

## SELF GOVERNANCE

### A. National.

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

(a) The Decision notes that for many years due to various historical reasons, minorities have faced oppression and discrimination. As a result, to save their existence, they have hidden their ethnic origins and characteristics. The Decision has been issued to guarantee the equality of rights of minorities.

(b) The Decision provides that minorities are to enjoy the same freedoms of thought, expression, assembly, association and communication, personal rights, rights of residence and freedom of religion and movement as are enjoyed by the Han peoples in the locality.

(c) Minorities are to enjoy the right to vote and to be candidates for election. In areas where the minority population is relatively large, the local people's governments may adopt measures to cause their representatives to participate in government departments. The proposals and opinions of minorities are to be given the same consideration as proposals and opinions from others. Special issues relating to a particular minority must be discussed with the representatives of such minority.

(d) The right to their mode of living, religion and traditions and customs are to be maintained or reformed. No person may interfere with them. They must be respected and consideration given thereto.

(e) Minorities have the right to be admitted into people's groups and to participate in all types of professions. They may not be refused admission or participation or discriminated against because of their minority.

(f) Minorities with a minority language (and written language) may use such language when instituting or defending lawsuits.

(g) Complaints of discrimination, oppression or humiliation may be made to the people's governments for handling. If a minority experiences difficulties in enjoying its rights of equality, requests may be made to the local people's governments for help.

2. ***Report of the State Ethnic Affairs Commission on Strengthening Ethnic Minority Work in Areas Where Minorities are Commingled*** (transmitted on October 12, 1979 by the Central Committee of the Chinese Communist Party and the State Council).

(a) The Report notes that the work of dealing with minorities that live in townships and villages throughout the country (other than concentrations in border areas or autonomous areas) is an important component of the work on minorities. It is important to guarantee their equality of rights, and the development of their economic situation and culture and to improve their livelihoods, as well as to continuously strengthen the unity of minorities.

(b) In accordance with the principle that all people are equal, the people's congresses at all levels in all areas should have an appropriate number of minority representatives. In areas where the minority population is relatively small, appropriate consideration must also be given to them. In areas where the minority population is relatively large or minority relations are outstanding, there should be an appropriate number of minority members on the standing committee of the people's congresses at all levels. Similarly, the people's governments, governing committees of people's collectives of counties, municipalities, areas directly under a municipality, and villages and departments and units that have close relationships with minority production and lives must have an appropriate number of minority cadres, and in particular, pay attention to preparing minority cadres for leadership roles. Local governments and governing committees in areas where there is a concentration of minorities should be comprised primarily of minority persons.

(c) In accordance with the Four Modernizations, the relevant areas and departments are to develop the economy and culture of minorities so as to gradually eradicate inequality. Minority schools and teachers training schools are to be reestablished.

(d) In economic matters, the Report requires the State, and the provinces, municipalities and autonomous regions to take into account minority needs when preparing budgets. Periods for the payment of taxes by minority collectives may be extended. The proportion of minority students receiving financial aid is to be increased and publicly funded schools are to be gradually increased.

(e) The Report states that respect of the customs and traditions of minorities has an important effect on the equality and unity of races. The Constitution provides that all races have the freedom to maintain or reform their own customs and traditions. Reforms cannot be forced on a race, the wishes of the majority of the race must be respected. Commercial departments are required to make sure that a minority's dietary requirements are provided for. The Report focuses on minorities that do not eat pork. Commercial departments are to make arrangements for the production, distribution and supply of special foods — such as roasted qingke barley for Tibetans, beef and lamb for the Hui minority, etc.

(f) Minority holidays are to be observed and implemented in accordance with State Council provisions.

(g) The policy of the Chinese Communist Party on freedom of religion is to be seriously implemented. Temples are to be opened to resolve the shortage

of places of worship. Persons of faith are not to be discriminated against. While continuing to implement the policies on religious persons, at the same time control of religious activities must be strengthened to strengthen the results of reforming feudalistic and oppressive religious systems and to prevent antirevolutionaries from using religion to carry out destructive activities.

3. ***Constitution of the People's Republic of China*** (adopted on December 4, 1982 by the Fifth Session of the Fifth National People's Congress).

(a) Chapter 3, Section 5 of the Constitution contains provisions on the people's congresses and people's governments at all levels of localities. Article 95 of the Constitution states that the organization and work of autonomy agencies of autonomous regions, prefectures and counties are to be established by laws based on the basic principles in Chapter 3, Sections 5 and 6 of the Constitution. Section 5 prescribes the powers and responsibilities of the local people's congresses and the local people's governments at different levels in general. Section 6 prescribes the powers and responsibilities of the autonomy agencies of autonomous areas.

(b) The autonomy agencies of ethnic autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.

(c) In the people's congress of an autonomous region, prefecture or county, in addition to minority representatives of the ethnic group exercising autonomy in the administrative area, other minorities living in the area are also entitled to appropriate representation. The chairmanship and vice-chairmanship of the standing committee of the people's congress of an autonomous region, prefecture or county shall be a citizen of the ethnic group exercising autonomy in the area concerned. The head of an autonomous region, prefecture or county shall be a citizen of the ethnic group exercising autonomy in the area concerned.

(d) People's congresses of autonomous areas have the power to enact autonomy regulations and specific regulations in the light of the political, economic and cultural characteristics of the ethnic groups in the areas concerned. The regulations and specific regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval. Those of autonomous prefectures and counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval and shall be submitted to the Standing Committee of the National People's Congress for the record.

(e) The autonomy agencies of autonomous areas have the power of autonomy in administering the finances of their areas. All revenues of the autonomous areas under the financial system of the state shall be managed and used independently by the autonomy agencies of those areas.

(f) The autonomy agencies of autonomous areas shall independently arrange and administer local economic development undertakings under

the guidance of state plans. In developing natural resources and building enterprises in autonomous areas, the State shall give due consideration to the interests of those autonomous areas.

(g) The autonomy agencies of autonomous areas shall independently administer educational, scientific, cultural, public health and physical culture undertakings in their respective areas, protect and organize the cultural legacy of ethnic groups and develop and increase the prosperity of ethnic cultures.

(h) The autonomy agencies of autonomous areas may, in accordance with the military system of the State and the actual needs of the locality and with the approval of the State Council, organize local public security forces for the maintenance of social and public order.

(i) In performing their functions, the autonomy agencies of autonomous areas, in accordance with the autonomy regulations of the respective areas, shall use the oral and written language or languages in common use in the locality.

(j) The State gives financial, material and technical assistance to all ethnic groups to accelerate their economic and cultural development. The State helps autonomous areas to train large numbers of cadres at different levels and specialized personnel and skilled workers of different professions and trades from among the ethnic groups in those areas.

4. ***Law of the People's Republic of China on the Autonomy of Ethnic Areas*** (effective October 1, 1984; adopted at the Second Session of the Sixth National People's Congress and amended on February 28, 2001 by the 20th Session of the Standing Committee of the Ninth National People's Congress).

(a) The Law of the People's Republic of China on the Autonomy of Ethnic Areas (the "PRC Autonomy Law") is the basic law for the implementation of the autonomy system for ethnic areas. All areas where minorities are concentrated are to implement regional autonomy. Areas are to be divided into autonomous regions, autonomous prefectures and autonomous counties. All autonomous areas are an integral part of the People's Republic of China.

(b) The autonomy agencies shall implement the powers and authorities set forth in Chapter 3, Section 5 of the Constitution.

(c) The autonomy agencies of minority autonomous areas must safeguard the unification of the State, and ensure the observance and implementation of the Constitution and laws. Based on the circumstances of each region, and subject to not violating the Constitution and laws, these agencies have the right to adopt special policies and flexible measures to speed up the development of their economies and culture.

(d) The autonomy agencies must place a priority on the interests of the State, as a whole.

(e) Higher level state agencies and the autonomy agencies are to safeguard and develop the equality and unity of minorities and the socialist minority relations of mutual assistance. They may not discriminate against or oppress any minority. Activities that destroy the unity of races and create separation of races are forbidden.

(f) The autonomy agencies are to guarantee the use and development of the language (oral and written) of each minority and the minority's freedom to maintain or reform its own customs and traditions.

(g) The autonomy agencies are to guarantee the freedom of religion of all citizens of all races. No state agency, social group or individual may force citizens to believe in any religion or not to have any religious beliefs, and may not discriminate against those persons who have or do not have any religious beliefs. The State protects normal religious activities. No person may use religion to destroy public order, damage the health of citizens or hinder the state education system. Religious groups and affairs shall not accept foreign support.

(h) The PRC Autonomy Law regulates the establishment of autonomous areas, their names, and lines of authority or reporting by the people's governments of autonomous areas.

(i) Apart from minority representatives of the autonomous areas on the people's governments, other races who live in the area are also to have an appropriate number of representatives. Minority citizens of the autonomous region are to have the posts of chair or vice chair of the standing committees of the people's congresses, as well as chairman of the autonomous region, prefecture chief or county chief.

(j) The decisions, resolutions or orders of a higher level state agency must be suitable for the actual circumstances of the autonomous region, the autonomy agencies may request such state agency to approve a change or a cessation in their implementation. Upon any such application, the state agency has 60 days to respond.

(k) When performing their duties, one or more commonly used languages in the area are to be used. If several languages are used, the language of the minority who has autonomy in the area may be the principal language.

(l) Upon the approval of the State Council, autonomy agencies may organize public security departments to safeguard social order.

(m) Autonomy agencies, in accordance with laws and regulations, may determine the ownership and use of pastures and forests in the area, but must protect and build grasslands and forests. The agencies shall manage and protect the natural resources of the area, and with respect to natural resources that may be developed by the local areas, have priority in the reasonable development and use of natural resources.

(n) Minority autonomous regions that share a border with foreign countries may, upon the approval of the State Council, develop border trade.

(o) The PRC Autonomy Law also contains provisions relating to the right of autonomy agencies to reduce or waive taxes, establish local commercial banks and credit cooperatives, establish schools, strengthen culture by developing minority literature, art, news, publishing, broadcasting, films and television; protect minority historic sites and relics and other relics with historical significance, and to keep and develop the best of the traditional culture.

(p) Autonomous regions may establish their own courts and procuracies, which are to use the language commonly used in the area to hear and investigate cases and to employ persons who are familiar with minority languages. Litigation participants who are not familiar with the commonly used language are to be given interpreters. The right of minority citizens to litigate in their own language is to be guaranteed.

5. ***Regulations on the Work on Urban Ethnic Groups*** (effective September 15, 1993; approved on August 29, 1993 by the State Council).

(a) These Regulations have been formulated to strengthen the work on urban ethnic groups, protect the legal rights and interests of urban minorities and promote the development of their economic and cultural undertakings. The Regulations apply to municipalities directly under the central government and municipalities. The work on urban ethnic groups supports the equality, unity and mutual assistance of ethnic groups and promotes the principle of the joint prosperity of all ethnic groups.

(b) The municipal people's governments may grant appropriate consideration in accordance with their finances for the funds required to develop appropriate economic and cultural undertakings of local minorities.

(c) The people's governments of municipalities with a relatively large minority population, neighborhood offices where minorities are concentrated and departments or units that directly serve the production and lives of minorities shall have an appropriate number of minority cadres.

(d) The municipal people's governments shall pay attention to the training and selection of minority cadres, and the relevant departments of the people's governments shall pay attention to the training and use of minority specialist technical personnel. The people's government encourages enterprises to recruit minority workers.

(e) The municipal people's governments shall pay attention to the development of minority educational undertakings and take appropriate measures to improve the quality of minority teachers.

(f) Credit departments shall give preferential treatment to state enterprises and collective enterprises that engage in food production, processing, business and food and beverage services targeted principally at minorities in terms of the amount

of loans, repayment periods and the ratio of self-owned funds. If such enterprises have difficulty paying taxes, the tax agencies shall grant exemptions from or reduction of taxes in accordance with law.

(g) Minorities from outside the municipality who come into the municipality to establish enterprises or engage in other legal business activities shall be granted favorable conditions and support.

(h) The municipal people's governments shall strengthen the education and control of the floating minority population and protect their legal rights and interests.

(i) The municipal people's governments shall educate cadres and the masses to mutually respect ethnic customs. Propaganda, media, cultural works, films and television series shall respect minority customs, religious beliefs and the feelings of ethnic groups. Municipalities which have a relatively large minority population shall, in accordance with needs and conditions, establish cultural palaces and libraries with special ethnic characteristics.

(j) The municipal people's governments shall safeguard the right of minorities to use their own language and in accordance with state laws and subject to need and conditions strengthen the translation, publishing and educational research of minority languages.

(k) Municipalities with relatively large minority populations shall, subject to actual needs and conditions, establish ethnic hospitals and medical research institutes and develop the traditional medical science of minorities.

(l) The municipal people's governments shall strengthen propaganda, education and guidance on family planning.

(m) In neighborhoods where minorities are concentrated, the municipal people's governments shall, in accordance with urban planning, protect and build buildings with ethnic features.

(n) The municipal people's governments shall guarantee the freedom of minorities to maintain or reform their customs.

(o) The municipal people's governments shall, in accordance with state provisions, arrange burial grounds for minorities that have special burial traditions and adopt measures to strengthen the burial services for minorities. If a minority person voluntarily wishes to reform burial customs, the people's government shall give its support.

6. ***Regulations on the Administrative Work on Ethnic Villages***  
(effective August 29, 1993; approved by the State Council).

(a) These Regulations have been formulated to promote the development of the economic, cultural and other undertakings of ethnic villages, protect the legal rights and interests of minorities and strengthen the unity of ethnic groups. The Regulations define “ethnic villages” as administrative areas at the village level that are established by areas where minorities are concentrated. A village which has a minority population of 30% or more of the total population of an entire village may apply to establish an ethnic village. In special circumstances, this percentage may be reduced. The people’s governments of the province, autonomous region or municipality directly under the central government shall make decisions on the establishment of an ethnic village.

(b) These Regulations are a version of the PRC Autonomy Law, implemented at the micro level of a village. They contain provisions on funding, tax reductions or exemptions to support the development of the economy, the management and protection of natural resources, education and so forth.

(c) The people’s government of an autonomous village shall include, to the extent possible, ethnic and other minority personnel. In performing their duties, the people’s government shall use the locally used language.

(d) Consideration is to be given to ethnic groups with a relatively low level of economic development or impoverished ethnic villages when allocating special subsidies or funds for economically backward areas or material support. Villages have priority in rationally developing and using natural resources that they are able to develop, and shall take into account the interests of the ethnic villages and the production and lives of the local people.

**B. Tibet Autonomous Region.**

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

(a) These Regulations have been adopted to standardize legislative activities, improve procedures for law making and to improve the quality of legislation. The Regulations apply to the TAR People's Congress and its standing committee as well as the approval of local legislation of the Lhasa people's congress and its standing committee.

(b) The Regulations provide the framework for legislation making in the TAR, defining the authority of the people's congress, its standing committee, regulating the making of proposals to the people's congress or the standing committee, the procedures for approving local regulations for Lhasa, and which authorities have the power to interpret legislation.

(c) The Regulations provide that when a law making proposal is made, a draft must be submitted in both Tibetan and Chinese.

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

These Regulations provide the framework for local legislation making by the Lhasa people's congress and its standing committee. Any drafts of laws must be submitted in the Tibetan and Chinese languages.

**C. Gansu Province.**

1. ***Certain Provisions of Gansu Province on the Implementation of the Law on the Autonomy of Ethnic Areas*** (adopted on September 20, 1988 by the Fourth Session of the Standing Committee of the Seventh People's Congress of Gansu Province).

(a) These Provisions have been formulated in accordance with the PRC Autonomy Law and other relevant laws, taking into account the actual circumstances of the province.

(b) The resolutions, decisions, orders or instructions of higher level state agencies relating to ethnic autonomous areas shall be suitable for the actual circumstances of the ethnic autonomous areas. If they are not, the autonomy agencies may, upon the approval of the higher level state agencies, adapt the same and implement them or cease their implementation. The effective preferential policies and special measures previously adopted by higher level state agencies in ethnic autonomous areas shall continue to be implemented and constantly improved.

(c) The Provisions also contain provisions on the economic development of the province and the province's right to protect and manage its natural resources.

(d) Enterprises of higher level state agencies in the ethnic autonomous areas that originally belonged to the ethnic autonomous area and are suitable to be operated and managed by ethnic autonomous areas shall be handed over to the ethnic autonomous areas to operate and manage them. The enterprises of higher level state agencies shall respect the right of autonomy of the local autonomy agencies and shall be subject to the supervision of the autonomy agencies and shall consider the interests of the ethnic autonomous area and the local masses when recruiting personnel, they shall principally recruit locally and give priority to recruiting minorities. Enterprises of higher level state agencies shall give to the ethnic autonomous area 9% of their profits or income taxes, which shall be a fund for the development of local industry and village and township enterprises. These funds shall not be included in the base numbers of the ethnic autonomous area and shall not reduce the subsidies from the higher level financial departments.

(e) There shall be special allocations of production materials and commodities in short supply that are centrally controlled and specially needed by ethnic autonomous areas.

(f) In implementing budgets, the autonomy agencies shall independently arrange and use excess revenues and savings from expenditures.

(g) The higher level state agencies shall help ethnic autonomous areas to develop their educational undertakings. Higher level educational departments in charge shall help ethnic autonomous areas to build boarding schools in

pastoral areas, forestry areas and remote mountain areas and resolve the funding, teaching resources and equipment needed by them.

(h) The state agencies in the province shall strengthen the translation agencies for minority languages and do a good job of translation work and help ethnic autonomous agencies to do a good job of the use and development of ethnic languages.

(i) Higher level state agencies shall help ethnic autonomous agencies to discover and research traditional medicines and the culture of minorities and collect, order, translate and publish ethnic relics.

(j) The autonomy agencies shall carry out religious policies and patriotism education for the masses who have religious beliefs, strengthen their control over places of religious activities and unite religious groups and religious professionals to participate in socialist construction.

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

(a) These Regulations have been formulated in accordance with the Constitution of the People's Republic of China, the PRC Autonomy Law and Certain Provisions of Gansu Province on the Implementation of the PRC Autonomy Law, taking into account the special political, economic and cultural characteristics of the prefecture. The prefecture administers Xiahe, Zhuoni, Diebu, Danqu, Maqu, Luqu and Lintan counties.

(b) The autonomy agencies of the prefecture are the people's congress and the people's government. They shall safeguard the unity of the State and the unity of all ethnic groups and guarantee the observance and implementation of the Constitution and laws in the prefecture.

(c) Under the principle that the Constitution and laws are not violated, the autonomy agencies may, in accordance with the actual circumstances of the prefecture, adopt special policies and flexible measures to develop socialist production forces and speed up the development of economic and cultural undertakings in the prefecture. The autonomy agencies shall seriously implement the preferential policies and special measures of the higher level state agencies for minority areas. The autonomy agencies shall implement the resolutions, decisions, orders and instructions of higher level state agencies. If there is a conflict with the PRC Autonomy Law, the PRC Autonomy Law shall prevail. If they are not appropriate for the actual circumstances of the prefecture, upon the approval of the higher level state agencies, they may be implemented with changes or implementation may cease.

- (d) All ethnic groups in the prefecture are equal. Discrimination and oppression of any ethnic group are forbidden. It is forbidden to damage the unity of ethnic groups and create separatist activities.
- (e) The autonomy agencies shall protect the freedom of all ethnic groups to use and develop their own language. All ethnic groups have the freedom to maintain or reform their own customs and traditions.
- (f) The autonomy agencies shall guarantee the freedom of religion of all ethnic citizens in the prefecture. No state agencies, social groups or individuals may force a citizen to believe or not believe in any religion and may not discriminate against a citizen because of such citizen's beliefs or lack of beliefs. No one may use religion to destroy social order, endanger a citizen's health or obstruct the state education system. The autonomy agencies shall, in accordance with law, supervise plans of religious activity and shall protect normal religious activities. Religious groups and affairs in the prefecture shall not receive support from outside the prefecture.
- (g) The autonomy agencies shall pay attention to training Tibetan and other minority cadres and scientific, commercial and other specialists or talent.
- (h) The ratio of the Tibetan members on the standing committee of the people's congress and in the people's government shall be higher than the percentage of the Tibetan population of the prefecture. Members of other ethnic groups shall also have an appropriate proportion on the standing committee and people's government. The chair and vice chair of the standing committee shall be a Tibetan citizen. The head of the prefecture shall be Tibetan. The cadres of the various work departments of the people's government shall include Tibetan and other ethnic work personnel.
- (i) The Tibetan and Chinese languages must be used when autonomy agencies perform their duties. The notices, official seals, trademarks, invoices, certificates and signs of state agencies, undertakings and enterprises in the prefecture shall be in Tibetan and Chinese.
- (j) When ministry or provincial level units in the prefecture recruit personnel, they shall use their best efforts to recruit Tibetan and other minority personnel. When autonomy agencies recruit, the proportion of Tibetan and other minority personnel shall be higher than the proportion of their population in the prefecture.
- (k) The leaders and workers of the intermediate people's courts and people's procuracies shall include a certain number of Tibetan citizens. The people's courts and procuracies shall guarantee the right of each ethnic group to use its own language to carry out litigation. In hearing or investigating cases, the Tibetan and Chinese languages shall have equal legal validity. Interpreters shall be provided for litigation participants who are not familiar with the local language. Tibetan and/or

Chinese may be used for legal documents depending on the circumstances. When the intermediate people's court hears a case involving a Tibetan party, the court tribunal must include Tibetan citizens.

(l) The Regulations also contain provisions on the economic development of the prefecture and the prefecture's right to protect and manage its natural resources.

(m) The prefecture has autonomy in fiscal matters.

(n) The autonomy agencies shall gradually and in stages implement the state's compulsory education law. School age children are to receive nine years of compulsory education. Boarding schools are to be established in villages and townships where Tibetans are concentrated. Tibetan shall be principally used in Tibetan elementary and middle schools, middle level specialist schools that principally use Tibetan, specialist classes and text books. The Tibetan history content of history classes in middle schools shall be increased. When institutes of higher learning and middle level specialist schools recruit students, in accordance with the best test scores, appropriate consideration shall be given to minority candidates.

(o) The autonomy agencies shall continue and spread the cultural traditions of ethnic groups and develop a variety of cultural and artistic undertakings with special ethnic characteristics. Attention shall be given to the development of Tibetan literature and broadcasts, television, films, periodicals and other artistic undertakings that use the Tibetan language as a tool.

(p) Family planning policies for Tibetans and other minorities shall be appropriately relaxed in accordance with state provisions.

**D. Qinghai Province.**

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

(a) The Hainan Tibetan Autonomous Prefecture administers Gonghe, Guide, Tongde, Guinan and Xinghai counties.

(b) The autonomy agencies of the prefecture are the people's congress and the people's government. The autonomy agencies shall safeguard the unity of the State and guarantee the observance and implementation of the Constitution and laws and regulations. Under the condition that the Constitution and laws are not violated, the autonomy agencies may adopt special and flexible policies to speed up the development of the economy and culture of the prefecture and gradually improve the material and cultural livelihood of all races.

(c) The autonomy agencies shall actively complete the tasks issued by the higher level State agencies, giving priority to the interest of the State, as a whole. If the resolutions, decisions, orders or instructions of the higher level State agencies are not appropriate for the actual circumstances of the prefecture, the autonomy agencies may submit for the higher level state agencies' approval, a change to or cessation of implementation of such resolutions, decisions, orders or instructions.

(d) All peoples within the prefecture are equal. All peoples shall enjoy the same fundamental rights prescribed in the Constitution and shall fulfill their obligations. All peoples shall have the right to use and develop their own languages and shall have the freedom to keep or reform their respective customs and traditions.

(e) The autonomy agencies shall guarantee the religious freedom of all peoples in the prefecture. No state agencies, social groups or individuals may force a citizen to believe or not believe in any religion, and may not discriminate against a citizen because of such citizen's beliefs or lack of beliefs. The autonomy agencies shall protect normal religious activities. No one may use religion to destroy social order, endanger a citizen's health or hinder education. Religious groups and activities may not accept foreign support.

(f) The numbers of Tibetan and other minority representatives on the people's congress of the prefecture shall be determined in accordance with laws. The chairman or the vice chairman of the standing committee of the people's congress shall be Tibetan. There shall be an appropriate number of all races among the committee members. The head of the prefecture shall be Tibetan. The other members of the prefecture people's government shall, as much as possible, be Tibetans and other minorities. The autonomy agencies shall use Tibetan and Chinese languages either together or separately when performing their duties. All official seals and signs of the

autonomy agencies shall be written in both Tibetan and Chinese languages. The autonomy agencies shall establish Tibetan language translation agencies to strengthen the research and standardization of the Tibetan language and to promote the healthy development of the Tibetan language. State agencies of the prefecture and enterprises and institutions shall give priority to hiring of minorities and to hiring persons within the prefecture. When recruiting from pastoral or rural areas, testing of minorities may be done in the minority language.

(g) The chief or deputy chief of the intermediate people's court and the people's procuracy shall be Tibetan. Other leaders and work personnel shall be Tibetan or other minorities. The intermediate people's court and the people's procuracy shall use both Tibetan and Chinese languages either together or separately in hearing cases or conducting investigations. The right of people to carry out litigation in their own languages is guaranteed. Participants in litigation who are not familiar with Tibetan or Chinese shall be given interpreters.

(h) The Regulations also contain provisions on the economic development of the prefecture and the prefecture's right to protect and manage its natural resources, and its agricultural and animal husbandry industry, forestry and so on.

(i) The prefecture has autonomy in fiscal matters. The prefecture may waive or reduce taxes upon the approval of Qinghai Province.

(j) The elementary schools for minorities shall use Tibetan as the language of instruction. Starting from the third year in such elementary schools, Chinese will be taught. The middle schools for minorities shall use both Tibetan and Chinese as languages of instruction; such schools shall actively promote Putonghua. With respect to schools in rural areas having a relatively large number of Tibetan students, Tibetan language classes shall be available. Universities and technical institutes may appropriately relax standards and conditions for minority students. When such students participate in exams for these schools, they may use their own language to write exams.

(k) In cultural work, the prefecture is to serve the people and support the direction of socialist services. They shall develop minority forms and special characteristics in literature, music, dance, fine arts and theater; collect, discover, organize and research Tibetan and other minorities' historical cultural relics, develop archaeological work and protect historical ruins.

(l) The autonomy agencies are to guarantee the equality of rights enjoyed by all peoples in the prefecture, and safeguard and develop equality, unity, and the socialist peoples relationships of mutual help. Discrimination and oppression of any peoples is forbidden. It is forbidden to destroy minority unity or to create activities for the split of minorities or to agitate regional disputes. In safeguarding minority unity, the autonomy agencies must oppose majority racism, particularly Han racism and regional racism.

(m) Chinese cadres should learn Tibetan. Minority cadres when studying and using their own language should also study Putonghua and the Chinese written language. Cadres who can use both languages should be encouraged.

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

(a) The Haibei Tibetan Autonomous Prefecture administers the Menyuan Hui Minority County, and Qilian, Gangcha and Haian counties. These Regulations are substantially similar to the Regulations for the Hainan Tibetan Autonomous Prefecture. This summary only notes certain variations.

(b) No person may use religion to destroy social order, harm people's health, interfere with marriage or obstruct the state judicial system or educational system.

(c) The chief of the prefecture shall be Tibetan. The chairman or the vice chairman of the standing committee of the people's congress shall be Tibetan. With respect to the personnel of the people's government, Tibetan people and other minorities shall be hired to the extent possible. The autonomy agencies shall use the Tibetan and Chinese languages at the same time or separately when performing their duties. All official seals and signs of the state agencies at all levels of the prefecture, enterprises and institutions (other than those in autonomous counties or minority villages) shall be in both Tibetan and Chinese languages.

(d) Tibetan people and other minorities shall be among the leaders of the intermediate people's court and the people's procuracy. The intermediate people's courts and the people's procuracies shall provide interpreters for those litigation participants who do not know the local language. Investigators and judicial staff may not concurrently hold the position of interpreter.

(e) Where Tibetan or Mongolian students form the main student body, in accordance with the wishes of the people, Tibetan and Mongolian language classes will be offered, and at the same time Chinese language classes will be offered and Putonghua will be promoted.

(f) The autonomy agencies shall develop traditional medicines, and pay attention to the discovery, research, classification and use of minority medicines.

(g) The prefecture will implement population planning, promote good health and will control the natural increase of the population to improve the quality of the population.

(h) In handling all disputes between races and areas, the autonomy agencies shall, based on the principles of benefiting unity and production,

mutual understanding and compromise, handle them well through consultation. It is forbidden to incite disputes among races or areas.

(i) Chinese cadres and people are to learn Tibetan. Tibetan and other minority cadres and people are to learn Chinese. At the same time a minority language is used, Putonghua and the Chinese written language are to be studied. Cadres and masses who can use both languages should be encouraged.

3. ***Autonomy Regulations of Huangnan Tibetan Autonomous Prefecture*** (effective March 1, 1988; adopted on October 12, 1987 by the Second Session of the Ninth People's Congress of the Huangnan Tibetan Autonomous Prefecture and approved on December 26, 1987 by the 30th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

(a) The prefecture administers Tongren, Jianzha and Zeku Counties, and supervises the Henan Mongolian Autonomous County. These Regulations are substantially similar to the Regulations for the Hainan Tibetan Autonomous Prefecture. This summary only notes certain variations.

(b) The autonomy agencies shall adopt measures, which based on the foundation of the masses' own awareness, will gradually change old concepts and old customs that obstruct the progress of the minority, with the goal of leading all peoples to live a new socialist life.

(c) No one may use religion to destroy social order, harm a citizen's health, obstruct activities of the state education system, interfere with administration, justice, marriage, production or advancement of technology, or solicit donations against people's will.

(d) The chief of the prefecture shall be Tibetan. The chairman or the vice chairman of the standing committee of the people's congress shall be Tibetan. The autonomy agencies shall use the Tibetan, Mongolian and Chinese languages, at the same time or separately, when performing their duties. All official seals and signs of the state agencies, mass groups, enterprises and institutions in the prefecture shall be in both Tibetan and Chinese. Tibetan people shall be among the leaders of the intermediate people's court and the people's procuracy. The intermediate people's court and the people's procuracy shall use Tibetan, Mongolian and Chinese languages.

(e) Where Tibetan or Mongolian students form the main student body in elementary and middle schools, in accordance with actual circumstances, Tibetan or Mongolian may be the language of instruction, and Chinese classes will also be offered, and Putonghua promoted.

(f) The autonomous prefecture shall establish Tibetan and Mongolian medical research agencies to strengthen the research, continuation and development of Tibetan or Mongolian medicines or medical studies and to pay attention to making full use of folk medicine.

(g) The prefecture will implement population planning, and advocate good health and the improvement of the quality of the population.

4. ***Autonomy Regulations of Yushu Tibetan Autonomous Prefecture*** (effective July 25, 1988; adopted on November 19, 1987 by the Third Session of the Seventh People's Congress of the Yushu Tibetan Autonomous Prefecture and approved on April 20, 1988 by the Second Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

(a) The prefecture administers Yushu, Yiduo, Qianlian, Zaduo and Qumacai counties. These Regulations are substantially similar to the Regulations for the Hainan Tibetan Autonomous Prefecture. This summary only notes certain variations.

(b) No person may use religion to destroy social order, harm people, interfere with marriage, obstruct the state judicial or educational system, production or the promotion of technology.

(c) The prefecture implements population planning, promotes good health and actively develops the health of mothers and children.

5. ***Autonomy Regulations of Guoluo Tibetan Autonomous Prefecture*** (effective January 1, 1991; adopted on April 16, 1990 by the Sixth Session of the Eighth People's Congress of Guoluo Tibetan Autonomous Prefecture, and approved on November 3, 1990 by the 17th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

(a) The prefecture administers Maxin, Maduo, Gande, Dari, Banma and Jiazhi counties. These Regulations are substantially similar to the Regulations for the Hainan Tibetan Autonomous Prefecture. This summary only notes certain variations.

(b) No person may use religion to destroy social order or unity of races, harm people, interfere with marriage or population planning or to obstruct the state administrative, judicial or educational system, the development of production or the promotion of technology.

(c) At least half of the members of the standing committee of the people's congress shall be Tibetan, and the chairman or vice chairman of the standing committee shall be Tibetan.

(d) In minority elementary and middle schools, where Tibetan is the language of instruction, Chinese classes will be offered and Putonghua promoted.

(e) Each year through exams, the prefecture will send a group of exceptional Tibetan youth to enter into the minority classes and preparatory classes designated by the higher level state agencies.

(f) Tibetan medical studies will be promoted and new medical technologies promoted, and great effort given to the development of modern medical and Tibetan medical activities.

(g) The prefecture implements population planning, the promotion of good health, the improvement of the quality of the population and will cause the increase in population to correspond with the economic development of the prefecture.

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

(a) The prefecture administers Golmud, Delingha Municipality, Tianjun and Wulan counties, as well as Mangan Administrative Region, Linghu Administrative Region and Dacaidan Administrative Region. These Regulations are substantially similar to the Regulations for the Hainan Tibetan Autonomous Prefecture. This summary only notes certain variations.

(b) No person may use religion to destroy social order, harm people, interfere with marriage or obstruct the state judicial or educational systems.

(c) The chairman or vice chairman of the standing committee of the people's congress shall be Mongolian or Tibetan. The number of Mongolian and Tibetans on the standing committee may be higher than the ratio of their respective populations in the entire prefecture. Other races will have an appropriate number of representatives.

(d) The chief of the prefecture shall be either a Mongolian or a Tibetan person. Depending on the areas and the subjects, Mongolian, Tibetan or Chinese may be used at the same time or separately when autonomy agencies perform their duties.

(e) The prefecture implements population planning, the promotion of good health and the improvement of the quality of the population.

(f) In safeguarding unity of the peoples, majority racism, Han Chinese racism and regional people racism shall be oppressed. In resolving problems within peoples or among peoples, between areas or the masses, the autonomy agencies shall, in accordance with relevant laws and policies, work from the bigger picture of unity, seeking truth from facts, mutual understanding and compromise and shall consult with representatives from all sides.

**E. Sichuan Province.**

1. ***Autonomy Regulations of Ganzi Tibetan Autonomous Prefecture*** (effective July 12, 1986; adopted on June 4, 1986 by the Third Session of the Fifth People's Congress of the Ganzi Tibetan Autonomous Prefecture, and approved on July 12, 1986 by the 20th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province).

(a) The prefecture administers Kangding, Huding, Danba, Jiulong, Yajiang, Daofu, Huhuo, Yanzi, Xinlong, Dege, Baiyu, Shiqu, Ceda, Litang, Batang, Xiangcheng, Daocheng and Derong counties. These Regulations are substantially similar to those described for the Hainan Tibetan Autonomous Prefecture in Qinghai Province. This summary only notes certain variations.

(b) The number and proportion of Tibetan and other minority representatives on the prefecture people's congress shall be determined in accordance with the relevant regulations of the Standing Committee of the Sichuan Provincial People's Congress. The members of the people's government of the prefecture shall consist of 70% or more Tibetan and other minority persons.

(c) The chief of the prefecture shall be Tibetan. The chairman or the vice chairman of the standing committee of the people's congress shall be Tibetan. The autonomy agencies shall use both Tibetan and Chinese languages when performing their duties.

(d) The chair or vice chair of the intermediate people's courts and the people's procuracy shall be Tibetan, and there shall be Tibetan personnel amongst the other work personnel. In handling cases, Tibetan and Chinese languages will be used. In accordance with actual needs, legal documents shall be in both Tibetan and Chinese or one of those languages. Translations shall be provided to litigation participants who are not familiar with Tibetan or Chinese.

(e) When handling particular issues arising between races in the prefecture, the autonomy agencies shall consult in full with their representatives and respect their views.

(f) Subject to needs and the practicality of implementing two languages of instruction, Tibetan or Yi texts and language shall be used in elementary and middle schools where the Tibetan and Yi minorities are the main student body. At the same time, Chinese classes will be offered at the appropriate grade. Where Han Chinese students form the main student body, they shall use Chinese and at the appropriate grade Tibetan language classes will be offered. Chinese language classes shall promote Putonghua. When recruiting students, all levels and types of schools may use Chinese or a minority language to conduct testing.

(g) The autonomy agencies shall promote population planning, late marriage, late child birth, good health and the improvement of the quality of the

population so that the increase in population corresponds with the social and economic development planning of the prefecture.

2. ***Autonomy Regulations of A Ba Tibetan and Qiang Autonomous Prefecture*** (effective July 12, 1986; adopted on May 21, 1986 as the Autonomy Regulations of A Ba Tibetan Autonomous Prefecture by the Fourth Session of the Fifth People's Congress of the A Ba Tibetan Autonomous Prefecture and approved on July 12, 1986 by the 20th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province; adopted on January 5, 1988 as the Autonomy Regulations of the A Ba Tibetan and Qiang Autonomous Prefecture by the First Session of the Sixth People's Congress of the A Ba Tibetan and Qiang Autonomous Prefecture, and approved on March 16, 1988 by the Second Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).

(a) The prefecture administers Aba, Ruoergai, Hongyuan, Rangtang, Maerkang, Jinchuan, Xiaojin, Songpan, Nanping, Heishui, Wenchuan, Li and Mao counties. These Regulations are substantially similar to those described for the Hainan Tibetan Autonomous Prefecture in Qinghai Province. This summary only notes certain variations.

(b) The number and population of Tibetan, Qiang and other minority representatives on the prefecture people's congress shall be determined in accordance with the relevant regulations of the Standing Committee of the Sichuan Provincial People's Congress. The chair or vice chair of the standing committee of the prefecture people's congress shall be Tibetan or Qiang. The chief of the prefecture shall be elected by the Tibetan and Qiang people. The other members of the people's government shall, to the greatest extent possible, come from the Tibetan, Qiang and other minorities.

(c) In performing their duties, state agencies in the prefecture shall use the Tibetan, Qiang and Chinese spoken language and the Tibetan and Chinese written language. All official seals and signs of state agencies and enterprises and institutions shall, except in Mao county and the Mao minority, be in Tibetan and Chinese.

(d) The leaders and other work personnel of the intermediate people's courts and people's procuracy shall include Tibetan, Qiang and other minority people. The intermediate people's courts and people's procuracies shall guarantee the right of each race to use its own language in any litigation. Any litigation participants who are not familiar with the local language shall be provided with interpreters. The intermediate people's courts and people's procuracy shall use the local commonly used language in performing criminal proceedings. Subject to actual needs, legal documents shall be written in both Tibetan and Chinese or one of these languages.

(e) Admission standards and conditions may be appropriately relaxed for Tibetan, Qiang and other minority students in the recruitment of students for university and specialist institutes, but appropriate consideration shall also be given to Han candidates who live in the prefecture. Elementary and middle schools with Tibetans

as the main student body shall offer Tibetan language classes. Those schools with the conditions shall use Tibetan language texts and Tibetan as the language of instruction. Upper classes in elementary schools and middle schools shall offer Chinese language classes and promote Putonghua.

(f) In accordance with the circumstances of the localities, the prefecture promotes population planning and will formulate the implementing measures for population planning and encourages fewer but healthier children, and the improvement of the quality of the population.

3. ***Autonomy Regulations of Muli Tibetan Autonomous County*** (effective March 13, 1992; adopted on March 18, 1990 by the First Session of the Seventh People's Congress of the Muli Tibetan Autonomous County; and approved on March 13, 1992 by the 28th Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).

(a) The Muli Tibetan Autonomous County is an autonomous area governed by the Muli Tibetan people within the administration of the Liangshan Yi Autonomous Prefecture of Sichuan Province. A number of different minorities live in the area including the Han Chinese, Yi, Mongolian, Miao, Naxi, Buyi, Zhuang, Lisu, Hui and Bai. These Regulations are substantially similar to those described for the Hainan Tibetan Autonomous Prefecture in Qinghai Province. This summary only notes certain variations.

(b) The composition of the representatives to the county people's congress shall reflect the principles of the right of Tibetans to exercise autonomy in the area and the principle of benefiting the unity of peoples. The number and proportion of the representatives of peoples on the people's congress shall be determined in accordance with laws and the relevant regulations of the Standing Committee of the People's Congress of Sichuan Province, and shall be effected through direct elections by the people. The membership of the standing committee of the county people's government may include Tibetan representatives in a number greater than the percentage of their population, and the chair or vice chair shall be Tibetan.

(c) The head of the county shall be Tibetan. The members of the people's government, as well as the cadres of the work departments of autonomy agencies, shall to the greatest extent possible consist of Tibetan and other minorities. The autonomy agencies shall use both Tibetan and Chinese in performing their duties. Subject to actual circumstances, only one of those languages may be used.

(d) The chief or deputy chief of the people's courts and people's procuracy shall be Tibetan and there shall be a certain number of Tibetan and other minority persons in their work personnel. The people's court and people's procuracy shall use the language commonly used in the area to investigate and hear cases. They shall guarantee each person's right to use his own language in conducting litigation. Interpreters shall be provided to persons who are not familiar with the local commonly

used language. Legal documents shall, subject to actual needs, be written in one or several of the local commonly used languages.

(e) In middle schools where Tibetan students are the majority or key minority classes or Tibetan village elementary schools, except for the uniform teaching materials, Tibetan shall be the language of instruction in an effort to cause students to be proficient in both Tibetan and Chinese. In schools where other minorities form the main student body, teaching materials in other minority languages will be offered.

(f) When recruiting students, all schools in the county shall appropriately relax the age limit and reduce the admission score levels for Tibetan and other minority candidates. Similarly, candidates to higher level educational institutes shall, in accordance with state regulations, be entitled to relaxation of standards and conditions.

**F. Yunnan Province.**

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

(a) The prefecture is located in the northwest area of Yunnan Province, where the three provinces of Yunnan, Sichuan and Tibet meet. It is an area where Tibetans exercise autonomy under the administration of Yunnan Province, and is an integral part of the People's Republic of China. A number of other minorities live in the prefecture. The prefecture administers Zhongdian and Deyin Counties and the Weixi Lisu Minority Autonomous County. These Regulations are substantially similar to those described for the Hainan Tibetan Autonomous Prefecture in Qinghai Province. This summary only notes certain variations.

(b) The representatives on the people's congress shall be elected in accordance with laws and regulations. The number of Tibetans on the standing committee of the people's congress shall be higher than the proportion of their population. The chair or vice chair of the standing committee shall be Tibetan. The Tibetan members of the people's government shall be gradually increased so that their number corresponds with the proportion of their population. The chief of the prefecture shall be Tibetan. There shall be at least one Tibetan or other minority cadre taking up the post of chief or deputy chief of the various work departments of the people's government and there shall also be a certain number of minority cadres among their work personnel. Both Tibetan and Chinese will be used when the autonomy agencies perform their duties.

(c) The chief or deputy chief of the intermediate people's court or people's procuracy shall be Tibetan. There shall also be Tibetan and other minority personnel among their staff. Either Tibetan or Chinese may be used in investigating or hearing cases. The right of all citizens of all races to use their own language to conduct litigation shall be guaranteed. Interpreters shall be made available to litigation participants who are not familiar with Tibetan or Chinese. Legal documents shall, subject to needs, use both or either Tibetan and Chinese.

(d) Schools that recruit minority students as their main student body shall use two languages of instruction and shall actively promote Putonghua.

(e) The autonomy agencies shall actively and steadily develop population planning work, control the rate of births, promote late marriages and late childbirth, good health and improve the quality of the population. They shall also strengthen work on the supervision of population planning for the floating population.