

CULTURAL TRADITIONS

A. National.

1. *Notice of the Office of the State Council Transmitting the Request of the State Ethnic Affairs Commission on Saving and Organizing Ancient Minority Books* (April 19, 1984).

(a) The Notice notes that ancient minority books are a part of the Motherland's precious cultural heritage, and that the preservation and organization of these books are important. The relevant departments shall create the necessary work and living conditions for the specialists engaged in organizing ancient books of ethnic groups.

(b) The Notice records that, according to incomplete statistics, among other things, there are more than 10,000 ancient Tibetan books.

(c) Under the leadership of the State Ethnic Affairs Commission and State Council Team on the Organization and Publishing of Ancient Texts, a national team shall be established to organize, coordinate, liaise and guide the work. The team will consist of members from the State Ethnic Affairs Commission, the Ministry of Education, the Ministry of Culture, the State Records Bureau and the Chinese Academy of Social Sciences.

(d) The request sets forth measures to be taken to preserve, collect and organize ancient texts. With respect to oral traditions, each province, autonomous region and municipality directly under the central authorities shall timely organize the forces to go into the masses to save such oral traditions.

(e) The policy on intellectuals is to be implemented. Talented people are to be trained to organize ancient texts. The request notes that the Meeting Minutes on Tibet transmitted by the Party and the Central Government, Zhongfa [1980] No. 31, states "Lamas who have researched and have great achievements with respect to minority ancient texts shall be treated as intellectuals." This thinking is also applicable to persons who have researched and achieved attainments in respect of ancient minority texts.

(f) The costs of the work shall be included in the budgets of the provinces, autonomous regions and municipalities directly under the central government.

2. *Explanation Regarding the Provisions of the Funeral Management Regulations of the State Council Relating to Respect of Minority Funeral Traditions* (effective June 10, 1999, issued by the Ministry of Civil Affairs, the State Ethnic Affairs Commission and the Ministry of Health; Minshifa [1999] No. 17).

(a) The Explanation has been issued to respond to questions that have arisen on how to implement the provision in the Funeral Management Regulations relating to the respect of minority funeral traditions. The Explanation stipulates that in the management of funerals, the freedom of a minority to keep or reform its own funeral traditions shall be respected.

(b) The Explanation does not refer specifically to Tibetans. It provides that in areas where cremation is practiced, the earth burial traditions of 10 minorities (Hui, Uigher, Hasake, Ke'erkezi, Uzbeki, Tajike, Tartar, Sanla, Dongxiang and Bao'an) shall be respected, and they shall not be forced to carry out cremation. If a minority wishes to carry out cremation, no person may interfere.

(c) The bodies of persons who have died of the plague, cholera or anthrax must be immediately sterilized and burned. If a deceased of any of the abovementioned 10 minorities died of other infectious diseases, and died in his or her place of residence and such place permits earth burial, such burial shall be permitted but only after the body has been strictly sterilized. If the deceased died in a place other than his or her place of residence, in principle, after the body has been strictly sterilized, it will be buried. The body may not be transported outside of the area. If cremation is desired, then no person may interfere.

(d) Except for the death caused by certain infectious diseases, the minority peoples (Tibetan people are not included) shall have the freedom to bury the body instead of cremation.

B. Gansu Province.

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

(a) The Regulations have been formulated pursuant to the Law of the People's Republic of China on the Autonomy of Ethnic Areas, the Law of the People's Republic of China on the Management of Pharmaceuticals and the Law of the People's Republic of China on Medical Practitioners and taking into account the actual situation of the prefecture, to continue and propagate Tibetan medical studies, develop Tibetan medical undertakings and make full use of Tibetan medicine in medical prevention work.

(b) The people's governments at all levels shall implement the policy of combining Tibetan (Chinese) and western medicines, and implement and protect, help and develop Tibetan medicine policy. In developing Tibetan medical undertakings, the special characteristics and strengths of Tibetan medical studies shall be continued and propagated and advanced scientific technology and measures shall be absorbed and used to promote the development of Tibetan medical theory and practice and gradually implement the regularization, scientificization and modernization of Tibetan medical work. The development of Tibetan medical undertakings is to be included in the national economy and social development plans, as well as the regional public health plans.

(c) The people's governments at all levels shall gradually increase the investment in Tibetan medical undertakings each year, with the level of increase not to be lower than the increase in normal expenditures. The people's governments at all levels shall establish a special budget for the development of Tibetan medicine, which will be primarily used for healthcare, education, research and production of Tibetan medicines. Social groups, organizations and individuals shall be encouraged to contribute to the development of Tibetan medical undertakings, to establish development funds and to actively use foreign capital and contributions to develop Tibetan medical undertakings.

(d) A portion of value-added and income taxes levied and collected on Tibetan medicines shall be refunded by the tax departments and used in full for the development and utilization of Tibetan medicines.

(e) People's governments and relevant departments at all levels shall pay attention to the protection and rational development and use of wild Tibetan medicinal herb resources. Attention is to be paid to the processing of Tibetan medicines, and the improvement of the quality of medicines. The research and development of Tibetan medical products shall be encouraged.

(f) Tibetan medical facilities shall be established by the people's governments at all levels in accordance with the regional public health plans. The establishment of specialist Tibetan medical facilities with special characteristics shall be encouraged. Counties that do not have Tibetan medical facilities and central public health institutions must have Tibetan medical divisions and pharmacies in their general hospitals. Public health institutions at the county (township) level shall have a certain number of Tibetan medical personnel and the medical instruments and equipment required to provide Tibetan medical services. Doctors in public health centers in the villages shall be familiar with basic Tibetan medical knowledge and Tibetan medical techniques for common illnesses.

(g) The people's governments at all levels and relevant departments shall strengthen the protection, organization, development and use of Tibetan medical texts and establish Tibetan medical academic groups, increasing exchanges and cooperation with other countries and areas.

(h) The prefecture and county people's governments shall appropriately increase the number of specialist technical positions when considering the promotion of Tibetan medical personnel. The requirements for foreign language and computer skills shall be appropriately relaxed for Tibetan medical personnel when testing them for promotion.

(i) Tibetan medical education shall be actively developed. Continuing education of Tibetan medicine practitioners shall be organized and supported.

(j) The Regulations set a framework for the establishment, management and supervision of Tibetan medical facilities, the licensing of Tibetan medicine practitioners, the establishment of Tibetan medicine production enterprises, the quality and pricing of medicines and medical advertising.

C. Qinghai Province.

1. ***Regulations of Qinghai Province on the Development of Chinese, Tibetan and Mongolian Medicine*** (effective June 1, 2002; adopted on March 29, 2002 by the 29th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) These Regulations have been formulated to continue and carry on traditional medical studies and promote the development of Chinese, Tibetan and Mongolian medical undertakings. The development of Chinese, Tibetan and Mongolian medicine ("CTM Medicine") shall support the principles of protection, support and renewal, shall carry on and develop the special characteristics and strengths of CTM Medicine, and shall use modern science and technologies to modernize CTM Medicine.

(b) People's governments at the county level and above are to include the development of CTM Medicine in their economic and social development plans, rationally establish CTM Medicine resources and gradually improve the management and service systems for CTM Medicine medical treatment, education and research, and gradually increase their investment in CTM Medicine undertakings.

(c) CTM Medicine medical treatment agencies are on an equal footing with Western medicine treatment agencies in enjoying social and public health resources. CTM drugs that comply with state standards and are approved for manufacture may be included in township and village worker's basic insurance drug lists and used in those units.

(d) The Regulations encourage the strengthening of education and research on CTM Medicines. Relevant units are to do a good job of collecting, organizing, researching, translating and publishing ancient texts and materials. Intellectual property rights of research results, novel treatment technologies, prescriptions and examination methods are protected by law.

2. ***Regulations of Qinghai Province on the Development of Chinese, Tibetan and Mongolian Drugs*** (effective October 1, 2002; adopted on July 29, 2002 by the 31st Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) These Regulations have been adopted to promote the continuing development of Chinese, Tibetan and Mongolian drugs ("CTM Drugs"). The development of CTM Drugs shall respect the principles of development and conservation, promotion and renewal and the integration of market forces and strengthened management.

(b) The provincial people's government shall include the development of CTM Drugs in its economic and social development plans and policies, leading to the intensive development of production by CTM Drug enterprises and the promotion of the modernization of the CTM Drug industry.

(c) The science and technology administrative departments of the people's governments at the county level and above are to pay attention to research work of CTM Drugs and guide and support the use of CTM Drug pharmacology, the development of resources for drugs and research on the standards of raw materials and products. The people's governments at all levels and relevant departments are to strengthen the management of wild herbal resources for CTM Drugs, prohibit the arbitrary picking, reckless digging or search of such resources and protect and rationally develop the use of such resources. It is prohibited to use wild animals or plants that State laws or international trade treaties prohibit the use or trade in to manufacture or sell CTM Drugs.

(d) Enterprises, units and individuals are encouraged to cultivate CTM medical herbs and raise animals used for drugs. CTM Drug manufacturing enterprises are encouraged to increase investment in research, develop new drug resources and new drugs, and increase scientific content, develop branded products and increase market competitiveness. CTM Drugs that comply with state standards and are approved for manufacture may be included in the worker's basic medical insurance drug lists.

(e) The people's governments at the county level and above and relevant departments are to adopt measures and do a good job of collecting, organizing, researching, translating and publishing CTM Drug texts and ancient books and discovering, conserving and protecting formulae, examination methods, compositions and preparation methods of CTM Drugs.

3. ***Regulations of the Yushu Tibetan Autonomous Prefecture on the Management of Tibetan Medicine*** (effective November 1, 1995, approved on May 14, 1995 by the Sixth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province, and adopted on September 22, 1995 by the 20th Session of the Standing Committee of Eighth People's Congress of Qinghai Province).

(a) The Regulations have been formulated pursuant to the Law of the People's Republic of China on the Management of Pharmaceuticals and the Autonomy Regulations of the Yushu Tibetan Autonomous Prefecture.

(b) There shall be a Tibetan medical hospital in the place where the prefecture people's government is located. In the place where county people's governments are located, depending on the conditions, a Tibetan medical hospital or Tibetan medical division shall be established. Public health centers of villages and villages that have the conditions shall have Tibetan medical personnel.

(c) The Regulations provide for the licensing of individual medical practitioners, and the strengthening of the training of medical workers.

(d) Research institutions for Tibetan medicine shall be established to develop the research of Tibetan medicines and to discover, preserve, collect, tidy up, write and publish works on the inheritance of Tibetan medicine.

(e) Tibetan medicinal herb resources belong to the State. The people's governments of the prefecture, county and villages shall strengthen the protection and management of Tibetan medicinal herb resources and rationally develop plant, animal and mineral resources.

(f) The medical business departments of the prefectures and counties shall establish Tibetan medicinal herb purchasing and supply counters to organize the intake and the supply of medicinal herbs in a planned manner for those from outside the prefecture who wish to procure the herbs.

(g) The people's governments at the prefecture and county level shall gradually increase investment in Tibetan medical undertakings.

4. ***Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture on the Protection and Management of Cultural Relics*** (effective August 1, 2000, adopted on March 1, 2000 by the 16th Session of the Tenth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture, and approved on May 26, 2000 by the 17th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) The Regulations have been formulated pursuant to the Law of the People's Republic of China on the Protection of Cultural Relics. The Regulations describe the cultural relics that are subject to protection in the prefecture and sets the framework for the work of protecting cultural relics. Each people's government is to include in its budget the cost of protecting the relics.

(b) Signs for the protection of relics shall be in Mongolian, Tibetan and Chinese.

(c) With respect to religion departments that manage commemorative buildings or old buildings, their temple management committees or other management organizations shall comply with relevant laws such as the Law of the People's Republic of China on the Protection of Cultural Relics and accept the management, supervision and guidance of the cultural administrative departments and shall do a good job of protecting and managing religious cultural relics.

(d) Without the consent of the prefecture cultural administrative departments and the approval of the provincial cultural administrative departments, no unit or individual may collect cultural relics of ethnic groups or religious cultural relics.

(e) The Regulations also contain provisions on the conduct of archaeological projects in the prefecture, procedures to follow if discoveries are made and the responsibilities of museums.

(f) Reproductions or stone rubbings of stone carvings or wall paintings require the approval of the prefecture cultural administrative departments and the approval of the provincial cultural administrative departments. If the content involves China's borders, foreign relations or ethnic group relationships or unpublished astronomical, hydrological or geological stone carving materials, then reproductions or rubbings may not be sold.

(g) The ownership rights of individuals who legally collect cultural relics shall be protected. It is forbidden to privately sell cultural relics to foreigners.