congress of the Huangnan Tibetan Autonomous Prefecture and approved on December 26, 1987, by the 30th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
4. *Autonomy Regulations of Yushu Tibetan Autonomous Prefecture* (effective July 25, 1988; adopted on November 19, 1987, by the Third Session of the Seventh People's Congress of the Yushu Tibetan Autonomous Prefecture and approved on April 20, 1988, by the 2nd Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).
5. *Autonomy Regulations of Guoluo Tibetan Autonomous Prefecture* (effective January 1, 1991; adopted on April 16, 1990, by the Sixth Session of the Eighth People's Congress of Guoluo Tibetan Autonomous Prefecture and approved on November 3, 1990, by the 17th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

6. *Autonomy Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture* (effective October 1, 1987; approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province and amended on August 28, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

E. Sichuan Province

1. *Autonomy Regulations of Ganzi Tibetan Autonomous Prefecture* (effective July 12, 1986; adopted on June 4, 1986, by the Third Session of the Fifth People's Congress of the Ganzi Tibetan Autonomous Prefecture and approved on July 12, 1986, by the 20th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province).
2. *Autonomy Regulations of A Ba Tibetan and Qiang Autonomous Prefecture* (effective July 12, 1986; adopted on May 21, 1986, as the Autonomy Regulations of A Ba Tibetan Autonomous Prefecture by the Fourth Session of the Fifth People's Congress of the A Ba Tibetan Autonomous Prefecture and approved on July 12, 1986, by the 20th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province; adopted on January 5, 1988, as the Autonomy Regulations of the A Ba Tibetan and Qiang Autonomous Prefecture by the First Session of the Sixth People's Congress of the A Ba Tibetan and Qiang Autonomous Prefecture and approved on March 16, 1988, by the 2nd Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).
3. *Autonomy Regulations of Muli Tibetan Autonomous County* (effective March 13, 1992; adopted on March 18, 1990, by the First Session of the Seventh People's Congress of the Muli Tibetan Autonomous County and approved on March 13, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).

F. Yunnan Province

1. *Autonomy Regulations of Diqing Tibetan Autonomous Prefecture* (effective January 1, 1990; adopted on July 16, 1989, by the Fourth Session of the Seventh People's Congress of the Diqing Tibetan Autonomous Prefecture and approved on October 21, 1989, by the 8th Session of the Standing Committee of the Seventh People's Congress of Yunnan Province).

II. Local Executive

A. National

1. *Proposal on the Distribution of Quotas for Minority Representatives on the Sixth National People's Congress* (approved on March 5, 1983, by the

26th Session of the Standing Committee of the Fifth National People's Congress).

2. *Proposal on the Distribution of Quotas for Minority Representatives of the Seventh National People's Congress* (adopted on September 5, 1987, by the 22nd Session of the Standing Committee of the Sixth National People's Congress).
3. *Proposal on the Distribution of Quotas for Minority Representatives of the Eighth National People's Congress* (approved on September 4, 1992, by the 27th Session of the Standing Committee of the Seventh National People's Congress).
4. *Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Ninth National People's Congress* (adopted on May 9, 1997, by the 25th Session of the Standing Committee of the Eighth National People's Congress).
5. *Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Tenth National People's Congress* (adopted on April 28, 2002, by the 27th Session of the Standing Committee of the Ninth National People's Congress).
6. *Opinion of the Organization Department of the Central Committee of the Communist Party of China ("CPC"), the United Front Work Department of the Central Committee of the CPC and the State Ethnic Affairs Commission on Doing Better Work of Further Training and Selecting Minority Cadres* (effective December 30, 1993, *Zhongzufa* [1993] No. 9).

B. Tibet Autonomous Region

1. *Implementing Measures of the TAR for the Law of the People's Republic of China on the Organization of Urban Residents Committees* (adopted on December 26, 1993, by the 7th Session of the Standing Committee of the Sixth TAR People's Congress).
2. *Detailed Rules for the Implementation of Elections of Representatives of People's Congresses at All Levels Within the Tibet Autonomous Region* (adopted on April 18, 1981, by the 5th Session of the Standing Committee of the Third TAR People's Congress; first amended on January 18, 1984, by the 4th Session of the Standing Committee of the Fourth TAR People's Congress; amended on July 29, 1987, by the 23rd Session of the Standing Committee of the Fourth TAR People's Congress, taking into account the actual circumstances of the TAR and in accordance with the Decision of the 18th Session of the Standing Committee of the Sixth National People's Congress on December 2, 1986, on the *Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congress at All Levels in the Localities*; and further amended on September 28, 1995, by the 16th Session of the Standing Committee

- of the Sixth TAR People's Congress in accordance with the Decision of the 12th Session of the Standing Committee of the Eighth National People's Congress on February 28, 1995, on the *Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congresses at All Levels in the Localities*).
3. *Working Regulations of the Tibet Autonomous Region on the People's Congresses at the Village and Township Level* (adopted on October 23, 1992, by the 22nd Session of the Standing Committee of the Fifth TAR People's Congress and amended on September 28, 1995, by the 16th Session of the Standing Committee of the Sixth TAR People's Congress).
 4. *Implementing Measures of the Tibet Autonomous Region for Law of the People's Republic of China on Representatives to the National People's Congress and to the Local People's Congresses at Various Levels* (effective April 2, 1999 and adopted on April 1, 1999, by the 6th Session of the Standing Committee of the Seventh TAR People's Congress).
 5. *Procedural Rules for the People's Congress of the Tibet Autonomous Region* (adopted on August 7, 1989, by the Second Session of the Fifth TAR People's Congress and amended on January 20, 2002, by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).
 6. *Measures of the Tibet Autonomous Region Regarding the Election of Village Committees* (effective March 1, 2002; adopted on January 20, 2002, by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).
- C. Qinghai Province
6. *Decision of the Standing Committee of the People's Congress of Qinghai Province on the Numbers of Representatives to the People's Congress of Xining Municipality and of Each Autonomous Prefecture* (adopted on January 26, 1996, by the 22nd Session of the Standing Committee of the Eighth Qinghai Provincial People's Congress).
- D. Yunnan Province
1. *Decision of the Standing Committee of the Yunnan Provincial People's Congress on the Number of Members of the Standing Committees of the People's Congresses of Certain Cities, Prefectures and 128 Counties* (adopted on September 27, 2002, by the 30th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).
 2. *Decision of the Standing Committee of the Yunnan Provincial People's Congress on the Allocation of the Number of Representatives to, and the Election for, the 10th Yunnan Provincial People's Congress* (adopted on July 25, 2002, by the 29th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

3. *Proposal of the Standing Committee of the Yunnan Provincial People's Congress on the Allocation of Minority Representatives to the 10th Yunnan Provincial People's Congress* (adopted on July 25, 2002, by the 29th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

III. Police and Security

A. Tibet Autonomous Region

1. *Regulations of the Tibet Autonomous Region on the Comprehensive Administration of Public Security* (effective August 18, 1994; adopted on August 18, 1994, by the 10th Session of the Standing Committee of the Sixth TAR People's Congress and amended on May 9, 2002, by the 26th Session of the Standing Committee of the Seventh TAR People's Congress).

B. Qinghai Province

1. *Regulations of Haixi Mongolian and Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security* (effective October 1, 1995; adopted on April 25, 1995, by the 6th Session of the Standing Committee of the Ninth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province and approved on July 29, 1995, by the 19th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).
2. *Regulations of Hainan Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security* (effective July 1, 2000; adopted on April 5, 2000, by the Seventh Session of the Tenth People's Congress of the Hainan Tibetan Autonomous Prefecture and approved on May 26, 2000, by the 17th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
3. *Regulations of Yushu Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security* (effective September 1, 2001; adopted on May 14, 2001, by the First Session of the Tenth People's Congress of Yushu Tibetan Autonomous Prefecture and approved on July 23, 2001, by the 25th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
4. *Regulations of Haibei Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security* (effective May 1, 2002; adopted on February 1, 2002, by the Second Session of the Eleventh People's Congress of the Haibei Tibetan Autonomous Prefecture and approved on March 29, 2002, by the 29th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

IV. Protection of Rights

A. National

1. *Decision of the State Council Regarding the Guarantee of the Equality of Rights of Minorities Living in Dispersed Communities* (adopted on February 22, 1952, by the 125th Session of the State Council and issued on August 13, 1952).
2. *Regulations on the Work of Urban Ethnic Groups* (effective September 15, 1993; approved on August 29, 1993, by the State Council).
3. *Notice of the State Ethnic Affairs Commission, State Economic and Trade Commission, Ministry of Public Security, State Travel Bureau, and State Administration of Industry and Commerce on Correcting the Behavior of A Few Hotels in Refusing to Accommodate Minority Persons* (effective November 27, 2002).

B. Tibet Autonomous Region

1. *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on Assemblies, Processions, and Demonstrations* (adopted on May 15, 1990, by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).
2. *Implementing Measures of Lhasa Municipality for the Law of the People's Republic of China on Assemblies, Processions, and Demonstrations* (effective May 15, 1990; adopted on May 5, 1990, by the 17th Session of the Standing Committee of the Fifth People's Congress of Lhasa Municipality and approved on May 15, 1990, by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).
3. *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of the Rights and Interests of Women* (adopted on August 18, 1994, by the 10th Session of the Standing Committee of the Sixth TAR People's Congress and amended on March 29, 1997, by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress).
4. *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Minors* (adopted on November 23, 1994, by the 12th Session of the Standing Committee of the Sixth TAR People's Congress, amended on March 29, 1997, by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress, and further amended on November 25, 1999, by the 10th Session of the Standing Committee of the Seventh TAR People's Congress).
5. *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of the Rights and Interests of Consumers* (effective January 1, 2002; adopted on November 23,

2001, by the 23rd Session of the Standing Committee of the Seventh TAR People's Congress).

6. *Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Disabled Persons* (effective April 1, 1998; adopted on January 9, 1998, by the 28th Session of the Standing Committee of the Sixth TAR People's Congress and amended on July 26, 2002, by the 27th Session of the Standing Committee of the Seventh TAR People's Congress).
7. *Regulations of the Tibet Autonomous Region on Letters and Visits* (effective January 1, 1995; adopted on April 15, 1995, by the 13th Session of the Standing Committee of the Sixth TAR People's Congress).
8. *Decision of the Standing Committee of the TAR People's Congress on Strongly Attacking the Illegal Activities of "Peimingjin"* (adopted on July 26, 2002, by the 27th Session of the Seventh TAR People's Congress).

C. Sichuan Province

1. *Regulations of Chongqing Municipality on the Protection of the Rights and Interests of Minorities in Dispersed Places* (effective September 1, 2000; adopted by the 26th Session of the Standing Committee of the First People's Congress of Chongqing Municipality).

Culture

V. Education

A. National

6. *Opinion on Strengthening Medical Education in Minority Areas* (effective May 26, 1980, issued by the Ministry of Health, the State Ethnic Affairs Commission, and the Ministry of Education).
2. *Opinion on Strengthening the Professional Skills Education of Minorities and Minority Areas* (effective April 8, 1992, *Jiaozhi* [1992] No. 8, issued by the State Education Commission).
3. *Opinion on the Recruitment of Excellent Minority Youth into Colleges and Universities* (effective October 16, 1992, *Jiaominting* [1992] No. 13, issued by the Office of the State Education Commission).
4. *Opinion on Supporting the Poor Through Education in the 143 Impoverished Minority Counties Throughout the Country* (effective October 19, 1992, *Jiaominting* [1992] No. 12, issued by the Office of the State Education Commission).
5. *Opinion on Strengthening Minority Education in Areas Where Minorities Are Commingled* (effective November 2, 1992, *Jiaominting* [1992] No. 15, issued by the Office of the State Education Commission).
6. *Opinion on Strengthening Minority Preparatory Classes in Ordinary Colleges and Universities* (effective November 17, 1992, *Jiaominting* [1992] No. 17, issued by the Office of the State Education Commission).

7. *Notice on Circulating the Guide on the Development of Electronic Education Systems for Minorities and in Minority Areas* (effective March 9, 1993, *Jiaodian* [1993] No. 2, issued by the State Education Commission and the State Ethnic Affairs Commission).
 8. *Notice on Use of Uniform Textbooks for Students in Minority Preparatory Classes* (effective May 12, 1993, *Jiaominting* [1993] No. 10, issued by the Office of the State Education Commission).
 9. *Notice on the Summary of a Meeting Regarding Basic Textbooks for Minority Preparatory Classes* (dated December 31, 1994, issued by the State Education Commission and the State Ethnic Affairs Commission).
 10. *Notice on the Recruitment by Ordinary Colleges and Universities of Students for Minority Preparatory Classes in 1998* (dated April 17, 1998, issued by the Ministry of Education).
 11. *Notice on Implementing Recruitment Plans for Minority Classes in 1999 in 11 Universities Directly Administered by the Ministry of Education including Beijing University* (dated December 30, 1998, issued by the Office of the Ministry of Education).
 12. *Notice on Fulfilling Recruitment Plans for Minority Classes in Universities Directly Administered by the Ministry of Education* (dated May 19, 1999, issued by the Ministry of Education).
 13. *Notice on Distributing Year 2000 Recruitment Plans for Minority Preparatory Classes in Universities* (effective May 24, 2000, *Jiaomin* [2000] No. 10, issued by the Ministry of Education).
 14. *Opinion on Accelerating Professional Education Reform and Development for Minorities and Minority Areas* (effective July 28, 2000, *Minweifa* [2000] No. 199, issued by the State Ethnic Affairs Commission and the Ministry of Education).
 15. *Decision of the State Council on Deepening Reform and Speeding Up the Development of Education of Ethnic People* (July 7, 2002).
 16. *Opinion on Accelerating Professional Education Reform and Development for Minorities and Minority Areas* (effective July 28, 2000, *Minweifa* [2000] No. 199, issued by the State Ethnic Affairs Commission and the Ministry of Education).
- B. Tibet Autonomous Region
1. *Measures for the Implementation of the Teachers Law of the People's Republic of China* (effective April 1, 1998, adopted on January 9, 1998, by the 28th Session of the Standing Committee of the Sixth People's Congress of the TAR).
 2. *Measures for the Implementation of the Regulations on Education Institutes Sponsored by Social Resources* (effective December 23, 1998, adopted on September 29, 1998, by the 13th Session of the Standing Committee of the People's Government of TAR).

3. *Measures for the Implementation of the Law of the People's Republic of China on Compulsory Education* (adopted on February 25, 1994, by the 8th Session of the Standing Committee of the Sixth People's Congress of the TAR and amended on November 23, 2001, by the 23rd Session of the Standing Committee of the Seventh People's Congress of the TAR).
4. *Measures for the Implementation of the Law of the People's Republic of China on Professional Education* (effective June 1, 2002; adopted on March 26, 2002, by the 25th Session of the Standing Committee of the Seventh People's Congress of the TAR).

C. Gansu Province

1. *Measures of Gansu Province for the Implementation of the PRC Compulsory Education Law* (effective April 6, 2002; adopted on September 3, 1990, by the 16th Session of the Standing Committee of the Seventh People's Congress of Gansu Province and amended on May 28, 1997, by the 27th Session of the Standing Committee of the Eighth People's Congress of Gansu Province and further amended and adopted on March 30, 2002, by the 27th Session of the Standing Committee of the Ninth People's Congress of Gansu Province)
2. *Regulations of the Gannan Tibetan Autonomous Prefecture for the Implementation of the PRC Compulsory Education Law* (effective December 5, 1999; approved by the 13th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

D. Qinghai Province

1. *Measures of Qinghai Province for the Implementation of the PRC Compulsory Education Law* (effective October 1, 1988; adopted on September 2, 1988, by the 4th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province and amended on August 28, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province)
2. *Compulsory Education Regulations of Yushu Tibetan Autonomous Prefecture* (effective November 23, 1994; adopted on May 13, 1994, by the Fifth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province and approved on November 23, 1994, by the 13th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).
3. *Compulsory Education Regulations of the Guoluo Tibetan Autonomous Prefecture* (effective October 1, 1995; adopted by the Sixth Session of the Ninth People's Congress of the Guoluo Tibetan Autonomous Prefecture of Qinghai Province and approved by the 19th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province on July 29, 1995).

4. *Minority Education Regulations of the Hainan Tibetan Autonomous Prefecture* (effective October 1, 1994; adopted on March 30, 1994, by the 6th Session of the Standing Committee of the Ninth People's Congress of the Hainan Tibetan Autonomous Prefecture of Qinghai Province, approved on July 30, 1994, by the 11th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province, adopted on November 30, 1997, by the Third Session of the Tenth People's Congress of Hainan Tibetan Autonomous Prefecture, and amended and approved on April 3, 1998, by the 1st Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
5. *Working Regulations of the Guoluo Tibetan Autonomous Prefecture for the Elimination of Illiteracy* (effective November 11, 1998; adopted on May 23, 1997, by the Second Session of the Eleventh People's Congress of Guoluo Tibetan Autonomous Prefecture of Qinghai Province and approved on September 25, 1998, by the 4th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
6. *Regulations of Huangnan Tibetan Autonomous Prefecture on Compulsory Education* (effective November 1, 1999; adopted on June 5, 1999, by the Fifth Session of the Eleventh People's Congress of the Huangnan Tibetan Autonomous Prefecture and approved on September 24, 1999, by the 11th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
7. *Regulations of Haibei Tibetan Autonomous Prefecture on Compulsory Education* (effective January 1, 1990; adopted on April 14, 1989, by the Fifth Session of the Eighth People's Congress of Haibei Tibetan Autonomous Prefecture and approved on June 30, 1989, by the 9th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

E. Sichuan Province.

1. *Opinion Regarding the Fulfillment of the Goals of Basically Making Nine-Year Compulsory Education Universal and Eliminating Illiteracy among Youths by 2010 and the Opinion Regarding the Further Speeding Up of the Development of Education in Areas Where Minorities Are Commingled, Each Issued by the Provincial Department of Education and Provincial Department of Ethnic Affairs of Sichuan Province* (issued on December 9, 2002, *Chuanweiban* [2002] No. 33, by the Sichuan Provincial Office of the Chinese Communist Party and the Office of the Sichuan Provincial People's Government).
2. *Supplementary Provisions of A Ba Tibetan and Qiang Autonomous Prefecture to Implement the Compulsory Education Regulations of Sichuan*

Province (effective April 6, 1998; adopted on December 13, 1997, by the First Session of the Eighth People's Congress of the A Ba Tibetan and Qiang Autonomous Prefecture and approved on April 6, 1998, by the 2nd Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

3. *Provisions of Ganzi Tibetan Autonomous Prefecture for Implementing Regulations of Sichuan Province on Compulsory Education* (effective May 28, 1991; adopted on December 21, 1990, by the 11th Session of the Standing Committee of the Sixth People's Congress of Ganzi Tibet Autonomous Region and approved by the 23rd Session of the Standing Committee of the Seventh People's Congress on May 28, 1991).

VI. Language

A. National

1. *Notice of the State Council on the Division of Labor for the Approval and Experimental Implementation of the Proposal to Establish and Reform the Written Language of All Minorities* (March 10, 1956).
2. *Report of the State Ethnic Affairs Commission and the State Publishing Bureau on Strengthening the Publication of Books in Minority Languages* (transmitted on March 14, 1981, by the State Council).
3. *Report of the State Ethnic Affairs Commission on Further Doing a Good Job in Respect of Minority Languages* (transmitted on June 19, 1991, by the State Council).
4. *Notice of the State Education Commission on Pursuing Testing of Chinese in Minority Schools* (July 18, 1997).
5. *Notice of the News and Publications Bureau on Issues Relating to the Publication of Minority Language Periodicals* (effective November 18, 1998).
6. *Law of the People's Republic of China on the Commonly Used Oral and Written Language of the State* (effective January 1, 2001; adopted on October 31, 2000, by the 18th Session of the Standing Committee of the Ninth National People's Congress and published on October 31, 2000, by Decree No. 37 of the People's Republic of China).

B. Tibet Autonomous Region

1. *Provisions of the TAR on the Study, Use and Development of the Tibetan Language* (adopted on July 9, 1987, by the Fifth Session of the Fourth TAR People's Congress and amended on May 22, 2002, by the Fifth Session of the Seventh TAR People's Congress).

C. Gansu Province

1. *Working Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Tibetan Language* (approved on June 1, 1996, by

the 21st Session of the Standing Committee of the Eighth People's Congress of Gansu Province).

D. Qinghai Province

1. *Working Regulations of the Hainan Tibetan Autonomous Prefecture on the Tibetan Language* (effective on June 28, 1990, adopted on May 20, 1989, by the Fifth Session of the Eighth People's Congress of the Hainan Tibetan Autonomous Prefecture and approved on June 28, 1990, by the 15th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).
2. *Working Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture on the Mongolian and Tibetan Languages* (effective March 4, 1991, adopted on May 12, 1990, by the Sixth Session of the Eighth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture and approved on March 4, 1991, by the 19th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).
3. *Working Regulations of the Guoluo Tibetan Autonomous Prefecture on the Tibetan Language* (effective July 17, 1993, adopted on April 24, 1993, by the Fourth Session of the Ninth People's Congress of Guoluo Tibetan Autonomous Prefecture and approved on July 17, 1993, by the 4th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).
4. *Working Regulations of the Huangnan Tibetan Autonomous Prefecture on the Tibetan Language* (effective January 1, 1994, adopted on May 30, 1993, by the Third Session of the Tenth People's Congress of the Huangnan Tibetan Autonomous Prefecture and approved on September 18, 1993, by the 5th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).
5. *Working Regulations of the Haibei Tibetan Autonomous Prefecture on the Tibetan Language* (effective October 1, 1995, adopted on March 21, 1994, by the Fifth Session of the Ninth People's Congress of the Haibei Tibetan Autonomous Prefecture of Qinghai Province and approved on March 30, 1995, by the 17th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).
6. *Working Regulations of the Yushu Tibetan Autonomous Prefecture on the Tibetan Language* (effective July 1, 1995, adopted on May 13, 1994, by the Fifth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province and approved on May 31, 1995, by the 18th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

E. Sichuan Province

1. *Working Regulations of the Ganzi Tibetan Autonomous Prefecture on the Use of the Tibetan Language* (adopted on November 21, 1997, by the Fifth Session of the Seventh People's Congress of the Ganzi Tibetan Autonomous Prefecture and approved on April 6, 1998, by the 2nd Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

VII. Cultural Traditions

A. National

1. *Notice of the Office of the State Council Transmitting the Request of the State Ethnic Affairs Commission on Saving and Organizing Ancient Minority Books* (April 19, 1984).
2. *Explanation Regarding the Provisions of the Funeral Management Regulations of the State Council Relating to Respect of Minority Funeral Traditions* (effective June 10, 1999, issued by the Ministry of Civil Affairs, the State Ethnic Affairs Commission, and the Ministry of Health; *Min-shifa* [1999] No. 17).

B. Gansu Province

1. *Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province Regarding the Development of Tibetan Medicine* (approved on September 28, 2001, by the 24th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

C. Qinghai Province

1. *Regulations of Qinghai Province on the Development of Chinese, Tibetan, and Mongolian Medicine* (effective June 1, 2002; adopted on March 29, 2002, by the 29th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
2. *Regulations of Qinghai Province on the Development of Chinese, Tibetan, and Mongolian Drugs* (effective October 1, 2002; adopted on July 29, 2002, by the 31st Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
3. *Regulations of the Yushu Tibetan Autonomous Prefecture on the Management of Tibetan Medicine* (effective November 1, 1995, approved on May 14, 1995, by the Sixth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province and adopted on September 22, 1995, by the 20th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).
4. *Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture on the Protection and Management of Cultural Relics* (effective August 1, 2000, adopted on March 1, 2000, by the Sixteenth Session of the

Tenth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture and approved on May 26, 2000, by the 17th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

VIII. Family

A. National

1. *Opinion on Strengthening the Work of Population and Family Planning of Minorities* (issued on November 13, 2000, by the State Family Planning Commission and the State Ethnic Affairs Commission).
2. *Law of the People's Republic of China on Population and Family Planning* (effective September 1, 2002; adopted on December 29, 2001, by the 25th Session of the Standing Committee of the Ninth National People's Congress and issued on December 29, 2001, pursuant to Decree No. 63 of the People's Republic of China).

B. Tibet Autonomous Region

1. *Adapting Regulations of the TAR on the Implementation of the Marriage Law of the People's Republic of China* (effective January 1, 1982; adopted on April 18, 1981, by the 5th Session of the Standing Committee of the Third TAR People's Congress).
2. *Measures of the TAR on the Administration of Family Planning for the Floating Population* (adopted on July 19, 2000, by the 11th Session of the Standing Committee of the TAR People's Government).
3. *Adapting Provisions of the TAR on the Implementation of the Adoption Law of the People's Republic of China* (effective March 1, 2002; adopted on January 20, 2002, by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

C. Gansu Province

1. *Regulations of Gansu Province on Population and Family Planning* (adopted on November 28, 1989, by the 11th Session of the Standing Committee of the Seventh People's Congress of Gansu Province, amended on September 29, 1997, and further amended on September 27, 2002).
2. *Adapting Provisions of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Implementation of the Regulations of Gansu Province on Family Planning* (adopted on September 2, 1999, by the 11th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

D. Qinghai Province

1. *Supplemental Provisions of the Huangnan Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law* (effective August 7, 1982; approved on August 7, 1982, by the 19th Session of the

- Standing Committee of the Fifth People's Congress of Qinghai Province).
2. *Supplemental Provisions of the Haibei Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law* (effective July 16, 1983; approved on July 16, 1983, by the 2nd Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
 3. *Supplemental Provisions of the Huzhu Tu People Autonomous County on the Implementation of the PRC Marriage Law* (effective December 20, 1983; approved on December 20, 1983, by the 4th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
 4. *Adapting Provisions of the Hainan Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law* (effective July 20, 1985; approved on July 20, 1985, by the 13th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
 5. *Supplemental Provisions of the Yushu Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law* (effective July 18, 1987; adopted on October 30, 1986, by the 3rd Session of the Standing Committee of the Seventh People's Congress of the Yushu Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
 6. *Adapting Provisions of the Guoluo Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law* (effective November 21, 1987; adopted on November 10, 1987, by the 8th Session of the Standing Committee of the Eighth People's Congress of Guoluo Tibetan Autonomous Prefecture and approved on November 21, 1987, by the 29th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
 7. *Adapting Provisions of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province on the Implementation of the Age of Marriage in the PRC Marriage Law (Revised)* (effective July 1, 2002; adopted on April 27, 2002, by the Second Session of the Eleventh People's Congress of Haixi Mongolian and Tibetan Autonomous Prefecture and approved on May 31, 2002, by the 30th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
 8. *Regulations of Qinghai Province on Population and Family Planning* (effective January 1, 2003; adopted on September 20, 2002, by the 32nd Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
 9. *Measures of the Provincial Family Planning Commission and Provincial Financial Office of Qinghai Province to Encourage Agricultural and Pastoral Families to Have Only One Child and Minority Pastoral Workers in Pastoral*

Areas to Give Up Having A Third Child (effective January 1, 2003, transmitted by the Office of the People's Government of Qinghai Province).

E. Sichuan Province

1. *Adapting Provisions of A Ba Tibetan and Qiang Autonomous Prefecture on the Implementation of the Inheritance Law of the People's Republic of China* (effective January 1, 1990; adopted on March 8, 1989, by the Second Session of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture and approved on September 20, 1989, by the 11th Session of the Standing Committee of Seventh People's Congress of Sichuan Province).
2. *Supplemental Provisions of the Ganzi Tibetan Autonomous Prefecture of Sichuan Province on the Implementation of the PRC Marriage Law* (effective July 1, 1982; adopted on November 19, 1981, by the Sixth Session of the Fourth People's Congress of Ganzi Tibetan Autonomous Prefecture and approved on December 26, 1981, by the 13th Session of the Standing Committee of the Fifth People's Congress of Sichuan Province).
3. *Supplemental Provisions of A Ba Tibetan and Qiang Autonomous Prefecture on the Implementation of the PRC Marriage Law* (effective January 1, 1984; adopted on March 17, 1983, by the 12th Session of the Standing Committee of the Fourth People's Congress of the A Ba Tibetan Autonomous Prefecture; approved on July 12, 1983, by the 2nd Session of the Standing Committee of the Sixth People's Congress of Sichuan Province; amended on July 8, 1988, by the 4th Session of the Standing Committee of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture, and approved on September 26, 1988, by the 5th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).
4. *Regulations of Sichuan Province on Population and Family Planning* (effective October 1, 2002; adopted on July 2, 1987, by the 26th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province, amended on December 15, 1993, further amended on October 17, 1997, and further amended on September 26, 2002, by the 31st Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).
5. *Measures of Ganzi Tibetan Autonomous Prefecture on Family Planning* (adopted on June 24, 1988, by the 27th Session of the Standing Committee of the Fifth People's Congress of Ganzi Tibetan Autonomous Prefecture, approved on May 8, 1989, by the 9th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province; amendment adopted on December 18, 1998, by

the 35th Session of the Standing Committee of the Seventh People's Congress of Ganzi Tibetan Autonomous Prefecture and approved on June 1, 1999, by the 9th Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

6. *Measures of A Ba Tibetan and Qiang Autonomous Prefecture on Family Planning* (adopted on April 28, 1989, by the 8th Session of the Standing Committee of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture and approved on May 8, 1989, by the 9th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province; amended on April 10, 1995, by the 14th Session of the Standing Committee of the Seventh People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture and approved on October 19, 1995, by the 17th Session of the Standing Committee of the Eighth People's Congress of Sichuan Province).

IX. Religion

A. Tibet Autonomous Region

1. *Interim Measures of the TAR on the Administration of Religious Affairs* (effective December 20, 1991; adopted on December 9, 1991, by the Standing Committee of the TAR People's Government).

B. Gansu Province

1. *Interim Provisions of Gansu Province on the Administration of Religious Affairs* (effective November 16, 1991; adopted in 1991 by the 21st Session of the Standing Committee of the People's Government of Gansu Province).

C. Qinghai Province

1. *Provisions of Qinghai Province for the Administration of Places of Religious Activity* (effective October 1, 1992; adopted by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

D. Yunnan Province.

1. *Provisions of Yunnan Province on the Administration of Religious Affairs* (effective January 1, 1998; adopted on December 2, 1997, and issued on December 25, 1997, by the 39th Session of the Standing Committee of the People's Government of Yunnan Province).

Economy

X. Economic Rights

A. National

1. *Law of the People's Republic of China on the Autonomy of Ethnic Areas (the "PRC Autonomy Law")* (effective October 1, 1984; adopted at the

Second Session of the Sixth National People's Congress and amended on February 28, 2001, by the 20th Session of the Standing Committee of the Ninth National People's Congress).

2. *Telegraphic Notice of the State Pricing Bureau, the People's Bank of China, and the Ministry of Commerce on the Price of Gold or Silver Decorative Goods Provided to Minority People* (January 23, 1980).
3. *Letter of the General Office of the Ministry of Labor on Giving Special Consideration to Minority Areas in respect of Labor Matters (Laobantinghanzi (1991) No. 11, April 8, 1991).*
4. *Provisions on the Management of Subsidies for Minority Areas* (issued on July 7, 1979, by the State Ethnic Affairs Commission and the Ministry of Finance).
5. *Report by the Ministry of Commerce on Certain Issues in the Further Development of Commerce in Minority Areas* (issued on July 1, 1985, by the Office of the State Council).
6. *Notice on the Request of the State Ethnic Affairs Commission and the Leading Team on the Economic Development of Impoverished Areas of the State Council Regarding Policy Issues in the Work of Supporting Impoverished Areas in Minority Areas* (issued on August 28, 1989, by the State Council).

B. Qinghai Province

1. *Autonomy Regulations of Hainan Tibetan Autonomous Prefecture* (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People's Congress of the Hainan Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
2. *Autonomy Regulations of Haibei Tibetan Autonomous Prefecture* (effective October 1, 1987; adopted on April 25, 1987, by the Second Session of the Eighth People's Congress of the Haibei Tibetan Autonomous Prefecture and approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
3. *Autonomy Regulations of Huangnan Tibetan Autonomous Prefecture* (effective March 1, 1988; adopted on October 12, 1987, by the Second Session of the Ninth People's Congress of the Huangnan Tibetan Autonomous Prefecture and approved on December 26, 1987, by the 30th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).
4. *Autonomy Regulations of Yushu Tibetan Autonomous Prefecture* (effective July 25, 1988; adopted on November 19, 1987, by the Third Session of the Seventh People's Congress of the Yushu Tibetan Autonomous

Prefecture and approved on April 20, 1988, by the 2nd Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

5. *Autonomy Regulations of Guoluo Tibetan Autonomous Prefecture* (effective January 1, 1991; adopted on April 16, 1990, by the Sixth Session of the Eighth People's Congress of Guoluo Tibetan Autonomous Prefecture and approved on November 3, 1990, by the 17th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).
6. *Autonomy Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture* (effective October 1, 1987; approved on July 18, 1987, by the 27th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province and amended on August 28, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

C. Sichuan Province

1. *Autonomy Regulations of Ganzi Tibetan Autonomous Prefecture* (effective July 12, 1986; adopted on June 4, 1986, by the Third Session of the Fifth People's Congress of the Ganzi Tibetan Autonomous Prefecture and approved on July 12, 1986, by the 20th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province).
2. *Autonomy Regulations of A Ba Tibetan and Qiang Autonomous Prefecture* (effective July 12, 1986; adopted on May 21, 1986, as the Autonomy Regulations of A Ba Tibetan Autonomous Prefecture by the Fourth Session of the Fifth People's Congress of the A Ba Tibetan Autonomous Prefecture and approved on July 12, 1986, by the 20th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province; adopted on January 5, 1988, as the Autonomy Regulations of the A Ba Tibetan and Qiang Autonomous Prefecture by the First Session of the Sixth People's Congress of the A Ba Tibetan and Qiang Autonomous Prefecture and approved on March 16, 1988, by the 2nd Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).
3. *Autonomy Regulations of Muli Tibetan Autonomous County* (effective March 13, 1992; adopted on March 18, 1990, by the First Session of the Seventh People's Congress of the Muli Tibetan Autonomous County and approved on March 13, 1992, by the 28th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).

D. Yunnan Province

1. *Autonomy Regulations of Diqing Tibetan Autonomous Prefecture* (effective January 1, 1990; adopted on July 16, 1989, by the Fourth Session

of the Seventh People's Congress of the Diqing Tibetan Autonomous Prefecture and approved on October 21, 1989, by the 8th Session of the Standing Committee of the Seventh People's Congress of Yunnan Province).

XI. Natural Resources

A. Tibet Autonomous Region

1. *Regulations of the Tibet Autonomous Region on the Management of Mineral Resources* (effective July 1, 1999; adopted on April 1, 1999, by the 6th Session of the Standing Committee of the Seventh TAR People's Congress and amended on January 20, 2002, by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).
2. *Regulations of the Tibet Autonomous Region on the Protection of the Environment* (effective September 1, 2003; adopted on July 24, 2003, by the 5th Session of the Standing Committee of the Eighth TAR People's Congress).

B. Gansu Province

1. *Regulations of Tianzhu Tibetan Autonomous County of Gansu Province on the Management of Mineral Resources* (effective March 1, 1995; adopted on March 20, 1994, by the Second Session of the Thirteenth People's Congress of Tianzhu Tibetan Autonomous County, approved on January 21, 1995, by the 13th Session of the Standing Committee of the Eighth People's Congress of Gansu Province, and amended on March 26, 1999, by the 9th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).
2. *Regulations of Gannan Tibetan Autonomous Prefecture of Gansu Province on the Management of Mineral Resources* (adopted on March 30, 1999, by the Second Session of the Twelfth People's Congress of Gannan Tibetan Autonomous Prefecture and approved on May 26, 2000, by the 16th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

C. Qinghai Province

1. *Regulations of Haibei Tibetan Autonomous Prefecture on the Management of Mineral Resources* (effective July 1, 1995; adopted on April 20, 1990, by the Sixth Session of the Eighth People's Congress of Haibei Tibetan Autonomous Prefecture of Qinghai Province and approved on May 31, 1995, by the 18th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).
2. *Regulations of Haixi Mongolian and Tibetan Autonomous Prefecture on the Management of Mineral Resources* (effective November 1, 1995; adopted on May 12, 1990, by the Sixth Session of the Eighth People's Congress of the Haixi Mongolian and Tibetan Autonomous

Prefecture and approved on September 22, 1995, by the 20th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

3. *Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture on the Management of Water Resources* (effective October 1, 1998; adopted on May 15, 1998, by the Fourth Session of the Tenth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province and adopted on July 24, 1998, by the 3rd Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).
4. *Regulations of Guoluo Tibetan Autonomous Prefecture on the Protection of the Ecological Environment* (effective October 1, 2000; adopted on May 13, 2000, by the Sixth Session of the Tenth People's Congress of Guoluo Tibetan Autonomous Prefecture and approved on July 30, 2000, by the 19th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

D. Sichuan Province

1. *Regulations of A Ba Tibetan and Qiang Autonomous Prefecture on the Management of Mineral Resources* (adopted on April 19, 1996, by the Fourth Session of the Seventh People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture and adopted on October 17, 1998, by the 5th Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).
2. *Regulations of Muli Tibetan Autonomous County on the Management of Mineral Resources* (adopted on February 6, 1996, by the Fourth Session of the Eighth People's Congress of Muli Tibetan Autonomous County and approved on October 17, 1998, by the 5th Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).
3. *Regulations of Ganzi Tibetan Autonomous Prefecture on the Management of Mineral Resources* (adopted on April 9, 1995, by the Second Session of the Seventh People's Congress of Ganzi Tibetan Autonomous Prefecture and approved on October 19, 1995, by the 17th Session of the Standing Committee of the Eighth People's Congress of Sichuan Province; an amendment was adopted on March 17, 1999, by the First Session of the Eighth People's Congress of Ganzi Tibetan Autonomous Prefecture and approved on June 1, 1999, by the 9th Session of the Standing Committee of Ninth People's Congress of Sichuan Province).

Appendix B

Global Autonomy Models

Representing a flexible and creative structure, autonomy devolves power from the center to geographic-, linguistic-, or ethnic-based regions. Following is a survey of some contemporary autonomous arrangements that may serve as a model for future autonomy solutions.³⁶⁹

Åland Islands

The Åland Islands is an autonomous entity under the sovereignty of Finland. The archipelago is comprised of 6,554 islands located between Sweden and Finland in the Baltic Sea and is home to approximately 25,500 Swedish-speaking inhabitants. Originally part of Sweden, the Åland Islands were ceded to Russia in 1809 and then made part of newly independent Finland in 1917. The Åland Islands' autonomy was first legislated by Finland in 1920 and was last amended in 1991. Under the Act of Autonomy, the Åland Islands have authority over matters of health, education, regulation of occupation, housing, social welfare, conservation, public entertainment, and public order and security. The Finnish central government has authority over issues of constitutional law, foreign relations, general taxes and payments, criminal and civil law, the judiciary, social insurance, navigation and aviation, and communications.

Basque

Basque Country is an autonomous community of Spain located on the Spanish and French border along the coast of the Bay of Biscay. Basque Country is made up of the Spanish provinces Alva, Guipuzcoa, and Vizcaya, with a total land area of 7,261 square kilometers. Basque is home to over 3

369. Lessons are learned from both successes and attempts. Autonomy arrangements may be exemplary in their intent but fall short in implementation. The 1918 Soviet Constitution established extensive autonomy arrangements for ethnically and linguistically distinct regions of the Soviet Union. Lenin's instructions were ignored by local officials, thereby exacerbating regionalism and instability. Autonomy arrangements may address the demands of a majority in the effected area but, even when fully implemented, they may fail to mollify extremist demands (e.g., the Basque Region). Autonomy arrangements may also fail because they afford less than what is expected based on international rights norms and standards (e.g., Palestine).

million inhabitants. In 1979, Basque became Spain's first autonomous region with the passing of the Guernica Statute, which granted the region autonomy over finances and local police forces and provided that Basque language would be the official language of the region. The Basque government is the only regional government in Spain to have authority over all taxes. It also retains authority over internal security, industry, economic planning, banking, transport, energy resources, rural and urban development, agriculture and fisheries, social services, culture, and public works. The Spanish central government has authority over the Basque judicial system and services such as water ports, airports, and immigration.

Catalonia

Catalonia is an autonomous community in the northeastern corner of Spain, bordered by France to the north and the Mediterranean Sea to the east. Catalonia includes the Spanish provinces Gerona, Barcelona, Tarragona, and Lleida, governs a population of 4.5 million, and occupies 31,930 square kilometers of territory. In 1640, Catalonia successfully revolted against Spain and placed itself under the protection of France until the Treaty of the Pyrenees in 1659. The region experienced countless rebellions in the 1800s, and declared itself an independent state in 1873. It resubmitted itself to the authority of the Spanish government in 1876. With the passing of the Catalanian Autonomy Statute, it became the only region in Spain to obtain autonomy during the Second Republic in 1932. Francisco Franco rescinded the 1932 Statute when he came to power after the 1939 Civil War. This statute formed the foundation for a 1979 Statute of Autonomy, which granted Catalonia its current autonomous status. Residents of Catalonia are deemed Catalan citizens, and they obtain all rights reserved for Catalans. While the Spanish central government holds control over foreign affairs, Catalonia maintains representative offices in various countries to conduct trade and tourism activities, and it has representative offices in international organizations including the United Nations Educational, Scientific and Cultural Organization (UNESCO). The Catalanian regional government, the *Generalitat*, has authority over natural resources, environmental policy, local police forces, health services, education, transportation, and cultural matters. Most economic affairs, including commercial and labor legislation, merchant shipping, foreign trade and tariffs, economic planning, and finances, are under the supervision of the Spanish central government.

Chittagong Hill Tracts

The Chittagong Hill Tracts are comprised of hill districts called Bandarba, Kha-grachari, and Rangamati in eastern Bangladesh. The Hill Tracts are located on the border with Myanmar, occupy an area of 8,149 square kilometers, and are home to 13 distinct tribes collectively referred to as the Jumma people. Of Sino-Tibetan descent and predominantly Buddhist, the tribes differ greatly from the rest of the Bangladeshi population, who are Bengali and Muslim. In the nineteenth century, when the region was under British rule, the Hill Tracts had a degree of self-rule. In 1955, the Hill Tracts were under the absolute control of Pakistan as part of East Pakistan. They then came under control of the newly established Bangladeshi government, following independence from Pakistan in 1971. In 1997, a Peace Accord established the Chittagong Hill Tracts Regional Council (CHTRC) with responsibility over issues including vocational training; primary and secondary education; land and land management; local police, tribal law and social justice; youth welfare; environmental preservation and management; local tourism; improvement trust and other local government organizations; licensing for local trade and business; water resources; money lending and trade; and taxation.

Cook Islands

The Cook Islands form a self-governing entity in free association with New Zealand. The entity is comprised of 15 islands, divided into the Northern Cooks and the Southern Cooks. The islands cover a total area of 237 square kilometers and are home to a population of 19,989 inhabitants. The Cook Islands, a British protectorate during the time of the British Empire, established an association with New Zealand, the closest British colony to the islands. The Cook Islands voluntarily continued their free association with New Zealand after Britain decolonized New Zealand. The Cook Islands are self-governing and have full right to independence at any time.

Faroe Islands

The Faroe Islands are an autonomous entity in a federal relationship with the Kingdom of Denmark. The Islands form an archipelago of 18 islands located 300 kilometers northwest of Scotland in the North Atlantic. The islands have a total area of 1,399 square kilometers and a population of 41,834 people. They have been province of Denmark since 1360. Autonomy for the Faroe Islands was first established under the Home Rule Act of 1948. Under the Home Rule Act, the Faroese government has authority over issues including those of local taxes, the postal system, social services, environmental policies, education, transportation, and cultural affairs.

Gagauzia

Gagauzia is an autonomous region in the Republic of Moldova. It is located in southeastern Moldova, bordering Ukraine, and covers a land area of 1,800 square kilometers. Gagauzia is home to 169,300 people, of whom 83 percent are Gagauz. Gagauz are Turkic Orthodox Christians and speak a language influenced by Romanian. Shortly after Moldovan independence from the Soviet Union, Gagauzia declared itself independent from the newly formed Republic of Moldova. The Moldovan government repeatedly took actions to prevent secessionist movements by Gagauzia, climaxing in 10,000 Moldovan troops being sent to the region. Negotiations successfully averted violent conflict, and, in 1994, Gagauzia was granted extensive autonomy powers under the Special Status of the Gagauz Act. Under the Act, Gagauzia has authority over issues including science, culture, education, housing, municipal economy and improvements, public health, sport, economics, ecology, labor relations, and social security.

Gibraltar

Gibraltar is a dependent territory of the United Kingdom. The small territory is of great strategic importance because of its location at the tip of Spain in the Strait of Gibraltar, where it sits as the link between the Mediterranean Sea and the North Atlantic Ocean. Gibraltar was part of Spain from 1462 until the British acquired it under the Treaty of Utrecht in 1713. Made a British colony in 1830, the new 1969 Constitution established Gibraltar as a dependent territory of the United Kingdom. Control of Gibraltar lies ultimately with the sovereign of England and is vested to the governor of Gibraltar. Local government handles issues of health, education, and social services. Other issues are handled by the United Kingdom.

Greenland

Greenland is a self-governing overseas administrative division of Denmark. It has a land area of 2,175,600 square kilometers and a population of 55,000 people. Of the inhabitants of Greenland, 87 percent are Greenlandic and the remaining 13 percent are Danish or of other Scandinavian decent. Greenland has been under Danish control since 1380. Greenland's self-governing status was established in 1979 with passage of the Greenland Home Rule Act. The Danish government is represented in Greenland by a High Commissioner who is appointed by the Danish Crown, but who has no veto power or vote in local executive or legislative issues. The High Commissioner's primary role is as a liaison between Greenland and the Danish government. Greenland handles issues involving telecommunications, taxation, natural resources, environmental policy, education, and cultural affairs.

Jammu and Kashmir

Jammu and Kashmir is an autonomous entity within India. India's claim of sovereignty over Jammu and Kashmir is contested by Pakistan, and the region has been at the center of conflict between India and Pakistan since 1947. India, Pakistan, and China all exert influence and control over different sections of the region. Together, Jammu and Kashmir have a total land area of 222,237 square kilometers and a population of approximately 8.8 million. Of the region's inhabitants, 64 percent are Muslim and 32 percent are Hindu. Autonomy status for Jammu and Kashmir is enshrined in the Indian Constitution of 1957 and the Kashmir Constitution of the same year. The Indian Constitution identifies Jammu and Kashmir as a unique state within India. In 1996, Kashmiri state elections voted in a pro-Indian government, which governs the region by elected government rather than by direct rule from Delhi. The local government has exclusive authority over police, gas, education, hospitals, unemployment, land tenure, and the running of local government. The government of Jammu and Kashmir also has the power to regulate movement of peoples to and from Jammu and Kashmir.

Federated States of Micronesia

The Federated States of Micronesia (Micronesia) is an associated state of the United States of America. There are 607 islands that comprise Micronesia, located in the North Pacific Ocean. The islands are home to approximately 129,658 residents. Micronesia became an associated state of the United States in 1982 under the Compact of Free Association. The United States ended its formal administration of Micronesia in 1983, following a local plebiscite and ratification of the Compact of Free Association. The United States assists the government of Micronesia only in certain issues of foreign relations. All other issues are handled by the Micronesian government.

Navajo

The Navajo are a Native American people in the United States with a population of approximately 219,000. The Navajo control territory known as the Navajo reservation, located across Arizona, New Mexico, Utah, and Colorado with a total land area of 650,000 square kilometers. It is a partially self-governing territory. Approximately 150,000 Navajo people live on the Navajo reservation. The right to self-government of Native American peoples was first established in 1823 following a series of decisions by U.S. Supreme Court Chief Justice John Marshall, which held that Native American nations were entitled to some form of self-government. These decisions also confirmed that native peoples were under the jurisdiction of the federal government and not

the states in which they reside. The 1934 Indian Reorganization Act formally recognized Native American peoples' right to self-government, and the 1968 Indian Civil Rights Act guaranteed Native Americans certain constitutional rights. The Navajo nation's self-governing body, the Navajo Tribal Council, is responsible for governing the Navajo reservation. Within the boundaries of the Navajo reservation, tribal government has authority over the judicial system, taxation, policing, chartering of Navajo schools, and cultural matters.

Netherlands Antilles

The Netherlands Antilles is an autonomous entity linked to the Kingdom of the Netherlands. It is comprised of two separate groups of Caribbean Islands; one group is located north of Venezuela, and the other is east of the Virgin Islands. The total land area of the islands is 798 square kilometers, with a population of 205,693 persons. Some portion of the islands has been under Dutch control since the 1630s, and all came under Dutch sovereignty by 1816. Netherlands Antilles gained full autonomy for internal affairs under the Charter of the Kingdom of the Netherlands in 1954. It also has membership in a number of international organizations. The Kingdom of the Netherlands has authority over all foreign affairs and defense issues for the Netherlands Antilles.

Northern Ireland

Northern Ireland is part of the United Kingdom of Great Britain and Northern Ireland. The region is comprised of the six northernmost provinces on the island of Ireland in the North Atlantic Ocean. Northern Ireland was the only region in Ireland that did not gain independence following the 1916 Easter Uprising and the establishment of an Irish Free State in 1921. Violence between separatist Catholics and unionist Protestants has plagued the region. Attempts at reconciliation and accommodation intensified in the mid-1980s and continued with little result until 1996. At that time, pressure from the international community and international mediation resulted in two years of multiparty negotiations to resolve the conflict. The negotiations culminated in the 1998 Good Friday Agreement, which established a complex governance system whereby different matters affecting the region are dealt with by different governing institutions. Northern Ireland handles some matters through self-rule, while others are undertaken through joint action by Northern Ireland and Ireland, shared jurisdiction between Northern Ireland and the United Kingdom, sole authority of the United Kingdom, or under the jurisdiction of the European Court of Human Rights.

Nunavut

Nunavut is a territory of Canada, located in the Canadian northwest. The total area of Nunavut is 1,968,000 square kilometers, with 25,000 inhabitants, of whom 85 percent are Inuit, a native people often referred to as “Eskimos.” Nunavut was created under the 1993 Nunavut Land Claims Agreement (later codified as the Nunavut Land Claims Agreement Act, the “Nunavut Act”), which provided that the Canadian government would set aside a section of the Inuit people’s ancestral homeland and transfer a significant level of self-government. The transfer of control from the Canadian government to Nunavut is a gradual process. The first transfers began in 1999, and complete transfer is scheduled to be completed by 2008. As with other Canadian provinces, Nunavut has its own locally elected government, with its own executive, legislature, and courts. The Nunavut government is responsible for issues such as administering justice, maintaining law and order, providing education, managing cultural affairs, and providing social services. Like other provinces in Canada, Nunavut is under the ultimate authority of the federal government.

Palestine

Present-day Palestine is comprised of the Gaza Strip, on the east coast of the Mediterranean Sea, and the West Bank, west of the Jordan River. The total area of Palestine is 10,100 square kilometers and has a population of approximately 2,000,000 Palestinian Arabs. The joint Declaration of Principles on Interim Self-government Arrangements was announced in Oslo, Norway, in 1993. The Palestinians-Israeli Interim Agreement on the West Bank and the Gaza Strip was announced in 1995. The 1993 Declaration provided for a Palestinian interim government comprised of a Palestinian Council and Executive Authority, which would handle governmental affairs for the Palestinians for five years, at which time the two parties would meet to negotiate the establishment of a separate Palestinian state. The 1995 Agreement transferred governing powers to the Palestinian Council and the Executive Authority. It also established a Palestinian police force and other organs for public security.

Puerto Rico

Puerto Rico is an island in the Caribbean Sea under the authority of the United States. Puerto Rico has a land area of 8,959 kilometers and is home to 4,000,000 inhabitants, 99 percent of whom are Hispanic. In 1952, a Puerto Rican constitution incorporated the island into the U.S. federal system. The constitution provided that Puerto Rico would hold powers of self-government

with respect to education, police, courts, public works, and internal communications. The United States retained control over customs, interstate commerce, postal service, the coast guard, television and radio licensing, and foreign relations. Puerto Rican residents have U.S. citizenship, but do not hold the right to vote in U.S. presidential elections, and Puerto Rico does not have representation in the U.S. Congress. In 1998, the United States–Puerto Rico Political Status Act was passed by the U.S. House of Representatives, calling for a referendum in Puerto Rico to decide their preferred political status. A majority of Puerto Ricans submitted a “protest vote” against the wording of the ballot in December of the same year; Puerto Rico’s political status remains unchanged.

Quebec

Quebec is a province of Canada. It is located between the Canadian province Ontario to the west and the Canadian Maritime provinces to the east. Quebec has a total land area of 1,356,790 square kilometers and is home to over 6,500,000 people. One in four Canadians lives in Quebec. Originally a French colony founded in 1534, Quebec has a culture rooted in French language and tradition. There is a significant percentage of the population who believe that Quebec can only preserve its unique culture through independence from Canada. Two referenda on Quebec’s political status were held, first in 1980 and again in 1995. Neither received the required majority to trigger secession from Canada. In 1987, the Canadian government amended the Canadian constitution to give greater powers to the Quebec provincial government. No concessions were made to Quebec following the 1995 referendum, though it was narrowly defeated by a vote of 50.6 percent against to 49.4 percent in favor of independence.

Scotland

Scotland is a distinct state within the United Kingdom of Great Britain and Northern Ireland. It has a total land area of 78,775 square kilometers and is located at the northernmost tip of the British Isles. Scotland is home to 5,112,100 people. Scotland has been united with England and Wales in the United Kingdom since the 1707 Act of Union. The Act of the Union provided that Scotland would retain a separate legal system, church, national bank, currency, and flag. Additionally, Scotland was reserved a fixed percentage of representation in the British Parliament and home rule in local government, education, and social functions. Following a 1997 Scottish referendum, the Scotland Act was passed in 1998, establishing a separate Scottish Parliament, the first since 1707. Under the Act, the United Kingdom retained responsibility over foreign policy with Europe, defense and national security, eco-

conomic stability, common markets for goods, employment legislation, social security, and transport safety regulations. Scotland has authority in all other areas.

South Tyrol

South Tyrol is the northernmost province of Italy. Located on the Italian-Austrian border, the province has a total land area of 7,400 square kilometers and a total population of approximately 430,568 people. Of the current population, 64 percent are German-speaking, 30 percent Italian-speaking, and 4 percent Ladin-speaking. Originally part of the Habsburg Empire, South Tyrol was incorporated into Italy in 1919. In 1946, Austria and Italy signed the De Gasperi–Gruber Accord. The agreement stipulated guarantees for German-speaking inhabitants of South Tyrol, including elementary and secondary teaching in German, equal status of German and Italian languages for official purposes, and equal opportunity for German-speakers in public office. Italy's failure to uphold its obligations under the accord led Austria to apply pressure through the United Nations for Italy to address the rights of German-speaking peoples in South Tyrol. Terrorist attacks in the region in the 1960s further intensified the issue. In 1972, the Autonomy Statute was passed, giving South Tyrol authority over issues of regional government offices, local economy, public works, education, public welfare, environment and natural resources, local transportation, and local communications. Additionally, a 1989 amendment to the Autonomy Statute provides for certain tax revenues to be directly distributed to the region. South Tyrol also has significant authority to legislate the use of mother tongue languages.

Tatarstan

Tatarstan is an autonomous state within the Russian Federation. It has a total land area of 68,000 square kilometers and is home to 3,766,500 people, of whom 51 percent are Tartars, 43.3 percent are Russians, and 3.7 percent are Chuvashes. Originally one of the 20 autonomous regions of the former Union of Soviet Socialist Republics (USSR), Tatarstan adopted its own republican constitution in 1992. When the Russian Federation was created and a Russian constitution was drafted in 1993, Tatarstan refused to be included as a state within the new federation. Tatarstan is of great strategic and economic value to Russia, producing 79 percent of Russia's oil and manufacturing a large proportion of its heavy machinery, including military equipment. As a result, Russia was anxious to retain access to Tatarstan, and in 1994, Russian and Tartar representatives negotiated the Treaty on the Demarcation of Powers Between the Agencies of State Power of the Russian Federation and the Republic of Tatarstan. Under the treaty, Tatarstan is considered a state within

Russia, but retains a high degree of autonomy. Tatarstan continues to have its own constitution, laws, budget, taxes, governmental institutions, and bank. It shares with Russia joint responsibility over some areas, including defense of individual rights and freedoms, ethnic minority issues, management of sovereignty and territorial integrity, military production and sale of weapons, coordination of foreign trade, pricing policy, monetary policy, and transport and communications policy.

Torres Strait Islanders

The 20 islands that comprise the Torres Strait Islands are a territory of Australia. The Islands are located in the Torres Strait, which runs between the Australia's northern coast and Papua New Guinea, and are home to approximately 10,000 people. The Torres Strait Islanders are native inhabitants of the islands, similar to the Aboriginal peoples on the Australian mainland. In 1989, the Australian government passed the Aboriginal and Torres Strait Islander Commission Act, which set up the Aboriginal and Torres Strait Islander Commission (ATSIC), a body designed to provide a level of self-government for Aboriginal and Torres Strait Islands peoples. The ATSIC is made up of 17 elected commissioners, one chairperson, and a chief executive officer, who is appointed by the Australian Minister for Aboriginal and Torres Strait Islander Affairs. Within the ATSIC was created an Office of Torres Strait Islander Affairs (located in the Australian capital of Canberra), which deals with issues affecting the Torres Strait Islanders.

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