

Autonomy & The Tibetan Perspective



Tibetan Parliamentary & Policy Research Centre

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FRIEDRICH-NAUMANN-STIFTUNG
&
THE TIBETAN PARLIAMENTARY AND
POLICY RESEARCH CENTRE

The **Friedrich-Naumann-Stiftung** (FNSt) established in 1958 is a non-profit organization for public benefit. It promotes the liberal principle of Freedom in Human Dignity in all sectors of society, both nationally as well as internationally, in developed as well as developing countries.

The Foundation is active in more than 75 countries. In the South Asian Region comprising the SAARC countries the Foundation's work encompasses projects concerned with support for economic liberalisation; fostering regional economic co-operation in South Asia; promotion of civic rights; and environmental protection. All these activities are carried out in co-operation with local, national and international NGOs, the emphasis being on self-reliance and the setting up of democratic institutions.

Friedrich-Naumann-Stiftung in partnership with the **Assembly of Tibetan People's Deputies** has set up the **Tibetan Parliamentary and Policy Research Centre** (TPPRC) with the purpose of strengthening the Tibetan diaspora in building up a healthy democratic working ethos. The objective is to prepare the Tibetans in exile for the assumption of responsibilities that would respond to their hopes and aspirations through a framework of legislative, executive and judicial institutions based on the concept of the Tibetan polity guided by *Saddharma* and with a view to generating human values and considerations based on man's free will, equality, justice and non-violence. There is also the standing need to constantly remind the Tibetan diaspora of their national identity, culture and heritage and the global community of Tibet's unique contribution to the world of thought and culture.

Established in 1994, the Centre has already reached a very representative section of Tibetans residing in India and Nepal, encouraging them to get actively involved in their new democratic institutions and helping their leadership to formulate a vision for the future. Moreover, the Centre has a sound back-up programme of publications to disseminate information to build up national and international public opinion for the fulfillment of a just cause.

Preface

The Tibetan Parliamentary and Policy Research Centre has over the last one decade organised a number of workshops of experts from various fields on diverse issues concerning Tibet. We have also published the reports of these workshops and research works such as ‘Tibetan People’s Right to Self Determination’, ‘The Case Concerning Tibet: Tibet’s Sovereignty and the Tibetan People’s Right to Self Determination’, ‘Tibetan Autonomy and Self Government: Myth or Reality’, and ‘Options for Tibet’s Future Political Status: Self Governance Through Autonomous Arrangement’ among others. All these publications have been immensely useful in creating a better understanding of the Tibetan People’s legal and political rights, and the Tibetan People’s aspiration of genuine autonomy for Tibet.

This publication titled ‘Autonomy and the Tibetan Perspective’ is one more addition in furtherance of our set objectives to promote awareness on the concept of autonomy and self-governance, the Chinese and Tibetan position on autonomy, and the Status of Sino-Tibet dialogue. As I am writing this note, the Tibetan delegation is in Beijing for the fifth round of dialogue to seek a peaceful, negotiated and mutually beneficial solution for the Issue of Tibet. It is hoped that during this round, there would be substantive talks leading to earnest negotiation.

This book has contributions by or has excerpted extensively from the works of Eva Herzer, Wendy Miles, Michael Van Walt Praag, Tsering Shakya, Warren Smith, Allen Carlson, Tashi Rabgye and Tseten Wangchuk Sharlo, Yash Ghai, Kelley Loper, Sophia Woodman, the Department of Information and International Relations and the Tibet Justice Centre. I wish to thank all of them. I also want to thank my colleagues Tashi Yangzom and Kunsang Rinzin for compiling and editing the book.

Penpa Tsering
Executive Director
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Concept of Autonomy

Different experts have explained the meaning of Autonomy differently based on their personal study and opinion. It is therefore impossible to find a succinct, conclusive legal definition of autonomy. The main reason for this is that autonomy is not so much a legal concept, as a description of certain types of political structure and arrangements. In fact, autonomy is a label used to describe an enormous range of political structures, which comprise different degrees of self-rule and shared rule. Take the “TAR” for example – is it autonomous? The “TAR” is clearly an acronym for the “Tibet Autonomous Region”. But just because something is labelled “autonomous” for political reasons, does it mean it is in fact autonomous? The “TAR” example highlights the need for caution when using this term.

During the course of the 20th century, many conflicts between peoples and states have been successfully resolved through negotiated arrangements for autonomy. The word “autonomy”, according to the Random House Dictionary, is defined as independence, freedom and as the right to self-government. When we speak of “academic autonomy”, for example, we generally refer to the ability of universities to teach and conduct research, free from government interference and corporate influence. “Individual autonomy” usually refers to an individual’s right to make her or his own decisions. Autonomy of a people (such as the Tibetans) refers to a form of self-government within the framework of a larger state, usually, but not always, short of complete independence.

“Autonomy” may therefore be referred to a system in which a sub-state entity has control over its own cultural, economic, and even domestic political affairs in recognition of some ethnic, national or historical distinctions. The dictionary definition of autonomy usually cites as synonyms: “self-rule,” “self-governance” or even “independence.” Minimum requirements

for an autonomous status are generally considered to be a locally elected legislative body with some independent authority over local concerns, whose exercise of power is generally not subject to veto by the central government; a locally elected chief executive; an independent judicial authority with full responsibility for interpreting local laws; and, joint or sole authority over matters such as foreign trade regulations, police, and exploitation of natural resources. Also, where a society had a previously existing government structure, those structures should be immune to unilateral change by the central government.¹

In their 1980 study on “The concept of Autonomy in International Law”, **Hurst Hannum and Richard Lillich** express the opinion that “autonomy and self-government are determined primarily by the degree of actual as well as formal independence enjoyed by the autonomous entity in its political decision making process. Generally, autonomy is understood to refer to independence of action on the internal or domestic level, as foreign affairs and defense normally are in the hands of the central or national government, but occasionally power to conclude international agreements concerning cultural or economic matters also may reside with the autonomous entity”.² Writing in 1990, Hannum gives a more object-oriented definition, emphasizing the purpose of autonomy: “personal and political autonomy is in some real sense the right to be different and to be left alone; to preserve, protect, and promote values which are beyond the legitimate reach of the rest of society.”³

Governmental Powers

In conceptualizing and negotiating for an autonomous arrangement three basic matters must be addressed. First, the division of governmental powers must be determined. The people, in particular, must prioritize the governmental functions over which they require control in order to protect their cultural identity. They must also determine how best to further their social and economic well being within the context of their resources. Second, an appropriate structure for the relationship between the autonomous government and the state must be negotiated and lastly, care must be given to creating the arrangement through a legal document which provides maximum protection to the people against unilateral changes by the state.

Despite the fact that well over 40 autonomous arrangements have been created in the 20th century, the term “autonomy” has no generally accepted meaning in international law. This is not astonishing because one autonomous arrangement can be completely different from the next. Autonomy is a vague, if not meaningless concept, unless and until it is defined, on a case by case basis, as a particular distribution of governmental powers between two governments: The government of the people who seek self-government, usually referred to as the autonomous government, and the government of the sovereign or larger state, referred to as the state government. While negotiating for an autonomous arrangement between the Central and the autonomous entity major governmental powers must be divided between the two parties.

Major Governmental powers which must be divided and allocated between the State and the Autonomous Government

- | | |
|--------------------------------|--|
| - Administration of justice | - Cultural affairs |
| - Currency and monetary policy | - Customs, border control, immigration |
| - Defence | - Determination of citizenship |
| - Economy | - Education |
| - Environmental policy | - Foreign policy |
| - Health and social services | - Law and order |
| - National symbols | - Natural resources |
| - Official language | - Postal and telecommunications |
| - Taxation | - Transportation |

In deciding whether an autonomous arrangement will meet a particular people's needs, it is necessary to examine carefully the distribution of these governmental powers between the autonomous government and the state government. Taking a position for or against autonomy is somewhat meaningless unless the autonomy proposed or opposed is specifically defined as a particular distribution of governmental powers. Depending on how these powers are divided, an autonomous arrangement either results in negligible self-governance or substantial self-governance. The current Tibet Autonomous Region (TAR) is an example of negligible self-rule. Very few governmental powers are controlled by the TAR government and even those powers it nominally controls become often meaningless because the TAR government is controlled by the Central Communist Party.

The following brief summary focuses on the major governmental powers that must be considered in negotiating an autonomous arrangement. It also highlights how other peoples have resolved the allocation of these powers between their autonomous government and the state government.

Cultural affairs

Cultural preservation lies at the foundation of almost every struggle for self-determination. The power over cultural affairs is the only governmental function over which virtually all-autonomous governments have control. In some cases, however, such as the TAR and the nearby Uighur Autonomous Region (East Turkestan, also under China's control), this control is a matter of right but not of practice.

Education

In the great majority of the autonomous arrangements, education is entirely controlled by the autonomous government. Most autonomous governments insist on controlling education in order to guarantee survival of the native language and the cultural identity of their people.

For example, the Swedish speaking Aland Islands, an autonomous province of Finland under the 1991 Act of Autonomy for Aland, administer their own schools, where instruction is in Swedish, with English as a second language. Finnish is offered as an optional language.

Several examples underscore the importance of providing sufficient second language instruction to give students access to a university education. This is especially true in remote regions of the world. In the Federated States of Micronesia, an associated state of the United States (US) under the 1982 Compact of Free Association, a chain of islands in the Pacific Ocean, education is within the exclusive jurisdiction of the autonomous government. Students are taught in each of the applicable Micronesian languages and English is required as a second language. Due to the geographical isolation and the low quality of some of the English instruction, however, many Micronesians graduate without proficiency in English. Because relatively few books are available in the Micronesian languages, educational levels remain low and students are not adequately prepared for a college education, which is only available abroad.

South Tyrol, a German speaking autonomous province of Italy under the Autonomy Statute of 1972, also controls education. Elementary and secondary education are provided in the child's mother tongue, German or Italian. Instruction in the province's other language is also mandatory. All teachers must speak both languages and must be native speakers of the school's primary language.

The TAR is one of the few examples where the autonomous government does not have ultimate control over education. It may plan and implement educational programs but does not have ultimate control because all such programs must comply with Chinese state guidelines.

Official language

Language is a key component of cultural identity and control over language is often critical to effective self-governance. In some autonomous arrangements the state's language is the sole official language, as in the TAR, where the official language is Mandarin. In others, the language of the people is the only official language. For example, in Quebec, a French speaking autonomous province in Canada, the official language is French, even though the rest of Canada is English speaking. In some cases, such as the Aland Islands, the people's language is the official language, but translation from and into the state's language is available for certain official business. Many autonomous arrangements provide for several official languages, so as to meet the needs of the people and the state. Such arrangements are found, for example, in Hong Kong, Micronesia and Greenland.

National symbols

To many peoples, national symbols, such as flags, seals and anthems, are a vital and critical part of their identity. Therefore, most peoples do have their own national symbolism. Prohibitions of national symbols are found only rarely, but include the Chittagong Hill Tracts, which entered into a peace agreement with Bangladesh in 1997, the TAR and Northern Ireland, an island located west of England.

Health and social services

In many cases, health care and social services are provided by the people's autonomous governments. For example, Hong Kong, Liechtenstein and South Tyrol have exclusive control over these functions. An unsuccessful example of people's control over health care is found in Zanzibar, in East Africa, which has had an autonomous arrangement with Tanzania since 1964. While Zanzibar has exclusive control over health care, it has insufficient funds to provide adequately for its population's needs. As a result, there have been outbreaks of epidemics due to lack of potable water and inadequate sewage and electrical systems.

While health care and social services are inherently internal affairs issues, in many cases they are a function of the state for financial reasons. In Quebec health care is within the autonomous government's jurisdiction but Quebec has transferred responsibility for health and social services to the Canadian federal government because the financial burden was too large for the autonomous government. Others, including the people of the Aland Islands, Chittagong Hill Tracts, Micronesia and Northern Ireland, have sole control over health care delivery but with the support of the state by way of subsidies.

Economy

Many autonomous governments have sole or substantial control over their economy. Development of and control over the economy is essential to building economic wealth and a financial base for self-governance.

A good example is Tatarstan, an autonomous member of the Russian Federation. Tatarstan's oil reserves and strong military industry positioned Tatarstan to negotiate successfully a bilateral treaty with the Russian Federation. The treaty guarantees Tatarstan substantial powers of self-governance not enjoyed by other members of the Russian Federation. Liechtenstein, though one of the smallest European countries, has highly profitable electronics, metal, pharmaceutical, ceramics and textile industries, as well as lucrative tourism. It is a sovereign state which has chosen a mutually beneficial associated statehood relationship with Switzerland since 1923.

Economic power can also be successfully shared. In Quebec, for example, intra-provincial business is controlled by Quebec, while inter-provincial trade is controlled by the federal government. In the Basque Country, an autonomous region of Spain, Spain exercises control over foreign trade, banking and insurance, while the Basque autonomous government controls all other aspects of the economy. In some cases, state

subsidies provide autonomous governments with substantial economic control. The Aland Islands, for example, control their port and shipping industry but require and receive substantial economic aid from Finland.

Lack of a viable economy leads to dependency in many other areas, as demonstrated by the case of the Navajo Nation, located in the southwest of the United States. Similarly, in the TAR, the economy is controlled by the state. Lack of local control over the economy, a weak economy and a low level of autonomy go hand in hand.

Taxation

The power to tax is vital to the control of the economy and government services. There is a strong correlation between taxing powers and substantial autonomy. Many autonomous governments, such as Hong Kong, Micronesia, Liechtenstein and Greenland have exclusive taxing powers. Some autonomous governments may levy taxes with respect to matters within their jurisdiction, while states often reserve the power to tax on matters of state-wide interest. In an interesting twist, some autonomous governments use their taxing power to attract commerce by creating tax-free havens within their jurisdiction. This is the case in Andorra, an autonomous province of Spain. The TAR is one of the very few examples where virtually all taxing powers are within the control of the state. The TAR has the limited authority to grant tax exemptions and reductions in special situations.

Natural resources

Control over natural resources is an important factor in controlling one's economy and environmental integrity. Natural resources are the main source of actual or potential wealth for many peoples. By the same token, states desire full access to these resources and it is often difficult to persuade states that it is in their best interest to allow an autonomous government control over natural resources. However, the

economic viability of the autonomous people is generally in the state's best interest. State concerns over potentially unsound management of natural resources can be addressed through joint regulation of natural resources, linked to international standards and best practices. The more difficult issue to address, and one likely to confront the Tibetan people, is how to maintain control over natural resources against a state government's assertion of a national security interest in those resources.

Many of the highly autonomous peoples examined have control over substantial natural resources. The Aland Islanders, for example, control ownership over their land and the resources it contains and their government controls all natural resources. Such arrangements are also found in the Federated States of Micronesia. Scotland, an autonomous part of Great Britain, has control over its natural resources, except for oil and gas. Greenlanders have substantial control over their natural resources; however, the study, prospecting and exploitation of natural resources is jointly regulated by Denmark and the Greenland government. The people of the TAR have no control over their natural resources. This has deprived them of potential wealth and has led to environmental mismanagement.

Environmental policy

Sound environmental policies are essential for a sustainable economy and for the protection of all beings within a territory. Further, environmental policies are of great importance to the larger state because environmental devastation often knows no boundaries. For these reasons, both the people and the state usually have a stake in environmental policy.

South Tyrol, Greenland, Zanzibar, Andorra and Scotland enjoy complete control over their environmental policies. Similarly, in Hong Kong jurisdiction over environmental policy is vested in the autonomous government. In the TAR, on the other

hand, the central PRC government controls environmental policy. Some autonomous arrangements, such as the Interim Agreement between Israel and Palestine, in the Middle East, provide for adherence to international environmental standards and joint environmental impact assessments. Joint control is therefore not necessarily counterproductive, so long as it is tied to specific international standards.

Transportation

Roads and other aspects of transportation can be of strategic and military importance and of vital importance to the economy. State participation in transportation may be beneficial to an autonomous government which lacks necessary financial and technological resources. However, issues of ultimate control over transportation must be considered very carefully because transportation and population influx often go hand in hand.

The autonomous governments of South Tyrol, Liechtenstein, the Aland Islands, Micronesia, Andorra and the Cook Islands, for example, have exclusive power over transportation. Transportation is controlled exclusively by the state in the Navajo Nation, Northern Ireland and Scotland. Examples of shared control are found in the Basque Country, where the autonomous government has control over railways and highways that run completely within its territory.

Postal and telecommunication systems

Most states seek control over postal and telecommunications systems as they may have strategic and military significance. While most autonomous governments chose not to control these systems, which are expensive to run, some exceptions exist. Hong Kong, for example, controls its own postal and telecommunications systems. San Marino, a tiny state in the middle of Italy, shares a postal union with Italy. San Marino, though, issues its own stamps, which are collectors' items due to their small circulation and thus a major source of income.

Law and Order

Control over policing is essential, especially when the relationship between the people and the state has historically been hostile. In most autonomous arrangements, the people alone or jointly with the state control policing and law enforcement. For example, the Aland Islands have sole jurisdiction over their police forces and public order. So do Micronesia, Liechtenstein, Scotland and Andorra.

The Faroe Islands, an autonomous part of Denmark, have joint jurisdiction with the Danish government over law and order. The Faroe Islands government maintains a small police force and coast guard. The Basic Law provides Hong Kong with exclusive jurisdiction over law and order within its territory.

Administration of Justice

In most autonomous arrangements, ultimate judicial control rests with the state. Sometimes, the people have jurisdiction over a limited area of justice administration. Only Micronesia, Andorra and Liechtenstein have an independent judiciary of their own with complete jurisdiction over all civil and criminal matters.

Some autonomous governments have their own judiciary, which is linked in various ways to the state. One such example is Puerto Rico, an island south of the United States in the Caribbean Sea, which has an autonomous arrangement with the United States. Puerto Rico has its own court system based on Spanish law, rather than the English law on which the US judicial system is built, but the US retains some control by allowing final judgments of the Puerto Rican court to be appealed to the US Supreme Court.

In Hong Kong, judicial powers are vested in an “independent” judiciary based on English common law. Hong Kong’s judiciary, however, is not truly independent because the decisions of its highest court are reviewable by China’s National People’s Congress.

In some arrangements jurisdiction is divided. For example, the Inuit, a native people in the north of Canada under the 1991 Nunavut Land Claim of Canada have control over the trial and appellate courts, while the Canadian Supreme Court has final appellate jurisdiction. Similarly, Scotland has civil and criminal courts but the highest level of civil appeals lies with the British court. In the TAR, the judiciary is entirely controlled by the PRC.

In negotiations for judicial powers, consideration must be given to the quality of the judicial system of the state and to the traditional judicial system of the autonomous people. In other words, the legal system's process, its neutrality and its independence from political forces may be of more importance than the issue of who controls it.

Currency and Monetary Policy

Most peoples use the currency of the state. However, as with postage stamps, currency may be of symbolic significance. Some peoples have a separate currency which may be used interchangeably, at the same value, with the currency of the state, which controls the monetary policy. This includes the Holy See, which is the Catholic Church's autonomous entity in the middle of Rome, Italy, as well as Scotland, Liechtenstein, the Faroe Islands and Gibraltar, which is part of the United Kingdom. Hong Kong has its own currency, which is independent of Chinese currency.

Determination of Citizenship

Citizenship can be of symbolic importance and can also be linked to other important issues such as immigration, land ownership, voting rights and access to state schools.

With few exceptions, autonomous arrangements provide that the autonomous people are citizens of the state. However, Tatars are citizens of Tatarstan and citizens of the Russian Federation. Similarly, the people of Zanzibar are citizens of both Zanzibar and Tanzania. Aland Islanders are dual citizens

of Aland Islands and Finland. Hong Kong citizens and the people of the TAR are citizens of the PRC.

Foreign Affairs

Foreign affairs powers can be held exclusively by the autonomous government, by the state or they can be shared. While there is often an assumption that all foreign affairs powers are matters of exclusive state concern, experience shows that foreign affairs powers can be successfully divided and shared. The interests of the state and the autonomous governments can best be met if foreign policy powers are divided in a practical manner, so as to give the state and the autonomous government those foreign affairs powers that complement the other governmental powers they each hold. Autonomous governments that enjoy a high degree of internal self-governance have a substantial interest in participating in matters of foreign affairs which affect their areas of self-governance. By the same token, a state may have little interest in an area of foreign affairs that is related to a governmental function within the control of the autonomous government. Thus, for example, where the state has no control over the economy of the autonomous people, it may have little interest in the power to enter into trade treaties affecting the autonomous territory.

San Marino, Liechtenstein, Andorra and Tatarstan, all are economically strong entities and enjoy the highest level of control over foreign affairs within the entities studied. Liechtenstein, for example, is a sovereign state but through an autonomous arrangement has authorized Switzerland to conduct most of its diplomatic affairs. It retains, however, ultimate power over its foreign affairs.

Some autonomous arrangements provide for limited participation of the autonomous government in foreign affairs matters. In Hong Kong, for example, foreign affairs powers are vested in the PRC. The PRC nonetheless has authorized Hong Kong to conduct certain external affairs on its own in accordance with the Basic Law. Thus, under the name of Hong

Kong China, Hong Kong may develop, maintain and conclude relations and agreements with foreign states and international organizations in the areas of trade, shipping, communications, tourism, monetary affairs and culture. Hong Kong is a distinct member of a number of international organizations, including the World Trade Organization, the International Monetary Fund and the Asia Pacific Economic Co-operation.

Palestine, though not yet independent from Israel has diplomatic relations with over 100 states and enjoys United Nations observer status. The Interim Agreement of 1995, however, limits the foreign affairs powers of the PLO to the areas of economic, cultural, scientific and educational agreements with other states. Greenland and the Faroe Islands are subject to Denmark's exclusive jurisdiction over foreign affairs but Greenlanders and the Faroe Islanders have the right to enter into their own trade agreements.

In many other situations, however, the autonomous government does not share control over foreign affairs powers. Some people have the right under their respective autonomy arrangements to join relevant international organizations. The Inuit, for example, are a member of the Circumpolar Conference and the Aland Islanders and the Faroe Islanders send their own separate delegations to the Nordic Council, a regional organization of parliamentarians from the Nordic States. This type of involvement allows the people concerned to contribute their input and views to matters of foreign relations.

In the TAR and the Uighur Autonomous Region, foreign affairs powers are held exclusively by the PRC's central government, with no involvement by the autonomous governments.

Defence

In virtually all the autonomous arrangements, the power of defense is within the exclusive jurisdiction of the state. Hong Kong and the TAR are examples of exclusive state control over defense. Some arrangements provide for demilitarization

of the territory inhabited by the people. A major provision of the 1991 Act of Autonomy of Aland, for example, provides that the Aland Islands will remain demilitarized. Similarly, Liechtenstein has been a neutral country since 1866 and is a demilitarized zone. Other autonomous arrangements provide for a reduction in military presence.

Passports/Visas

Control over visas may affect economic development and tourism. Passports may be connected to issues of immigration and also may have symbolic significance for the autonomous people. Passports and visas are mostly controlled by the state. Exceptions are found in the Aland and Faroe Islands, where passports identify the people as citizens of the autonomous government and of the state. Citizens of the Federated States of Micronesia carry their own passports as Micronesian citizens. Hong Kong issues its own visas and passports, though Hong Kong citizens have become PRC citizens. The TAR, on the other hand, has no control over passports or visas.

Customs, Border control and Immigration

In the great majority of autonomous arrangements, the state controls customs, borders and immigration of foreign citizens. These powers, though, can be exercised jointly or can be divided between the state and the autonomous government. Special attention must be paid to internal immigration and to residency requirements because immigration can have a profound impact on culture and can lead to cultural destruction, especially when citizens of the larger state immigrate into the autonomous territory.

The Holy See and the Federated States of Micronesia are exceptions as they have full control over customs, borders and all aspects of immigration. While Canada has power over borders and customs on Inuit land, the Inuit may exclude non-Inuits, Canadians and foreigners from entering their territory. Canadian military exercises on Inuit land require Inuit agreement. Further, the Inuit have exclusive jurisdiction over deciding who is Inuit. Similarly, the Navajo Nation controls

entry into its territory as well as who may reside there.

In some situations, these powers are divided between the state and the people. For example, in Palestine, Israel and Palestine jointly control the borders. The Hong Kong government administers and controls customs and immigration, subject to the ultimate jurisdiction of the PRC, while the PRC administers and controls these matters in the TAR.

Political Rights

Whether the people living in the autonomous region enjoy fundamental freedoms and human rights is one test of whether an autonomous arrangement is working out. In the majority of cases where the autonomous people hold substantial control over governmental powers, international human rights standards are adhered to. Some newly independent states and autonomous arrangements, including the Cook Islands, Andorra and South Africa, have taken a preventive approach by expressly incorporating international human rights standards into their constitutions. Similarly, some autonomous statutes require the autonomous government to protect and promote human rights.

On the other hand, where the basic needs of the people are not met and where the cultural identity of the people is not furthered by the autonomous arrangements, political instability and human rights violations are prevalent. The TAR, which holds virtually no ultimate control over governmental powers, unfortunately exemplifies this problem all too clearly.

As can be seen from the above discussion, the allocation of governmental powers between an autonomous government and a state government is the key to achieving meaningful self-governance for a people. Depending on this allocation, autonomy will either be negligible or substantial. The task for the Tibetan people, therefore, is to carefully examine which governmental powers must be under Tibetan control for Tibetans to have meaningful control over their affairs.

Types of Autonomy

Once the allocation of governmental powers is decided, the autonomous government and the state then decide the type of autonomous arrangement they would go for. Table 1 provides the types of arrangements being followed by the present autonomous governments and the states.

Table 1:

<i>Autonomy</i>	<i>Description of Arrangement</i>	<i>People/Entity</i>
Associated State	A federal relationship where the smaller polity is linked to a larger state. The smaller polity has substantial authority over its own but very little influence in the affairs of the larger state. Usually either party may dissolve the relationship at any time.	Cook Islands, Holy See, Liechtenstein, Micronesia, San Marino
Autonomous Province	Larger state develops a definition for local government at provincial level but retains a large degree of centralized government.	Hong Kong, TAR, Xinjiang, Basque, Catalonia, Kashmir, Northern Ireland
Condominium	Polity is jointly ruled by two persons in a way that permits substantial self-rule.	Andorra
Consociation	A non-territorial federation where the separation of individual states is based on religious, cultural, ethnic or ideological grounds. The members of the federation are grouped under one central government.	Belgium
Federacy	Federal relationship where the smaller polity is linked to a larger state. The smaller people have substantial authority over its own but very little influence in the affairs of the larger state.	Puerto Rico
Federation	Two or more strong constituent entities enter into a constitutional framework with a strong general government. Each member state retains certain delegated powers and the central government also retains separate powers over the peoples of the member states.	Belgium, Quebec, Russian Federation, Scotland, South Africa, Tatarstan, Zanzibar
Home Rule	Integral parts of a politically sovereign state, which have significant powers of self-government.	Aland Islands, Chittagong Hill Tracts, Faroe Islands, Gagauzia, Gibraltar, Greenland, Netherlands-Antilles, Navajo, Nunavut, Saami People, South Tyrol, Torres Strait Islanders

Legal Frameworks

Autonomous arrangements, however, are unlikely to be successful and are prone to human rights violations if they are not based on the consent of the people concerned, if the basic needs of the people are not met, either by the autonomous or the state government and if the cultural identity of the people is not supported and furthered by the autonomous arrangement. While it is useful to study the existing examples of autonomous arrangements, negotiation for and the design of specific autonomous arrangements must be based on the unique historical, political, economic, social and cultural circumstances of each individual case.

Hence, care must be given to creating the arrangement through a legal document which provides maximum protection to the people against unilateral changes by the state. Each autonomous state formed its existing autonomy arrangement under a legal instrument of some description. These instruments range from autonomy statutes prepared by the larger state with little or no input from the autonomous state, to unilaterally declared constitutions of the autonomous state.

A constitution is the system of laws and principles according to which a state is governed. If two or more states form a federal type of relationship, the constitution of those states must reflect that agreement. Alternatively, a statute belonging to the larger state may reflect its interpretation of the autonomous state's level of self-rule. Otherwise, the expectations of the parties may be negotiated and recorded in an agreement.

Therefore, the states and polities that provide examples of autonomy arrangements in practise are all based on a document that defines that state or polity's relationship with a larger power. But constitutional documents do more than define – they protect and guarantee the relationship.

Table 2 provides an analysis of the three main types of agreement that govern existing autonomy arrangements. These are:

Constitution (A separate constitution held by the autonomous state);

Autonomy statutes (A legislative document prepared by a larger state that confers powers of self-government onto the autonomous state but does not replace the larger state's constitution); and

Agreement (A negotiated agreement that defines the parameters of the autonomous state's powers. The terms of the agreement often provide for the formulation of a separate constitution by the autonomous state.)

Table 2:

	Constitution Definition	Autonomy Statute	Agreement
Definition	Autonomous state has promulgated its own separate constitution by its own separate legislature.	Larger state's legislature has enacted a separate statute conferring powers of self-rule onto the autonomous state. The larger state's constitution will still apply to the autonomous state.	Both parties have negotiated and agreed to the terms of the autonomous state's powers and the agreement is recorded in a contractual document to be implemented by the legislatures of both states. Ultimately, the autonomous state may promulgate its own separate constitution.
People/ Entity	Andorra Belgium Gibraltar Holy See Kashmir Micronesia San Marino Zanzibar		Chittagong Hill Tracts Navajo, Northern Ireland, Nunavut, Palestine Puerto Rico, Scotland South Tyrol, Tatarstan

Contents of this section has been extracted from the papers presented by Ms. W. J. Miles and Ms. Eva Herzer at a workshop organised by TPPRC on "Tibetan Autonomy and Self Government" in 1999.

Factors that may increase the Prospects for Success of Autonomy

Although each case of autonomy is different, it seems that certain ingredients may generally be counted on to enhance the chances of success.

1. A regime of autonomy should be established with the consent of the population intended to benefit from it. (Thus, due to the objection of the Palestinians, the autonomy negotiations between Egypt and Israel from 1979 to 1982 were doomed to be a failure). However, some times a population that at first only reluctantly accepts a regime of autonomy, later comes to favor it (as happened in the Aland Islands)
2. The regime should be established with the consent, express or implied, of a foreign state to which the autonomous group may have an ethnic or other affiliation. (Thus, Sweden's positive attitude has contributed to the success of the regime of the Aland Islands.)
3. The regime should be beneficial for both the state and the population of the autonomous region.
4. The local population should be permitted to enjoy the formal or symbolic paraphernalia of self-determination, such as a flag, an anthem, and an officially recognized language. (Most of the successful autonomies enjoy these privileges, including the Aland Islands, Greenland, and the Faroe Islands.)
5. The division of powers should be defined as clearly as possible. (The texts concerning the Aland Island, South Tyrol/ Alto Adige, Memel Klaipeda, Eritrea, and the Palestinians are quite detailed; however, although the documents concerning Greenland and the Faroe Islands are rather short, their autonomy had nevertheless been a success.)
6. If activities of the central government in spheres that are under its authority directly affect the autonomous region, the local authorities should, if possible, be consulted. (This practice is particularly conspicuous in the case of the Aland Islands and Greenland.)
7. An organ for cooperation between the central government and the local authorities should be established. Its composition, powers, responsibilities, and procedures should be established, as far as possible, in advance. (Thus, the Aland Delegation has prevented many misunderstandings, and the numerous organs of cooperation planned for Israel and the Palestinians may have beneficial effect.)
8. Modes and mechanisms for settling disputes between the center and the local authorities should be established, with a maximum of detail. (However, when relations between the center and the autonomous authority are good, disputes can often be prevented at an earlier stage by the organs of cooperation.)

9. Under certain circumstances it may be preferable to establish the autonomy in stages, that is, to transfer the relevant powers (and perhaps also the territory involved) gradually. (Gradualism was particularly efficient in the cases of Greenland and the Palestinians.)
10. The prospects for success are greater if both the central government and the autonomous authorities are based on democratic regimes. (As examples one may refer to Puerto Rico, Greenland, and the Aland Islands.)
11. Every regime of autonomy must include guarantees for the respect of human rights, including the principle of equality and non-discrimination among all the inhabitants. Similarly, a minority that lives within an ethnic group that has been granted autonomy should enjoy minority rights. (This is particularly important in cases where there are considerable ideological or traditional differences between the center and the autonomous population on matters of human rights—for example, the status of women and rights of the child.)
12. A rather similar stage of economic development and standard of living in the autonomous region and in the state as a whole may enhance the chances of success. (Thus, Denmark's efforts to raise the standard of living in Greenland have helped to make this autonomy a success, while the economic and social differences between the north and the south may have contributed to the failure of the autonomy in southern Sudan.)
13. If autonomy is established for a limited period, the procedure to be followed at the end of that period should be established. If possible, a list of tentative options to be considered at that stage should be drafted.
14. If autonomy arrangement includes a commitment to certain rules of behavior, it may be helpful if those rules can be based on international norms (as is the case with the references to international standards of human rights, health, and environmental protection included in the texts relating to Palestinians)
15. The most important and indispensable condition for a successful autonomy is a prevailing atmosphere of conciliation and goodwill. This condition must be generated by an energetic and sustained effort to explain and to engage in patient dialogue. (So far, no arrangements of autonomy have succeeded in a hostile atmosphere. The atmosphere may, however, improve with time, as happened in the Aland Islands.)
16. Autonomy should be established before the relations between the majority in the state and the majority in the region deteriorate considerably. If there is hatred and frustration, it is too late, and autonomy will not be able to soothe the strained atmosphere.

(Courtesy: Autonomy: Flexible Solution to Ethnic Conflict by Ruth apidoth)

Autonomy : An Appraisal of the Pros and Cons

Opinions on autonomy vary remarkably. Although some consider it to be futile and unworkable, others have expressed the opinion that it “remains a useful, if imprecise, concept within which flexible and unique political structure may be developed to respond to that complexity.”

It is true that autonomy is often “reluctantly offered and ungratefully received”. It is usually a compromise solution, and it often does not correspond to the original wishes of any of the parties involved. In many cases, the central government hesitates to grant autonomy for various reasons:

- The fear that autonomy may lead to secession;
- The consideration that granting autonomy to a certain region or group would constitute discrimination against the other inhabitants;
- The concern that granting autonomy may lead to the violation of certain interests or values of the state as a whole; and
- The risk that autonomy might induce the intervention of a foreign state to which members of the autonomous group have an ethnic or other affiliation.

The members of the group for whom the autonomy is established often view it as lesser evil, generally preferring complete secession.

Nevertheless, various countries have resorted to autonomy in order to accommodate diversity and heterogeneity. In some cases the scheme functions properly, in others it more or less works; but sometimes autonomy does not function and does not lead to the hoped-for peaceful coexistence.

Not all minorities or groups need autonomy. Many problems of minorities can be solved within the framework of general rules of human rights without autonomy, such as the prohibition of discrimination and the rights of citizens to political participation. If there is a need for further collective arrangements, autonomy should be among the possibilities to be considered. Autonomy is not a panacea, but only a tool or a framework that can constitute an adequate compromise if the parties are looking for one. By definition, compromise involves mutual concessions and, therefore, in most cases none of the parties will be fully satisfied by the compromise. Autonomy cannot create the wish for compromise, but it can help shape its content. Like any tool, it must be used in accordance with the special circumstances of each case.

One of the great advantages of autonomy is its flexibility. It includes a wide range of possibilities- from a minimum of competence, on the one hand, to a great number of powers just short of full independence, on the other hand.

When establishing an autonomy, one should be careful that it does not lead to complete separateness or to a cultural ghetto: “states composed of segregated autonomy regimes would resemble more a museum of social and cultural antiquities than any human rights ideal”.

The structure of the international community is going through a period of transformation due to various factors discussed above, in particular the trend toward fragmentation within the state and the increasing role and powers of international organizations. The existence of an overarching international body with powers above both the state and the autonomous region can perhaps mitigate the effects of the rationalization, making it easier for the center to divest of some of its powers in favor of the autonomous region.

(Courtesy: Autonomy: Flexible Solution to Ethnic Conflict by Ruth Lapidoth)

Overview of the Autonomous Arrangements around the world

Summserised from the Tibet Justice Centre's "Forms of Autonomy"

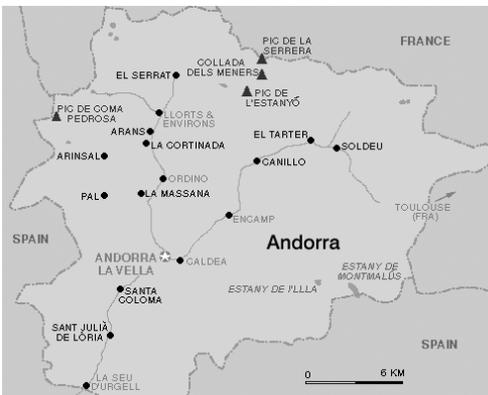
ALAND ISLANDS (Finland)

The Aland Islands, previously under Swedish and then Russian control, became a part of Finland in 1917. The Aland Islanders are Swedish speaking. Under the Autonomy Act of 1991, Finland granted the Aland Islanders substantial autonomy in matters relating to their economy, natural resources, cultural affairs, education and health care services. The Islands benefit from significant financial assistance from Finland. The Islands enjoy a demilitarized status which is guaranteed by Sweden and Russia.



ANDORRA (Spain and France)

For the past 700 years, Andorra, which is located between France and Spain, has been jointly ruled by Spain and France. Since 1993, it is an independent nation and is a member of the



United Nations. However, the ceremonial heads of state are still the co-princes, the president of France and the Spanish co-prince. While Andorra controls most of its own affairs, defense is delegated to Spain and France.

BASQUE COUNTRY (Spain)

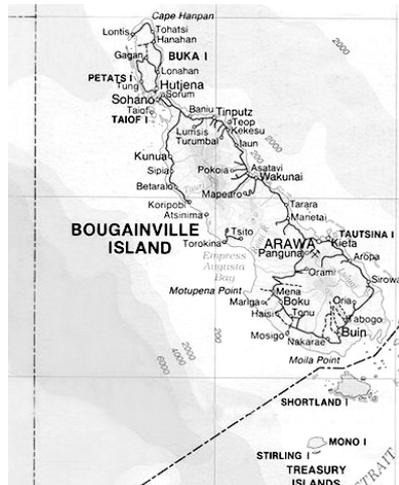
The Basque people are one of the oldest people of Europe. In 1979, the Basque Country became an autonomous region of Spain, which grants the Basque people a significant level of autonomy. For example, they control their own economy, taxation and police. A strong independence movement continues to fight for full independence of the Basque Country.



Bougainville (Papua New Guinea)

Bougainville is the largest of the Solomon Islands in the southwestern Pacific. It has an estimated population of 185,000 people, almost all of who are Melanesian with 21 different language groups. Bougainville was occupied in 1914 (early in WW1) by the Australian forces becoming an Australian mandate. In 1942 the Japanese occupied Bougainville before the U.S. troops overtook it in 1944 after which it was made a part of the U.N. By the time Papua New Guinea (PNG) achieved independence from Australia in 1975, Bougainville had already made claims of self-determination, but accepted North Solomon's Provincial Government with greater autonomy within the PNG constitution.

Source: <http://economics.homestead.com/Bougainville.html>



CATALONIA (Spain)

Catalonia is the Catalan autonomous community located in Spain. The Catalan people speak Catalan, rather than Castellano, the prevailing language in Spain. The autonomous community was established in 1979 under a Statute of Autonomy. Catalonia has an area of 31,930



square kilometers and is one of the richest and most highly industrialized regions of Spain. France and Andorra border Catalonia to the north. Its capital is Barcelona. The government of Catalonia is called the *Generalitat*.

CHITTAGONG HILL TRACTS (Bangladesh)

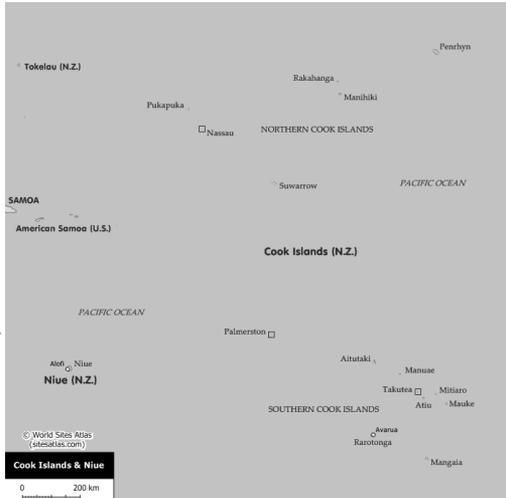
The people of the Chittagong Hill Tracts are of Sino-Tibetan descent and are predominantly Buddhist, in contrast to the



majority population in Bangladesh, which is Muslim. In 1991, a peace accord between the Chittagong Hill Tracts people and Bangladesh sought to end several decades of armed conflict by granting limited autonomy to the Chittagong Hill Tracts people. The implementation of the peace accord remains problematic.

COOK ISLANDS (New Zealand)

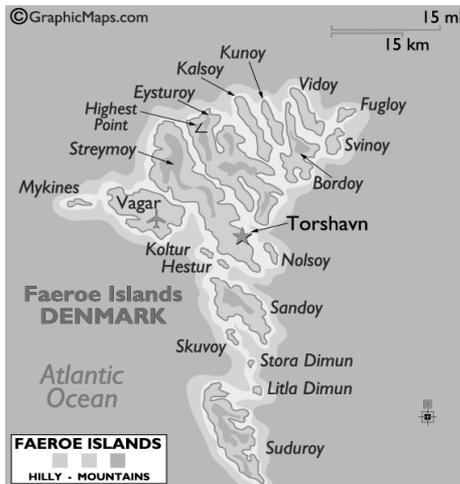
The Cook Islands in the South Pacific govern themselves in most respects but have an autonomous arrangement with the economically stronger state of New Zealand. They share foreign affairs powers, while New Zealand controls



defence. The Cook Islands receive substantial financial assistance from New Zealand. Under the current arrangement, which was agreed to in 1965, the Cook Islanders have the right to unilaterally declare their independence.

FAROE ISLANDS (Denmark)

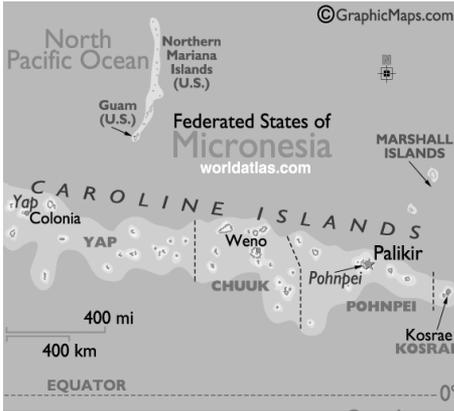
The Faroe Islands are located in the North Atlantic between Iceland and Norway. They have been part of Denmark for



approximately 700 years. Under the 1948 Home Rule Act of Denmark, the Faroese were assigned responsibility for most of their own internal governmental affairs. Though they have extensive control over many governmental functions, the Faroese have chosen to jointly control a number of

matters with Denmark to take advantage of its technical and financial resources.

FEDERATED STATES OF MICRONESIA (USA)



The Federated States of Micronesia (Micronesia) consists of a group of island states in the North Pacific. The US administered Micronesia as UN strategic trust territory from 1947 until 1986, at which time Micronesia become an independent state, associated with

the United States. This association allows Micronesia self-rule over most matters and guarantees ample US subsidies for the Micronesian economy and social service system. The US controls matters of defense.

GAGAUZIA (Republic of Moldova)

The Gagauz people are Turkic Orthodox Christians based in southern Moldova on the Ukraine border. In the early 19th century, the Gagauz migrated to Moldova and the language and culture of the Gagauz was greatly influenced by the dominant Romanian culture. After the breakup of



the Soviet Union, Romania attempted to unite Moldova to create a Greater Romania, uniting all Romania-speaking peoples. However in May 1990 the Moldovan Supreme Soviet changed its name to the Republic of Moldova, asserting its independence in doing so. In August that year, the Gagauz declared the secession of the Gagauzi territories. In 1993, a referendum was held in Moldova where 83% of the people voted against unification with Romania. Gagauzia too continued to demand for independence and, by the end of 1994, they were granted wide-ranging autonomy under The Special Status of the Gagauz Act. The Status Act defines Gagauzia as an autonomous territorial unit of the Republic of Moldova and outlines the general terms of Gagauz rights.

GIBRALTAR (United Kingdom)

Gibraltar is strategically located at the southern tip of Spain, facing Africa. Although it was controlled by Spain for centuries, it became a British colony in 1830. The status of Gibraltar has been a subject of dispute between the United Kingdom and Spain ever since. In a referendum in the 1960s,



the people chose to be a dependent territory of the United Kingdom, rather than associate with Spain. The resulting constitution of Gibraltar gives the people of Gibraltar extensive control over their own economy, judicial system and social services. While defense and most foreign affairs powers are in the hands of the United Kingdom, Gibraltar recently joined the European Community.

GREENLAND (Denmark)

Greenland, with over 2 million square kilometers of land, is the largest island in the world, located northeast of Canada. It has been under Danish control for most of the last 900 years. Greenland became a self-governing overseas administrative division of Denmark by virtue of the Greenland



Home Rule Act 1979. Greenland has substantial autonomy and in return has a minimal role in the governance of Denmark.

HOLY SEE (Italy)

The Holy See is the sovereign entity of the Roman Catholic Church. Vatican City, less than .44 square kilometers large and located in the middle of Rome, is the territorial entity of the Holy See. Despite its miniature size, the Holy See has observer status at the United Nations. It wields much political power through its large Roman Catholic constituency all over the world. Governmental powers are divided between Italy and the Holy See.



HONG KONG (China)

Hong Kong has been a part of China since ancient times. Between 1840 and 1997, it was under British control. Pursuant to the 1984 Sino-British Joint Declaration, China resumed sovereignty over Hong Kong in 1997 through an autonomous arrangement modeled on the principle of “one country, two systems”. Hong Kong enjoys substantial self-rule, controls most aspects of its economy and participates in foreign affairs.



JAMMU & KASHMIR (India)

In 1947, upon the signing of the Instrument of Accession by the then Maharajah, Jammu & Kashmir (J&K) became a part of India and a Kashmiri Parliamentary government was formed. The Instrument of Accession limited India’s

jurisdiction over J&K to the areas of Foreign policy, defence and communication. J&K retained sovereignty over all other matters of the government. Both India and J&K have written constitutions that define Kashmir’s autonomy. The Kashmiri government governs in accordance with the Indian Constitution 1949 (Article 370) and the J&K Constitution dated January 26, 1957.



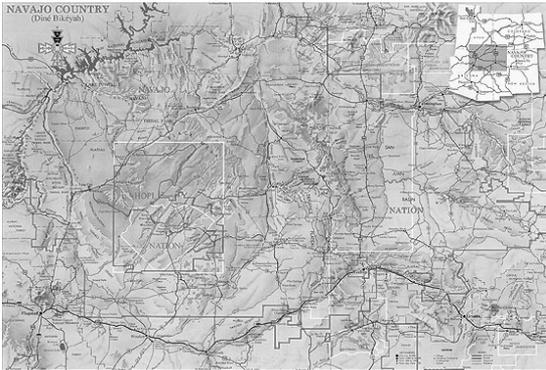
LIECHTENSTEIN (Switzerland)

Liechtenstein, located next to Switzerland, is an independent monarchy, which has maintained an associated statehood relationship with Switzerland since 1923. It is a small but economically vital country, which profits from its association with the larger state of Switzerland. Switzerland conducts Liechtenstein's routine diplomatic affairs. Liechtenstein uses the Swiss currency and the two countries maintain uniform customs, border and immigration policies.



NAVAJO (USA)

The Navajo Nation is the second largest Native American nation in the United States. The Navajo Nation has limited self-rule over purely local and cultural matters. The Navajo



control who may enter their territory. They control their local economy and natural resources. Tribal courts administer justice on internal tribal

issues only. All other governmental powers rest with the USA.

NETHERLANDS ANTILLES (Netherlands)

The Netherlands Antilles consists of the five islands of St. Maarten, St. Eustatius, Saba, Curacao and Bonaire. The islands are located in the Caribbean Sea in two separate groups – one north of Venezuela and the other east of Virgin Islands. The Netherlands Antilles is linked



with the Netherlands in a relationship whereby the Netherlands Antilles has substantial internal Autonomy, but minimal role in the governance of the Netherlands. The Charter of the Kingdom of the Netherlands authorizes the Netherlands Antilles to conduct its own internal affairs autonomously. The Netherlands Antillians who are residents of Netherlands Antilles have Dutch citizenship and are Netherlands Antilles nationals. Matters of Netherlands nationality are within the jurisdiction of the Kingdom and therefore within the authority of the Netherlands parliament.

NORTHERN IRELAND (United Kingdom)

Northern Ireland is the northern part of an island west of



England. The United Kingdom of Great Britain united England and Ireland in 1801. In 1921, the southern part of the island of Ireland became an independent state, the Republic of Ireland, with a mostly Catholic population. Northern Ireland remained a part of the United Kingdom of Great Britain. Conflict arose between the Protestant

majority and the Catholic minority in Northern Ireland, which lead to violence and a separatist movement on the part of the Catholic minority, commencing in 1968. This in turn led to direct British rule over Northern Ireland in 1972. Currently, all parties concerned are trying to implement the Good Friday Agreement of 1998, mediated by the United States, under which new bodies were created for the self-rule of Northern Ireland.

NUNAVUT (Canada)

The Inuit, an Eskimo people, inhabit the arctic region of northeastern Canada. After 20 years of negotiation, the Inuit people and Canada entered into the 1993 Nunavut Land Claims Act, which creates an Inuit homeland, or “Nunavut”, with some self-rule for the Inuit people. While most major governmental powers are controlled by the federal Canadian government, the Inuit control entry into their territory and their own court system. Natural resources are administered by a joint body of federal and Nunavut appointed commissioners.



PALESTINE (Israel)

Palestine comprises two Arab areas, the Gaza Strip and the West Bank, occupied by Israel since the war of 1967. Following the occupation, the Palestinian Liberation Organization (PLO) was created, which today enjoys UN observer status. The PLO is recognized by over 100 countries as the legitimate representative

of the Palestinian people. In 1993, after much violence, Israel and the PLO signed the Interim Agreement which provides for Palestinian self-governance. The conflict over its implementation and the future status of Palestine continues to date, despite much international mediation.

PUERTO RICO (USA)

Puerto Rico is a small island in the Caribbean Sea, south of the United States. It was colonized first by Spain and later by the United States. Puerto Rico is a commonwealth, or a freely associated state with the United States. Puerto Ricans hold US citizenship but have no voting rights in the USA. They govern most of their internal affairs, while matters such as foreign affairs, defense, customs and some economic powers are controlled by the USA.



QUEBEC (Canada)

Quebec, a French speaking autonomous province of Canada, comprises one quarter of the Canadian population. Quebec was originally a French colony and French culture and language

continue to be dominant. Quebec controls its own cultural affairs, official language, taxation, natural resources and many aspects of its economy. The movement for independence remains very strong and was narrowly defeated by a recent referendum.



SAAMILAND

(Sweden, Norway, Finland, Russia)

The Saami people inhabit the northern regions of Sweden, Norway, Finland and parts of the Kola Peninsula in Russia. The region does not form a separate country, but parts of it belong to each of Norway, Sweden, Finland and Russian. Saami are the only indigenous people in Scandinavia. The Saami people call their land Saapmi (also known as Lapland or Saamiland) and

call themselves Saami. In order to obtain a degree of self-government, the Saami people of Northern Scandinavia have established parliaments in Sweden, Norway and Finland. Although none of the Scandinavian constitutions delegated political autonomy to the Saami, however, in



varying degrees the Saami people are recognized as having the right to develop its own distinct culture. The constitutions of Norway and Finland in particular grant a certain measure of cultural autonomy to the Saami. In Sweden the Saami do not receive “constitutional” recognition as they receive in Norway and Finland. There, they are considered a “minority” and are given some rights and prerogatives of a minority people. The Saami living in the Russian-governed Kola Peninsula have the least constitutional protection afforded to the people.

SAN MARINO (Italy)

San Marino is very small independent state, located in Italy. Its independence dates back to the year 301. In 1862, Italy and San Marino entered into the Convention of Friendship and Peaceful Coexistence. San Marino controls its own affairs but has a postal, customs and currency



union with Italy. San Marino, however, issues its own stamps, which, because of their small circulation, are highly valued by collectors and constitute one of San Marino's main sources of income.

SCOTLAND (United Kingdom)

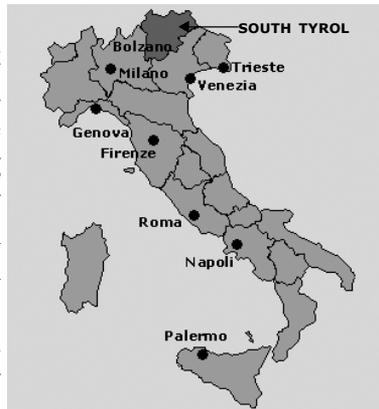
Scotland, located to the north of England, is a part of the United Kingdom of Great Britain. It enjoys substantial self-



rule as a result of a referendum held in 1997. In 1998 the Scotland Act was passed, paving the way for the establishment of a separate Scottish Parliament. Scotland issues its own currency, which is linked in value to the British pound. It controls most issues of taxation and has the power to control some of its natural resources and some aspects of its economy.

SOUTH TYROL (Italy)

South Tyrol is the northernmost province of Italy, which historically was part of the German speaking Habsburg Empire. It became a part of Italy in 1919. The majority of South Tyroleans are still German speaking. Pursuant to the 1972 Autonomy Statute, South Tyrol enjoys substantial autonomy over matters of culture, education, language, and health and social services. It has control over some of its natural resources, some aspects of law and order and administration of justice.



TATARSTAN (Russian Federation)

Tatarstan is an independent state in the eastern part of the former Soviet Union. It is a member of the Russian Federation. In 1994, Tatarstan was able to negotiate a bi-lateral treaty with the Federation under which Tatarstan enjoys more autonomy than the other members of the Federation. The constitution of Tatarstan expressly rejects violence and war as a means of settling disputes among states. Interestingly, Tatarstan's political strength is, in large part, the result of its

strong economy, which includes extensive production of military equipment for the Russian Federation.



TIBET AUTONOMOUS REGION (China)

Tibet has been under Chinese control since China's invasion in 1949/50. The Tibet Autonomous Region (TAR) was created in 1965. The TAR government holds very few governmental powers. Most matters are controlled by the central government of China.



TORRES STRAIT (Queensland)

The Torres Strait is a group of 20 islands located in the Strait, including Thursday Island, Murray Island, Badu Island, Sue Island, Coconut Island, Prince of Wales Island, Tuesday Island, Friday Island and Daru Island. Torres Strait Islanders are a people of Melanesian descent, originally occupying a group of islands off the coast of the state of Queensland in the far north of Australia. The Torres Strait Islanders and the



Australian Aboriginals are the indigenous people of Australia. In 1989 the Australian federal government enacted the Aboriginal and Torres Strait Islands Act to establish a single Aboriginal and Torres Strait Islander

Commission. This Act gave the Torres Strait Islanders a small measure of autonomy. Nonetheless, Torres Strait Islanders are still subject to the governance of the Australian federal government and the Queensland state government in certain areas of authority.

XINJIANG UIGHUR AUTONOMOUS REGION (China)

Xinjiang, formerly East Turkestan, came under Chinese control in 1948. The major population groups are Uighurs, Kazakhs, Kirghiz and Uzbeks. Xinjiang is of major importance to China because of its border with the former Soviet Union and because of its natural resources, including substantial oil reserves. Most governmental powers are held by central government of China.



ZANZIBAR (Tanzania)

Zanzibar consists of a number of Islands off the coast of Eastern Africa. The islands include Unguja, the main island with the Capital of Zanzibar, Pemba, Tubata and Chumba. In 1963, Zanzibar and Tanganyika united to form the United Republic of Tanganyika and Zanzibar, known as Tanzania. Zanzibar retains some degree of control over its own affairs within this arrangement. It collects taxes within its territory and controls its own economy, natural resources, transportation, education and health services.



History of Autonomy Policy in China

Assimilation approach

China's policy toward minority groups seems consistently aimed at gradually assimilating minorities and integrating border regions more thoroughly into a unified multi-ethnic state. As such, minority and autonomy arrangements have often been conceived as temporary, although possibly long-term, transitional measures addressing political and social realities but moving toward ensuring state interests and control (Smith: 2). This approach reflects both Marxist-Leninist theory and imperial Chinese culture (Smith: 2). Even the Hong Kong and Macau special administrative regions – which are not minority regimes - have been established as temporary 50-year measures necessary prior to eventual, full integration.

Placed in the context of gradual assimilation, earlier statements of policy with apparently greater flexibility than the current system⁴ may not be successfully relied upon when arguing for an expansion of autonomy powers. Current realities and priorities of state control and integration will likely take precedence over real autonomy. The history of Chinese policy on national minorities has been characterised by extreme pragmatism, not principle.

Policy from the 1930s to the 1990s

Although the Chinese Communist Party (CCP), under the influence of the Comintern in 1931, first accepted Lenin's more radical definition of self-determination for ethnic groups in China and assured a right to independence for minority areas, they subsequently retracted this promise by 1935 – as well as notions of federalism according to the Soviet model. Instead the CCP offered a degree of autonomy within the unified state structure.

The CCP's understanding of nationality (*minzu*⁵) derives from Stalin's 1913 definition of nationality: a 'historically constituted, stable community of people, formed on the basis of a common

language, territory, economic life, and psychological make-up manifested in a common culture' (Mackerras, 2003: 2).

After the founding of the PRC, the Chinese version of nationality regional autonomy was articulated, first in the 1949 Common Programme of the Chinese Peoples Political Consultative Committee (CPPCC), then the 1952 General Programme for the Implementation of Regional Autonomy for Minorities, and the 1954 Constitution. Many of the key principles in these documents still inform the current system. The General Programme implemented National Regional Autonomy (NRA) and provided for the establishment of nationality autonomous areas but unlike the current provisions, it allowed the nationality autonomous areas to make reforms with no mention of the need for central government approval (Article 18, Binh G. Phan, 1996, 91). During the drafting of the 1954 Constitution, there was even debate over whether the autonomous powers of the NRA areas needed to comply with the Constitution and other laws (Cai, 2004: 391).

One key effect of these policies, however, was to divide minority areas such as Xinjiang and Tibet into several political entities, therefore diffusing their political power and securing the principle of central control or democratic centralism (Smith: 11). A purpose of this division, which also holds true today, was ensuring security along China's border regions.

The 1951 Seventeen Point Agreement between the Chinese and Tibetans granted the Tibetan area considerably more autonomy than offered by the NRA system. It guaranteed that the 'Central Authorities would not alter the existing political system in Tibet', allowed religious freedoms, prohibited 'compulsion on the part of the Central Authorities' with regard to reforms, gave the Central government control over foreign affairs, and established a Chinese military base in Tibet. This agreement was nullified after the 1959 uprising and was denounced by the Dalai Lama after he fled into exile.

The TAR region was eventually designated a nationality autonomous region in 1965. Other Tibetan regions, Amdo and eastern Kham, had officially been designated nationality autonomous areas – at the sub-regional level - in the 1950s.

The upheaval and radical policies of the Cultural Revolution (1966-1976) saw a reversal of autonomy policies as well as extensive cultural destruction and assimilation, particularly in Tibet. The 1980s saw attempts to rectify the damage caused by the hard-line, class-struggle approach of the Cultural Revolution. Yang Jingren promoted Party leadership by minorities, reflecting a more relaxed attitude toward minority policy: ‘The first in command within the Party organizations must also gradually be drawn from the minorities. We must rigorously create the conditions necessary to see this actualized.’ (quoted in Kaup, 2000, p 113). This promise has not come to fruition and Party leadership in Tibet is still in the hands of Han Chinese cadres.

The drafting of the 1982 Constitution was a turning point and contained more extensive provisions related to nationality regional autonomy than in previous legal or policy documents. The promulgation of the 1984 Law on Nationality Regional Autonomy (LRNA) implemented and detailed these provisions.

Following unrest in a number of minority areas—particularly Tibet and Xinjiang—the 1990s saw a tougher approach, with a focus on suppressing separatism and fostering economic development as a solution to ethnic unrest. There has been some recognition in recent years, however, that heavy economic subsidies in Tibet and the imposition of state development plans may not only have failed to resolve ethnic tensions but have actually exacerbated them, thus presenting a window of opportunity for the emergence of new policy ideas. For example, in the face of worldwide ethnic conflicts, some Chinese leaders have apparently recognized that the

Tibetan problem has an 'ethnic' nature requiring an ethnic analysis beyond the current economic approaches. Zhu Rongji commented to a Canadian reporter in 1999 that

[t]he Kosovo question is an ethnic problem, which is of course an internal matter. Questions like this exist in many countries. You in Canada have the question of Quebec; the UK has the Northern Ireland question; and for China, there is the question of Tibet. (quoted in Sautman, 2002).

Sautman argues that '[r]ecognition by PRC leaders that Tibet is a conflict like Kosovo, Quebec and Northern Ireland is a sure sign that they feel added pressure to resolve the Tibet Question' (Sautman 2002). On the other hand, Zhu also emphasizes the 'internal' nature of the problem, reinforcing Chinese ideas of sovereignty and fears of international interference.

Current Legal Framework

The current systems of autonomy are established by the 1982 Constitution—within the broad contours of the nature of the Chinese state. China is defined as a 'unitary multinational state' under the command of the Communist Party and the guidance of Marxism-Leninism and Mao Zedong Thought. Its aim is, through democratic centralism and dictatorship, to further socialist policies. On the nationalities' question, 'socialist relations of equality, unity and mutual assistance among the nationalities' will be strengthened. It is necessary, to safeguard the unity of the nationalities, to combat big-nation (mainly Han) chauvinism and local national chauvinism. 'Han chauvinism' refers to Han arrogance towards and contempt for minorities, rooted in the Confucian perception of them as 'barbarians', and 'local chauvinism' refers to minorities' assertion of self-determination. Autonomy is the centrepiece of China's ethnic policy, both to hold its minorities together and to expand its jurisdiction through the re-unification of Greater China. However, coupled with a weak legal system,

the preoccupation with sovereignty and centralisation of power fails to provide an effective guarantee of the distribution or sharing of power, reducing 'autonomy' purely to an administrative device. Among the people, particularly the Han, there is as strong a feeling of identity based on ethnicity as on territory. Pye (1975: 488) says that, for 'reasons which spring deep from within the Chinese spirit and which have been reinforced during the era of Western encroachment and of the 'unequal treaties', the Han Chinese have developed a powerful sense of their territorial identity, which, some might say, overrides their sense of cultural identity'. Therefore it is within this strong sense of territory and the Leninist obsession with control, those autonomy policies and provisions of the 1982 Constitution should be understood and analysed.

The Constitution recognises two types of autonomy. The first is regional autonomy for minority nationalities in areas where they 'live in concentrated communities' (Article 4). In these areas, 'organs of self-government are established to exercise the power of autonomy'. The other system is that established under Article 31, which gives the NPC broad authority to establish special administrative regions with their own 'systems' 'in the light of specific conditions'. The Constitution provides no further details and hence vests the NPC with much greater flexibility and discretion than for the first type of autonomy. It also envisages, if necessary, a process of negotiations before the constitutional provisions of a special administrative region are established.

Article 4 sets out China's policy on ethnic ('nationalities') relations. It says that all nationalities are equal, prohibits discrimination against any of them and emphasises the unity of all nationalities ('any act which undermines the unity of the nationalities or instigates division is prohibited'; 'All national autonomous areas are integral part of the People's Republic of China'). It commits the state to assist the economic and cultural development of minority nationalities. It also gives

all nationalities the freedom to use and develop their spoken and written languages and to preserve or reform their own 'folkways and customs'.

Section v of chapter 3 of the Constitution outlines the structure and powers of local government. This essentially mirrors the national-level arrangements, in that local people's congresses (LPCs) are supposed to be the principal organs of state power at that level (Article 96), with local governments being appointed by, and responsible to, them (Article 101). In addition, LPCs at provincial level⁶ have the power to enact local regulations (Article 100).⁷ However, there is a clear tension between accountability of local government to their respective LPCs and to the higher-level state administration; Article 110 lists both responsibilities, and does not indicate how they are to be balanced. But the concluding sentence reflects the reality of governance in the PRC: 'Local people's governments.... are state administrative organs under the unified leadership of the State Council and are subordinate to it'. LPCs at the county (rural) and district (urban) level are directly elected, while the higher-level people's congresses are indirectly elected by those below them (Article 97). LPCs are responsible for ensuring that the Constitution, laws and administrative regulations are followed in their jurisdiction, and they also supervise local government policies and budgets (Article 99). As at national level, LPCs meet infrequently (the Organic Law on Local People's Congresses and People's Governments requires meetings 'at least once a year' [Article 11]), and much of their day-to-day work is performed by their standing committees, which can exercise most of the powers of the full congresses (Article 104).

The section on local government also provides for directly elected citizens committees to play a substantial role in self-government at the lowest level of administration (Article 111). These residents' committees in urban areas and the villagers' committees in rural areas are not envisaged as government

offices. More information on these bodies is provided in the section of this paper on democratisation, below.

The general principle of nationalities autonomy is elaborated in section vi of chapter three ('The Organs of Self-Government of National Autonomous Areas'). An autonomous area for a minority may be established if all the inhabitants belong to the minority; if there is another minority which is concentrated in a prefecture or county, that area might form the basis of autonomy for it; and if there are several minorities, a multinational autonomous area might be set up. Article 112 prescribes as the organs of self-government people's congresses and people's government at the regional, prefectural and county levels. If a specified minority exercises autonomy, other minorities should have 'appropriate' representation. Members of minorities exercising autonomy should be appointed as chair or vice-chairs of the relevant people's congress (Article 113), while the chair of the autonomous unit must be a citizen of the minority exercising autonomy (Article 114). The powers of the organs of self-government are two-fold: the first set of powers are those that belong to similar units of local government all over the country (which are set out in section v); and the second are powers 'of autonomy within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional National Authority and other laws' (Article 115). Autonomous areas have the authority to adapt 'the laws and policies of the state in the light of the existing local situation' (Article 115).

The powers of people's congresses in autonomous areas include the making of 'autonomy regulations and other separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned' (Article 116). However, these regulations require higher level approval. If they are passed by an autonomous region, they have to be submitted to the Standing Committee

of the National People's Congress (NPCSC) for approval. If they are passed by lower level congresses, they are submitted to the congress of the province or region (the term 'region' is used for provinces which have autonomy) for approval; thereafter they are sent to the NPCSC for the 'record' (this wording may suggest that the NPCSC has no further responsibility, but it has a general power to annul local regulations 'that contravene the Constitution, the law or the administrative rules and regulations', Article 67(8)). Autonomous areas may administer the finances allocated to them under the state finance system (Article 117) and organise economic development 'under the guidance of state plans' (Article 118). They have greater powers to administer educational, scientific, cultural and public health, 'protect and sift through the cultural heritage of the nationalities and work for a vigorous development of their cultures' (Article 119). They may organise local law and order and security, 'in accordance with the approval of the State Council' (Article 120). They may employ local languages 'in common use' in the locality for the work of the organs of self-government (Article 121). Finally, the state should help them in economic and cultural development and in training a 'large number' of cadres and specialised personnel and skilled workers of various professions and trades' (Article 122) and take due account of local interests when 'exploiting natural resources and building enterprises in the national autonomous areas' (Article 118).

The Constitution also provides for the representation of minorities at the national level; they must be represented at the 'appropriate level' in the NPC and NPCSC (Articles 59 and 65).

As under Chinese law, the Constitution is not binding by itself (see below), the effective regime of minority autonomy is to be found in the Law on Regional National Autonomy which was passed in 1984 and significantly amended in 2001. The

Law repeats many provisions of the Constitution on the context and parameters of autonomy. These are: (a) autonomy exists within the framework of a unitary state; (b) which itself, along with autonomous areas, is bound by the supremacy of the Chinese Communist Party and governed through democratic centralism (or 'democratic dictatorship' of the people); (c) autonomy powers are to be exercised under 'unified state leadership' (which numerous provisions explicate); (d) autonomous areas' highest responsibility is to promote and uphold national unity and to 'place the interests of the state as a whole above anything else and make positive efforts to fulfil the tasks assigned by the state organs at higher level' (Article 7); (e) where Han people are a minority, they are entitled to the rights of a minority, including their own autonomous areas (Article 12); (f) most powers granted to autonomous areas are to be exercised in accordance with 'legal stipulations' or the 'law'; and (g) autonomy has to fit within the hierarchy of authority whereby state organs direct, control and supervise the exercise of general and autonomous powers at the local levels.

The 2001 amendments introduced another critical factor into the parameter: market oriented economic development, in accordance with China's commitment to rapid economic development (at almost any cost) (see Chapter VI). The Law reserves all the major economic powers and the use of economic instruments to the state. It commits autonomous areas, as other parts of the country, to the modernisation of economy (and implicitly to new relations of production). They now have to follow policies of encouraging domestic and foreign investment, promote the mobility of labour and skills, adopt high technology, undertake massive programmes of education and training in technology and management, increase economic production and exports, and build infrastructure. These activities have to be conducted in accordance with state direction and assistance, and conform

to state plans. The state is expected to use financial, monetary, technological instruments to speed up economic development in autonomous areas. Special incentives will be provided for the exploitation of natural resources and basic infrastructure. The state would assist to bring in skilled labour from the more developed areas (presumably from predominantly Han areas), and organise training for local people through instruction in institutions outside the autonomous areas and establishing educational institutions in the autonomous areas. The general thrust of this chapter of the Law is the greater integration of autonomous areas in the economy and administration of the country under the direction of central authorities. Autonomous areas are offered little space for their own policies, and the chapter is more in the nature of mandatory provisions, incompatible with the concept of autonomy. Privileging of economic development over other goals shows there is no deep commitment to the culture of nationalities.

One important positive change made in the 2001 LNRA revisions was that time-limits were set for the centre to respond to requests for policy waivers (Article 20). Prior to this, the centre could effectively veto such requests by failing to respond.

It is now time to draw together the strands of the above analysis of the Constitution and the Autonomy Law to assess the extent of minority autonomy. The following propositions seem to be borne out:

- The primary purpose of autonomy is to strengthen national unity by bringing minority nationalities within the state system. Political arrangements in autonomous areas are vehicles for the enforcement of national laws and policies.
- Autonomy is decided on and imposed by the central authorities (to suit the centre's purposes) rather than negotiated to reflect the interests of national minorities.

- There is considerable emphasis on local culture and language, but culture seems to be understood in a somewhat restrictive way ('folkways and customs'). As we shall see there is little freedom of religion, which for so many communities is an essential part, and sometimes the underlying basis, of culture.
- Despite provisions in the Constitution, there is no entrenchment of autonomy, it being based on ordinary law which can be changed at the will of the NPC or even the NPCSC.
- There is no entitlement to autonomy. Article 12 of the Law says that, 'Autonomous areas may be established where one or more minority nationalities live in concentrated communities, in the light of local conditions such as the relationship among the various nationalities and the level of economic development, and with due consideration for historical background'. These subjective criteria are linked to the concept of nationality, for which China used, although with no great consistency, Stalin's fourfold criteria (common language, territory, economic life and culture). A large team of anthropologists was employed to designate groups as nationalities, often vetting claims submitted by groups. Final decisions, often driven by political considerations, are made by the State Council. Even if a group has been accepted as a nationality (there are currently 55 nationalities), the decision to establish an autonomous area is made by the State Council (Article 89(15) of the Constitution).
- Any expectation that there may be of autonomy could be upset if there is massive influx of other communities, diluting the special status of the dominant minority, and leading to rather fragmented and localised autonomy. This has become a particular problem with the movement of Han people into minority areas.

- Autonomous areas fit within the hierarchy of institutions of state, and are subordinated to institutions at the next higher level. Their powers must be exercised within the laws, regulations and directions of central authorities, with extremely limited possibilities to opt out of them or take initiatives of their own (see below). There is no matter or subject on which the autonomy of a nationality cannot be invaded by central authorities.
- Autonomous areas have also to fit within the general framework of local institutions. They have no authority to determine the structure or democratisation of their institutions or modes of representation. Coupled with the lack of the effective protection of the freedoms of religion, expression, association and assembly, there is a significant deficit of self-government.
- There is no independent institution to adjudicate conflicts between central and autonomous authorities on the scope or violations of autonomy.
- Although a considerable role is prescribed for members of the dominant and not so dominant minorities in the local people's congresses and governments, nothing is said about the organisation of the institutions of the Chinese Communist Party with whom real power lies (see below for the role of the CCP).

It is thus obvious both from the law and practice that the concept of 'autonomy' in China is fundamentally different from the generally accepted understanding of autonomy. In the latter sense, autonomy is a device to allow ethnic, religious, linguistic or cultural communities claiming a distinct identity, whether aggregated in a geographically or not, to exercise direct control over affairs of special interest or concern to them, while allowing the larger entity those powers which

cover common interests. The precise forms and structures of autonomy differ from country to country (and in particular forms suitable for territorial autonomy are necessarily different from group autonomy). But the following features are relevant for autonomy:

- Autonomy arrangements which are negotiated in a democratic and participatory way are more likely to succeed than those which are imposed.
- There is a clear division of powers between the central and autonomous authorities (even if there are areas of concurrent powers)
- Institutions at the autonomous level must be representative of the autonomous community (to give moral and political strength to autonomous government)
- The broader, national system must also be democratic and pluralist
- The autonomous area must have adequate financial resources and administrative capacity
- Autonomy arrangements must be legally guaranteed and constitutionally entrenched, not liable to be changed by the unilateral decision of central authorities
- There must be some mechanism for consultations between autonomous and central authorities on matters of common interest and to resolve disputes
- There must be an independent institution (preferably an independent court) to adjudicate disputes between the autonomous and central authorities (if a negotiated settlement is not possible) and to interpret constitutional provisions.

At the moment none of these conditions apply in China. The PRC still looks at the role of a constitution with Leninist spectacles: as an imposition, recording the victory and securing the dominance of the Communist Party, a statement of Marxist ideology and 'democratic' centralism, imposing no obligations on rulers but constraining the ruled. There are no genuinely independent institutions (and this includes the judiciary). Statements of human rights do not translate into guarantees. The constitution is not directly enforceable. These are not promising circumstances for genuine autonomy. However, as we show later, there are some signs of moves towards pluralism and democratisation that might lend support to the recognition of some pre-requisites for autonomy.

Reproduced from a paper by Prof. Yash Ghai, Kelly Loper and Sophia Woodman for TPPRC

China's Position on Tibetan Autonomy

Traditional Chinese frontier policy aimed to achieve frontier security through the advance of Chinese civilization. Autonomy under the dependent state system was the typical first step, followed by increasing Chinese control, colonization and assimilation.⁸

Warren Smith- China's Policy on Tibetan Autonomy

Chinese Imperial ideology acknowledged the Tibetan culture different from Chinese but not as culture comparable to Chinese. The Tibetans were considered backward and barbarians. However they regard Tibet as a part of China and Tibetans got estranged in the past due to the mistakes of the past Chinese government and the machinations of foreign imperialists. In the early 1950's China claims that Tibetans began the process of becoming part of China during the Tang Dynasty when the Tibetan Emperor Songtsen Gampo sought the marriage alliance of the Chinese Princess Weng Chen in the 7th Century AD.

Now a days, People's Republic of China (PRC) talks about Tibet being part of China in the 13th century when Sakya Pandita in return for Mongol conquest of Tibet submitted to Godan Khan on behalf of the Tibetans and became the spiritual teachers of the Mongols. In return the Tibetan Lamas were bestowed the right to rule Tibet. This practice of Priest-Patron relationship followed through the Mongol and Manchu Emperors.

PRC also claims conferment of honorific titles between the Chinese Emperors (Yuan and Qing) and the Tibetan Lamas, and appointment of Ambans (including a 29 point document guideline for administration, 1973) as proof of Chinese control over Tibet in the 18th century.

The last years of Qing Dynasty and the nationalist regime kept the pretension of Chinese "suzerainty" over Tibet, though Tibet enjoyed complete independence between 1912-1950 after

the invasion of Tibet by British in 1904. Being the first to use the term “autonomy” to define Tibet’s internal status in relation to China, the British definition of Tibetan autonomy was rather generous, as reflected in the Simla Agreement (1913-1914).⁹ Tibet reasserted its independence in 1913 and signed the 1914 Simla Convention as an independent state. At the Simla Convention, despite claims and counter claims, and despite reservations from both sides, China and Tibet signed the draft agreement, which outlined inner and outer Tibet. However, China refused to ratify the agreement.

In 1934, the nationalist government deputed General Huang Musung to negotiate with the Tibetans to accept Chinese sovereignty under the pretext of paying posthumous tribute to the late Dalai Lama, which was rejected by the Tibetans. China also claimed that Wu Chung Hsin was sent to officiate the enthronement of the 14th Dalai Lama in 1940.

As per the Common Program of 1949, the People’s Republic of China was hell bent on incorporating Tibet into their territory. To legitimise the so called “Liberation of Tibet”, the Tibetan delegation under the threat of military invasion was made to sign the infamous 17-Point Agreement of 1951. The 1951 17-Point Agreement, by which Tibet became unambiguously a part of China, allowed for extensive autonomy, including the preservation of the Tibetan Government with the Dalai Lama at its head, and of virtually all other Tibetan institutions including the monastic system. However, this document was entirely contradictory in that it provided for the establishment of a Chinese military administration of Tibet and for “various reforms”, to be undertaken by the Tibetan people themselves, ultimately leading to the implementation of national regional autonomy.¹⁰

The main idea is the establishment of National Regional Autonomy in Tibet and the autonomy that they have promised in the 17-Point Agreement is nothing more than a temporary

or transitional arrangement until at such time when they can establish national regional autonomy.

Initially, between 1951 to 1956, China did not introduce any reforms in TAR (Tibetan Autonomous Region) rather they tried to win over the Tibetans through a policy of appeasement. They managed to achieve this goal to some extent. At the same time Beijing's approach to Tibet during the first 30 years of the PRC was consistently designed to silence the regime's critic (through the use of force) and bolster China's claim to the region (through the enactment of a static set of policy and discursive practices).¹¹ Immediately thereafter there emerged two factions in Beijing. One group led by Mao wanted to pursue gradualist policy in Tibet in order prevent revolt and open opposition whereas the hardliners wanted immediate introduction of reforms in Tibet. Ultimately, hardliners calculation prevailed because the slow pace of reform failed to prevent the revolt. The failure of the gradualist pace of reform is partly because gradualist policy was not pursued in Tibetan areas outside TAR. Everyone in Beijing felt that Tibet needed to be reformed which means no one felt that Tibet should remain unchanged but the only question in their minds was the rate of this change. In other words, there was no faction that thought that China should actually respect Tibetan cultural and political autonomy as promised in the 17-Point Agreement. There was no debate about whether Tibet should be transformed in the image of Communist China, only about the rate of this transformation.¹²

In the meantime, by 1955-56, PRC had created a number of administrative areas in Kham and Amdo. PRC introduced reforms in Eastern Tibet, which led to dissent and open revolts. The stories of destruction of Tibetan monasteries and massacre of people incensed and escalated open rebellion in Central Tibet. The setting up of Preparatory Committee of Autonomous Region of Tibet (PCART) marked the transfer of power from the Tibetan Government to the Communist,

which stands to undermine the status of the Dalai Lama. This was a direct contravention of the 17-Point Agreement. The retrenchment policy of 1957 to forestall revolt failed to curb resistance and resulted in the 1959 uprising and Dalai Lama's refuge in India.

From 1957 onwards through to the Cultural Revolution (1966-76) PRC adopted socialist reforms in Tibet and repressed any form of Tibetan nationalism thus abandoning the autonomy promised in the 17 Point Agreement. On the other hand, China undertook democratic reforms aimed at destroying every aspect of Tibetan way of life. Monasteries were looted, destroyed and ceased to function. Tibet Autonomous Region (TAR) was formed in 1965 after eliminating all opposition and Tibet was granted National Regional Autonomy. However the Cultural Revolution that followed subjected the Tibetans to horrific, inhuman and extreme assimilationist measures unprecedented in the history of Tibet. Tibet was turned into ruins. The social, economic and cultural fabric of Tibet was torn to shreds.

Chinese leadership believed that after all these extreme measures, the Tibetan nationalism was eradicated. After blaming all the wrong doings during the Cultural Revolution on the Gang of Four, many Tibetan leaders were rehabilitated in China, including the Panchen Lama in 1978. After Deng consolidated his powers, he proposed to address all other grievances of the Tibetans as long as the Tibetans do not demand Independence or separation from China. This resulted in the visit of three fact finding delegations to Tibet in 1979 and 1980. Deng made an ideological policy shift from forced assimilation to natural absorption of the Chinese way of life through economic development and policies aimed at winning over the minorities. More liberal and pragmatic policies were adopted reverting back to the policies of 1950's.

Hu Yaobang during his fact-finding mission to Tibet in 1980 was shocked to witness the grave situation in Tibet. He proposed radical reforms, which includes decollectivisation, relief from taxation, and reduction in Han cadres by 85%. In the following years, there was marked improvement in Tibet socially, economically and culturally. Hu also proposed a 5-Point Plan to entice the Dalai Lama to return to Tibet in 1981. In 1982 and 1984, two Tibetan delegations met Chinese leaders to explore possible negotiation, which did not yield any result.

In 1984, during the Second Tibet Work Forum, some of Hu's policies were abrogated, particularly restricting the number of Han in Tibet. By 1985, because of the deadlock in talks, the PRC leadership adopted a hardening stand on the Dalai Lama. The purge of Hu in 1987 resulted in the roll back of most of his liberal policies in Tibet

In the same year Deng Xiaoping declared that development in Tibet should not be hindered by "judging the success of our Tibet policy based upon a limitation of the numbers of Han in Tibet." The essence of Deng's Tibet policy was that the CCP would no longer restrict the number of Han in Tibet since they were necessary for Tibet's development. Deng's statement opened the doors to unrestrained Chinese colonization in Tibet.¹³

This greatly angered the Tibetans and the resurgent Tibetan nationalism resulted in a series of demonstrations and riots in Tibet between 1987 to 1999. In the meantime, the Dalai Lama had made his 5 Point Peace Plan in 1987 and the Strasbourg Proposal in 1988. Beijing accused the Dalai Lama of internationalising the Tibet issue. Hardline Chinese leadership took over Tibet in the late 80's.

The 1994, Third Work Forum on Tibet focussed on "economy and stability". The forum facilitated the influx of even more Chinese into Tibet. During this meeting the cause of instability (1987-1989 riots and demonstrations in Tibet) was identified

as the Dalai Lama. The contacts between the Beijing and Dharamsala severed. PRC leadership openly started to criticise the Dalai Lama and struck hard on the monks and nuns for their splittist activities. The primary target of this new campaign was the Dalai Lama and his splittist activity.

The Fourth Work Forum on Tibet confirmed the policy of economic development, particularly the Great Western Development Program; repression of political dissent; cultivation of loyal Tibetan cadres, restriction of autonomy and fostering of Chinese colonisation. The Great Western Development Program is an indication of China's belief to resolve the Tibetan and Xinjiang issues by economic development and mass migration of Han Chinese to these areas. In effect, in the name of economic development, full-scale assimilation of Tibetans is underway to destroy the last vestiges of Tibetan nationalism. In his address to the forum, Jiang Zemin pointed out that the primary tasks in Tibet were still to promote stability and development. The primary source of instability was said to be the Dalai Lama and his separatist activities.¹⁴

Though the contacts between Dharamsala and Beijing has been re-established since 2002, PRC in their latest White Paper on Tibetan autonomy of May 2004 claims that Tibetans enjoy political, religious, cultural and economic autonomy. China vehemently rejects autonomy for Tibet in the line of Hong Kong and Macau. China also rejects change in the system of autonomy, increased autonomy or an expansion of the territory and further states that the future of Tibet cannot be decided by Tibetans alone but by all the Chinese people.

As one can see, the promulgation of laws made no difference to the Chinese policy of non-existent autonomy in Tibet. On the other hand it is always the whims and fancies of the Chinese leadership to implement policies in Tibet according to their interpretation.

China feels Tibet is now firmly under Beijing's control and, under current conditions, the regional economy can be propped up for the foreseeable future. Politically, Beijing has both the will and the authoritarian system of government needed to maintain stability through force. Internationally, the criticism of China's Tibet policy represents only a mild irritant in its foreign relations. Under these relatively secure conditions, it would appear to the Chinese leadership that they are in a strong position to choose on their own terms how to manage the Tibet issue. However, viewed from a longer-term perspective, it is clear that Beijing is also faced with some difficult choices.¹⁵

Tibetan Position on Autonomy : The Middle Way Approach

I once again want to reassure the Chinese authorities that as long as I am responsible for the affairs of Tibet we remain fully committed to the Middle Way Approach of not seeking independence for Tibet and are willing to remain within the People's Republic of China.

His Holiness the Dalai Lama

March 10, 2005

The Tibetan people do not accept the present status of Tibet under the People's Republic of China. At the same time, they do not seek independence for Tibet as a solution for resolving our problem. Treading a middle path in between these two lies the policy and means to achieve a genuine autonomy for all Tibetans living in the three traditional provinces of Tibet within the framework of the People's Republic of China. This is the Middle-Way Approach as propounded by His Holiness the Dalai Lama—a non-partisan and moderate position that safeguards the vital interests of all concerned parties—for the Tibetans: the protection and preservation of their culture, religion and national identity; for the Chinese: the security and territorial integrity of China; and for the neighbours and other third parties: peaceful borders and regional security.

The 1951 17-Point Agreement between the Tibetan government and the People's Republic of China was not reached on an equal footing or through mutual consent. Nonetheless His Holiness the Dalai Lama—for the sake of the mutual benefit of the Tibetan and Chinese peoples—made all possible efforts to achieve a peaceful settlement with the Chinese government for eight years since 1951. Even after His Holiness the Dalai Lama and the Kashag arrived in the Lokha region from Lhasa in 1959, he continued his efforts to achieve a negotiated settlement with the Chinese military officials. His attempts to abide by the terms of the 17-Point Agreement are analogous

to the Middle-Way Approach. Unfortunately, the Chinese army unleashed a harsh military crackdown in Lhasa, Tibet's capital, and this convinced His Holiness the Dalai Lama that his hope for co-existence with the Chinese government was no longer possible. Under the circumstances, he had no other option but to seek refuge in India and work in exile for the freedom and happiness of all the Tibetan people.

Soon after his arrival in Tezpur, India, His Holiness the Dalai Lama issued a statement on 18 April 1959, explaining that the 17-Point Agreement was signed under duress and that the Chinese government had deliberately violated the terms of the Agreement. Thus from that day onwards, he declared that the agreement would be considered null and void, and he would strive for the restoration of Tibet's independence. Since then until 1979, the Central Tibetan Administration and the Tibetan people adopted a policy of seeking independence for Tibet. However, the world in general has become increasingly interdependent politically, militarily and economically. Consequently, great changes have been taking place in the independent status of countries and nationalities. In China also, changes will certainly take place and a time will come for both sides to engage in actual negotiations. Therefore, His Holiness the Dalai Lama has believed for a long time that in order to resolve the Tibetan issue through negotiations, it is more beneficial to change the policy of restoring Tibetan independence to an approach that offers mutual benefits to China as well as to Tibet.

Although this approach occurred to His Holiness the Dalai Lama a long time ago, he did not decide it arbitrarily or thrust it upon others. Since the early 1970s, he held a series of discussions on this issue with, and solicited suggestions from, the Chairperson and Vice-Chairperson of the Assembly of Tibetan People's Deputies, the Kashag and many scholarly and experienced people. Particularly in 1979, the late Chinese paramount leader, Deng Xiaoping's proposal to His Holiness

the Dalai Lama that “except independence, all other issues can be resolved through negotiations”, was very much in agreement with His Holiness the Dalai Lama’s long-held belief of finding a mutually-beneficial solution. Immediately, His Holiness the Dalai Lama gave a favourable response by agreeing to undertake negotiations and decided to change the policy of restoring Tibet’s independence to that of the Middle-Way Approach. This decision was again taken after a due process of consultations with the then Assembly of Tibetan People’s Deputies, the Kashag and many scholarly and experienced people. Therefore, this Approach is not something that has emerged all of a sudden; it has a definite history of evolution.

Since the decision to pursue the Middle-Way Approach, and before His Holiness the Dalai Lama issued a statement in the European parliament in Strasbourg on 15 June 1988—which formed the basis of our negotiations as to what kind of autonomy was needed by the Tibetan people—a four-day special conference was organised in Dharamsala from 6 June 1988. This conference was attended by the members of the Assembly of Tibetan People’s Deputies and the Kashag, public servants, all the Tibetan settlement officers and the members of the local Tibetan Assemblies, representatives from the Tibetan NGOs, newly arrived Tibetans and special invitees. They held extensive discussions on the text of the proposal and finally endorsed it unanimously.

Since the Chinese government did not respond positively to the proposal, in 1993 His Holiness the Dalai Lama decided to refer the future course of the Tibetan movement to the Tibetan people. In 1996 and 1997 he reiterated his proposal of letting the Tibetan people decide the best possible way of realizing the cause of Tibet through a referendum. Accordingly, a preliminary opinion poll was conducted in which more than 64% of the Tibetan people expressed that there was no need to hold a referendum, and that they would support the

Middle-Way Approach, or whatever decisions His Holiness the Dalai Lama takes from time to time, in accordance with the changing political situation in China and the world at large. To this effect, the Assembly of Tibetan People's Deputies adopted a unanimous resolution on 18 September 1997 and informed His Holiness the Dalai Lama. Responding to this, His Holiness the Dalai Lama said in his 10 March statement of 1998: "...Last year, we conducted an opinion poll of the Tibetans in exile and collected suggestions from Tibet wherever possible on the proposed referendum, by which the Tibetan people were to determine the future course of our freedom struggle to their full satisfaction. Based on the outcome of this poll and suggestions from Tibet, the Assembly of Tibetan People's Deputies, our parliament in exile, passed a resolution empowering me to continue to use my discretion on the matter without seeking recourse to a referendum. I wish to thank the people of Tibet for the tremendous trust, confidence and hope they place in me. I continue to believe that my 'Middle-Way Approach' is the most realistic and pragmatic course to resolve the issue of Tibet peacefully. This approach meets the vital needs of the Tibetan people while ensuring the unity and stability of the People's Republic of China. I will, therefore, continue to pursue this course of approach with full commitment and make earnest efforts to reach out to the Chinese leadership..." This policy was, hence, adopted taking into account the opinion of the Tibetan people and a unanimous resolution passed by the Assembly of Tibetan People's Deputies.

Considering the fact that the unity and co-existence between the Tibetan and Chinese peoples is more important than the political requirements of the Tibetan people, His Holiness the Dalai Lama has pursued a mutually-beneficial Middle-Way policy, which is a great political step forward. Irrespective of population size, economy or military strength, the equality of nationalities means that all nationalities can co-exist on an equal

footing, without any discrimination based on one nationality being superior or better than the other. As such, it is an indispensable criterion for ensuring unity among the nationalities. If the Tibetan and Chinese peoples can co-exist on an equal footing, this will serve as the basis for guaranteeing the unity of nationalities, social stability and territorial integrity of the People's Republic of China, which are of paramount importance to China.

Important Components of the Middle-Way Approach

1. Without seeking independence for Tibet, the Central Tibetan Administration strives for the creation of a political entity comprising the three traditional provinces of Tibet;
2. Such an entity should enjoy a status of genuine national regional autonomy;
3. This autonomy should be governed by the popularly-elected legislature and executive through a democratic process;
4. As soon as the above status is agreed upon by the Chinese government, Tibet would not seek separation from, and remain within, the People's Republic of China;
5. Until the time Tibet is transformed into a zone of peace and non-violence, the Chinese government can keep a limited number of armed forces in Tibet for its protection;
6. The Central Government of the People's Republic of China has the responsibility for the political aspects of Tibet's international relations and defence, whereas the Tibetan people should manage all other affairs pertaining to Tibet, such as religion and culture, education, economy, health, ecological and environmental protection;
7. The Chinese government should stop its policy of human rights violations in Tibet and the transfer of Chinese population into Tibetan areas;
8. To resolve the issue of Tibet, His Holiness the Dalai Lama shall take the main responsibility of sincerely pursuing negotiations and reconciliation with the Chinese government.

Status of Sino-Tibet Dialogue

Since 1979, the People's Republic of China and exile Tibetans have conducted a series of dialogue about Tibetan autonomy and a possible return of the Dalai Lama and the Tibetan in exile. For the Tibetan side this dialogue has been about the political issue of Tibet and the nature of Tibetan autonomy. However, for the Chinese the only issue has been the personal future of the Dalai Lama. The Chinese side has never admitted that there is any political issue of Tibet. Nevertheless, for both sides the issue is Tibetan autonomy; for Tibetans it is about the lack of "genuine autonomy" and for China it is about its current system of autonomy and whether it will allow any more autonomy in practice.

In the aftermath of the bloody Tibetan National Uprising in 1959, it seemed inconceivable that Tibetans would ever seek a negotiated settlement with the People's Republic of China (PRC). The PRC was then bent on annihilating every vestige of Tibetan civilization from the Roof of the World.

Probably the only person who remained hopeful of finding a peaceful solution to the problem of Tibet was the Dalai Lama. In June 1959 he said,

"We Tibetans, lay and monk alike do not cherish any feeling of enmity and hatred against the Great Chinese people. We must insist on the creation of a favourable climate by the immediate adoption of the essential measures as a condition precedent to negotiations for a peaceful settlement."

But on March 10, 2001—after 42 years of striving for that "favourable climate" and proposing many initiatives to create a "condition precedent to negotiations for a peaceful settlement"—the Dalai Lama admitted that China's recent refusal to even receive a delegation from him indicated a "lack of political will to resolve the Tibetan issue". Rather than consider a resolution, China has taken its cue from a statement

by Jiang Zemin on January 14, 1998 during the third session of the Fifteenth Central Committee of CCP, when he advised awaiting the demise of the Dalai Lama. The skilful means translates into feigning willingness to hold a dialogue, on the one hand, while multiplying unrealistic preconditions for talks, on the other hand. This serves to deflect international pressure and criticism while also biding time.

The old guard in Beijing calculates that removing the Dalai Lama is the final solution to the ongoing unrest in Tibet. But new and younger voices in the Chinese capital feel, conversely, that the Dalai Lama is the very key to a lasting solution. A prominent Beijing writer suggests that China must seize the opportunity presented by the Dalai Lama and “start the process of finding a solution to the Tibetan issue while the 14th Dalai Lama is alive and in good health.” Biding time, he says, “is neither in the interest of the Dalai Lama, nor of China”.

The Dalai Lama’s initiative to reach out to Beijing in 1959 showed extraordinary vision, considering the situation at that time. He had just escaped from Tibet and his country was undergoing a nightmarish wave of death and destruction.

However, the Maoist leadership in Beijing—swallowing its own propaganda—chose to believe that the sole opposition to their “glorious liberation” came from a handful of “upper-class reactionaries”. Campaigns were put in place to eradicate “class enemies”. With a socialist order in control, there could be no problems, they believed, to discuss with the Dalai Lama. History moved on. The change in China’s leadership in the late 1970s brought a number of positive changes both in Tibet and China. This brought a new beacon of hope for resolving the problem of Tibet. On March 10, 1978 the Dalai Lama made a public statement, asking Beijing to allow Tibetans in Tibet and those in exile to visit each other so that the Tibetans in exile could see the true situation inside Tibet.

This suggestion did not go unnoticed in Beijing. In December 1978 Li Juisin, *Xinhua* director in Hong Kong, contacted Gyalo

Thondup, an elder brother of the Dalai Lama, and told him that Deng Xiaoping would like to meet him in Beijing to discuss the problem of Tibet. Thondup sought the Dalai Lama's approval and visited Beijing in March 1979. The Chinese leaders told him that it had been a mistake to hold the Dalai Lama and Tibetans accountable for the 1959 uprising in Lhasa. They blamed the "Gang of Four" for past excesses in Tibet and expressed their wish to improve the situation. Deng, in particular, said that China was willing to discuss and resolve every issue as long as Tibetans do not demand independence. He invited exile Tibetans to visit their homeland and see the actual conditions, saying that it was "better see once than to hear a hundred times". Around the same time, Beijing allowed Tibetans in Tibet to visit their relatives in exile as was requested earlier by His Holiness the Dalai Lama.

The Dalai Lama appreciated these reassuring gestures from Beijing and reciprocated by sending three fact-finding delegations to Tibet in 1979-1980. To the bafflement of China, crowds besieged the delegates wherever they went and poured out stories of "hell-on-earth" tragedies that had befallen them and their families over the past two decades. The communist leadership was completely taken aback by this; it had deluded itself into believing that Tibetans were happy with the "great progress" over the past decades of Chinese rule. It sincerely expected Tibetans to display indifference at best—or contempt at worst—to the delegates. Local Chinese officials have even asked the Tibetans against physically attacking and abusing the Tibetan delegation.

Beijing was consequently caught off-guard when ecstatic crowds numbering in the thousands and expressing their devotion to the Dalai Lama greeted the first delegation, which arrived in the summer of 1979. To Beijing's alarm, calls were even made openly for Tibetan independence.¹⁶ Local Chinese officials have even asked the Tibetans against physically attacking and abusing the Tibetan delegation. The crowds'

reaction to the delegation drew the attention of the Beijing's top leadership for its policy failure inside Tibet. As a result in April 1980, a high-level working group chaired by party secretary Hu Yaobang was convened in Beijing. Subsequently, Hu led his own fact-finding delegation to Tibet.

While the second and third delegations were touring various regions of Tibet, Dharamsala named 16 members—including high-ranking lamas—as its fourth delegation. But Beijing's embarrassing experiences with the earlier delegations meant that it was not prepared to risk receiving another Dharamsala fact-finding group. On August 6, 1980 Beijing expressed its inability to receive the fourth delegation on the flimsy excuse that it would not be able to accord the delegates a suitable reception as “the weather in Tibet is going to be cold ... and some development works are in progress”.

Undaunted, Dharamsala continued to press for the delegation's visit by invoking Deng's invitation of 1979. Finally, in July 1985, Beijing allowed a six-member delegation into Tibet, on the condition that the visit should be confined only to the northeastern Amdo region. At the end of this visit, the delegation informed the Chinese Government of the problems they had witnessed in Tibet and asked for their rectification. Beijing was now left in no doubt that accepting Dharamsala delegations had been a serious mistake. Since then no fact-finding delegation has been allowed onto the plateau.

The Dalai Lama, on his part, continued to adhere firmly to the belief that the problem of Tibet could be resolved only through face-to-face meetings between the two sides. He was keenly aware that the deep distrust and suspicion that had developed over the past decades could not be removed overnight. He felt that consistent and frequent interaction was necessary to build confidence and trust so as to pave the way for a mutually acceptable solution to the problem of Tibet.

In September 1980, the Dalai Lama repeated his offer to send about 50 trained Tibetan teachers to work in Tibet. At the

same time, he offered to open a liaison office in Beijing to foster closer ties with the Chinese government and people. When no positive response were forthcoming from Beijing's side, on March 23, 1981 the Dalai Lama wrote personally to Deng Xiaoping:

"The time has come to apply our common wisdom in a spirit of tolerance and broad-mindedness to achieve genuine happiness for the Tibetan people with renewed urgency. On my part, I remain committed to contribute to the welfare of all human beings and, in particular, the poor and weak, to the best of my ability, without making any discrimination based on nationalities."

Beijing's response came in the form of a Five-point Policy towards the Dalai Lama. Around the same time, Chinese General-Secretary Hu Yaobang handed over the following five-point proposal to Dalai Lama through Gyalo Thondup on July 28, 1981:

1. The Dalai Lama should recognize that China has now entered a new period of stability and economic change. If he doubts the reforms, he should observe the changes for the next few years.
2. The Dalai Lama should not raise the history of repression that followed the suppression of the 1959 rebellion.
3. The Chinese government 'sincerely welcomes' the Dalai Lama and his followers to return to the motherland. China hopes that the Dalai Lama would contribute to upholding China's unity and promote solidarity between Han and Tibetan nationalities.
4. The Dalai Lama would have the same status as he had enjoyed before 1959. He may be appointed Vice-Chairman of the NPC. But it would be necessary that he should not live in Tibet or hold any position in Tibet as there are younger Tibetans who have taken office and are doing their jobs well. He may visit Tibet as often as he likes.

5. When the Dalai Lama return then he may make press statements, and arrangements would be made to receive him by a suitable minister.¹⁷

The proposal was not acceptable to Dharamsala as it views the whole scheme as one of discussion on the personal status of the person of Dalai Lama rather than addressing the real issue. Dharamsala was disappointed with the fact that the proposal only discusses the Dalai Lama's return while ignoring the real issue that divide the two sides.

This made it clear that the two sides were thinking on entirely different wavelengths. While Dharamsala was concerned with discussing the well-being of Tibetans living in Tibet, Beijing was interested only in securing the return of the Dalai Lama and consigning him to oblivion in the Chinese capital. Dharamsala viewed the Chinese proposal as aiming to reduce the issue of six million Tibetans to merely that of the personal status of the Dalai Lama.

Despite such an ideological gulf, the Dalai Lama remained convinced that a peaceful solution was the only viable option for both sides. Towards the end of April 1982, he sent a delegation, consisting of three members of the exile Tibetan administration, for exploratory talks. The delegates asked for the unification of all Tibetan areas—Kham, Amdo and U-Tsang—as a single political and administrative entity. Referring to the nine-point proposal, which Beijing had offered to Taiwan as the basis for unification with the PRC, the delegates suggested that Tibet deserved an even more Special Status since its history, language, culture and people were completely different from the Chinese. Beijing responded that the only basis for negotiations was the “Five-point Policy” proposed in 1981 by Hu Yaobang. It rejected Tibetan demands by stating that Tibet—unlike Taiwan and Hong Kong—had already been liberated and unified with China. The underlying message was clear: China has consolidated control over Tibet and saw no reason to make any concessions.

Hu Yaobang and China's Second Work Forum on Tibet

Despite this rejection, the overall situation inside Tibet was improving. Hu Yaobang's recognition of the special status of Tibet, and steps being undertaken to improve the situation on the plateau, were seen as encouraging signs. In February 1983 the Dalai Lama, while addressing pilgrims from Tibet in Bodh Gaya, expressed his wish to visit Tibet around 1985 if the situation continued to improve.

A year later, during China's Second Work Forum on Tibet—held in Beijing in March-April—Hu Yaobang announced a decision to encourage Chinese to move into Tibet. General Secretary Hu said China would not budge from the “Five-point Policy” for the Dalai Lama's return. This top-level policy forum also decided that it was no longer necessary to woo the Dalai Lama back. In May of 1984, “TAR” Party Secretary Yin Fatang accused the Dalai Lama of treason and said that Beijing would welcome him back only if he admitted his “mistakes”. Obviously, the attitude in Beijing was hardening. Nevertheless, the Chinese that year accepted another three-member exploratory team from Dharamsala. The team reiterated the demands of the 1982 delegation and raised concerns over the influx of Chinese settlers onto the plateau. They also asked the Chinese leadership to accept the Dalai Lama's proposal to visit Tibet in 1985. The Chinese rejected these demands and asked the Tibetans to keep the proceedings confidential.

However, when the delegates reached India, foreign correspondents interviewed them for their reaction to Beijing's announcement that it had rejected their demands for Greater Tibet and a status akin to one promised to Taiwan if it accepted unification. This was a case of misreporting. The Tibetans had actually asked for a more Special Status, and certainly not the same as the one promised to Taiwan. Naturally, the delegates were taken by surprise; their interlocutors had acted in bad faith.

Signals emerging from the Chinese capital in the subsequent months were to reinforce Tibetan suspicions about Beijing's reluctance to resolve the problem through dialogue. Dharamsala now decided to appeal for international support to pressure the Chinese leadership into holding negotiations. In September 21, 1987 the Dalai Lama addressed the US Congressional Human Rights Caucus and unveiled his Five Point Peace Plan for Tibet. In this, he asked for:

1. Transformation of the whole of Tibet into a zone of peace;
2. Abandonment of China's population transfer policy, which threatens the very existence of the Tibetans as a people;
3. Respect for the Tibetan people's fundamental human rights and democratic freedoms;
4. Restoration and protection of Tibet's natural environment and the abandonment of China's use of Tibet for the production of nuclear weapons and dumping of nuclear waste; and
5. Commencement of earnest negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples.

The Chinese reacted by triggering another campaign to vilify the Dalai Lama, accusing him of widening the gulf between himself and Beijing. This campaign inflamed the Tibetan people's simmering resentment, leading to the Lhasa demonstration of September 27, 1987. In order to assuage Chinese fears over the Five Point Peace Plan, the exile Tibetan administration, on December 17, 1987, sent a 14-point memorandum, explaining the Dalai Lama's thoughts and efforts for resolving the issue of Tibet in the interests of both sides.

On June 15, 1988, the Dalai Lama made another proposal—this time before the European Parliament in Strasbourg—in

which he elaborated on the last point of the Five Point Peace Plan and said that he was willing to forego the idea of Tibetan independence. In return he asked for a unified Tibet—consisting of Kham, Amdo, and U-Tsang—to be made a self-governing democratic political entity in association with China. China, the proposal envisaged, could continue to remain responsible for Tibet’s foreign relations and defence. An advance copy of the speech had been handed to the Chinese Embassy in New Delhi.

The Middle Way Approach to Resolve the Issue of Tibet

The Strasbourg proposal was received positively by the international community, but the reaction from the Tibetan community in exile was not the same. The proposal was the first public acknowledgment that His Holiness the Dalai Lama was ready to accept Chinese sovereignty over Tibet in exchange for genuine and well-defined autonomy within the framework of the PRC. Dalai Lama’s justification for his change in policy was that independence for Tibet was impossible to attain whereas “genuine autonomy” is possible and is capable of preserving Tibetan culture and economically Tibetans will gain more by staying with China than asking for independence. For many Tibetan in exile, this was a dramatic concession. In contrast, the Chinese leadership was familiar with the broad outline of the proposal because it had already been presented to them in the formal talks of 1984.¹⁸

Nevertheless, China found the proposal unacceptable and nonnegotiable since it views this proposal as asking for semi-independence or independence in disguise. On June 23, 1988 China’s foreign ministry issued a press statement, saying that the PRC would not accept Tibet’s “independence, semi-independence or independence in a disguised form”. Although the Strasbourg Proposal was not named, the allusion was unmistakable.

On July 27 1988 the exile administration issued a press statement, proposing dialogue on the Strasbourg Proposal and

naming the members of its negotiating team. Half of the six delegates were members of the exile Tibetan administration. Two overseas representatives of the Dalai Lama were named to assist the team while Michael van Walt van Praag, a Dutch expert in international law, was appointed legal advisor.

It took the Chinese Government two months to react to this initiative. On September 21, 1988 the Chinese Embassy in New Delhi told the Dalai Lama's representatives that its government was interested in direct talks with the Dalai Lama. A press statement to this effect was issued the following day. The Embassy said the Dalai Lama could choose the date and venue for talks. "The talks may be held in Beijing, Hong Kong, or any of our embassies or consulates abroad. If the Dalai Lama finds it inconvenient to conduct talks at these places, he may choose any place he wishes." The Embassy, however, put three preconditions:

- a) Beijing would not talk to the members of the exile Tibetan administration;
- b) No foreigner should be involved in the talks;
- c) The Strasbourg Proposal could not be the basis for talks as it had not relinquished the idea of Tibet's independence.

While Dharamsala welcomed the Chinese offer of talks, it could not agree to the preconditions. A statement issued by Dharamsala said, "Though we have different views and stands on many issues, we are prepared to discuss and resolve these through direct dialogues." On October 25, 1988 Dharamsala informed the Chinese Embassy that it would be ready to hold talks in Geneva in January 1989. Hours later, the Dalai Lama's Representative in New Delhi issued a press statement to this effect.

Around the same time, Gyalo Thondup, while on a personal visit in Beijing, was met by United Front Department head

Yang Mingfu, who expressed China's displeasure with the exile Tibetans for publicizing the venue and names of the delegates. Yang rejected the members of the Tibetan team, accusing them of having engaged in "splittist activities". He suggested that the talks should be held either in Beijing or Hong Kong. Then, sounding a positive note, Yang added that although the Chinese Government did not agree with some aspects of the Strasbourg Proposal, these could be discussed and resolved mutually.

However, on November 18, 1988 the Chinese Embassy in New Delhi presented a repackaged version of Yang Mingfu's proposal. This version rejected the Strasbourg Proposal in toto. Members of the Tibetan negotiating team, including the Dutch lawyer, were not acceptable. The Dalai Lama's act of publicizing the names of the negotiating team and venue reflected his insincerity regarding the talks, the Embassy said.

Two months later, the Panchen Lama died suddenly at Tashi Lhunpo Monastery in Tibet. On February 7, 1989 China invited the Dalai Lama to attend the Panchen Lama's cremation ceremony, due to take place on February 15. Visiting Beijing at that time would have been tantamount to condoning the martial law then imposed in Tibet. Moreover, one week was certainly not enough time to prepare for such a potentially significant visit. However, the Dalai Lama proposed to send a 10-member religious delegation to Tibet to offer prayers. China said that there was no precedence for prayers on this scale and that it would not accept two leaders of the delegation who, it said, were officials of the Kashag (Tibetan Cabinet). The exile administration agreed to withdraw the two members and again contacted the Chinese Government. On March 17, 1989 the Chinese Embassy said that Beijing would receive only two or three lamas as representatives of the Dalai Lama, and that they could travel only to Tashi Lhunpo. In the same message, the Chinese Government accused the exile Tibetan administration of having plotted the "troubles" in Lhasa and

smuggled arms into Tibet. Dharamsala denied these allegations and challenged the Chinese Government to produce evidence to back its claims. Against this background, no religious delegation visited Tibet.

In 1991, when the Dalai Lama expressed his wish to assist in the search for the Panchen Lama reincarnation, Beijing said there was no need for “outside interference”. A number of subsequent initiatives by the Dalai Lama to break the stalemate were cold-shouldered with outright disdain.

Among the exile populace there was now a growing feeling that the Chinese leadership was incapable of appreciating the Dalai Lama’s gestures, however reasonable and conciliatory they may be. On January 23, 1992 the Assembly of Tibetan People’s Deputies passed a resolution stating that the exile Tibetan administration should not initiate any new move towards negotiations with China unless there was a positive change in the attitude of the Beijing leadership. However, in deference to the Dalai Lama’s on-going initiatives, the Assembly’s resolution stated that the exile Tibetan administration would have no objection to negotiations if overtures came from the Chinese Government—either directly or through a third party.

This materialized three months later, when the Chinese Ambassador in New Delhi called on Gyalo Thondup and said that the Chinese Government’s position in the past had been “conservative”, but that it was willing to be “flexible” if the Tibetans were prepared to be “realistic”. He invited Thondup to visit China to explore possibilities for talks. In June Thondup went to Beijing with the approval of the Dalai Lama and the exile Tibetan administration. His subsequent report was discussed by the Assembly of Tibetan People’s Deputies. Its contents showed no signs of flexibility in the Chinese Government’s stand; it was merely a list of accusations against the Dalai Lama and the exile Tibetan administration.

On September 1, 1992 the Dalai Lama wrote a personal letter to Chinese leaders Deng Xiaoping and Jiang Zemin. He also enclosed a detailed memorandum, explaining his views on the points raised by the Chinese Government. Since the proposals made by him were not accepted by Beijing, the Dalai Lama asked the Chinese to come out with their own proposal to resolve the Tibetan political impasse. He stated:

“If China wants Tibet to stay with China, then it must create the necessary conditions for this. The time has come now for the Chinese to show the way for Tibet and China to live together in friendship. A detailed step-by-step outline regarding Tibet’s basic status should be spelled out.

If such a clear outline is given, regardless of the possibility and non-possibility of an agreement, we Tibetans can then make a decision whether to live with China or not. If we Tibetans obtain our basic rights to our satisfaction, then we are not incapable of seeing the possible advantages of living with the Chinese.”

The Dalai Lama also decided to dispatch a three-member delegation to China to clarify his views. Beijing accepted only two members of this delegation. In June 1993 the delegates discovered in Beijing that the leadership’s hard-line attitude towards the Dalai Lama had remained unchanged.

Faced with the PRC’s intransigent stance, the Dalai Lama said in his March 10 statement of 1994:

“I must now recognize that my approach has failed to produce any progress either for substantive negotiations or in contributing to the overall improvement of the situation in Tibet. Moreover, I am conscious of the fact that a growing number of Tibetans, both inside as well as outside Tibet, have been disheartened by my conciliatory stand not to demand complete independence for Tibet.”

In the same year, the Chinese Government unleashed a new campaign of intensified repression, aimed at eliminating the influence of the Dalai Lama and Buddhism among the people

in Tibet. By the end of 1996, even photographs of the Dalai Lama were banned; those found possessing his photographs or watching him on video films were given jail sentences of six to seven years. The rhetoric of this official campaign vilified the Tibetan leaders in harsher terms than during the Cultural Revolution.

In early 1997, after years of Tibetan efforts to establish direct communication, the highest echelons of the Chinese leadership responded to one of the numerous informal channels that were being pursued by the Dalai Lama. Three rounds of face-to-face meetings ensued between representatives of the Dalai Lama and the Chinese officials close to Jiang Zemin. These meetings laid the ground- work for what was hoped to be a breakthrough in the impasse.

In June 1998, US President Bill Clinton and President Jiang Zemin held a live televised joint press conference in Beijing. During this TV appearance—broadcast worldwide—Clinton asked Jiang to open dialogues with the Dalai Lama. Jiang replied, “As long as the Dalai Lama makes a public commitment that Tibet is an inalienable part of China and Taiwan is a province of China, then the door to dialogue and negotiation is open.” The Taiwan issue surfaced this time as a new pre-condition to dialogue. Jiang also announced that direct channels of communication with the Dalai Lama had already been established.

President Clinton was lauded by the exile Tibetan administration for the high-profile request to the Chinese Government to enter into dialogue and negotiations with the Dalai Lama. However, the question of Taiwan’s status, the exile government said, was for the people of Taiwan and the PRC alone to decide.

Yet while the high-level exploratory talks were underway, political repression in Tibetan areas continued to intensify. This basic incoherence suggests not only a lack of clear vision

in Beijing's policies on Tibet, but also a degree of disjointedness in the outlooks of the national and regional elites.¹⁹

Later, on November 10, 1998, the Dalai Lama responded by issuing a statement:

"I am not seeking independence for Tibet, nor do my actions seek its separation from the People's Republic of China. I am for autonomy, genuine autonomy for the Tibetan people to preserve their distinct identity and way of life. I do not seek any privileges or position for myself; on the contrary I have made it categorically clear many years back that I do not wish to hold any official position once we have found a solution to the Tibetan issue. I sincerely believe that my Middle Way Approach will contribute to stability and unity of the People's Republic of China. This basic approach was conceived in the early seventies even when there was no immediate possibility of a dialogue with the Chinese leadership as China was then in the midst of the Cultural Revolution. I adopted this approach because I believe that this was to our long-term mutual interest."

On the same day, the *People's Daily*, in its front-page commentary, accused the Dalai Lama of "playing tricks" and of "insincerity" in publicizing the Tibetan issue on the international stage. The official organ said that, "the zigzagging on the issue of declaration indicates that the Dalai Lama has merely made tactical readjustments and played tricks, while his stance on Tibetan independence has remained unchanged in principle."

On October 25, 1999 President Jiang Zemin spoke to the French daily, *Le Figaro*, in which he repeated all the earlier preconditions and added one more: The Dalai Lama must "openly declare that the People's Republic of China is the legitimate government representing the whole China". By the end of December 1999, the Chinese authorities had closed down all channels of communication with the Dalai Lama. Then, in July 2000, the Chinese Government invited Gyalo

Thondup for a private visit to China. In Beijing, he met three key officials of the CPC's United Front Department. It transpired that Beijing wanted nothing other than the unconditional return of the Dalai Lama; there was absolutely no interest in discussing the issue of Tibet.

Nevertheless, the Dalai Lama did not lose hope. In September 2000, he proposed to send a delegation with a memorandum, asking Beijing for dialogue on the issue of Tibet and outlining his own thoughts on the issue. This again failed to interest the Chinese leadership.

The new millennium brought no advances to the quest for negotiations with Beijing. China's senior leaders convened in June 2001 for the Fourth Work Forum on Tibet. Outwardly, the meeting projected confidence in the existing policy of rapid economic development combined with the reinvigoration of the Party structure throughout Tibetan areas. But the occasion was also used to readjust the official policy on engagement with the Dalai Lama. While the formal polemics remained unmodified, the senior leadership reversed its 1989 decision, formalized at the 1994 Third Work Forum, to isolate the Dalai Lama from its Tibet policy. Instead, it now began a process of engagement. Within months, the Chinese leadership established direct contacts with the Dalai Lama's representatives. China also released six high-profile political prisoners and published a detailed article reviewing the history of Sino-Tibetan negotiations. While the article reiterated formulaic attacks on the Dalai Lama's sincerity, it also renewed calls for his return to China.²⁰ Gyalo Thondup was subsequently invited to China in July 2002.

Issues

Over more than two decades of continuous talks, Beijing and Dharamsala have remained in major disagreement about what is-or should be-in dispute between them. The exiled Tibetan leadership had consistently forwarded two key demands: the

unification of all Tibetan-inhabited areas and “genuine autonomy”. For its part, Beijing has been publicly adamant that there is no “Tibet issue” for discussion. Rather, they have characterized the dispute as solely a matter of the Dalai Lama’s personal return. Beijing’s stance is, to be sure, consistent with the general Chinese pattern of negotiations. In the short run, however, it is likely that the differences between the parties will preclude the possibility of substantive talks. To assess longer-term prospects, it is necessary to examine the issues raised by Dharamsala in light of recent Sino-Tibetan history and contemporary politics.²¹

Thus—the crux of the matter—is enshrined in the Dalai Lama’s manifesto for future Tibet’s administration, issued in 1992. *The Guidelines for Future Tibet’s Polity and Basic Features of its Constitution* suggested unambiguously that the exile government and leadership would not be transplanted in Tibet. It stipulated that as soon as Tibetans gain freedom, the Dalai Lama would relinquish his traditional position in favour of an elected government. The exile administration, it said, would then be dissolved and Tibetans inside Tibet would run the government of a new Tibet. Members of the exile administration would then become ordinary citizens.

This is a message that Beijing chooses not to hear. In 1998 Jiang Zemin calculated that the Dalai Lama would pass away within a decade. So stalling is seen as the safest strategy for Beijing to “resolve the issue of Tibet”.

Renewed Engagements

For a number of years His Holiness’ envoys (Mr. Lodi Gyari and Mr. Kelsang Gyaltzen) made discreet but painstaking efforts, at the request of His Holiness, to develop contacts with Chinese leaders at the highest level and to persuade them of the need and benefit of engaging in dialogue. These efforts, together with increased pressure from members of the international community, especially the United States, where

the government's Special Coordinator on Tibet and also the President himself repeatedly raised the issue of negotiations with China's leaders, led to a first meeting of senior Tibetan and Chinese delegations in Beijing in 2002.

The Tibetan team, headed by Mr. Lodi Gyari and Mr. Kelsang Gyaltsen, held exploratory talks in Beijing and visited Lhasa and other areas in Tibet. While in China and Tibet the Tibetan delegation met a number of Tibetan officials like Mr. Ngapo Ngawang Jigme, Vice-Chair of the Chinese People's Political Consultative Conference (CPPCC); Mr. Ragdi, the Chairman of the Tibet Autonomous Region People's Congress and Deputy Party Secretary; Mr. Legchok, Chairman of the Tibet Autonomous Region Government and Deputy Party Secretary; Mr. Samdup, Head of the Tibet Autonomous Region United Front Work Department; and Mr. Atrin, Vice-Chair of the Sichuan Province Chinese People's Political Consultative Conference. Upon their return, Lodi Gyari explained the delegation's mandate as follows:

“First, to re-establish direct contact with the leadership in Beijing and to create a conducive atmosphere enabling direct face-to-face meetings on a regular basis in future. Secondly, to explain His Holiness the Dalai lama's Middle Way Approach towards resolving the issue of Tibet. Throughout the trip we were guided by this objective. Consequently, we focused our effort towards building confidence by dispelling distrust and misconception. “

China was represented by Mr. Wang Zhaoguo, Vice Chair of the CPPCC and the Head of the Central United Front Work Department and Mr. Li De Zhu, Minister for Nationalities Affairs and Deputy Head of the United Front Work Department. According to Mr. Lodi Gyari:

“We had frank exchanges of views with them in a cordial atmosphere. They reiterated the known position of the Chinese government on dialogue with His Holiness the Dalai Lama. We took the opportunity to explain His Holiness the Dalai Lama's thoughts on resolving the

issue of Tibet through negotiations in the spirit of reconciliation and dialogue”.

In continuation of the September 2002 exploratory talks, the Tibetan team led by Mr. Lodi Gyari along with Mr. Kelsang Gyaltzen assisted by Sonam N. Dagpo and Bhuchung K. Tsering, visited China from May 25 to June 8, 2003. This time the Tibetan team’s visit coincided with the changes in leadership in Beijing with President Hu Jin Tao resuming the supreme leadership role in China. The three broad objectives with which the team visited China, as mentioned by Head of the Delegation Mr. Lodi Gyari in a statement on 11 June 2003:

“In addition to the main objective of continuing the process begun in September 2002 to meet Chinese leaders responsible for Tibetan affairs, we had three specific aims for this visit; i) to broaden our overall understanding of the situation in China through visits to different areas and meeting with officials; ii) to meet Chinese Buddhist leaders and to visit Buddhist holy sites; and, iii) above all, to visit Tibetan areas and meet Tibetan officials”.

They were met in Beijing by Ms. Liu Yandong, head of the United Front Work Department of the Communist Party of China, Mr. Zhu Weiqun, deputy head, Mr. Chang Rongjung, the Deputy Secretary-General, and other senior officials. After returning from the visit Mr. Lodi Gyari the head of the delegation had this to say about the visit:

“We were impressed by the attention and candor displayed by the Chinese leaders during our meeting. Both sides agreed that our past relationship had many twists and turns and that many areas of disagreement still exist. The need was felt for more efforts to overcome the existing problems and bring about mutual understanding and trust.”

In spite of many twist and turns in Sino-Tibetan relations and in spite of tremendous changes during the last many years China has not changed its principled position on Tibet. For

example, they are still continuing with the same pre-condition that has dragged the Sino-Tibetan dialogue process till now. However, His Holiness still believes dialogues and face-to-face talk is the most meaningful way of resolving our issue as special envoy in his 2003, International Conference of Tibet Support Groups in Prague has said, “We, however, refused to be dragged into a discussion on this”.

The third round of this exploratory talk took place from September 12 to 29, 2004 and the same Tibetan delegation met with Minister Liu Yandong, Vice Chairperson of the Chinese People’s Political Consultative Conference and head of the United Front Work Department of the Chinese Communist Party, Vice-Minister Zhu Weiqun, the deputy head, Mr. Chang Rongjun, Secretary-General and other officials in Beijing. The head of the delegation to a statement in Dharamsala on 13 October 2004 stated;

“We had so far the most extensive and serious exchange of views on matters relating to Tibet. The discussions were held in a frank but cordial atmosphere. It was apparent from the discussions that there are major differences on a number of issues, including some fundamental ones. Both sides acknowledged the need for more substantive discussions in order to narrow down the gaps and reach a common ground. We stressed the need for both sides to demonstrate flexibility, far-sightedness and vision to bridge the differences.”

The same Tibetan delegation led by Special Envoy Lodi Gyari met with the Vice Minister Zhu Weiqun and his six-member delegation on June 30 and July 1, 2005 at the Embassy of the People’s Republic of China in Berne, Switzerland. This fourth round of dialogue is the first meeting outside China since the resumption of direct contact in 2002. They had cordial and substantive discussion in the words of one Tibetan delegation. The Tibetan delegation this time was conveyed of the keen interest and importance given by the Central Leadership of the Chinese Communist Party to the contact with His Holiness

the Dalai Lama. At the same time it was formally acknowledged that this process of regular meetings should continue inside and outside of China and should become more frequent. At that meeting as well as at the previous one, in September 2004, both sides addressed substantive issues, so that one can summarise that the next round of dialogue would be more substantial.

The level of the meetings is significant: on both sides as the delegations were headed by very senior leaders. On the Chinese side, the Minister Liu Yandong of China's central United Front Work department and Zhu Weiqun, Deputy Minister of the same department represented the government. Each side so far has explained their views of the situation and the reasons for the positions they have taken. The Tibetan side has explained clearly that the Tibetan people wish the unification of all-Tibetan areas (already designated as such under Chinese law) in one administrative entity, which should be granted genuine autonomy within the framework of the PRC constitution. The Chinese side has explained its policy with respect to Tibet and Tibetans and so far shown no inclination to consider any significant changes to that policy.

The importance of the establishment of regular high level dialogue and the beginning of a negotiation process should not be underestimated. This can be seen as a major breakthrough after years of Tibetan and international calls for "negotiations without preconditions." It is now important for the Chinese side to approach the talks with an open mind and a willingness to explore solutions that will benefit all parties concerned. Reiterating their position on their policies towards Tibetans, which have failed to satisfy the needs of the people, is not helpful. It is time to engage in substantive discussions on a way forward that can lead to the enjoyment of basic human and democratic rights of the Tibetan people, and a form of genuine autonomy that will ensure the Tibetan people's ability to protect and develop their own unique spiritual, cultural and environmental needs.

Dharamsala and Beijing : A Chronology of Initiatives for Negotiations

Feb. 1979	Deng Xiaoping meets Gyalo Thondup, elder brother of the Dalai Lama, in Beijing and tells him that China is willing to discuss and resolve with Tibetans all issues other than the complete independence of Tibet. Deng also invites the exiled Tibetans to visit Tibet and see the actual situation for themselves.
Aug. 1979	The Dalai Lama sends the First Fact-finding Delegation to Tibet.
May 1980	The Second Fact-finding Delegation visits Tibet.
July 1980	The Third Fact-finding Delegation visits Tibet.
Sept. 1980	The Dalai Lama offers to send 50 trained teachers from the exile community to help the educational development of Tibet. He also suggests opening a liaison office in Lhasa to build trust between the Chinese government and Tibetans. China evades these two initiatives by asking for their deferment for the time being.
July 1985	The Fourth Fact-finding Delegation visits north-eastern Tibet
Sept. 1987	Addressing the US Congressional Human Rights Caucus, the Dalai Lama announces his Five Point Peace Plan for Tibet, asking for “the commencement of earnest negotiations on the future status of Tibet”.
June 1988	Speaking at the European Parliament in Strasbourg, the Dalai Lama elaborates on the

	<p>Five Point Peace Plan and proposes talks leading to a “self-governing democratic political entity” for all the three provinces of Tibet. This entity, the Dalai Lama says, will be “in association with the People’s Republic of China” and that Chinese government can continue to “remain responsible for Tibet’s foreign policy and defence”.</p>
Sept. 1988	<p>Beijing announces its willingness to negotiate with Tibetans and says that the Dalai Lama can choose the date and venue for negotiations.</p>
Oct. 1988	<p>A press statement from Dharamsala welcomes Beijing’s announcement, proposing that the talks should start in Geneva in January 1989. The statement also names the members of the Tibetan negotiating team: six officials of the exile government and Dutch Lawyer Michael van Walt as their legal advisor.</p>
Nov. 1988	<p>The Chinese government reverts to its former hard-line position and says that Strasbourg Proposal cannot be the basis for talks. China puts forward a number of other pre-conditions stating that: Beijing, Hong Kong or any other Chinese foreign mission office should be the venue for talks; the present Tibetan negotiating team is not acceptable as all its members have engaged in “splittist activities”; no foreigner should be included in the Tibetan team; and that it is interested in talking directly to the Dalai Lama or his trusted representatives, like Gyalo Thondup.</p>
Dec. 1988	<p>Dharamsala agrees to include Gyalo Thondup in the negotiating team, but backs up its position on other matters.</p>

April 1989	Dharamsala proposes to send an exploratory mission to Hong Kong to hold further discussion on conditions set by Beijing. The exploratory mission accepts Hong Kong as the venue for preliminary talks, but Beijing soon after shows no interest in holding talks
Oct. 1991	The Dalai Lama makes a fresh proposal to Beijing. Addressing Yale University, he expressed interest in visiting Tibet, accompanied by senior Chinese officials, to make an on-the-spot assessment of the actual situation in Tibet.
Dec. 1991	The Dalai Lama suggests a meeting with Premier Li Peng during the latter's visit to Delhi.
Jan. 1992	In view of Beijing's consistent refusal to respond positively to the Dalai Lama's proposals, the exile Tibetan Parliament passes a resolution stating that no new move for negotiations should be initiated unless there was a positive change in the Chinese leadership's attitude.
April 1992	The Chinese Embassy in New Delhi invited Gyalo Thondup to visit China for talks. The Embassy says that the Chinese government's position in the past has been "conservative", but that it is willing to be "flexible" if the Tibetans are prepared to be "realistic".
June 1992	Thondup visits China on the approval of the Dalai Lama, but the Chinese leadership reiterates its old, hard-line position on Tibet and makes a number of serious allegations against the Dalai Lama.

June 1993	Dharamsala sends a two-member delegation to China to clear the misunderstandings raised by the Chinese leaders during their meeting with Thondup. The delegation carries a 13-point memorandum from the Dalai Lama, addressed to Deng Xiaoping and Jiang Zemin. In the memorandum, the Dalai Lama chronicles his efforts to resolve the problem of Tibet through peaceful negotiations and says, "If we Tibetans obtain our basic rights to our satisfaction, then we are not incapable of seeing the possible advantages of living with the Chinese." In the same year, China severs all formal channels of communication with Dharamsala. However, informal and semi-official channels continue to remain open.
June 1998	Addressing a joint press conference with US President Bill Clinton in Beijing, President Jiang Zemin says that he is willing to hold negotiations with Tibetans if the Dalai Lama publicly announces that Tibet is an inalienable part of China and recognises Taiwan as a province of China.
March 1999	In his annual 10 March statement, the Dalai Lama announces that China has hardened its position on entering into dialogue with him.
Sept. 2002	A four-member delegation headed by Special Envoy Lodi G. Gyari paid a visit to China and Tibet. This visit came after a decade long deadlock in the relation between Beijing and Dharamsala. The delegation spent almost a month touring China and Tibetan areas like Lhasa, Shigatse and Gyaltse. The delegation's mission was to reestablish direct contact with

<p>May 2003</p>	<p>the Beijing leadership and to create a conducive atmosphere enabling direct face-to-face meetings on a regular basis in future.</p> <p>Having been able to reestablish direct contact with the Chinese leadership in the September 2002 visit, the same delegation left India on 25 May 2003. The visit followed the changes in leadership of the Chinese communist Party as well as of the Chinese government and had given the delegation an opportunity to engage extensively with the new Chinese leaders and officials responsible for Tibet and relationship with the Diaspora Tibetan community</p>
<p>June 2005</p>	<p>In 2005 the fourth and the latest round of meetings between the Tibetan and Chinese delegations was held outside of China. The meeting took place at the Embassy of the People's Republic of China in Berne, Switzerland, on June 30 and July 1, 2005. The Tibetan side had the opportunity to respond in detail point by point to the criticism, objections and allegations made by the Chinese side during the last round of discussions in Beijing. They also put forward some proposals that will help build trust and confidence and move the ongoing process to a new level of engagement aimed at bringing about substantive negotiations to achieve a mutually acceptable solution to the Tibetan issue.</p>

Annexure I

17-Point Agreement for the Peaceful Liberation of Tibet (1951)

Five Point Peace Plan for Tibet

Strasbourg Proposal

17-Point Agreement for the Peaceful Liberation of Tibet (1951)

The Agreement of the Central People's Government and the Local Government of Tibet on Measures for the Peaceful Liberation of Tibet

May 23, 1951

The Tibetan nationality is one of the nationalities with a long history within the boundaries of China and, like many other nationalities, it has done its glorious duty in the course of the creation and development of the great motherland. But over the last hundred years and more, imperialist forces penetrated into China, and in consequence, also penetrated into the Tibetan region and carried out all kinds of deceptions and provocations. Like previous reactionary Governments, the KMT [p.Kuomintang] reactionary government continued to carry out a policy of oppression and sowing dissension among the nationalities, causing division and disunity among the Tibetan people. The Local Government of Tibet did not oppose imperialist deception and provocations, but adopted an unpatriotic attitude towards the great motherland. Under such conditions, the Tibetan nationality and people were plunged into the depths of enslavement and suffering. In 1949, basic victory was achieved on a nation-wide scale in the Chinese people's war of liberation; the common domestic enemy of all nationalities—the KMT reactionary government—was overthrown; and the common foreign enemy of all nationalities—the aggressive imperialist forces—was driven out. On this basis, the founding of the People's Republic of China and of the Central People's Government was announced. In accordance with the Common Programme passed by the Chinese People's Political Consultative Conference, the Central People's Government declared that all nationalities within the boundaries of the People's Republic of China are equal, and that they shall establish unity and mutual aid and oppose

imperialism and their own public enemies, so that the People's Republic of China may become one big family of fraternity and cooperation, composed of all its nationalities. Within this big family of nationalities of the People's Republic of China, national regional autonomy is to be exercised in areas where national minorities are concentrated, and all national minorities are to have freedom to develop their spoken and written languages and to preserve or reform their customs, habits, and religious beliefs, and the Central People's Government will assist all national minorities to develop their political, economic, cultural, and educational construction work. Since then, all nationalities within the country, with the exception of those in the areas of Tibet and Taiwan, have gained liberation. Under the unified leadership of the Central People's Government and the direct leadership of the higher levels of People's Governments, all national minorities have fully enjoyed the right of national equality and have exercised, or are exercising, national regional autonomy. In order that the influences of aggressive imperialist forces in Tibet may be successfully eliminated, the unification of the territory and sovereignty of the People's Republic of China accomplished, and national defence safeguarded; in order that the Tibetan nationality and people may be freed and return to the big family of the People's Republic of China to enjoy the same rights of national equality as all other nationalities in the country and develop their political, economic, cultural, and educational work, the Central People's Government, when it ordered the People's Liberation Army to march into Tibet, notified the local government of Tibet to send delegates to the Central Authorities to hold talks for the conclusion of an agreement on measures for the peaceful liberation of Tibet. At the latter part of April, 1951, the delegates with full powers from the Local Government of Tibet arrived in Peking. The Central People's Government appointed representatives with full powers to conduct talks on a friendly basis with the delegates of the Local Government of Tibet. The result of the

talks is that both parties have agreed to establish this agreement and ensure that it be carried into effect.

1. The Tibetan people shall be united and drive out the imperialist aggressive forces from Tibet; that the Tibetan people shall return to the big family of the motherland—the People's Republic of China.
2. The Local Government of Tibet shall actively assist the People's Liberation Army to enter Tibet and consolidate the national defences.
3. In accordance with the policy towards nationalities laid down in the Common Programme of the Chinese People's Political Consultative Conference, the Tibetan people have the right of exercising national regional autonomy under the unified leadership of the Central People's Government.
4. The Central Authorities will not alter the existing political system in Tibet. The Central Authorities also will not alter the established status, functions and powers of the Dalai Lama. Officials of various ranks shall hold office as usual.
5. The established status, functions, and powers of the Panchen Ngoerhthehni shall be maintained.
6. By the established status, functions and powers of the Dalai Lama and of the Panchen Ngoerhthehni is meant the status, functions and powers of the 13th Dalai Lama and of the 9th Panchen Ngoerhthehni when they were in friendly and amicable relations with each other.
7. The policy of freedom of religious belief laid down in the Common Programme of the Chinese People's Political Consultative Conference will be protected. The Central Authorities will not effect any change in the income of the monasteries.

8. The Tibetan troops will be reorganised step by step into the People's Liberation Army, and become a part of the national defence forces of the Central People's Government.
9. The spoken and written language and school education of the Tibetan nationality will be developed step by step in accordance with the actual conditions in Tibet.
10. Tibetan agriculture, livestock raising, industry and commerce will be developed step by step, and the people's livelihood shall be improved step by step in accordance with the actual conditions in Tibet.
11. In matters related to various reforms in Tibet, there will be no compulsion on the part of the Central Authorities. The Local Government of Tibet should carry out reforms of its own accord, and when the people raise demands for reform, they must be settled through consultation with the leading personnel of Tibet.
12. In so far as former pro-imperialist and pro-KMT officials resolutely sever relations with imperialism and the KMT and do not engage in sabotage or resistance, they may continue to hold office irrespective of their past.
13. The People's Liberation Army entering Tibet will abide by the above-mentioned policies and will also be fair in all buying and selling and will not arbitrarily take even a needle or a thread from the people.
14. The Central People's Government will handle all external affairs of the area of Tibet; and there will be peaceful co-existence with neighboring countries and the establishment and development of fair commercial and trading relations with them on the basis of equality, mutual benefit and mutual respect for territory and sovereignty.
15. In order to ensure the implementation of this agreement, the Central People's Government will set up a military

and administrative committee and a military area headquarters in Tibet, and apart from the personnel sent there by the Central People's Government it will absorb as many local Tibetan personnel as possible to take part in the work. Local Tibetan personnel taking part in the military and administrative committee may include patriotic elements from the Local Government of Tibet, various district and various principal monasteries; the name list is to be prepared after consultation between the representatives designated by the Central People's Government and various quarters concerned, and is to be submitted to the Central People's Government for approval.

16. Funds needed by the military and administrative committee, the military area headquarters and the People's Liberation Army entering Tibet will be provided by the Central People's Government. The Local Government of Tibet should assist the People's Liberation Army in the purchases and transportation of food, fodder, and other daily necessities.
17. This agreement shall come into force immediately after signatures and seals are affixed to it.

Signed and sealed by delegates of the Central People's Government with full powers:

- *Chief Delegate: Li Wei-han (Chairman of the Commission of Nationalities Affairs);*
- *Delegates: Chang Ching-wu, Chang Kuo-hua, Sun Chih-yuan*
- *Delegates with full powers of the Local Government of Tibet:*
- *Chief Delegate: Kaloön Ngabou Ngawang Jigme (Ngabo Shape)*
- *Delegates: Dzasak Khemey Sonam Wangdi, KhenTrung Thuptan, Tenthar, Khenchung Thuptan Lekmuun Rimshi, Samposey Tenzin Thondup*

Five Point Peace Plan for Tibet

His Holiness the Dalai Lama

Address to Members of the United States Congress

Washington, D.C.

September 21, 1987

The world is increasingly interdependent, so that lasting peace - national, regional, and global - can only be achieved if we think in terms of broader interest rather than parochial needs. At this time, it is crucial that all of us, the strong and the weak, contribute in our own way. I speak to you today as the leader of the Tibetan people and as a Buddhist monk devoted to the principles of a religion based on love and compassion. Above all, I am here as a human being who is destined to share this planet with you and all others as brothers and sisters. As the world grows smaller, we need each other more than in the past. This is true in all parts of the world, including the continent I come from.

At present in Asia, as elsewhere, tensions are high. There are open conflicts in the Middle East, Southeast Asia, and in my own country, Tibet. To a large extent, these problems are symptoms of the underlying tensions that exist among the area's great powers. In order to resolve regional conflicts, an approach is required that takes into account the interests of all relevant countries and peoples, large and small. Unless comprehensive solutions are formulated, that take into account the aspirations of the people most directly concerned, piecemeal or merely expedient measures will only create new problems.

The Tibetan people are eager to contribute to regional and world peace, and I believe they are in a unique position to do so. Traditionally, Tibetans are a peace loving and non-violent people. Since Buddhism was introduced to Tibet over one thousand years ago, Tibetans have practiced non-violence with respect to all forms of life. This attitude has also been extended

to our country's international relations. Tibet's highly strategic position in the heart of Asia, separating the continent's great powers - India, China and the USSR - has throughout history endowed it with an essential role in the maintenance of peace and stability. This is precisely why, in the past, Asia's empires went to great lengths to keep one another out of Tibet. Tibet's value as an independent buffer state was integral to the region's stability.

When the newly formed People's Republic of China invaded Tibet in 1949/50, it created a new source of conflict. This was highlighted when, following the Tibetan national uprising against the Chinese and my flight to India in 1959, tensions between China and India escalated into the border war in 1962. Today large numbers of troops are again massed on both sides of the Himalayan border and tension is once more dangerously high.

The real issue, of course, is not the Indo-Tibetan border demarcation. It is China's illegal occupation of Tibet, which has given it direct access to the Indian sub-continent. The Chinese authorities have attempted to confuse the issue by claiming that Tibet has always been a part of China. This is untrue. Tibet was a fully independent state when the People's Liberation Army invaded the country in 1949/50.

Since Tibetans emperors unified Tibet, over a thousand years ago, our country was able to maintain its independence until the middle of this century. At times Tibet extended its influence over neighboring countries and peoples and, in other periods, came itself under the influence of powerful foreign rulers - the Mongol Khans, the Gorkhas of Nepal, the Manchu Emperors and the British in India.

It is, of course, not uncommon for states to be subjected to foreign influence or interference. Although so-called satellite relationships are perhaps the clearest examples of this, most major powers exert influence over less powerful allies or

neighbors. As the most authoritative legal studies have shown, in Tibet's case, the country's occasional subjection to foreign influence never entailed a loss of independence. And there can be no doubt that when Peking's communist armies entered Tibet, Tibet was in all respects an independent state.

China's aggression, condemned by virtually all nations of the free world, was a flagrant violation of international law. As China's military occupation of Tibet continues, the world should remember that though Tibetans have lost their freedom, under international law Tibet today is still an independent state under illegal occupation.

It is not my purpose to enter a political/legal discussion here concerning Tibet's status. I just wish to emphasize the obvious and undisputed fact that we Tibetans are a distinct people with our own culture, language, religion and history. But for China's occupation, Tibet would still, today, fulfill its natural role as a buffer state maintaining and promoting peace in Asia.

It is my sincere desire, as well as that of the Tibetan people, to restore to Tibet her invaluable role, by converting the entire country - comprising the three provinces of U-Tsang, Kham and Amdo - once more into a place of stability, peace and harmony. In the best of Buddhist tradition, Tibet would extend its services and hospitality to all who further the cause of world peace and the well-being of mankind and the natural environment we share.

Despite the holocaust inflicted upon our people in the past decades of occupation, I have always strived to find a solution through direct and honest discussions with the Chinese. In 1982, following the change of leadership in China and the establishment of direct contacts with the government in Peking, I sent my representatives to Peking to open talks concerning the future of my country and people.

We entered the dialogue with a sincere and positive attitude and with a willingness to take into account the legitimate needs

of the People's Republic of China. I hope that this attitude would be reciprocated and that a solution could eventually be found which would satisfy and safeguard the aspirations and interests of both parties. Unfortunately, China has consistently responded to our efforts in a defensive manner, as though our detailing of Tibet's very real difficulties was criticism for its own sake.

To our even greater dismay, the Chinese government misused the opportunity for a genuine dialogue. Instead of addressing the real issues facing the six million Tibetan people, China has attempted to reduce the question of Tibet to a discussion of my own personal status.

It is against this background and in response to the tremendous support and encouragement I have been given by you and other persons I have met during this trip, that I wish today to clarify the principal issues and to propose, in a spirit of openness and conciliation, a first step towards a lasting solution. I hope this may contribute to a future of friendship and cooperation with all of our neighbors, including the Chinese people.

This peace plan contains five basic components:

1. Transformation of the whole of Tibet into a zone of peace;
2. Abandonment of China's population transfer policy which threatens the very existence of the Tibetan's as a people;
3. Respect for the Tibetan people's fundamental human rights and democratic freedoms;
4. Restoration and protection of Tibet's natural environment and the abandonment of China's use of Tibet for the production of nuclear weapons and dumping of nuclear waste;

5. Commencement of earnest negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples.

Let me explain these five components.

1 - I propose that the whole of Tibet, including the eastern provinces of Kham and Amdo, be transformed into a zone of “Ahimsa”, a Hindi term used to mean a state of peace and non-violence.

The establishment of such a peace zone would be in keeping with Tibet’s historical role as a peaceful and neutral Buddhist nation and buffer state separating the continent’s great powers. It would also be in keeping with Nepal’s proposal to proclaim Nepal a peace zone and with China’s declared support for such a proclamation. The peace zone proposed by Nepal would have a much greater impact if it were to include Tibet and neighboring areas.

The establishing of a peace zone in Tibet would require withdrawal of Chinese troops and military installations from the country, which would enable India also to withdraw troops and military installations from the Himalayan regions bordering Tibet. This would be achieved under an international agreement which would satisfy China’s legitimate security needs and build trust among the Tibetan, Indian, Chinese and other peoples of the region. This is in everyone’s best interest, particularly that of China and India, as it would enhance their security, while reducing the economic burden of maintaining high troop concentrations on the disputed Himalayan border.

Historically, relations between China and India were never strained. It was only when Chinese armies marched into Tibet, creating for the first time a common border, that tensions arose between these two powers, ultimately leading to the 1962 war. Since then numerous dangerous incidents have

continued to occur. A restoration of good relations between the world's two most populous countries would be greatly facilitated if they were separated - as they were throughout history - by a large and friendly buffer region.

To improve relations between the Tibetan people and the Chinese, the first requirement is the creation of trust. After the holocaust of the last decades in which over one million Tibetans - one sixth of the population - lost their lives and at least as many lingered in prison camps because of their religious beliefs and love of freedom, only a withdrawal of Chinese troops could start a genuine process of reconciliation. The vast occupation force in Tibet is a daily reminder to the Tibetans of the oppression and suffering they have all experienced. A troop withdrawal would be an essential signal that in the future a meaningful relationship might be established with the Chinese, based on friendship and trust.

2 - The population transfer of Chinese into Tibet, which the government in Peking pursues in order to force a "final solution" to the Tibetan problem by reducing the Tibetan population to an insignificant and disenfranchised minority in Tibet itself, must be stopped.

The massive transfer of Chinese civilians into Tibet in violation of the Fourth Geneva Convention (1949) threatens the very existence of the Tibetans as a distinct people. In the eastern parts of our country, the Chinese now greatly outnumber Tibetans. In the Amdo province, for example, where I was born, there are, according to Chinese statistics, 2.5 million Chinese and only 750,000 Tibetans. Even in so-called Tibet Autonomous Region (i.e., central and western Tibet), Chinese government sources now confirm that Chinese outnumber Tibetans.

The Chinese population transfer policy is not new. It has been systematically applied to other areas before. Earlier in this century, the Manchus were a distinct race with their own

culture and traditions. Today only two to three million Manchurians are left in Manchuria, where 75 million Chinese have settled. In Eastern Turkestan, which the Chinese now call Sinkiang, the Chinese population has grown from 200,000 in 1949 to 7 million, more than half of the total population of 13 million. In the wake of the Chinese colonization of Inner Mongolia, Chinese number 8.5 million, Mongols 2.5 million.

Today, in the whole of Tibet 7.5 million Chinese settlers have already been sent, outnumbering the Tibetan population of 6 million. In central and western Tibet, now referred to by the Chinese as the “Tibet Autonomous Region”, Chinese sources admit the 1.9 million Tibetans already constitute a minority of the region’s population. These numbers do not take the estimated 300,000 - 500,000 troops in Tibet into account - 250,000 of them in the so-called Tibet Autonomous Region.

For the Tibetans to survive as a people, it is imperative that the population transfer is stopped and Chinese settlers return to China. Otherwise, Tibetans will soon be no more than a tourist attraction and relic of a noble past.

3 - Fundamental human rights and democratic freedoms must be respected in Tibet. The Tibetan people must once again be free to develop culturally, intellectually, economically and spiritually and to exercise basic democratic freedoms.

Human rights violations in Tibet are among the most serious in the world. Discrimination is practiced in Tibet under a policy of “apartheid” which the Chinese call “segregation and assimilation”. Tibetans are, at best, second class citizens in their own country. Deprived of all basic democratic rights and freedoms, they exist under a colonial administration in which all real power is wielded by Chinese officials of the Communist Party and the army.

Although the Chinese government allows Tibetan to rebuild some Buddhist monasteries and to worship in them, it still

forbids serious study and teaching of religion. Only a small number of people, approved by the Communist Party, are permitted to join the monasteries.

While Tibetans in exile exercise their democratic rights under a constitution promulgated by me in 1963, thousands of our countrymen suffer in prisons and labor camps in Tibet for their religious or political convictions.

4 - Serious efforts must be made to restore the natural environment in Tibet. Tibet should not be used for the production of nuclear weapons and the dumping of nuclear waste.

Tibetans have a great respect for all forms of life. This inherent feeling is enhanced by the Buddhist faith, which prohibits the harming of all sentient beings, whether human or animal. Prior to the Chinese invasion, Tibet was an unspoiled wilderness sanctuary in a unique natural environment. Sadly, in the past decades the wildlife and the forests of Tibet have been almost totally destroyed by the Chinese. The effects on Tibet's delicate environment have been devastating. What little is left in Tibet must be protected and efforts must be made to restore the environment to its balanced state.

China uses Tibet for the production of nuclear weapons and may also have started dumping nuclear waste in Tibet. Not only does China plan to dispose of its own nuclear waste but also that of other countries, who have already agreed to pay Peking to dispose of their toxic materials.

The dangers this presents are obvious. Not only living generations, but future generations are threatened by China's lack of concern for Tibet's unique and delicate environment.

5 - Negotiations on the future status of Tibet and the relationship between the Tibetan and Chinese peoples should be started in earnest.

We wish to approach this subject in a reasonable and realistic way, in a spirit of frankness and conciliation and with a view to finding a solution that in the long term interest of all: the Tibetans, the Chinese, and all other peoples concerned. Tibetans and Chinese are distinct peoples, each with their own country, history, culture, language and way of life. Differences among peoples must be recognized and respected. They need not, however, form obstacles to genuine cooperation where this is in the mutual benefit of both peoples. It is my sincere belief that if the concerned parties were to meet and discuss their future with an open mind and a sincere desire to find a satisfactory and just solution, a breakthrough could be achieved. We must all exert ourselves to be reasonable and wise, and to meet in a spirit of frankness and understanding.

Let me end on a personal note. I wish to thank you for the concern and support which you and so many of your colleagues and fellow citizens have expressed for the plight of oppressed people everywhere. The fact that you have publicly shown your sympathy for us Tibetans, has already had a positive impact on the lives of our people inside Tibet. I ask for your continued support in this critical time in our country's history.

Strasbourg Proposal

His Holiness the Dalai Lama
Address to Members of the European Parliament
Strasbourg

June 15, 1988

We are living today in a very interdependent world. One nation's problems can no longer be solved by itself. Without a sense of universal responsibility our very survival is in danger. I have, therefore, always believed in the need for better understanding, closer cooperation and greater respect among the various nations of the world. The European Parliament is an inspiring example. Out of the chaos of war, those who were once enemies have, in a single generation, learned to co-exist and to cooperate. I am, therefore, particularly pleased and honored to address this gathering at the European Parliament. As you know, my country - Tibet - is undergoing a very difficult period. The Tibetans - particularly those who live under Chinese occupation yearn for freedom and justice and a self-determined future, so that they are able to fully preserve their unique identity and live in peace with their neighbors.

For over a thousand years we Tibetans have adhered to spiritual and environmental values in order to maintain the delicate balance of life across the high plateau on which we live. Inspired by the Buddha's message on non-violence and compassion and protected by our mountains, we sought to respect every form of life and to abandon war as an instrument of national policy.

Our history, dating back more than two thousand years, has been one of independence. At no time, since the founding of our nation in 127 BC, have we Tibetans conceded our sovereignty to a foreign power. As with all nations, Tibet experienced periods in which our neighbors - Mongol, Manchu, Chinese, British and the Gorkhas of Nepal- sought

to establish influence over us. These eras have been brief and the Tibetan people have never accepted them as constituting a loss of our national sovereignty. In fact, there have been occasions when Tibetan rulers conquered vast areas of China and other neighboring states. This, however, does not mean that we Tibetans can lay claim to these territories.

In 1949 the People's Republic of China forcibly invaded Tibet. Since that time, Tibet has endured the darkest period in its history. More than a million of our people have died as a result of the occupation. Thousands of monasteries were reduced to ruins. A generation has grown up deprived of education, economic opportunity and a sense of its own national character. Though the current China leadership has implemented certain reforms, it is also promoting a massive population transfer onto the Tibetan plateau. This policy has already reduced the six million Tibetans to a minority. Speaking for all Tibetans, I must sadly inform you, our tragedy continues.

I have always urged my people not to resort to violence in their efforts to redress their suffering. Yet I believe all people have the moral right to peacefully protest injustice. Unfortunately, the demonstrations in Tibet have been violently suppressed by the Chinese Police and military. I will continue to counsel for non-violence, but unless China forsakes the brutal methods it employs, Tibetans cannot be responsible for a further deterioration in the situation.

Every Tibetan hopes and prays for the full restoration of our nation's independence. Thousands of our people have sacrificed their lives and our whole nation has suffered in this struggle. Even in recent months, Tibetans have bravely sacrificed their lives to achieve this precious goal. On the other hand, the Chinese totally fail to recognize the Tibetan people's aspirations and continue to pursue a policy of brutal suppression. I have thought for a long time on how to achieve

a realistic solution to my nation's plight. My Cabinet and I solicited the opinions of many friends and concerned persons. As a result, on September 21, 1987, at the Congressional Human Rights Caucus in Washington, DC, I announced a Five-Point Peace Plan for Tibet. In it I called for the conversion of Tibet into a zone of peace, a sanctuary in which humanity and nature can live together in harmony. I also called for respect for human rights and democratic ideals, environmental protection and a halt to the Chinese population transfer into Tibet.

The fifth point of the Peace Plan called for earnest negotiations between the Tibetans and the Chinese. We have, therefore, taken the initiative to formulate some thoughts which, we hope, may serve as a basis for resolving the issue of Tibet. I would like to take this opportunity to inform the distinguished gathering here of the main points of our thinking. The whole of Tibet known as Cholka-Sum (U-Tsang, Kham and Amdo) should become a self-governing democratic political entity founded on law by agreement of the people for the common good and the protection of themselves and their environment, in association with the People's Republic of China.

The Government of the People's Republic of China could remain responsible for Tibet's foreign policy. The Government of Tibet should, however, develop and maintain relations, through its own Foreign Affairs Bureau, in the fields of religion, commerce, education, culture, tourism, science, sports and other non-political activities. Tibet should join international organizations concerned with such activities.

The Government of Tibet should be founded on a constitution of basic law. The basic law should provide for a democratic system of government entrusted with the task of ensuring economic equality, social justice and protection of the environment. This means that the Government of Tibet will have the right to decide on all affairs relating to Tibet and the Tibetans.

As individual freedom is the real source and potential of any society's development, the Government of Tibet would seek to ensure this freedom by full adherence to the Universal Declaration of Human Rights, including the rights to speech, assembly, and religion. Because religion constitutes the source of Tibet's national identity, and spiritual values lie at the very heart of Tibet's rich culture, it would be the special duty of the Government of Tibet to safeguard and develop its practice.

The Government should be comprised of a popularly elected Chief Executive, a bi-cameral legislative branch, and an independent judicial system. Its seat should be in Lhasa.

The social and economic system of Tibet should be determined in accordance with the wishes of the Tibetan people, bearing in mind especially the need to raise the standard of living of the entire population.

The Government of Tibet would pass strict laws to protect wildlife and plant life. The exploitation of natural resources would be carefully regulated. The manufacture, testing and stockpiling of nuclear weapons and other armaments must be prohibited, as well as the use of nuclear power and other technologies which produce hazardous waste. It would be the Government of Tibet's goal to transform Tibet into our planet's largest natural preserve.

A regional peace conference should be called to ensure that Tibet becomes a genuine sanctuary of peace through demilitarization. Until such a peace conference can be convened and demilitarization and neutralization achieved, China could have the right to maintain a restricted number of military installations in Tibet. These must be solely for defence purposes.

In order to create an atmosphere of trust conducive to fruitful negotiations, the Chinese Government should cease its human rights violations in Tibet and abandon its policy of transferring Chinese to Tibet.

These are the thoughts we have in mind. I am aware that many Tibetans will be disappointed by the moderate stand they represent. Undoubtedly, there will be much discussion in the coming months within our own community, both in Tibet and in exile. This, however, is an essential and invaluable part of any process of change. I believe these thoughts represent the most realistic means by which to re-establish Tibet's separate identity and restore the fundamental rights of the Tibetan people while accommodating China's own interests. I would like to emphasize, however, that whatever the outcome of the negotiations with the Chinese may be, the Tibetan people themselves must be the ultimate deciding authority. Therefore, any proposal will contain a comprehensive procedural plan to ascertain the wishes of the Tibetan people in a nationwide referendum.

I would like to take this opportunity to state that I do not wish to take any active part in the Government of Tibet. Nevertheless, I will continue to work as much as I can for the well-being and happiness of the Tibetan people as long as it is necessary.

We are ready to present a proposal to the Government of the People's Republic of China based on the thoughts I have presented. A negotiating team representing the Tibetan Government has been selected. We are prepared to meet with the Chinese to discuss details of such a proposal aimed at achieving an equitable solution.

We are encouraged by the keen interest being shown in our situation by a growing number of governments and political leaders, including former President Jimmy Carter of the United States. We are also encouraged by the recent changes in China which have brought about a new group of leadership, more pragmatic and liberal.

We urge the Chinese Government and leadership to give serious and substantive consideration to the ideas I have

described. Only dialogue and a willingness to look with honesty and clarity at the reality of Tibet can lead to a viable solution. We wish to conduct discussions with the Chinese Government bearing in mind the larger interests of humanity. Our proposal will therefore be made in a spirit of conciliation and we hope that the Chinese will respond accordingly.

My country's unique history and profound spiritual heritage renders it ideally suited for fulfilling the role of a sanctuary of peace at the heart of Asia. Its historic status as a neutral buffer state, contributing to the stability of the entire continent, can be restored. Peace and security for Asia as well as for the world at large can be enhanced. In the future, Tibet need no longer be an occupied land, oppressed by force, unproductive and scarred by suffering. It can become a free haven where humanity and nature live in harmonious balance; a creative model for the resolution of tensions afflicting many areas throughout the world.

The Chinese leadership needs to realize that colonial rule over occupied territories is today anachronistic. A genuine union or association can only come about voluntarily, when there is satisfactory benefit to all the parties concerned. The European Community is a clear example of this. On the other hand, even one country or community can break into two or more entities when there is a lack of trust or benefit, and when force is used as the principal means of rule.

I would like to end by making a special appeal to the honorable members of the European Parliament and through them to their respective constituencies to extend their support to our efforts. A resolution of the Tibetan problem within the framework that we propose will not only be for the mutual benefit of the Tibetan and Chinese people but will also contribute to regional and global peace and stability. I thank you for providing me the opportunity to share my thoughts with you.

Annexure II

Relevant Articles from Constitution of the
People's Republic of China

Relevant Articles from Law of People's Republic of
China on Regional National Autonomy

Constitution of the People's Republic of China

Article 4. Minority rights

All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.

The state assists areas inhabited by minority nationalities accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities.

Regional autonomy is practiced in areas where people of minority nationalities live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the People's Republic of China.

All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.

Article 31. Special administrative regions

The state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of the specific conditions.

Article 59. Composition of National People's Congress

The National People's Congress is composed of deputies elected from the provinces, autonomous regions and municipalities directly under the Central Government and of deputies elected from the armed forces. All minority nationalities are entitled to appropriate representation.

Election of deputies to the National People's Congress is conducted by the Standing Committee of the National People's Congress.

The number of deputies to the National People's Congress and the procedure of their election are prescribed by law.

Article 65. Composition of Standing Committee

The Standing Committee of the National People's Congress is composed of the following:

the Chairman; the Vice Chairmen; the Secretary-General; and the members.

Minority nationalities are entitled to appropriate representation on the Standing Committee of the National People's Congress.

The National People's Congress elects, and has the power to recall, members of its Standing Committee.

No one on the Standing Committee of the National People's Congress shall hold office in any of the administrative, judicial or procuratorial organs of the state.

Article 96. Composition of the Local People's Congresses

Local people's congresses at various levels are local organs of state power.

Local people's congresses at and above the county level establish standing committees.

Article 97. Election of deputies

Deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts are elected by the people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are elected directly by their constituencies.

The number of deputies to local people's congresses at various levels and the manner of their election are prescribed by law.

Article 99. Duties and powers

Local people's congresses at various levels ensure the observance and implementation of the Constitution and the law and the administrative

rules and regulations in their respective administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue regulations and examine and decide on plans for local economic and cultural development and for the development of public services.

Local people's congresses at and above the county level shall examine and approve the plans for economic and social development and the budgets of their respective administrative areas and examine and approve the reports on their implementation. They have the power to alter or annual inappropriate decisions of their own standing committees.

The people's congresses of nationality townships may, within the limits of their authority as prescribed by law, take specific measures suited to the characteristics of the nationalities concerned.

Article 100. Adoption of local law

The people's congresses of provinces and municipalities directly under the Central Government and their standing committees may adopt local regulations, which must not contravene the Constitution and the law and administrative rules and regulations, and they shall report such local regulations to the Standing Committee of the National People's Congress for the record.

Article 101. Election and recall of governors

Local people's congresses and their respective levels elect and have the power to recall governors and deputy governors, or mayors and deputy mayors, or heads deputy heads of counties, districts, townships and towns.

Local people's congresses at and above the county level elect, and have the power to recall, presidents of people's courts and chief procurators of people's procuratorates at the corresponding level. The election or recall of chief procurators of people's procuratorates at the next higher level for submission to the standing committees of the people's congresses at the corresponding level for approval.

Article 104. Duties of standing committees

The standing committee of a local people's congress at and above the

county level discusses and decides on major issues in all fields of work in its administrative area; supervises the work of the people's government, people's court and people's procuratorate at the corresponding level; annuls inappropriate decisions and orders of the people's government at the corresponding level; annuls inappropriate resolutions of the people's congress at the next lower level, decides on the appointment or removal of functionaries of state organs within the limits of its authority as prescribed by law; and, when the people's congress at the corresponding level is not in session, recalls individual deputies to the people's congress at the next higher level and elects individual deputies to fill vacancies in that people's congress.

Article 110. Responsibility for reporting

Local people's governments at various levels are responsible and report on their work to the state administrative organs at the next higher level. Local people's governments at various levels throughout the country are state administrative organs under the unified leadership of the State Council and are subordinate to it.

The Organs of Self-Government of National Autonomous Areas

Article 112. Composition

The organs of self-government of national autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.

Article 113. Right of nationalities in Congress

In the people's congress of an autonomous region, prefecture or county, in addition to the deputies of the nationality exercising regional autonomy in the administrative area, the other nationalities inhabiting the area are also entitled to appropriate representation.

Among the chairman and vice chairmen of the standing committee of the people's congress of an autonomous region, prefecture or county there shall be one or more citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

Article 114. Administrative head to be of local nationality

The chairman of an autonomous region, the prefect of an autonomous

prefecture or the head of an autonomous county shall be a citizen of the nationality exercising regional autonomy in the area concerned.

Article 115. Powers and functions

The organs of self-government of autonomous regions, prefectures and counties exercise the functions and powers of local organs of state as specified in Section V of Chapter Three of the Constitution. At the same time, they exercise the power of autonomy within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional National Autonomy and other laws and implement the laws and policies of the state in the light of the existing local situation.

Article 116. Concurrence of regional and national law

The people's congresses of the national autonomous areas have the power to enact regulations on the exercise of autonomy and other separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The regulations on the exercise of autonomy and other separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. Those of autonomous prefectures and counties shall be submitted to the standing committees of the people's congresses of provinces of autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.

Article 117. Independence of finance

The organs of self-government of the national autonomous areas have the power of autonomy in administering the finances of their areas. All revenues accruing to the national autonomous areas under the financial system of the state shall be managed and used by the organs of self-government of those areas on their own.

Article 118. Independence of economic planning

The organs of self-government of the national autonomous areas independently arrange for and administer local economic development under the guidance of the state plans.

In exploiting natural resources and building enterprises in the national autonomous areas, the state shall give due consideration to the interests of those areas.

Article 119. Independence of art, science, and culture

The organs of self-government of the national autonomous areas independently administer educational, scientific, cultural, public health and physical culture affairs in their respective areas, protect and sift through the cultural heritage of the nationalities and work for a vigorous development of their cultures.

Article 120. Organization of local police

The organs of self-government of the national autonomous areas may, in accordance with the military system of the state and practical local needs and with the approval of the State Council, organize local public security forces for the maintenance of public order.

Article 122. Assistance from the state

The state provides financial, material and technical assistance to the minority nationalities to accelerate their economic and cultural development.

The state helps the national autonomous areas train large numbers of cadres at various levels and specialized personnel and skilled workers of various profession and trades from among the nationality or nationalities in those areas.

**Law of the People's Republic of China on
Regional National Autonomy and adopted at the
Second Session of the Sixth National People's
Congress, and effective as of October 1, 1984**

Chapter III The Power of Autonomy of the Organs of Self-Government

[Article 19] The people's congresses of national autonomous areas shall have the power to enact regulations on the exercise of autonomy and separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The regulation on the exercise of autonomy and separate regulations of autonomous regions shall be submitted to the Standing committee of the National People's Congress for approval before they go into effect. The regulations on the exercise of autonomy and separate regulations of autonomous prefectures and autonomous counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.

[Article 20] If a resolution, decision, order or instruction of a state organ at a higher level does not suit the conditions in a national autonomous area, the organ of self-government of the area may either implement it with certain alterations or cease implementing it after reporting to and receiving the approval of the state organ at a higher level.

[Article 21] While performing its functions, the organ of self-government of a national autonomous area shall, in accordance with the regulations on the exercise of autonomy of the area, use one or several languages commonly used in the locality; where several commonly used languages are used for the performance of such functions, the language of the nationality exercising regional autonomy may be used as the main language.

Chapter III The Power of Autonomy of the Organs of Self-Government

[Article 28] *In accordance with legal stipulations, the organs of self-government of national autonomous areas shall manage and protect the natural resources of these areas.*

The organs of self-government of national autonomous areas shall protect and develop grasslands and forests and organize and encourage the planting of trees and grass. Destruction of grasslands and forests by any organization or individual by whatever means shall be prohibited.

In accordance with legal stipulations and unified state plans, the organs of self-government of national autonomous areas may give priority to the rational exploitation and utilization of the natural resources that the local authorities are entitled to develop.

Endnotes:

- ¹ Warren Smith, China's Policy on Tibetan Autonomy, page 4
- ² Hurst Hannum and Richard B. Lillich, "The Concept of Autonomy in International Law", American Journal of International Law 74 (1980)
- ³ Hurst Hannum, Autonomy, Sovereignty, and Self Determination: The Accommodation of Conflicting Interest (Philadelphia: University of Pennsylvania Press, 1990), 4
- ⁴ For example, promises of independence based on Lenin's version of self-determination, the Seventeen Point Agreement, more flexible measures in the 1952 General Programme, and the liberal attitudes of the 1980s.
- ⁵ Now translated into English in official Chinese documents as 'ethnicity'.
- ⁶ This includes the five autonomous regions and certain cities 'directly under the State Council'.
- ⁷ These powers are described in detail below in the section of this paper on local legislative powers.
- ⁸ Warren Smith, *China's Policy of Tibetan Autonomy*, East West Center Project on Dynamic and Management of Internal Conflicts in Asia
- ⁹ The meaning of suzerainty and autonomy are implicit in the provisions of the draft agreement. "Suzerainty" was limited by engagements to respect the territorial integrity of Tibet; to abstain from interference in the administration of the country, including selection of the Dalai Lama; not to sent troops, officials or colonists into Tibet, except for a high official at Lhasa with an escort of 300 men. For detail see Dawa Norbu article *Tibetan views of Tibetan autonomy: An Agenda for the twenty first Century* in TPPRC's publication *Tibetan Autonomy or Self Government; Myth or Reality*.
- ¹⁰ Ibid.,page 6
- ¹¹ Allen Carlson., *Beijing's Tibet Policy: Securing Sovereignty and Legitimacy*. East West Center
- ¹² Ibid.,page 6
- ¹³ Ibid.,page 26
- ¹⁴ News Review:Reports from Tibet, 2001. *Tibet Information Network*
- ¹⁵ Tashi Rabgey and Tseten Wangchuk Sharlo, *Sino-Tibetan Dialogue in the Post-Mao Era: Lessons and Prospects*. East West Center, Washington.
- ¹⁶ Tashi Rabgey and Tseten Wangchuk Sharlo, *Sino-Tibetan Dialogue in the Post-Mao Era: Lessons and Prospects*, East West Center, Washington
- ¹⁷ Shakya Tsering, *The Dragon in the Land of Snow*, Pengum Compass 1999. page 385
- ¹⁸ Tashi Rabgey and Tseten Wangchuk Sharlo, *Sino-Tibetan Dialogue in the Post-Mao Era: Lessons and Prospects*, East West Center, Washington
- ¹⁹ ibid
- ²⁰ ibid
- ²¹ ibid