TOWARDS CULTURAL AUTONOMY IN TIBET

George Zheng, University of Hong Kong
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Zheng Ge

Accommodating cultural distinctiveness of minority ethnic groups in multi-ethnic states has been an issue of theoretical importance and practical urgency for decades. China is the most populous multi-ethnic country in the world with a unique institutional design for ethnic minorities. However, this institutional design, namely, Minzu Quyu Zizhi (Regional Ethnic Autonomy), has not been properly studied before being criticized or ignored by the western commentators. In the western world, the Tibet issue has been extensively discussed in the context of human rights and “universal” constitutional principles, but rarely in the context of Chinese constitutional law. This article aims to fill in this gap by contextualizing the Tibet issue in the constitutional, economic, and cultural environment in China. It is a study on comparative constitutional law and “law and development” from an “internal point of view”. On the practical side, it proposes an innovative solution to the Tibet issue: detaching cultural autonomy from territorial control and establishing a “Special Cultural Region” for the Tibetan people.

Key words: Tibet issue, cultural autonomy, regional ethnic autonomy, Chinese constitutional law

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Author’s Contact Information: Dr. Zheng Ge, Faculty of Law, University of Hong Kong, Pokfulam Road, Hong Kong. Tel: (852)2859-2959; Fax: (852)2559-3543; Email: zhengge@hku.hk

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* Assistant Professor, Faculty of Law, University of Hong Kong. Parts of this article have been presented at Hongfan Institute of Legal and Economic Studies (Beijing, October 2008), East China University of Political Science and Law (“Prominent Chinese Scholars Lectures”, December 9, 2008, Shanghai), and the University of Hong Kong (Roundtable on the Memorandum on Genuine Autonomy for the Tibetan People, August 2009). The author wants to thank Professors Hu Hualing, Tony Carty, Liang Zhaping, Michael van Walt, Tsering Shakya, He Baogang, Li Qiang, Qiang Shigong, Yao Zhongqiu, Gao Quanxi, Zhou Lin, Daniel Bell and Luo Leixin, as well as Miss Tashi Rabgey and Mr. Cheng Jinhua for their comments.
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I. Introduction

Since March 2008, the long-lasting issue of Tibet has got new momentum. From March 10 to May 2008, more than 150 separate incidents of protest happened in Tibetan areas within and outside of China’s Tibet Autonomous Region. ¹ Chinese government characterized these

¹ For a detailed chronology of these incidents, see Warren W. Smith, Jr., *Tibet’s Last Stand? The Tibetan Uprising of 2008 and China’s Response*, Rowman & Littlefield Publishers, 2010, pp.11-39. In Chinese, Xizang is the corresponding term for Tibet. But Xizang refers only to the Tibet Autonomous Region (TAR), which is a provincial-level region established in 1965. The territory of this region is equivalent to the areas under the political control of the Dalai Lama before 1951 (which is referred to as Central Tibet in English literature). Outside TAR, there are 10 Tibetan Autonomous Prefectures (Zangzu Zizhizhou) and 2 Tibetan Autonomous Counties (Zangzu Zizhixian) in Sichuan, Yunnan, Qinghai and Gansu provinces (See Table 8). In this article, I will use Tibet to cover all Tibetan Autonomous Regions, Prefectures, and Counties in China, an area with 2,357,600 square kilometres of territory, more than one quarter of China. When I need to refer to Tibetan Autonomous Region (with a territory of 122.84 Square Kilometers), I shall use “TAR”.
incidents as ordinary criminal offences of “beating, smashing, looting and burning” instigated by the “Dalai clique”. By denying the existence of any genuine discontent among Tibetan people within China’s territory, Chinese government wants to present an image of harmonious coexistence of diverse ethnic groups in a strong and unified Chinese state. On March 2, 2009, the Information Office of the State Council (China’s Cabinet) published a white paper titled “Fifty Year of Democratic Reform”. It effectively summarized the historical narrative and political theory China relies upon to justify her Tibet policy. Tibet under the Dalai Lama’s rule until 1959 was characterized as “a society of feudal serfdom under theocracy”, in which the majority of Tibetan people were deprived liberty and exploited by a small number of religious and secular autocrats. As a result, “for centuries, the Tibetan people had been living in dire misery and suffering from the harshness of life, and their society had sunk into a grave state of poverty, backwardness, isolation and decline, verging on total collapse.” Interestingly, it cites quite a few British imperial accounts of Tibet, including the writings of Edmund Candler (1874-1926) and Sir Charles Alfred Bell (1870-1945), to vindicate its historical arguments. Such accounts would be readily rejected as imperialist or orientalist if they were describing China’s poverty and backwardness at that time. The white paper then sets forth to summarized the “earth-shaking” changes brought by China’s democratic reforms and developmental policy on Tibet. Democratic reforms in 1959 and 1960 abolished the feudal bondage, redistributed lands, and liberated serfs: “The one million serfs and slaves in Tibet were emancipated. They became the masters of their country, as well as Tibet. Their lives and personal freedom are now protected and safeguarded by the Chinese Constitution and law. They no longer suffer from the serf-owners’ political oppression, forced labour and inhuman treatment, as well as heavy corvee taxes and usurious exploitation.” Development of Tibetan economy, health care, education, transportation, energy system, and general living standard has largely been subsidized by the Central Government: “From 1951 to 2008, state investment in infrastructure in Tibet exceeded 100 billion yuan. In the period from 1959 to 2008, a total of 201.9 billion yuan from the central budget went to Tibet, growing nearly 12 percent annually on average.” In such a developmentalist context, it is argued that there are no domestic discontent and ethnic conflicts within China’s Tibet: “In fact, the so-called "Tibet issue" was the outcome of the

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2 There is a website created by China’s official news agency, Xinhua, to “expose the lies of the Dalai Lama by disclosing undeniable facts”: http://www.xinhuanet.com/politics/xzblsjzzbd/ (last visit on February 13, 2010).

3 E.g. the Xinhua news network quoted “the editor-in-chief” of Russia News Network as having said: “there is no problem of ethnic conflicts in China’s Tibet”. “Exinwang Zongbian Shouji: Xizang Guilai, Meiyou Minzu Wenti” [Notes from the editor-in-chief of Russia News Network: Coming back from Tibet, we find no ethnic problem], http://news.xinhuanet.com/world/2008-07/18/content_8565905.htm (last visited on February 13, 2010).

4 Official English Version of this document can be read at: http://news.xinhuanet.com/english/2009-03/02/content_10928003.htm (last visit on February 14, 2010).

5 Id.


8 Supra note 4.

9 Id.
imperialist attempts to partition China in modern times, as a part of the big powers' conspiracy to turn China into a colony or semi-colony.”

Notably, the Dalai Lama in recent years has given credit to the important role of the Central Government in Tibet’s economic development. In his open letter to the “Chinese people” after the March 2008 incidents, the Dalai Lama made it very clear that his primary concern is “to ensure the survival of the Tibetan people’s distinctive culture, language and identity,” and he has “no desire to seek Tibet’s separation.” He candidly admitted: “at least with regard to modernization and economic development, it would greatly benefit Tibet if it remained within the PRC. Although Tibet has a rich and ancient cultural heritage, it is materially undeveloped.”

With regard to his claims for “genuine autonomy”, the Dalai Lama has started to scale down the scope of self-governance for Tibetans. Initially, he would only allow the Central Government to take charge of defense and foreign affairs for Tibet, but now he would even be happy to entrust it to “govern and guarantee to preserve our Tibetan culture, spirituality, and our environment.” He is also willing to state that he can accept the Socialist system in Tibet under Communist Party rule. Encouraged by the two party’s ostensible congruence on development and modernization issues, a western commentator enthusiastically declared:

China need only implement existing laws on cultural autonomy. Doing so is not only the best way to preserve Tibetan culture. It would also address international criticism, while providing a lever with which to encourage the Dalai Lama to fully, formally, and forever renounce Tibet’s claim to independence.

What are the existing laws on cultural autonomy in China? If they are already there, why are they not implemented yet? If there have not been such laws or if there are such laws but not properly implemented, what are the causes to and possible remedies to such a defect? These are the practical questions this article intends to answer. Both Chinese and Tibetan cultures are not liberal ones, but both are tolerant enough as to regard it as oppressive when people are made to live according to values they do not share and that are imposed on them by foreign powers. Both Confucianism and Buddhism believe in the power of a “gentle civilizer”, who would attempt to persuade and encourage other peoples to accept his “enlightened wisdoms”, but would refrain from using coercive means to impose his teachings. Therefore, cultural autonomy, which sounds like a liberal political idea, is relevant in the context of Tibet issue.

10 Id.
15 I borrowed this term from George F. Kennan (American Diplomacy, 1900-1950, University of Chicago Press, 1951, p.54). He spoke about “gentle civilizer of national self-interest”, but I intend to use the term in a different way: both China and Tibet are civilizations, not just nations. Civilizational self-interest might be their primary concerns in this context.
This article relates to three groups of literature: law and development with an emphasis on the role of culture; constitutional theory on divided societies; the theory of cultural autonomy as initially proposed by Otto Bauer and Karl Renner at end of the 19th century and now reinvigorated by Ephraim Nimini. My central argument are: (1) Although Regional Ethnic Autonomy (REA), the constitutional framework adopted by China to deal with ethnic minority issues, is unique in its name and its formal provisions, the ideas underlying this design and its practice are by no means distinctive. It reflects various elements which we can find in integrationist and accommodationist models around the world. The distinctiveness of the Chinese design lies in its flexibility and hybridity. (2) From a historical perspective, the legal instrument China relied upon to “peacefully liberate” Tibet, namely the Seventeen Point Agreement (1951), is the model for the now famous “one country, two systems” solution which China has relied upon to reclaim its sovereignty over Hong Kong and Macau (with Taiwan as the next target). The original intent of the designers of this pragmatic and transitional arrangement is territorial integration. REA is the permanent solution to ethnic minority issues (including Tibet issue). Therefore, it is unrealistic to hope for an “SAR” solution to Tibet issue, as some western scholars proposed. (3) Economic development has been identified as the solution to ethnic problems by the Chinese leadership. Integrating the “backward” economy in ethnic minority areas into the rapidly development national economy has been a policy focus since 1978. (4) With this developmental policy in focus, Chinese government is not sensitive and responsive to the delicate cultural demands of Tibetan people. Especially after the Dalai Lama emerged as an international political figure and promoted the “Tibetan cause” around the world, Chinese government started to regard the Tibet issue as a matter of national security and has become increasingly repressive of the “politicized” religious activities of Tibetan people. (5) The restrictive measures targeting cultural and religious activities in Tibet are based on operational level decisions, rather than on constitutional and legal designs. However, given the fact that courts are marginalized in China’s political and legal processes, administrative measures to a large extent determines political atmosphere in Tibet. (6) In order to give meaningful effects to cultural autonomy and religious freedom guaranteed by the Constitution and Law on Regional Ethnic Autonomy (LREA), the author proposes a solution based on the premise that we can separate cultural sphere from political sphere and assure autonomy in one sphere without undermining legitimate state interest on political stability and security. Building upon the national cultural autonomy model originated in Otto Bauer and Karl Renner’s works, and in consideration of China’s existing arrangements for special administrative regions (SARs) and special economic zones (SEZs), a “special cultural region” (SCR) is meted out as a constitutional design for China’s Tibet. The author shall develop his analysis on each of these arguments in the following sections of this article.

The major purposes of this article is on the one hand to show that China’s constitutional design for ethnic matters is by no means idiosyncratic and on the other hand to delineate the underlying concepts and principles in this institutional framework. The 2004 UNDP annual Human Development Report addressed the crucial issue of preserving stability, social harmony and coexistence of diversified cultures in a unified multi-nation state through proper
constitutional arrangements. The issue becomes particularly urgent in our time, because “more than any previous age, ours is marked by ethnic conflicts. In recent decades, domestic conflicts and wars have greatly exceeded interstate conflicts.”\textsuperscript{16} Motivated by such a concern, this report posited its research question at the very beginning: “how best to manage and mitigate conflict over language, religion, culture and ethnicity” at a time when “the notion of a global ‘clash of cultures’ is resonating so powerfully—and worryingly—around the world.”\textsuperscript{17} The prescription offered by this report is \textit{multiculturalism}, a stylish design in western circles of political scientists. This institutional design requires constitutional and legal recognition of ethnic differences, and urges national governments to facilitate the preservation and development of such differences by providing public spaces and political stage to ethnic minorities. This report, together with the extensive literature cited to support its arguments, barely mentioned Chinese constitutional practice regarding national minority issues. In striking contrast with the numerous “news reports” and ideological comments on China’s violations of human rights in its national minority regions, mainstream western scholarship pays little attention to Chinese experience in resolving ethnic conflicts and accommodating minority cultures. Facing the booming Chinese economy, including remarkable economic growth in China’s national minorities areas, many “law and development” scholars consider the case of China as an “exception”: in “normal” cases, a robust legal system is the necessary condition for economic development; in China, rapid economic development has been achieved in a ragged legal environment, it’s a theoretically incomprehensible “miracle” or exception. Ignoring or disregarding the experience of the most populous country with 104 million national minority people in 55 ethnic groups in dealing with its national minorities issues would significantly undermine the self-claimed generality and universality of such policy studies and scholarly works.

On the other hand, Chinese intellectuals have been satisfied with justifying institutional innovations in China’s political and legal systems by simply asserting “Chinese characteristics”. This assertion hinders the development of reasoned dialogues between Chinese and western political and legal scholars. On the conceptual level of institutional designs, China has been an importing country since the last years of 19\textsuperscript{th} century. Due to the lack of theoretical resources, Chinese government has always been taking a defensive stance while encountering external criticism. Even when China has been successful in certain institutional practices, the experience from these practices has not been introduced to the international community with a language understandable by non-Chinese scholars and policymakers. For example, when the concept of “human rights” was introduced to China, it was at first categorically refuted as a “rhetorical device of the bourgeoisie”. Later on, when Chinese politicians found out that the concept of and institutional arrangements for human rights have been incorporated into major international conventions and domestic law of many countries, Chinese scholars then turned about to say that “human rights are not the patent of


bourgeoisie.”^{18} Human rights found its way into China’s Constitution through the 2004 Amendments. This defensive stance has frequently forced the otherwise dexterous Chinese diplomats into awkwardness and even voiceless. Reasoned dialogue is prerequisite for mutual understanding. To engage in reasoned dialogue, we need to articulate the reasons.

II. Conceptual Frameworks

There has been a conspicuous discrepancy between Chinese and western public opinions on the Tibet issue. This discrepancy has led to misunderstanding and even conflicts between peoples. After the March incidents in Tibet, western media unanimously criticized China’s Tibet policy and its practice, which a huge number of overseas Chinese spontaneously organized to defend their government.\(^{19}\) The predominant public opinion in China holds that (1) there was a Tibet issue in China’s history, but it has been solved. Tibet had been under the direct control of Chinese government since the Yuan Dynasty. In 1911, when the Qing Dynasty was replaced by a Republican government, the thirteen Dalai Lama declared independence from China. There was not unique, because many other Chinese provinces also declared independence at that time. During the several decade afterward, China experienced continuous social unrest and wars. Therefore, the Central Government failed to exercise effective sovereignty over Tibet. Nevertheless, China’s nominal and legal sovereignty over Tibet has never been interrupted. For example, during 1930s, which the current Dalai Lama was enthroned, the central government in Nanjing sent an envoy to oversee the process. Finally, the historical Tibet issue was solved by the peaceful liberation of Tibet in 1951 and the establishment of Tibet Autonomous Region (TAR) in 1965; (2) Instead of the Tibet issue, there is an issue on the Dalai Lama’s personal status: in 1959, the Dalai Lama, then the Vice Chairman of the Standing Committee of National People’s Congress and the Chairman of the Preparatory Committee for Establishing the TAR, defected India under the instigation of a small number of rebelling autocrats who hated the democratic reforms and with the aid from American imperialist forces. Thereafter, the Tibetan “Government-in-exile” (TGIE) under his leadership continuously spread rumours to defame China in the international world, stir up conflicts between Han Chinese and Tibetan people, entice foreign interference on China’s domestic affairs, and split China by detaching Tibet from her territory. All the protests within China’s Tibet and the international pressures on China regarding the “Tibet issue” are the results of this overseas Tibetan group’s propaganda campaign and secret machination. Tibetan people within China are living happily and enjoying religious freedom. The majority of them are patriotic and supportive of China’s socialist regime. Therefore, there is no “Tibet issue” within China; (3) Tibet issue is a fake problem invented by foreign hostile forces who

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19 For an insightful analysis on the causes for this discrepancy, see: Wang Hui, “Dongfang zhuyi, minzu quyu zizhi yu zunyan zhengzhi—Guanyu ‘Xizang wenti’ de yidian sikao” (Orientalism, Self-rule of ethnic areas, and the politics of dignity: a few thoughts about the ‘Tibet problem’),” Tianya (Frontiers), 2008, no. 4 (July 2008), pp. 173-191. There has been no English translation of the article, nevertheless, a good summary of its central arguments can be found in Sebastian Veg, “Tibet, nationalism, and modernity: two Chinese contributions,” China Perspectives, No.3, 2009, 98-107.
feel uneasy with China’s peaceful rising. To defeat their campaign against China, Chinese Government can simply tell the truth in a series of white papers. No policy adjustment and institutional reforms are needed to address this foreign-related problem.

Overseas Chinese people are often perplexed by the strikingly different opinion held by the people in their hosting countries. Although no western country has ever recognized a politically independent Tibet, many people in these countries nevertheless believe that Tibet is a “nation occupied by China”. Many people believe in TGE’s claims that the Chinese Government has implement policies of “cultural genocide”\(^ {20} \) and “demographic aggression”\(^ {20} \) in Tibet. The several hundreds of Tibetan lamas and nuns who run away from China and took refuge in India are considered as living witnesses for China’s violations.

By looking upon the statements of Chinese leaders and the Dalai Lama on the Tibet issue, we can identify two incommensurable values behind these discrepant public opinions. For the Chinese leadership, “development is the basis and the key to solve all problems in Tibet.” As materialists, they believe in the causal relationship between affluence and happiness. To achieve economic development in China’s Tibet, political stability is considered as essential. For the Dalai Lama, “the Chinese authorities view Tibet’s distinct culture and religion as the source of threat of separation. Hence as a result of deliberate policies an entire people with its unique culture and identity are facing the threat of extinction.”\(^ {21} \) The policy consideration of Chinese government is to integrate Tibet into the political and economic system of China. Tibet had failed to modernize during the period when it enjoyed de facto independence.\(^ {22} \) After the Chinese government established effective control on Tibet, billions of Chinese yuan have been spent in Tibet to modernize its infrastructure and economy. Through subsidised economic development and redistribution of the income generated by the developing economy, it is hoped that Tibetan people can be lifted up from poverty and become rich. The final objective of Chinese government is to reduce differences and guarantee equal rights, especially social and economic rights, for Tibetan people as Chinese citizens. On the other hand, the Dalai Lama emphasizes the political recognition and legal protection of the distinctive Tibetan culture. He aims at preserving and solidifying the differences, especially cultural differences. Any signs of the weakening of differences would be blamed on the Chinese government. This scenario of incommensurability of values might have been the major obstacle for effective communications between the two parties. From the perspective

\(^{20}\) Despite the shocking word “genocide”, this phrase moderately refers to the disappearance of Tibetans as an identifiable cultural group as the result of Sinicization; therefore, it means the same thing as “demographic aggression”, with different focuses. See: The Government of Tibet in Exile, Tibet: Proving Truth from Facts. London: The Office of Tibet, 1996. For a striking rebuttal of these claims, see Barry Sautman, “Tibet and the (mis-)representation of cultural genocide,” in Sautman (ed.), Cultural Genocide and Asian State Peripheries, New York: Palgrave Macmillan, 2006, pp.165-272.


\(^{22}\) Modernization projects had been pursued by a British trained progressive autocrat, Tspiön Lungshar, who initiated reforms to secularize Tibetan politics and modernize Tibetan army in 1930s. The conservative party within Tibetan establishment engineered his downfall and imposed a serious punishment (mutilationin, i.e. the removal of both eyeballs) upon him. According to Melvyn C. Goldstein, “his downfall must be seen as a main factor underlying the demise of the Lamaist State.” Goldstein and Gelek Rimpoche, A History of Modern Tibet, 1913-1951: the Demise of the Lamaist State, University of California Press, 1989, p.212.
of constitutional theory, the Chinese approach represents an integrationist solution to ethnic and cultural diversity, while the Dalai Lama’s approach is one of accommodationist.

Integrationist

Integrationists regard political mobilization based on ethnic differences as the major cause of social instability and domestic conflicts, while institutional designs based on equal rights of citizens is recognized as the safeguard for peace and political stability. Therefore, an integrationist constitution shall not recognize any special rights or claims based on ethnic identity. It would try to confine the unique cultural and religious practice of a particular ethnic group to the private sphere. By denying a public space for the identity politics of ethnicity, political mobilization in the name of distinctive ethnic culture is controlled or even stifled. Some scholars go further to classify integrationist approaches into three categories: republican, liberal and socialist. Republican integrationist constitutions take up with stimulating and cultivating a “general will” among citizens, which is concerned with the general welfare and common interests of whole national polity, in order to protect national political process from being eroded by private and partial interests. The constitutional prohibition on “big-nation chauvinism (especially Han Chinese Chauvinism)” and local nationalism (namely, nationalism among minority ethnic peoples) in China can be considered as such an example. To achieve national unity, the government needs to unify the national language, carry out civic/patriotic education, and implement egalitarian policies.

Secularism or laïcité (Turkish: Lâiklik) principle in French and Turkish constitutional law can be considered in this context. In these countries, students in public schools are not allowed to wear religious symbols (e.g. headscarf) while attending classes. The rationale behind such a policy is that visible religious symbols in public space may arouse clashes and conflicts among citizens in a secular state. In France, several Muslim girls were expelled from public school for wearing headscarf or veil. In 2004, French legislature enacted a law to forbid wearing “conspicuous religious symbols” in public schools.

Liberal integrationist constitutions instead try to break traditional bonds of pre-determined ethnic and religious identity on individuals and eliminate differential treatment and inequality.


24 “In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and also necessary to combat local-national chauvinism.” Preamble, the Constitution of the People’s Republic of China, official English version accessible at: http://news.xinhuanet.com/english/2003-08/27/content_1047764.htm.


based on racial, ethnic and religious differences. It doesn’t mean that liberals deny or disregard cultural diversity. On the contrary, John Rawls and other mainstream liberals all regard the co-existence of diverse cultures as the presupposition of their theories. However, for the liberal integrationists, the right way to protect religions and cultures of ethnic minorities is not to offer political recognition to the distinctiveness of their ethnicity, but to de-politicize it. In a recent major contribution to liberal political theory, Brian Barry took issue with “those who advocate the politicization of (cultural) group identities”\(^\text{27}\), including I.

M. Young who advocates the politics of difference, Charles Taylor who promotes the politics of recognition, Will Kymlicka who proposes liberal-egalitarian multiculturalism, B. Parekh who suggests dialogical multiculturalism, J. Tully who supports multicultural constitutionalism and C. Kukathas the designer of libertarian multiculturalism.

In many democratic countries around the contemporary world, including the United States and the United Kingdom, liberal integrationist approach has been adopted as the constitutional basis for nation-building. The Latin maxim adopted by the U.S. government, \textit{e pluribus unum} (united in diversity), is a succinct expression of this approach.

Socialist integrationist constitutions regard class division based on economic elements as the major problem of societies. Ethnic problems would be considered as class problems in disguise. The fundamental solution to the ethnic problems is re-distribution of the means of production and income. In China, the blood-transferring style economic assistance to Tibet and other regions of ethnical autonomy has been practiced for many years as a crucial element in nationality policy.

Cosmopolitanism is integrationist ideas at extreme. It doesn’t only aims at revoking any political recognition on ethnic differences, but also intends to deny the political relevance of nation-state differences. In the political writings of some Enlightenment thinkers, especially the works of Montesquieu, we can find the fountainhead of this political ideal:

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\text{If I knew something useful to myself and detrimental to my family, I would eject it from mind. If I knew something to be useful to my family but not to my homeland, I would try to forget it. If I knew something useful to my homeland and detrimental to Europe, or else to Europe and detrimental to Mankind, I would consider it a crime.}\text{.}^{28}
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Among contemporary political thinkers, there are still some supporters for the idea of replacing ethnic and national identity with “world citizenship”. For example, the Bulgarian born French scholar Julia Kristeva suggested that the above-cited aphorism should be engraved on the walls of all public institutions and schools.\(^\text{29}\) As the title of one of her books suggests, she regards nationalism as a source of conflicts and wars and therefore expects a


scenario of “nations without nationalism”. Interestingly, one of the founding fathers of China’s nationality law and policy, Li Weihan, also argued that nationality problems would be solved once and for all in a cosmopolitan scenario:

The union of various nationalities on equal basis is the basic principle in Marx-Leninist solutions to nationality issues. To put it more clearly, the union of various nationalities on equal basis is the voluntary unification and solidarity of all nationalities on the basis of completely equal rights. We take the union of all nationalities in China as the starting point, and go on to pursue a series of revolutions and development: first, a thorough-going national democratic revolution; secondly, a complete socialist revolution; thirdly, we shall accomplish our social construction and transform our society into a communist one; finally, people around the world will transcend their national boundary, come together to join a global community of humanity, and form a cosmopolitan society.

However, cosmopolitanism in Li Weihan’s theory is conceived as the “natural destination” of the historical evolution of ethnicity politics, rather than a result of deliberate institutional design. It takes a very long period of time and various political, economic, social and cultural conditions for such a utopia to come true. China’s Regional Ethnic Autonomy system is to serve the practical purpose of maintaining territorial unity of China as a multi-national state. For him and other “founding fathers” of the people’s republic, the basic principles underlying Regional Ethnic Autonomy are (1) equal citizenship of all Chinese people, regardless of their nationalities; (2) voluntary union of all ethnic groups in China. Voluntariness of the union is presumed rather than tested by self-determination.

Accommodationist

Accommodationists contend that it is not adequate for the protection of minority cultures if they are only allowed to be practiced and developed in the private sphere. It is necessary to give them political recognition and space in the public sphere. This means that the constitution not only needs to acknowledge and protect equal rights for citizens, but also ought to confirm and safeguard special cultural, religious, linguistic, and educational rights for minority ethnic groups. Political mobilization on the basis of ethnic identity is essential for ethnic minorities to participate meaningfully in the national political process. Therefore, it should be allowed. There have been four plans developed by various scholars to implement the accommodationist ideal: (a). Centripetalism, which emphasizes on the design of special election mechanisms to make sure that political elites in the majority ethnic group need to get enough votes from minority groups if they are to win in the election. The aim is to “make moderation pay”, and to cultivate a moderate political culture in which minority cultures are

30 Id.
given due respect. Multiculturalism, which maintains that minority ethnic groups should enjoy autonomy on matters they value the most, including allowing ethnic minority people to use and receive education in their native languages in their homeland. In order to assure that the national government shall not make policies detrimental to the rights and interests of ethnic minorities, important decision-making bodies should reserve certain seats for members of minority groups. Consociation, which advocates that the configuration of national political and administrative powers should comply with the principle of power-sharing between majority and minority ethnic groups. Ethnic minority elites should be admitted into the governing apparatus (including the police and the army) in accordance with a carefully calculated proportion. Representatives for every ethnic group should be able to participate in national decision-making process. Meanwhile, minority ethnic groups should have autonomous power to decide on their internal affairs. On national matters involving fundamental interests of ethnic minorities, their representatives should have veto power.

From January 18 to 20, 2010, the Fifth Forum on Tibetan Works was held in Beijing. Territorial pluralism, which proposes regional autonomy for a minority ethnic group if most members of this group are living in a certain region and constitute the majority in this region. This group therefore enjoys extensive power on law and policy making regarding social, economic and cultural affairs in that region. National constitution and laws shall validate and protect ethnic identity and group rights of every recognizable ethnic group.

Accommodationist ideals, especially multiculturalism, have attracted a large audience on the stage of international politics. Kymlicka has observed that nevertheless, in domestic politics, many sovereign states in today’s world still insist on common citizenship, common language, and unified legal system as the prerequisites for developing a modern market economy, achieving equal rights for citizens, and maintaining political stability. Accommodationist approaches in most cases would be the reluctant choice of those countries which have been trapped in political crises caused by ethnic conflicts. To be sure, with the advent of a “multiculturalism odyssey” in international politics, many multi-ethnic countries have in recent years introduced new laws and policies to accommodate and protect cultural diversity. However, this trend has not transformed domestic constitutional culture to such an extent as to allow political mobilization in the name of ethnic differences. It is quite understandable: unified countries with a certain degree of political stability would not pursue a political ideal which might lead to a “divided society”. It is not surprising that many countries still settle on a constitutional design which can maintain “integrationist political spheres and accommodationist cultural spheres”.

The nationalities regime outlined in PRC Constitution is not totally unique. We can find in it institutional elements which we would associate with either an integrationist or an accommodationist model. As far as the integrationist approach is concerned, the preamble of PRC Constitution maintains that China is a “unitary multi-national state built up jointly by the people of all its nationalities”; the relationship between China’s 56 nationalities is one of “equality, unity and mutual assistance”; in order to safeguard the solidarity of China’s diverse nationalities, it is necessary to “combat big-nation chauvinism, mainly Han chauvinism, and also necessary to combat local-national chauvinism”; the state does its utmost to promote the “common prosperity” of all nationalities in the country. Article 4 of the Constitution further elaborates on the principles of equality, unity, and mutual assistance, and stipulates prohibitions on discrimination, oppression, and instigations for secession. Article 33 provides for a unitary citizenship regardless of nationalities and equal protection under the law. Article 19 provides that the state “promotes” a common language for all citizens in China. This language is called Putonghua (common speech based on Beijing pronunciation). As to the accommodationist approach, Article 4 also provides that Regional autonomy should be practised in areas where people of minority nationalities live in compact communities; in these areas organs of self-government should be established for the exercise of the right of autonomy. The people of all nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways of life and customs. Section 6, Chapter 3 of the Constitution further defines the scope and operational rules of the power enjoyed by the regional autonomous authorities. These provisions show certain characteristics of multiculturalism. Furthermore, Article 59 of the Constitution provides that there should be a sufficient number of representatives for ethnic minorities in China’s highest state organ, the National People’s Congress (NPC). In the current 11th NPC (2008-2013), there are 33 Tibetan deputies (among 2,987 members). NPC deputies are elected on territorial basis, with the number of deputies proportional to the population in each provincial-level region. The 33 Tibetan deputies were elected by the provincial-level people’s congresses in TAR (12), Sichuan (8), Yunnan (3), Gansu (3), Qinghai (4), Jiling (1) and the People’s Liberation Army (2). In the Standing Committee of the National People’s Congress, four Tibetans have served as vice chairman, including the 14th Dalai Lama, the 10th Panchen Lama, Pagbalha Geleg Namgyai, Ngapoi Ngawang Jigme, and Ragdi. Among them, the first three are reincarnated lamas, the fourth one was an autocrat, the last one a liberated serf. In TAR, during the general election of 2007, 96.4% of the population cast their votes, in some areas the voting rate was 100%. Among the 34,000 elected deputies to the four levels of people’s congresses, over 94% are Tibetans and members of other ethnic minorities. From the above-described institutional arrangements, we can find that constitutional protection of ethnic minority rights in China reflects most of the common standards as identifiable in many liberal-democratic constitutions.

37 Name list of NPC deputies and their ethnicity can be found at: http://www.npc.gov.cn/delegate/delegateArea.action.
39 Mo Fushan and Su Faxiang, Xizang Minzhu Gaige Wushinian Bianqian [Changes in 50 Years after the Democratic Reform in Tibet], Beijing: Zhongyang Minzu Daxue Chubanshe [The Central University for Nationalities Press], 2009, 7.
In practice, the situation is much more complicated. It was reported recently that national minority partymen (majorly Tibetans) had amounted to 84.04% of all cadres in county-level governments and 87.49% in township (Xiang) level governments in TAR. By the end of 2006, there were 62,211 ethnic minority cadres in all levels of governments in TAR, which constituted 69.36% of the total number of government officials. In Lhasa, by November 2007, ethnic minority cadres amounted to 69.2% of government officials.\textsuperscript{40} Within the current structure of governance in China, each level of government is accompanied by a Party Committee, and Party Secretary is always the person-in-charge. In TAR, although the chairman of the Regional Government has always been a Tibetan, and most of the mayors, county heads, and township heads are also Tibetans, Party leaders at various levels are usually Han Chinese. Among all the Party Secretaries of TAR since 1965, only one of them, Mr. Wu Jinghua, is from a minority ethnic group (Yi).

Ethnic Minorities and Indigenous Peoples

In contemporary international law, non-dominant ethnic-cultural groups are classified into two types: ethnic minorities and indigenous peoples. However, the line separating them is very vague. Even the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992) and the Declaration on the Rights of Indigenous Peoples (2007) avoid the hard task to define their respective subjects, let alone make clear the differences between these two subjects. Nevertheless, rights enjoyable by these two types of people are significantly different: indigenous peoples enjoy the right to be accommodated; ethnic minorities enjoy the right to be integrated.\textsuperscript{41} More specifically, rights available to ethnic minorities are largely rights to equal citizenship and non-discrimination, while rights enjoyable by indigenous peoples are majorly rights to self-determination and preservation of their distinctive cultural and religious traditions. Ironically, because of the more extensive rights available to indigenous peoples, these rights become practically insignificant. Sovereign states around the world either deny the existence of indigenous peoples living within their territories, or only recognize those groups with very small population and living in remote areas as indigenous peoples. Therefore, indigenous rights have had little relevance to peoples belonging to larger groups and keeping frequent contact with mainstream culture and market economy. In China, the mainstream scholarship and official ideology deny the existence of any indigenous peoples. Historical and social-economic reasons have been cited to support this point. In Europe and North America, ethnic minorities usually refer to two categories of people: new ethnic minorities or immigrant ethnic minorities, meaning those people who immigrated to a country and became ethnic minorities in this country, for example, Muslims in France; old ethnic minorities or homeland minorities, meaning those people who became ethnic minorities on their homeland during the formation of nation-states, such as Germans in Poland, Catalonians and Basques in Spain.

\textsuperscript{40} "Xizang jiceng ganbu shaoshuminzu zhan bachengduo" [Ethnic minority cadres amounts to over eighty percent of officials in basic level governments of TAR], \textit{Renmin Ribao} [People’s Daily], March 30, 2008.

Corsicans in France, Swedes in Finland, Québécois in Canada and Puerto Ricans in the US. These people usually have a “cultural home country” which their ethnic groups dominate; they became ethnic minorities in another country due to historical accidents. Indigenous people mainly refers to the those people had been living in America, Oceania, and Parts of Asia and Africa for centuries before European colonists went there to establish their colonies, e.g., Indians in North America, Indigenous Australians, and Maoris in New Zealand.

In China, the government and leading scholars generally accept a theory which was initially developed by Fei Xiaotong (1910-2005), namely, the theory of the pluralistic yet unified configuration of Chinese people (Zhonghua Minzu Duoyuan Yiti Lilun), on ethnicity formation and inter-ethnic relations in China. In his Tanner Lectures (1988), Fei Xiaotong described the historical process leading to the emergence of the Han nationality as a nucleus of integration in China. The process involved several dynamics. First, “Han Chinese people radiated in all directions into areas around them and, centripetally, absorbed those people into their own group and made them a part of themselves.” Second, “The conquest of northern China by non-Han groups from the north and the west meant a major influx of the people into the area. The conqueror nations began to contact and mingle with the Hans, so the term “Han” became popular as the name of an ethnic entity.” Finally, there has been a long period of mutual contact in which many groups were mixed, aligned, or integrated, while others were divided and became extinct. “In time the groups unified into one group which consisted of a number of subunits that kept emerging, vanishing, and re-emerging, so that parts of some subunits became a part of others, yet each retained its individual characteristics. Together they formed a national entity which was at once pluralistic and unified.” 42 The national unity is called Chinese People, while Han, Tibetan, Mongolians and other nationalities are subunits within this unity. According to this theory, the difference between ethnic minorities and indigenous peoples makes no sense in China, because every ethnic group (including Han) can be regarded as indigenous people in the sense that it has been living in China and interacting with other Chinese people for centuries.

Some western scholars applied the concept of indigenous people to Tibetans, arguing that Tibetan people should enjoy the “right to self-determination” as provided by Article 3 of the Declaration on the Rights of Indigenous Peoples, rather than the protection of non-discrimination as offered by the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. It was further argued that China should apply the Special Administrative Region (SAR) arrangement in Article 31 of its Constitution to institutionalize Tibetan People’s indigenous rights. 43 As I will argue in

42 Fei Xiaotong, “Plurality and unity in the configuration of the Chinese people,” the Tanner Lectures on Human Values, delivered at the Chinese University of Hong Kong, November 15 and 17, 1988, downloadable at: http://www.tannerlectures.utah.edu/lectures/documents/fei90.pdf; Dr. Fei Xiaotong (1910-2005) is not only a highly influential scholar but also a political leader in China. He was Vice Chairman of the National Committee of Chinese People's Political Consultative Conference (1983-1988) and Vice Chairman of the Standing Committee of National People's Congress (1988-1998).
Section II, this kind of proposals is baseless in China’s political tradition and constitutional law.

Ethnic identity and Ethnic Identification

Ethnic identity and Ethnic Identification are different concepts. Ethnic identification (Minzu Shibie) is a state-dominated and science-based mechanism to identify and categorize ethnic groups. The officially recognized 56 ethnic groups are products of this type of state efforts. From 1953 to the early months of 1957, the Central Government of PRC sent out ethnographers and cadres into various regions to collect data on ethnic languages, religions, life-styles, tribal allegiances and so on, in an effort to identify distinctive ethnic groups.\(^{44}\) The method taken in this process was borrowed from the USSR, which is aptly termed “ethnic engineering”\(^{45}\) by Valerii Tishkov, once the minister for nationality affairs under Yeltsin. For the people belonging to a specific ethnic group, this engineering process is exogenous and not necessarily consistent with their self-identification. Ethnic identity, on the other hand, is “essentially subjective: it is about who you think you are and who you think that other people are.”\(^{46}\) Ethnic identity is centripetal, directing human minds towards certain “core values” of a distinctive cultural tradition; therefore, it is usually a major source of nationalism. For example, in Wenchuan, Beichuan, Heishui, Lixian and Maoshan, where Qiang and Tibetan people living together, there has been a recognized difference between “sheep heads” and “ox heads”. These two groups of people have different traditions of ancestor worship, religious rites and totems. The dividing line between “sheep heads” and “ox heads” doesn’t overlap with the ethnic boundary between Qiangs and Tibetans, but the identity as a “sheep head” or “ox head” is more meaningful for the local people than their ethnic identity. As the local people would say, the “roots” of sheep heads and ox heads are different. Those people who don’t following their traditional way of living are scolded as “looking like neither a sheep head nor a ox head”.\(^{48}\)

Ethnic identity is the basis for nationalistic political mobilization, but it is fluid. Many ethnic minority people are willing to become part of the mainstream society and enjoy the benefits brought by modernization and economic development. A general trend in modern constitutionalism is for the state to provide modern education, scientific and technologic assistant and medical services to facilitate the modernization of ethnic minorities, while recognize their cultural distinctiveness and allow a certain degree of autonomy for them to control the reproduction of their unique culture (including education, use of ethnic language and management of monasteries). In a relaxed and tolerant cultural environment, ethnic minority people are more willing to keep contact with the mainstream society and even

\(^{44}\) Fei Xiaoting, [On ethnic identification in China], Zhongguo Shehuikexue [Social Sciences in China], no.1, 1980.


\(^{47}\) Qiang is a minority ethnic group living in Sichuan province. It has only 300,000 members today. Qiang is one of the oldest ethnic groups in China with its origin in Shang Dynasty (1600 B.C.-1046 B.C.).

actively seek integration, while tightened political control and shrinking space for the survival of ethnic culture shall breed “local nationalism”.

However, ethnic identity is not equal to the nationalist passion ignited by ethnic politicians. As Brubaker pointed out, advocates for multiculturalism and ethnic minority rights usually fail to tell the difference between political claims made by political leaders “in the name of” an ethnic group and the real needs of the ordinary people in that group.\textsuperscript{49} The rhetoric of political mobilization is not always consistent with the common discourse in the life of an ethnic group, sometime there are huge discrepancies. For example, in a single piece of commentary, Terrence Clarke wrote at the beginning: “By now, the oppression of the Tibetan people, their culture and their religion by the Chinese government is a proven and accepted fact.” And thereafter she admitted that the middle-class Tibetans she met in Lhasa (the only Tibetans she met in Tibet) were not showing any discontent.\textsuperscript{50} The reason for this discrepancy is obvious: the “proven and accepted fact” is taken from the propaganda of the Tibetan Government-in-exile and some western sympathizers for the “Tibet cause”, while the later feeling is drawing from her observation on the daily life of some Tibetans. Of course, she finally managed to reconcile the contradictions by saying that the problem “is the loss of the spiritual element”.

Mao Zedong had a clear understanding on the difference between ethnic identity employed in political mobilization and ethnic identity as subjective experience shared by the members of a ethnic group. On April 19, 1959, during a meeting with the delegation of the Italian Communist Party, he responded to the criticisms on China’s suppression of rebels in Tibet by saying: “there are 1.2 million people in Tibet. As far as self-determination is concerned, should it be the self-determination of the 1.18 million of ordinary people or of the 20,000 reactionaries? They are talking about self-determination of the 20,000 reactionary serf-owners.”\textsuperscript{51} He also knew how to utilize this difference. The democratic reforms in 1959 and 1960s aimed at awakening people’s class consciousness and replacing ethnic identity with class identity. During the cultural revolution, Tibetan Red Guards were the major force in destroying monasteries and burning the religious scriptures.\textsuperscript{52} This fact shows that political mobilization on the basis of class identity had successful replaced ethnic identity for a period of time. The nationwide “patriotic education” since 1994 is a series of efforts in constructing a Chinese national identity, in order to replace the “local nationalism” of minority ethnic groups. In 2008, the General Offices of the Ministry of Education and State Ethnic Affairs Commission jointly issued the \textit{Guidelines on Implementing Ethnic Solidarity Education in Schools}. Thus, the cultivation of Chinese national identity has been institutionalized in

\textsuperscript{52} Wang Lixiong, \textit{Tianzang: Xizang de Mingyun} [Sky Burial: The Fate of Tibet], Hong Kong: Mirror Press, 1998, Chapter 8.
China’s educational system. Pildes perceptively pointed out that western scholars had kept a sufficient degree of sensitivity to the “cultural construction” of ethnic identity, but generally overlooked the more specific and consequential “political construction” of ethnic identity through constitutional design, legal system and ethnic policies. China’s experience shows that the government has been consistently trying to shape and adjustment ethnic identity through deliberate state action. These efforts have produced some recognizable effects.

Culture and Development

Since Max Weber published his classical *The Protestant Ethic and the Spirit of Capitalism*, many scholars have studied the relationship between different cultures and economic development. The general pattern of this genre of scholarship is to describe certain cultural values and attitudes as facilitators of social and economic progress, and certain others as obstacles. Therefore, cultures can be simply put into two categories: progress-prone and progress-resistant. Tibetan culture has always been described as backward and resistant to progress by mainstream Chinese media, as a *People’s Daily* editorial said in 1994:

> Whenever one mentions Tibet, one usually associates it with backwardness, with being closed and with barrenness. . . . Tibet [has] a very, very long way to go for its economic development. . . . . . . But this is no reason for Tibet to be content with the present situation and not to think of making progress. . . . Backwardness is not terrifying. Being geographically closed is not terrifying. What is terrifying is rigid and conservative thinking and the psychology of idleness.

A subtler approach is to take a detour by considering the impact of culture on development via institutions. Douglas North famously argued that cultures constitute informal constraints on institutional evolution and culture is defined as “a language-based conceptual framework for encoding and interpreting the information that the senses are presenting to the brain.” In this context, culture can be understood as “metalaw of law”, which determines the role of law in a particular jurisdiction. In the global enterprise of rule-of-law promotion, a number of scholars and policy-makers have been arguing that it is necessary to change the culture before rule of law can take root in certain countries. This group of people is called neocultural interventionists. But culture is usually more enduring than formal institutions; whether culture can be changed by policy designs is a testing question to distinguish conservatives

53 Zong He, “Quanguo zhongxiaoxue jiang shezhi zhuangmende minzutuanjie jiaoyukecheng” [All primary and middle schools in China shall have specific courses on ethnic solidarity], Zhongguo Jiaoyubao [China Education Daily], December 19, 2008.

54 Supra Note 36, 184.


from liberals: “The central conservative truth is that it is culture, not politics, that determines the success of a society. The central liberal truth is that politics can change a culture and save it from itself.”

Certain aspects of a culture/religion are considered as inimical to the development of certain institutions which were necessary for economic growth. People who believe in the “liberal truth” would try to remove these aspects from local culture in order to improve legal consciousness and promote rule of law.

Tibetan Buddhism is not a religion which provides strong incentives for individuals to obey depersonalized legal rules punctually and to pursue economic success enthusiastically. It was observed that “the incentive to acquire and accumulate property is limited in Buddhism, because the sharing of wealth tends to be stressed. Buddhism also helps to ensure its own survival by linking salvific merit to particular acts—giving financial aid to the religious class, praying communally, and constructing religious edifices.”

The hierarchical nature of society as implied in Tibetan Buddhism is also not conducive to economic growth. Although Buddhism in general values equality (to the extent that “all living beings” are equal) more than many other religions do, Tibetan Buddhism has been highly hierarchical because of its belief in “living Buddha” (reincarnated lama). La Porta and his co-authors (referred to as LLSV) found that countries with dominant hierarchical religions “have less efficient judiciaries, greater corruption [and] higher rates of tax evasion” than other countries, and this would in its turn has negative impact on economic development.

On the other hand, secularization theories generally maintain that people become less religious with the development of the economy. Some cautious scholars argued that the modernization-secularization link is a general tendency, not an iron law. It is argued that material affluence and the retreat of existential insecurity change the living conditions of people in developed countries and consequently change the way they raise their children. The general tendency is that people become incrementally less religious:

- Economically developed nations are generally less religious because economic development is generally associated with urbanization and fewer insecurities (e.g., diminishing income inequalities), and the religious decline that is the result of these tendencies subsequently affects future generations.

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The official ideology in China holds the idea that religion is temporarily needed as “people’s opium” before material affluence and spiritual liberation are finally realized. Genuine respect for Tibetan Buddhism and other religions is generally absent in official discourse. Deep commitment to religions is considered as sign of backwardness. Unless a broader conception of development which incorporates cultural autonomy and religious freedom is adopted by the Party-State of China, the conflict between Tibetan culture and national development policy will continue to exist or even become intensified. An institutional framework which aims at preserving Tibetan culture and achieving economic development in Tibet at the same time should be able to separate the cultural sphere from economic and political spheres and give the Tibetan people a meaningful degree of autonomy in this sphere.

National Cultural Autonomy

Many commentators expressed doubt on the applicability of non-territorial forms of cultural autonomy for territorially concentrated national minorities who form clear majority in their historical homeland. For example, Will Kymlicka suggested that for these people territorial autonomy or multination federalism would be the only realistic choices. This argument presupposes a liberal democratic regime and its support for national self-determination. Both presuppositions are unrealistic and deeply flawed. On the one hand, many multi-ethnic countries are not liberal democracies. On the other hand, self-determination involving territorial claims is normally not supported by the current system of international law. It is counterbalanced by the principle of territorial integrity which is usually assigned more weight. As one commentator said: “The right of a State to having its territorial integrity respected, is a corollary of State sovereignty. On the basis of this principle, States possess the right to uphold their borders if these are threatened either from the outside or from the inside.” The UN Declaration on Friendly Relations recognizes equal rights and self-determination of peoples, but it also prohibits the disruption of the territorial integrity of a state by claimants of these rights, except in cases of “extreme discrimination.” The reason for this is quite obvious: territorial integrity has been seen as the core principle around which world order is formed. International legal norms aside, territorial disintegration of multinational countries have resulted in deadly conflicts and enormous human cost without bringing about significant improvement on the predicament of ethnic minorities, as the case of Yugoslavia shows.

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68 Fifth principle (the principle of equal rights and self-determination of peoples), seventh paragraph, UN Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, GA Resolution 2625 (XXV), 1970. The paragraph reads: “Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.”
Therefore, Ephraim Nimni lamented: “Sadly, by doggedly adhering to the model of the territorial nation state, we have made little progress over the last 100 years towards conceptualizing a multination state that offers collective rights and collective forms of representation to its constituent national and ethnic groups.”

The reference point here is the national cultural autonomy model developed by Otto Bauer and Karl Renner at the end of the nineteenth century. This model was proposed as a response to the nationalist claims of various ethnic groups in Cisleithanian Austria which aimed at preserving territorial integrity of the state and accommodating minority cultural rights at the same time. It contains the following key elements: (1) the personality principle: cultural autonomy should be enjoyed by persons as members of ethnic groups rather than territories divided along ethnic lines; (2) the principle of voluntary choice: all citizens should declare their nationality when they reach voting age; (3) non-territorial autonomy over important functions of particular interest to ethnic groups by democratically elected ethnic associations; (4) power-sharing at the level of the central government.

Territorial integrity has always been one of the paramount concerns of the Chinese Government. It is claimed that Tibet was officially incorporated into the territory of China’s Yuan Dynasty in the mid-thirteenth and has since become an “inalienable part of Chinese territory”. The Chinese Government also requires the Dalai Lama to expressly admit this position as the precondition for any negotiations. Meanwhile, suspicious about the Dalai Lama’s sincerity in supporting China’s sovereign rule over Tibet has also been one of the major impetuses for tightening security control. One the other hand, although the Dalai Lama has given up his claim for “the independence of Tibet” since the end of 1980s, his new proposals nevertheless contain components with territorial implications. For example, in his Strasbourg proposal, “Five Point Peace Plan”, “Middle Way Approach”, and, most recently, “Memorandum on Genuine Autonomy for the Tibetan People”, the unification of the Greater Tibet, which covers not only TAR but also Tibetan areas in Sichuan, Yunnan, Gansu and Qinghai and amounts to one fourth of China’s current land area, under a single administration has been a persistent claim. Administration means effective control of a territory. It’s no wonder that the Chinese government has categorically rejected this idea.

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74 Id.
75 The content of all of these proposals are available on the Dalai Lama’s official website: http://www.dalailama.com/messages/middle-way-approach (accessed on March 30, 2010).
76 Supra note 73.
Bauer and Renner’s concept of national cultural autonomy can help the two parties to break the impasse. If the cultural sphere can be conceptually detached from political and administrative spheres, autonomy in the culture sphere might be achieved without endangering the sovereign state’s territorial integrity. Cultural autonomy for Tibet is not only conceptually possible but also practically plausible. China has developed a complicated system of autonomy for various purposes and with different mandates. There are cities and regions with different degrees of economic autonomy to facilitate economic development. There are SARs with “high degree of autonomy”, including political and judicial autonomy for the purpose of reunification. There are also ethnic autonomous regions with a certain degree of cultural and economic autonomy to manage ethnic diversity. All of these institutional arrangements require a flexible accommodation of autonomy in a particular sphere without a grant of total autonomy in a territory.

The application of the national cultural autonomy model to Tibet requires a modification. For Bauer and Renner, this model was applicable to ethnic groups which are not territorially concentrated. Tibetans in China are living in concentrated areas, but national cultural autonomy is still applicable here because it supports autonomy in the cultural sphere without a claim on territorial control. Territorial concentration of Tibetan people may render it more convenient to implement the model. While the original model requires the establishment of ethnic corporations for the management of cultural affairs, the modified model proposes the establishment of a Special Cultural Region (SCR) for Tibetan people. The original model requires the devolution of certain state functions (including taxation) to ethnic corporations, which is quite impractical. The modified model requires the administrative organs in Tibetan areas to support the functioning of the SCR financially; therefore, no fundamentally changes in the current administrative structure would be needed.

III. Current Deadlock on Constitutional Issues

The Dalai Lama first openly stated his ideas about “genuine autonomy” in his address to the U.S. Congress in 1987. He used this concept to replace the claim for “the independence of Tibet”. Thereafter, this concept has been incorporated in his “middle-way approach”. However, the “middle-way approach” at best identifies some objectives, such as unified autonomy for “Greater Tibet”, demilitarization, democratization, and migration control on Han Chinese people, but doesn’t clarify the “approach” to these objectives. Inspired by the successful implementation of “One Country, Two Systems” (OCTS) design in Hong Kong, some western scholars suggest that the Special Administrative Region (SAR) model be applied to Tibet as an institutional design for “genuine autonomy”.  

During the initial contacts with the Dalai Lama’s delegation after his self-exile, Deng Xiaoping stated in February 1979 that there could be negotiations over all issues other than the independence of Tibet if the exiles accept that Tibet is an integral part of China. This baseline was reiterated in 1994 by the Central Government: “As long as the Dalai Lama admits Tibet as an inalienable part of China, entirely gives up his stand for the ‘independence of Tibet’ and stops his activities aimed at splitting the motherland, the central government is ready to hold negotiations with him at any time, which will cover any subject except the ‘independence of Tibet’.” This expressed baseline, together with the permissive language used in Article 31 of PRC Constitution, induces an impression that SAR might be workable for Tibet. However, the Chinese government has unequivocally rejected the proposal of applying SAR to Tibet. In its white paper on “Regional Ethnic Autonomy in Tibet”, the idea is rejected as “totally untenable” for the following reasons:

The situation in Tibet is entirely different from that in Hong Kong and Macau. The Hong Kong and Macau issue was a product of imperialist aggression against China; it was an issue of China’s resumption of exercise of its sovereignty. Since ancient times Tibet has been an inseparable part of Chinese territory, where the Central Government has always exercised sovereign jurisdiction over the region. So the issue of resuming exercise of sovereignty does not exist. With the peaceful liberation of Tibet in 1951, Tibet has fundamentally extricated itself from the fetters of imperialism. Later, through the Democratic Reform, the abolition of the feudal serfdom under theocracy and the establishment the Tibet Autonomous Region, the socialist system has been steadily consolidated there and the various possibility of implementing another social system does not exist either.

During the eighth round of talks between the Central Government of China and the Dalai Lama’s envoy in November 2008, Mr. Du Qinglin, the Vice Chairman of the Chinese People’s Political Consultative Conference and the Minister of the Central United Front Work Department of the Chinese Communist Party (CCP), pointed out that the Chinese Government have “three adherences” on the Tibet issue: the Chinese government adheres to the leadership of the CCP, the socialist road with Chinese characteristics, and the system of Regional Ethnic Autonomy. It was emphasized that these principles are prescribed by the Chinese Constitution, “any organizations and individuals should obey the Constitution as the fundamental guidance for action, respect the dignity of the Constitution and obey the Constitution and the Law on Regional Ethnic Autonomy.”

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80 Article 31 of the PRC Constitution provides: “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 specific conditions.”
82 Xinhua News Agency, “Du Qinglin jiejian Dalai Lama siren dabiao yixing” [Du Qinglin meets the private envoy of the Dalai Lama], Renmin Ribao [People’s Daily], November 7, 2008.
government\textsuperscript{83}, as a statement of the Dalai Lama and the Tibetan Government in Exile’s understanding on PRC Constitution and laws regarding the Tibet issues. The Chinese Government reacted to this document by releasing a “signed article”. The article listed eight points on which the memorandum shows wrong and distorted understanding of the Chinese Constitution and laws: (1) it ignores the system of regional ethnic autonomy and tries to apply the “one country, two systems” arrangement to Tibet; (2) it demands independent and unsupervised legislative power; (3) it seeks the unification of the “Greater Tibet” which “has no basis at all in history, reality and law”; (4) it attempts to achieve ethnic segregation by constraining the migration of Han Chinese people to Tibetan areas; (5) it attempts to block the use of Chinese language in Tibetan areas; (6) it opposes the legal administration of religious affairs by the government; (7) it doesn’t contain a statement that Tibet is an inalienable part of China since time immemorable; (8) it arrogantly claims that TGIE is the representative of Tibetan people.\textsuperscript{84} TGIE has responded to these criticisms with a new “Note”\textsuperscript{85}, but this note has received no positive responses from the Chinese government.

In consideration of the current political situation, it is necessary to clarify the institutional arrangements constituting the constitutional framework for solving the Tibet issue. The Dalai Lama and some western scholars consider the application of Article 31 of the Constitution (“special administrative region”) to Tibet as within the constitutional framework, while the Chinese government regards this “application” as a violation of the Constitution. Both parties agree that the Chinese government has been very successful in modernizing Tibetan society and developing Tibetan economy. However, the two parties disagree on how to protect Tibetan culture. In the following sections of this article, I shall compare the constitutional statuses of Special Administrative Region (SAR) and Regional Ethnic Autonomy (REA) in the Chinese Constitution and then analyze whether the current REA regime is effective in assisting the economic development and protecting culture in Tibet.

IV. Regional Autonomy in the framework of PRC Constitution

\textsuperscript{83} Available online at: http://www.tibet.net/en/index.php?id=78&articletype=press&rmenuid=morepress&tabs=2#TabbedPanels1 (last visit on April 5, 2010).


\textsuperscript{85} “Note on the Memorandum on Genuine Autonomy for the Tibetan People”, available online at: http://www.tibet.net/en/index.php?id=121&articletype=press&tabs=2&rmenuid=morepress#TabbedPanels1 (last visit on April 6, 2010).

When the Dalai Lama’s envoys presented the note to the Chinese officials during the ninth round of dialogue in February 2010 in Beijing, the response was that the Dalai Lama and his envoys are not legitimate representatives of the Tibetan people and they cannot negotiate for any institutional changes in Tibet. The only thing they can talk with the Chinese government is the “personal future” of the Dalai Lama. Furthermore, the concepts of “genuine autonomy” and “Greater Tibet” are per se unconstitutional. See: Information Office of the State Council, “Guoxinban jiu zhongyang yu Dalai siren daibiao jiechu juxing fabuhui” [The Information Office of the State Council held a press conference on the meeting with the Dalai Lama’s private representatives], available online at: http://www.chinanews.com.cn/gn/news/2010/02-04/2108973.shtml.
China is a unitary multi-national state with 56 ethnic groups (55 minority ethnic groups plus the majority Han Chinese people). According to the 2005 national census, ethnic minority population totalled 106.43 million, accounting for 8.41% of the national total of 12.6583 billion (population in Hong Kong, Macau, and Taiwan not included). There is no federalist separation of power between central and local governments. Nevertheless, the PRC Constitution expressly stipulates two kinds of regional autonomy: one is REA, another is SAR.

SAR stands for Special Administrative Region. It is a special constitutional arrangement under Article 31 of the Constitution of the People’s Republic of China (PRC). The principle underlying this constitutional provision is called “One Country, Two Systems” (OCTS). According to this principle, PRC shall resume sovereignty over lost territories without radically changing the established political and socio-economic systems in those territories. According to some authoritative and popular accounts, this arrangement was originally designed for Taiwan and pragmatically applied to Hong Kong and Macau first. In Mainland China, when intellectuals and lawyers discussed OCTS or SAR, they never mention Tibet. Tibet issue is thought to have been resolved by another constitutional arrangement called “Regional Ethnic Autonomy” (REA) under Article 4 of the PRC Constitution. REA is said to be one of the three “Basic Political Institutions (Jiben Zhengzhi Zhidu)” in PRC86, meaning that it occupies a higher ideological ground than SARs. The latter is considered as a pragmatic option which shall not affect the core of PRC political values and institutions. As a basic political institution, REA has a high degree of rigidity:

Any act aimed at undermining and changing the regional ethnic autonomy in Tibet is in violation of the Constitution and law, and it is unacceptable to the entire Chinese people, including the broad masses of the Tibetan people.87

REA as a basic political institution in China was formulated before the establishment of the PRC. In 1938, during the 6th plenary meeting of the 6th Central Committee of the Chinese Communist Party (CCP), Mao Zedong expressed the idea of equality among all nationalities and the right of national minorities to manage their internal affairs within a unified country. The idea was later on formally incorporated into the political report delivered at the 7th

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86 The other two are the system of people’s congresses and the system of multi-party cooperation under the leadership of Chinese Communist Party and political consultation. The system of People’s Congresses is sometimes called the “fundamental political system (Genben Zhengzhi Zhidu)”, to emphasize its supreme importance. Scholarly reflections on these terms are abundant. See, e.g., Liang Zhu, “Tixian Renmin Minzhu de Zhidu Xuanze—Xinzhongguo San Da Jiben Zhengzhi Zhidu de Youlai he Fazhan (The institutional choices Embodying People’s Democracy: Origins and Development of the Three Basic Political Systems in New China),” Zhongguo Tese Shehui Zhiyi Yanjiu (Studies on Socialism with Chinese Characteristics), Issue 1, 2005, pp.28-33.

87 Guowuyuan Xinwen Bangongshi (Information Office of the State Council), Xizang de Minzu Quyu Zizhi (Regional Ethnic Autonomy in Tibet), May 2004, Beijing. Available online at: http://news.xinhuanet.com/zhengfu/2004-05/24/content_1487517.htm (last visit on 20 July 2009). Regional ethnic autonomy is the same as “Regional Ethnic Autonomy”.
plenary meeting of the CCP (1945). From the very beginning, REA contains three basic ideas: (1) equality among all nationalities in China; (2) independence of China as a multi-national state; (3) internal autonomy of national minority communities. Although the CCP at its infant stage had once promoted the right to self-determination for national minorities, it had since 1938 decidedly denounced this option. From then on, claims for independence or autonomy outside the REA framework have always been associated with imperialist influence and readily condemned.

As aptly summarized by Chinese scholars, there are five historical reasons underlying China’s constitutional framework of REA: (1) China has been a centralized and unified country since 221 BC (the year of the founding of Qin Dynasty). This long tradition of centralization and unification has produced a national propensity of anti-separatism; (2) During the long history of interactions among different ethnic groups, China has become a multi-national and multi-cultural country. Most of the national minority groups are living among people of other ethnic groups. No territory within China can be claimed as exclusively owned by a particular ethnic group. (3) The history of China since the Opium Wars has proved that China as a multi-national country can survive against imperialist invasions only if Chinese people of different ethnic origins unite in solidarity. (4) The CCP has provided competent leadership in nation-building and economic development. All nationalities in China have been united under CCP’s leadership. (5) Han people constitute the majority of Chinese population and have more advanced culture; national minorities have relatively small population and spread over large territories with abundant resources. Only by cooperating with each other in a unified country, Chinese people of different nationalities can achieve mutual benefits and coordinated development. As Mao Zedong said:

The population of the ethnic minorities in our country is small, but the area they inhabit is large. The Han people comprise 94 per cent of the total population, an overwhelming majority. If they practised Han chauvinism and discriminated against the minority peoples, that would be very bad. And who has more land? The minority nationalities, who occupy up to 60 per cent of the territory. We say China is a country vast in territory, rich in resources and large in population; as a matter of fact, it is

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89 In 1922, at the 2nd Plenary Meeting of the CCP, a proposal was included in the formal report which suggested that Mongolia, Xinjiang, and Tibet should be given full autonomy as states in a federal China. In 1931, the China Soviet Republic (CSR) was established in Ruijin (Jiangxi Province) and passed its Constitutional Outline (Xianfa Dagang) in November. Article 14 of this constitutional document provided that all national minority groups in China shall enjoy the right to self-determination to the extent that they can choose whether to join the CSR or to secede from it. It also recognized the duty on the Chinese Soviet Government to facilitate the development of national minority languages and culture. See: ‘Zhonghua Suwei’ai Gongheguo Xianfa Dagang (Constitutional Outline of Chinese Soviet Republic),’ in Wang Peiying (ed.), Zhongguo Xiafia Wenzxian Tongbian (Collections of Constitutional Documents in China), Beijing: Zhongguo Minzhu yu Fazhi Chubanshe (Democracy and Rule of Law Press of China), 2007, pp.286-289.
the Han nationality whose population is large and the minority nationalities whose territory is vast and whose resources are rich, or at least in all probability their resources under the soil are rich.\textsuperscript{91}

Based on these political-economic considerations, it was decided that the Central Government should “sincerely and actively help ethnic minorities in economic and cultural construction”; at the same time, ethnic minority regions should contribute to the national economy with their natural resources.

REA combines territorial autonomy with consociational democracy. It enables national minority elites to share power at the level of central government as well as allows them to take charge of administration in their autonomous areas. Furthermore, REA keeps a balance between integrationist and accommodationist tendencies: on the one hand, Article 33 of the PRC Constitution stipulates the equal rights of Chinese citizens and recognizes Chinese citizenship as the only constitutional status for members of all ethnic groups in China. On the other hand, Articles 4, 112 and 122 provide special treatment to members of minority ethnic groups on the basis of their ethnic identity, including the autonomy to manage the internal affairs of ethnic groups, the right to use and development ethnic language and culture, and the right to receive subsidies and assistance from the Central Government and other regions. As mentioned before, most of the liberal democratic countries in the West adopt a policy of political integration and cultural accommodation towards ethnic minorities. REA also contains similar elements, but it adds a third dimension: economic assistance.

In comparison with the “high-degree autonomy” enjoy by SARs (Hong Kong and Macau), autonomy enjoyed by REA regions is more limited, for example, these regions cannot keep their political and legal traditions (for Tibet, this refers to its traditional theocracy), and cannot be exempted from obeying the “four cardinal principles”\textsuperscript{92} of the PRC Constitution. However, REA regions enjoy the right to receive economic assistance which is not available to SARs and their autonomous status is not subject to any time limits (as the status of SARs is). The nature of SAR as a transient institutional arrangement has been reflected in the basic laws of Hong Kong and Macau. In each of them, there is an Article 5 providing that the socialist system and policies of mainland China shall not be practised in the SARs and the previous capitalist system and way of life shall remain unchanged “for 50 years.”\textsuperscript{93} Because of the ad hoc nature of SAR, regions adopting this system are allowed to exempt from certain “fundamentals” of PRC constitutional law, including the leadership of the CCP, socialism, and democratic centralism.\textsuperscript{94} If the gist of SAR is to preserve local distinctiveness under one


\textsuperscript{92} Adhering to socialist road, adhering to the people’s democratic dictatorship, upholding Marxism-Leninism and Mao Zedong’s thought, and upholding the leadership of the Chinese Communist Party (CCP) are the four cardinal principles stipulated in the Preamble of the PRC Constitution.


\textsuperscript{94} For a thoughtful analysis on the “bundle of fundamentals” in PRC constitutional and political system, see Chen Duanhong, “Lun xianfa zuowei guojia de genbenfa yu gaojifa (On Constitutional Law as the Fundamental Law and Higher Law in China),” \textit{Zhongwai Faxue} (\textit{Peking University Law Journal}), vol.20, No.4 (2008), pp.485-511. In that essay, Dr. Chen identified five constitutional fundamentals in
sovereignty, the kernel of REA is to accommodate and finally integrate ethnic minority groups into the Chinese nation. REAs are allowed to adapt national laws and policies to their local conditions, but not allowed to deviate from China’s constitutional fundamentals. As pointed out by a leading scholar on China’s national issues, nationality policy in China has three pillars: (1) political integration with the state as the only recognizable political unit; (2) cultural pluralism with various ethnic groups as basic units; (3) subsidies and aids from the state and the majority ethnic group (Han people) to ethnic minorities.  

As a transitional arrangement, SAR had been practiced in Tibet in 1950s without bearing that name. Later on it was replaced by REA, the permanent institutional arrangement. With the establishment of the Tibet Autonomous Region on September 1, 1965, REA has been instituted and consolidated in Tibet. The state ideology of China even sanctifies this historical process as a “historical rule” which is beyond human control:

Historical facts indicate that the institution of regional ethnic autonomy in Tibet was the natural result of social progress in Tibet, and that it accords with the fundamental interests of the Tibetan people and the inexorable law of development of human society.  

V. PRC’s First Experiment on OCTS (1951-1959)

“One Country, Two Systems” (OCTS) is known to the world as a design by Deng Xiaoping to solve the Taiwan issue and an institutional framework now practised in Hong Kong and Macau. Deng Xiaoming first used this term in a conversation with a delegation from Hong Kong in July 1984, where he said:

Chinese Government’s policy towards Hong Kong is unshakable. We have stated on many occasions that after China resumes the exercise of its sovereignty over Hong Kong in 1997, Hong Kong’s current social and economic systems will remain unchanged, its legal system will remain basically unchanged, its way of life and its status as a free port and an international trade and financial center will remain unchanged and it can continue to maintain or establish economic relations with other countries and regions. We have also stated many times that Beijing will send no other cadres than a defence force to Hong Kong. We send this defence force to guarantee national security rather than to
interfere with Hong Kong`s domestic affairs. Our Hong Kong policy will remain unchanged for 50 years from 1997.

We are pursuing a policy of `one country, two systems.` More specifically, this means that within the People's Republic of China, the mainland with its one billion people will maintain the socialist system, while Hong Kong and Taiwan continue under the capitalist system. In recent years, our country has been overcoming its `leftist` tendencies. Policy-making on various matters has been based on a realistic and fact-based approach. After five years and a half, this approach has been proven as effective. This is the specific context in which we propose to solve Hong Kong and Taiwan issues with the arrangement of “one country, two systems”. 97

These quoted paragraphs shows that the underlying ideas of OCTS came down in one continuous line with the guiding principles of China’s reforms since 1978, which emphasize pragmatic flexibility and realistic prudence. From the perspective of constitutional design, this means that institutional reforms should start from what is available now and make changes step by step. It would be unproductive and dangerous for reformers to overturn the current establishment and start anew. In Jon Elster`s illuminating metaphor, institutional reform is like rebuilding a ship while at sea.98 Gradual and peaceful repairs rather than radical reconstruction are the only safe approach if the main structure of the ship needs to be accepted as a constraint. Because Hong Kong already had economic, political and legal systems different from those in the mainland China, the institutional design of OCTS was intended to admit this reality and build upon it.

Although the phrase “one country, two systems” was first coined by Deng Xiaoping in 1984, the basic ideas expressed in this term were clearly expressed by Ye Jianying in his speech on the Taiwan issue in 1981. The “nine-point solution” to the Taiwan issue proposed by Ye Jianying largely allows Taiwan to keep its current political, economic, social, legal and even military systems.99 However, we haven`t reached the origin of OCTS if we stop here. The origin is three decades back in history.

Before dispatching armies to Central Tibet in 1950, the 18th army corps established a “Research Office on the Tibet Issue” on February 28, 1950. Later, its official title was changed to “18th Corps Research office”, with Wang Qimei (the third ranking commander in the 18th Corps) as its director and several famous Chinese scholars on Tibetan language, culture, and history (including Professors Li Anzhai, Yu Shiyu, Xie Guo’an, and Fu Sizhong)

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99 Ye Jianying, “Jianyi juxing liangdang duideng tanpan shixing disanci hezuo” [A proposal for negotiations on an equal footing in order to achieve the Third Cooperation between the two Parties], Renmin Ribao [People’s Daily], September 30, 1981. Ye Jianying is one of the founding fathers of the People's Republic of China and was the chairman of the Standing Committee of the National People`s Congress at that time. His nine-point proposal has been called “Ye Jiu Tiao”[Ye`s Nine-point] since then.
In March 1950, the Office produced a document entitled “Preliminary Opinions on Formulating Policies regarding Tibet”. It proposed, *inter alia*:

The system which combines religion and politics in Tibet should be reformed gradually to the effect of detaching religion from politics. However, because Tibetan people hold deep faith in their religion, the reform should be conducted methodically and scrupulously through a long period of time, in pace with the development of Tibetan people’s moral consciousness.

The whole political system should be retained temporarily, and its monk and lay officials should be kept on their positions. The establishment of the People’s Autonomous Government in Tibet should be postponed until the conditions become mature. At the current stage, a temporary Military and Administration Committee should be set up.

The Dalai Lama is the supreme religious and political leader in Tibet, whose status should be respected. If the Dalai Lama went into exile, we should let the panchen Lama take his place. We should persuade him to come back, in order to defeat the imperialists’ intention of making use of him. The Panchen Lama and the Dalai Lama are both religious leaders in Tibet. But the Panchen Lama traditionally plays no political role and his religious authority is slightly inferior to the Dalai Lama’s. After a quarrel between the 9th Panchen Lama and the 13th Dalai Lama, the Panchen Lama has resided in Qinghai for an extended period of time. In consideration of the friction between these two lamas, we should not bring the Panchen Lama with us when our army enters Tibet, in order to avoid the misapprehension that we are aiding the Panchen Lama in his competition against the Dalai Lama. After we enter Tibet and through our reconciliatory efforts, the Panchen Lama may return to Tibet later upon the Dalai Lama’s invitation.

These “opinions” clearly expressed the core principle in OCTS: admitting the effectiveness of the current local institutions, including the relative statuses of the Dalai Lama and the Panchen Lama. Gradual reforms on the traditional institutions would be introduced later when the local conditions changed. Of course, changes could be deliberately introduced through political mobilization and social-economic reforms.

Thereafter, the delegates of the 14th Dalai Lama and the government of the newly established PRC signed the Agreement of the Central People's Government and the Local Government of Tibet on Measures for the Peaceful Liberation of Tibet (Seventeen Point Agreement in short) on May 23, 1951 in Beijing, which paved the way for the incorporation of Tibet into the territory of the PRC. The Seventeen Agreement largely adopted the aforesaid “opinions”. Major provisions embodying the spirit of OCTS include:

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100 Li Gangfu, “Fang ’Xizang Wenti Yanjushi’” ['A Visit on the “Research Office on the Tibet Issue”'], *Xizang Dangshi Tongxun* [Communications on the History of the Party in Tibet], No.4, 1987, 33.

101 18th Corp Research Office, “Dui Xizang gezhong zhengce de chubu yijian” ['Preliminary opinions on formulating policies regarding Tibet’], kept in the Archive Office of the Tibet Military District, Lhasa.
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 Lama shall be maintained.

7. The policy of freedom of religious belief laid down in the Common Program of the CPPCC shall be carried out. The religious beliefs, customs and habits of the Tibetan people shall be respected, and lama monasteries shall be protected. The central authorities will not effect a change in the income of the monasteries.

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 shall be settled by means of consultation with the leading personnel of Tibet.

Comparing the Seventeen-Point Agreement (1951), the Nine-Point Policy regarding Taiwan Issue proposed by Ye Jianying (1981) and Deng Xiaoping’s talk on OCTS (1984), we can discover some common features: (1) Their common purpose is to maintain the unity of Chinese Nation, the sovereignty, and territorial integrity; (2) Some regions in China (Tibet, Taiwan, and Hong Kong in particular historical context) should be considered as special within China, they shall enjoy high-degree autonomy under the leadership of the central government. (3) These special regions can retain their respective separate economic, political, and social systems and their unique ways of life for a specified period of time. (4) Representatives of these special regions can participate in managing national affairs by assuming various positions in National People’s Congress, National Political Consultation Conference, and other state organs. (5) Reforms towards integration can only be conducted upon the request from people in these regions. (6) People in these regions shall be exempted from certain duties to the motherland, for example, they are not under the duty to serve in the army. However, when they are in need, the central government is under a duty to help. (7) All of them represent the pragmatist and gradualist approach summarised in the figurative expression: “crossing the river by feeling the stones”. But there is an obvious difference: while the two basic laws (of Hong Kong SAR and Macau SAR) provide a time range for “no change”, which is 50 years, there is no prescriptions at all on what changes will be introduced after this time range. On the contrary, while the Seventeen Point Agreement didn’t make it clear on how long the status quo would be kept, it specified the direction of changes. Article 3 of the Agreement provided: “In accordance with the policy towards ethnic groups laid

102 This famous expression has been wrongfully attributed to Deng Xiaoping by many commentators. However, it’s Chen Yun who first used this metaphor to describe the general approach of China’s economic reform. See Chen Yun, “Jingjixingshi yu jingyanjiaoxun (1980)” [“Current economic situation and our experience and lessons”], in Chen Yun Wenxuan [Selected Works of Chen Yun], vol.3, Beijing: People’s Press, 1995, 279.
down in the Common Program of the CPPCC, the Tibetan people have the right of exercising regional ethnic autonomy under the unified leadership of the Central People’s Government.” Although REA was presented as a right, it was actually corresponding to the “reforms” mentioned in Article 11. If we read Article 3 and 11 together, an institutional logic becomes very clear: the local government in Tibet should initiate reforms to transform its theocracy to the self-government body of an ethnic autonomous region; if the reforms don’t happen, “people” have the right to ask for them. Actually, on 9th and 10th of October in 1954, when Mao Zedong first met the Dalai Lama and the Panchen Lama separately, who were attending the first session of the first National People’s Congress, he already proposed that a preparatory committee for the establishment of Tibetan Autonomous Region be formed soon. On March 9, 1955, Premier Zhou Enlai chaired the seventh enlarged meeting of the State Council in which the Decision on Forming the Preparatory Committee for the Establishment of the TAR was discussed and passed. The Preparatory Committee was responsible for introducing reforms to transform the traditional Tibetan political system to a system based on REA. There were 51 members in the Committee with the 14th Dalai Lama as its Chairman.103

Just like the SAR status for Hong Kong and Macau, special status for Tibet was intended to be temporary. However, unlike Hong Kong and Macau SARs, Tibet didn’t get a specified time range within which it could uninterruptedly enjoy “high degree of autonomy”. By mobilizing the mass to claim the Article 3 rights, democratic reforms and socialist transformation were initiated in the Tibetan autonomous areas in Sichuan, Yunnan, Qinghai and Gansu since 1956. In these reforms, many landed nobility and monasteries lost their estates and some of them joined the “Four Rivers, Six Ranges” rebellion army. In 1958 and the first three months in 1959, many rebels went to Lhasa and gathered around the Potala and Norbuningka palaces. In March 1959, they successfully motivated the Dalai Lama to go into exile with wide-spread rumours of possible kidnapping or poisoning. At that time, the Dalai Lama was not only the leader of Tibet, but also a national leader, serving as the Vice Chairman of the Standing Committee of National People’s Congress.

The Chinese government kept its promise in the Seventeen Point Agreement by not initiating reforms in central Tibet (later on becoming TAR). In 1956, in a meeting with the Dalai Lama in India, Zhou Enlai said that the Central Government had decided to postpone reforms in Tibet for six years and it was also possible to postpone reforms for 50 years if Tibetan people desired so.104 Then, on February 27, 1957, the People’s Daily published Mao Zedong’s famous talk, “On Several Issues Regarding How to Correctly Deal with Contradictions among the People”, in which it was stated:

Through the efforts of people in different ethnic groups in the past few years, most of the ethnic minority areas have completed their democratic reforms and socialist transformation. Due to the

103 Ngapoi Ngawang Jigme, “Zhuiyi Xizang Zizhiqu choubei he chengli guocheng” [Recalling the process of preparing for and establishing the TAR], Zhongguo Zangxue [Chinese Tibetology], No.1, 2006, 3-6.
unripe conditions in Tibet, democratic reforms haven’t been pursued there. According to the Seventeen-Point Agreement between the Central Government and the local government of Tibet, social institutions in Tibet should be reformed, but timing of the reforms should depend on the willingness of the majority of Tibetan masses and leaders. It has been decided that the reforms shall not be undertaken during the Second Five-Year Plan. Whether reforms shall start during the period of the Third Five-Year Plan depends on the specific conditions at that time.\textsuperscript{105}

Thus it can be seen that the unique status for Tibet was a commitment with time limit, just as the later SARs are. 50 years later, when we are reflecting upon the reasons for the failure of the first OCTS experiment in Tibet, several factors come to sight:

OCTS had been applied to Tibet between 1951 and 1959. During that period, the traditional regime of “politics and religions joined together” and the Dalai Lama’s government were retained. No land reform or other forms of “democratic reforms” were carried out in the region later on designated as Tibetan Autonomous Region (TAR). Mao Zedong and Zhou Enlai both indicated that reforms in Tibet should be postponed until Tibetan people demanded reforms. These OCTS arrangements were based on a formal document signed by the representatives of the Central Government and the Dalai Lama. However the OCTS experiments in Tibet thus failed. Reasons for the failure include: (1) There was no basic law to guarantee and delineate the scope of autonomy. The arrangement was based on a soft “agreement” and informal policies. (2) Although the central government largely honoured its promises in the Agreement by not pursuing reforms in political Tibet, Tibetans shared common language, religion and culture. Both the 14\textsuperscript{th} Dalai Lama and the 10\textsuperscript{th} Panchen Lama are from Amdo (in Qinghai Province). When reforms were undertaken outside central Tibet, the consequences readily came into Lhasa. (3) Some leaders in the CCP Tibet Working Committee (Xizang Gongzuowei yuanhui), such as Fan Ming, were very keen to conduct reforms in TAR. They sincerely resented the old regime and the suffering it brought to the serfs. Reforms were inevitable in the long run given the ideological commitment of the Party at that time. Largely, the practice of OCTS in Tibet reflected the CCP leadership’s gradualist approach: to retain the status quo for a limited period of time and gradually bring about changes through mobilization (of the masses) and persuasion (on the elites). By looking upon these factors, we may see that the 1959 riot in Tibet is hardly a proof for the failure of OCTS in Tibet, but rather a sign to show that OCTS had completed its historical task in Tibet. Mao Zedong clearly stated the historical causal relationship between the OCTS arrangement, and the subsequent reforms: “Previously we had an oral agreement with the Dalai Lama which provided that we shall initiate democratic reforms in Tibet after 1962….Now the conditions become ripe, and we don’t need to wait until 1963. We need to thank Nehru and Tibetan

rebels. Their armed rebel gave us a reason for starting the reforms right now.”\textsuperscript{106} In this kind of political calculation, human and material loss of the 1959 rebel and sequent suppression might be considered as necessary cost for reforming the ancient regime of theocracy and modernizing the Tibetan society.

After these historical and comparative analyses, we may now draw two conclusions: (1) OCTS had been practised in Tibet as a basis for the “peaceful liberation”. The reason for adopting such an arrangement in Tibet is that Tibet had its deep-rooted political tradition. Admitting and building upon this tradition was prudent choice made by pragmatist leaders. Various reforms and political movements after 1959 and the economic reform policy after 1978 have fully incorporated Tibet into PRC political system. There are no unique institutional features remaining in Tibet. The Dalai Lama and some western scholars’ suggest that SAR model should be applied to Tibet; this is a radical rather than moderate claim, because it requires a total reversal of the current institutional arrangements and social conditions, which is contradictory to the spirit of OCTS. (2) REA is a basic political system prescribed by the PRC Constitution. When the PRC government is talking about the constitutional framework for solving the Tibet issue, it specifically refers to REA. Nevertheless, the idea of applying SAR to the Tibet issue is only mistimed but not groundless. As a transitional arrangement, SAR had been practised in Tibet in 1950s. At the early days of the People’s Republic, Mao Zedong actually put the Tibet issue and the Taiwan issue into the same framework: “we have two unsolved issues, the Tibet issue and the Taiwan. Let’s solve the Tibet issue first.”\textsuperscript{107} Deng Xiaoping, who coined the term “One Country, Two Systems”, was the First Secretary of the Southwest Bureau from 1949 to 1952, which was in charge of the peaceful liberation of and the institutional design for Tibet (the 18\textsuperscript{th} Corp was under the command of the Southwest Bureau).\textsuperscript{108} In January 1979, when the relationship between the United States and China became normalized, Wang Bingnan, a senior diplomat who led the talks with the U.S. in Geneva between 1955 and 1957 and had been the Chinese ambassador to Poland for nine years, suggested that “the Tibet model” based on the Seventeenth Point Agreement could be applied to Taiwan.\textsuperscript{109} Ngawang Jigme Ngapo also published an article in which he suggested that the peaceful liberation of Tibet with a negotiated agreement as its basis serves as a model to solve the Taiwan issue. Recently, Professor Zhang Wenmu, a Chinese scholar on international relations, also pointed out the close relationship between the “Tibet model” and the “Hong Kong experience” and their possible contribution to the solution of the Taiwan issue.\textsuperscript{110} However, today’s Tibet is not the Tibet in 1951. What was designed for Tibet in 1951 has not been practised in Hong Kong and Macau. A transitional arrangement cannot be applied to a region again when it has completed its transition.

\textsuperscript{107} Ibid, 203.
\textsuperscript{108} Yang Yaoqian, \textit{Xinanju Diyishuji} [The First Secretary of the Southwest Bureau], Chongqing Press, 2004.
\textsuperscript{110} Zhang Wenmu, “Daguoboyi zhong de Taiwan wenti: dixian he jixian” [Taiwan issue in the game of great nations: the baseline and the limits], \textit{Lingdaoche} [The Leader], volumes 18 and 19, 2007.
IV. Regional Ethnic Autonomy and Economic Development in Tibet

The central government assists national minority areas to develop socially and economically, this is one of the fundamental principles of REA. The *Common Programme* (1949) provided that the People’s Government should help the people of minority nationalities develop their political, economic, cultural and educational enterprises (Article 53). The 1954 Constitution required state organs at various levels to “help all the ethnic minorities develop their political, economic, and cultural constructions” (Article 72). And the current Constitution (1982) expresses this principle more clearly in its Article 122:

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

> The state helps the ethnic autonomous areas train large number of cadres at various levels and specialized personnel and skilled workers of various professions and trades from members of the ethnic group or groups living in those areas.

As materialists, leaders of the CCP believe that economic development can solve most (if not all) problems in China, including the Tibet issue. Many leaders sincerely believe that the strong religious belief of Tibetan people would fade away with the gradual enrichment of material and modern cultural life in Tibet. On June 29, 1987, when meeting with the former U.S. president Jimmy Carter, Deng Xiaoping pointed out that political equality and economic development are the cores in China’s Tibet policy. He also justified the migration of Han Chinese people to Tibetan areas with the needs of development: Tibet is a vast region with a sparse population. It is reasonable or even necessary for Han Chinese people to migrate to Tibet and contribute to economic development there.\(^\text{111}\) Most of the Chinese intellectuals (including those overseas Chinese scholars) share a understanding that when Han Chinese people migrate to minority ethnic areas they are going for a good purpose of contributing to progress and transmitting modern culture, which is quite different from the western colonists’ evil purpose of plundering natural resources from and occupying lands in Asia, Africa and America. For example, Yan Sun, a political science professor at Queens College, CUNY, who was born in Sichuan and has several family members in Tibet, wrote after the 2008 riots that Han Chinese teachers, doctors and other professionals were sent to Tibet to help people in this “terribly backward” region. Although some of them are doing well economically, this is definitely not by the government’s design. On the contrary, policies invariably favour Tibetans, but have brought about unintended consequences: “As one Tibetan official told me, preferential policies have often ‘spoiled’ local Tibetans. They hire Sichuan migrants to work on land, contracts and projects that they have won from government policies, but turn

resentful when those hardworking migrants turn out to do very well."112 Such narratives on the unappreciated contribution of Han Chinese people in Tibet are quite common among Chinese scholars. Unsurprisingly, they are also consistent with the predominant historical narrative on China’s territorial integrity:

Chinese historians generally describe the process of Chinese territorial expansion as one of ‘unification’ rather than ‘conquest’, with expansion being seen as a progressive evolution towards a preordained and inevitable unity. Territory, once taken, has been regarded as immutably Chinese. There is a powerful underlying assumption that the numerous races and nationalities have always demonstrated undivided loyalty to the imperial regimes.113

No one disputes that economy in Tibet has achieved rapid development since 1978. A surge of government spending on infrastructure and strong growth in Tibetan tourism industry (made easier by the new infrastructure, especially the Qinghai-Tibet railway, which started to operate in 2006) have helped the region’s GDP growth rate stay above 12% over the past two decades (see Table 1 and 2), higher than the national rate. In 2008, TAR’s total GDP was 39,591 million yuan, while GDP per capital was 13,861 yuan (see Table 3). In 1990, life expectancy at birth (LEAB) in Tibet was 59.64, while the national average was 68.55; it increased to 64.37 in 2000, while the national average increased to 71.40. The Gap is narrowing down.114 These numbers led one American commentator to say: “for China's many blunders in mountainous region, it has erected a booming economy there. Looking at growth, standard of living, infrastructure, and GDP, one thing is clear: China has been good for Tibet.”115

Table 1: Average growth rate of GDP in TAR in different periods

<table>
<thead>
<tr>
<th>Period</th>
<th>Average Growth Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1959-1965</td>
<td>11.1%</td>
</tr>
<tr>
<td>1965-1984</td>
<td>7.82%</td>
</tr>
<tr>
<td>1984-2001</td>
<td>14.62%</td>
</tr>
<tr>
<td>2001-2008</td>
<td>12.4%</td>
</tr>
</tbody>
</table>

Table 2: Income from tourism industry and number of tourists in TAR (1980-2008, income in 100 million yuan, number of tourists in 10,000 persons)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>0.353</td>
<td>2.395</td>
<td>60.83</td>
<td>180.06</td>
<td>224.64</td>
</tr>
<tr>
<td>Tourists</td>
<td>0.013</td>
<td>0.068</td>
<td>6.75</td>
<td>19.35</td>
<td>22.59</td>
</tr>
</tbody>
</table>

Table 3: Growth of GDP and GDP per capita in TAR from 1959 to 2008 (GDP in 100 million yuan, GDP per capita in yuan)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP</td>
<td>1.74</td>
<td>3.27</td>
<td>13.68</td>
<td>139.16</td>
<td>359.91</td>
</tr>
<tr>
<td>GDP per capita</td>
<td>142</td>
<td>241</td>
<td>702</td>
<td>5,324</td>
<td>13,861</td>
</tr>
</tbody>
</table>

However, some scholars blamed China’s economic development policy for producing “poverty by design”\(^\text{116}\). They believed that the majority of Tibetan people has not benefited from the economic development. The companies which earned government contracts to construct infrastructure in Tibet are predominantly run by Han Chinese. They largely employ Han Chinese to work in Tibet. The planters of vegetables in Suburban Lhasa, the retailers on Barkhor Street, and the owner of hotels in large Tibetan cities are also mostly not Tibetans.\(^\text{117}\) By looking upon indicators like average income, literacy rate and the accessibility of health care, it is safe to conclude that the Tibetan population is still the poorest group in China.\(^\text{118}\) Despite the visible progress, due to inadequate supply of medical care in Tibet, LEAB there is still far below the national average, resulting in a comment that there are four worlds within China: medical care provision in terms of the number of doctors per thousand people and the number of hospital beds per thousand people differs greatly in different areas of China, with Beijing at the level of the most advanced countries and Tibet at the level of the least developed countries.\(^\text{119}\) Tibet’s economy relies heavily on the tertiary industry, and tourism is the core the third industry in Tibet. However, policy-induced development of tourism in Tibet has been under fire from advocates of Tibet’s “cultural heritage”. It was argued that, the traditional Tibet of holiness and harmony were physically ruined by the

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\(^{117}\) Id.


Cultural Revolution, then it has been subject to a “post-Maoist commodification of any residual authenticity in Tibet that survived the Cultural Revolution”.

The two parties of arguments agree on one point: Tibetan economy lacks a self-sufficient dynamic for growth; it is largely a “blood-transfusion” type of economy: economic growth in Tibet largely depends on the subsidy from the Central Government and assistance from the coastal provinces. As Tsering Shakya pointed out, “the Regional government cannot even raise enough money to pay salaries to its own employees; its ability to levy taxes is very weak at present. All the major infrastructural initiatives—railways, roads, power systems—have been dependent on injections of funds from the Central Government.”

Table 4 shows that the transfer of state revenue from the central government to ethnic autonomous regions was quite significant and the central subsidy to TAR was the highest if divided by population. On average, every resident in Tibet received 4,518.61 yuan from the central treasury in 2004, nearly thrice the amount received by each resident in Inner Mongolia, the second highest one. TAR is the smallest provincial-level administrative units in China in terms of population, but its government spends more than some larger regions. The government expenditure divided by the population in TAR ranked the third in China in 2004. Moreover, TAR government spent 13 times more than it earned. Most of its expenditure has been subsidized by the central government. Therefore, we may wonder how the TAR government spent the huge amount of money.

Table 4: Transfer of fiscal income from the central government to five ethnic autonomous regions in 2004

<table>
<thead>
<tr>
<th>Region</th>
<th>Local fiscal income (100 million)</th>
<th>Per capita ranking (nationwide)</th>
<th>Local government expenditure (100 million)</th>
<th>Per capita ranking (nationwide)</th>
<th>Fiscal transfer from the central government (100 million)</th>
<th>Population (100 million)</th>
<th>Central subsidy on each person (yuan)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tibet</td>
<td>10.02</td>
<td>31</td>
<td>133.84</td>
<td>3</td>
<td>123.81</td>
<td>2.74</td>
<td>4518.61</td>
</tr>
<tr>
<td>Inner Mongolia</td>
<td>196.75</td>
<td>10</td>
<td>564.11</td>
<td>6</td>
<td>367.35</td>
<td>23.84</td>
<td>1540.9</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
<th>Average Wage of staff (yuan)</th>
<th>Per capita income of rural population (yuan)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TAR</td>
<td>National</td>
</tr>
<tr>
<td>1985</td>
<td>1,996</td>
<td>1,213</td>
</tr>
<tr>
<td>1990</td>
<td>3,225</td>
<td>2,284</td>
</tr>
<tr>
<td>1995</td>
<td>7,572</td>
<td>5,625</td>
</tr>
<tr>
<td>2000</td>
<td>15,566</td>
<td>9,552</td>
</tr>
<tr>
<td>2001</td>
<td>20,112</td>
<td>11,178</td>
</tr>
<tr>
<td>2002</td>
<td>25,675</td>
<td>12,869</td>
</tr>
<tr>
<td>2003</td>
<td>27,611</td>
<td>14,577</td>
</tr>
<tr>
<td>2004</td>
<td>30,165</td>
<td>16,729</td>
</tr>
<tr>
<td>2005</td>
<td>28,644</td>
<td>19,313</td>
</tr>
<tr>
<td>2006</td>
<td>32,355</td>
<td>22,112</td>
</tr>
</tbody>
</table>

From Table 5, we can get a rough idea on where the money goes. We find that the average wage of state employees in Tibet have been consistently ranked in the top four among the 31 provincial-level regions, while its rural population’s per capita income has been far below the national average and ranked the lowest one in 2001 and 2002. If we take the percentage of peasants and nomads in Tibetan population into consideration, the very low income level among them can become very worrisome: among the 2.81 million population in TAR, over
2.3 million are peasants and nomads (over 80%).\textsuperscript{123} In comparison, population in whole China was 1.32 billion, and the rural population was 727.5 million (55.1%).\textsuperscript{124} Table 6 and Table 7 show the larger urban-rural income gap in Tibet than the whole China.

Table 6: Rural and urban average income in TAR in 2007 (compared with the national average, in yuan)

<table>
<thead>
<tr>
<th>Average income in rural areas (TAR)</th>
<th>Average income in urban areas (TAR)</th>
<th>Average income in rural areas (National)</th>
<th>Average income in urban areas (National)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2788</td>
<td>11,131</td>
<td>4140</td>
<td>13,786</td>
</tr>
</tbody>
</table>

Table 7: Urban-rural income gap in TAR and China (times)\textsuperscript{125}

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tibet</td>
<td>4.8</td>
<td>4.4</td>
<td>4</td>
<td>3.7</td>
<td>4</td>
</tr>
<tr>
<td>China</td>
<td>2.76</td>
<td>3.21</td>
<td>3.22</td>
<td>3.28</td>
<td>3.3</td>
</tr>
</tbody>
</table>

Therefore, it would be too simplistic to say that “all the money has failed to buy Tibetan loyalty”\textsuperscript{126}. The majority of the Tibetan people haven’t seen the money.

The dependence of Tibetan economy on the subsidies and assistance from the central government and other provinces has also affects the industrial structure in Tibet. In 2007, China’s gross domestic product was composed of 11.3% contribution from the primary industry, 48.6% from the second industry, and 40.1 from the tertiary industry.\textsuperscript{127} It reflected China’s economic status as an industrializing society and world manufacture center. In the same year, TAR’s gross domestic product was composed of 16% contribution from the primary industry, 28.8% from the secondary industry, and 55.2% from the tertiary


\textsuperscript{125} Calculated according to

\textsuperscript{126} Isaac Stone Fish, “Charity Case,” Newsweek (online version), February 17, 2010, available at: http://www.newsweek.com/id/233726 (last visit on February 21, 2010).

industry. This structure is quite similar to the industrial structure in industrialized societies. However, if we examine the situation more carefully, some interesting points can be revealed:

(1) In the second industry, construction is major force in Tibet. While in the whole country construction only contributed to 5.6% of the GDP in 2007, construction in Tibet contributed to more than 20% of the total GDP. Construction means building up and maintaining the infrastructure, which is highly depended on the investment from the Central Government and other provinces. Most of the labourers employed in the construction industry are Han Chinese migrants. (2) Primary industry only contributed to 16% of the GDP in TAR in 2007, but it employed 56% of the labourers. People working in the primary industry are majorly Tibetans. (3) In the tertiary industry, tourism and administrative expenditure are the two major contributors. There are more Han Chinese employees than Tibetans in this industry.

Since 2000, the unproductive operational expenses of party and governmental organs have amounted to around one fourth of the total “output” of the third sector. In 2007, administrative expenses reached it historical highest point of 3.23 billion yuan, equal to 9.4% of total GDP (34.22 billion) in Tibet. The major reason of this unusually high percentage of administrative expenses in total GDP is the “securitization” of governmentality (namely, shifting the focus of governance to political stability, public security and state security) in Tibet. The mode of governmentality renders that Tibet Autonomous Region as the “least autonomous” place in China. To draw a causal relationship between securitization and oppression, we don’t need to speculate on the intention of security and intelligence forces. As a matter of common sense, once the government shifts its focus on security, the state organs in charge of security matters will get more funds, recruit more staff, and do more jobs. What matters here is the way that this type of institutions does its jobs. Its routine ways of doing their jobs include secret machination and public suppression, e.g. collecting information through unknown methods, controlling the movement of people, banning assemblies and demonstrations, and keeping certain places and persons under consistent surveillance. Therefore, one important factor in TAR’s rapidly developing economy, namely the constantly increasing administrative expenses, directly leads to the shrinking of autonomous cultural space in Tibet.

From the above analysis, we can draw several preliminary conclusions: (1) the income gap among Tibetan population largely reflects a rural-urban division rather than a Han-Tibetan division. However, because of the sheer percentage of rural population among Tibetan people, the rural-urban income gap appears to be a gap along the ethnic line to many observers. Li Weihan mentioned in 1962 that ethnic problems were essentially a problem of peasants.

An American journalist wrote in the wane of 2008 riots that the riots were caused more by

economic exclusion than by human rights violation: it is true that the Central Government of China has been pouring huge amount of money into Tibet, but these investments and jobs they created are largely benefitting Han migrants rather than Tibetans. With a same focus on the developmental dimension of the Tibet issue, some other observers, through more nuanced research, found that: it is true that the fiscal subsidies and investment from the central government haven’t benefit everyone in Tibet on equal terms, but the income disparity is not drawn along the line of residential status (“hukou” in China) rather than ethnic line. People with permanent resident status in cities got more benefits than people registered as rural residents (including those Han migrants temporarily working in Tibet) did. (2) Because there is nearly no Han Chinese people among peasants and nomads in TAR, the above-mentioned income disparity has often been misunderstood as a income gap between Han Chinese and Tibetan people. While Han Chinese people (including temporary workers) are mostly living in cities and especially concentrated in large cities like Lhasa and Shigatse, where tourists have frequented, it is quite easy to form a “shared impression” that Tibet has been sinicized and Han Chinese people are the major beneficiaries of economic development in China. (3) a disproportionately large percentage of fiscal subsidies to Tibet has been spent as administrative expenses. A significant part of these expenses has been allocated to cultural and religious control. Wang Lixiong has eloquently called this “the cost of maintaining a large stabilization bloc”. Ironically, this huge sum of money is also calculated into the GDP growth in Tibet, rendering a situation in which the growth of economy is directly proportional to the strengthening of cultural control and shrinking of religious liberty in Tibet. This situation would be evaluated quite negatively with “human development” indicators, because “human development is first and foremost about allowing people to lead the kind of life they choose—and providing them with the tools and opportunities to make those choices.” If economic development can be achieved in spite of or even because of a restrictive regime on fundamental freedoms, human development cannot.

The mainstream modernization theory in China considers industrialization and the transfer of rural labours to cities as the major solution to poverty and income disparity. They don’t think that Tibet should be regarded as an exception. A typical argument runs like this: “China is developing country as well as a major agricultural country, industrialization is the only choice for China’s modernization. Tibet Autonomous Region is an integral part of China, the level of industrialization in TAR necessarily affects the national progress towards modernization.” However, industrialization is bound to bring negative impact on the sensitive and fragile environment in Tibet. Economic gains from industrialization may not be

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enough to compensate for the irreversible degradation of environment on the Qinghai-Tibetan Plateau. Even under the current low level of industrialization, many researchers have already rung the alert bell. For example, in a government-sponsored pamphlet on the geography of Tibet, the authors wrote:

The distinctive geology and geography endowed Tibet with rich natural resources, including rare biological and mineral resources peculiar to the Plateau. However, the characteristic harshness and frailness of the geological and biological environment in Tibet on the one hand limits the scope of exploitation, and on the other hand brings about negative effects to some exploitation. In particular, excessive and improper use of natural resources often results in great damages and negatively changes the balance of plateau ecosystem and quality of the environment. In the depopulated areas in Northern Tibet, known as a natural zoo, mining, grazing, hunting and transportation have disturbed the wildlife and shrunk the territory of animals, forcing them to retreat from Heihe-Ngari Highway to the depopulated area north of 33°N.136

In recent years, the retreat of Tibetan Plateau glaciers has drawn tremendous attention from all around the world. The consequences of “The Chinese Glacier Inventory catalogued 46,377 glaciers in western China, with approximately 15,000 glaciers in the Himalayas storing an estimated 12,000 km³ of freshwater. These glaciers seasonally release melt water into tributaries of the Indus, Ganges, and Brahmaputra Rivers with glacial melt contributing up to 45% of the total river flow. Approximately 500 million people depend upon water from these three rivers to support agricultural and economic practices.”137 It is predicted that a very famous glacier, Zepu, shall completely disappear within 30 years.138

Because of the distinctive natural and social environment in Tibet, developmental strategies applicable to other regions in China, especially those strategies involving urbanization and transfer of rural labour to cities, may not be feasible to Tibet. Large-scale urbanization of Tibet is not only impossible, but also undesirable, because it shall cause irremediable damages to the environment on Tibetan Plateau. Given the special ecological-cultural environment on the Tibetan Plateau, “China’s policy makers should be thinking about how to realize ‘development with Tibetan characteristics’ where the emphasis is on socially inclusive development rather than social control.”139 On this regard, the small Buddhist kingdom in the Himalayas, Bhutan, is providing a good reference for China to consider. In 1972, Bhutan’s former King Jigme Singye Wangchuck coined the concept of “Gross National Happiness” to replace “Gross National Product” as major measurement of human development and social

progress in Bhutan. This new measurement has since successfully reoriented the Kingdom’s policy focus to “cultural enforcement”. The crucial consideration in this new measurement is that economic prosperity would be shared by all members of the society and should be balanced against the equally important goals of cultural preservation, environmental protection and responsive governance. In the 2007 global survey of “subject happiness”, Bhutan was ranked as the eighth happiest one among 178 countries. The new concept of development embodied in this measurement deserves serious consideration. In Tibet, where the natural environment and cultural tradition are similar with those in Bhutan, development policy should also be reoriented to focus on human development in spiritual dimension. As a famous Chinese commentator said:

Importing wealth is not equal to importing happiness to Tibet. Tibetan people are rich in their spiritual life. To support development in Tibet, the policy should be both materialist and idealist. It is obligatory to pay full attention to the spiritual needs of Tibetan people, give genuine respect to their distinctive cultural tradition, meticulously protect the ecological and humanist environment in Tibet and prohibit overgrazing on grasslands, overlogging on forests, and hunting on precious animals.

Based on the aforesaid considerations, a model for sustainable development in Tibet should be able to accommodate the needs for environmental protection, cultural preservation and social-economic inclusion. Just as the imposition of communes and co-operatives led economy in Tibet to a period of deterioration from 1960 to 1980, an undifferentiated modernization policy which doesn’t take the unique features of Tibetan nature and culture into consideration would be detrimental to sustainable development in Tibet. Since the World Commission on Environment and Development published its important report, Our Common Future, in 1987, the concept of “sustainable development” which incorporates these needs has been officially accepted by the majority of countries around the globe. However, due to the inertia of industrialization, economic competition among countries, and many complex social and psychological reasons, there have been few large countries which are willing to abandon their GDP-centred model of economic growth which aims to achieve immediate economic gains with minimum calculable costs. It might be unrealistic to expect China as a whole would radically adjust its growth model; however, it is possible, even necessary, for China to experiment a new model of human development in Tibet which emphasises more on cultural/ecological preservation and less on GDP growth. This new model should be based on the cultural heritage of Tibetan people, especially their religion. The principles of a “Buddhist economics” as developed by Schumacher might be of relevance here. Based on the Buddhist concept of “Right Livelihood”, Schumacher proposed five principles which may have the

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144 Full text of this report is accessible at: http://www.un-documents.net/wced-ocf.htm (accessed on March 7, 2010).
effects of reorienting economic behaviours: (1) work as an human endeavour of benefitting oneself and the community: the purpose of work is not only to satisfy the economic needs of oneself, but also to develop one’s capacity, including the capacity of transcending the narrow “self” and realizing the interconnectedness of all sentient beings. (2) reasonable consumption: the western or modern view of consumption is that more is the better, therefore, human happiness depends on the abundance of material goods. In Buddhist economics, material greed is regarded as one of major sources of human suffering; the optimal level of consumption is where a high degree of human satisfaction is obtained by means of a relatively low rate of consumption. (3) simplicity: human needs should be satisfied by simple products made from local resources. (4) non-violence: Buddhism teaches that human beings should have compassion to all sentient beings, killing animals for human consumption is discouraged. (5) preservation of natural resources: Buddhism considers human beings as part of nature; people are encouraged to find a way of life which has minimum negative impact on nature. Since almost all Tibetans are Buddhists, these principles are compatible with their tradition live-style. Meanwhile, because “Tibet’s fragile ecology cannot sustain a consumptive lifestyle,” a Buddhist economy is good for Tibet. It would also be beneficial to China and the world if a new mode of human development could be tried out on the basis of the traditional wisdoms of Tibetan people. For atheists and people believing that economic success in this world is the proof of divine grace, it would be very difficult for them to adapt to a really sustainable mode of development. However, for Tibetan people, this may not be difficult. What they need is to have more autonomy to decide what they want. As Dawa Norbu pointed out:

In fact, tradition and culture, if judiciously used, could and can be the maidservant of an industrial revolution and an effective lubricator of development, as modern Asian history indicates. This means we must consider not only state intervention in the economy, but also social sources of productivity that owe their origins to a great living tradition, namely Buddho-Confucian culture.

At present, the Chinese leaders have realized that there have been many negative consequences brought by a GDP centred developmental strategy. The so-called “scientific development concept” (Kexue Fazhanguan) as promoted by President Hu Jintao aims to redress the side-effects of efficiency-driven development. The essence of this new concept is “human-centred”. Facilitating multi-dimensional development of human beings is the aim of this version of development. Since “human beings” are not abstract and decontextualized individuals, the human-centred scientific development concept should be a concept informed and enriched by culture. In the one-dimensional model of economic development, Tibet shall remain in its dependent and subsidized status for a very long period of time. It’s no wonder

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that one commentator said: “China does not need Tibet, and if the Tibetans are lucky the Chinese will finally acknowledge that Tibet has become a huge and nonessential economic drain on China.” However, in a multi-dimensional concept of “scientific development”, where culture plays a very important role, Tibet shall contribute to the cultural diversity in the unified China.

The fourteenth Dalai Lama himself can be classified as a progressive Buddhist and socialist. In the mid 1970s, he told a Polish newspaper that he thought he would be the last Dalai Lama. In a later interview, he said: “The Dalai Lama office was an institution created to benefit others. It is possible that it will soon have outlived its usefulness.” He has often stated that would like to achieve a synthesis between Buddhist and Marxism, and he thinks of himself as “half-Marxist, half-Buddhist” or a “Marxist Monk”. He attributes the failure of the regime in the former Soviet Union to totalitarianism rather than Marxism and famously states:

Of all the modern economic theories, the economic system of Marxism is founded on moral principles, while capitalism is concerned only with gain and profitability. Marxism is concerned with the distribution of wealth on an equal basis and the equitable utilization of the means of production. It is also concerned with the fate of the working-classes—that is, the majority—as well as with the fate of those who are underprivileged and in need, and Marxism cares about the victims of minority-imposed exploitation. For those reasons the system appeals to me, and it seems fair.

With the contribution from the Dalai Lama, a culturally informed model of economic development is more likely to be discovered.

VI. Regional Ethnic Autonomy and Protection of Tibetan Culture

Culture has become the new focus in the international debate on Tibet issue. In an interview in August 2008, the Dalai Lama said: “The main thing is to preserve our culture, to preserve the character of Tibet. That is what is most important, not politics.” In the recent two years, he has been expressing the idea that he is willing to scale down his political claims from “genuine autonomy” to “cultural autonomy”. Mainstream western media also refocused its perspective on cultural autonomy in Tibet. At the occasion of offering the Dalai Lama the Congressional Gold Medal of 2007, U.S. Senator Dianne Feinstein also confirmed that the Dalai Lama has been “asking for direct talks, reiterating his Middle Way approach and

152 Supra note 13.
clearly stating that he does not seek independence for Tibet, but is looking to secure Tibet's religious and cultural autonomy.\textsuperscript{153} However, the Chinese government reacted quickly to rebuke the claim for “cultural autonomy” by issuing a white paper (2008), in which it is stated: “The 14th Dalai Lama and his clique's clamor for ‘cultural autonomy of Tibet’ is essentially a political conspiracy to restore theocratic rule over the people of Tibet and other Tibetan-inhabited regions, and thus realize the "independence of Greater Tibet."\textsuperscript{154} The controversy is caused by different understandings of culture. As shown in the 2008 white paper, Chinese government’s understanding of culture is modern and materialist. It covers only those aspects of culture which are compatible with the economic development of the nation, while the Dalai Lama’s conception of culture mainly refers to Tibetan Buddhism in its authenticicity. Therefore, the 2008 white paper concluded:

It is an overwhelming historical trend for the times to move forward, society to progress and culture to develop. The world is in an age of intensified globalization and informationization. People who conform to the mighty trend of modernization will prosper, while those who do not will perish. Any people or culture can only retain its characteristics and life force by conforming to the trend of modernization, keeping up with the times, and following the path of inheritance and innovation, protection and promotion, and opening-up and development.\textsuperscript{155}

Although many western enthusiasts for “spirituality” support the Dalai Lama’s role as the protector of Tibetan culture, there are also a number of western left or “progressive” scholars who seconded China’s developmental logic.\textsuperscript{156} For example, Barry Sautman claimed that “the protests in Tibet had no progressive aspect” and Michael Parenti argued:

Culture can operate as a legitimating cover for a host of grave injustices, benefiting a privileged portion of society at great cost to the rest. In theocratic feudal Tibet, ruling interests manipulated the traditional culture to fortify their own wealth and power.\textsuperscript{157}

If these left-leaning intellectuals look like a minority in their own countries as of today, their views were once part of the “mainstream” in the early1980s. As Robert Barnett pointed out: “In any case, in reaction to the Cold War polemics of the time, Western intellectuals regarded Tibet as an example of socialist liberation, and critical study of that approach was seen as the domain of right-wing imperialists and feudal-religious apologists.”\textsuperscript{158} To avoid a reductionist account on the controversy, we need to consider the different developmental stages in which


\textsuperscript{155} Id.

\textsuperscript{156} For an insightful analysis on the mode of argumentation advanced by these left-leaning scholars, see Emily T. Yeh, “Tibet and the Problem of Radical Reductionism,” Antipode, Vol.41, No.5, 2009.

\textsuperscript{157} Michael Parenti, “Friendly Feudalism: the Tibet Myth,” p.10, published online at: http://www.michaelparenti.org/Tibet.html (last visit on February 18, 2010).

we find China, Tibet and the western countries. It would be an ideological assertion rather than an analytical argument on an issue of ideology if we simply attribute the deadlock on Tibetan cultural issue to the irreconcilable conflict between atheism and religion. Based on their “value survey” on 81 societies around six continents during a period of 20 years, Inglehart and Welzel concluded that Marx and Weber both got something right on the relationship between economic development and people’s beliefs and value choices. On the one hand, Karl Marx argued that social-economic development determines what people want and do; one the other hand, Max Weber society’s cultural heritage continues to shape its prevailing beliefs and motivations. These seemingly conflicting ideas can be reconciled in a historical but not linear perspective. In pre-industrial societies, because of the low level of productivity, people are busy with earning a living. Therefore, both their capacity of making choices among cultural values and available choices are quite limited. In such a circumstance, people are tied with traditional (and largely religious) values. When societies move into the industrialized stage, due to the impetus of division of labour, mass production, and complicated social organizations, rational-secular values replace traditional values. Rational-secular values are compatible with authoritarianism or dictatorship because industrialization requires collective discipline and group conformity. While societies become post-industrial ones, because existential security is no longer the major concern for many people, self-expression values “transform modernization into a process of human development, giving rise to a new type of humanistic society that is increasingly people-centered.” In such a grand narrative, culture is located on two dimensions: one with traditional values and secular-rational values as the two poles, another with survival values and self-expression values as the two extreme points. Looking from the perspective shaped by these two dimensions, some regularities regarding the relationship between development and culture can be identified:

Despite the lasting imprint of a society’s cultural heritage, socioeconomic development tends to shift a society’s position on these two value dimensions in a predictable fashion: as the work force shifts from the agrarian sector to the industrial sector, people’s worldviews tend to shift from an emphasis on traditional values to an emphasis on secular-rational values. Subsequently, as the work force shifts from the industrial sector to the service sector, a second major shift in values occurs, from emphasis on survival values to emphasis on self-expression values.

It is quite helpful if we bring this perspective into our understanding on the Tibet issue. Tibet is still a pre-industrial society, and China in general has become an industrial society. According to a recent study, “Tibetans were overwhelmingly rural in all five of the Chinese provinces that incorporate Tibetan areas, with 87.2 percent living in rural areas in China overall. Tibetan urbanization rates ranged from 8.6 percent in Qinghai, 9.1 percent in Gansu,

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160 Id., at 6.
and 10.5 percent in Sichuan, to 15.2 percent in the TAR and 20 percent in Yunnan.”

Among the Tibetan people living in TAR, roughly 40% were nomads. While in China as a whole, urbanization rate reached 45.7% with an urban population of 607 million. For the majority of Tibetan people who are living in rural areas and on remote pasturelands, modern secular culture has little impact on them. Nevertheless, it is notable that a minority of Tibetan people who are living in cities have turned to secular-rational value and spent more time in Karaoke rather than on religious sites. Developed countries have largely entered into the post-industrial age, where self-expressive values become the mainstream and many people support a multicultural environment in which they can find more choices. More and people there show genuine sympathy to the “engendered minority cultures”. It is equally understandable that on the one hand people in the developed world criticized China’s Tibet policy (including benign policies on economic development) from their own post-industrial multicultural perspective and on the other hand China wants to integrate Tibetan economy and society into the national process of modernization.

Development of modern education in Tibet

Education is the link between culture and development. In 1952, there were only 20 public schools and 95 old-style private schools with 3,000 students in central Tibet. Monasteries were the major educational institutions at that time, and the public schools also largely provided education on Buddhism. Modern natural and social sciences were barely covered in their curricula. These limited educational facilities were only available to the privileged few, illiteracy rate was as high as 95 per cent. While in 2008, there were 884 primary schools with 311,800 enrolled students, 117 middle schools with 184,500 enrolled students, 1,237 teaching venues (majorly mobile teaching facilities for nomads) and six institutions of higher learning in Tibet (see Table 8). Illiteracy rate has been reduced significantly. From these numbers, we can clearly sense that modern education has experienced a “great leap-forward” during the past fifty years. However, if we compare illiteracy rate and percentage of population receiving different levels of education in TAR and several adjacent western provinces, we get the impression that modern education in TAR is still lagged behind the national level.

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166 Xinhua News Agency, “Xizang jingji shehui fazhan baogao” [Report on socio-economic development in Tibet], *Guangming Ribao* [Guangming Daily], March 31, 2009, available online at: [http://www.gmw.cn/content/2009-03/31/content_904667.htm](http://www.gmw.cn/content/2009-03/31/content_904667.htm) (only in Chinese, last visit on February 19, 2010).
Table 8: Numbers of schools and educational staff in TAR (1965-2008)\(^{167}\)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Higher-education institutions</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Middle schools</td>
<td>5</td>
<td>88</td>
<td>84</td>
<td>114</td>
<td>127</td>
<td>127</td>
</tr>
<tr>
<td>Vocational middle schools</td>
<td>1</td>
<td>28</td>
<td>15</td>
<td>11</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Ordinary middle schools</td>
<td>4</td>
<td>60</td>
<td>69</td>
<td>103</td>
<td>117</td>
<td>117</td>
</tr>
<tr>
<td>Primary schools</td>
<td>1822</td>
<td>6819</td>
<td>3090</td>
<td>899</td>
<td>844</td>
<td>884</td>
</tr>
<tr>
<td>Kindergartens</td>
<td>N/A</td>
<td>N/A</td>
<td>32</td>
<td>32</td>
<td>61</td>
<td>83</td>
</tr>
<tr>
<td>Teaching staff</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Higher-education institutions</td>
<td>703</td>
<td>1,399</td>
<td>1,744</td>
<td>1,829</td>
<td>2,888</td>
<td>2,990</td>
</tr>
<tr>
<td>Middle schools</td>
<td>232</td>
<td>2,578</td>
<td>4,502</td>
<td>7,722</td>
<td>11,586</td>
<td>12,270</td>
</tr>
<tr>
<td>Vocational middle schools</td>
<td>110</td>
<td>978</td>
<td>1,340</td>
<td>1,222</td>
<td>725</td>
<td>745</td>
</tr>
<tr>
<td>Ordinary middle schools</td>
<td>122</td>
<td>1,600</td>
<td>3,162</td>
<td>6,500</td>
<td>10,861</td>
<td>11,525</td>
</tr>
<tr>
<td>Primary schools</td>
<td>2,475</td>
<td>12,169</td>
<td>10,528</td>
<td>13,631</td>
<td>18,450</td>
<td>18,715</td>
</tr>
<tr>
<td>Kindergartens</td>
<td>N/A</td>
<td>N/A</td>
<td>289</td>
<td>537</td>
<td>822</td>
<td>1,131</td>
</tr>
</tbody>
</table>

Table 9: Illiteracy rate among population aged fifteen and over by region (2003-2007)\(^{168}\)

<table>
<thead>
<tr>
<th>Year</th>
<th>TAR</th>
<th>Qinghai</th>
<th>Gansu</th>
<th>Sichuan</th>
<th>Yunnan</th>
<th>China</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>43.82%</td>
<td>24.77%</td>
<td>21.11%</td>
<td>13.55%</td>
<td>23.1%</td>
<td>11.63%</td>
</tr>
<tr>
<td>2003</td>
<td>54.86%</td>
<td>23.45%</td>
<td>20.33%</td>
<td>11.73%</td>
<td>21.5%</td>
<td>10.95%</td>
</tr>
<tr>
<td>2004</td>
<td>44.03%</td>
<td>22.08%</td>
<td>19.42%</td>
<td>11.53%</td>
<td>16.37%</td>
<td>10.32%</td>
</tr>
<tr>
<td>2005</td>
<td>44.84%</td>
<td>24.07%</td>
<td>20.83%</td>
<td>16.61%</td>
<td>20.07%</td>
<td>11.04%</td>
</tr>
<tr>
<td>2006</td>
<td>45.65%</td>
<td>19.3%</td>
<td>22.27%</td>
<td>12.56%</td>
<td>16.5%</td>
<td>9.31%</td>
</tr>
<tr>
<td>2007</td>
<td>36.77%</td>
<td>18.4%</td>
<td>19.33%</td>
<td>10.62%</td>
<td>16.13%</td>
<td>8.4%</td>
</tr>
</tbody>
</table>


\(^{168}\)Numbers in this table are extracted from National Bureau of Statistics (ed.), *Zhongguo Tongji Nianjian* [China Statistical Yearbook], Beijing: China Press of Statistics, 2003: p.105; 2004: p.109; 2005: p.107; 2006: p.114; 2007: p.120; 2008: p.102. Until the 2005 edition, the yearbook had used the term “illiterate and semi-illiterate population”; thereafter, it has been using only the term “illiterate”. It doesn’t mean that the coverage has been narrowed down. Both the old usage and the new one refers to “population aged fifteen and over who are unable or have difficulty in reading”.

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Table 10: Percentage of population aged 6 and over by educational level and region (2005)

<table>
<thead>
<tr>
<th>Region</th>
<th>No-schooling</th>
<th>Primary School</th>
<th>Junior Middle School</th>
<th>Senior Middle School</th>
<th>Junior College and Higher</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAR</td>
<td>45.54%</td>
<td>42.95%</td>
<td>8.49%</td>
<td>2.12%</td>
<td>0.89%</td>
</tr>
<tr>
<td>Qinghai</td>
<td>22.64%</td>
<td>34.29%</td>
<td>25.09%</td>
<td>10.88%</td>
<td>7.11%</td>
</tr>
<tr>
<td>Gansu</td>
<td>18.48%</td>
<td>37.05%</td>
<td>28.99%</td>
<td>11.21%</td>
<td>4.26%</td>
</tr>
<tr>
<td>Sichuan</td>
<td>14.88%</td>
<td>43.32%</td>
<td>30.56%</td>
<td>7.75%</td>
<td>3.48%</td>
</tr>
<tr>
<td>Yunnan</td>
<td>17.98%</td>
<td>47.63%</td>
<td>24.71%</td>
<td>6.3%</td>
<td>3.37%</td>
</tr>
<tr>
<td>China</td>
<td>10.36%</td>
<td>33.28%</td>
<td>38.34%</td>
<td>12.43%</td>
<td>5.56%</td>
</tr>
</tbody>
</table>

Education level determines employment opportunities in a modern society. If college education is the minimum requirement for getting a white-collar job, graduation from a primary school would be the minimum requirement for getting a job in urban areas. As the World Bank pointed out, “even among self-employed farmers in low-income countries, having at least primary education enables them to use more efficient production techniques.”

The high illiterate rate among Tibetans constitutes a primary obstacle to industrialization and urbanization in Tibet. It is also the main cause for income disparity and social exclusion. However, the lagging-behind of education in TAR is not deliberately brought about by the government. Quite on the contrary, the central government of China and the local government in Tibet have both invested a lot in developing education. For example, the central government had invested over 22 billion RMB on education in TAR from 1978 to the first half of 2009, and the TAR regional government has been enforcing a policy which requires 17% of annual fiscal budget and 17% of annual investment on infrastructure be spent on education and educational facilities (the “double 17%” policy) for over one decade. Geographical and demographic factors are the “culprits” here: TAR is a sparsely inhabited region with harsh weather in the winter and precipitous paths for school children to cut across. Wherever the school is established, they are far away from a great number of students.

As noted by the World Development Report 2008, In China territorial disparities in the human development index declined between 1995 and 2003. The disparity between the best-performing province (Beijing) and the worst-performing province (Tibet) declined from 0.26 in 1995 to 0.19 in 2003 for life expectancy, and from 0.50 to 0.32 for the human development

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171 Zhang Zewei, “Gaigekaifang yilai guojia wei xizang jiaoyu touru 220 duo yi yuan” [The central government of China has spent more than 22 billion yuan in developing education in TAR], Xinhua news net, accessible online at: http://news.xinhuanet.com/edu/2008-12/27/content_10568580.htm (last visit on February 19, 2008).

172 Wangdu Tsering (ed.), Xizang Huahuang Wushinian [The splendid fifty years of Tibet], Lhasa: Xizang renmin chubanshe [People’s Press of Tibet], 2009, p.143.
index. The gap for literacy rates also declined between 1990 and 2003, from 58 to 51 percentage points.\textsuperscript{173}

Culture in PRC Constitution and the Law on Regional Ethnic Autonomy

Modernization policy opens the frontiers for those educated in modern knowledge (usually members of the majority ethnic group) to pursue new opportunities. Simultaneously, it turns the traditional centres of minority cultures into peripheries of states. A common problem experienced by many modern states is that the marginalization of indigenous cultures caused psychological imbalance and trauma among minority ethnic elites. Lhasa, which means “holy city” in Tibetan, had been the centre of a very important civilization. The pride of this civilization was eloquently expressed in a letter sent to Chiang Kaishek in 1946:

"There are many great nations on this earth, who have achieved unprecedented wealth and might, but there is only one nation which is dedicated to the well-being of humanity in the world and this is the religious land of Tibet which cherishes a joint spiritual and temporal system."\textsuperscript{174}

Now Lhasa becomes a subsidized administrative hub at China’s southwest frontier. This is probably an unavoidable consequence of modernity. No countries striving for “modernization” can possibly avoid this unpleasant situation. However, a decent constitutional order should be able to leave a space for minority ethnic cultures to survive and develop.

Culture is a very ambiguous concept. Without a clear delineation of its outer limits, it would be very difficult to establish constitutional and legal protection for it. However, “defining culture” is a problematic undertaking, because its underlying presumption is that culture is static and with fastened boundaries. As Dibyesh Anand pointed out:

"The entire project of preserving a culture and civilization is theoretically problematic since it considers culture as something that can be identified, mapped, practiced, and preserved. Such a conceptualization of culture essentializes and naturalizes what is socially and politically constructed and contested."\textsuperscript{175}

Being conscious of this problem, PRC constitution uses the dynamic concept of “cultural enterprise” (Wenhua Shiye), which emphasizes the contribution of contemporary human beings. Article 119 of the Constitution and Article 38 of the Law on Regional Ethnic Autonomy (LREA) provide the guiding principles on the legal protection of ethnic cultures in


\textsuperscript{174} Quoted from Goldstein and Gelek Rimpoche’s book (page 542), See Supra Note 20.

China. The constitutional provision states: “The organs of self-government of the ethnic autonomous areas independently administer educational, scientific, cultural, public health and physical culture enterprises in their respective areas, sort out and protect the cultural legacy of the nationalities and work for the development and prosperity of their cultures.” (Art. 119)\textsuperscript{176} And the LREA provision stipulates:

The organs of self-government of ethnic autonomous areas shall independently develop literature, art, the press, publishing, radio broadcasting, the film industry, television and other cultural enterprises in forms and with characteristics unique to the nationalities, and increase their input in cultural undertakings, provide improved cultural facilities and speed up the development of various cultural undertakings.

The organs of self-government of ethnic autonomous areas shall make arrangements for the units or departments concerned and support them in their efforts to collect, sort out, translate and publish historical and cultural books of minority nationalities and protect the scenic spots and historical sites in their areas, their precious cultural relics and their other important historical and cultural legacies, so as to inherit and develop their outstanding traditional culture.

The Constitution doesn’t define “cultural enterprise”, which the LREA describes the legislature’s understanding of this term by enumeration. We can classify various “cultural enterprises” enumerated in the legal provision into two types: the first type refers to the contemporary carriers of culture such as literature, art, newspaper, publication, broadcasting, film and television; the second type covers material carriers of historical information on culture, including ancient books, historical sites and cultural treasures. The provisions don’t mention anything about the content of culture which those carriers are supposed to carry. This understanding is consistent with the modern tourist “culture”: exotic singing and dancing on one side and scenic sites on the other.\textsuperscript{177} Because of its materialist orientation, ethnic law and policy in China also encourage the development of traditional medicine and other “useful” traditional knowledge.

Based on this understanding, Chinese government spent millions of RMB in developing modern media (newspaper, broadcasting and TV channels) and preserving historical relics in Tibet. For example, “between 1989 and 1994, the Central People's Government allocated 55 million yuan and a great quantity of gold, silver and other precious materials to repair the Potala Palace, which was unprecedented in China's history of historical relic preservation.” The state has also allocated over 800 million yuan to promote the development of traditional Tibetan medicine and pharmacology since 1965. “At present, there are a total of 14 Tibetan medical institutions in Tibet, and over 60 county-level hospitals have established Tibetan medicine sections. In 1959, the working personnel involved in Tibetan medicine in Tibet

\textsuperscript{176} For an English translation of the Constitution of the People's Republic of China, see: http://english.peopledaily.com.cn/constitution/constitution.html (last visit on February 20, 2010).
\textsuperscript{177} Ironically, it is also consistent with the western colonial representations of Tibetan culture, see Dibyesh Anand, “Western colonial representations of the other: the case of exotica Tibet,” New Political Science 29:1, March 2007, 23-42.
numbered only 434, while in 1999 the number had increased to 1,071, including 61 chief physicians and associate chief physicians, 166 attending physicians and 844 resident physicians and doctors”. The government has sponsored the publication of ancient Tibetan medical classics: “thirty-two monographs have been published, including the *Four Medical Classics* (Tibetan-Chinese bilingual edition), *Blue Glaze, A Complete Collection of Wall Charts of the Four Medical Classics, Diagnostics of Tibetan Medicine, Newly Compiled Tibetan Medicaments and Biographies of Famous Tibetan Doctors*”. The government also takes pride in having arranged the publication of the *Life of King Gesar*, an orally transmitted epic, in Tibetan.\(^{178}\)

**Bilingual Education in Tibet**

In many countries around the world, the most serious problem for the survival and development of minority ethnic cultures is insufficient provision of modern education in minority ethnic languages (MELs). Most liberal democracies regard education in MELs as a matter of “negative liberty”, the state doesn’t bear the duty to provide or support such an education. In the context of modernization and globalization, this liberal attitude of allowing minority cultures to run their own course would surely lead to the demise of MELs. Article 10 of the LREA looks very close to this liberal understanding: “The organs of self-government of ethnic autonomous areas shall guarantee the freedom of the nationalities in these areas to use and develop their own spoken and written languages and their freedom to preserve or reform their own folkways and customs.” According to a scholarly interpretation, the underlying presumption here is that “every ethnic group cherishes it own language and are eager to use and develop this language.”\(^ {179}\) It is argued that once this freedom is guaranteed MELs shall prosper upon ethnic minority people’s free choices. This line of reasoning is not sustainable in front of the reality. If English is the current *lingua franca* in global market, Mandarin Chinese is the common language in China’s national market. Fluency in Chinese is a condition for personal success in China’s market economy. Free choice would be rendered meaningless if it found no material support. The disadvantaged MELs need activist support from the government to gain a real space for survive and development. Based on this realistic understanding, TAR government enacted the *Provisions of the Tibet Autonomous Region on the Study, Use and Development of the Spoken and Written Tibetan Language* in 1987 and its implementation rules in 1988. These local regulations set up an objective of establishing “a bilingual educational system whereby teaching is done principally in the Tibetan language.” According to a recent research, “at present, over 400,000 students in more than 1,000 schools at various levels are all receiving bilingual instructions.” This finding has been qualified by other researches, for example, Postiglione found that “dual track education (Tibetan and Chinese) is generally available

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the urban areas, but after the primary school grade three, there is a shift toward Chinese as the medium of instruction, with only language and literature courses taught in the Tibetan language. Therefore, the issue is not one of law, but is finally tied to the issue of economic development: if Tibet can find a way to combine its culture and economic development, Tibetan language may become the dominant language in local market. Only upon such a time, both students and teachers can be attracted to the educational process using Tibetan as the language of instruction. However, this goal cannot be achieved without a close collaboration between the Chinese government and the Dalai Lama.

It is hardly surprising, as UNESCO notes, that more than half the world’s population are presently in danger of cultural and economic exclusion. Of the world’s approximately 6000 languages only 4 per cent are used by 96 per cent of the world population. 50 per cent are in danger of extinction, while 90 per cent are not represented on the Internet. Some 5 countries dominate world trade in the cultural industries. In the field of cinema, for instance, 88 countries out of 185 have never had their own film production. In this age of globalization where only a few languages are commonly used in the marketplace and public space, it takes institutional innovations to facilitate the use of minority languages. The invisible hand of market and free choice cannot be trusted because they are the causes rather than remedies to the problem.

Religious freedom in Tibet

For Tibetan people, Tibetan Buddhism is the core of their distinctive culture. As one Chinese historian pointed out, Tibetan Buddhism and Tibetan culture is largely one and the same; their relationship is like the relationship between blood and flesh, which is inseparable. Tibetan Buddhism is the root of Tibetan ethnicity; it provides the cultural fabric to form and congregate Tibetan people. Tibetan historian Tsering Shakya also said: “Buddhism had always been seen as the core of Tibetan identity, and its clergy the epitome of ‘Tibetanness’. Traditional arts and literature have largely been developed to represent legends, metaphors, rituals, and doctrines in Buddhist scriptures. During the second Tibet Work Forum held in Beijing from February 27 to March 28, Hu Yaobang summarized five characteristics of Tibet: located on the “roof of the world” (unique geography and ecology of the highest plateau); combined political and religious system in history; religious belief (Tibetan Buddhism) shared by almost all Tibetan people; susceptibility to foreign separatist influence. The first and second generations of CCP leaders had a deep understanding on Tibetan people's devotion to the Dalai Lama through their immediate experience. In 1979,

182 Shi Shuo, “Zanchuan fojiao yu zangminzu de xingcheng” [Tibetan Buddhism and the formation of Tibetan ethnicity], Sichuan Daxue Xuebao [Sichuan University Journal of Humanities and Social Sciences], No.3, 1997.
Deng Xiaoping met Gyalo Thondup, elder brother of the Dalai Lama, in Beijing and said that all issues regarding Tibet except for independence could be settled through negotiations. He invited the Dalai Lama to send three fact-finding delegations to visit Tibetan areas in China in 1979 and 1980. At that time, Deng Xiaoping and other Chinese leaders sincerely believed that Tibetan people’s commitment to the Dalai Lama should have weakened after twenty years’ socialist reforms. The invitation was based on this understanding and with the hope that after these visits the Dalai Lama would give up all his dreams about independence and returned to China. The Party leader in Tibet at that time, Ren Rong, assured the Central Government that the political situation in TAR was very agreeable and the majority of Titan people were patriotic and supportive of national unity of China. The Dalai Lama’s first delegation to Qinghai already shocked the Central Government with the overwhelming welcome it received. When Ren Rong was required by the Central Government to confirm the situation in Lhasa, he was still very confident to say that urban residents here were with much better political awareness than the nomads in Qianghai and the Dalai Lama’s delegation would not receive warm welcome here. TAR Party Committee and government were so sincerely concerned with the “hatred” among the liberated serfs against their former masters (members of the delegation) that they organized a series of mobilization rallies to promote kindness and friendship towards these guests of the government. “The Lhasan masses agreed politely and then gave the delegation a welcome surpassing anything it had received in Qinghai.”

The government initially wanted to dissuade the Tibetan exiles from trying to change the political status quo in Tibet, nevertheless the result is quite on the contrary.

There are no specific provisions on the protection of religious belief and activities of minority ethnic groups in PRC Constitution. Therefore, it is not clear whether religious affairs are within the scope of autonomy enjoyed by ethnic autonomous regions. In the process of drafting the 1954 Constitution, some drafters suggested that freedom of religion should be mentioned in Article 3, which cover the nationalities policy. However, Li Weihan pointed out that the chapter on citizen’s rights and duties had covered religious freedom, it would be unreasonable for the constitution to protect a group right on religious freedom. The current Constitution follows the design of 1954 Constitution by not mentioning religious freedom in the section on Regional Ethnic Autonomy. However, Article 11 of the Law on Regional Ethnic Autonomy expressly provides:

> The organs of self-government of ethnic autonomous areas shall guarantee the freedom of religious belief to citizens of the various nationalities.  
> No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion, nor may they discriminate against citizens who believe in, or do not believe in, any religion.

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The state shall protect normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs shall not be subject to any foreign domination.

The first paragraph of this provision can be interpreted as meaning that the self-government organs of ethnic autonomous areas may adopt specific measures to protect religious freedom according to the local conditions; in other words, it means that REA covers administrative autonomy on religious affairs. This part of administrative autonomy can be detached from the main body of administration and incorporated into the cultural autonomy in my SCR model. As a Chinese scholar pointed out: “Besides sharing some common features like longevity, mass-based, complexity and international-network with national religions, religions in ethnic autonomous areas also have another distinctive feature: its root in ethnic identity. This feature is reflected in the fact that the most people in an ethnic minority area usually believe in a particular religion. For some ethnic groups, Islam, Tibetan Buddhism or Hinayana Buddhism is the religion for almost every member….Religious issues are often expressed as ethnic issues, which may have implications for the solidarity between different groups and the stability and unification of the country. It is fundamentally important to correctly implement religious policies of our country.”

Because almost all Tibetan believe in Tibetan Buddhism, it is a basic principle in the REA that the self-government organs in Tibet should be allowed to make specific regulations to ensure religious freedom. In the proposed SCR model, the making and implementation religious regulations and policies should be entrusted to the authority of cultural autonomy.

PRC Constitution expressly adopts an atheist ideology. The Preamble of the Constitution confirms the leadership of the Chinese Communist Party and the leading guidance of Marxism, Leninism, Maoism, Deng Xiaoping’s Theory and the theory of “Three Represents”. The role of religion as envisioned by these enshrined theories was succinctly summarized by Karl Marx in 1843:

Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people. The abolition of religion as the illusory happiness of the people is the demand for their real happiness. To call on them to give up their illusions about their condition is to call on them to give up a condition that requires illusions.

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According to this understanding, religion is temporarily beneficial to the people before they are materially liberated and spiritually enlightened. Marxists are called on to eliminate the “condition that requires illusions”, rather than to abolish religion directly. The “condition” mentioned here means economic exploitation and political oppression. As the revolutionary vanguard of the oppressed classes, communists should not believe in any religion and should lead the oppressed people to eliminate the socio-economic conditions which make religion usefully as a pain-killer. These ideas were also clearly reflected in Mao Zedong’s political writings:

All attempts to use administrative orders or coercive measure to settle ideological issues or issues of right and wrong are not only counterproductive but also harmful. We cannot abolish religion by administrative decree or force people not to believe in it. We cannot compel people to give up idealism, any more than we can force them to believe in Marxism. The only way to solve questions of an ideological nature or controversial issues among the people is to rely upon democratic method, the method of discussion, of criticism, of persuasion and education, and not upon the method of coercion or repression.  

In his explanation on the meaning of “freedom of religious belief” in the 1954 Constitution, Li Weihan, one of the founding fathers of PRC’s nationalities policy, made it clear that the state ideology of atheism should not be considered as an obstacle to the exercise of religious freedom by individual citizens:

Regarding the freedom of religious belief, we have had a full interpretation: every citizen has the freedom to believe in a religion or not to believe in a religion, to believe in this religion or that religion, to commit to this or that sect in a religion and to change his/her religious belief. To put it more clearly, it is a matter of individual freedom for citizens to believe in atheism or a religion; the state shall not interfere with or restrict this freedom.

Religion is not simply an exercise of mind; it also involves a series of practice and public places for religious activities and religious teaching. The Chinese Constitution protects the freedom for “religious belief”, but doesn’t mention a complete “religious freedom”. Does it mean that the Constitution only allows religious to linger on in the private sphere? Li Weihan has a clear answer to this question:

A particular religious belief ordains a particular way of religious life. The belief and the life cannot be separated. Protecting people’s freedom of religious belief entails non-interference on people’s normal

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religious life and provision of religious places (mosques, monasteries, etc.) and religious professionals (monks and lamas).\textsuperscript{191}

Article 36 of the Chinese Constitution gives protection to freedom of “religious belief”, at the meantime it also provides that the state protects “normal religious activities”. The Constitution doesn’t clarify the meaning of “normal”; however, it enumerates several instances of “abnormal” religious activities, including activities “destroying social order”, “harming citizens’ physical health” and “disturbing the educational system of the state”. These limitations sound reasonable even in the context of international human rights law. However, judgments on whether particular religious activities are normal are subject to administrative discretion. Generally applicable standards are absent.

In Tibet, restrictive administrative measures on religious activities are abundant. The maximum number of monks and nuns in every monastery is specified by local regulations. Because of the Chinese government’s nervous sensitivity towards associational activities, large-scale public gatherings, such as religious ceremonies, are also restricted and put upon tight surveillance. Even group pilgrimage, because it usually involves more than three people travelling together, is under control and surveillance. In recent years, the international society has shown tremendous concern on three particular areas, namely, reincarnation of tulkus, management of monasteries, and patriotic education in monasteries.

“Reincarnation according to law”

Tulkus (reincarnated lamas) have been playing an essential role in Tibetan Buddhism. They are the keepers of traditional Tibetan culture. The Party leaders in China know this well; therefore, they have regarded tulkus as the major targets of the “united front work” from the very beginning. They try very hard to absorb tulkus into the party-state institutions: various levels of People’s Congresses, Chinese People’s Political Consultative Conference, People’s Government, and executive bodies of the Buddhist Associations. On these positions, some tulkus play the role as mediators between the government and Tibetan people. For those tulkus who show unwillingness to cooperate, the government turns to a strategy of political and legal control.

The National Administration of Religious Affairs enacted some a regulation on July 13, 2007\textsuperscript{192}, which aims to “bring reincarnation of tulkus into law and order”. Article 2 of the regulation provides:

\textsuperscript{191} Ibid, 571.
\textsuperscript{192} Guojia Zongjiao Shiwuju [State Administration for Religious Affairs], \textit{Huofo Zhuanshi Guanti Banfa} [Administrative Measures on the Reincarnation of Tulkus], available online at: \url{http://www.sara.gov.cn/GB/zcfg/89522f7-499d-11dc-bafe-93180af1bb1a.html} (last visit on April 8, 2010).
Reincarnation of tulkus should obey the principles of maintaining national unity, enhancing ethnic solidarity, sustaining religious concord and social harmony, as well as keeping order in Tibetan Buddhism.\textsuperscript{193}

It was not an innovation by the People’s Republic. On January 12, 1934, the Monglia-Tibet Commission of the Nationalist government of China enacted the Measures for the Registration of Lamas, which also provided that all lamas (including Tulkus) should be registered.\textsuperscript{194} But registration is a much more lenient control than licensing and prohibitions. Article 5 of the new regulation provides that each case of reincarnation should go through an application and approval procedure. Without getting a permission from the government, a tulku is “not allowed to reincarnate”. Article 4 also provides for two conditions under which a tulku is “not allowed to reincarnate”: if the doctrines of Tibetan Buddhism prohibit the reincarnation or if the municipal government expressly forbid the reincarnation. The second condition is especially alarming: it puts the reincarnation of tulkus under the administrative discretion of petty officials.

Without separating cultural autonomy from the daily operation of the administrative apparatus, it would be very difficult for Tibetan Buddhism to remain intact. The tough and crude language in this administrative regulation shows how insensitive the administrative organs could be toward Tibetan people’s religious tradition.

Management of monasteries

Tibetan Buddhism traditionally relied upon monasticism as its organizational principle. Large-scale monasteries, huge number of monks, and large amount of lands owned by the monk class constituted the social-economic basis for the chos srid zung ‘brel (religion and political affairs joined together) system in Tibet before 1959. Monasteries owned 37 percent of the total arable land in Tibet\textsuperscript{195}, played a crucial role in political decision-making through the Tsogdu Gyenzom (National Assembly)\textsuperscript{196}, and had the privilege of sending their prominent members to serve as monk officials in the Kashag (Cabinet) and other governmental organs\textsuperscript{197}. According to statistics in 1959, there were 2,700 monasteries and 112,600 monks in Central Tibet (later TAR) alone. The monk population amounted to 10% of

\textsuperscript{193} Id.
\textsuperscript{194} Zangzy Jianshi Bianxiezu (Tibetan History Writing Group), Zangzu Jianshi [A Concise History of Tibetans], Lhasa: Tibetan People’s Press, 1985, 58.
\textsuperscript{196} National Assemblies emerged in 1860s, which was composed of representatives from the three great Gelupa monasteries, namely, Ganden, Sera and Drepung. See Goldstein and Gelek Rimpoche, \textit{A History of Modern Tibet, 1913-1951: the Demise of the Lamaist State}, University of California Press, 1989, 19.
\textsuperscript{197} Ibid, 11-16.
total population and 40% of male Tibetans in Central Tibet were monks. After half a century’s political, economic and social reforms, monasticism has been transferred to a marginal role.

There are many reasons for the large population of monks and number of monasteries in Tibet before 1959. Besides the fact that most Tibetans were devout Buddhists, there are some political, social, and economic reasons: (1) under the combined religious and secular system of government, becoming a monk or nun was a very important way to lift oneself up on the social ladder in a highly stratified societies; (2) because of the absence of an adequate system of education, monasteries were the major supplier of literacy and knowledge; (3) for the poor families, sending their children to monasteries served two purposes: there would be fewer mouth to be fed, and the children sent to monasteries could be fed there. After the democratic reforms, the number of monasteries and monks both shrank significantly. In recent years, many monasteries have been restored, but the number of monasteries and monks is still far below the number in 1950s (see Table 11).

Table 11: Number of monasteries and monks in Tibetan autonomous areas outside of TAR

<table>
<thead>
<tr>
<th></th>
<th>Number of monasteries before 1958</th>
<th>Number of monasteries in 1990s</th>
<th>Population of monks and nuns before 1958</th>
<th>Population of monks and nuns in 1990s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sichuan</td>
<td>922</td>
<td>732</td>
<td>106,226</td>
<td>62,982</td>
</tr>
<tr>
<td>Qinghai</td>
<td>722</td>
<td>666</td>
<td>57,647</td>
<td>28,128</td>
</tr>
<tr>
<td>Gansu</td>
<td>218</td>
<td>131</td>
<td>10,765</td>
<td>7,076</td>
</tr>
<tr>
<td>Yunnan</td>
<td>24</td>
<td>21</td>
<td>2,945</td>
<td>1,508</td>
</tr>
<tr>
<td>Total</td>
<td>1,886</td>
<td>1,550</td>
<td>177,583</td>
<td>99,694</td>
</tr>
</tbody>
</table>

According to the white paper *Protection and Development of Tibetan Culture*, there are more than 1,700 “religious venues” in TAR, accommodating over 46,000 monks and nuns.

Traditionally, monasteries in Tibet were managed by senior monks according to certain democratic principles, free from outside interference. In 1963, under the chairmanship of the 10th Panchen Lama, the Tibet Chapter of the Buddhist Association of China drafted a set of

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200 See supra note 90.
“Regulations on the Democratic Management of Monasteries”, which was passed and promulgated by the 54th Meeting of the Preparatory Committee for the Establishment of Tibet Autonomous Region. This document laid down the foundations for a new structure of governance in Tibetan monasteries. Since then, each monastery in Tibet has been administered by a Democratic Management Committee (dmangs-gtso bdag-gnyer u-yon ihan-khang, hereafter, DMC), which is composed of members “elected by all the monks in the monastery on the basis of full consultation.” DMC is responsible for overseeing the monastery’s religious activities, its maintenance, and its management. It “receives guidance and support from relevant government departments in charge of religious affairs, and keeps them informed of any problems in implementing state policies.” This arrangement leaves the doors of monasteries open for the interference from the local government. There are usually several units or departments in DMC. For example, in Tashilhunpo Monastery, one of the four great monasteries of the Gelupa School of Tibetan Buddhism and the seat to the Panchen Lama, the DMC is composed of six departments of religious affairs, protection of cultural relics, financial affairs, security, production, and political studies. It is very illustrative to see that there is a “political studies” unit in each monastery which is responsible for organizing studies on the history of Tibet as an integral part of China, anti-splittist law and policy, as well as Chinese culture. The purpose of these studies is majorly to cultivate patriotic sentiment among monks. In some major monasteries, there are also “monasterial management offices” besides the DMCs, dispatched by the religious affairs bureaus of various levels of government. After the 1996 riots in Tibet, working teams have been regularly sent to monasteries, to organize political studies and conduct investigations on “splittist activities”. Political studies in 1990s usually covered three subjects: History of Tibet, Anti-splittist Education, and Religious Issues (largely about state policy on religions rather that religious teachings). In recent years, a propaganda initiative called “bringing laws into monasteries” has added new elements into the political studies program. Every monk is required to study several law courses, including General Introduction to Chinese Law; Law on Cultural Relics; Law on Assemblies, Processions, and Demonstrations; Law and Policy on Religion; Law on State Security and Law in Regional Ethnic Autonomy. Interestingly, the major content of these law courses is not about how to exercise citizens’ rights to religious freedom, demonstration, association and processions but on why these rights would be kept unused.

Patriotic Education

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202 Id.
Since 1996, the government has been implementing patriotic education in Tibetan monasteries as part of a nation-wide campaign of cultivating patriotism among Chinese citizens. Working teams have been stationed in monasteries to organized study sessions on history, politics and law. They also required everyone in monasteries and nunneries to denunciate the “reactionary activities” of “the Dalai clique” in “betraying the motherland, splitting the country, bringing harms to the nation and the people, causing damage to Tibetan people and their religion.” It’s a great torment for the monks and nuns to condemn the most-respected reincarnated lama in their own religion. In 1998, Arjia Rinpoche, a reincarnated lama who served as the abbot of Kumbum Monastery in Qinghai (Amo) and had been appointed to various important positions in the government, left China and took refuge in the United States. The major reason he cited for his runaway is not something about China’s constitution, law, or national policy, but the pressure from local government pushing him to condemn the Dalai Lama openly. The Karmapas were the first lineage of reincarnate lamas in Tibet and the 17th Karmapa was the first one to be officially recognized by both the Dalai Lama and the PRC government. In his letter to the Prime Minister of India for seeking of refuge, he identified the following reasons:

In Tibet I was placed under constant surveillance, which made it impossible for me to practice Dharma and perform my religious duties freely. In many situations and on many occasions I was used to distort and falsify historical truths about Tibet, my heritage, and my religion. I was forced to condemn H.H. the XIVth Dalai Lama and denounce the genuine causes for which many individuals have sacrificed their lives—“freedom” and a free Tibet where people can practice their religion and culture and continue their heritage with human dignity.

Even in an officially edited propaganda book, it is admitted that “because of historical reasons, monks and nuns revere reincarnated lamas and senior monks in their monasteries. However, many reincarnated lamas and senior monks of the major monasteries in Tibet are now living overseas.”

The resurgence of authoritarian nationalism in China can be regarded as evidence to the success of patriotic education campaign. Through this campaign, the regime has substantiated the politic distinction between friend and enemy. In this current trend, the Government on the
one hand tries to downgrade the importance of Tibetan Buddhism and on the other hand marginalized the Dalai Lama’s role in Tibetan Buddhism. For example, the Party chief of TAR from 1992 to 2000 said: “Is only Buddhism Tibetan culture? It’s utterly absurd. Buddhism is a foreign culture. […] We should not allow splitist elements and religious idealism to use the classrooms to poison people’s sons and daughters.” 209

Meanwhile, numerous publications have been promoting the idea that the Dalai Lama is only one of many religious leaders in the Gelugpa school which is only one of many factions in Tibetan Buddhism. As Conversi concluded from Spanish experience:

> Whenever the state reacted tolerantly towards nationalist aspirations, peripheral demands were softened. In contrast, whenever the state increased its repression against the most salient aspects of regional specificity, the movement grew more radical. 210

The tightening control and extensive propaganda movements have received negative reactions from the Tibetan people. This might be one of the key reasons for the 2008 riots in Lhasa and other Tibetan areas.

In summary, REA has provided a good constitutional framework for the protection of Tibetan culture. In the process of implementing this institutional framework, those aspects of Tibetan culture which are compatible with a modern cultural environment have been preserved and developed. Nevertheless, Tibetan Buddhism, the core of Tibetan culture, has been subject to tightened political control because of the politicization of monasteries and monks, which is in its turn caused by the fact that the Dalai Lama, the most important teacher and leader of Tibetan Buddhism, has been in exile since 1959. Some methods of political control, such as requiring monks to repudiating the Dalai Lama, have achieved nothing but resentment from Tibetan people. The continuous fleeing of respected lamas from their homeland and believers has rung the bell to Chinese government that there is something wrong in the system. Without introducing fundamental changes to the existing REA framework, I propose that a modified national cultural autonomy model should be considered as a supporting pillar to this framework.

VIII. National Cultural Autonomy as the Basis for Future Negotiations

209 Chen Kuiyuan, “Guanyu wenxue yishu de jianghua” [A speech on literature and arts], Xizang Ribao [Tibet Daily], July 11, 1997. Because of his toughness on Tibetan culture and devotion to the “stability business”, he was promoted to the Central Government as Vice Chairman of the National Committee of the Chinese People's Political Consultative Conference and the Director of Chinese Academy of Social Sciences in 2002. He stays on these positions as of today.

China is currently at the peak of its economic development, the Chinese people become very proud of their country (a phenomenon which had disappeared for more than a century since 1840s). International environment is also largely friendly. Against this background, the Dalai Lama readjusted his political claims for Tibet from “independence” to “cultural autonomy”. What June Dreyer said in 1989 is still valid today: “The most pragmatic solution to China’s Dilemma with Tibet is an agreement with the Dalai Lama. According to all accounts, he remains the object of Tibetans’ veneration and loyalty even after more than thirty years in exile,” with the only modification that the Dalai Lama has been in exile for more than forty years. According to the assessment of many scholars and politicians who are friendly to China and who maintain an objective and neutral stance towards the Tibet issue, the best time to solve the issue in a principled and through-going manner has come. The key to this issue is the return of the Dalai Lama to his homeland. Brantly Womack insightfully pointed out: “The fundamental problem for Tibet as part of China that is created by the continued exile of the Dalai Lama is that it adds a security dimension that complicates the whole fabric of central-local relations.” According to the advice of these people, in order to facilitate the return of the Dalai Lama, there should be some formal arrangements to addressing two of his most urgent concerns: (1) the preservation and development of the cultural distinctiveness of the whole Tibetan people; (2) migration of Han Chinese people to Tibetan areas. Actually, these two concerns can both be addressed within the framework of PRC Constitution.

However, it takes sincerity in intention and flexibility in strategy to address these concerns within China’s constitutional framework. The stronger party needs to take initiative and proposes practicable arrangements. As the White Paper on Regional Autonomy for Ethnic Minorities in China suggests, although REA as a basic political institution cannot be undermined, its “concrete forms of implementation” are open for further exploration:

Acting in line with the actual conditions of China, the Chinese government will adhere to the scientific concept of human-oriented, all-round, coordinated, sustainable development, further explore and strengthen specific forms of implementation of the system of regional ethnic autonomy, improve the supporting laws and regulations for the Law on Regional Ethnic Autonomy, continuously strengthen the material basis for implementation of the system of regional ethnic autonomy, and promote the all-round economic and social development of ethnic minorities and their areas.

To address the concern on cultural survival of the Tibetan people, it’s better to understand “Greater Tibet” as a cultural rather than territorial concept. TAR is territorially and culturally connected to Tibetan Autonomous Prefectures and Counties in Gansu, Qinghai, Sichuan and Yunnan provinces. After several decades of various reforms, Tibetan people remain as an

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autonomous and unique ethnic group, as partly indicated by the low inter-ethnic marriage rate for Tibetan people, both male and female (see Table 12). The idea of an administratively unified “Greater Tibet” has always been at the core of the Dalai Lama’s political agenda. However, this idea unavoidably triggers security concerns. On various occasions, the Chinese leaders have referred to the “three evils” (sangu shili), terrorism, splitism, and religious extremism, particularly as these concern China’s borders and the stability of nearby Central Asia.\footnote{Denny Roy, “China and the War on Terrorism,” \textit{Orbis}, Summer 2002, p.511.} Therefore, the idea of “Greater Tibet” becomes the alleged “evidence” of the Dalai Lama’s “evil ambition” of splitting China. In the \textit{Memorandum on Genuine Autonomy for the Tibetan People} was prepared by the latter party as a basis for negotiation, administrative unification of the ethnic Tibet again looms large:

In order for the Tibetan nationality to develop and flourish with its distinct identity, culture and spiritual tradition through the exercise of self-government on the above mentioned basic Tibetan needs, the entire community, comprising all the areas currently designated by the PRC as Tibetan autonomous areas, should be under one single administrative entity.\footnote{Available at: \url{http://www.tibet.net/en/index.php?id=109&articletype=press&menuid=morepress&tab=2} (last visit on Jan. 30, 2010).}

In a prompt response to this document, the Central Government of PRC rebuked this claim as “historically, practically and legally unfounded”.\footnote{Xinhua News Agency, “Comment on the \textit{Memorandum},” available at: \url{http://www.chinanews.com.cn/gn/news/2008/11-21/1458933.shtml} (last visit on Jan. 30, 2010).} However, if the territory issue could be tempered by the demarcation of different layers for different purposes, the all-or-nothing impasse could hopefully be broken.\footnote{Gidon Gottlieb, \textit{Nation against State. A New Approach to Ethnic Conflicts, the Decline of Sovereignty, and the Dilemmas of Collective Security}, New York: Council on Foreign Relations, 1993, 47.} Article 119 of the PRC Constitution and Article 38 of LREA expressly authorise the self-government organs of ethnic autonomous areas to administer cultural affairs independently. In consideration of these constitutional and legal provisions, an institutional innovation for cultural autonomy could be proposed: a Cultural Commission for the Tibetan People can be established to administer cultural affairs for all the Tibetan people. Its jurisdiction should be delineated on the basis of personality principle. Not only Tibetan people in TAR and other Tibetan Autonomous Areas, but also Tibetan people living in other areas of China, can enjoy cultural autonomy through and within the jurisdiction of this cultural body. Due to its elitist nature, its membership should not be subject to direct election. Traditional and modern cultural institutions, including universities, monasteries, nunneries and religious sects, can be entrusted to nominate candidates to this commission. The Commission should enjoy decisional power on cultural affairs and consultative role on other matters which have effects on the cultural life of the Tibetan People.

Although it is national public corporation, it should be based in Lhasa, the cultural capital of Tibet. The current administrative boundaries between TAR and other Tibetan Autonomous Regions need not to be altered, but the jurisdiction of the Commission should extend beyond the boundary of TAR. All Tibetan Autonomous Areas (see Table 14) can be designated as a
Special Cultural Region, in which culturally informed model of economic development can be experimented and uniform cultural policy can be implemented. The Cultural Commission can play a leading role in this special cultural zone by making cultural and educational policies and coordinating the implementation of these policies.

The Cultural Commission is a non-territorial institution, and the Special Cultural Region is a territory-based institutional design without territorial claims (particularly claims for administrative control of a territory). I propose these concepts as a framework for further negotiation, not a concrete plan. Therefore, I am not going to describe specific functions of these institutions. Nevertheless, some examples can be given as the possible policies made by the Cultural Commission and implemented with the help from administrative organs in SCR:

1. Social services (e.g. education and medical services) should be provided preferentially to the whole SCR on equal terms;
2. Religious freedoms should be guaranteed for the whole SCR on equal terms;
3. Monasteries shall be managed by monks according to traditional Tibetan Buddhist principles and practices;
4. Communications between Tibetan Buddhist organizations in the SCR and Buddhist organizations outside China shall be facilitated rather than restricted by the government, subject to reasonable and necessary state and public security rules;
5. Monasteries and religious leaders shall refrain from interfering with politics and public administration. The Dalai Lama and other reincarnated shall be respected as religious teachers and leaders, but not as political leaders;
6. Tibetan New Year, the Sour Milk Drinking Festival, the Butter Lamp Festival, the Bathing Festival, the Ongkor (Bumper Harvest) Festival and the Damar Festival should be named as public holidays for the whole SCR.

As to the concern on the Sinicization of the Tibetan areas, namely, large scale migration of Han Chinese people to Tibet, because of its administrative nature, it should be subject to the policy-making and implementing power of the local governments in Tibetan, rather to the jurisdiction of Cultural Commission. According to Article 43 of the LREA, self-government organs in ethnic autonomous areas may take measures to control the migration of people. With the consultative function, the Cultural Commission may advise the local governments to make economic policies to require tourism and other culture-related industry to preferentially employ Tibetans, and therefore discourage Han Chinese people to come in mass. Tibet is not an isolated homeland only for Tibetans. People of different ethnic origins have lived among Tibetans for centuries. One such example was vividly given by the Dalai Lama himself in his autobiography: “In Tibetan society it was permissible to eat meat—indeed it was essential as, apart from tsampa, there was often not much else—but not to be involved in butchery in any way. This was left to others. Some of it was undertaken by Muslims, of whom there was a thriving community, with its own mosque, settled in Lhasa.”

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which allows institutional dialogue and public consultation, a migration control policy which takes both inter-ethnic solidarity and preservation of Tibetan culture into consideration may well be developed without unreasonable costs.

To be honest, the SCR model is much less than what the TGIE is asking for, as expressed in the *Memorandum on Genuine Autonomy for the Tibetan People*. But I am not sure whether it is less than what the Dalai Lama expects, because in recent years he tends to use the term “cultural autonomy” rather than “genuine autonomy”. As a realistic social scientist wrote: “The largely symbolic achievements of the Tibet movement over the past two decades has encouraged Tibetans inside Tibet to believe that they have more concrete political support outside that is really there, often leading to demonstrations which are repressed at great personal cost but with no significant political effect.”

The Dalai Lama is surely aware of this reality and concentrates his efforts on the most urgent concern: preservation of Tibetan culture. It is likely that he would adopt a practical approach to territorial disputes that avoids the all-or-nothing features of territorial sovereignty and “involves the demarcation of different layers of lines for different purposes.”

For the Chinese government, the SCR model is more than what it is currently offering, namely, the personal future of the Dalai Lama. This position has been consistent since the beginning of the negotiations. In July 1981, at a meeting with Gyalo Dunthop, the Dalai Lama’s elder brother, Hu Yaobang articulated the offers from the central government:

1. China has been moving towards stability and prosperity, with Tibet as its inseparable part. The Dalai Lama and his followers should take time to know the facts and understand the current situation.
2. The Dalai Lama and his representatives should speak frankly and sincerely in the negotiations, tricks would only confound the situation.
3. The Dalai Lama and his followers are welcome back to reside in China, with the hope that they may contribute to the unity of the country and solidarity among various nationalities.
4. The political and personal status of the Dalai Lama would be the same as he had enjoyed before 1959. The Central Committee of the CCP would nominate him as the Vice Chairman of National People’s Congress Standing Committee and as the Vice President of the National Political Consultation Conference. The nominations shall have to go through the voting process of the two institutions respectively. As a leader in the Central Government, the Dalai Lama should stay in Beijing. He should not hold any political positions in Tibet.

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Whenever the Dalai Lama would like to return, he may announce his decision through the media. The Central Government shall arrange a decent welcoming party for him.221

However, when China becomes increasingly concerned with its image as a great power and starts to critically reflect upon its one-dimensional mode of economic development, it is now possible for the Chinese leader to consider a new experiment which has the potential of developing into a new model of sustainable development. Genuine dissatisfaction expressed in the frequent revolts in Tibet is also a reason for changes. Bickel’s warning is clearly sounding in the context of China: “….no society, certainly not a large and heterogeneous one, can fail in time to explode if it is deprived of the arts of compromise, if it knows no way to muddle through.”222 The SCR model is squarely within the current constitutional framework of China. It is even within the imagination of earlier generation of Chinese leaders. When Deng Xiaoping was still the paramount leader of China, Ding Guangen was the head of CCP’s United Front Department who took charge of the negotiations with the Dalai Lama’s envoy. He once expressed the idea of uniting ethnographic Tibet as a cultural or religious unit and restoring the Dalai Lama’s role as the religious leader of this “Greater Tibet”. He even wrote a letter to the Dalai Lama to convey such an idea.223

The institutional design of SCR can also help China to satisfy the requirement of Article 27 of the International Covenant on Civil and Political Rights, which provides: “In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

Table 12: Interethnic Marriage Rate among Major Nationalities224

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Sex</th>
<th>With a person from the same nationality (%)</th>
<th>With a Han Chinese (%)</th>
<th>With a person of other nationalities (%)</th>
<th>Total (%)</th>
<th>Total Samples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tibetan</td>
<td>Male</td>
<td>93.9</td>
<td>4.3</td>
<td>1.8</td>
<td>100.0</td>
<td>866</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>90.2</td>
<td>7.7</td>
<td>2.1</td>
<td>100.0</td>
<td>901</td>
</tr>
<tr>
<td>Mongolian</td>
<td>Male</td>
<td>62.3</td>
<td>33.2</td>
<td>4.6</td>
<td>100.0</td>
<td>1,362</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>53.7</td>
<td>43.7</td>
<td>2.6</td>
<td>100.0</td>
<td>1,580</td>
</tr>
<tr>
<td>Uyghur</td>
<td>Male</td>
<td>99.2</td>
<td>0.5</td>
<td>0.3</td>
<td>100.0</td>
<td>1,864</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>98.9</td>
<td>0.7</td>
<td>0.4</td>
<td>100.0</td>
<td>1,870</td>
</tr>
</tbody>
</table>

221 The Propaganda Department of the Party Committee of Tibet Autonomous Region of PRC, General Information on Tibet, for limited circulation only, July 1985, 32.
224 Adapted from Table 3 in Ma Rong, “Xiandai Zhongguo minzu guanxi de leixing huafen” [A typology of inter-ethnic relations in modern China], Shehui [Society], No.1, 2008, 1-23, 14-15.
### Table 13: Tibetan Autonomous Areas in China

<table>
<thead>
<tr>
<th>Tibetan Autonomous Areas</th>
<th>date of establishment</th>
<th>Capital city or town</th>
<th>Size (0,000 square kilometers)</th>
<th>Population (000,000 persons)</th>
<th>Population of ethnic minorities (000,000 persons)</th>
<th>Percentage of ethnic minority population (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Autonomous Region (equal to province)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tibet Autonomous Region</td>
<td>September 1, 1965</td>
<td>Lhasa</td>
<td>122.84</td>
<td>256.00</td>
<td>240.71</td>
<td>94.03</td>
</tr>
<tr>
<td><strong>Autonomous Prefecture</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gansu (Garzê) Tibetan Autonomous Prefecture (Sichuan Province)</td>
<td>November 24, 1950</td>
<td>Chengguan township of Kangding (Dartsedo) county</td>
<td>15.3</td>
<td>87.60</td>
<td>71.40</td>
<td>81.51</td>
</tr>
<tr>
<td>Aba (Ngawa Watusi) Tibetan and Qiang Autonomous Prefecture (Sichuan Province)</td>
<td>January 1, 1953</td>
<td>Maerkang (Barkam) township of Xichang city</td>
<td>8.346</td>
<td>81.60</td>
<td>59.80</td>
<td>73.28</td>
</tr>
<tr>
<td>Diqing Tibetan Autonomous Prefecture (Yunnan Province)</td>
<td>September 13, 1957</td>
<td>Zhongxing township</td>
<td>2.387</td>
<td>33.20</td>
<td>28.20</td>
<td>84.94%</td>
</tr>
<tr>
<td>Gannan Tibetan Autonomous Prefecture (Gansu Province)</td>
<td>October 1, 1953</td>
<td>Hezuo township</td>
<td>3.875</td>
<td>66.16</td>
<td>34.39</td>
<td>52.13</td>
</tr>
<tr>
<td>Yushu Tibetan Autonomous Prefecture (Qinghai Province)</td>
<td>December 25, 1951</td>
<td>Jiegu (Gyêgu) township</td>
<td>19.78</td>
<td>25.54</td>
<td>24.54</td>
<td>96.08</td>
</tr>
<tr>
<td>Hainan Tibetan Autonomous Prefecture (Qinghai Province)</td>
<td>December 6, 1953</td>
<td>Qiuabuqia (Chabcha) township</td>
<td>4.579</td>
<td>38.55</td>
<td>25.46</td>
<td>66.04</td>
</tr>
<tr>
<td>Huangnan Tibetan Autonomous</td>
<td>December 22, 1953</td>
<td>Longwu</td>
<td>1.79</td>
<td>20.00</td>
<td>18.41</td>
<td>92.50</td>
</tr>
</tbody>
</table>

Finally, I also owe an apology to Renner and Bauer. The SCR model borrows from their concept of national cultural autonomy. Nevertheless, it deviates significantly from their original design. As Ephraim Nimni suggests, Renner and Bauer’s NCA model was proposed as solution to nationalities issues in Cisleithanis late imperial Austria more than one hundred years ago. The details of this model have become irrelevant with the collapse of the empire. Therefore,

It is important to understand that the weight of the model is not in its programmatic proposals for imperial Austria, such as making imperial German the language of the multinational state, nor in the fact that citizens must make an obligatory declaration of national allegiance at the age of eighteen. The strength of the model lies not in these circumstantial details, but in the proposal to institutionalize constitutionally defined collective rights for national communities as an alternative to territorial national sovereignty.226

IX. Concluding Remarks

In the previous sections, I have shown that China’s REA system shares some features with both integrationist and accommodationist models. The original intention of the founding fathers of this system was to construct integrated political, administrative, and economic spheres while preserve ethnic identity in the cultural sphere. However, because there is no institutional demarcation of these different spheres, integrationist economic policies has been undermining the autonomy of ethnic groups in the cultural sphere.

The original contribution of this article is to propose such an institutional demarcation. With the establishment of the SCR for Tibetan people, the making and implementation of cultural policies can be separated from other policy domains and be entrusted to the spiritual leaders of Tibetan people. As Wang Lixiong powerfully argued, “particularly since the Chinese government keeps claiming that Tibet is a part of China, it should treat Tibetan Buddhism as an important national treasure to be appreciated and protected,” rather than continuously treat it as a source of splittism and put it under tight control. The SCR design may help to address the Chinese government’s predominant concern on territorial integrity and state security while also help to delineate an autonomous sphere for the “national treasure” to grow.

With the establishment of the Special Cultural Region of Tibet, the protection of Tibetan culture can be coordinated with the protection of natural environment on the Qinghai-Tibetan Plateau. This institutional design is not only helpful for the development of Tibetan culture, but also beneficial for the revival of Chinese culture. Buddhism is one the three greatest world religions, with over 300 million believers all around the globe. Tibetan Buddhism is a very important school of Buddhism and the one that is attracting more and more adherents from the western. The Chinese Government should regard Tibetan Buddhism as a national treasure rather than a source of separatism. Ethnic relation based on equality should be one of mutual respect and interdependence, rather a condescending stature of the Han majority to patronize ethnic minorities. As Li Weihan cogently commented: “Without the sincere assistance from the Han people, it’s very difficult for Tibetan people to achieve economic development and material prosperity. On the other hand, development and prosperity of Tibet would be a great benefit for the whole country.” The area in which Tibet can contribute the most to China is Tibetan culture with Tibetan Buddhism at the core. In the classic novel *A Pilgrim to the West*, a Chinese Monk travelled thousands of miles to India to study Buddhism and copied Buddhist scriptures to China. With cultural autonomy guaranteed in Tibet, we can expect an age in which pilgrims from all around the world shall come to Tibet for its teaching.

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229 There are currently about 20 million adherents to Tibetan Buddhism around the world, see: [http://www.adherents.com/adh_branches.html#Buddhism](http://www.adherents.com/adh_branches.html#Buddhism).

230 Li Weihan, “Xizang minzu jiefang de daolu” [The road to national liberation in Tibet], in *Li Weihan Xuanji* [Selected Works of Li Weihan], Beijing: Renmin Chubanshe [People’s Press], 1987, 601.