CHAPTER IV
China’s Counter Views on Human Rights
Situation in Tibet

The Government of China is sharply critical of the resurgence of the Tibetan issue. It said in reply to the commission on Human Rights that the so-called independence is nothing but distorting history and altering facts.\(^1\) “For more than 700 years the central government of China has continuously exercised sovereignty over Tibet.”\(^2\) China considers Tibet as its integral and inseparable part and she has every right to control and manage the affairs as the region. And therefore this is the question of maintaining sovereignty and national unity and on this ground justify the suppression of peaceful dissent. The issue of human rights violation in Tibet by China has been raised consistently in different forums on international level since long. But the fact is that China also consistently maintains that there is no human rights problem in Tibet. A statement issued by China’s National People’s Congress said that:

\(^1\) UNDOC. E/CN. 4/1992/37

Any one familiar with the Tibetan history knows ... previous
dark rule of serfdom ... only after democratic reform in Tibet (1959)
did the Tibetan People became the real masters of their own destiny.
Today they exercise their full rights as masters.³

Therefore, it characterises any criticism of human rights
record in Tibet is to restore the 'feudal serfdom' and talk of human
rights is considered as interference in internal affairs.

The China's insistence on the Tibetan issue is based on how
China visualises the concept of human rights. Therefore the chapter
focuses on the basis of China's concept of human rights and its
official position on which the argument of human rights situation in
Tibet is based.

Concept of Human Rights

China's concept of human rights is based on the combination
of traditional Confucious ideology and contemporary Chinese
communist theory. First, I shall focus in brief, about Confucious
ideology and its understanding of human being. In Confucianism

there is no place of atomised individual. But it gives emphasis on the person and considers the human being enmeshed in a set of relations with other human beings. Here the society is not seen as a contract among previously unconnected individual society but is in the state of nature in relation with others. This focus on relationship which makes hierarchy and authority a basic inescapable phenomenon. It is philosophically "Teleological", that is, the end or good of society and there in for every person in that society is predetermined. The ideal social praxis is achieved through the perfect complementarity of roles in which each individual conduct in an exemplary way that benefits the individual’s position relative to others within society. The dignity is attached to the person fulfilling his responsibility not to the right seeking individual. "This ideology did allow for a legalist tradition but did very little in the way of legal codification and protection of civil and political rights." Nevertheless it asserted that the goal of government was

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fosterage the well being of the people always in the case of the
government.

Similarly, Marxism is decidedly teleological in nature. The
good for Society is not only predetermined in metaphysical sense
that what is good is knowable and known; it is predefined
empirically according to historical materialistic determinism. In this
framework emphasis is on the laws of societal development, on
historical development and on class struggle but it does not leave
much opportunity for individual endeavour and denies the abstract
man with inherent rights. In his speech Mao on correct handling of
contradictions among the people stated.

Ours is a people’s democratic dictatorship led by the
working class and based on the worker’s peasant
alliance ... its first function is to suppress the
reactionary class and elements and those exploiters in
the country who range themselves against the socialist
revolution, to suppress those who try to wreck our
socialist construction... freedom and democracy can not
exist in the abstract, they only exist in the concrete...
Both democracy and freedom are relative, not absolute,
and they came into being and develop in specific
circumstances ... our democratic centralism means the

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7 Skubik, op. cit., p. 38.
8 Cited in Mab Huang, “Human Rights in a Revolutionary society: The case of the
People’s Republic of China” in Admantia pollis and Peter Schwalo (ed.), Human Rights:
unity of democracy and centralism and the unity of freedom and discipline. Under this system, the people enjoy a wide measure of democracy and freedom, but at the same time they have to keep them within socialist discipline.

Thus on the issue of human rights, Chinese traditional political culture and contemporary communist ideology reinforce each other in the denial of political and civil rights, while they converge to promote the satisfaction of the basic needs of the people. Both emphasize the collective instead of individual, and duties instead of rights. Moreover, both stress on the nurturing role of the state and the reciprocal relations between the state and individual giving an impetus to egalitarianism and a concern for the social welfare of the citizens.

These are the core values around which China’s official position revolves. However, “China recognizes and respects the purposes and principles of the charter of United Nations related to protection and promotion of human rights. It appreciates and supports the efforts of the United Nations in promoting universal respect for human rights and fundamental freedoms and takes
active part in the human rights field". But Chinese conceptualize the principles of human rights with their own perspective giving two arguments.

First is a relativist argument, that there are no universal and abstract rights of a definite historical category. The concept of human rights is a product of historical development. It is closely associated with specific social, political and economic conditions and the specific history, culture and values of particular country. Different historical development stages have different human rights requirements, countries at different developmental stages or with different historical tradition and cultural background also have different understanding of human rights.

Second argument is based on developmentalist model. That is the right to subsistence, is the most important of all human rights, without which the other rights are out of question. Therefore

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attention should first be given to the right to development.\textsuperscript{12} The Chinese government gives priority to the rights of development\textsuperscript{13} and in 1997 in its white Paper it explained the basic human Rights position and progress was made in the area of economic development,\textsuperscript{14} because this is the most urgent demand of the Chinese people. Nevertheless "while developing its economy, China has made energetic efforts to promote the building of a socialist democratic political system ... further guaranteeing citizens democratic rights".\textsuperscript{15} And with regards to national minorities it says "in China, all nationalities are equal and the state guarantees the legal rights and interests of all ethnic minorities, unity and mutual assistance among all nationalities"\textsuperscript{16}

In this way China challenges the western concept of human rights. First it rejects the western concept of individualism in favour of collective rights, because citizens derive their right from the

\begin{thebibliography}{99}
\bibitem{12} Human Rights in China, op. cit., p. 44.
\bibitem{13} An Interview with Prof. Liu Wenzong on the issue of Human Rights, Beijing Review, March 4-10, 1996, p. 118-19.
\bibitem{15} Ibid., p. 12.
\bibitem{16} Ibid., p. 18.
\end{thebibliography}
membership of society not from the concept of inalienable individual rights. Though the rights are embodied in the constitution, they are the statement of future goals and not precise guarantees of presently enforceable legal rights.\textsuperscript{17} Hence the guarantees of individual rights is a part of gradual process. However, in the higher interest of society personal liberty may be sacrificed. At times citizens would be expected not to assert their theoretical, legal individual rights to the fullest\textsuperscript{18} because of the moral imperative of collective interests.\textsuperscript{19}

It was stated by the Deputy Foreign Minister, Liu Huaqui, in Vienna on 15 June that “While enjoying his legitimate rights and freedom, a citizen must fulfill his social responsibilities and obligations. There are no absolute individual rights and freedom except those prescribed by law. Nobody shall place his own rights and interest above those of the state and society nor should he be allowed to impair those of others and the general public”.\textsuperscript{20} This

\textsuperscript{17} Ye Ding, op. cit., p. 12.
\textsuperscript{20} Huaqui, op. cit., p. 9.
view of human rights has been described by the Chinese writer as "Communitarian" in which China places social order and responsibility above the rights of individuals.21

Secondly, China maintains that human rights are essentially matters within domestic jurisdiction of a country. Respect for each country's sovereignty and non-interference in internal affairs are universally recognized principles of international law which are applicable to the all fields of international relations and to the human rights as well. Sovereignty is paramount and "all the countries have right to choose independently their political, economic and social systems as well as their road to development... and can only improve their human rights conditions step by step in line with their own values and their social traditions."22 Therefore, while human rights are important and they cannot be taken as something transcending national boundary."23


From the above discussion on the issue it is clear that China considers human rights not as universal but particular to each country where they depend on different political, economic and social systems as well as different historical, religious and cultural background. Secondly, China considers that collective right to subsistence is more important than individual civil and political rights.

Thirdly, protection of Human Rights is essentially within the jurisdiction of state. Therefore, respect for sovereignty and principle of non-interference in state’s internal affairs has to take precedence over international human rights concern.

Fourth, minorities must remain a part of collective to benefit from collective rights. This is the demand of protecting national sovereignty. It is within this framework that China advocates its position in the context of human rights situation in Tibet.

Tibet is an internal Affair

As early as the seventh century A.D., the king of Tibet, Sontsen Gampo assumed the role of a vassal ruler to the Tang dynasty of China by accepting the imperial title as "commandant
escort" to Emperor Gauzong and the payment of tribute to the central government of China. This relationship was further solidified with the formation of a bilateral dynastic link "in 641 A.D. when the Fang emperor granted the Tibetan Kings request and promised him princess Wen Cheng in marriage". But it was in the mid 13th century Tibet was officially incorporated into the Chinese territory.

"Chinese government began implementing residence registration, levying taxes and imposing corvee duties in Tibet as early as the Yuan dynasty is the proof that it exercised sovereignty over Tibet, in the sense of modern international law" since then China is exercising sovereignty over Tibet. However, during the brief period of 1913-49 when China was convulsed by warlordism, civil war and foreign invasion, it was forced to surrender the administration of Tibet. But Tibet was brought back to the China on 23 May 1951 when central peoples government and local

government of Tibet signed on measures for peaceful liberation of Tibet. These facts clearly show that China is continuously exercising its sovereignty over Tibet. Therefore it is an internal affair of China.

Pre Liberation Tibet

Prior to liberation in 1951, Tibetan society was highly stratified, with the upper class lamas and nobles wielding all the power within society. It was governed by "successive Dalai Lama, a feudal system of serfdom that integrates religion with politics, was practiced there... ruled by such a system, serfs and slaves, accounting for more than 95% of population, had no political and social rights to speak of and they were even deprived of their most basic personal freedoms and most fundamental right to subsistence. They possessed no means of production whatsoever and their descendants were the part of the property of slave owners."27

The rules and regulations were unequal and inhuman as one law stated 'as people are divided into different classes, the value of a life correspondingly differs'28 and the rule was maintained savagery and barbarism. There are ample first hand accounts, written records and photographic evidence to validate how utterly and without mercy and basic humanity the ruling lamas and nobles of Tibet


behaved towards their subjects prior to liberation. In brief, China says that Tibet was under a feudal serf system, was more brutal and barbarous than prevalent in the European Middle ages.

**Post Liberation Tibet**

The central people's government and the local government of Tibet signed the 17 Article Agreement on measures for peaceful liberation of Tibet in 1951. Consequently Tibet was peacefully liberated and this brought hope to the people in their struggle for equal personal rights. After the quelling of the armed rebellion in 1959, the central people's government in compliance with the wishes of the Tibetan conducted the democratic reform in Tibet and abolished the extremely decadent and dark feudal serfdom. This has brought the historic changes in the Tibetan history and for the first time ever the people have secured human rights which are as follow:

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A. Right to freedom of the person:

In the past, 95 percent of the Tibetan population were serfs and slaves belonging to the three estate holders - officials, Monasteries and nobles. They had no personal freedom. They were completely under the control of the estate holders and were known as vassals. They were freely exchanged as goods or transferred with or without compensation under a contract among estate holders and moreover, these practices were sanctioned under the common law.\textsuperscript{31} The democratic reform abolished the system of classifying people into three classes and nine ranks. Former serfs and slaves won the right to be human beings. They could no longer be sold, leased, transferred, used as collateral or given as presents. It means they have become their own masters.\textsuperscript{32}

B. Right to subsistence

The feudal serfdom in Tibet had severely handicapped the development of the social productive forces. The economy was in

\textsuperscript{31} Chunjian and Nyima, op. cit., pp. 21-22.

shambles and people lived in subhuman existence. The democratic reform in a country has brought about metamorphic changes and many earth shaking changes took place in Tibet. With the support of the central government and people "Tibetans have developed production, alleviated poverty and built up family fortunes." The primary goal of central government in Tibet is to 'speeding up Tibet's economic construction, continuously improving the life of the Tibetan people and ensuring that they fully enjoy the rights to subsistence''

The new phase of economic construction has increased the Tibetan economy rapidly. In 1997 the GDP of Tibet amounted to about 7.35 billion yuan, an increase of 96.6 percent compared to 1991 at constant prices or an average annual increase of 11.9 percept. Since 1987 Tibet has reaped bumper harvests for 10 years in succession. The total grain output was 82,000 tons in 1997, the highest output in Tibetan history and an increase of 41.4 percent compared to the 580,000 tons in 1991. The meat output was 119,000 tons in 1997, a increase of 25.5 percent compared to 1991.

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34 New Progress in Human Rights in the Tibet Autonomous Region, op. cit., p.15.
Tibet has made tremendous improvement in terms of infrastructure. There are extensive network of modern highways to connecting all of the major cities in the region and large number of subsidiary roads to the rest of China. "All countries in the region now have access to highway mileage reaching 22,000 km². The volume of goods transported via highways in the region increased 15.6 items in 1996 compared to 1965 and the number of highway passengers has increased by 28.9 times in the same period. Local post and telecommunication services are rapidly approaching advance world levels. The original planned goal to enable all countries to have access to telephone has been achieved ahead of schedule. Municipal construction has been speeded up in major cities and since 1980's more than 300,000 square meters of old residential houses have been rebuilt in Lhasa, and 5226 households have been moved to new dwellings.

The central government has made preferential development policies to bring Tibet from the primitive and backward stage. "

the last four decades, state financial subsidies to the region reached 15.7 billion Yuan and investment in key capital construction projects stood at 4.27 billion Yuan, for a total investment of close to 20 billion Yuan. Apart from state financial subsidies and capital construction investment, the region has received a multitude of special subsidies granted by ministries and commissions under the state council in accordance with Tibet's need to develop various undertakings. Such special subsidies amounted to 5.9 billion Yuan in the period of 1979-86.37

In recent years the central government has allocated upwards of 1.2 billion Yuan each year to Tibet as financial subsidy --- and from 1959 to 1996 allocated 6.74 million tons of materials among the latter were 1.1 million tons of commercial materials, 1-3 million tons of grains and 1.48 million tons of oil.38

"To speed up construction in the region, the central government in February 1984 organized manpower and materials from 9 provinces and municipalities in the interior to aid 43

37 Tibet - Its Ownership and Human Rights Situation, op. cit., p.61.
38 New Progress in Human Rights in the Tibet Autonomous Region, op. cit., p.16.
construction projects in Tibet. Again in 1994 it was decided to start 62 large scale infrastructure project. Out of which nine are related to agriculture, animal husbandry, forestry and irrigation, seventeen are energy projects, eleven industrial projects, twelve are related to culture, education, health care and broadcasting. By now 60 projects have been put into use, some bringing immediate benefits to the local people. Total investment was originally estimated at 2.38 billion Yuan, but spending already reached 3.8 billion Yauan by the end of 1997, and was expected to top 4 billion Yuan on final completion in 1999.

In addition to these preferential policies no levies have been imposed on the farmers and herdsmen in Tibet since 1980 and there is no compulsory state purchase of grain there.

As a result of these development in economy lives of all people in Tibet has improved. "In 1996 the average annual per capita income that urban resident use for living expenses was 5,030

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41 Tibet - Its Ownership and Human Rights Situation, op. cit.,p.63.
Yuan, 8.4 times that of 1991, showing an average annual increase of 19 percent; the average per-capita net income of farmers and herdsman was 975 Yuan, an increase of 48.3 percent compared to 1991, or an average annual increase of 8.2 percent. In 1997, income of the above two types was 5,130 Yuan and 1,040 Yuan respectively"42 and this increase in income has led to the increase in consumption and bettered the life.

C. Guaranteed Political rights

The Democratic reform enabled Tibetans to cast off enslavement and oppression and put an end to the political system combining religion with political rule and introduced the new political system of people’s democracy. "under the constitution of the People’s republic of China, the Tibetan people like the people of various nationalities throughout the country ... enjoy full political rights provided for by the law".43

Every Tibetans those who have crossed the 18 years of age have got the right to vote and stand for the election without any

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42 New Progress in Human Rights in the Tibet Autonomous Region, op. cit., p.16.
43 Tibet Its ownership and Human Rights Situation, op. cit., p. 35.
differences. "1993 statistics shows that Tibet had 1,311,085 voters, making up 98.6 percent of all citizens at or above 18 years of age, 91.6 percent of whom participated in the election ... At present Tibet has 20 deputies to the Ninth National People's congress, 80% of whom are from the Tibetan or other ethnic minorities". This shows the Chinese government policy of ensuring national equality among all the nationalities free from any suppression and discrimination. Apart from this when minority nationality enjoy equal rights with the Han people, they have also the privilege to institute the system of regional autonomy "under this system areas where ethnic minorities live in compact communities, under unified state leadership, set up organs of self government to exercise autonomy over local legislation, independently developing the local economy, administering their own financial affairs and developing educational undertakings. In areas practising the system, the Chairman of the standing committee of local people's congress and the top head of the local government are required to be citizens of the ethnic group exercising autonomy in the area."  


The existing constitution\textsuperscript{46} includes eight Articles which stipulates the rights of ethnic groups

(a) Local legislative power - As of now Tibet has enacted 60 special sets of rules and regulations, local laws and legal resolution. They involve such areas as the structure of political power, social and economic development, marriage, education, written language, the legal system, natural resources and environmental protection. The promulgation of these rules and regulations provide an important legal guarantee to the Tibetan people for the fulfilment of various democratic rights and in the development of society's economic and cultural undertakings\textsuperscript{47}

(b) The Right to implement state laws and policies and to formulate and implement special policies and measures in the light of local conditions.

\textsuperscript{46} (Art 115-122) The Constitution of the People's Republic of China (Beijing 1983), pp. 82-85.

"Since 1951, the local financial revenue has been left with Tibet. In 1980 to assist Tibetan farmers and herdsmen to gain prosperity, the central government began to cancel planned state purchases of farm produce and livestock products in the region and exempted local farmers and heardsman from agriculture and animal husbandry taxes. Subsidies granted to township and village level cadres are financed by the state. Construction projects in Tibet are normally independently decided by the regional authorities and only those which need state financial aid are submitted to the state council for approval." 48

(c) The right of the Tibetan people to use and develop their own languages.

According to the Regulations on the study, use and development of the Tibetan language (for trial implementation) adopted in 1987 by the Tibet Autonomous Region People's Congress clearly specifies that both Tibetan and Chinese should be used in the Tibet Autonomous Region,

with precedence given to the Tibetan language, since then Tibetan language is in use in media, legal proceedings and official documents along with the Chinese language.

(d) The right to minority nationality cadres, mainly those of Tibetan nationality, to play the leading role in autonomous institutions and judicial organs at various levels. According to statistics members of the Tibetan and other ethnic minorities now account for 71.4 percent of the chairman and vice chairman of the standing committee of the people’s congress of Tibet Autonomous Region; for 80 percent of the members of the standing committee of the autonomous regional people’s congress; and for 77.8 percent of the chairman and vice chairman of the Tibet Autonomous Region. After the election of members to succeeding governments at the township (town), county, perfectural (city) and autonomous regional levels in 1993, members of the Tibetan and other ethnic minorities accounted for 93.2 percent of the component members of the organs of state power at there four levels, respectively for 99.8 percent and 98.6 percent of the township (town) and county heads elected, and respectively 96 percent
and 89 percent of the presidents of the people’s courts and the procurators of the people’s procuratorates at the autonomous, regional, prefectural and county levels. Further progress has been made in the training and selection of cadres of Tibetan and other ethnic minorities in Tibet since 1992. According to 1996 statistics the number of cadres belonging to the Tibetan and other ethnic minorities in Tibet had increased by 18.22 percent over the 1992 figure making up 73.88 percent of the total and showing an increase of 4.48 percentage points over the figure for 1992”\(^{49}\)

(e) The right to make independent arrangement for local economic construction.

(f) The right to exercise independent management over education, culture public health and to develop the Tibetan culture. “Since 1980, traditional Tibetan literary works of excellence have been rescued, collated and published. Tibetan operas, songs the art of Thaugka painting have also been revitalized. To carry forward and develop traditional Tibetan

medicine, a number of traditional Tibetan medical classes have been collated and translated, while some clinical teaching materials have been compiled and published. Over the last decade, the central and regional authorities have allocated more than 260 million Yuan to the protection of monasteries, cultural relics and historic sites. More than 1600 religious sites have been repaired. The state allocated a total of 60 million yuan of special funds for the maintenance of the Potala Palace alone. Meanwhile, the government has endeavoured by all possible means to retrieve numerous Buddhist statues, scriptures and religious articles lost during the “Cultural revolution” (1966-76) and has returned the same to monasteries of various sects".  

(g) The right to independently protect, exploit and use local natural resources in accordance with the state law.

“Tibet has abundant resources ... in economic construction the Tibet Autonomous region pays much attention to the protection of resources. In addition to the publication of such

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regulations as regulations concerning forest protection, mineral resources protection, wildlife protection, environmental protection... various government departments have adopted corresponding measures to ensure the effective protection and rational utilization of Tibet’s resources."

The right to engage in foreign trade. At the second session of the Fourth Peoples Congress of the Tibet Autonomous Region in July 1983, Tibetan government leaders issued a series of preferential policies on Tibet’s foreign trade activities ... in order to promote these activities the central government adopted special policies which specify, lower rates than are used nationally for import and export duties, allow the autonomous region to retain all its export earning.

Thus putting all the above discussion together it may be said that the most recurring theme in China’s human rights thinking is that communities come before individuals, duties and obligation before rights and privileges. Hence human rights is

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31 Luo Qun, op. cit., p. 22.
here not so much in individuals as in collectives. The basis of thinking is traditional Confucianist culture and Marxist thought. However, today the position of collectives has been taken over by the state. Therefore, the sovereignty of state is paramount and even self-determination which has been advanced earlier to claim human rights has been nullified by the principle of state sovereignty. Now official position which encapsulated within state sovereignty is based on two arguments: first human rights is a matter within domestic jurisdiction. Hence there are no universal right and no more concern for others. Second is the relativity of rights. It is determined by the political and economic circumstances of each country and China consider that social and economic right is the most necessary. This is the neo-colonial approach toward human rights.53

Its within this framework China's view of human rights situation in Tibet is based. It gives two arguments. First is related to the status of Tibet, which has been historically the inalienable part of China now after the peaceful liberation it is in complete possession of sovereignty over Tibet,

hence the question is internal affair of China. Secondly, China has successfully abolished the dark feudal system of serfdom and completely freed the people from untold suffering and raised their living standard and continue to improve their life. Therefore any outside criticism is considered interference in internal affairs and any inside demand is considered separatist activity.