

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.

LOCAL EXECUTIVE

A. National.

1. ***Proposal on the Distribution of Quotas for Minority Representatives on the Sixth National People's Congress*** (approved on March 5, 1983 by the 26th Session of the Standing Committee of the Fifth National People's Congress).

(a) The Proposal notes that there are 55 minorities in China, with a total population of approximately 67.23 million, and constituting 6.7% of China's total population. Minority representatives should account for 12% of the total number of representatives of the National People's Congress (*i.e.*, approximately 360 people). The Proposal makes certain adjustments so that each minority will have at least one representative regardless of its population.

(b) The draft proposal called for 319 minority representatives, with 26 candidates to be nominated by the central authorities, for a total of 345 representatives, *i.e.*, 11.5% of the National People's Congress. The actual results of the elections are greater than this percentage.

(c) The schedule attached to the Proposal provides that with respect to Tibetan representatives, there is to be a total of 26 persons, with six representatives from Sichuan Province, two representatives from Yunnan Province, 12 representatives from the Tibet Autonomous Region, two representatives from Gansu Province and four representatives from Qinghai Province.

2. ***Proposal on the Distribution of Quotas for Minority Representatives on the Seventh National People's Congress*** (adopted on September 5, 1987 by the 22nd Session of the Standing Committee of the Sixth National People's Congress).

The 1987 Proposal restates the 1983 Proposal described in item 1 above, with the same number of Tibetan representatives (and the same province of origin) as described therein.

3. ***Proposal on the Distribution of Quotas for Minority Representatives on the Eighth National People's Congress*** (approved on September 4, 1992 by the 27th Session of the Standing Committee of the Seventh National People's Congress).

This 1992 Proposal continues to implement the provisions that the number of minority representatives on the National People's Congress shall constitute approximately 12% of the total number of representatives. The draft proposal called for 320 minority representatives with 26 candidates to be nominated by the central authorities, and 10 minority representatives to be allocated to the People's Liberation Army, for a total of 356 representatives. The annex attached to the Proposal with the

allocation of 26 persons to the Tibetan minority (and their province of origin) is as described in item 1 above.

4. ***Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Ninth National People's Congress*** (adopted on May 9, 1997 by the 25th Session of the Standing Committee of the Eighth National People's Congress).

This Proposal is substantially similar to the one described in item 3.

5. ***Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Tenth National People's Congress*** (adopted on April 28, 2002 by the 27th Session of the Standing Committee of the Ninth National People's Congress).

This Proposal is substantially similar to the one described in item 3.

6. ***Opinion of the Organization Department of the Central Committee of the Communist Party of China ("CPC"), the United Front Work Department of the Central Committee of the CPC and the State Ethnic Affairs Commission on Doing Better Work of Further Training and Selecting Minority Cadres*** (effective December 30, 1993, Zhongzufa [1993] No. 9).

(a) This Opinion notes that since 1949, and particularly following the Third Plenary Session of the 11th Communist Party Congress, all levels of Party and governments have seriously implemented the policy of training and using minority cadres. A large number of minority cadres has already come through the ranks and this has been a major contribution to the safeguarding of the unity of the Motherland and the unity of all ethnic groups and has promoted the social and economic development of minority areas.

(b) The Opinion contains provisions regarding:

(i) clarifying the guidelines and major tasks on the training and selection of minority officials;

(ii) strengthening the training and education of minority cadres and further improving their political and professional quality;

(iii) strengthening the team of minority cadres at the basic levels;

(iv) strengthening the team of minority specialists and technical cadres;

(v) carefully selecting the minority cadres who are to be leaders; and

(vi) including the training and selection of minority cadres on the agendas of the departments in each area.

B. Tibet Autonomous Region.

1. ***Implementing Measures of the TAR for the Law of the People's Republic of China on the Organization of Urban Residents Committees*** (adopted on December 26, 1993 by the Seventh Session of the Standing Committee of the Sixth TAR People's Congress).

(a) These Measures implement the Law of the People's Republic of China on the Organization of Urban Residents Committees, and in all material respects follow the provisions of the national law, which became effective on January 1, 1990. Residents committees are the basic autonomy organizations of the masses. The Measures describe the responsibilities of residents committees. They can establish subcommittees such as people's mediation committees, social security committees, public safety and security committees and public health committees. The Measures also describe the powers of meetings of the committees.

(b) The Measures provide for the composition of residents committees. In areas where there are many ethnic groups, the committees should include a small number of members of different ethnic groups. Members are elected by the residents in the area on the basis of a majority vote. Any resident who is 18 years of age or more, regardless of his or her ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education or financial circumstances, has the right to vote and to be candidates for election (but excluding any persons whose political rights have been forfeited). Candidates must safeguard the unity of the Motherland and the unity of ethnic groups, comply with the law, act in good faith, warmly serve the people and have a certain ability to work.

2. ***Detailed Rules for the Implementation of Elections of Representatives of People's Congresses at All Levels Within the Tibet Autonomous Region*** (adopted on April 18, 1981 by the Fifth Session of the Standing Committee of the Third TAR People's Congress; first amended on January 18, 1984 by the Fourth Session of the Standing Committee of the Fourth TAR People's Congress; second amended on July 29, 1987 by the 23rd Session of the Standing Committee of the Fourth TAR People's Congress, taking into account the actual circumstances of the TAR and in accordance with the Decision of the 18th Session of the Standing Committee of the Sixth National People's Congress on December 2, 1986 on the Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congress at All Levels in the Localities; and third amended on September 28, 1995 by the 16th Session of the Standing Committee of the Sixth TAR People's Congress in accordance with the Decision of the 12th Session of the Standing Committee of the Eighth National People's Congress on February 28, 1995 on the Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congresses at All Levels in the Localities).

(a) These Implementing Rules set forth the procedures for the election of the representatives of the TAR on the National People's Congress and people's congresses at local levels.

(b) All Chinese citizens living in the TAR who are at least 18 years of age have the right to elect representatives and to be elected, regardless of their ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education, financial circumstances or period of residence. Chinese citizens from the TAR who live abroad temporarily retain the right to vote and to be elected. If they are in China during an election period for representatives to the people's congresses below the county level, they may participate in the voting at their original place of residence or the last place of their residence prior to leaving China.

(c) The representatives of the people's congresses at all levels shall include an appropriate number of Han and other minority representatives, as well as an appropriate number of women representatives, and the ratio of women representatives shall be gradually increased. There shall be representatives from different [aspects], including intellectuals, patriots, religious persons, Tibetan compatriots who have returned to China and so forth.

(d) The Implementing Rules describe the persons who may not vote or be elected (*e.g.*, persons who have been convicted of a serious crime and have been incarcerated and persons whose political rights have been forfeited in accordance with law).

(e) The Implementing Rules set forth the procedures on the establishment of election committees, their responsibilities, the number of representatives for the people's congresses at various levels, the responsibilities of representatives, the creation of electoral districts, voter registration, etc.

(f) All documents used in elections shall be in both Tibetan and Chinese, or the language commonly used by the people in the area.

(g) It is an offense, among other things, to incite ethnic relations, destroy the unity of peoples, or instigate the separation of peoples.

3. ***Working Regulations of the Tibet Autonomous Region on the People's Congresses at the Village and Township Level*** (adopted on October 23, 1992 by the 22nd Session of the Standing Committee of the Fifth TAR People's Congress and amended on September 28, 1995 by the 16th Session of the Standing Committee of the Sixth TAR People's Congress).

(a) These Regulations have been formulated in accordance with the Law of the People's Republic of China on the Organization of the People's Congress and People's Governments at All Levels in the Localities.

(b) The national law sets up a framework for the establishment of local people's congresses, their responsibilities, the formation of standing committees, the conduct of meetings and the conduct of elections, as well as the role of local governments and their organizational structure. The Working Regulations implement the national law for the congresses and governments at the village and township level.

4. ***Implementing Measures of the Tibet Autonomous Region for Law of the People's Republic of China on Representatives to the National People's Congress and to the Local People's Congresses at Various Levels*** (effective April 2, 1999; adopted on April 1, 1999 by the Sixth Session of the Standing Committee of the Seventh TAR People's Congress).

The national law describes the responsibilities of representatives while the people's congress is in session or not in session, and includes provisions to guarantee that a representative is able to perform his or her duties. These Implementing Measures essentially implement the national law.

5. ***Procedural Rules for the People's Congress of the Tibet Autonomous Region*** (adopted on August 7, 1989 by the Second Session of the Fifth TAR People's Congress and amended on January 20, 2002 by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) These Rules contain detailed rules on meetings of the people's congress, attendance by representatives, the preparatory work to be completed before meetings, quorum requirements, responsibilities of the chairman's group of the people's congress, the procedures for submitting and adopting resolutions and the election and removal of the top officials of the standing committee and people's government.

(b) Meetings of the TAR People's Congress shall be conducted in both Chinese and Tibetan.

6. ***Measures of the Tibet Autonomous Region on Elections to Fill Vacancies of Representatives to the People's Congresses At All Levels*** (adopted on November 25, 1999 by the 10th Session of the Standing Committee of the TAR Seventh People's Congress).

These Measures have been formulated to prescribe the procedures for filling vacancies in the people's congresses on a timely basis. If a representative is unable to complete his or her term, the original voting area or voting unit shall elect a replacement. The Measures describe the process at various levels of the people's congresses, the procedures for nominating candidates, and the review and updating of voter lists. Elections shall be by secret ballot or by a show of hands, and representatives are appointed by majority vote.

7. ***Measures of the Tibet Autonomous Region Regarding the Election of Village Committees*** (effective March 1, 2002; adopted on January 20, 2002 by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) These Measures have been formulated to implement the Law of the People's Republic of China on the Organization of Village Committees. The national law establishes village committees as the primary mass organization of self-government, the composition of village committees, terms of office of members, the election of members, the responsibilities of village committees and so forth.

(b) Villagers who are 18 years or over (other than those whose political rights have been forfeited) have the right to vote and to be elected, regardless of their ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education, financial circumstances or period of residency.

(c) Candidates for election to the village committees must, among other things, protect the leadership of the Chinese Communist Party, warmly love the socialist Motherland, safeguard the unity of the Motherland and unity of peoples and oppose splittism.

(d) In areas where there are many ethnic groups, members of the village committees should include a small number of minorities.

C. **Qinghai Province.**

1. *Decision of the Standing Committee of the People's Congress of Qinghai Province on the Numbers of Representatives to the People's Congress of Xining Municipality and of Each Autonomous Prefecture* (adopted on January 26, 1996 by the 22nd Session of the Standing Committee of the Eighth Qinghai Provincial People's Congress).

The Decision sets the number of representatives on the people's congresses of Xining Municipality and the various autonomous prefectures in Qinghai Province.

D. Yunnan Province.

1. ***Decision of the Standing Committee of the Yunnan Provincial People's Congress on the Number of Members of the Standing Committees of the People's Congresses of Certain Cities, Prefectures and 128 Counties*** (adopted on September 27, 2002 by the 30th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

The Decision sets the number of members of the standing committees of the people's congresses of certain cities, prefectures and 128 counties.

2. ***Decision of the Standing Committee of the Yunnan Provincial People's Congress on the Allocation of the Number of Representatives to, and the Election for, the 10th Yunnan Provincial People's Congress*** (adopted on July 25, 2002 by the 29th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

(a) The number of representatives to the 10th Yunnan Provincial People's Congress is 638. Where the population is sparse in the Nujiang Lisu Autonomous Prefecture and the Diqing Tibetan Autonomous Region, each such area shall have at least 10 representatives.

(b) Minority representatives shall account for approximately 40% of the total representatives. Ethnic groups with a rather small population shall have at least one representative.

3. ***Proposal of the Standing Committee of the Yunnan Provincial People's Congress on the Allocation of Minority Representatives to the 10th Yunnan Provincial People's Congress*** (adopted on July 25, 2002 by the 29th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

(a) In accordance with the provision that "of the representatives of the Provincial People's Congress, the number of minority representatives shall constitute approximately 40% of the total number of representatives of the Provincial People's Congress," Yunnan Province has 25 minorities, and there shall be approximately 255 representatives.

(b) The number of the population that each minority representative represents shall be appropriately lower than the average number of the population that each representative represents. The 10 minorities that have a population of less than 34,000 shall each be allocated one representative so as to guarantee that each minority in the province has at least one representative on the Provincial People's Congress.

(c) A total of 235 representatives will be minority representatives, of which 4 will be allocated to the Tibetan minority.

CULTURAL TRADITIONS

A. National.

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

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

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

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

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

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

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

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

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

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

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

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

B. Gansu Province.

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

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

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

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

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

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

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

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

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

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

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

C. Qinghai Province.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LANGUAGE

A. National.

1. *Notice of the State Council on the Division of Labor for the Approval and Experimental Implementation of the Proposal to Establish and Reform the Written Language of All Minorities* (March 10, 1956).

(a) This Notice describes the approval procedures for proposals to establish and reform the written languages of minorities and the division of labor when such proposals are being implemented on an experimental basis.

(b) The Minority Languages Research Institute of the Chinese Academy of Sciences is responsible for making a preliminary plan, which will be examined by the people's committees of the provinces and autonomous regions. The views of the minority in question will be solicited and after full consultation and agreement, the proposal will be submitted to the Ethnic Affairs Commission for confirmation. After trial implementation for a certain period, any required amendments will be made, the proposal resubmitted to the Ethnic Affairs Commission for review and thereafter submitted to the State Council for approval.

(c) The Second Office of the State Council is responsible for the trial implementation work. The Ministry of Education will be in charge of selecting the schools that will use experimental text books. The Ministry of Culture will be in charge of trial implementation in social and cultural enterprises and publishing. In addition, the relevant departments of local governments will also divide their responsibilities in accordance with this Notice.

2. *Report of the State Ethnic Affairs Commission and the State Publishing Bureau on Strengthening the Publication of Books in Minority Languages* (transmitted on March 14, 1981 by the State Council).

(a) The Report is a summary of the outcome of a meeting convened in Beijing in November 1980 to discuss minority publications in the country. The Report noted that minority publishing work is an important integral part of the entire work of ethnic groups. In the new historical period of the Four Modernizations, strengthening the work of minority publishing has a major significance in fully implementing the Party's ethnic group policies, supporting the Four Principles, promoting the exchange of thoughts and culture between all ethnic groups, strengthening the unity of ethnic groups and safeguarding the unity of the Motherland, as well as improving the political thinking and level of scientific and cultural knowledge of all ethnic groups, and promoting the Four Modernizations. At the same time as improving the material civilization of all ethnic groups, it improves spiritual civilization and gradually eliminates inequalities that exist among different ethnic groups.

(b) Regardless of the size of the population of the ethnic group, so long as such ethnic group has its own common written language and requests that books be published in such language, the publishing departments shall actively support such requests in accordance with the decision of the people's government of the autonomous region or province. Publishing books in minority languages shall be the top priority for publishers in minority autonomous areas. Minority peoples are encouraged and advocated to create books in their own languages. The percentage of books in minority languages shall be gradually increased.

(c) The cultural relics of ethnic groups are to be excavated and saved. Excellent minority traditions shall be continued and advocated.

(d) The Report also states that the establishment and reorganization of ethnic group publishing agencies should be done to benefit the development of minority publications work. The number of editors is to be gradually increased, as well as translators. Flexible measures are to be adopted to speedily develop publishing, printing and distribution of ethnic group publications. The budget for ethnic group publications is to be gradually increased each year. Losses are to be resolved by the local finance departments in accordance with the financial system.

3. ***Report of the State Ethnic Affairs Commission on Further Doing a Good Job in Respect of Minority Languages*** (issued on April 30, 1991 by the State Ethnic Affairs Commission and transmitted on June 19, 1991 by the State Council).

(a) The Report notes that China is a unified socialist country with many ethnic groups, with many ethnic spoken and written languages. Of China's 55 minorities, 53 have their own languages (the Hui and Man peoples use Chinese as their language). At present, most peoples of minority groups use their own language as their major tool of communication. Each ethnic group has the freedom to use and develop its own language. Autonomous agencies of minority autonomous areas are to use the one or several commonly used languages when performing their duties. If several commonly used languages are used, then the autonomy agencies may use the language of the minority that has autonomy in that area as its main language. The people's governments are to help minorities develop cultural and educational enterprises that use minority languages, advocate the mutual study of languages by minority cadres and the masses — with Han cadres studying the local minority language and minority cadres studying Chinese.

(b) The Report stipulates that the guiding thought and direction of minority language work is to support the Marxist principle of the equality of all languages, guarantee the freedom of minorities to use and develop their own languages, and to go forward based on the premise that it is beneficial to the unity, progress and collective prosperity of ethnic groups.

(c) The main task of minority language work is to implement the language policy of the Party and the State, strengthen the minority language legal system, advocate Marxist theory and policies on minority languages, regularize and

standardize minority languages and information processing, and advance undertakings involving minority language translation, publication, education, news, broadcasting, films and television and the organization of ancient texts; promote the academic study of minority languages and exchanges and the training of talent and encourage ethnic groups to learn each other's languages.

(d) With respect to minority languages that are commonly used, they should continue being studied, used and developed. With respect to minority languages created or modified in the 1950s, if the results of using such languages have been good and these languages have been welcomed by most of the masses, then they shall be promoted. But if the results of usage have not been ideal, then the languages shall be further improved, and if the results have not been good and the language has not been welcomed by the masses, then the wishes of the masses are to be respected and the language will not be forced on them.

(e) With respect to ethnic groups that do not have their own written language or standard written language, they are encouraged to choose an existing written language as their written language. With respect to those ethnic groups that have chosen Chinese or another minority written language as their written language, the wishes of the ethnic group will be respected and their choice shall be affirmed.

(f) All ethnic groups are encouraged to learn each other's languages. Han cadres working in minority areas shall actively learn the local minority languages. Minority cadres shall also learn Chinese while using their own languages. Cadres who are familiar with and can use more than one language shall be encouraged and rewarded.

(g) In accordance with the spirit of the Law of the People's Republic of China on the Autonomy of Ethnic Areas, schools where minority students are recruited as the main student body and which have the conditions shall use textbooks in minority languages and the language of instruction shall be the minority language. At appropriate grades, Chinese shall be taught. Schools shall use two languages of instruction and shall promote Putonghua.

4. *Notice of the State Education Commission on Pursuing Testing of Chinese in Minority Schools* (July 18, 1997).

Because of the flaws in the current teaching of Chinese as a second language in minority schools, this Notice requires the implementation of Chinese language level testing in several provinces and prefectures (including Tibet). The State standard testing, known as "HSK" (an acronym for the hanyu pinyin of Chinese language level testing), is for persons whose mother tongue is not Chinese (including foreigners, overseas Chinese and Chinese minorities). The Notice describes the different levels of Chinese proficiency, grading, testing fees, testing times and so forth.

5. ***Notice of the News and Publications Bureau on Issues Relating to the Publication of Minority Language Periodicals*** (effective November 18, 1998).

This Notice has been issued in response to a request by the Xinjiang Uighur Autonomous Region News and Publications Bureau as to whether they may use a unified state code for publications that are in multiple minority languages. The Notice allows a unified state code to be used for certain periodicals and stipulates the form of the code. The Notice applies to any periodicals that are published in a minority language.

6. ***Law of the People's Republic of China on the Commonly Used Oral and Written Language of the State*** (effective January 1, 2001; adopted on October 31, 2000 by the 18th Session of the Standing Committee of the Ninth National People's Congress, and published on October 31, 2000 by Decree No. 37 of the People's Republic of China).

(a) This Law has been formulated to promote the standardization of the commonly used oral and written language of the State, *i.e.*, Putonghua, and its healthy development so that the language may be better used in social life, and to promote economic and cultural exchange among all ethnic groups and areas. The Law states that the use of the commonly-used language will be beneficial to safeguarding the sovereignty of the State and the dignity of ethnic groups, the unity of the State and the unity of ethnic groups and the construction of a socialist material and spiritual civilization.

(b) Each ethnic group has the freedom to use and develop its own oral and written language. The use of the language of minorities shall be in accordance with the relevant provisions of the Constitution, the autonomy laws of ethnic areas and other laws.

B. Tibet Autonomous Region.

1. ***Provisions of the TAR on the Study, Use and Development of the Tibetan Language*** (adopted on July 9, 1987 by the Fifth Session of the Fourth TAR People's Congress, and amended on May 22, 2002 by the Fifth Session of the Seventh TAR People's Congress).

(a) The TAR supports the principle that the languages of all ethnic groups are equal. The people's governments at all levels shall emphasize and strengthen the study, use and development of the Tibetan language.

(b) Tibetan and the language commonly used in the State shall have equal validity when state agencies at all levels perform their duties.

(c) All important meetings and assemblies of state agencies at all levels shall concurrently use Tibetan and the language commonly used in the State, or only one of such languages. Documents for normal circulation by the state agencies at all levels shall be written in both Tibetan and the written language commonly used in the State.

(d) To guarantee that all ethnic groups shall have the right to use their own languages in conducting litigation, the judicial agencies at all levels shall, in judicial activities, according to need, use the locally commonly used language or languages.

(e) During the period of compulsory education, Tibetan and the language commonly used in the State shall be used as the basic languages of instruction. Tibetan languages classes and classes in the commonly used language in the State shall be offered, together with foreign language classes at the appropriate time.

(f) The TAR shall adopt measures to eradicate the Tibetan language illiteracy of Tibetan youth.

(g) The TAR encourages and advocates the mutual study of the languages of different ethnic groups. Tibetan cadres shall learn and use the language commonly used in the State and Chinese and other minority cadres shall learn and use Tibetan.

(h) The TAR actively develops Tibetan language education, news, publications, broadcasting, films, television and other undertakings, and pays attention to the publication of children's, popular and scientific reading materials.

(i) People who can use both the Tibetan language and use the language commonly used in the State shall, where all conditions are equal, have priority during the hiring process for public functionaries by the state agencies at all levels and for technical personnel by enterprise units.

(j) All official seals, forms of identification and signs of state agencies at all levels, people's groups and enterprise units, as well as agencies from outside the TAR that have set up offices in the TAR shall use both Tibetan and the language commonly used in the State. Tibetan and the language commonly used in the State shall both be used for public utilities, signs and advertisements, and shall be written in regular form, neat and with accurate translations.

(k) The packaging and product information of goods that are manufactured in the TAR for sale in the TAR shall be written in Tibetan and the language commonly used in the State. The name, business purposes, prices and invoices of all types of service industries in the TAR shall be in both Tibetan and the language commonly used in the State.

(l) The TAR shall adopt measures to train translators, and emphasize and strengthen the translation work of the Tibetan language and the language commonly used in the State.

C. Gansu Province.

1. *Working Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Tibetan Language* (approved on June 1, 1996 by the 21st Session of the Standing Committee of the Eighth People's Congress of Gansu Province).

(a) The prefecture government shall support the principle of the equality of the languages of all ethnic groups and guarantee the freedom of all ethnic groups to use and develop their own languages. The Tibetan language is the main language that shall be used to exercise the right of autonomy within the prefecture. The autonomy agencies of the prefecture shall guarantee the freedom of Tibetan citizens to use and develop their own language and to give full play to the use of the Tibetan language in the development of politics, the economy and culture in the prefecture.

(b) When developing the work of the Tibetan language, the state agencies at all levels shall promote the equality, unity, mutual assistance and collective prosperity of all ethnic groups, as well as service to the economic development and progress of society in the prefecture.

(c) When hiring or promoting cadres, the prefecture shall treat on an equal basis those persons who have the same educational backgrounds and levels of Tibetan and Chinese languages, and shall oppose any discrimination against any language. The prefecture advocates that all workers within the prefecture units and enterprises shall study and use Tibetan and encourages Tibetan workers to learn and use Chinese and Putonghua while studying and using Tibetan.

(d) The study and use of the Tibetan language shall be one criterion for the evaluation of cadres.

(e) Elementary and middle schools, most of whose students are Tibetan, shall use both Tibetan and Chinese as their languages of instruction.

(f) All important notices and propaganda materials that are issued to villages shall, in accordance with actual needs, be in Tibetan or in both Tibetan and Chinese. All documents submitted by the counties or villages to higher level authorities may be in either or both languages. The signage for all important meetings or assemblies of the prefecture state agencies shall be in both Tibetan and Chinese. Such meetings and the meeting materials shall be in both Tibetan and Chinese. Work meetings of departments of the autonomy agencies and enterprise units shall, in accordance with actual needs, be conducted in both Tibetan and Chinese.

(g) The autonomy agencies shall guarantee the right of Tibetan citizens to use Tibetan to carry out litigation. The judicial agencies may not reject any proceeding initiated, reviewed or appealed by any litigant in oral or in written form. The people's courts, people's procuracies and public security agencies at all levels shall use Tibetan when dealing with Tibetan litigants or offer them interpreters. Legal documents shall be in Tibetan and Chinese.

(h) All official seals, letterhead, other signs, certificates of merit, certificates, notices, and signs in cars of state agencies, enterprises, units and provincial level agencies in the prefecture, as well as the names of towns and streets and border signs shall be in both Tibetan and Chinese. The name and trademarks of products manufactured within the prefecture and all shops, price lists and product information shall be in both languages. The service industries within the prefecture such as the postal service, banks, cereal/grain stores, bus/railroad stations, restaurants, hotels, shops, bookstores and hospitals, shall use Tibetan to serve Tibetan customers or patients or provide them with translation services.

(i) Cadres, specialists and workers may use Tibetan to take any employment tests. When recruiting preliminary or middle level specialists, following uniform testing or review by the labor departments of the prefecture, those persons whose level of Tibetan has reached the required levels may apply to be exempted from foreign language testing. Scientists and artists are encouraged to use the Tibetan language for research, creation and invention.

2. ***Working Regulations of the Tianshu Tibetan Autonomous County of Gansu Province on the Tibetan Language*** (adopted on January 18, 1999 by the Second Session of the 14th People's Congress of the Tianshu Tibetan Autonomous County, and approved on March 26, 1999 by the Ninth Session of the Standing Committee of the Ninth People's Congress of Gansu province).

(a) These Regulations are substantially similar to the Regulation described for the Gannan Tibetan Autonomous Prefecture in item 1 above. Certain variances are noted below.

(b) When state agencies and enterprise units of the county hire functionaries and technical people, citizens who are proficient in both Tibetan and Chinese will have priority if all other conditions are equal.

(c) The county shall use its best efforts to create Tibetan language broadcasting and television programs. Bookstores and post offices in the county shall do a good job of the distribution and delivery of Tibetan language books and magazines so as to satisfy the needs of Tibetan language readers.

(d) The people's courts and people's procuracies shall be staffed with judges and investigators who are proficient in both Tibetan and Chinese.

D. Qinghai Province.

1. ***Working Regulations of the Hainan Tibetan Autonomous Prefecture on the Tibetan Language*** (effective on June 28, 1990, adopted on May 20, 1989 by the Fifth Session of the Eighth People's Congress of the Hainan Tibetan Autonomous Prefecture, and approved on June 28, 1990 by the 15th Meeting of the Standing Committee of the Seventh People's Congress of Qinghai Province).

(a) When engaging in political and social activities, the autonomy agencies of the prefecture shall seriously implement the relevant laws and minority policies of the Party and the State and support the principle of the equality of the languages of all ethnic groups. The freedom of all ethnic groups to use and develop their own languages shall be fully guaranteed, causing ethnic languages to serve in the strengthening and development of the equality, unity and mutual assistance of socialist ethnic relationships, and in the promotion of the development of a socialist material and spiritual civilization.

(b) Tibetan shall be the main language in the exercise of the right of autonomy by the ethnic groups in respect of which autonomy is implemented in the prefecture, and shall also be the one of the main commonly used languages in the prefecture. The autonomy agencies shall guarantee the freedom of Tibetan citizens to use and develop their own language.

(c) Autonomy agencies shall use both the Tibetan and Chinese languages when performing their duties.

(d) Autonomy agencies shall educate and encourage cadres and workers of all ethnic groups to study each other's language. Tibetan cadres and workers shall learn Putonghua and the Chinese written language. Chinese cadres and workers are encouraged to learn Tibetan.

(e) The prefecture and county people's governments shall establish Tibetan language working committees, which shall supervise the work on the Tibetan language.

(f) The autonomy agencies shall strengthen the study and use of Tibetan in the fields of politics, the economy, culture, education, science, health, physical education, and so forth.

(g) All important documents and notices issued by state agencies in the locality shall be in both Tibetan and Chinese. All study and promotional materials may be in both Tibetan and Chinese or either such languages.

(h) All official seals, signs, awards, certificates, letterheads, envelopes, labels, public notices and advertisements of units of state agencies in the locality shall be in both Tibetan and Chinese. In addition, the names of public utilities in public places, boundary signs, street signs, traffic signs and car door signs shall be in both languages. All the trademarks of, and product information relating to, products

manufactured within the prefecture, as well as the business scope, product names, price lists, invoices and other documents of service industries shall be in both languages.

(i) Large scale meetings of the autonomy agencies shall be conducted in both Tibetan and Chinese. State agencies and enterprise units in the prefecture shall, in accordance with actual needs, use either language when conducting work meetings.

(j) Tibetan citizens in the prefecture may use Tibetan to complete all types of applications, application forms or registration forms and to write other types of documents.

(k) When recruiting students, workers or cadres, the state agencies and enterprise units in the prefecture shall use both languages. Applicants who are to be tested shall have the right to select the language in which he/she will be tested. An applicant may use his or her own language when undergoing technical testing or evaluation for a job. People who are familiar with and can use both Chinese and Tibetan shall be encouraged and shall enjoy preferential treatment.

(l) The people's courts and people's procuracies shall use either or both Tibetan and Chinese in their adjudication and investigation activities. Interpreters shall be made available to litigants who are not familiar with Tibetan or Chinese. The right of each ethnic group to use its own language to conduct litigation shall be guaranteed. The notices and public announcements of the people's courts at all levels shall be in both languages. Legal documents formulated by the people's courts and people's procuracies at all levels shall, in accordance with actual needs, be in either or both languages.

(m) When receiving letters and visits from citizens of different ethnic groups, state agencies and enterprise units shall use the language that has been used by the petitioner.

(n) Tibetan elementary and middle schools shall use Tibetan as their main language, and will also offer Chinese classes. Elementary and middle schools with a significant number of Tibetan students shall, in accordance with actual circumstances, offer Tibetan classes. Party schools, cadre schools, teachers training schools, public health schools and professional schools and classes shall, in accordance with actual needs, offer Tibetan classes.

(o) The autonomy agencies shall handle Tibetan language broadcasting and television, and gradually increase the amount of self-produced Tibetan content. Autonomy agencies shall strengthen the work of translating into Tibetan and dubbing of films and television programs. In addition, the autonomy agencies shall do a good job of the distribution of Tibetan books, periodicals and other written materials and gradually increase and expand the variety and scope of Tibetan books and strive to increase the quality of distribution.

(p) The autonomy agencies shall strengthen Tibetan language translation work. The scientific research of the Tibetan language shall stress the basic research of the Tibetan written language, the collection and tidying up of outstanding cultural relics, applied research and standardization research of modern Tibetan nouns, technical terms and scientific language.

2. ***Working Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture on the Mongolian and Tibetan Languages*** (effective March 4, 1991, adopted on May 12, 1990 by the Sixth Session of the Eighth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture, and approved on March 4, 1991 by the 19th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

(a) These Regulations are substantially similar to those summarized in item 1 above for the Hainan Tibetan Autonomous Prefecture. In the Haixi Autonomous Prefecture, Mongolian, Tibetan and Chinese are commonly used. This summary highlights certain variances.

(b) Important documents issued by the autonomy agencies shall, subject to the recipients thereof, be in Mongolian, Tibetan and/or Chinese. Depending on the different areas, official seals, door signs, certificates, labels, meeting signs, trademarks, billboards, as well as railway stations, airports and street signs for major roads may be in any of the three languages.

(c) Chinese cadres of party and government agencies at the county level and above shall, within two or three years of their appointment, be basically proficient in Mongolian or Tibetan. State agencies and service industries that have relatively significant interaction with minorities must have a certain member of work personnel who are proficient in two or all three languages.

3. ***Working Regulations of the Guoluo Tibetan Autonomous Prefecture on the Tibetan Language*** (effective July 17, 1993, adopted on April 24, 1993 by the Fourth Session of the Ninth People's Congress of Guoluo Tibetan Autonomous Prefecture, and approved on July 17, 1993 by the Fourth Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

(a) These Regulations are substantially similar to those summarized in item 1 above for the Hainan Tibetan Autonomous Prefecture. This summary highlights certain variances.

(b) Election documents, voter lists, voter certificates, candidate lists, candidate certificates and the seals of election committees that are formulated or announced by the autonomy agencies shall be in both Tibetan and Chinese.

(c) The post office departments shall strengthen the ordering and delivery system for Tibetan periodicals, letters, telegrams and postal items. The Xinhua bookstores at all levels shall strengthen the ordering and distribution work for

Tibetan teaching materials and books. Libraries and ethnic group schools shall fully increase the variety and scope of their holdings of Tibetan books and information.

4. ***Working Regulations of the Huangnan Tibetan Autonomous Prefecture on the Tibetan Language*** (effective January 1, 1994, adopted on May 30, 1993 by the Third Session of the 10th People's Congress of the Huangnan Tibetan Autonomous Prefecture, and approved on September 18, 1993 by the Fifth Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

(a) These Regulations are substantially similar to those described in item 1 above for the Hainan Tibetan Autonomous Prefecture. This summary highlights certain variances.

(b) Departments and service industries in the prefecture that have relatively significant interaction with Tibetan citizens shall have work personnel who are familiar with Tibetan and Chinese.

5. ***Working Regulations of the Haibei Tibetan Autonomous Prefecture on the Tibetan Language*** (effective October 1, 1995, adopted on March 21, 1994 by the Fifth Session of the Ninth People's Congress of the Haibei Tibetan Autonomous Prefecture of Qinghai Province, and approved on March 30, 1995 by the 17th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

These Regulations are substantially similar to those described in item 1 above for the Hainan Tibetan Autonomous Prefecture.

6. ***Working Regulations of the Yushu Tibetan Autonomous Prefecture on the Tibetan Language*** (effective July 1, 1995, adopted on May 13, 1994 by the Fifth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province, and approved on May 31, 1995 by the 18th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

(a) These Regulations are substantially similar to those described in item 1 above for the Hainan Tibetan Autonomous Prefecture. This summary highlights certain variances.

(b) The autonomy agencies shall pay attention to the Tibetan language training of young cadres and work personnel and strengthen the work of eliminating Tibetan language illiteracy of the rural and pastoral masses.

E. Sichuan Province.

1. ***Working Regulations of the Ganzi Tibetan Autonomous Prefecture on the Use of the Tibetan Language*** (adopted on November 21, 1997 by the Fifth Session of the Seventh People's Congress of the Ganzi Tibetan Autonomous Prefecture, and approved on April 6, 1998 by the Second Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

(a) These Regulations are substantially similar to those described in item 1 for Qinghai Province for the Hainan Tibetan Autonomous Prefecture. This summary highlights certain variances.

(b) The state agencies at all levels shall use Tibetan and Chinese when performing their duties, but may also, in accordance with actual circumstances, use only one of those languages. All meetings conducted in the prefecture may, in accordance with actual needs, use either or both languages. However, where the Tibetan masses are the main participants in any meeting, Tibetan shall be used, and simultaneous Chinese translations shall be given.

(c) Election documents, voter lists, voter certificates, candidate lists and candidate certificates that are formulated or announced by the county or village (townships) where Tibetans live shall be in Tibetan and Chinese.

(d) People's courts and people's procuracies shall, in accordance with actual needs, use either or both Tibetan or Chinese in their adjudication or investigation work, and in the distribution of legal documents and legal announcements, and shall provide interpreters for litigation participants.

(e) In recruiting and testing workers or students for state agencies and enterprise units, Tibetan and Chinese tests shall be given. However, a candidate is permitted to select one language to be tested in.

(f) Elementary and middle schools in areas where Tibetans live shall, in accordance with the language environment, and the wishes of the masses, use Tibetan and Chinese as their languages of instruction. Middle and specialist schools under the control of the prefecture shall offer Tibetan classes.

(g) The prefecture shall pay attention to Tibetan language education in the education of Tibetan work personnel and adults. In villages (townships) where Tibetans live, Tibetan shall be used to wipe out illiteracy and to promote applicable technologies, public health, family planning and other knowledge.

(h) Service industries shall actively create the conditions to gradually use Tibetan and Chinese to serve the masses.

EDUCATION

A. National.

1. ***Opinion on Strengthening Medical Education in Minority Areas*** (effective May 26, 1980, issued by the Ministry of Health, the State Ethnic Affairs Commission and the Ministry of Education).

(a) Higher medical educational institutes in minority areas should guarantee that an appropriate number of minority students are accepted each year, so that gradually the numbers will reflect the population ratio of the minority in the area.

(b) The language of instruction in the medical schools will be mainly Chinese. However, if schools have the resources, the minority language may be used as a language of instruction.

(c) Political, academic, and financial support should be given to medical teachers who are relocated to minority areas. Minority specialists and professors should be given more training and special support.

(d) To improve the teaching resources of medical schools in minority areas, economically developed provinces are to support such areas (*e.g.*, Beijing to support Inner Mongolia, Shandong to support Qinghai, Tianjin to support Gansu, Shanghai to support Yunnan and Ningxia, and the entire country to support Tibet). Medical schools in economically developed provinces are to be affiliated with those in minority areas, are to accept visiting teachers from minority areas to conduct advanced study and research each year, and are to send specialists to minority areas to teach and hold seminars and, in certain circumstances, to relocate to minority areas for several years to train the local professionals.

(e) Special attention should be given to the development of ethnic medical studies of the Mongolian, Tibetan and Uighur minorities. These studies will be arranged in Inner Mongolia, Qinghai and Xinjiang, respectively.

(f) The people's governments of each area should actively adopt measures to restore and build translation publishing houses for minority languages. Tibetan language texts are to be published and distributed by the Tibetan Autonomous Region and Qinghai Province.

2. ***Opinion on Strengthening the Professional Skills Education of Minorities and Minority Areas*** (effective April 8, 1992, Jiaozhi [1992] No. 8, issued by the State Education Commission).

(a) This Opinion implements the ***Decision of the State Council On Developing Professional Skills Education*** (the "Decision") in minority areas. The Opinion notes that China has 55 minorities and 143 impoverished minority counties. To speed up the economic development of minorities and minority areas, the Opinion notes that it is necessary to improve the quality of the labor force and strengthen scientific and

technical skills. The purpose of implementing the Decision is to cause the speedy and healthy development of professional skills education for minorities and minority areas.

(b) Government leaders at all levels should acknowledge the importance of developing professional education, make feasible plans and take effective steps to implement the Decision. Education should serve social and economic development. The Opinion notes that minorities and minority areas generally still depend on agriculture or animal husbandry, and therefore the development of professional skills education should focus on these two areas. The methods of conducting professional education should be flexible and varied in order to meet different requirements. Schools are encouraged to invest in and operate their own businesses to provide real work experiences. Local governments and authorities are to help schools solve difficulties in raising funds, selecting projects and selling products. Bank loans may be obtained to finance a portion of these activities.

(c) A certain portion of subsidies allocated by the central government to each province and autonomous region should be reserved for the development of professional education for minorities and minority areas. It is very important to improve the quality of teachers. Colleges and universities should undertake the responsibility to train teachers for professional schools. More college graduates should be assigned to positions in minority areas. Local governments and relevant authorities should help professional schools build production bases and laboratories or help schools rent or contract enterprises or fields, as well as factories for offsite training. Those who have received professional education should have priority in the hiring process.

(d) Governments at all levels should include professional education in overall social and economic development plans and create a good social environment for the development of professional education. Governments at the county level should organize leadership teams or commissions to formulate and regularly study professional education development plans, policies and measures, and solve problems that arise.

3. ***Opinion on the Recruitment of Excellent Minority Youth into Colleges and Universities*** (effective October 16, 1992, Jiaominting [1992] No. 13, issued by the Office of the State Education Commission).

(a) Excellent minority young people with work experience will have priority in admission into colleges and universities. The qualified candidates must be under the age of 28, shall have graduated from high school or the equivalent, have more than two years' working experience and shall have received county level or higher designations as a model worker or advanced worker. The candidates will take the national college admission exams. Commencing in fall 1992, this recruitment was to be conducted on a trial basis with a view to recruiting 50 minority students from Xinjiang, Ningxia, Gansu, Qinghai and Shaanxi.

4. ***Opinion on Supporting the Poor through Education in the 143 Impoverished Minority Counties Throughout the Country*** (effective October 19, 1992, Jiaominting [1992] No. 12, issued by the Office of the State Education Commission).

(a) As of 1992, the 143 impoverished minority counties constituted 42.8% of the total impoverished counties in China. The Opinion was issued to strengthen the social and cultural development of minority areas and promote common prosperity.

(b) One-on-one support relationships should be developed between colleges or universities in developed provinces and provinces in which the minority impoverished counties are located. These colleges and universities should recruit students from underdeveloped counties and train teachers. They should also train teachers in the underdeveloped counties and send their own teachers to teach there in order to improve the quality of teaching and education.

(c) Assistance agreements are to be entered into by the applicable education commissions and filed with the Minority Area Education Division of the State Education Commission by December 15, 1992.

5. ***Opinion on Strengthening Minority Education in Areas Where Minorities are Commingled*** (effective November 2, 1992, Jiaominting [1992] No. 15, issued by the Office of the State Education Commission).

(a) In most counties and cities in China, more than two minorities reside therein. Of the 100 million (approx.) in population of minorities, approximately 20 million people live with other minority groups throughout the country. The Opinion requires the education departments in each area to add to their agendas, and strengthen leadership over, minority education in areas where more than one minority live.

(b) In areas where minorities are clustered, if the conditions are suitable, schools are to be established where recruitment of minority students is predominant, but at the same time children of the Han race are to be recruited so that classes can be “mixed” so as to benefit mutual learning and promote friendship and unity of races. All schools may waive or lower tuition and other fees for minority students who are in the compulsory education stage who have special hardships. High schools and higher educational institutions may also, if required, appropriately lower the passing grade thresholds for minority students. The culture and traditions of minority students should be respected. Schools are to have special cafeterias to meet the special dietary needs of minority students.

(c) In developing professional education and applied technical training, all areas should fully take into account the special characteristics of the minority, as well as their traditions and technical skills. Schools should give attention to training multiple types and levels of technical workers for minorities. The technical work classes of ordinary elementary and middle schools may, in accordance with the special

characteristics of a minority, organize the study of such minority's traditions and technical skills.

(d) Teaching schools may have a quota for the admission of minority students from ethnically commingled areas. Minority graduates from teaching schools are to be given priority in assignments to schools for minorities or schools that have a large minority student population. Local authorities should encourage Han teachers with relatively great teaching experience to teach in minority schools.

(e) Fundraising for minority education in areas where minorities are commingled should be conducted via different channels, including government subsidies, donations and other sources.

(f) Teachers and students should respect each other's customs and culture, and establish the socialist viewpoint on minority relations, *i.e.*, equality of minorities, unity and mutual help. At the same time, the Party's freedom of religion policies are to be properly propagated and the principle that religion may not interfere with education is to be supported. Schools are to educate students on atheism and objectivism, so as to establish a scientific world and religious view.

6. ***Opinion on Strengthening Minority Preparatory Classes in Ordinary Colleges and Universities*** (effective November 17, 1992, Jiaominting [1992] No. 17, issued by the Office of the State Education Commission).

(a) The Opinion notes that from 1980 to 1991, more than 100 colleges and universities in China established minority preparatory classes. As a result, minority freshmen have been better prepared for their college education.

(b) The task of preparatory classes is to strengthen the study by minority students of cultural knowledge, especially in the areas of Chinese language, mathematics and foreign languages, as well as to strengthen the political education of students. Such classes should mainly recruit students from border areas or agricultural, pastoral or mountain areas. Certain accommodation in terms of admission may be made to candidates from areas that suffer special hardships.

(c) Students who successfully complete the one year preparatory program and who have a good political outlook will be admitted to colleges or universities after inspection by the school that organized the preparatory classes and such colleges or universities without taking the national college admission exams. Such students will enjoy the same treatment as those students in minority colleges or universities. The treatment of admitted students will be decided by the colleges and universities in which they have enrolled.

(d) Appropriate teaching plans and materials shall be written for such students.

(e) Government subsidies will be made for these preparatory classes based on standards set by the Ministry of Finance and the number of students.

7. ***Notice on Circulating the Guide on the Development of Electronic Education Systems for Minorities and in Minority Areas*** (effective March 9, 1993, Jiaodian [1993] No. 2, issued by the State Education Commission and the State Ethnic Affairs Commission).

(a) Up to 2000, the overall goal of the development of an electronic education system (“EES”) is to establish satellite television education networks, finish writing and translating teaching materials for elementary schools and middle schools, and improve the electronic education teams of EES organizations of counties and schools. Associated with all kinds of education systems in the minority areas, EES should focus on the training of basic teaching resources and introducing the techniques needed by these areas in order to improve the social and economic development of such areas.

(b) During the Eighth Five Year Plan, the government will install satellite transmitters and establish special education channels for minorities. Meanwhile, television transmission receiving stations should be built in approximately 70% of counties. More than 70% of boarding schools above middle school level should be able to receive programs provided by educational television stations. In addition to the development of satellite television networks, other electronic education facilities and equipment shall be built. Minority areas shall build and complete electronic education centers in accordance with regulations of the State Education Commission. During the Eighth Five Year Plan, teachers in elementary and high schools are to become familiar with EES through research and practical training. Educational institutes and teacher training colleges shall offer “Introduction to Electronic Education System” courses.

(c) Provincial governments and local education departments must include EES in their education development plans and prepare detailed plans and schemes for EES development. EES in minority areas will be a matter that will be evaluated at all levels of the education inspection system.

(d) Investment in EES is to be increased. The State will give support to minority areas that are relatively poor and backward. A portion of relevant special item subsidies may be used to develop EES.

8. ***Notice on Use of Uniform Textbooks for Students in Minority Preparatory Classes*** (effective May 12, 1993, Jiaominting [1993] No. 10, issued by the Office of the State Education Commission).

Students in minority preparatory classes are to use the four textbooks written and edited by specialists organized by the State Education Commission, and take exams based on those textbooks in accordance with the teaching plans and outlines published by the State Education Commission. The four textbooks are “Basics of the Chinese Language,” “Reading and Writing,” “Mathematics,” and “English.”

9. Request of the State Education Commission, State Planning Commission and Ministry of Finance on Further Strengthening Education and the Work of Assisting Tibet (issued on October 15, 1993 by the Office of the State Council).

(a) The Request follows a meeting held in Beijing from March 9 to 11, 1993 to discuss education and assisting Tibet. During the meeting, an Agreement on Educational Assistance for Tibet was signed to implement the tasks of establishing classes for Tibet. The relevant provinces, municipalities and departments are to make educational assistance to Tibet an important political task to complete.

(b) The State Education Commission's main tasks are to research and formulate policies for educational support to Tibet. The main tasks of the Tibet Autonomous Region include organizing students to go to schools in the interior, allocating stipends, selecting and sending out Tibetan language teachers, determining the annual plans for the recruitment of students to the interior, and making arrangements for graduates who return to Tibet.

(c) Relationships and cooperation between Tibet and the interior provinces and municipalities are to be strengthened.

(d) The normal funds for middle school classes and specialist classes for Tibetans in the interior shall be provided by the Tibetan local finances, and any shortages may be made up by the provincial and municipal people's governments and departments that have undertaken the tasks. These provinces, municipalities and departments shall also be responsible for providing an appropriate level of operating expenses and construction investment.

10. Notice on the Summary of a Meeting Regarding Basic Textbooks for Minority Preparatory Classes (dated December 31, 1994, issued by the State Education Commission and the State Ethnic Affairs Commission).

This Notice contains a summary of a meeting held in Wuhan, November 7-10, 1994, to discuss the use of the four basic textbooks for minority preparatory classes. The participants at the meeting were persons responsible for the preparatory classes at 32 institutions, specialists and teachers, as well as relevant government officials. The meeting evaluated the use of the four textbooks and offered recommendations to improve them.

11. Notice on the Recruitment by Ordinary Colleges and Universities of Students for Minority Preparatory Classes in 1998 (dated April 17, 1998, issued by the Ministry of Education).

(a) The Notice permits ordinary colleges and universities administered directly by certain provinces, cities, autonomous regions, as well as the Ministry of Water Resources and other commissions under the State Council, to recruit students for minority preparatory classes.

(b) As part of the special policies of the Party and the government to develop minority education, colleges and universities that have preparatory classes for minority students are to lower the admission score for minority students. Preparatory classes are only for minority students.

(c) Those colleges and universities that fail to implement the admission rules regulations on student recruitment will in the following year have their minority student recruitment plans reduced or their qualification to recruit minority preparatory class students cancelled.

(d) The appendix to the Notice sets forth the number of students to be recruited in 1998 to various colleges and universities, including those in Sichuan Province, Yunnan Province, Tibet Autonomous Region, Qinghai Province and Gansu Province.

12. ***Notice on Implementing Recruitment Plans for Minority Classes in 1999 in 11 Universities Directly Administered by the Ministry of Education including Beijing University*** (dated December 30, 1998, issued by the Office of the Ministry of Education).

(a) The Notice continues the efforts to establish minority classes in 11 institutions of higher learning, for the purpose of training and educating specialists in minority areas, and promoting social and economic development in minority areas.

(b) In 1999, Beijing University, Tsinghua University, Dalian Science and Technology University, Qingdao Maritime University, Zhongshan University, Beijing Normal University, China East Normal University, China Central Normal University, North East Normal University, Southwest Normal University and Shaanxi Normal University were to recruit an aggregate of 570 minority students.

(c) Students of minority classes are to receive an undergraduate education. However, apart from students enrolled in minority classes in Beijing University and Tsinghua University (who were to receive undergraduate education directly), students in the other nine universities were to enroll in preparatory classes established by such universities or other institutions delegated to provide such classes. Only those students who passed the relevant exams were to be admitted into the undergraduate classes. Those who failed the exams were to return to their original residence.

(d) The treatment of students, the fees payable by them and other matters were to be handled with reference to the relevant regulations of the applicable institute.

(e) Graduates of minority classes were in all cases to return to their original province or autonomous region to work.

13. ***Notice on Fulfilling Recruitment Plans for Minority Classes in Universities Directly Administered by the Ministry of Education*** (dated May 19, 1999, issued by the Ministry of Education).

This Notice is similar to the Notice described in Item 11 and applies to the same universities covered by Item 11 (other than Beijing University).

14. ***Notice on Distributing Year 2000 Recruitment Plans for Minority Preparatory Classes in Universities*** (effective May 24, 2000, Jiaomin [2000] No. 10, issued by the Ministry of Education).

(a) In 2000, the total number of minority students to be admitted to preparatory classes in universities directly under the central government, ministries and commissions is increased to 3,000. Minority students are to be recruited through the same process as other students, but the admission score for them may be 80 points lower than the lowest score of other students.

(b) The treatment of students, the fees payable by them and other matters are to be handled in accordance with the relevant regulations of the applicable institute.

(c) It is very important for minority students in the preparatory classes to study three basic classes—Chinese language, mathematics and English.

(d) Students in preparatory classes will be assigned to study specialist topics that are needed for the development of their minority areas. Special methods are to be adopted and conditions created to select some outstanding minority students for enrollment into graduate studies.

(e) After graduation, in all cases, the minority students are to return to their original place of residence to work. Each province, autonomous region or directly administered municipality is actively encouraged to accept these graduates and to pay attention to using them and creating the conditions to make full use of them.

(f) Universities may not recruit non-minority students for the minority preparatory classes.

15. ***Decision of the State Council on Deepening Reform and Speeding Up the Development of Education of Ethnic People*** (July 7, 2002).

(a) The Decision notes that in recent years international conflicts have worsened, foreign hostile forces and religious extremists have allied themselves with separatists in the country and have created disturbances in several ethnic areas, carrying out separatist activities and seeking to infiltrate education to breed separatist forces amongst the generation of youth. Accordingly, the Decision notes the policies to be adopted to tackle these problems.

(b) The Decision notes that the two basic goals are to implement nine years compulsory basic education and eliminate illiteracy of youths. In the Tenth Five Year Plan through to 2010, the tasks are to realize these two goals from 51% to 70% of the county level administrative units and to implement elementary level compulsory education in 95% of the areas.

(c) One of the principles of the work on ethnic education is to maintain the separation of religion and education. No organization or individual may use religion to interfere with the education of the people and may not use any means to propagate religion in schools. Teachers of all ethnic groups are to further strengthen their atheism and materialism education and increase their scientific thinking to establish a scientific world view.

(d) In terms of funding, central government funding for education shall focus on key areas for ethnic work — remote agricultural and pastoral areas, high mountain plateaus, border areas and sparsely populated backward areas where minorities are concentrated. The central finances shall use comprehensive transfers to give financial support for student living expenses for elementary and middle school students that are in boarding schools in agricultural and pastoral areas, mountain regions and border areas. Financial departments at all levels in minority and western areas are also to establish special funds for living subsidies for boarding students. Allocations of educational loans from international organizations or contributions from foreign countries or Hong Kong, Macau or Taiwan are to lean towards minority and western areas.

(e) Relationships between schools in the east and schools in poor areas in the west are to be strengthened so that there is assistance in funding, equipment, teaching resources, teaching experience and other matters.

(f) Bilingual instruction is to be strongly promoted. Bilingual teaching materials are to be included in the local education development plans. Conditions shall be created to gradually offer Chinese language classes from first grade in ethnic schools. The right of minorities to use their own language to receive education shall be respected and guaranteed.

(g) The Decision reaffirms that China is a socialist nation consisting of many ethnic groups, and that the joint responsibility of all ethnic groups is to strengthen the unity of ethnic groups, safeguard the unity of the Motherland, and oppose the separation of ethnic groups. All teachers and students shall strengthen their understandings that Han Chinese cannot be apart from minorities, minorities cannot be apart from the Han Chinese and minorities cannot be apart from each other.

16. ***Opinion on Accelerating Professional Education Reform and Development for Minorities and Minority Areas*** (effective July 28, 2000, Minweifa [2000] No. 199, issued by the State Ethnic Affairs Commission and the Ministry of Education).

(a) The Opinion notes that China is a united socialist country of many minorities, with 55 minorities and a minority population of more than 100,000,000 people, constituting more than 8% of the country's entire population. The land mass of minority areas or autonomous regions is 64% of the entire country's land mass, and 19,000 kilometers out of 22,000 kilometers of border are in minority areas. Moreover, two or more minorities live in almost all large cities and counties. The Opinion recognizes that speeding up the development of minorities and minority areas is not only a major economic issue, but also a major political issue.

(b) Professional education has not been able to meet the needs of the economic development of minority areas or social development. Speedy development of professional education is required. The Opinion is to implement the Professional Education Law of the People's Republic of China.

(c) Professional education networks are to be established on the basis of current township and village cultural and technical schools and village technology marketing stations. Each town or village school should have its own satellite and electronic equipment. Through to 2005, the number of people who have received high school education in minority areas should account for approximately 50%, with the areas with relatively faster economic development exceeding 50%.

(d) Each area is to maintain the same level of annual increases in the allocation of funds as is made by ordinary institutes. An appropriate percentage of township professional education subsidies granted by the central government to the provinces and autonomous regions is to be allocated to professional education for minorities and minority areas. The funds used by the local governments in minority areas for professional education is to increase as a portion of the local area finances each year.

(e) A supervision and evaluation system will be established to evaluate the quality of professional schools in minority areas.

B. Tibet Autonomous Region.

1. ***Measures for the Implementation of the Teachers Law of the People's Republic of China*** (effective April 1, 1998, adopted on January 9, 1998 by the 28th Session of the Standing Committee of the Sixth People's Congress of the TAR).

(a) These Measures have been formulated in accordance with the Teachers Law of the People's Republic of China. The TAR education administrative departments are responsible for overseeing teaching in the TAR. The education administrative departments in each area (municipality) or county are responsible for teaching within their levels of authority. Schools and educational organizations established by state agencies, social groups and enterprises are supervised by the departments in charge of these agencies, groups or enterprises.

(b) The people's government of the TAR and districts (municipalities) are to adopt measures to ensure the training of teaching students so as to establish a high quality team of teachers. These students are to enjoy tuition waivers and special scholarships. They are obligated to teach for at least eight years after their graduation. A graduate who has not completed his term of service may not leave the education department. Special permission is required for leaving the education department in special circumstances. Preferential treatment is to be provided to encourage teachers to remain teachers and to teach at the county level or below. In addition, teachers are to receive on-going training every three or five years. Training funds are to be provided by education administrative departments from their education funds and may not be less than 1% of the aggregate salaries of all teachers.

(c) The average salary level of teachers may not be higher nor less than the average salary level of government employees at same level. The Measures also make provision for pension levels, benefits to children of teachers who have taught for 10 or more years at the county level or lower, the building of housing for teachers (with space larger than the average space for local residents), and special bonuses for teachers who have been recognized as making exceptional contributions or, for two consecutive years, have been designated as exceptional teachers or model teachers.

(d) The authorities may cancel a teacher's qualification if he or she acts to destroy minority unity or to cause a break up of the Motherland or teaches students the ideas of destroying minority unity or the breaking up of the Motherland. The authorities may sanction a teacher or cancel his or her qualifications if he or she advocates religious ideas to minors (*i.e.*, persons under the age of 18) or forces them to believe in a religion.

2. ***Measures for the Implementation of the Regulations on Education Institutes Sponsored by Social Resources*** (effective December 23, 1998, adopted on September 29, 1998 by the 13th Session of the Standing Committee of the People's Government of TAR).

These Measures are to implement the *Regulations on Education Institutes Sponsored by Social Resources* promulgated on July 31, 1997, and effective October 1, 1997. The Regulations were repealed by the *Law of the People's Republic of China on the Promotion of Private Education*, which was enacted by the Standing Committee of the National People's Congress on December 28, 2002, and effective September 1, 2003. Accordingly, these Measures are likely to have been repealed. **(To be verified.)**

3. *Measures for the Implementation of the Law of the People's Republic of China on Compulsory Education* (adopted on February 25, 1994 by the 8th Session of the Standing Committee of the Sixth People's Congress of the TAR, and amended on November 23, 2001 by the 23rd Meeting of the Standing Committee of the Seventh People's Congress of the TAR).

(a) These Measures have been formulated in accordance with the Compulsory Education Law of the People's Republic of China (the "PRC Compulsory Education Law") and the realities of Tibet.

(b) Tibet will gradually institute a system of nine-year compulsory education based on the status of the social and economic development in each area. The basic system includes elementary education of six years and junior high school education of three years. Upon the approval of the education administrative departments of the TAR People's Government, another school system may be implemented. Elementary education in pastoral areas may be divided into stages. Areas that have difficulties may first implement three years of compulsory elementary education. The TAR shall adopt special measures to help the Menba, Luoba and Naxi minorities develop educational institutions in the TAR to speed up compulsory education in the areas where these minorities live.

(c) No person may use religion to obstruct the implementation of compulsory education, or to engage in religious activities in elementary and high schools. Teachers may not disseminate religion in the course of their teaching activities.

(d) All children who have reached the age of six shall enroll in school and receive compulsory education for the prescribed number of years, regardless of their sex, minority or race. In agricultural or pastoral areas, the school age may be seven. In areas where the population is especially sparse, upon the approval of the county level people's government education administrative departments, the school age may be further postponed, but may not exceed nine years.

(e) Each level of people's governments shall gradually create the conditions for special education schools or classes for children who are blind, deaf, mute or mentally disabled.

(f) Schools may not charge tuition for students receiving compulsory education (except for miscellaneous fees). The TAR will adopt special measures to assist students from families with economic difficulties to attend school.

(g) Schools must implement the teaching plans formulated by the education administrative department of the TAR and use the textbooks selected by it. A system of the Tibetan and the Chinese languages as languages of instruction will be improved by the TAR, with the primary language being Tibetan. Schools shall ensure that minority students first learn the minority language commonly used in the locality, but at the same time study the Chinese language. Schools that use the Chinese language shall promote the use of Putonghua (*i.e.*, the speech based on Beijing pronunciation), and standardized Chinese characters.

(h) Units or individuals who employ children who should receive compulsory education for commercial activities or to engage in other employed labor shall be sanctioned in accordance with State regulations on the prohibition on the use of child labor.

4. ***Measures for the Implementation of the Law of the People's Republic of China on Professional Education*** (effective June 1, 2002; adopted on March 26, 2002 by the 25th Session of the Standing Committee of the Seventh People's Congress of the TAR).

(a) These Measures have been formulated in accordance with the Law of the People's Republic of China on Professional Education, taking into account the actual situation of the TAR. The Measures apply to professional schools of all types and levels and to all forms of professional training within the administrative regions in the TAR.

(b) The TAR shall gradually establish a four tier (autonomous region, municipality, county and township) professional skills education network. The TAR People's Government shall establish professional schools and professional training organizations and promote their role.

(c) People's governments at or above the county level shall mainly establish preliminary level professional education, focusing on the establishment of professional technical skills training centers and county (township) agricultural/animal husbandry cultural and technical institutes for the purpose of actively developing practical technical training for the agricultural and animal husbandry industries.

(d) The establishment of professional schools or professional training organizations shall require the approval of the education administrative departments, the labor and social security departments and other administrative departments.

(e) All sorts of methods to raise funds may be used such as financial allocations and financial subsidies. Relevant trades, enterprises and units may bear reasonable costs, persons setting up schools may raise their own funds, students may pay fees and donations may be made by the public. People's governments at the county level and above shall appropriate funds from their fiscal budget to fund professional education. Governments at various levels shall allocate an appropriate portion of

revenues from educational surcharges to finance the development of professional education.

(f) Professional schools and training organizations shall collect tuition from students (who are not in the compulsory education stage). Tuition may be reduced or waived for those with financial difficulties or physical disabilities. The amount of tuition shall not exceed the standards set forth in relevant regulations.

C. Gansu Province.

1. ***Measures of Gansu Province for the Implementation of the PRC Compulsory Education Law*** (adopted on September 3, 1990 by the 16th Session of the Standing Committee of the Seventh People's Congress of Gansu Province; amended on May 28, 1997 by the 27th Session of the Standing Committee of the Eighth People's Congress of Gansu Province; and further amended on March 30, 2002 by the 27th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

(a) These Measures have been formulated to implement the PRC Compulsory Education Law, taking into account the province's actual conditions. The province will, in accordance with the situation of differing economic and cultural development, gradually implement nine years of compulsory education. City areas where the economy is relatively developed and the cultural foundation is good shall actively implement nine years of compulsory education. Towns and townships and villages where the economic and cultural foundations are relatively good, but the school conditions or quality of teachers are lacking may, as a first step, implement compulsory education for preliminary grades. Villages whose economic conditions are poor and the cultural foundations weak may first implement compulsory education for the first three or four years of elementary school. The goal is to implement nine years of compulsory education throughout the province by 2010.

(b) Schools are to promote Putonghua and the regular use of simplified Chinese characters. Minority schools and schools that recruit minority students as their main student body may concurrently use the language of the minority and Chinese as languages of instruction.

(c) All children who have reached the age of six, regardless of their sex, ethnic group or race, shall enroll in school and receive the period of compulsory education stipulated by the locality. The age may be seven in areas that do not have the necessary conditions.

(d) No unit or individual may employ school age children who should receive compulsory education for child labor, business or other activities.

(e) School fees shall not be charged for compulsory education. Miscellaneous fees may be collected in the compulsory education stage. Reductions of or exemptions from miscellaneous fees may be granted to students from families with economic difficulties.

(f) It is strictly forbidden to use religious activities to obstruct the implementation of compulsory education.

2. ***Regulations of the Gannan Tibetan Autonomous Prefecture for the Implementation of the PRC Compulsory Education Law*** (effective December 5, 1999; approved by the 13th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

(a) These Regulations have been formulated to implement the PRC Compulsory Education Law, taking into account the actual situation of basic education in the Gannan Tibetan Autonomous Prefecture (“Gannan”). The people’s governments at various levels in the prefecture, counties and townships are responsible for making and implementing plans with respect to compulsory education in their jurisdictions. Together with education administrative departments and schools, they shall publicize the PRC Compulsory Education Law and other relevant educational rules and regulations.

(b) All children who have reached the age of six (or seven) shall enroll in school and receive compulsory education, regardless of their sex or minority. In distant pastoral areas, the school age may be postponed to eight years.

(c) The people’s government of each county or township shall develop special education to ensure that disabled children may receive compulsory education.

(d) Organizations and individuals are prohibited from employing children who should receive compulsory education to work or engage in other business activities or other occupations. Religious facilities may not accept children who are of the school age to receive compulsory education to become monks.

(e) Schools providing compulsory education may charge miscellaneous fees in accordance with the standards set by the province or prefecture. The people’s governments at all levels shall establish financial aid funds and scholarships to make grants and scholarships to families with economic difficulties or to students with good grades.

(f) The people’s governments at county and town levels shall adjust the location of schools in accordance with the distribution of the population and geographical conditions. Most schools shall operate on a full time basis and be financed by governments. Boarding schools shall be established in pastoral or mountain areas.

(g) Schools shall carry out teaching activities in accordance with the guiding plan on courses and the teaching manual distributed by the state education departments in charge and the lesson plans formulated by the provincial level education departments in charge.

(h) All schools shall promote the use of Putonghua. In schools whose main student body is Tibetan, the languages of instruction shall be both Tibetan and Chinese. After having a basis in the Tibetan language, students shall study Chinese. In addition, foreign language study is encouraged. In localities where Tibetan is the language in common use, the language of instruction will be Tibetan, and Chinese shall be taught as a single subject, and vice versa. Schools that use two languages of instruction shall use the teaching materials co-edited by five provinces and autonomous regions. If the provincial level education departments in charge have delegated authority,

then the teaching materials published by the education administrative departments of the prefecture may be used as supplementary materials.

D. Qinghai Province.

1. *Measures of Qinghai Province for the Implementation of the PRC Compulsory Education Law* (effective October 1, 1988; adopted on September 2, 1988 by the Fourth Session of the Standing Committee of the Seventh 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) These Measures have been formulated to implement the PRC Compulsory Education Law, taking into account the province's actual conditions. A system of nine years compulsory education is to be implemented in the entire province. Specific reference is made to (i) municipal areas of Golmud and Delingha, the administrative areas of Mangan, Linghu and Dachaidan in the Haixi Mongolian and Tibetan Autonomous Prefecture, which are to strive to implement a nine year compulsory education system or compulsory elementary and high school education by the end of the 20th century, (ii) Guide county of the Hainan Tibetan Autonomous Prefecture, Haiyan county of the Haibei Tibetan Autonomous Prefecture, and Wulan county, Jiaolan county, Golmud and Delingha municipality of the Haixi Mongolian and Tibetan Autonomous Prefecture are to strive to implement compulsory elementary education by the end of the 20th century; (iii) Gonghe, Guinan and Tongde counties of the Hainan Tibetan Autonomous Prefecture, Gangcha and Qilian counties of the Haibei Tibetan Autonomous Prefecture and Jianzha and Tongren counties of the Huangnan Tibetan Autonomous Prefecture are to strive to implement compulsory elementary education by 2010; and (iv) Zeku county of Huangnan Tibetan Autonomous Prefecture, Xinghai county of Hainan Tibetan Autonomous Prefecture, Tianjun county of the Haixi Mongolian and Tibetan Autonomous Prefecture, Maqin, Dari, Gande, Banma, Maduo and Jiuzhi counties of the Guoluo Tibetan Autonomous Prefecture, Yushu, Rangqian, Chengduo, Qumaicai, Zaduo and Zhiduo counties of the Yushu Tibetan Autonomous Prefecture are to strive implement three to four years of compulsory education by 2010.

(b) All children who have reached the age of six shall enroll in school and receive compulsory education for the prescribed number of years. In areas lacking the conditions for schools, the school age may be postponed to seven years. In remote mountainous and purely pastoral areas where the population is sparse, the school age may be postponed to nine.

(c) No unit or individual may employ children who should receive compulsory education as child labor.

(d) Schools should promote the use of Putonghua. In schools whose main student body consist of minority students, the use of the local minority language and written language and the language and written language commonly used in the entire county shall be supported. If there is no minority written language, the language of instruction shall be the language commonly used in the entire country, and the minority language will be a complementary language of instruction.

(e) It is forbidden to use religion to obstruct or hinder the activities of compulsory education. No religion may be advocated in schools, nor may superstitious thinking be propagated to students.

2. ***Compulsory Education Regulations of Yushu Tibetan Autonomous Prefecture*** (effective November 23, 1994; adopted on May 13, 1994 by the Fifth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province and approved on November 23, 1994 by the 13th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

(a) These Regulations have been formulated to implement the PRC Compulsory Education Law, taking into account the actual situation of the prefecture.

(b) Each county and township in the prefecture shall implement differing periods of compulsory education in accordance with their economic and cultural education foundations. The steps and aims are to implement (i) nine years compulsory education by 2000 at the townships under the prefecture and county levels, (ii) six years compulsory education by 2005 in the villages of Yushu, Chengduo and Xiangqian Counties, and (iii) three to four years compulsory education in the villages in Zado, Zhiduo and Qumacai Counties and the pastoral villages of Yushu, Chengduo and Xiangqian Counties.

(c) All children who have reached the age of seven shall enroll in school and receive compulsory education for the prescribed number of years, regardless of their sex or minority. If possible, in certain areas, children of six years may also enroll in school. In agricultural or pastoral areas where conditions are difficult, the school age may be postponed to nine.

(d) No unit, organization, group or individual may employ children who should receive compulsory education for work, farm work, shepherding or business activities or to enter temples to observe religion.

(e) Fees shall not be charged for compulsory education. If due to economic difficulties, children cannot be enrolled or cannot continue their studies, schools may reduce or waive their miscellaneous charges or book fees. The people's government or the village standing committee may give subsidies to the school or students.

(f) Ordinary schools shall primarily use the Chinese language for teaching and may add Tibetan language classes at appropriate grades in accordance with realities. Minority schools shall primarily use the Tibetan language for teaching and may add Chinese classes at appropriate grades.

3. ***Compulsory Education Regulations of the Guoluo Tibetan Autonomous Prefecture*** (effective October 1, 1995; adopted by the Sixth Session of the Ninth People's Congress of the Guoluo Tibetan Autonomous Prefecture of Qinghai

Province and approved by the 19th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province on July 29, 1995).

(a) These Regulations are formulated to implement the PRC Compulsory Education Law, taking into account the actual situation of the prefecture.

(b) The specific steps and aims of the prefecture are to implement by 2000 (i) nine years compulsory education in the townships under the prefecture or county levels, (ii) six years compulsory education in agricultural areas, and (iii) three or four years compulsory education in purely pastoral areas.

(c) Schools have the responsibility of promoting and using Putonghua. Ordinary schools shall primarily use the Chinese language for teaching and may add Tibetan language classes at appropriate grades in accordance with realities. Minority schools shall primarily use Tibetan for teaching and may add Chinese language classes at appropriate grades.

(d) All children who have reached the age of six shall enroll in school and receive compulsory education for the prescribed number of years, regardless of their sex or minority. In pastoral areas where the population is dispersed, the school age may be postponed to nine.

(e) No unit or individual may employ children who should be receiving compulsory education for work, farm work, shepherding or other business activities. School age children may not enter temples to become monks.

(f) If due to economic difficulties, children cannot be enrolled on a timely basis, schools may reduce or waive their miscellaneous fees and book fees. The people's government or the pastoral (village) standing committee may give schools subsidies.

4. ***Minority Education Regulations of the Hainan Tibetan Autonomous Prefecture*** (effective October 1, 1994; adopted on March 30, 1994 by the Sixth Session of the Standing Committee of the Ninth People's Congress of the Hainan Tibetan Autonomous Prefecture of Qinghai Province, approved on July 30, 1994 by the 11th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province; adopted on November 30, 1997 by the Third Session of the Tenth People's Congress of Hainan Tibetan Autonomous Prefecture and amended and approved on April 3, 1998 by the First Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) These Regulations are formulated in accordance with the PRC Compulsory Education Law, taking into account the actual situation of the prefecture. The prefecture's minority education is primarily Tibetan education, at the same time, attention is given to the development of education of other minorities.

(b) Minority elementary schools with Tibetan students as their main student body shall use Tibetan as their language of instruction, and introduce

Chinese language classes at appropriate grades. Minority middle schools with Tibetan students as their main student body shall use the Tibetan and Chinese languages as their languages of instruction. Putonghua will be used for Chinese language as a language of instruction. In minority schools where other minorities are the main student body, concurrently with studying the language of such minority, the Chinese language will also be studied.

(c) The prefecture will implement a nine year compulsory education system step by step. By the end of the 20th century, agricultural areas under the prefecture and county governments will basically implement nine years of compulsory education and pastoral areas (other than border areas) will basically implement six years of compulsory education. The boarding system is the major form for elementary schools in pastoral areas. Minority middle level education shall be strengthened and developed. Existing minority junior high schools are to be operated well so that they can gradually reach the scale stipulated by the State. Villages with the appropriate conditions may build new minority junior high schools or set up minority classes in ordinary middle schools. Minority middle schools shall be appropriately developed.

(d) Minority schools shall offer classes in accordance with the guidelines stipulated by the State. Elementary schools in pastoral areas that do not have the conditions to offer complete courses may teach students in their own minority languages and mathematics. Some minority middle schools may offer foreign language classes. Minority schools with Tibetan students as their main student body shall use the Tibetan textbooks co-edited by five provinces.

(e) The prefecture shall use its efforts to develop minority professional education, and adult education. Adult education shall focus on the task of educating the illiterate. Towns and villages shall also sponsor multiple forms of cultural and technical schools and organize agricultural and pastoral workers to study culture and science. People's governments at various levels shall strengthen the training of minority cadres.

(f) Minority teaching schools are established for the purpose of educating qualified elementary school teachers. Admissions of the students primarily depend on their exam scores in Tibetan language and Chinese language and other courses shall also reach appropriate standards. The teaching schools shall strengthen the teaching of the Tibetan and Chinese languages and other subjects so that students can master the two languages and other subjects required of a primary school teacher.

(g) Children of six years are to be enrolled at school for the prescribed period of compulsory education. Children who live in remote areas where the population is dispersed may delay their enrollment, but no later than nine years.

(h) No unit, group or individual may employ children who should receive compulsory education for work. A religious temple may not recruit children who should receive compulsory education to receive religious instruction.

(i) It is forbidden to use religion to obstruct or interfere with minority education. It is not permitted to propagate superstitious thinking to students.

5. ***Working Regulations of the Guoluo Tibetan Autonomous Prefecture for the Elimination of Illiteracy*** (effective November 11, 1998; adopted on May 23, 1997 by the Second Session of the 11th People's Congress of Guoluo Tibetan Autonomous Prefecture of Qinghai Province and approved on September 25, 1998 by the Fourth Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) The illiteracy elimination program is targeted against illiterate or semi-illiterate persons between the ages of 15 and 40. Children of school age who live in remote pastoral areas and because of limited conditions have not been enrolled in school to receive elementary compulsory education are also to participate in literacy education.

(b) Temples and educators are encouraged to participate in the elimination of illiteracy. The uniform teaching materials prepared by Qinghai Province are to be used in the elimination of illiteracy work. The elimination of illiteracy is to be implemented concurrently with the plans for elementary compulsory education. The goal is to basically eliminate illiteracy in small rural areas by 2000; reduce illiteracy in every village in pastoral areas by 8-10% annually and to basically eliminate illiteracy by 2010.

(c) The Tibetan language will be the primary language of instruction. In townships and villages, the Chinese language may also be used.

(d) The funds for the elimination of illiteracy will come from government subsidies, collective fundraising, social resources and individual donations.

(e) Neither State agencies nor enterprises may recruit or employ the illiterate as cadres or employees. Persons who are illiterate (and the subject of the Regulations) may not be promoted unless they are no longer illiterate.

6. ***Regulations of Huangnan Tibetan Autonomous Prefecture on Compulsory Education*** (effective November 1, 1999; adopted on June 5, 1999 by the Fifth Session of the 11th People's Congress of the Huangnan Tibetan Autonomous Prefecture and approved on September 24, 1999 by the 11th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) These Regulations have been formulated to implement the PRC Compulsory Education Law, taking into account the actual situation of the prefecture.

(b) The goal will be (i) by 2000 to implement nine years compulsory education in all townships and in the non-rural population throughout the prefecture, with six years compulsory education in Tongren and Jianzha Counties, and three or four years compulsory education in Zeku and Henan Counties, (ii) by 2005 to implement nine years compulsory education in Tongren and Jianzha Counties, and six

years compulsory education in Zeku and Henan Counties, and (iii) by 2010 to implement nine years compulsory education throughout the prefecture.

(c) All children who have reached the age of six shall enroll in schools and receive compulsory education for the prescribed number of years. In remote villages, the school age may be postponed to seven years. In pastoral areas, the school age may be postponed to eight years.

(d) No unit or individual may employ children who should receive compulsory education for child labor, farm work, shepherding or business activities or to be monks, nuns or apprentices studying Islamic classics.

(e) If a child cannot be enrolled or cannot continue studies due to family hardships, schools may reduce or waive miscellaneous fees and textbook fees, and the people's governments shall give appropriate subsidies to the school or individual student.

(f) It is an offense to use religion or superstition to obstruct compulsory education.

7. ***Regulations of Haibei Tibetan Autonomous Prefecture on Compulsory Education*** (effective January 1, 1990; adopted on April 14, 1989 by the Fifth Session of the Eighth People's Congress of Haibei Tibetan Autonomous Prefecture and approved on June 30, 1989 by the Ninth Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

(a) These Regulations have been formulated to implement the PRC Compulsory Education Law, taking into account the actual conditions of the prefecture.

(b) Schools are to promote and use Putonghua, which is commonly used throughout the country. Schools whose main student body consists of minorities may use the language commonly used by the minority in the locality as the language of instruction.

(c) The goals are by 1993 to make elementary education common and by 1997 to make junior high school education common in townships in the prefecture or county. On this basis, after three years of consolidation, nine years compulsory education will be implemented. With respect to agricultural areas, by 1995 elementary education will be common, and by 2000 more than half of the children will receive junior high school education, and by 2015 junior high school education will be common. On this improved basis, nine years compulsory education will be implemented. In the small rural areas of pastoral areas, by 2000 elementary education will be common, and at least one-third of children will have completed their junior high school education. In purely pastoral areas, boarding schools will be established. From 1990 to 2000, each village is to train a total of 150 qualified student graduates and shall actively normalize elementary education and implement the conditions to create a nine year compulsory education system.

(d) Youth between the ages of 13 to 15 who have the ability to study, but have not completed three years elementary education must receive education to eliminate illiteracy, and will also receive applied technical training. Youth under the age of 16 who have graduated from elementary school but cannot enroll in junior high school will continue to receive cultural and scientific education and applied technical training.

(e) All children who have reached the age of six shall enroll in school and receive compulsory education for the prescribed number of years, regardless of their sex or minority. In agricultural areas, the school age may be postponed to seven years. In pastoral areas, the school age may be postponed to nine.

(f) No unit or individual may employ children who should receive compulsory education as child labor, for farm work, shepherding or business activities.

(g) For children who cannot enroll in school or are unable to continue their studies due to economic hardship, their miscellaneous fees and textbook fees may be reduced or waived and the people's governments shall grant appropriate subsidies.

(h) It is forbidden to use religion to obstruct or hinder the implementation of compulsory education.

E. Sichuan Province.

1. ***Opinion Regarding the Fulfillment of the Goals of Basically Making Nine Year Compulsory Education Universal and Eliminating Illiteracy among Youths by 2010 (the “Goals Opinion”) and the Opinion Regarding the Further Speeding Up of the Development of Education in Areas where Minorities are Commingled (the “Commingled Areas Opinion”), each issued by the Provincial Department of Education and Provincial Department of Ethnic Affairs of Sichuan Province*** (issued on December 9, 2002, Chuanweiban [2002] No. 33, by the Sichuan Provincial Office of the Chinese Communist Party and the Office of the Sichuan Provincial People’s Government).

(a) *Summary of the Goals Opinion.*

(i) The goals are by 2005 to implement basic education and eliminate illiteracy and normalize nine years compulsory education in more than 23 counties (compared to six counties in 2001) so that the population receiving nine years compulsory education or for which illiteracy is eliminated in minority areas increases from 55% to 97% or more.

(ii) Minority education in ethnically commingled areas shall be given priority or should develop at the same pace as education in that area. Basically, by 2010, nine year compulsory education should be universal within the prefecture and illiteracy will be eliminated.

(iii) A stable investment plan is to be established to ensure investment in minority education. The target is to raise RMB300,000,000 each year. Scholarships, endowments and financial aid funds are to be established and improved so as to gradually offer students with financial hardships free textbooks, reduced or waived miscellaneous fees or textbook fees.

(iv) Bilingual language of instruction is to be promoted. Both the minority language and the Chinese language shall be used together as the languages of instruction. The teaching of Chinese is to be further strengthened so as to improve the Chinese language level and Putonghua levels of teachers and students. Schools with the conditions shall offer foreign language classes. The creation of teaching materials in minority languages is to be strengthened, and the costs required therefor shall be included in education budgets to subsidize the editing and translation, review and publication of minority language teaching materials.

(v) Education on the unity of minorities is to be strengthened. The Opinion notes that China has many minorities and that all schools at all levels should develop education on minority unity to strengthen minority unity, protect the unity of the Motherland and to oppose the separation of minorities. This education is an important content of education on patriotism, public morality and quality education.

(b) *Summary of the Commingled Areas Opinion.*

(i) The Opinion notes the difficulties of implementing compulsory education and eliminating illiteracy in the areas where there are several minorities. There are serious problems with school dropouts (due to economic difficulties or attitudes that schooling has no value), the school conditions are bad, the quality of teachers poor and inadequate, the development of professional technical education has been slow and there has been fewer sources of funding.

(ii) The governments in these areas are to establish special funds for minority education. The teaching staff are to be strengthened and their living and working conditions improved. Assistance from paired schools should be strengthened.

(iii) Boarding schools have been an effective way of speeding up minority education and should be further developed. Subject to actual needs, they should be established as soon as practicable in remote areas where the population is sparse and transportation is not convenient so as to effectively resolve the issue of school dropouts.

2. ***Supplementary Provisions of A Ba Tibetan and Qiang Autonomous Prefecture to Implement the Compulsory Education Regulations of Sichuan Province*** (effective April 6, 1998; adopted on December 13, 1997 by the First Session of the Eighth People's Congress of the A Ba Tibetan and Qiang Autonomous Prefecture, and approved on April 6, 1998 by the Second Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

(a) These Supplementary Provisions are to implement compulsory education, taking into account the actual circumstances of the prefecture. The prefecture implements a system of nine years compulsory education, with the basic school system of six years elementary education and three years junior high school education. In 2000, elementary education will be basically implemented throughout the prefecture. In 2010, junior high school education will be implemented.

(b) All children who have reached the age of seven shall enroll in school and receive compulsory education for the prescribed number of years, regardless of their minority or sex. Children of six years may be enrolled in schools in townships or villages that have the conditions to do so. In pastoral areas and high mountain areas where the population is sparse, the school age may be postponed to eight years. The school age may also be postponed due to other special reasons for individual children.

(c) Schools shall promote the use of Putonghua and the standard written language. Subject to actual circumstances, in the prefecture, bilingual instruction shall be supported. If the student body of elementary and middle schools are primarily Tibetan, schools may use Tibetan as the principal language. At the same time,

Chinese language classes will be provided. If the Chinese language is the primary language of instruction, at the same time, Tibetan language classes will be provided. Once the system of bilingual instruction is determined, it may not be changed at will. In the elementary and middle schools where the main student body is Tibetan and Tibetan is the language of instruction, each class must use the Tibetan teaching materials that have been distributed by the TAR, Qinghai, Gansu, Sichuan and Yunnan Provinces.

(d) The Prefecture supports the principle of the separation of education and religion. No organization or individual may advocate religion in school and may not use religion to obstruct the implementation of compulsory education.

3. ***Provisions of Ganzi Tibetan Autonomous Prefecture for the Implementing Regulations of Sichuan Province on Compulsory Education*** (effective May 28, 1991; adopted on December 21, 1990 by the 11th Session of the Standing Committee of the Sixth People's Congress of Ganzi Tibetan Autonomous Region, and approved by the 23rd Session of the Standing Committee of the Seventh People's Congress on May 28, 1991).

(a) These Provisions have been formulated to implement the PRC Compulsory Education Law, taking into account the actual situation of the prefecture. The prefecture implements a system of nine years compulsory education.

(b) All children who have reached the age of seven shall enroll in school and receive compulsory education for the prescribed number of years, regardless of their sex or minority. If possible, the school age may be six years. In remote rural and pastoral areas, the school age may be postponed to eight to ten years.

(c) No one may use religion or other means to obstruct the implementation of compulsory education. School age children may not be forced to enter temples to be monks. People's governments at all levels are to encourage those persons in the religious sector with culture and knowledge and who are keen on minority education to actively participate and support the establishment of schools.

(d) Schools shall actively promote bilingual languages of instruction, Tibetan (or Yi) and Chinese. If Tibetan (or Yi) students are the majority of the student body, then elementary and middle schools may use the Tibetan (or Yi) language as the primary language of instruction, and to offer Chinese language classes at the appropriate grades. If Han Chinese students are the main student body, elementary and middle schools may use Chinese as the primary language of instruction, and offer Tibetan (or Yi) language classes at the appropriate grades. All schools shall promote Putonghua.

(e) All schools shall comply with the teaching plans formulated by the prefecture's education administrative departments. The elementary and middle schools and the education administrative departments shall create their own teaching materials for the villages, and shall submit them to the prefecture's education administrative departments for approval.

RELIGION

A. Tibet Autonomous Region.

Interim Measures of the TAR on the Administration of Religious Affairs
(effective December 20, 1991; adopted on December 9, 1991 by the Standing Committee of the TAR People's Government).

(a) The government respects and protects the religious freedom of citizens. All religions, religious sects, religious groups and places of religious activity are equal.

(b) The activities of all religious groups and places of religious activity must be carried out within the scope of the State's Constitution, laws, regulations and policies. The government protects the normal religious activities and religion-related activities of religious professionals. The government protects the legitimate rights and interests of religious groups and places of religious activity.

(c) All religious groups, places of religious activity and individuals must accept the leadership of the Party and the government and support the socialist system.

(d) Religion may not be used to interfere with the executive, judicial [system], education [system] or social and public education of the State. Feudal privileges and systems of oppression that have been abolished, as well as the hierarchy relationships of temples, may not be restored.

(e) The Measures state that existing places of religious activity that have been repaired and opened in the TAR basically satisfy the needs of their adherents and therefore no new places of religious activity may be repaired or opened without the approval of the TAR people's government. Those places that have already been repaired and opened must be registered. Registered places are protected by law.

(f) The Measures implement a quota of monks and nuns for places of religious activity and sets forth the levels of authority of the government agencies that are to approve the quotas. In addition, the Measures implement an examination and registration system for persons who wish to enter a temple as a monk or nun. Applicants must be patriotic and observe the law, must be devoted to their religious beliefs and must respect religious codes and temple rules.

(g) Monks and nuns from temples outside the TAR who wish to study in temples in the TAR must first have their religious departments obtain the consent of the TAR religious departments. Adherents from provinces outside the TAR may enjoy a religious life in places of religious activity, but without the permission of the governments at the county level or above, may not carry out proselytizing activities.

(h) Tibetan compatriots from abroad who return to China to visit relatives and religious professionals who are tourists may live a religious life in places of religious activity that are open but are not permitted to lead religious activities for monks, nuns or the masses, to engage in sending off and blessing activities or receive alms. Without the approval of relevant departments, foreign tourist groups or individuals may not visit, worship or sightsee at places of religious activity.

(i) Approved places of religious activity and their monks or nuns may receive alms and donations that are given to them on a voluntary basis by followers under the principle that their production and lives are not influenced. However, such places and their monks and nuns are not permitted to seek property or labor from the masses in the name of repairing temples or building Buddhist statues, or to accept land that has been contracted by the masses.

(j) The Buddhist Association is a bridge for the unity and education of the Party and government and religious personnel and followers and is to actively expand its role under the administrative leadership of the religion departments of the government. The Religious Affairs Commission of the TAR is to support the TAR branch of the China Buddhist Association to, among other things, in a planned manner train a team of religious professionals who are patriotic, accept the leadership of the Party and the government, support the socialist system and safeguard the unity of the Motherland and the unity of ethnic groups and who have religious knowledge and are able to liaise with the masses.

(k) Religious groups in the TAR shall, on the basis of equality and friendship and independence, actively initiate foreign exchanges, but in such exchanges shall not accept any support from foreign forces. Invitations to or from foreign religious groups to carry out academic exchanges shall require the approval of the TAR people's government or the Religious Affairs Bureau of the State Council. Major foreign activities shall require the approval of the State Council.

(l) Religious groups and places of religious activity in the TAR must resolutely resist foreign forces carrying out illegal activities by using measures such as rebuilding temples, supporting religious activities or validating the reincarnation of the Living Buddha with the intention of controlling the temples in the TAR. All religious groups, places of religious activity and individuals are not permitted to accept religious subsidies or budgets for proselytizing from foreigners that have conditions attached to them. Major donations from foreign organizations and followers require the approval of the TAR people's government or the Religious Affairs Bureau of the State Council.

(m) The use of religion to incite trouble, create havoc or to carry out criminal activities such as separatism, destroy the unity of ethnic groups or disturb social and public order shall be resolutely attacked.

(n) Propaganda and publishing departments shall strictly control the publication of works that include religious content so that they do not violate the religious policies of the Party or the State, or harm the religious feelings of followers. Religion

may also not be used to distort history or damage State unity or the unity of ethnic groups.

B. Gansu Province.

Interim Provisions of Gansu Province on the Administration of Religious Affairs (effective November 16, 1991; adopted in 1991 by the 21st Session of the Standing Committee of the People's Government of Gansu Province).

(a) These Provisions are similar to the regulations described above for the TAR and Qinghai Province. Certain variances are noted.

(b) The establishment or the building, renovation or expansion of places of religious activity requires the approval of the people's government at the county level or above. Places that have already been approved must register with the religious affairs departments of the people's governments. In building, renovating or expanding places of worship, State or collective property may not be arbitrarily used and forcing contributions from the masses is not permitted.

(c) Without the approval of relevant departments, no place of religious activity or individual may edit, publish or distribute religious books, pictures, paintings or recorded materials or sell religious video or sound recordings.

(d) Places of religious activity may not have loud speakers to read scriptures or preach and may not affect social and public order or interfere with the work, study or lives of units and the masses in the vicinity.

(e) No unit or person may propagate atheism in a place of religious activity. A place of religious activity and religious teachers may not preach, proselytize or do evangelical work outside the place of religious activity.

(f) Normal religious activities include the carrying out of religious activities such as praying to Buddha, reading scriptures, burning incense, going to church, chanting scriptures, preaching, saying Mass, baptism, abstinence and observing religious holidays in places of religious activity or the homes of adherents. The State protects the religious freedom of citizens and normal religious activities.

(g) Religious activities shall support the principles of "each goes his own way," non-interference and mutual respect. The equality and unity of religions and sects and within sects shall be safeguarded. No religions or sects may establish or support the privileges of other religions or sects. No new sects or factions may be established.

(h) Preaching activities by self proclaimed preachers and other illegal preaching activities are prohibited.

C. Qinghai Province.

Provisions of Qinghai Province for the Administration of Places of Religious Activity (effective October 1, 1992; adopted by the 28th Session of the Standing Committee of the Seventh People's Congress of Qinghai Province).

(a) The term "places of religious activity" means Buddhist temples, Muslim mosques, Daoist temples, Catholic and Protestant churches and places of religious activity that have been approved in Qinghai Province.

(b) Approval is required from the people's government or administrative offices for the opening or building of a new place of religious activity. No place of religious activity may be repaired or built in any agency, school or enterprise. Any cancellation, merger or modification in the address or name of a place of religious activity requires the approval of its original approval authority.

(c) Places of religious activity are to be democratically managed by patriotic religious groups and religious personnel under the leadership of the local people's governments and the ethnic religious affairs departments at the county level and above. The democratic governance agencies of a place of religious activity shall be comprised of persons democratically selected by religious personnel or people of the faith. The members must support the leadership of the Chinese Communist Party and socialism, be patriotic and observe the law, safeguard the unity of the State and of ethnic groups, and be fair and honest, have religious knowledge, comply with religious rules and have administrative capabilities and credibility with the masses. Their term of office shall be one to three years, and they may be reelected for consecutive terms. State personnel may not participate in the governance agencies for places of religious activity.

(d) Religious activities must be carried out within the scope permitted by the Constitution, laws, regulations and religious policies. Religious activities may not obstruct social order, production or work or affect the work, study or lives of residents. Religious feudal preferences and systems of oppression that have been abolished may not be restored.

(e) The use of places of religious activity to create conflict or incite disputes between sects or to affect the unity of ethnic groups or social order and stability is strictly forbidden.

(f) Upon the approval of and registration by relevant government departments, places of religious activity may sell religious books, religious articles and religious art work.

(g) Places of religious activity that organize training classes for religious personnel must obtain the approval of the ethnic religious affairs departments at the county (area or municipal) level or above. It is strictly forbidden for a private person to establish any form of religious schools, scripture classes or voluntary work classes.

(h) In external exchanges, places of religious activity must support the principles of independence and autonomy in religious affairs and implement self governance, proselytizing by themselves and self maintenance, and shall not receive the support of any foreign religious forces. Patriotic religious groups and personnel who have exchanges with foreign religious groups, personnel or adherents must respect the principles of mutual respect, mutual status and non-interference. Foreign religious personnel and adherents who come to Qinghai are permitted to live a religious life in approved open places of religious activity, but may not interfere with internal religious affairs, lead religious activities, designate religious responsibilities or develop disciples. Without approval, they may not broadcast tapes or videos of sermons by foreign religious personnel or distribute religious tracts.

D. Yunnan Province.

Provisions of Yunnan Province on the Administration of Religious Affairs (effective January 1, 1998; adopted on December 2, 1997 and issued on December 25, 1997 by the 39th Session of the Standing Committee of the People's Government of Yunnan Province).

(a) These Provisions follow in the vein of the regulations described above. Only certain variances are noted.

(b) Provincial level religious groups may apply to establish religious schools, by submitting an application to the religious affairs departments of the Provincial people's government and following the consent of such departments obtaining the approval of the Provincial people's government. Religious schools shall be subject to the supervision, inspection and guidance of the relevant departments of the government.

(c) Provincial level religious groups may print religious texts, doctrines and canons that are used internally by their religions, but prior to publication must obtain the consent of the religious affairs departments of the provincial people's government and the approval of the provincial news and publications administrative bureaus.

(d) Religious groups, schools and places of religious activity may accept unconditional donations from foreign religious organizations and persons.

ECONOMIC RIGHTS

This summary highlights the provisions of the Law of the People's Republic of China on the Autonomy of Ethnic Areas (the "PRC Autonomy Law") and the corresponding implementing regulations in the various provinces that relate to economic rights. A general summary of the PRC Autonomy Law and such corresponding implementing regulations has been separately prepared.

In the summary of national legislation, we have also included a summary of miscellaneous legislation that relates to the economic development of minority areas.

A. National.

1. *Law of the People's Republic of China on the Autonomy of Ethnic Areas (the "PRC Autonomy Law")* (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) Autonomy agencies, in accordance with laws, shall determine the ownership of and the right to use pastures and forests in the area. Autonomy agencies shall protect and build grasslands and forests, and organize and encourage the planting of trees and grass. No organization or individual may use any measures to destroy pastures or forests. It is forbidden to destroy grasslands or forests to create cultivated land.

(b) Autonomy agencies, in accordance with laws, shall manage and protect the natural resources of the area. With respect to natural resources that may be developed by the local areas, autonomy agencies shall have priority in the rational development and use of natural resources in accordance with laws and the uniform plan of the State.

(c) Autonomy agencies shall arrange local infrastructure projects independently under the direction of the state plan and based upon the local financial, material and other specific conditions.

(d) Autonomy agencies shall independently manage the enterprises and undertakings that report to them.

(e) Autonomous regions may develop foreign economic and trade activities. Such regions may open foreign trade ports with the approval of the State Council. Regions that share a border with foreign countries may, upon the approval of the State Council, develop border trade. Such regions shall enjoy preferential policies of the State with respect to their foreign economic and trade activities.

(f) The finances of autonomous regions shall be level one finances and part of the finances of the State. Autonomy agencies shall have the autonomous right to manage local finances. Revenues that belong to the autonomous regions in accordance with the state finance system shall be arranged or used by the autonomy agencies independently. Autonomous regions shall enjoy special consideration by the higher level finance agencies through the uniform financial transfer and expenditures system of the State under the national unified financial system. The expenditure budget shall include contingency funds in accordance with State provisions, and the percentage of contingencies in the budget shall be higher than the percentage for ordinary regions. During the implementation of the financial budget, autonomy agencies shall independently arrange and use excess revenues and savings from expenditures.

(g) When implementing the national tax laws, except for exemptions from or reductions of tax items that require the uniform approval of the State, with respect to certain tax items in the financial revenues of the locality for which there should be special consideration and encouragement, autonomy agencies may grant exemptions from or reductions of such items.

(h) Autonomous regions, in accordance with laws and based upon the needs of social and economic development in the locality, establish local commercial banks and township (village) credit cooperatives.

(i) The State shall, in accordance with uniform plans and market demand, give priority to the rational arrangement of natural resource development projects and basic infrastructure projects in autonomous regions. In major infrastructure projects, the State shall appropriately increase its percentage of investment and policy-required bank loans. With respect to infrastructure projects organized by the State in autonomous regions, if the autonomous region is required to provide matching funds, the State may, in accordance with differing circumstances, reduce or eliminate the requirement for matching funds.

(j) In accordance with the special characteristics and needs of the development of the economy in autonomous regions, the State shall comprehensively use the currency market and capital markets to increase the financial support to autonomous regions. Financial agencies shall give special support to reasonable capital needs for the development of natural resources and other economic aspects of fixed asset investment projects in the autonomous region and enterprises in the autonomous region that comply with state industrial policies. The State encourages commercial banks to increase lending to autonomous regions and actively support the reasonable capital needs of local enterprises.

(k) Higher level state agencies shall, in accordance with ethnic group trade policies and the needs of the autonomous region, give support in investment, finance, tax and other aspects to commercial, supply and medical enterprises in the autonomous region.

(l) The State shall formulate preferential policies to support the development of foreign economic and trade activities of autonomous regions, expand the foreign trade powers of production enterprises in the autonomous region, encourage the export and development of locally produced products and implement preferential border trade policies.

(m) Higher level financial departments shall gradually increase the financial transfer and expenditures dynamics for the autonomous region, and through various measures increase the capital investment in autonomous regions to speed up social progress and economic development and gradually reduce the disparities with more developed areas.

(n) Higher level state agencies shall support the improvement of the production conditions of the agriculture, animal husbandry and forestry industries, as well as water, transportation, energy, communications and other infrastructure.

(o) When the State develops natural resources or carries out construction in autonomous regions, the State shall consider the interests of the autonomous region and make arrangements that benefit the economy of the autonomous region and give consideration to the production and lives of the local minorities. The State shall take measures to give certain compensation for natural resources that are transported out of autonomous regions.

2. ***Telegraphic Notice of the State Pricing Bureau, the People's Bank of China and the Ministry of Commerce on the Price of Gold or Silver Decorative Goods Provided to Minority People*** (January 23, 1980).

This Notice was issued in response to queries from several provinces as to whether the prices for gold and silver goods for minorities should be adjusted since prices had increased for gold and silver goods that are sold to foreigners by the Friendship Stores. The Notice stipulates that the sales prices of gold and silver specially provided to minorities to make decorative goods are not to be changed, the sales prices for gold and silver decorative goods provided to minorities are not to be changed, and such gold and silver goods are to be provided to minorities only and may not be supplied to Han Chinese, foreigners or overseas Chinese.

3. ***Letter of the General Office of the Ministry of Labor on Giving Special Consideration to Minority Areas in respect of Labor Matters*** (Laobantinghanzi (1991) No. 11, April 8, 1991).

(a) The letter sets forth the following preferential labor policies for minority autonomous regions:

(i) Since the State Council's issuance in 1986 of the Interim Provisions on the Recruitment of Workers by State Enterprises, in formulating the implementing rules, the autonomous regions and other provinces where minority nationalities are concentrated have implemented the following preferential policies regarding the employment and recruitment of minority

children: (1) minimum standards for recruitment have been lowered, (2) where all conditions are equal, minorities will have priority in employment, and (3) if there is natural attrition, priority will be given to hiring minorities.

(ii) Units in which the number of Han persons are the majority shall provide a Hui canteen for the Hui people (including minority workers who are Muslim). If units do not have the conditions to provide a canteen, they may grant food subsidies to the Hui people.

(iii) In light of certain special circumstances of autonomous regions and their needs, the Ministry has adopted flexible labor and wage policies.

(iv) With respect to the training of skilled workers, the Reply of the Ministry of Labor and Personnel on Allowing Minority Students from Rural and Pastoral Areas to take Entrance Exams for Vocational Schools, Laorenpei (1985) No.41, provides that minority students in rural and pastoral areas who satisfy the enrollment requirements may take entrance exams for vocational schools. If they study at vocational schools in their own autonomous region, their residence registration and grain rations shall be handled on the strength of the admissions letter from the bureau of labor and personnel of the autonomous region. If they study at provincial and municipal vocational schools outside the autonomous region and return to the autonomous region for work assignments after graduation, there is no need to transfer their official residence registration. The students shall bring with them nationally-accepted grain coupons and the area where training is provided on an agency basis shall be their temporary household and shall supply grain rations on the strength of nationally-accepted grain coupons.

(v) Article 27 of the Enrollment Provisions of Vocation Schools, Laopeizi (1990) No. 13, stipulates that vocational schools in minority areas shall enroll a certain percentage of minority students and may appropriately relax the admissions score standards.

(vi) The Enrollment Measures of Tianjin Professional and Technical Normal School for 1991, Laopeizi (1991) No.3, stipulates that appropriate consideration shall be given to the nine remote provinces and autonomous regions (Inner Mongolia, Xinjiang, Qinghai, Gansu, Ningxia, Guizhou, Yunnan, Guangxi and Tibet) specified by the State Education Commission, and that where all conditions are equal, minority candidates shall be given priority in admission.

4. ***Provisions on the Management of Subsidies for Minority Areas***
(issued on July 7, 1979 by the State Ethnic Affairs Commission and the Ministry of Finance).

Subsidies for minority areas are included each year in the national budget and are to be used as special funds to resolve special expenses of minorities. Such subsidies shall be mainly used for supplementary expenses where minorities face special difficulties in the areas of development of production, culture, education, medical care and health. Some consideration shall also be given to using the subsidies for livelihood and other special difficulties faced by minorities. The subsidies are to be used for special purposes only. No region may reduce its normal budget because of the subsidies.

5. ***Report by the Ministry of Commerce on Certain Issues in the Further Development of Commerce in Minority Areas*** (issued on July 1, 1985 by the Office of the State Council).

The Report notes that commerce in minority areas is still relatively backward and that it is necessary to continue to give support and to implement special preferential policies. The Ministry of Commerce suggests several measures to strengthen commerce in minority areas, including: (i) to exempt or reduce taxes for certain enterprises; (ii) to subsidize the prices of a small number of important industrial, agricultural, pastoral and local products; (iii) to give consideration to trade enterprises that have insufficient capital; (iv) to provide low interest rate loans to ethnic trade enterprises; (v) to specially arrange the supply of goods that are in short supply (bicycles, sewing machines and wrist watches); (vi) to further help the construction of commercial networks in minority areas; (vii) to strengthen the training of commercial workers in minority areas; (viii) to actively develop collectively owned or individually owned commercial enterprises; (ix) to actively develop the production of products for minorities; and (x) to strengthen the leadership over such work.

6. ***Notice on the Request of the State Ethnic Affairs Commission and the Leading Team on the Economic Development of Impoverished Areas of the State Council Regarding Policy Issues in the Work of Supporting Impoverished Areas in Minority Areas*** (issued on August 28, 1989 by the State Council).

(a) The Request notes that of the 331 impoverished counties supported by the State, 141 of them are minority counties (or 42.6%) . The poverty problem is still serious in such areas. The causes for poverty in these areas are many — the natural conditions are bad (*i.e.*, harsh physical conditions and poor production and living conditions), the uneven development and growth of society (*e.g.*, subsistence living, nomadic lifestyle, educationally backward and high illiteracy rates) and the isolation and remoteness of areas, and a weak economic base. If the basic needs of the masses in impoverished minority areas are not quickly resolved, the problem can easily turn into an ethnic issue. Moreover, some minorities live in border areas, their poverty may affect the stability of the border and the State's international reputation. Therefore, the poverty issue is not only an economic problem, but also a political problem.

(b) To solve the problem, it is suggested that (i) the governments at all levels shall continue to pay attention to the work of developing impoverished minority areas; (ii) the efficiency of the use of capital shall be improved; (iii) the growth of the population shall be controlled and the quality of the population

shall be improved; (iv) the relevant departments in the central government shall continue their special support of impoverished minority areas; (v) the provinces and autonomous regions shall relax control over the rural, forestry, pastoral and industrial enterprises in impoverished counties; and (vi) the Party's trade policy for ethnic peoples shall be fulfilled and ethnic trade enterprises shall enjoy low interest rate loans, low taxes and price subsidies for agricultural and supplementary products sold by ethnic trade enterprises, as well as industrial products needed by minorities for production and living.

(c) There are also some special policy issues that need to be solved, including (i) developing strong industries; (ii) opening the sale of agricultural and other products; (iii) reducing the burden of minority impoverished areas (*e.g.*, reductions of or exemptions from taxes, extending the dates for repayment of loans or suspending the payment of interest, exempting areas from the obligation of buying State treasury bonds, and allowing areas to retain any taxes collected in excess of the amounts to be remitted to the central government); and (iv) establishing a fund for impoverished minority areas, which will derive its funds from the central finances, from a portion of the loans given to developed areas to jointly develop impoverished areas and from funds provided by the 141 impoverished areas, and which will be used for development projects that will really help these areas and strengthen the viability of undertakings.

B. 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) These Regulations essentially implement the corresponding provisions in the PRC Autonomy Law.

(b) Autonomy agencies shall independently arrange and manage the economic development of the prefecture, under the direction of state plans and based upon policies for social and economic development that have been formulated taking into account the actual circumstances of the prefecture.

(c) The Regulations also contain provisions on the prefecture's right to develop a diversified economic structure, and to protect and manage its natural resources, including the prefecture's land, grasslands, forests, mines, rivers, lakes and precious plants and animals.

(d) The autonomy agencies shall in a planned manner create fields on the riverbanks of the Yellow River and increase the area of cultivated land and shall adopt effective measures to do a good job of water and soil conservation.

(e) The autonomy agencies shall pay attention to the development of the production of minority goods, and shall give encouragement and support in capital, tax and the supply of raw materials. The autonomy agencies shall actively organize the purchase and supply of goods that are specially required by minorities.

(f) The autonomy agencies shall use its efforts to develop horizontal economic relationships, shall develop economic and technical cooperation within and outside the prefecture and attract talent, technology, capital and equipment, and encourage and give special treatment to all types of economic organizations and individuals from within and outside the prefecture to establish enterprises in the prefecture.

(g) The autonomy agencies shall in a unified manner manage the finances of the prefecture, independently adjust its budget and arrange and use excess revenues and savings from expenditures.

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).

These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture.

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).

These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture. The Regulations provide that if in the course of implementing the budget, due to a change in the relevant provisions of higher level state agencies or other special reasons, there are major increases in expenditures or reductions in revenues, then the appropriate adjustments are to be made upon the approval of the higher level state agencies.

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).

These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture. The Regulations provide that if, in the course of implementing the budget, due to changes in the affiliation relationships of the prefecture and its enterprises or undertakings or major disasters or other special circumstances have occurred, resulting in major increases in expenditures or reductions in revenues, the matter will be submitted to higher level state agencies to make appropriate adjustments or to increase subsidies.

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).

These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture. The Regulations provide that if, in the course of implementing the budget, due to changes in the affiliation relationships of the prefecture and its enterprises or undertakings or major disasters or other special circumstances have occurred, resulting in major increases in expenditures or reductions in revenues, the matter will be submitted to higher level state agencies to make appropriate adjustments or to increase subsidies.

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).

These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture. The Regulations provide that if, in the course of implementing the budget, due to changes in the affiliation relationships of the prefecture and its enterprises or administrative areas or natural disasters have occurred, resulting in relatively major changes to revenues and expenditures, the matter shall be submitted to higher level state agencies for adjustment.

C. 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) These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture of Qinghai Province. This summary only notes certain variances.

(b) The autonomy agencies shall, in accordance with the provisions of the Sichuan Provincial People's Government, implement profit sharing, allocation of products and sharing of foreign exchange, with higher level state agencies and enterprises and units from outside the prefecture that have established businesses in the prefecture. The exact measures shall be agreed and determined by the parties.

(c) The prefecture shall independently manage its affiliation relationships with enterprises and units. Any changes required by higher level state agencies shall require the consent of the autonomy agencies.

(d) The profits retained by the prefecture from higher level state agencies or enterprises from outside the prefecture that have established a business in the prefecture shall not be included in the fixed revenues of the prefecture and shall not reduce subsidies from higher levels, but instead shall be special funds to be used for the development and construction of industry and will be independently arranged and used by the prefecture.

(e) If, in the course of implementing the budget due to changes in the affiliation relationships of the prefecture and its enterprises or undertakings or major disasters have occurred, resulting in major increases or reductions in the budget, the matter shall be submitted to higher level state agencies to adjust the base numbers or to make up the shortfall with a special allocation.

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) These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture of Qinghai Province. This summary only notes certain variances.

(b) The prefecture shall independently manage its affiliation relationships with enterprises and units. Any changes requested by higher level state agencies shall require the consent of the autonomy agencies.

(c) The profits retained by the prefecture from higher level state agencies or enterprises from outside the prefecture that have established a business in the prefecture shall not be included in the fixed revenues of the prefecture and shall not reduce subsidies from higher levels, but instead shall be special funds to be used for the development and construction of industry and will be independently arranged and used by the prefecture.

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) These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture of Qinghai Province. This summary only notes certain variances.

(b) The profits retained by the county from enterprises and units that are not managed by the county shall not be included in the county's base numbers and shall not reduce subsidies from higher levels, but instead shall form construction funds, which the county shall arrange and use.

(c) If, in the course of implementing the budget, there are changes in the affiliation relationships of the county and its enterprises or units or a major natural disaster has occurred, resulting in a reduction of revenues and an increase in expenditures, the matter shall be submitted to the higher level state agencies to adjust the base numbers or to make a special subsidy.

(d) The Regulations do not provide for the county to have the right to grant exemptions from or reductions of taxes.

(e) Banks in the county shall, in accordance with relevant provisions of the State, appropriately relax their lending conditions and strive to grant loans at favorable interest rates. Special loans may be granted to state enterprises that have been newly established or are expanding and whose working capital is less than the stipulated ratio.

D. 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) These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture of Qinghai Province. This summary only notes certain variances.

(b) Autonomy agencies welcome foreigners, overseas Chinese, Tibetan compatriots who are overseas and Taiwan, Hong Kong and Macau compatriots to establish trade and open businesses in the prefecture.

(c) In addition to the development of agriculture, forestry and animal husbandry industries, the autonomy agencies are to actively develop the production of medicinal herbs. Tibetan and Chinese medicine processing enterprises are to be actively developed.

(d) The Regulations do not provide for the prefecture to have the right to grant exemptions from or reductions of taxes.

NATURAL RESOURCES

A. Tibet.

1. ***Regulations of the Tibet Autonomous Region on the Management of Mineral Resources*** (effective July 1, 1999; adopted on April 1, 1999 by the Sixth Session of the Standing Committee of the Seventh TAR People's Congress, and amended on January 20, 2002 by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) The Regulations have been formulated pursuant to the Law of the People's Republic of China on Mineral Resources (the "PRC Mineral Resources Law"). The plans for the development and use of mineral resources formulated by the TAR people's government shall be included in the State's social and economic development plans. Any development of mineral resources in the administrative areas in the TAR shall consider the interests of the masses in the area and mining areas and promote the development of the economy and social progress in the area. The TAR people's government may, in accordance with laws and the unified plan of the State, give priority to the rational development and use of mineral resources developed by the locality. The people's governments at all levels shall actively encourage, support and guide the development of the mining industry in remote and impoverished areas.

(b) The Regulations provide a framework for the exploration and development of mineral resources, the transfer of exploration and exploitation rights and the protection and management of mineral resources.

2. ***Regulations of the Tibet Autonomous Region on the Protection of the Environment*** (effective September 1, 2003; adopted on July 24, 2003 by the Fifth Session of the Standing Committee of the Eighth TAR People's Congress).

The Regulations have been formulated pursuant to the Law of the People's Republic of China on the Protection of the Environment. The Regulations provide a framework for environmental protection in the TAR, including protection of scenic areas, lakes, rivers and drinking water sources, responsibilities of mining operations, measures to control air and noise pollution, and so forth.

B. Gansu Province.

1. ***Regulations of Tianzhu Tibetan Autonomous County of Gansu Province on the Management of Mineral Resources*** (effective March 1, 1995; adopted on March 20, 1994 by the Second Session of the 13th People's Congress of Tianzhu Tibetan Autonomous County, approved on January 21, 1995 by the 13th Session of the Standing Committee of the Eighth People's Congress of Gansu Province, and amended on March 26, 1999 by the Ninth Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

(a) The Regulations have been formulated pursuant to the PRC Mineral Resources Law and the Autonomy Regulations of Tianzhu Tibetan Autonomous Prefecture. The county shall, in accordance with laws and regulations and the unified plan of the State, implement a policy of the rational development, scientific use and protection of mineral resources and with respect to mineral resources that can be developed in the county, give priority to their rational development and use.

(b) All units and individuals who carry out mining activities in the county must conscientiously implement policies on ethnic groups and laws and regulations relating to workers of ethnic groups, shall respect the religious beliefs and customs and traditions of minorities in the area and shall safeguard and develop the unity of ethnic groups.

2. ***Regulations of Gannan Tibetan Autonomous Prefecture of Gansu Province on the Management of Mineral Resources*** (adopted on March 30, 1999 by the Second Session of the 12th People's Congress of Gannan Tibetan Autonomous Prefecture, and approved on May 26, 2000 by the 16th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

(a) The Regulations have been formulated pursuant to the PRC Mineral Resources Law, and the Regulations of Gansu Province on the Management of Mineral Resources.

(b) When conditions are equal, enterprise legal persons and economic organizations of the prefecture and its counties shall have priority in mining and exploitation rights. The interests of the prefecture and the production and lives of the local masses shall be considered when developing mineral resources in the prefecture. Mining enterprises shall give priority to the recruitment of excess mining labor in the locality.

(c) The prefecture may, upon approval, use a portion of the gold and silver to manufacture decorative products specially needed by ethnic groups based upon the special characteristics of minorities of the prefecture.

C. Qinghai Province.

1. ***Regulations of Haibei Tibetan Autonomous Prefecture on the Management of Mineral Resources*** (effective July 1, 1995; adopted on April 20, 1990 by the Sixth Session of the Eighth People's Congress of Haibei Tibetan Autonomous Prefecture of Qinghai Province, and approved on May 31, 1995 by the 18th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

(a) The Regulations have been formulated pursuant to the PRC Mineral Resources Law.

(b) The development of mineral resources or the construction of mines shall consider the prefecture's interests, and be beneficial to the ethnic areas' economic development, and help the local people to develop production and improve their lives.

(c) The prefecture shall have priority in the rational development and use of the prefecture's mineral resources in accordance with laws and the uniform plan [of the State].

2. ***Regulations of Haixi Mongolian and Tibetan Autonomous Prefecture on the Management of Mineral Resources*** (effective November 1, 1995; adopted on May 12, 1990 by the Sixth Session of the Eighth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture, and approved on September 22, 1995 by the 20th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

(a) The Regulations have been formulated pursuant to the Law of the People's Republic of China on Autonomy in Ethnic Areas and the PRC Mineral Resources Law.

(b) The prefecture shall have priority in the rational development and use of mineral resources in accordance with laws and the uniform plan of the State. Mining enterprises in the prefecture shall take into consideration the prefecture's interest, make arrangements that will benefit the economic development of the prefecture and consider the local masses' production and lives.

3. ***Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture on the Management of Water Resources*** (effective October 1, 1998; adopted on May 15, 1998 by the Fourth Session of the 10th People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province, and adopted on July 24, 1998 by the Third Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

The Regulations have been formulated pursuant to the Water Law of the People's Republic of China and the Law of People's Republic of China on the Prevention of Water Pollution. The Regulations provide a framework for the management and exploitation of water resources in the prefecture.

4. ***Regulations of Guoluo Tibetan Autonomous Prefecture on the Protection of the Ecological Environment*** (effective October 1, 2000; adopted on May 13, 2000 by the Sixth Session of the 10th People's Congress of Guoluo Tibetan Autonomous Prefecture, and approved on July 30, 2000 by the 19th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

The Regulations have been formulated pursuant to the Law of the People's Republic of China on the Protection of the Environment. The Regulations provide for the protection of certain areas in the prefecture, contain preventative measures, and clarify the responsibilities of various governmental agencies.

D. Sichuan Province.

1. ***Regulations of A Ba Tibetan and Qiang Autonomous Prefecture on the Management of Mineral Resources*** (adopted on April 19, 1996 by the Fourth Session of the Seventh People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture, and adopted on October 17, 1998 by the Fifth Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

(a) The Regulations have been formulated pursuant to the Law of People's Republic of China on Autonomy in Ethnic Areas, the PRC Mineral Resources Law and the Regulations of Sichuan Province on the Management of Mineral Resources.

(b) The prefecture shall have priority in the development and use of mineral resources that can be developed in the locality in accordance with the uniform plan of the State and shall implement rational development and comprehensive use of mineral resources on the basis of the effective protection of mineral resources. Those entities in the prefecture that explore mineral resources or process or are in the business of selling mineral products shall give consideration to the interests of the prefecture and the production and lives of the local masses and shall make arrangements that are beneficial to the economic development of the prefecture.

2. ***Regulations of Muli Tibetan Autonomous County on the Management of Mineral Resources*** (adopted on February 6, 1996 by the Fourth Session of the Eighth People's Congress of Muli Tibetan Autonomous County, and approved on October 17, 1998 by the Fifth Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

The Regulations have been formulated pursuant to the Law of the People's Republic of China on Autonomy in Ethnic Areas, the PRC Mineral Resources Law and the Regulations of Sichuan Province on the Management of Mineral Resources. The Regulations are substantially similar to those described in item 1 above.

3. ***Regulations of Ganzi Tibetan Autonomous Prefecture on the Management of Mineral Resources*** (adopted on April 9, 1995 by the Second Session of the Seventh People's Congress of Ganzi Tibetan Autonomous Prefecture and approved on October 19, 1995 by the 17th Session of the Standing Committee of the Eighth People's Congress of Sichuan Province; an amendment was adopted on March 17, 1999 by the First Session of the Eighth People's Congress of Ganzi Tibetan Autonomous Prefecture, and approved on June 1, 1999 by the Ninth Session of the Standing Committee of Ninth People's Congress of Sichuan Province).

The Regulations have been formulated pursuant to the Law of the People's Republic of China on Autonomy in Ethnic Areas, the PRC Mineral Resources Law and the Regulations of Sichuan Province on the Management of Mineral Resources. The Regulations are substantially similar to those described in item 1 above.

POLICE AND SECURITY

A. Tibet Autonomous Region.

1. ***Regulations of the Tibet Autonomous Region on the Comprehensive Administration of Public Security*** (effective August, 18, 1994; adopted on August 18, 1994 by the 10th Session of the Standing Committee of the Sixth TAR People's Congress, and amended on May 9, 2002 by the 26th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) The scope of the work of comprehensive administration of public security includes fighting and keeping a look out for separatist movements and other criminal activities, as well as preventing and reducing criminal activities.

(b) The people's governments at all levels, all related departments, village committees, and the democratic administrative departments of temples shall strengthen the management of religious activities and places, and educate religious workers to be patriotic and law abiding. No organization or individual may use religion to destroy the unity of the Motherland or unity of ethnic groups or interfere with executive or judicial activities, education or economic development.

B. Qinghai Province.

1. ***Regulations of Haixi Mongolian and Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security*** (effective October 1, 1995; adopted on April 25, 1995 by the Sixth Session of the Standing Committee of the Ninth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province, and approved on July 29, 1995 by the 19th Session of the Standing Committee of the Eighth People's Congress of Qinghai Province).

(a) These Regulations set the framework for the coordination amongst different agencies, including the people's courts, people's procuracies, public security agencies, judicial agencies, police, cultural departments, broadcasting, television, news and publishing departments, education departments, civil affairs, labor, health, commercial departments, etc. to work to combat crime.

(b) The administrative departments of minority religious affairs shall in accordance with law strengthen the management of religious affairs. People from outside the prefecture who wish to conduct religious activities must obtain approval from the local administrative departments and the prefecture administrative departments. Anyone committing fraud under the guise of religion shall be punished, all illegal earnings are to be confiscated and criminal liability will be investigated in accordance with law.

2. ***Regulations of Hainan Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security*** (effective July 1, 2000; adopted on April 5, 2000 by the Seventh Session of the 10th People's Congress of the Hainan Tibetan Autonomous Prefecture and approved on May 26, 2000 by the 17th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

These Regulations set forth the framework for the comprehensive administration of public security, which includes the work of fighting and keeping a look out for criminal activities, education, administration, development and reform. The Regulations sets forth the responsibilities of the people's courts, people's procuracies, public security, national security, judicial agencies and the people's armed police, as well as agencies, groups, enterprise units and village committees.

3. ***Regulations of Yushu Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security*** (effective September 1, 2001; adopted on May 14, 2001 by the First Session of the 10th People's Congress of Yushu Tibetan Autonomous Prefecture, and approved on July 23, 2001 by the 25th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture.

4. ***Regulations of Haibei Tibetan Autonomous Prefecture on the Comprehensive Administration of Public Security*** (effective May 1, 2002; adopted on

February 1, 2002 by the Second Session of the 11th People's Congress of the Haibei Tibetan Autonomous Prefecture, and approved on March 29, 2002 by the 29th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

These Regulations are substantially similar to those for the Hainan Tibetan Autonomous Prefecture.

FAMILY

A. National.

1. *Opinion on Strengthening the Work of Population and Family Planning of Minorities* (issued on November 13, 2000 by the State Family Planning Commission and the State Ethnic Affairs Commission).

(a) The Opinion was issued to further do a good job of family planning for minorities and ethnic areas. The Opinion notes that since the 1990s, with the development of the economy of ethnic areas, progress in science, education and cultural undertakings and the improvement in public health conditions, population and family planning work with minorities has seen marked achievements. The Opinion reports on the basic experience of family planning work in ethnic areas.

(b) Family planning shall be included in the social and economic development plans of the area, comprehensive policies and management, and shall be closely integrated with the development of the regional economy, to help the masses overcome poverty and to build civilized and prosperous families. The resolution of population issues is to be supported in the course of development.

(c) Birth control policies that comply with the actual situation of ethnic areas and that consider the special characteristics of minorities shall be formulated and implemented. The stability and continuation of policies is to be maintained so as to control the rapid increase in the population in ethnic areas and to support the appropriate scale of the minority population. Minority cultural traditions and customs are to be respected, and in focusing on the development work of the special characteristics of each ethnic group, attention shall be paid to work methods, the unity of ethnic groups shall be increased and the stability of society shall be protected.

(d) In general, family planning work for minorities and in ethnic areas has been uneven. Certain areas have not been able to escape the vicious cycle of "more poverty more births." Early marriage and early childbirth are still common in certain areas. The overall birth control rate and family planning rate of childbearing married women is low, their cultural quality is low, and the population of illiterate or semi-illiterate people is relatively high. In addition, the rate of birth defects is relatively high, as well as the infant mortality and birth-related maternal death rate.

(e) In the next 10 years, China will enter an important historical phase for the development of its western regions. One major determinative factor in the development will be the quality of the population. Controlling the overly fast increase in the population and improving the quality of the ethnic population is important. Doing a good job of population work and family planning work for ethnic groups is also beneficial to safeguarding the unity of ethnic groups, the unity of the State and the stability of borders.

(f) By 2010, the goals are to: make significant developments in the thinking of childbearing women, basically implement family planning, effectively control population numbers, improve the quality of newborns, provide reproductive health services to childbearing women, gradually develop contraceptive choices, implement ante-natal management and services, stabilize the contraceptive rate to 80% or more and control the rate of abortions and the incidence of disease to less than 0.1% and maintain a basic normal ratio of male/female births.

(g) The main tasks of the family planning work in the next period are to: (i) make people aware of the population problem and advocate late marriage and late childbirth; (ii) improve the quality of the population; (iii) strengthen the construction of family planning technical services networks and satisfy such needs of the minorities; (iv) deepen propaganda and education work to lead the masses to have a scientific, civilized and progressive view of marriage; (v) integrate family planning with the development of the economy of ethnic areas to help people overcome poverty and build prosperous families; and (vi) make great efforts to strengthen work at the basic levels of the villages and leadership for family planning work.

2. ***Law of the People's Republic of China on Population and Family Planning*** (effective September 1, 2002; adopted on December 29, 2001 by the 25th Session of the Standing Committee of the Ninth National People's Congress, and issued on December 29, 2001 pursuant to Decree No. 63 of the People's Republic of China).

(a) This Law (the "PRC Family Planning Law") sets forth the basic national policy that family planning is to be implemented. The State is to adopt comprehensive measures to control population numbers and improve the quality of the population. The State is to rely on propaganda and education, scientific and technological progress, comprehensive services and the establishment of a complete reward and social security system to develop population and family planning work. In promoting family planning, people's governments and work personnel are to strictly comply with laws and may not infringe the legitimate rights and interests of citizens.

(b) People's governments at all levels are to give special support to the development of population and family planning work in impoverished areas and minority areas.

(c) The State implements a planning policy that encourages citizens to marry late and to bear children later in life, advocates one child per couple, but if the provisions of laws and regulations are satisfied, couples may request arrangements to have a second child. Minorities are also to implement family planning. The specific measures are to be stipulated by the people's congresses or their standing committees of provinces, autonomous regions or municipalities directly under the central government.

B. Tibet Autonomous Region.

1. ***Adapting Regulations of the TAR on the Implementation of the Marriage Law of the People's Republic of China*** (effective January 1, 1982; adopted on April 18, 1981 by the Fifth Session of the Standing Committee of the Third TAR People's Congress).

(a) These Regulations have been formulated pursuant to the Marriage Law of the People's Republic of China (the "PRC Marriage Law").

(b) Males may not marry before the age of 20 and females may not marry before the age of 18.

(c) Polygamy and polyandry are abolished. Any such relationships that existed prior to the implementation of these Regulations are grandfathered if no one who is a party thereto has initiated the termination of any such relationship.

(d) Traditional marriage ceremonies of minorities shall be respected if they do not impede the freedom of marriage.

(e) Religion may not be used to interfere with marriages or families.

(f) Registration procedures must be implemented for marriages and divorces.

(g) The living costs and education expenses of children born out of wedlock shall be handled in accordance with the PRC Marriage Law, which is a change from the custom that all such expenses shall be borne by the mother.

(h) People's congresses and their standing committees at the county level may adopt adapting or supplementary regulations, taking into account the particular circumstances of minority marriages and families, and such regulations shall be submitted to the standing committee of the TAR people's congress for approval. Unless otherwise specified in the Regulations, the PRC Marriage Law shall apply in all respects.

2. ***Measures of the TAR on the Administration of Family Planning for the Floating Population*** (adopted on July 19, 2000 by the 11th Session of the Standing Committee of the TAR People's Government).

These Measures set forth a framework for family planning for the floating population, *i.e.*, persons from outside the TAR who reside in the TAR for labor, work, business or other activities. The Measures provide that the public security, industrial and commercial, public health, labor and housing management departments are to jointly engage in the administration of family planning. The Measures also stipulate, among other things, the procedures to obtain birth certificates and the provision of birth control measures.

3. *Adapting Provisions of the TAR on the Implementation of the Adoption Law of the People's Republic of China* (effective March 1, 2002; adopted on January 20, 2002 by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) The Provisions have been formulated pursuant to the Adoption Law of the People's Republic of China.

(b) Tibetan people or other minority people without children may adopt two children. However, there is no limitation on the number of children that may be adopted if an adopted child is an orphan, disabled or being raised by a social welfare agency that has been unable to locate such child's parents. Residents of towns or townships may not adopt children if their average annual income is less than the minimum living standard. Residents in agricultural and pastoral areas who are still poverty stricken may not adopt.

C. Gansu Province.

1. ***Regulations of Gansu Province on Population and Family Planning*** (adopted on November 28, 1989 by the 11th Session of the Standing Committee of the Seventh People's Congress of Gansu Province, amended on September 29, 1997, and further amended on September 27, 2002).

(a) These Regulations have been formulated in accordance with the PRC Family Planning Law, taking into account the actual circumstances of the province.

(b) Although the Regulations advocate a "one child one couple" policy, if the couple are village residents and one spouse is a minority, then the couple may request arrangements to have a second child. In addition, in autonomous areas in ethnic areas, a request may be made to have another child if the couple are village residents, of whom one spouse is from the Dongxiang, Yugu or Bao'an minority or is a Tibetan, Mongolian, Sanla or Hasake minority and the couple resides in sparsely populated pastoral or forestry areas and already have two children.

2. ***Adapting Provisions of the Gannan Tibetan Autonomous Prefecture of Gansu Province on the Implementation of the Regulations of Gansu Province on Family Planning*** (adopted on September 2, 1999 by the 11th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

(a) These Provisions have been formulated pursuant to the Law of the People's Republic of China on the Autonomy of Ethnic Areas, the Implementing Provisions of Gansu Province for the Law of the People's Republic of China on the Autonomy of Ethnic Areas, and the Regulations of Gansu Province on Family Planning, taking into account the actual situation of the prefecture.

(b) Late marriage and late childbirth are advocated. It is forbidden to bear children out of wedlock. With respect to Han persons, a marriage is treated as a late marriage if the male marries no earlier than at the age of 25 and the female marries no earlier than at the age of 23. With respect to minority persons, a marriage is treated as a late marriage if the male marries no earlier than at the age of 23 and the female marries no earlier than at the age of 21. If a Han woman gives birth no earlier than at the age of 24 and a minority woman gives birth no earlier than at the age of 22, then such births are considered late births.

(c) A "one couple one child" policy shall be advocated. The birth of a second child is permitted, but the birth of a third child is to be controlled.

(d) If both the husband and wife are state cadres, workers or other non-rural residents, then permission for a second child may be granted if either the husband or wife is Tibetan or the first child has been evaluated as a child with a non-hereditary illness and will not be able to become a part of the normal labor force.

(e) If either the husband or the wife or both of them are farmers or pastoral workers, the birth of a second child is permitted, but the one child policy shall be advocated. With respect to Tibetan people who live in pastoral villages or forestry areas, the one child policy shall be advocated, a second child shall be permitted and a third child shall be rationally arranged.

(f) In areas where three children are permitted, a period between births is advocated. In the case of state cadres, workers and other non-rural persons, and rural and pastoral residents who wish to have a second child, the period shall be at least three years.

(g) The Provisions set up an application process for having children.

(h) Support of contraception shall be the main measure and comprehensive contraceptive measures shall be promoted. Couples who already have one child and those persons in areas that permit three children who already have two children must adopt contraceptive measures. With respect to those couples who already have two children and, in areas that permit three children, couples who already have three children, one party must undergo sterilization. Remedial measures shall be adopted for pregnancies that are not planned.

(i) The Provisions have an annex that identifies the areas where couples may have three children.

D. Qinghai Province.

1. ***Supplemental Provisions of the Huangnan Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective August 7, 1982; approved on August 7, 1982 by the 19th Session of the Standing Committee of the Fifth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to all minorities in the three counties of Jianzha, Tongren and Zeku. The PRC Marriage Law applies to state cadres, workers, Han Chinese and residents of towns and townships.

(b) A male may not marry before the age of 20 and a female may not marry before the age of 18. Late marriage shall be advocated and family planning implemented.

(c) Marriage and divorce must follow the procedures stipulated by law. Any divorce effected by one party notifying the other, either orally or in writing, shall be void.

(d) Religion may not be used to interfere with marriage.

(e) Marriages of persons of different ethnic groups shall be subject to legal protection. No excuses may be used to interfere with or hinder such marriages.

2. ***Supplemental Provisions of the Haibei Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective July 16, 1983; approved on July 16, 1983 by the Second Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to the minorities living in Qilian, Gangcha and Haiyan counties. The PRC Marriage Law applies to state cadres, workers, Han Chinese and town or township residents (including minorities). These Provisions are substantially similar to the Provisions described in item 1 above.

3. ***Supplemental Provisions of the Huzhu Tu People Autonomous County on the Implementation of the PRC Marriage Law*** (effective December 20, 1983; approved on December 20, 1983 by the Fourth Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

(a) These Provisions apply, among others, to Tibetans who live in the county.

(b) A male may not marry before the age of 20 and a female may not marry before the age of 18.

(c) Marriages and divorces must comply with the PRC Marriage Law. The complete freedom of a couple [to decide to marry] is supported. No person may force someone to marry, arrange marriages or interfere with marriages. It is strictly forbidden to sell persons into marriage.

(d) Religion may not be used to interfere with marriage. It is not permitted to use religious rituals in the place of the legally prescribed marriage procedures. No one may interfere with the remarriage of a widow.

(e) Marriages of persons from different ethnic groups shall be subject to the protection of the law.

4. ***Adapting Provisions of the Hainan Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective July 20, 1985; approved on July 20, 1985 by the 13th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to all minorities in the prefecture, other than state workers who are minorities — they are subject to the PRC Marriage Law.

(b) A male may not marry before the age of 20 and a female may not marry before the age of 18.

(c) Freedom of marriage shall be implemented. Arranged marriages, being sold into marriage and other acts that interfere with the freedom of marriage shall be forbidden. Religion may not interfere with marriage or family.

(d) Divorce shall be handled in accordance with the PRC Marriage Law. No person may represent any person in handling divorce procedures and obtaining a divorce certificate. Any divorce effected by one party notifying the other, either orally or in writing, shall have no legal effect. After a divorce, forcing the other party to a marriage to continue to maintain a marriage relationship shall have no legal effect.

5. ***Supplemental Provisions of the Yushu Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective July 18, 1987; adopted on October 30, 1986 by the Third Session of the Standing Committee of the Seventh People's Congress of the Yushu 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 Provisions have been formulated pursuant to the PRC Marriage Law, and apply to minority rural and pastoral residents in the prefecture and Han Chinese who have married minorities, except that the PRC Marriage Law shall apply to minority cadres and workers.

(b) Freedom of marriage shall be implemented. Using religion, the clan or other methods to interfere with the freedom of marriage is forbidden. A one husband one wife system shall be implemented. Polyandry and polygamy are forbidden.

(c) A male may not marry before the age of 20 and a female may not marry before the age of 18. Family planning shall be implemented and late marriage and late childbirth encouraged.

(d) Traditional marriage ceremonies of minorities shall be respected if the fundamental principles of the PRC Marriage Law and these Provisions are not violated.

(e) Marriages and divorces shall be strictly implemented in accordance with the PRC Marriage Law and the Marriage Registration Measures.

(f) Children born out of wedlock shall enjoy the same rights as children born within wedlock. No person may discriminate against or endanger them. The parents of children born out of wedlock shall have the responsibility to raise them. A father shall be responsible for all or a portion of his children's living expenses and education costs until such children are able to live independently.

6. ***Adapting Provisions of the Guoluo Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective November 21, 1987; adopted on November 10, 1987 by the Eighth Session of the Standing Committee of the Eighth People's Congress of Guoluo Tibetan Autonomous Prefecture, and approved on November 21, 1987 by the 29th Session of the Standing Committee of the Sixth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to minorities in the prefecture, other than minority cadres and workers, to whom the PRC Marriage Law shall apply.

(b) Freedom of marriage is guaranteed. Using religion, the clan or other methods to interfere with the freedom of marriage is forbidden. Polyandry and polygamy is forbidden.

(c) A male may not marry before the age of 20 and a female may not marry before the age of 18. Late marriage and late childbirth shall be encouraged.

(d) Legal procedures shall be strictly implemented for marriages and divorces.

(e) Children born out of wedlock shall enjoy the same rights as children born within wedlock. No person may discriminate against or endanger them. A father shall be responsible for all or a portion of his children's living expenses and education costs until such children are able to live independently.

7. ***Adapting Provisions of the Haixi Mongolian and Tibetan Autonomous Prefecture of Qinghai Province on the Implementation of the Age of Marriage in the PRC Marriage Law (Revised)*** (effective July 1, 2002; adopted on April 27, 2002 by the Second Session of the 11th People's Congress of Haixi Mongolian and Tibetan Autonomous Prefecture, and approved on May 31, 2002 by the 30th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law. The Provisions are only applicable to the minority people living in rural and pastoral areas. The PRC Marriage Law shall apply to minority state workers, and town or township residents.

(b) With respect to the Mongolian and Tibetan people, a male may not marry before the age of 20 and a female may not marry before the age of 18.

(c) If one person to a marriage is a minority from a village or pastoral area and the other is a state worker or a resident of a town or township, then the Provisions will be separately implemented based on their respective marriage ages. If a party's residence registration is not in the prefecture, the marriage age stipulated by the marriage registration authorities in the locality shall apply.

8. ***Regulations of Qinghai Province on Population and Family Planning*** (effective January 1, 2003; adopted on September 20, 2002 by the 32nd Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) These Regulations are formulated in accordance with the PRC Family Planning Law, taking into account the actual circumstances of the province.

(b) Although the "one child one couple" policy is advocated, an application may be made to have a second child if the couple or one spouse is a minority. Minority couples who live in villages may have two children. Minority couples in pastoral areas may have three children. The Regulations prescribe a gap of four years or more between children.

9. ***Measures of the Provincial Family Planning Commission and Provincial Financial Office of Qinghai Province to Encourage Agricultural and Pastoral Families to Have Only One Child and Minority Pastoral Workers in Pastoral Areas to Give Up Having A Third Child*** (effective January 1, 2003, transmitted by the Office of the People's Government of Qinghai Province).

(a) This Notice has been formulated in accordance with the Law of the People's Republic of China on Population and Family Planning and the Regulations of Qinghai Province on Population and Family Planning to encourage rural and pastoral persons to have only one child and minority families in pastoral areas to give up having a third child.

(b) Rural and pastoral families which voluntarily have only one child under the age of 14 after January 1, 2003 will be given a one time award of RMB

3,000. Pastoral families who already have two children but who voluntarily give up having a third child after January 1, 2003 will be given a one time award of RMB 1,000.

(c) To receive such an award, the family must take effective birth control measures.

E. Sichuan Province.

1. ***Adapting Provisions of A Ba Tibetan and Qiang Autonomous Prefecture on the Implementation of the Inheritance Law of the People's Republic of China*** (effective January 1, 1990; adopted on March 8, 1989 by the Second Session of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture, and approved on September 20, 1989 by the 11th Session of the Standing Committee of Seventh People's Congress of Sichuan Province).

(a) The Provisions have been formulated pursuant to the Inheritance Law of the People's Republic of China, taking into account the specific circumstances relating to property inheritance of the prefecture's minorities.

(b) The principles that men and women have equal rights in inheritance matters, that the elderly and young are to be taken care of and that rights and obligations shall be consistent shall be supported.

(c) Family heirlooms and religious objects that the law permits to be owned by a citizen may be considered part of the estate of such citizen.

(d) If there is no will or gift or care agreements, the successors shall consult and agree on the matter and may also conduct succession in accordance with the customs of the minority.

(e) The order of succession that is prescribed by law is as follows: (i) first, spouse, children and parents, and (ii) second, siblings and grandparents on both sides. If the deceased's spouse has the obligation to be the principal support for the parents or parents-in-law of the couple, then such spouse shall have first priority. If grandchildren and grandparents mutually support each other, all of them shall have first priority.

(f) The Provisions are applicable to all minorities within the prefecture and Han Chinese citizens who are married to minorities or who have support or succession relationships with minorities.

2. ***Supplemental Provisions of the Ganzi Tibetan Autonomous Prefecture of Sichuan Province on the Implementation of the PRC Marriage Law*** (effective July 1, 1982; adopted on November 19, 1981 by the Sixth Session of the Fourth People's Congress of Ganzi Tibetan Autonomous Prefecture, and approved on December 26, 1981 by the 13th Session of the Standing Committee of the Fifth People's Congress of Sichuan Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to all minorities in the prefecture and to Han Chinese who are married to minorities.

(b) A male may not marry before the age of 20 and a female may not marry before the age of 18.

(c) Polygamy and polyandry are forbidden. However, if any such marriage relationship was formed before the effective date of the Provisions and no party thereto wishes to terminate the relationship, then such marriage relationship may be maintained.

(d) It is forbidden to arrange marriages, sell people into marriage or use marriage as an excuse to obtain money (*shenjiafei* — the price of a slave), dowries or other property. Substituting a person in a marriage or using marriage to transfer real property violates the freedom of marriage and the principle of voluntarism, and shall be forbidden.

(e) Direct blood relatives and collateral relatives within the third degree may not marry each other.

(f) Religion, the clan and other methods may not be used to interfere with the freedom of marriage.

(g) The marriage ceremonies of minorities shall be respected if the fundamental principles of the PRC Marriage Law are not violated.

(h) Fathers of children born out of wedlock shall be responsible for all or a portion of the children's living and education expenses, which is a major change from the custom that the mother bears all such expenses.

(i) Marriages and divorces must be performed in accordance with legal procedures.

3. ***Supplemental Provisions of A Ba Tibetan and Qiang Autonomous Prefecture on the Implementation of the PRC Marriage Law*** (effective January 1, 1984; adopted on March 17, 1983 by the 12th Session of the Standing Committee of the Fourth People's Congress of the A Ba Tibetan Autonomous Prefecture, and approved on July 12, 1983 by the Second Session of the Standing Committee of the Sixth People's Congress of Sichuan Province; amended on July 8, 1988 by the Fourth Session of the Standing Committee of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture, and approved on September 26, 1988 by the Fifth Session of the Standing Committee of the Seventh People's Congress of Sichuan Province).

(a) The Provisions have been formulated pursuant to the PRC Marriage Law, and apply to all minorities in the prefecture and Han Chinese persons who are married to minorities.

(b) **Freedom of marriage shall be implemented.** It is forbidden to coerce people into marriage, arrange marriages, sell people into marriage or use marriage to transfer real property. It is also forbidden to use marriage as an excuse to obtain property. It is forbidden to use religion, the clan, tribe or other means to interfere with the freedom of marriage.

(c) A one husband one wife system will be implemented. Polygamous and polyandrous relationships that were formed prior to the implementation of the Provisions shall be left alone if a party thereto does not request termination thereof.

(d) Men and women shall have equal status within a family. The legal rights of women, children and the elderly shall be protected.

(e) A male may not marry before the age of 20 and a female may not marry before the age of 18. Family planning shall be implemented and late marriage and late childbirth shall be advocated.

(f) Marriages of direct blood relatives is forbidden and marriages of collateral relatives within the third degree are not permitted.

(g) The marriage ceremonies of minorities shall be respected if the fundamental principles of the PRC Marriage Law are not violated.

(h) Marriages and divorces shall be strictly implemented in accordance with the PRC Marriage Law. Engagement is not a legally prescribed procedure and has no legal effect.

(i) The law does not permit having children out of wedlock. The parents of a child born out of wedlock both have the responsibility of raising the child. The father must bear all or a portion of the living and education expenses of his children, until the children are able to live independently.

4. ***Regulations of Sichuan Province on Population and Family Planning*** (effective October 1, 2002; adopted on July 2, 1987 by the 26th Session of the Standing Committee of the Sixth People's Congress of Sichuan Province, amended on December 15, 1993, further amended on October 17, 1997 and further amended on September 26, 2002 by the 31st Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

(a) These Regulations have been formulated in accordance with the PRC Family Planning Law, taking into account the actual circumstances of Sichuan Province.

(b) Minorities are also to implement family planning. The specific measures are to be formulated by the people's congress of the autonomous prefecture or county in accordance with the principles in these Regulations and the actual circumstances of the locality, which measures shall be submitted to the standing committee of the provincial people's congress for approval.

5. ***Measures of Ganzi Tibetan Autonomous Prefecture on Family Planning*** (adopted on June 24, 1988 by the 27th Session of the Standing Committee of the Fifth People's Congress of Ganzi Tibetan Autonomous Prefecture, and approved on May 8, 1989 by the Ninth Session of the Standing Committee of the Seventh People's Congress of Sichuan Province; with an amendment adopted on December 18, 1998 by the

35th Session of the Standing Committee of the Seventh People's Congress of Ganzi Tibetan Autonomous Prefecture, and approved on June 1, 1999 by the Ninth Session of the Standing Committee of the Ninth People's Congress of Sichuan Province).

(a) The Measures have been formulated pursuant to the Regulations of Sichuan Province on Family Planning, the Autonomy Regulations of Ganzi Tibetan Autonomous Prefecture and the Supplemental Provisions of the Ganzi Tibetan Autonomous Prefecture on the Implementation of the PRC Marriage Law, taking into account the actual situation of the prefecture, to promote family planning, control the number of the population, improve the quality of the population and to cause the increase in the population to correspond with social and economic development.

(b) In implementing family planning, education shall be the main method, with necessary administrative and economic measures as a supplement, to achieve late marriages, late childbirth, fewer births, better quality births and health.

(c) A social security system including safety insurance for single children and pension insurance for the parents of single children shall be gradually implemented.

(d) The Measures apply to citizens of all ethnic groups who reside in the administrative region of the prefecture, citizens of all ethnic groups who live in the prefecture but whose place of registration is outside the prefecture, as well as all state agencies, social groups, enterprises and units in the administrative region of the prefecture. The Measures also apply to Tibetan compatriots and overseas Chinese who have returned from abroad, Taiwan compatriots, and compatriots from Hong Kong and Macau.

(e) Late marriage and late childbirth are advocated and encouraged. Men and women who are of marriage age but who have delayed marriage by more than three years shall be considered to have married late. A woman who has given birth four years after she has reached the legally prescribed marriage age shall be deemed to have married late.

(f) Births must be carried out in accordance with plans.

(g) Couples are encouraged to have one child only. It is not permitted to have children out of wedlock, to marry early and have children early or to have unplanned children.

(h) Couples may have a second child if they are: (i) minority workers or town or township residents; (ii) Han farmers or pastoral workers or vegetable farmers; (iii) Han workers, residents, farmers or pastoral workers who have moved from inland areas to the prefecture and who have lived in the prefecture for more than five years; and (iv) a married couple involving a divorced party, in respect of whom, prior to the remarriage, one party has one child and the other party does not have a child. Couples who, after years of marriage, have not had a child but after having adopted a child, become pregnant, may apply to have a child.

(i) Couples may have a third child if they are: (i) minority farmers or pastoral workers; (ii) minority workers, (town or city) residents or vegetable farmers who are soldiers who have suffered an injury of a certain level; (iii) minority workers, residents, vegetable farmers and Han farmers or pastoral workers who have remarried after divorce, where one party has two children prior to the remarriage and the other party has no children or where each party has one child; (iv) persons who have remarried after the death of their spouse and prior to the remarriage one party had no more than two children and the other party had no children, or each party had one child; or (vi) Han Chinese rural or pastoral workers who live in high plateau or remote mountain areas where minorities are concentrated.

(j) The period between childbirths shall generally be three years or more. However, for married rural or pastoral women who live in high plateaus and mountain areas and married women who were 28 years old or more when they had their first child, the period may be reduced to two years.

(k) If one spouse is a minority and the other spouse is Han Chinese, then the family planning provisions for minorities may be implemented in respect of them.

(l) The Measures contain provisions regarding the making of applications to have a child, the use of contraceptives and measures to encourage couples to marry late, to have children late or to have fewer children.

6. ***Measures of A Ba Tibetan and Qiang Autonomous Prefecture on Family Planning*** (adopted on April 28, 1989 by the Eighth Session of the Standing Committee of the Sixth People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture, and approved on May 8, 1989 by the Ninth Session of the Standing Committee of the Seventh People's Congress of Sichuan Province; amended on April 10, 1995 by the 14th Session of the Standing Committee of the Seventh People's Congress of A Ba Tibetan and Qiang Autonomous Prefecture and approved on October 19, 1995 by the 17th Session of the Standing Committee of the Eighth People's Congress of Sichuan Province).

(a) The Measures have been formulated pursuant to the Regulations of Sichuan Province on Family Planning and the Autonomy Regulations, of A Ba Tibetan and Qiang Autonomous Prefecture, taking into account the actual situation of the prefecture, to promote family planning, control the population, improve the quality of the population and cause the increase in population to correspond with social and economic development. These Measures are substantially similar to those described in item 4 above. Certain variances are noted below.

(b) Late marriage shall mean a first marriage where a Han male is more than 25 years of age and a Han female is more than 23 years of age, and a minority male is more than 23 years of age and a minority female is more than 21 years of age. Late birth shall mean where a married women of late marriage age has delayed having a child for more than a year.

(c) Couples are advocated and encouraged to have only one child. Minority couples may apply to have a planned second child. Han rural and pastoral couples may, upon application and approval, be considered for having a second child.

(d) A non-rural Han couple may apply for approval to have a second child if: (i) the first child has a non-hereditary illness and cannot become a part of the normal work force; (ii) they have been married for many years and after adopting a child, have become pregnant; (iii) they are Taiwan compatriots, Hong Kong or Macau compatriots or overseas Chinese who have returned to reside in the prefecture; (iv) of their siblings, only one has the ability to bear children; (v) one spouse is the second or greater generation of singletons; (vi) both of the couple are singletons; or (vii) one spouse is a soldier who has suffered an injury of a certain level or has suffered an injury while on duty equivalent to such level of injury.

(e) A couple may, upon application and approval, have an additional child if: (i) in a remarriage where a spouse's prior spouse died, one party has no more than two children and the other has no children; (ii) where a spouse has divorced, the prior married party has only one child and the other party has no child; (iii) they are a minority rural or pastoral couple who have remarried after a divorce, where one spouse has two children and the other party has no children or each spouse has one child; (iv) they are a minority rural or pastoral couple with two children, one of whom has a non-hereditary illness who cannot become a part of the normal work force.

(f) A non-rural or pastoral Han person who lives in a village or township that is more than 3,000 meters above sea level such as A Ba, Ruo'ergai, Hongyuan and Rangtang and has lived there for more than eight years may apply to have a planned second child.

(g) Minority rural or pastoral couples may, upon application and approval, have a third child if: (i) they live in A Ba, Ruo'ergai, Hongyuan or Rangtang county; (ii) they are a dispersed household living in a remote and high plateau area determined by the people's government; (iii) of their siblings, only one has the ability to have children; (iv) both of them are singletons; and (v) if one spouse is a soldier with an injury of a certain level or has suffered an injury while on duty equivalent to such level of injury.

(h) Minority couples may apply to have a third child if they return to China from a foreign country. The relevant provisions of the State shall apply to the reproduction issues of couples where one spouse is a Hong Kong, Macau or Taiwan compatriot, overseas Chinese or foreign citizen resident in the prefecture.

(i) If one spouse is a minority and the other is Han, then such couple may be treated in accordance with the reproduction provisions applicable to minorities.

PROTECTION OF RIGHTS

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. ***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.

3. ***Notice of the State Ethnic Affairs Commission, State Economic and Trade Commission, Ministry of Public Security, State Travel Bureau and State Administration of Industry and Commerce on Correcting the Behavior of A Few Hotels in Refusing to Accommodate Minority Persons*** (effective November 27, 2002).

(a) The Notice notes that with the gradual establishment of China's socialist economic system and the quickening pace of urbanization, large numbers of minorities have entered the cities to engage in business, labor, leisure travel and other activities and have promoted the urban economy and its development and increased unity and cooperation among ethnic groups. However, in recent years, several terrorist incidents in Xinjiang has had a bad effect on the whole country. A few hotels have refused to accommodate people from Xinjiang, particularly minorities from Xinjiang. The Notice notes that this violates the policy of the Party and the State on ethnic groups, damages the unity of ethnic groups, infringes the legitimate rights of minorities and causes discontent among certain minorities.

(b) The Notice reiterates that China is a unified country of many ethnic groups and that the support of the equality of ethnic groups is a major policy of the Party and the State. It mentions that the terrorist activities in Xinjiang are the work of a small group of "splittists," religious fanatics and terrorists, but that the majority of the ethnic masses love the Party, endorse socialism and safeguard the unity of the State and the unity of ethnic groups. The Notice exhorts its recipients, *i.e.*, the commercial departments, public security bureaus, travel bureaus and industrial and commercial

administrative bureaus to propagate and educate hotel managers and personnel on the Marxist view of ethnic groups, and Party and State policy and laws, and to correct the situation where minorities have been refused accommodation.

B. Tibet Autonomous Region.

1. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on Assemblies, Processions and Demonstrations*** (adopted on May 15, 1990 by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).

(a) The Implementing Measures were formulated in accordance with the Law of the People's Republic of China on Assemblies, Processions and Demonstrations (the "PRC Assembly Law"). The PRC Assembly Law regulates the conduct of assemblies, processions and demonstrations in China. The PRC Assembly Law requires permission from the competent authorities prior to holding an assembly procession or demonstration. No permission will be granted for an assembly, procession or demonstration that (i) opposes the cardinal principles of the Constitution, (ii) harms the unity, sovereignty or territorial integrity of the State, (iii) instigates division among ethnic groups or (iv) will directly endanger public security or seriously undermine public order. The PRC Assembly Law also prohibits assemblies, processions or demonstrations within the vicinity of certain places such as the seat of central agencies, places where state guests are staying, important military installations and airports, railway stations and ports. The Implementing Measures essentially follow the PRC Assembly Law.

(b) No person may use religious or other activities to initiate or organize any assemblies, processions or demonstrations that endanger the unity of the State, or destroy the unity of ethnic groups or social stability.

(c) The competent authorities for approving an assembly, procession or demonstration are the public security bureaus of the locality, municipality or county. Applications to conduct an assembly, procession or demonstration are to be made five days prior to the proposed date thereof, and a response is to be given on the second day prior to the proposed date of the assembly, procession or demonstration. If permission is refused, reasons are to be given. If no response is given, then permission is deemed to have been granted. The Implementing Measures also provide for an appeal procedure to the people's government if an applicant has been refused permission.

(d) Citizens may not initiate, organize or participate in any assembly, procession or demonstration that is being held in cities outside the place where they reside. Without the approval of the competent authorities, foreign nationals may not participate in any assemblies, processions or demonstrations held by citizens in the TAR.

(e) Assemblies, processions and demonstrations may not be held within 10 to 300 meters of (i) places where state guests are staying, (ii) major military installations, (iii) major religious places, (iv) major materials warehouses or storage places, or (v) airports or ports.

2. ***Implementing Measures of Lhasa Municipality for the Law of the People's Republic of China on Assemblies, Processions and Demonstrations*** (effective May 15, 1990; adopted on May 5, 1990 by the 17th Session of the Standing

Committee of the Fifth People's Congress of Lhasa Municipality, and approved on May 15, 1990 by the 10th Session of the Standing Committee of the Fifth TAR People's Congress).

(a) The Implementing Measures were formulated in accordance with the PRC Assembly Law and the implementing measures of the TAR described in item 1 above. The Implementing Measures are substantially similar to those of the TAR. This summary only notes certain variances.

(b) In order to protect normal religious activities and to safeguard public order, without the approval of the Municipal People's Government, assemblies, processions and demonstrations may not be conducted in the Dazhao Temple plaza and Bakuo Street, Yutuo Street and other streets near the temple.

(c) Citizens whose place of residence is not in the Municipality area and who initiate or organize assemblies, processions or demonstrations in the Municipality area may be detained or forcibly returned to their place of origin by the public security agencies.

3. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of the Rights and Interests of Women*** (adopted on August 18, 1994 by the 10th Session of the Standing Committee of the Sixth TAR People's Congress, and amended on March 29, 1997 by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress).

(a) The Implementing Measures have been formulated pursuant to the Law of the People's Republic of China on the Protection of the Rights and Interests of Women. The national law guarantees the equality of women in all respects, including political, economic, cultural, educational, marriage and family matters. The Implementing Measures provide that all women in the TAR, regardless of their ethnic group, occupation, family background, religious beliefs, level of education, financial circumstances or period of residence, have the right, in accordance with the national law and these Implementing Measures, to safeguard their own legal rights and interests.

(b) At least 20% of the representatives on the people's congresses at each level in the TAR are to be women. A certain proportion of leadership cadres in the standing committees and the people's governments at all levels are also to be women.

4. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Minors*** (adopted on November 23, 1994 by the 12th Session of the Standing Committee of the Sixth TAR People's Congress, amended on March 29, 1997 by the 23rd Session of the Standing Committee of the Sixth TAR People's Congress, and further amended on November 25, 1999 by the 10th Session of the Standing Committee of the Seventh TAR People's Congress).

The Implementing Measures were formulated to implement [the Law of the People's Republic of China on the Protection of Minors](#). Under the national law (and the Implementing Measures), a minor is any citizen under the age of 18. The national law sets forth the legal obligations of parents or guardians, schools, various social organizations and the judicial system.

5. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of the Rights and Interests of Consumers*** (effective January 1, 2002; adopted on November 23, 2001 by the 23rd Session of the Standing Committee of the Seventh TAR People's Congress).

(a) The Implementing Measures [were formulated in accordance with the Law of the People's Republic of China on the Protection of the Rights and Interests of Consumers](#). The national laws creates the framework for consumer protection, setting forth the rights of consumers, the obligations of businesses, the role of the people's governments and government departments, the role of consumer organizations and dispute resolution procedures.

(b) Businesses that provide goods or services are to respect the customs and traditions of minorities and to pay attention to the special needs of minorities. With respect to products produced and sold within the TAR, their packaging and product information are to be in both Tibetan and Chinese languages.

6. ***Implementing Measures of the Tibet Autonomous Region for the Law of the People's Republic of China on the Protection of Disabled Persons*** (effective April 1, 1998; adopted on January 9, 1998 by the 28th Session of the Standing Committee of the Sixth TAR People's Congress, and amended on July 26, 2002 by the 27th Session of the Standing Committee of the Seventh TAR People's Congress).

The Implementing Measures [were formulated in accordance with the Law of the People's Republic of China on the Protection of Disabled Persons](#). The national law has been formulated to protect the legitimate rights and interests of the disabled and to ensure their equal and full participation in society and share of the material and cultural wealth of society. The disabled are to have equal rights with other citizens in political, economic, cultural and social fields, in family life and other aspects.

7. ***Regulations of the Tibet Autonomous Region on Letters and Visits*** (effective January 1, 1995; adopted on April 15, 1995 by the 13th Session of the Standing Committee of the Sixth TAR People's Congress).

The letters and visits system is a method for all governmental agencies to get information and opinions from the people, to receive supervision and to improve their work. It is an important task of all state agencies and their responsible persons, as well as an important means by which the masses participate in politics and exercise their democratic rights. Through letters, phone calls or visits, petitioners may reflect their circumstances, make proposals, criticize, and make complaints and requests of state agencies and their responsible persons, as well as make complaints against or

accuse state agency work personnel of violating laws, breaching their duties or malfeasance. Petitioners have the right to use their own language to carry out letters and visits activities. The Regulations set forth the framework for the responsibilities of the letters and visits agencies, which agencies are to handle matters and how complaints are to be handled.

8. ***Decision of the Standing Committee of the TAR People's Congress on Strongly Attacking the Illegal Activities of "Peimingjin"*** (adopted on July 26, 2002 by the 27th Session of the Seventh TAR People's Congress).

The Decision notes that "peimingjin" (money to compensate for one's life) is an old Tibetan political and religious, as well as feudal serf system, legal concept, which was eradicated after the democratic revolution in 1959 and the elimination of the feudal serf system. However, in recent years, in some remote areas, some feudal religious forces and a small number of monks and nuns have operated and participated in "peimingjin" illegal activities. The Decision firmly attacks the activities and identifies the provisions of the Criminal Law of the People's Republic of China that are to be applied to different types of activities.

C. Sichuan Province.

1. ***Regulations of Chongqing Municipality on the Protection of the Rights and Interests of Minorities in Dispersed Places*** (effective September 1, 2000; adopted by the 26th Session of the Standing Committee of the First People's Congress of Chongqing Municipality).

(a) These Regulations apply to minorities who live outside autonomous areas or who live in an autonomous area of an ethnic group but who do not exercise self-governance in those areas. No organization or individual may infringe the legitimate rights or interests of minority citizens, and may not discriminate against minorities. It is strictly prohibited to destroy the unity of ethnic groups or harm the rights and interests of ethnic groups or ethnic relations.

(b) The Regulations contain provisions for the protection of minority rights, the development of their economics, their right to education and respect of minority customs and traditions.

(c) All types of publications, network media, broadcasting, film, television, music, opera and other propaganda activities are strictly forbidden from using content that incites the division of ethnic groups, destroys the unity of ethnic groups, discriminates against or insults minorities, violates the customs or traditions of minorities or harms the feelings of ethnic groups.

(d) It is forbidden to use names, place names, labels, signs or shop names that discriminate against or insult minorities, harm the feelings of minorities or affect the unity of ethnic groups.

(e) The Regulations make special provisions for Muslims in terms of their dietary needs.

(f) People's governments and other relevant departments are to provide the required conditions for minorities who have special burial and funeral customs and are to protect their burial sites in accordance with the law. In addition, they are to protect the religious freedoms of minorities and legitimate religious activities.