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Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures

March 10, 2011

Summary

Regulatory measures on "Tibetan Buddhist Affairs" at monasteries and nunneries in 9 of the 10 Tibetan autonomous prefectures (TAPs) located outside the Tibet Autonomous Region (TAR) either have taken effect or are moving through the legislative process. The new measures will affect almost half of the area that the Chinese government designates as "Tibetan autonomous" and slightly more than half of the Tibetans living in Tibetan autonomous areas of China. [See [Special Topic Paper: Tibet 2008-2009](#) for a map and population information.] Based on a Commission overview of seven of the prefectural-level regulatory measures, they establish greater and more detailed control of what the government refers to as "Tibetan Buddhist affairs." [For a list of the regulations, see Table 1 below.] The central government issued national-level regulations effective November 1, 2010, that, along with the prefectural-level regulations, impose closer monitoring and supervision of each monastery's Democratic Management Committee—a government-required group legally mandated to ensure that monks, nuns, and teachers obey government laws, regulations, and policies on religion and religious practice.

Based on Commission analysis, the regulatory measures for the first time assign township-level governments and village-level committees specific duties in the "management" of monasteries and nunneries. The national regulations detail for the first time a government-supervised process that every Tibetan Buddhist monastic institution must follow to establish a quota on the number of monks and nuns entitled to reside at a monastery or nunnery. National- and prefectural-level regulations impose a complicated approval process that monks, nuns, and Tibetan Buddhist teachers must complete before they receive permission to travel to another Tibetan Buddhist institution to study or teach. Distinctions between the prefectural regulations could place Tibetan Buddhist institutions in some TAPs at greater vulnerability to government intrusion into religious affairs, and put monks, nuns, and teachers at a greater risk of administrative and criminal punishments. Prefectural- and national-level approval of the new regulatory measures is concurrent with increased government repression of Tibetan Buddhists' religious freedom following the wave of protests (and some rioting) that began in Lhasa on March 10, 2008, and spread to locations across the Tibetan plateau.

[See Table 1 below for a summary of the status of the regulatory measures. See Table 2 below for a detailed comparison of selected regulatory features of the national and four prefectural regulatory measures. See sections on religious freedom for Tibetan Buddhists in the Commission's [2010](#), [2009](#), [2008](#), and [2007](#) Annual Reports.]

10 Tibetan Autonomous Prefectures: New Measures Effective in 7, Under Review in 2

This Commission analysis provides an overview of some of the principal features of the new regulations on "Tibetan Buddhist religious affairs" taking effect in TAPs. The analysis refers to the prefectural-level regulatory measures by the short references listed in Table 1 below. Chinese-language text of regulations is available at the Web sites cited in Table 1.

- New regulatory measures on Tibetan Buddhist affairs took effect in a total of seven Tibetan Autonomous Prefectures (TAPs) located in three provinces: Huangnan (Malho) TAP, Hainan (Tsolho) TAP, Haibei (Tsojang) TAP, Guoluo (Golog) TAP, and Haixi (Tsonub) Mongol and Tibetan AP in Qinghai province; Aba (Ngaba) Tibetan and Qiang AP in Sichuan province; and Diqing (Dechen) TAP in Yunnan province.

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In addition to the seven regulatory measures in effect, two more were in the legislative process: Yushu (Yulshul) TAP in Qinghai, and Ganzi (Kardze) TAP in Sichuan.

- The Commission has not located information on whether or not Gannan (Kanlho) TAP in Gansu province is preparing a regulation on Tibetan Buddhist affairs.

Of the nine prefectural-level regulatory measures in effect or in the legislative process, eight are "regulations" (*tiaoli*) and one, the first to take effect (July 24, 2009), is a temporary "measure" (*banfa*). Each of the regulations appears to be the first such regulation issued in the respective TAP: none of them contain an article indicating that the regulation replaces a previous regulation or measure. In comparison, the [TAR Implementing Measures for the "Regulation on Religious Affairs" \(Trial Measures\)](#) (TAR 2006 Measures) issued on September 19, 2006, specifically repealed the [TAR Temporary Measures on the Management of Religious Affairs](#) (TAR 1991 Temporary Measures) issued on December 9, 1991. Under China's Constitution, legislative, and administrative processes, "laws" (*falü*) generally are the highest ranking legal instrument, followed by "regulations" (including *tiaoli*). The "measures" (*banfa*) cited below have a lower administrative status than the regulations cited below.

Table 1: Tibetan Buddhist Affairs Regulatory Measures Taking Effect in Tibetan Autonomous Prefectures

Province	[Short Reference to Regulation or Measure] Complete Name of Regulation or Measure	Comment	Passed	Approved	Effective
Qinghai	[Haibei Regulations] Haibei Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haibei zangzu zizhizhou zangchuan fojiao shiwu tiaoli] Available on the Web site of the Legislative Affairs Office of the State Council.	Establishes "masses supervisory committees." Less extensive description of punishable offenses. Allows reconsideration of some punishments.	12 January 10	18 March 10	22 March 10
Qinghai	[Hainan Regulations] Hainan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Hainan zangzu zizhizhou zangchuan fojiao shiwu tiaoli] Available on the Web site of the Qinghai Province People's Congress Standing Committee.	Establishes "masses supervisory committees." More extensive description of punishable offenses. No mention of reconsideration of punishments.	7 July 09	31 July 09	31 July 09
Qinghai	[Haixi Regulations] Haixi Mongol and Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Haixi mengguzhu zangzu zizhizhou zangchuan fojiao shiwu tiaoli] Available on the Web site of the Qinghai Province People's Congress Standing Committee.	Establishes "masses supervisory committees." Least extensive description of punishable offenses. No mention of reconsideration of punishments.	8 March 10	27 May 10	3 June 10
Qinghai	[Huangnan Regulations] Huangnan Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Huangnan zangzu zizhizhou zangchuan fojiao shiwu tiaoli] Available on the Web site of the Qinghai Province People's Congress Standing Committee.	Establishes "masses supervisory committees." Mid-range list of punishable offenses. Allows reconsideration of some punishments.	4 September 09	24 September 09	24 September 09
Qinghai	[Guoluo Regulations] Guoluo Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Guoluo zangzu zizhizhou zangchuan fojiao shiwu tiaoli] Available on the Web site of China Tibet News (19 November 10).	Establishes "masses supervisory committees." More extensive description of punishable offenses. Allows reconsideration of some punishments.	22 March 10	30 September 10	30 September 10
Qinghai	[Yushu Regulations] Yushu Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Yushu zangzu zizhizhou zangchuan fojiao shiwu tiaoli]	Text not available as of March 8, 2011.	n/a	n/a	n/a

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	Qinghai Province People's Congress Standing Committee Web site listed the regulations as reported for approval as of March 3, 2010.				
Gansu	Information is not available as of March 8, 2011, on whether the Gannan TAP People's Congress is drafting regulations on Tibetan Buddhist affairs.	n/a	n/a	n/a	n/a
Sichuan	[Aba Temporary Measures] Aba Tibetan and Qiang Autonomous Prefecture Temporary Measures on Management of Tibetan Buddhist Affairs [Aba zangzu qiangzu zizhizhou zangchuan fojiao shiwu guanli zanxing banfa] Available on the Web site of Findlaw.cn.	Measures (<i>banfa</i>), not regulations (<i>tiaoli</i>). No "masses supervisory committees." More extensive description of punishable offenses. No mention of reconsideration of punishments.	n/a	n/a	Issued and effective: 24 July 09
Sichuan	[Ganzi Regulations] Ganzi Tibetan Autonomous Prefecture Tibetan Buddhist Affairs Regulations [Ganzi zangzu zizhizhou zangchuan fojiao shiwu tiaoli] Ganzi People's Congress Standing Committee considering a report on draft regulations as of June 29, 2010 (Ganzi Daily, reprinted in Chinese Buddhism Online).	Text not available as of March 8, 2011.	n/a	n/a	n/a
Yunnan	[Diqing Regulations] Diqing Tibetan Autonomous Prefecture Regulation on Management of Tibetan Buddhist Monasteries [Diqing zangzu zizhizhou zangchuan fojiao siyuan guanli tiaoli] Available on the Web site of Findlaw.cn.	"Buddhist monasteries," not "Buddhist affairs." No "masses supervisory committees." Less extensive description of punishable offenses. Allows reconsideration of some punishments.	14 April 09	30 July 09	1 September 09

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Common Features Among the Prefectural Regulatory Measures

The recent national- and prefectural-level regulatory measures obstruct the guarantee of "freedom of religious belief" in China's [Constitution](#) (Art. 36) by using legal measures to enforce the subordination of Tibetan Buddhism and Tibetan Buddhist activities to Chinese government and Communist Party policies. The summary points below identify some of the principal areas of similarity among the regulatory measures. Many of the common features already had been established, but some features are new, based on Commission analysis, and others are implemented in a more elaborate or intrusive manner. Table 2 below provides a more detailed comparison of four of the seven prefectural-level regulatory measures for which text was available online as of February 2011. The table highlights areas of similarity as well as of difference in the degree of government intrusiveness into Tibetan Buddhist affairs. Table 2 identifies similar requirements in the [Management Measures for Tibetan Buddhist Monasteries \(National Measures\)](#), issued on September 29, 2010, by the central government's State Administration for Religious Affairs (SARA; Chinese-language text available on the PRC Central People's Government Web site). SARA issued the National Measures, which took effect on November 1, 2010, after at least seven of the prefectural-level regulatory measures had already taken effect. It is not clear to what extent the distinctions between the prefectural-level regulatory measures that took effect in 2009 and 2010 may be attributable to differences in the political environment for Tibetan Buddhism among the prefectural-level areas, or to issue of the National Measures after the prefectural measures.

- Overall structure, content: prioritizing Tibetan Buddhist obligation to support Chinese government policies. Much of the structure of the seven prefectural-level regulatory measures on Tibetan Buddhist affairs available online as of February 2011, is similar to the [TAR Implementing Measures for the "Regulation on Religious Affairs" \(Trial Measures\)](#) (TAR 2006 Measures) that took effect on January 1, 2007. [See the Commission's [2007 Annual Report](#), 193-196, for analysis of the TAR 2006 Measures.] The recent regulations, however, tighten control of principal types of Tibetan Buddhist monastic activity such as those summarized below. The regulatory measures build on existing government and Party policies mandating that Tibetan Buddhism (like other state-sanctioned religions) must protect Chinese national and ethnic unity, "social stability," and promote Tibetan Buddhism's adaptation to "socialist society." [See Freedom of Religion in the Commission's [2010 Annual Report](#) for more information on Chinese government policies

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toward state-sanctioned religions.]

- Government-supervised "Buddhist associations" (BAs): greater authority over monastic institutions. [See Table 2 below.] BAs serve as a "bridge" linking Tibetan Buddhist institutions with the Chinese government and Party, enabling the government and Party to exercise authority over Tibetan Buddhism and Tibetan Buddhist activity. [See the Commission's [2009 Annual Report](#), 278, and the now-superseded 1991 [TAR Temporary Measures on the Management of Religious Affairs](#) (TAR 1991 Temporary Measures, Art. 15).] The recent TAP regulatory measures, like the TAR 2006 Measures (Art. 8) that superseded the TAR 1991 Temporary Measures, require BAs to accept supervision by government religious affairs bureaus (RABs). The recent regulatory measures require BAs to, among other duties: conduct classes educating Tibetan Buddhist monks, nuns, and teachers ("religious personnel") on patriotism toward China, Chinese laws and regulations (including on religion), and adapting Tibetan Buddhism to socialism; supervise classes on Tibetan Buddhism (after RABs approve the classes); approve or revoke the official status of monks and nuns as "religious personnel" in accordance with government requirements; and approve quotas on the number of monks or nuns who may reside at a monastery or nunnery.
- "Democratic Management Committees" (DMCs): greater scrutiny, subordination to government authorities. [See Table 2 below.] Existing regulatory measures require DMCs to ensure that monks, nuns, and teachers obey government regulations on religion and adhere to government (and Party) policies [see, e.g., [TAR 2006 Measures](#), Arts. 3, 5]. The recent prefectural regulatory measures expand monitoring, supervision, and management of DMCs through three types of agencies: BAs, government offices (especially RABs), and village-level "peoples" or "masses" committees. DMCs must conduct programs such as patriotic education (*ai guo, ai jiao*, "love the country, love religion"), that attempt to enforce devotion toward China as a requirement for a "religious professional" (or "religious personnel"). The regulatory measures require DMCs (under BA supervision) to direct the process of identifying, seating, and educating *trulkus*—teachers whom Tibetan Buddhists believe are reincarnations in lineages of teachers that can span centuries. (In July 2007 SARA issued the [Management Measures for the Reincarnation of Living Buddhas in Tibetan Buddhism](#) that for the first time [imposed Chinese government control](#) over the succession of every *trulku* within China.) The National Measures (Arts. 15-17) introduce for the first time a nationwide requirement that each DMC must apply for, justify a basis for, and receive approval for a fixed quota on the number of monks or nuns who may reside at a monastery or nunnery. The TAR 1991 Temporary Measures (Art. 8(4)) included a requirement for a quota, but the TAR 2006 Measures do not contain such a requirement. Some of the recent TAP regulatory measures include a requirement to establish quotas (e.g., Haibei, Art. 26; Guoluo, Art. 16; Aba, Art. 10; Diqing, Art. 10), but other TAPs do not (e.g., Huangnan, Hainan).
- "Religious personnel:" regulations elaborate more detailed control over religious contact, travel, study: [See Table 2 below.] Monks, nuns, Tibetan Buddhist teachers, and *trulkus* must "safeguard" national and ethnic unity and "resist" what regulations may characterize as "splittism" or "infiltration" by "foreign hostile forces." (The description can refer to cultural, political, and religious organizations that Tibetans-in-exile have established, especially organizations based in India and that the Chinese government deems to be associated with the Dalai Lama or human rights organizations that advocate on behalf of Tibetans in China.) Most of the prefectural regulatory measures contain elaborate requirements of "religious personnel" who wish to travel outside of the county- or prefectural-level area where they live to study or teach Buddhism at another Buddhist institution (e.g., Huangnan, Art. 31; Haibei, Art. 31; Haixi, Art. 22; Guoluo, Arts. 24-25; Aba, Art. 23; Diqing, Art. 14). The National Measures (Arts. 22, 28-29) contain the most complicated requirements: first, monks, nuns, and Tibetan Buddhist teachers must apply for and receive approval from the prefectural-level BA where they live and the prefectural-level BA in the prefectural-level area where they hope to travel in order to study or teach; then, each of the BAs granting approval must report the approval to the corresponding prefectural-level RAB. The [TAR 2006 Measures](#) (Arts. 41, 43), unlike the [TAR 1991 Temporary Measures](#), contain provisions requiring "religious personnel" to obtain permission prior to traveling within the TAR for religious purposes [see the Commission's [2007 Annual Report](#), 194-195, for more information]. China's Constitution does not contain a provision protecting citizens' freedom of movement.
- Township-level governments: expanded responsibility, authority over monasteries, nunneries. [See Table 2 below.] The prefectural regulatory measures expand significantly township-level government authority to implement regulations on Tibetan Buddhist activity at monasteries and nunneries. For example, the text of all five of the regulations for TAPs in Qinghai for which text was available online as of February 2011 contained multiple articles empowering township-level governments to monitor and supervise monastic activity. Regulations for four of the Qinghai TAPs state explicitly that township governments have the responsibility to "manage" Tibetan Buddhist affairs within the township's area: Huangnan, Art. 7(2); Hainan, Art. 8(1); Haibei Art. 11(1); and Haixi, Art. 8. The Guoluo Regulations imply such responsibility by listing management responsibilities (Arts. 6-7). In contrast, the TAR 2006 Measures mention township-level governments only twice (Arts. 7, 28) and provide them with little explicit authority. The significance of enabling township-level governments to take on greater responsibility for implementing government regulation of Tibetan Buddhist affairs is evident in the number of such governments. As of 2007, the 75 county-level governments in the 10 TAPs outside the TAR contained 998 township-level governments—an average of 13 township-level governments for each county-level government, according to information available on the [Harry's World Atlas](#) Web site.
- Village-level committees: an expanded role as grassroots monitors, supervisors. [See Table 2 below.]

All but one of the prefectural regulatory measures for which text was available online as of February 2011 included a greater monitoring and supervisory role for village-level committees than previous measures. The TAR 2006 Measures refers only once to village-level committees (Art. 7(3)), and states only that such committees shall coordinate with government offices on work related to religious affairs. The recent Diqing Regulation contains a similar, single reference to village committee work. The Aba Temporary Measures provide village committees a role in reviewing applications from persons who wish to become a monk or nun (Art. 20), supervising monks and nuns (Art. 21(2)), and approving construction of large, open-air statues outside of monasteries (Art. 6). The National Regulations (Art. 8) provide for the first time a legal basis for placing a village committee member on a DMC—and by doing so empowering the village committee member to participate in DMC decisionmaking. None of the seven prefectural-level regulatory measures for which text was available online in February 2011 contained such a provision. The potentially most powerful village-level committees are those established in TAPs in Qinghai [see below].

Table 2: Tibetan Buddhist Affairs Regulatory Measures: Selected Areas of Requirement, Prohibition, Control

Based on National Regulations; Huangnan, Hainan, and Diqing Regulations; Aba Temporary Measures

(Quoted language principally reflects the Huangnan Regulations. Language contained in other regulations may not match the quoted language, but reflects the meaning of the language.)

Entity Subject to Regulation	Function or Activity Required, Controlled, or Prohibited	National Effective: 1 November 10	Huangnan TAP Effective: 5 January 10	Hainan TAP Effective: 15 October 09	Aba T&QAP Effective: 24 July 09	Diqing TAP Effective: 1 September 09
Buddhist Associations (BAs) at prefectural and county levels must:	Accept supervision or management by government Religious Affairs Bureau and Civil Affairs Bureau.	Arts. 11(4), 16, 21-22, 25, 28. (implicit)	Art. 11(4)	Art. 11(4)		Art. 6 (ref. "monastery supervision organization")
	Exercise authority over DMCs, monasteries, nunneries, monks, nuns, Buddhist teaching, <i>trulkus</i> .	Arts. 9, 21-22, 25.	Arts. 10, 12, 15-16, 26-28, 31-34.	Arts. 10, 13, 26-27, 29-34, 36-37.	Arts. 10, 16, 18-20, 23, 25, 27-28.	Arts. 6, 7
	Promote patriotism, socialism, adherence to Chinese laws, regulations, and policies.	Art. 4. (implicit)	Art. 11(1).	Art. 11(1).	Art. 17. (implicit)	
	Examine and approve a monastery's application for a quota on "professional religious personnel."	Art. 16.			Art. 10.	Art. 10
	Oversee "investigation" of applicants to become monks or nuns; issue permits to successful applicants.	Art. 16.	Arts. 26-27.	Arts. 26-27.	Arts. 19-20.	
		National	Huangnan TAP	Hainan TAP	Aba T&QAP	Diqing TAP
Democratic Management Committees (DMCs) must:	Be made up of monastic faculty but can also include "religious citizens" and representatives of local "village committees" or "neighborhood committees."	Art. 8				
	Accept supervision by Religious Affairs Bureau and Buddhist Association.	Art. 35. (implied)	Arts. 7, 10(3), 20(7).	Arts. 6-8, 10(4).	Arts. 4, 16, 18.	Arts. 5, 7.
	Promote patriotism toward China and socialism.	Arts. 4, 10. (general ref. to socialism)	Arts. 4, 20(1). (general ref. to socialism)	Art. 16(1). (no ref. to socialism)	Art. 17.	Art. 3. (no reference to socialism)
	Participate in "investigation" of applicants to become monks or nuns.	Art. 19.	Arts. 26-27. (ref. BAs)	Art. 26.	Art. 20.	Art. 19. (ref. national regulations)
	Apply for, implement, and report on a monastery's quota of "professional religious personnel."	Arts. 15-17.			Art. 10.	Art. 10.
	Direct searches for <i>trulkus</i> under Buddhist Association oversight.	Art. 20. (implicit)	Art. 10(4).	Art. 7(6).	Art. 26. (ref. national regulations)	Art. 18. (ref. national regulations)

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		National	Huangnan TAP	Hainan TAP	Aba T&QAP	Diqing TAP
DMC members, teachers, <i>trulkus</i> , monks and nuns must:	Submit to administration or guidance by governments at the prefectural, county, and township levels, and by village-level residents committees.	Arts. 9, 16-18, 21, 22, 25, 28-30, 33, 35, 40, 42.	Art. 7.	Arts. 3, 8.	Arts. 4, 6.	Arts. 5-6.
	Adhere to the Chinese government characterization of "normal" religious activities.	Art. 11(2). (ref. to DMC)	Art. 4.	Art. 16(3). (ref. to DMC)	Art. 1.	Art. 3.
	Link patriotism toward China with religion ("love the country, love religion").	Art. 27. (monks/nuns)	Arts. 20(1), 34.	Art. 4.	Art. 17(1). (ref. to DMC)	Art. 3.
	Promote the adaptation of Tibetan Buddhism to socialism.	Art. 4.	Art. 4.		Arts. 1, 17.	
	Protect China's national unity, ethnic unity, and social stability.	Art. 4.	Arts. 4, 20(1).	Arts. 4, 16(2).	Arts. 3, 8.	Art. 3.
	Obey Chinese government laws and regulations.	Arts. 4, 10(1).	Arts. 4, 11(1). (ref. to BA)	Arts. 4, 11(1). (ref. to BA)	Arts. 17, 21.	Art. 3.
	Fulfill requirements and receive approval before traveling to another monastery.	Arts. 22, 28-29.	Art. 31.		Art. 23.	Art. 14.
		National	Huangnan TAP	Hainan TAP	Aba T&QAP	Diqing TAP
DMC members, teachers, <i>trulkus</i> , monks and nuns must:	Not use religion to "damage" what the government refers to as "social order."	Art. 7.	Art. 5.	Art. 29(2). (general)	Art. 35.	Art. 4.
	Not use religion to "interfere with" the government-run education system.	Art. 7.	Art. 5. (ref. "other systems")	Art. 5.		Art. 4.
	Not "harm" what the government deems to be China's "national interests," "public interests," or "citizens' lawful rights and interests."	Art. 7.	Arts. 2, 5. (general)	Art. 3.	Art. 3. ("people's interests")	Art. 4.
	Not allow monastic affairs to be subject to "foreign organizations or individuals" (e.g., senior Tibetan Buddhist teachers or Tibetan organizations based in India).	Art. 7.	Art. 6.	Art. 2.		Art. 4.
		National	Huangnan TAP	Hainan TAP	Aba T&QAP	Diqing TAP
Members of a "Masses Supervision and Appraisal Committee" (MSAC) (or a village residents committee):	Are selected from village (or neighborhood) residents (or herders), "religious citizens," and representatives of monastic teaching staff.	Arts. 8, 36. (village residents committee)	Art. 22. (MSAC)	Art. 19. (MSAC; no mention of teaching staff)	Art. 21(2). (village residents committee)	Art. 5(2). (village residents committee)
	Are selected under the guidance of the township-level government where the monastery or nunnery is located.		Art. 22. (MSAC)	Art. 19. (MSAC)		
	Work under the guidance of the township- and county-level governments.		Art. 22. (MSAC)	Art. 19. (MSAC; ref. township only)		
	Are selected to serve for a specified duration.		Art. 19. (MSAC; 3 years)	Art. 19. (MSAC; 5 years)		
	Monitor and supervise implementation of the monastic democratic management system.		Art. 23(1). (MSAC)	Art. 21(2). (MSAC)		
		Arts. 8, 11(2-3).				

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	Monitor and supervise the management of monastic teaching.	(village residents committee via DMC)	Art. 23(3) (MSAC)	Art. 21(3) (MSAC)		
	Monitor and make public information about monastic financial affairs.		Art. 23(2) (MSAC)			
	Submit a report on the monastery's affairs to township- and county-level governments.		Art. 23(6) (MSAC; annually)	Art. 21(3) (MSAC; period not specified)		
	Participate in supervision of monks and nuns.	Arts. 8, 11(2-3) . ((village residents committee via DMC))	Arts. 23 (1, 3, 6) (MSAC; implicit)	Arts. 20, 21 (MSAC; implicit)	Art. 21(2) (village residents committee)	
	Submit views on applicants to become a monk.	Art. 8 (village residents committee)	Arts. 23 (1, 3, 6) (MSAC; implicit)	Arts. 20, 21 (MSAC; implicit)	Art. 20 (village residents committee)	
		National	Huangnan TAP	Hainan TAP	Aba T&QAP	Diqing TAP
DMC members, teachers, <i>trulkus</i> , monks and nuns may face administrative or criminal punishment for activity characterized as:	Allowing Buddhism to come under foreign influence or domination.	Art. 7 (provides basis for punishment)	Art. 44			
	Contacting "foreign separatist organizations" (e.g., groups that the government associates with the Dalai Lama)		Art. 44		Arts. 36, 40 (implicit)	
	Using Tibetan Buddhism to "harm" what the government deems to be China's national interests, public interests, or citizens' legal rights.			Art. 40	Art. 34	Art. 25
	"Obstructing" China's administrative, judicial, or education systems.		Art. 46 (partial)	Art. 40		Art. 25
	Inciting what the government deems to be "ethnic hatred" or harming "ethnic unity."			Art. 42		Art. 24
	Inciting what the government deems to be "splittism."		Art. 44		Art. 35	Art. 24
	Publishing or disseminating information that the government deems to endanger "ethnic unity" or "state security."			Art. 42	Art. 40 (implicit)	
	Planning or participating in what the government deems to be "illegal" gatherings, processions, or demonstrations.		Art. 44	Art. 43		
	Desecrating the national flag.			Art. 44		
	Causing occurrences that the government deems to endanger "state security," "social order," or "public order."		Art. 44	Art. 45	Art. 35	Art. 24
	Illegally exiting or returning to the country (e.g., travel to India for religious purposes without official travel documents).				Arts. 36, 41	

Distinctions Between the Prefectural Regulatory Measures

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The summary below highlights selected areas of distinction among the prefectural regulatory measures in the degree of government intrusiveness into Tibetan Buddhist affairs: grassroots-level committees set up in TAPs in Qinghai to monitor and supervise Tibetan Buddhist institutions; more detailed provisions on activity that can result in administrative or criminal punishment of "religious professionals"; and, in some cases, the nominal right of such persons to use Chinese laws to challenge an administrative punishment. Table 2 above provides a comparison of relevant provisions for four of the seven prefectural-level regulatory measures for which text was available online as of February 2011. Table 3 below provides political imprisonment information suggesting that people's congresses in TAPs where monks and nuns were more active in protest activity beginning in March 2008 have passed regulatory measures that contain more detailed provisions on punishment.

- In Qinghai, dedicated village-level committees to monitor, supervise, and report on monastic activity. [See Table 2 above.] The five Qinghai province TAP regulations for which text was available online as of February 2011 [see Table 1 above] include provisions that establish "masses supervision and appraisal committees" (MSACs, *qunzhong jiandu pingyi weiyuanhui*). MSACs are a new development with respect to their specific role in government management of "Tibetan Buddhist affairs," based on Commission analysis, and could strengthen government capacity to monitor, supervise, and control principal functions of Tibetan Buddhist institutions. Township governments guide the selection of MSAC members from among village residents or herders and monastery staff. MSACs must fulfill specific responsibilities for supervision, monitoring, and appraisal of monastic management (especially of DMCs), administration (including financial affairs), and Buddhist teaching. MSACs must submit findings in periodic reports submitted to township- and county-level governments.
- Extent of provisions for administrative and criminal punishment. [See Table 2 above.] The prefectural regulatory measures vary in the extensiveness and specificity of language describing activity that may result in administrative penalties (e.g., expulsion) or criminal punishment (e.g., imprisonment) of "religious personnel." Table 1 above lists three prefectures (Hainan, Guoluo, Aba) described as having regulatory measures containing more extensive descriptions of punishable activity, three prefectures (Haibei, Haixi, Diqing) described as containing less extensive descriptions, and one prefecture (Huangnan) described as mid-range. Table 3 below, based on information available in the Commission's [Political Prisoner Database](#) (PPD) as of February 2011, demonstrates a correlation between the extensiveness of the regulatory measures' provisions on punishment and the number of Tibetan Buddhist monks, nuns, teachers, or *trulkus*, known to have been detained or imprisoned in each TAP on or after March 10, 2008. PPD data on such detentions is certain to be far from complete. TAPs where monks and nuns have been more open in expressing religious devotion toward the Dalai Lama and more active in protesting against Chinese government policies toward the Tibetan culture and religion have the most punishment-oriented regulatory measures, based on Commission analysis. [See the Commission's [2010](#) (224-229), [2009](#) (288-299), and [2008](#) (194-199) Annual Reports, and [Special Topic Paper: Tibet 2008-2009](#) (56-86) for more information on the political detention and imprisonment of Tibetans including Tibetan Buddhist monks, nuns, and teachers.] Information was not available online as of February 2011 on the current status and text of draft Buddhist affairs regulations in Ganzi TAP, where public security officials detained the greatest number of monks and nuns of any TAP during the period.
- Provision for potential redress against administrative punishment. [See Table 2 above.] Four of the prefectural regulations (Haibei, Huangnan, Guoluo, Diqing) for which the Commission has seen text as of February 2011 contain a provision explicitly allowing a person punished administratively under the regulation's provisions either to seek administrative reconsideration of the punishment or to file a lawsuit against the punishment. Three of the four regulations (Haibei Regulations, Art. 51; Huangnan Regulations, Art. 48; Guoluo Regulations, Art. 51) cite China's [Administrative Reconsideration Law](#) and [Administrative Litigation Law](#) as the legal instruments for undertaking such legal action. The Diqing Regulation (Art. 27) explicitly allows administrative reconsideration and filing administrative lawsuits, but it does not name the laws. The Hainan and Haixi Regulations and the Aba Temporary Measures do not explicitly mention seeking administrative reconsideration of an administrative punishment or filing an administrative lawsuit against such a punishment.

Table 3: Extent of Punishable Offenses in TAP Regulations on Tibetan Buddhist Affairs Compared to Tibetan Monastic Political Prisoners Detained On or After March 10, 2008

Source: CECC Political Prisoner Database, 11 February 11. Figures are certain to be incomplete.

Extensiveness of Descriptions of Punishable Offenses [from Table 1]	Province	Prefectural Regulation	Tibetan Buddhist Monks, Nuns, Teachers Detained On or After March 10, 2008
More extensive	Qinghai	Hainan TAP	12
More extensive	Qinghai	Guoluo (Golog) TAP	18
More extensive	Sichuan	Aba (Ngaba) T&QAP	57
		Huangnan	

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Mid-range extensive	Qinghai	(Malho) TAP	3
Less extensive	Qinghai	Haibei (Tsojang) TAP	0
Least extensive	Qinghai	Haixi (Tsonub) M&TAP	0
Less extensive	Yunnan	Diqing (Dechen) TAP	0
(Regulation text not available)	Qinghai	Yushu (Yulshul) TAP	0
(Regulation text not available)	Sichuan	Ganzi (Kardze) TAP	202
(Existence of a regulation not established)	Gansu	Gannan (Kanlho) TAP	85

[End]

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