

# *Impoverishing Tibetans*

CHINA'S FLAWED ECONOMIC POLICY IN TIBET



TIBETAN CENTRE FOR  
HUMAN RIGHTS AND DEMOCRACY



བོད་ཀྱི་འགྲོ་བ་མིའི་ཐོབ་ཐང་དང་མང་གཙོ་འཕེལ་རྒྱས་ལྗེ་གནས་ཁང་།

## TIBETAN CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

The Tibetan Centre for Human Rights and Democracy (TCHRD) is the first Tibetan non-governmental organisation (NGO) to be formed with the mission "*to highlight the human rights situation in Tibet and to promote principles of democracy in Tibetan community.*" TCHRD is independent of the Tibetan Government-in-Exile, and is based in Dharamsala, India. It is funded by donations from individual supporters and foundations around the world. It was founded in January 1996 and was registered as an NGO on 4 May 1996. In addition, a branch office has been set up in Kathmandu, Nepal. Our objectives are to protect and promote human rights of Tibetan people and to build our society based on the principles of human rights and democracy.

TCHRD conducts regular, systematic investigations of human rights abuses in Tibet and publishes research documents on various human rights issues confronted by the Tibetan people in Tibet.

TCHRD attends the UN Commission on Human Rights and takes part in other national and international conferences to highlight the human rights situation in Tibet.

TCHRD organises various educational programmes like workshops and seminars in an effort to empower the Tibetan community to play an important participatory and vigilant role in a democratic future Tibet. We produce various educational materials on human rights and democracy in both Tibetan and English languages.

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## OTHER TCHRD PUBLICATIONS

1996 Annual Report: *Tibet: One More Year of Political Repression* (English and Tibetan editions) • 1997 Annual Report: *China in Tibet: Striking Hard Against Human Rights* (English and Tibetan editions) • *The Next Generation: The State of Education in Tibet Today* (1997) • *Universal Declaration of Human Rights* (Tibetan Translation) (1998) • 1998 Annual Report: *Tibet: Crackdown on Humanity* • *Behind Bars: Prison Conditions in Tibet* (1998) • *Closing the Doors: Religious Repression in Tibet* (1998) • *Convention on the Rights of the Child* (Tibetan Translation) (1998) • *Democracy: An Education Booklet* (1998) • *Fearless Voices: Accounts of Tibetan Former Political Prisoners* (1998) • *Human Rights: An Education Booklet* (1998) • *South East Asia: Human Rights NGO Seminar on Tibet* (Proceedings) (1998) • *A Guide to Human Rights* (1999) • *A guide to Democracy* (1999) • *Tales of Terror: Torture in Tibet* (1999) • *Briefing paper for travellers to Tibet* (1999) • 1999 Annual Report: *Tibet: Tightening of Control* (2000) • *TCHRD Review* (2000) • *Torture and Ill-Treatment in Tibet* (2000) • *Racial Discrimination in Tibet* (2000) • *Prisoners of Tibet: Profiles of current political prisoners* (2000) • *Death Profiles of Political Prisoners* (2000).

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## GLOSSARY

CCP: Chinese Communist Party

*Chubas*: traditional Tibetan cloth

*Dri*: female yak

*Droma*: a sweet of root (common name: silver weed of sp. potentilla)

*Dru*: barley

*Dzo*: hybrid of yak and horse

*Dzong*: County (Ch: shen), administrative division approximately equivalent to district

*Gyama*: 500 gms

ICESCR: International Covenant on Economic, Social and Cultural Rights

ICCPR: International Covenant on Civil and Political Rights

*Lobso* tax: education tax

*Mu*: a measure of land equal to 67 square meters

*Nor-khul*: yak and dri's fur

*Nyungma*: turnip

*Paikhang*: mustard oil

*Paktsas*: Chubas made of animals fur

PRC: People's Republic of China

Prefecture: Administrative area below the level of province and above the level of county

*Rakhul*: goat's fur

*Rim-ghok* tax: regulatory health tax or preventive health tax

*Shang*: (Ch: xiang)Township

*Sok trel*: animal tax

TAR: Tibetan Autonomous Region; formally created by China in 1965, this area of central and western Tibet is the only area recognised by China as 'Tibet'

TAP: Tibetan Autonomous Prefecture; 10 of these administrative areas were created outside the 'TAR' by the Chinese authorities and are located in north and eastern Tibet (in the Tibetan province of Kham and Amdo)

TCHRD: Tibetan Centre for Human Rights and Democracy

*Thukpa*: soup noodle

*Tingmo*: steamed dumpling

TIN: Tibet Information Network

*Tsampa*: roasted barley flour

*Tsipa*: yak's hair

UNDP: United Nations Development Programme

*Yartsa gunbu*: a kind of medical plant (botanical name: cordyceps sinensis)

Yuan: Chinese currency, 8 yuan is equivalent to US \$ 1

## INTRODUCTION

A recurrent theme, which appears in the official Chinese discourse on Tibet, is that of development and growth. Very often the Chinese government has attempted to negate criticism of its human rights history in Tibet by asserting that the Tibetan people have benefited as a result of the development policies implemented by the Chinese authorities.

As an illustration of their claims official Chinese reports state that, "The Gross Domestic Product (GDP) of the Tibetan Autonomous Region was 3 billion yuan in 1992 and 3.6 billion yuan in 1993. But by 1997 it was 7.35 billion yuan, an increase of 83.57 % since 1993 in adjusted terms and representing an annual increase of 12.9 %. Grain production increased from 500,000 tons in the early 90's to 820,000 in 1997. Tibetans enjoy a per capita grain share of over 350 Kg; most farmers and herders have enough to eat and wear; and the number of those considered as poverty stricken has dropped to some 200,000 since 1994. Tibet's revenue has risen from 109 million yuan in 1992 to 250 million yuan in 1997."<sup>1</sup>

In a recent brochure inviting foreign investment into Tibet the Chinese government proudly claims that, "There is a highway system in Tibet that consists of 15 main highways and 315 branch highways. The total length of the roads in Tibet suitable for automobiles is 22,000 kilometers of which 920 km is made of asphalt. There are 433 power plants with capacity of 1,70,000 kilowatts. Furthermore, there are several energy resource facilities being built and will be put into operation one after another to meet the development needs."<sup>2</sup>

If the claims of the Chinese government are to be believed then Tibet is one of the most economically developed regions in China. And yet the growing number of refugees escaping Tibet, and their testimonies, seem to indicate that while there has been notable economic growth in Tibet, especially in the urban areas, this has principally benefited the Chinese settlers. Furthermore, it has been a growth heavily dependant on state subsidies and characterised by a preference for large scale infrastructure projects, mining or state-owned industry. This kind of growth has been very top down and

has yet to encourage active Tibetan participation or ownership in either the means of production or in its outcomes. There is also evidence to suggest a systematic marginalisation of the Tibetans from the mainstream economy. This is resulting in the creation of a new social underclass whose task is primarily to service the mainstream economy.

This report seeks to analyse the claims of the Chinese government contrasting them where possible with independent statistics and figures, as well as with the oral testimonies of refugees who have come to India. It also seeks to analyse the policies of the Chinese government through the prism of international human rights law principles. Finally, this report shall argue for a right to development for the Tibetan peoples. The methodology employed is to look at what constitutes development, both in its legal as well as in its empirical sense.<sup>3</sup> To that end this report relies on the narratives of the Tibetan refugees as proof of the socio-economic conditions of the Tibetan people.

This report serves a further end, for too often economic and social rights have played second fiddle to civil and political rights in discussion of human rights. This has meant that when China has attempted to destabilise the coherency of the international human rights regime and framework, through efforts to quarantine development and subsistence rights from the mainstream of human rights discourse, their divisive discursive strategy has only been echoed and affirmed by their opponents. The shadows of the cold war have lingered in the rubric of present day human rights talk. This paper hopes to give voice to Tibetan frustrations over the illusory nature of China's human rights promises, without dismissing economic and social rights as second order rights. Instead rights such as the right to development and subsistence are to be seen as necessarily entwined within the broader framework of rights. Ann Kent has written of the problems associated with the past divide and conquer strategies: "In a vast oversimplification of a complex reality, during the post-War decades civil, political, and individual rights were seen as inherently Western whereas economic, social, cultural, and collective rights were viewed as the province of the socialist



and developing world.”<sup>4</sup> It has not just been a question of Western arrogance about rights, for many developing countries have coalesced in this division, as Kent probes: “Contrary to their declaratory policy, many non-Western states do not in fact wish in their operational policy to focus on individual economic and social rights, since such rights involve sensitive political, economic and social issues of redistribution.”<sup>5</sup> With this in mind we must examine the reality of access to development for Tibetans living under Chinese economic and social policies, whether this be as a group right of the Tibetan people or indeed seen in more individualistic terms. What is being developed, and for whom? Do Tibetans in “New China” have enough to eat, and to wear? Do they have access to education, health and equality of access to meaningful employment?

# I. What Do We Mean by Development?

## THE EMERGENCE OF THE HUMAN RIGHT TO DEVELOPMENT

Although there is continuing debate about ways in which the right to development can be realised, there is now no real doubt as to its existence as a key human right. The mystery this right still evokes relates to its interdisciplinary nature and broad ranging scope, though neither should act to impede its progress.

The United Nations Development Programme (UNDP) recently commented that the right to development is “all encompassing [and] demands the realization of all human rights: civil, cultural, economic, political and social.” This at first makes the right appear too general and non-substantive, but as subsequent sections shall illustrate, the Declaration on the Right to Development in 1986<sup>6</sup> clarifies the scope and content of the right clearly and unambiguously. The broader, integrative character of the right to development derives in part from its relationship with development as a concept. Indeed “development” is defined by the UNDP in similar terms: “Development is a comprehensive process directed towards the full realization of all human rights and fundamental freedoms.”<sup>7</sup>

Though this relationship is critical, it is also pertinent to consider the right to development as a human right in and of itself. Mary Robinson, the UN High Commissioner for Human Rights, charts the beginning of recognition of the right to development as a human right with the formulation and subsequent ratification and adoption of the International Bill of Human Rights, comprised of the Universal Declaration of Human Rights, and the two International Covenants on Human Rights. In 1977 the Commission on Human Rights requested that the Secretary-General of the United Nations undertake a study on the right to development. This process led to the UN General Assembly adopting the Declaration on the Right to Development in 1986 which made absolutely clear that the right to development was a human right (Article 1). This was re-emphasised

in the Vienna Declaration and Programme of Action at the UN World Conference on Human Rights in Vienna in 1993. The Vienna Declaration further recognised and established, “the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights.” Following this the UN High Commissioner has been given a mandate by the UN General Assembly to “promote and protect the realisation of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose.” There is also an independent expert on the right to development, appointed by the UN Commission on Human Rights, who works in conjunction with the Working Group on the Right to Development.<sup>8</sup>

Even before the adoption of the Declaration on the Right to Development in 1986, the right was implicit in the Universal Declaration of Human Rights (UDHR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). Following the Vienna Declaration, the right to development has been subsequently reinforced and further recognised at the International Conference on Population and Development (Cairo) [see Principle 3 of the Cairo Programme of Action], the World Summit on Social Development (Copenhagen) [Commitment 1(n) of the Copenhagen Declaration], and at the Fourth World Conference on Women (Beijing)[Article 213 of the Beijing Platform of Action]. Following such confirmation, “there is no doubt that the right to development is not a mere pipe dream or ideological slogan. It is a human right guaranteed by international law.”<sup>9</sup>

## THE RIGHT TO DEVELOPMENT INSIDE AND OUTSIDE INTERNATIONAL LAW

The concept of development is as we shall see hotly contested. For some it means pure economic growth with little synergy with human rights, for others it is the bedrock upon which civil and

political rights can later be nurtured, for others again it is seen as a specific right under international human rights law. This paper will consider the concept of "development" in its various meanings, while arguing that increasingly it has come to mean a specific set of rights as articulated under international law, especially following the emergence of the Declaration of the Right to Development in 1986. Development is closely tied to the whole family of economic, social and cultural rights and as such this paper shall focus on questions such as the level of poverty in Tibet and the level of enjoyment of subsistence rights in Tibet. While referring to legal instruments and specific rights as enumerated under international law, it is intended that this paper also focus on the ways in which development impacts upon Tibetans living in Tibet, rather than becoming lost in legal argument.

The Right to Development is itself undergoing development; this paper hopes to give voice to a variety of Tibetan concerns and realities to contribute to this evolution and encourage a more representative and fuller debate. It is true that some have benefited from development under China, but it is important to look at who is benefiting and why. Development is in itself not a wholly bad thing, and although there are legitimate social, environmental and cultural concerns relating to its unchecked practice in Tibet, this paper argues for greater Tibetan involvement in and benefit from development. At present much of the development and economic growth in Tibet involves imposing a Chinese conception of development over the region while funneling the benefits to the minority of urban dwellers, many of whom are Chinese settlers or administrators and security forces, or to fuel the rapid growth of Eastern mainland China. The great majority of Tibetans are not being given the chance to participate in the changes that are taking place, although this is not to say that Tibetan resistance or participation is non-existent.

While development may have meant the building of hospitals, mines, hydro-electric power projects, schools, highways and new Chinese housing (in some bigger cities); issues of access to any flow on improvements in standard of living, as well as substantive evaluation of what has been gained as balanced against what has

been lost, must be foremost in any critical evaluation of development in Tibet. Above all development rights are about participation. The Declaration begins with the recognition that:

“development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the wellbeing of the entire population and of all individuals **on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom...**”<sup>10</sup> (emphasis added)

While various aspects of the right to development find their specific articulation as socio-economic rights in the classic texts of international law such as UDHR and ICESCR, it is with the 1986 Declaration of the Right to Development that we see a clear emergence of the twin discourse of self determination and development.

The distinctiveness of the right to development lies in the fact that it synthesizes pre-existing human rights that have already found consensus in international law. The right is premised on fundamental principles which are already binding on all states as customary international law; the UN charter, the Universal Declaration of Human Rights, and the International covenants. It also expressly implements the UN goals to remove obstacles to human rights enjoyment.

An examination of the declaration reveals that the declaration refers to individuals, peoples and states as beneficiaries of development even though it does not clearly define the right holder. It has been argued that “[I]t is analogous to the right of peoples to self determination, the benefits and power to make a claim thus flow to a group.”<sup>11</sup> Thus the Tibetan people have a claim as a collective body of the violation of their right to development. Through the analysis in the later chapters on the socio-economic conditions of the Tibetan people it is evident that the denial of their socio-economic as well as civil and political rights arise as a direct result of state policies. By invoking the Declaration of the Right to Development, restrictions can be placed upon the state’s exercise of its duties and, therefore its right to administer development policy

in two ways:

1. by mandating the participation, consultation, and benefit of the people as right bearers
2. by requiring development of a synthesis of economic, social, political and cultural rights.

To fulfil its duty a state necessarily has to take into account the wellbeing and constant improvement of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits arising therefrom. The Declaration also demands that states should encourage popular participation in all spheres of development.<sup>12</sup> The requirement of distribution of benefits is re-emphasized by the duty to “ensure equality of opportunity for all in their access to basic resources such as education, health, services, food, housing, employment and the fair distribution of income.”<sup>13</sup>

States not only have to implement the social, economic, cultural and political development of peoples, but must also do this in a democratic manner ensuring that the people are part of the decision making process. The importance of the rights enumerated in the Declaration rests on the fact that it reconciles the largely false divide often forced between civil and political rights on the one hand and economic, social and cultural rights on the other. It expressly recognises the indivisibility of all human rights.<sup>14</sup>

#### A. CURRENT ISSUES IN THE DEVELOPMENT DEBATE

In recent years the international community has moved closer to an engagement approach with China on human rights and development, rather than a punitive approach. The possible benefits of this new turn are that it includes China in an ongoing human rights dialogue and might encourage China to participate in the reporting requirements attached to the mainstream international human rights framework. To this end China recently signed the ICCPR and ICESCR. The politics of development, international

trade and aid, are all wound up with this new approach. However, it remains to be seen whether the premise of attaching human rights with development will materialise as an improvement in the human rights situation in Tibet.

In fact, serious questions must be asked of the sincerity of the changes mooted. For one, China has yet to ratify the two human rights covenants it has signed. Secondly, there are signs that business and trade will again be put ahead of human rights by companies and institutions dealing with China. Human Rights Watch report that: "Human rights concerns dropped even lower on the agenda of China's major trading partners in 1999 as Beijing used the Belgrade embassy bombing to create a crisis in its overseas relations."<sup>15</sup> Human Rights Watch also noted that some of the forums created to encourage dialogue on human rights were fairly unproductive. In 1999, "Germany hosted an E.U.-China dialogue in Berlin on human rights focused on China's relationship to various U.N. human rights mechanisms, the recent crackdown on political activists, and Tibet. NGOs were invited to attend part of the meeting, but most declined to participate. There was no public report on the results of the dialogue."<sup>16</sup> The controversy surrounding the World Bank's Western Poverty Reduction Project in Tibet further illustrated that international financial institutions, foreign governments and companies all have a stake in the development that will occur in Tibet and can also fail to integrate their activities within a framework of human rights protection and ethical business practices.

China, along with some other developing Asian countries, has echoed its hesitancy about mainstream human rights in a number of different ways.<sup>17</sup> Firstly there is the argument that human rights are individualistic and clash with the "primacy of the community" in Asia. Secondly, the argument proceeds that human rights are primarily civil and political and of secondary importance in an underdeveloped economy. Thirdly, it is contended that human rights are divisive and threaten political stability and the national interest. But Yash Ghai and others have countered that such arguments voice elite, governmental concerns and blur the actual dynamism and diversity inherent in "national" cultures. It is also countered that

when communitarian concerns are raised to dilute human rights concerns, the conception of "community" is usually a static, state-centric community. Whereas, to many observers, "The contemporary State intolerance of opposition is inconsistent with traditional communal values and processes..." In the case of Tibet and China, of course, there are competing conceptions of Statehood in the first place.<sup>18</sup>

In its latest white paper on human rights the Chinese government has yet again made an argument for a different path for China, claiming that: "To promote human rights in such a country, China cannot copy the mode of human rights development of the developed Western countries, nor can it copy the methods of other developing countries. China can only start from its own reality and explore a road with its own characteristics."<sup>19</sup> But this approach must be critically examined. Increasingly international legal scholars such as Jack Donnelly are convincingly arguing that globalisation and the commodification of culture has led to some negation of the cultural relativism argument advanced to oppose human rights, in any case. Donnelly notes that, "Leaders sing the praises of traditional communities – while they wield arbitrary power antithetical to traditional values, pursue development policies that systematically undermine traditional communities, and replace traditional leaders with corrupt cronies and party hacks. Such cynical manipulation of tradition occurs everywhere."<sup>20</sup> Indeed the next section shall explore the various claims made by China in terms of its development and human rights strategies.

Amartya Sen has also critiqued the presentation of a homogenous set of "Asian" values that is said to conflict with a Western, universalist conception of human rights and development.<sup>21</sup> He has put forward an engaging and influential thesis of development as freedom. However, Sen is also keen to emphasise that "freedom is an inherently diverse concept", which moves his conception of development towards more substantive territory than the narrower, teleological vision of development as national metaphor for progress, strength and unity which China has put forward.<sup>22</sup> In this way we can begin to see the process of development and even the right to



development itself as wound up with freedoms. This current trend shifts the focus in examination of development from the means to the ends, conceptualising development as “a process of expanding the real freedoms that people enjoy.”<sup>23</sup> This conception of development is particularly powerful in the case of Tibet, where as we shall see the non-participation of Tibetans in the processes of development and their lack of basic freedoms has led to an inertia in the state of development in Tibet and a disintegration in the Tibetan people’s quality of life. Critically by viewing development as freedom we can begin to see freedoms as not only the ends of development, but also “among its principal means”.<sup>24</sup> Sen’s thesis has real resonance when applied to the case of Tibet and he argues:

“Development requires the removal of the major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or over activity of repressive states.”<sup>25</sup>

## B. CHINA’S RECENT DEVELOPMENT CLAIMS

The latest formulation of China’s human rights strategy with its focus on development and subsistence was released early this year:

“The characteristics of this road are, in terms of the basic orientation of developing human rights, that we stick to the principle of developing the productive forces and promoting common prosperity, based on the improvement of the living standards of the entire people and promoting the human rights of the entire people; in terms of the order of priority, **the top priority is given to the rights to subsistence and development**, while taking into consideration the people’s political, economic, social and cultural rights and the overall development of individual and collective rights; in terms of the methods of promoting and guaranteeing human rights, **we stress that stability is the prerequisite, development is the key, reform is the motive power, and government according to law is the guarantee.**”<sup>26</sup> (emphasis added)

In fact “development” has become a metaphor for the Chinese official, linear view of the history of their involvement in Tibet since the 1950s. We are presented with an “old” pre-communist Tibet and China which approximate rhetorically with the dark ages. From this point endless comparisons are made with “new” China and “new” Tibet. The 50 years since Communist control in China are presented as an enormous time of growth and alleviation of suffering, and this discursive framework is also applied to Chinese activities in Tibet.<sup>27</sup> According to this view, while there have been difficulties and hardships, things are getting better all the time, and development is the touchstone for such improvements in people’s lives.<sup>28</sup>

China’s focus on the right to development has been a constant in its human rights strategies. This is one reason why a discussion of the realisation of the right to development in Tibet is timely and necessary. China’s focus on development can be traced back through various white papers to the landmark white paper in 1991 which states that:

“China pays close attention to the issue of the right to development. China believes that as history develops, the concept and connotation of human rights also develop constantly... To the people in the developing countries, the most urgent human rights are the right to subsistence and the right to economic, social and cultural development. Therefore, **attention should first be given to the right to development...**” (emphasis added)<sup>29</sup>

However, from 1991 through to recent claims about human rights the Chinese government has continued to assert state sovereignty and domestic law, while marginalising international law. In discussing the 1991 landmark Chinese White Paper on Human Rights, Kent argues: “The achievements it claimed in economic and social rights were more descriptive of the Maoist past than of the real economic and social issues with which China was currently grappling.”<sup>30</sup> The tone of these papers is more defensive than creative or engaged. Real questions must be asked of whether China’s human rights talk is more bound up with creating a progressive mythology of Chinese communist history, rather than facing the realities of life in Tibet.

The Chinese government makes constant claims about the improvements that have been made in terms of development in Tibet. But if we look closely at some of these claims we can begin to see the elements to China's development strategy. Firstly, it is clear that the claims for success are reliant upon figures which are themselves heavily reliant on the artificial boosting of large Central government subsidies. These figures do not reveal a healthy economy, but rather one that is entirely reliant on outside sources, a classic pattern of control. A recent article in the Chinese press illustrates both the extent of the subsidies and the ways in which the government and media are luring Chinese migrants into Tibet:

"Thanks to the one-billion-yuan subsidies from the central government, Lhasa's economy grew 16 percent last year. The figure for Tibet was 10 percent, higher than the 7.8 percent national growth rate. 'There are opportunities for everyone', said Pincuo Lewang who is an employee of a state-owned transport company by day, and a taxi driver by night. He is saving money for his wedding and says that life has never been better. Beijing hopes the market economy will further integrate Tibet with the rest of the country, and ease the tension created by the separatist activities in the region."<sup>31</sup>

The example given is someone who works in a state-owned transport company revealing the emphasis on state-owned enterprises, but critically the theme of development as a sop to Tibetan nationalism, and a means to solve the "separatist activities" emerges. Elsewhere the Chinese government has been even more blatant about its hopes of using economic growth and development to quell Tibetan resistance. Most recently Hu Jintao, member of the CCP Central Standing Committee Political Bureau Standing Committee and vice-president, made the following comments on Tibet to NPC Deputies from Tibet: "The continuous development of Tibet's economic construction and other social undertakings and the achievements attained in recent years **are inseparable from our efforts to maintain social stability.**" (emphasis added)<sup>32</sup>

However, pessimism about the level of development that has actually occurred in Tibet can also be detected in the Chinese media,

and in various government statements. Given that China has had 50 years to develop Tibet, it really has not matched its claims with any marked improvements and so another strain to the government rhetoric is a discriminatory categorisation of Tibet as backward and lacking in potential, needy and dependent.<sup>33</sup> Such themes can be read as Chinese admission of failure in critical areas. In a recent interview Chen Kuiyuan, Secretary of the Chinese Communist Party Committee of "TAR", made the following comments about development and the Western Development plans:

"Generally speaking, Tibet is a region yet to be developed, on this stretch of land which accounts for one-eighth of the national total area, most of the resources above- and under-ground have not been tapped and utilized... Tibet's shortages stem from the low level of economic development, the lack of talents and the lagging of infrastructure construction."<sup>34</sup>

Behind the discrimination of the final statement can be seen the failure of Chinese development policy and its dogged reliance on large scale infrastructure projects which fail to deliver even the most basic infrastructure to large swathes of remote Tibet. Despite claims of kilometres of highways built, a big issue in the Tibetan economy, along with unemployment, underemployment and the unreformed state-owned enterprises, is that there is no local transport infrastructure for a great many nomads and farmers at the village and town level. In fact, Tsewang Phuntso writes that there was no public transport system at all in Tibet until the 1980s and that the strategic roads built by the Chinese from the 1950s onwards "had little economic value for the Tibetans until [the ] 1980s, as they were used exclusively for military purposes."<sup>35</sup> This focus on military objectives in planning basic road infrastructure has led to Tibetan farmers and nomads often being unable to achieve real market prices for their goods and having to sell to the government or to a small number of traders. This hampers a significant sector in the Tibetan economy.

Chinese sources also reveal other significant problems in the Tibetan economy. The 1996 TAR budget report revealed fiscal indiscipline, and a continuing deficit in the region. Causes listed

included the admission that “In financial resources, total supply and total demand have not been balanced for a long time” and that, “Loose financial management, lax budgetary restraints, and extravagance and waste existed in varying degrees, which were also causes for a financial deficit, causes which are not to be neglected.”<sup>36</sup> This has led to pressures within Tibetan areas to raise domestic funds by increasing taxation collection, which as we shall later see has led to increasing hardship for Tibetans. The report on the “TAR” 1996 budget revealed that due to the revenue issues, “Tax departments across the region went all out to collect and manage taxes and collected a total of 380.17 million yuan of various taxes...”<sup>37</sup>

There are also indications of a cover up of the real situation in Tibet, both in terms of the economy, social conditions and the eradication of poverty. Gyalsian Norbu, Chairman of the Tibet Autonomous Regional People’s government, reported the following in 1997: “We should do away with the unhealthy trends of boasting and exaggeration and hiding the truth from higher levels in the work of aiding the poor.”<sup>38</sup>

## II. Poverty in Tibet

China has signalled that the Year 2000 is a target date for the eradication of poverty in Tibet and in China. A recent article in the *China Daily*, quoted Vice-Premier Wen Jiabao reiterating this claim and reveals the government's focus when it talks of poverty eradication. The Vice-Premier urged that the focus be "placed on poverty relief in areas in need of major capital construction projects, including transport and water conservancy infrastructure."<sup>39</sup> This, while necessary, reveals the pre-occupation within the Chinese government's central planning agencies with big developmental statements (rather than sustained and sustainable development involving local participation, skills and reflecting local priorities): highways, urban housing and big hotels, dams, mines and factories. China is confident of achieving its aims, and claims in its latest human rights white paper that 95 per cent of rural people had enough to eat and wear and that the targets "to solve the problems of food and clothing of the entire Chinese people and to enable them to live a relatively comfortable life – have already been basically achieved."<sup>40</sup>

In its plan to eradicate poverty in Tibet, China has focussed heavily on income generation in certain areas of the Tibetan plateau, hoping that a rise in income statistics, taken out of the context of the many other possible indicators of poverty such as health, education, nutrition, clothing, housing, quality of life, access to the right to development and so on, will show that poverty has been eradicated. However, many areas within Tibet remain neglected and as we shall see there are important questions to be asked in terms of access to the development and wealth generation that is occurring in Tibet. Gabriel Lafitte has identified Tibet as a "land of centres and peripheries... a patchwork of development and underdevelopment," and the inequalities that mark colonial economies can be increasingly discerned within the Tibetan economic environment.<sup>41</sup> The development that does occur is large scale and often out of step with the traditional economy and local communities.

China's claims about poverty are cash-based, but even if we examine the latest Chinese statistics on income, there are marked disparities between urban and rural areas (where the majority of Tibetans live), and real questions to be asked of the means of calculating such figures. Chinese figures state that in 1998 the average per capita income of rural Tibetans in the "Tibetan Autonomous Region" was 1158 yuan, while the average urban income in TAR was 5400 yuan per year.<sup>42</sup> These statistics can be compared with those for China as a whole. The average annual income per rural resident in China was 2162 yuan in 1998, almost double that in TAR for the same period, while the average annual income per urban Chinese resident was an equivalent 5425 yuan in 1998.<sup>43</sup> This equivalence fits into China's strategy to focus on urban areas in Tibet. China claims that this leaves only 110 000 poor people in TAR, but as we can see the rural figure in itself leaves rural Tibetans in TAR earning nearly half the "one dollar per person per day" global measure for the poverty line if we are to use the official exchange rate of roughly one US dollar to 8 yuan. This measure in itself often underestimates the real extent of poverty and generally we can see that a narrow focus on income without looking at issues such as access to health or education, the nature of subsistence production, the gap between official income statistics and actual consumption, and more detailed surveys of standard of living in Tibetan areas, will not give a clear or accurate picture of the level of poverty in its many senses.<sup>44</sup>

It is often difficult to find realistic statistics for Tibetans living in areas outside of TAR such as those living in Gansu, Yunnan, Sichuan and Qinghai provinces (Amdo and Kham). However, there are also indications that the inequalities developing in Tibet go beyond the urban/rural divide. Qinghai is relatively more developed than other areas as a whole and in 1998 the per capita income of farmers in Qinghai rose to 1347 yuan with that of herdsman at 2300 yuan.<sup>45</sup> These figures still fall well below acceptable rates but begin to reflect regional inequalities.<sup>46</sup>

The Chinese government's claims that Tibetans have benefited greatly from their policies regarding poverty can also be tackled on

their own terms. Even if one were to rely on Chinese statistics themselves there is an indication that over 70% of the people living in the Tibet Autonomous Region are below the poverty line.<sup>47</sup> These figures are also confirmed by refugee reports which indicate that many people face problems with food shortages, access to health care, education, and in other areas such as employment and housing.

Despite China's claims, and its successes in alleviation of poverty and hunger elsewhere in mainland China, there are many indications that in Tibetan areas poverty and basic subsistence issues dominate the daily structure of life. In December 1997 the International Commission of Jurists argued that in the 1990s, "nearly all Tibetans continue to exist at subsistence level, their lives little touched by China's massive investment in Tibetan infrastructure and superstructure."<sup>48</sup> As we enter a new decade there is little evidence to suggest that this situation has changed, and heavy taxation and rural/urban divides in terms of access to development, continue to mean that poverty is a present concern for many Tibetans. While the total household spending in rural TAR (where 90% of Tibetans live) is 564 yuan per capita<sup>49</sup> (78% below the global poverty line), the per capita income for TAR's urban areas (where almost all Chinese settlers live) is 5036 yuan, or ten times as much, and is growing at twice the rate.<sup>50</sup> Tibetans spend just 15.4% of the rural Chinese average on health care, 7.7% of that of their Chinese counterparts on education, culture and recreation, 54.9% of rural Chinese spending on food and only 39.1% of that spent by rural Chinese on housing.<sup>51</sup> These figures consistently rise for Qinghai (Amdo) and again for Sichuan,<sup>52</sup> where the percentage of the Tibetan population decreases. Further, due to huge PRC subsidies and incentives, Lhasa is the highest waged city in all of China,<sup>53</sup> an incredible fact given Tibet's overall deprivation, while it simultaneously contains large numbers of desperately poor Tibetans.

What then do these statistics mean for the lives of Tibetan people? What do they mean for their socio economic rights, and what do they mean when we contrast them with the official claims of the Chinese government? The categories of discussion in the following section are based around key indicators in examining



standard of living, subsistence issues, and the right to development. The focus in part follows the categories enumerated under Article 8 of Declaration on the Right to Development which establishes the following guidelines and areas of focus:

“States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their **access to basic resources, education, health services, food, housing, employment and the fair distribution in income.** Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.”<sup>54</sup> (emphasis added)

### III. Economic Policies Resulting in the Violation of the Right to Development

#### A. POPULATION TRANSFER AND THE ECONOMIC MARGINALISATION OF TIBETANS

The Chinese occupation of Tibet has been characterised by various attempts to control Tibetan identity either through direct violence or structural means such as assimilation. One such indirect means of attempting to change and control the nature of Tibetan culture and identity has been the encouragement of Chinese population transfer into Tibet.<sup>55</sup>

#### International Law

Population transfer has been defined as “the moving of peoples [as] a consequence of political and/or economic processes in which the state government or state authorised agencies participate.”<sup>56</sup>

The international law of armed conflict first recognised the possible misuse of population transfer policies during times of conflict. Article 49 of the Fourth Geneva Convention provided that “the occupying powers shall not deport or transfer parts of its own civilian population into the territory it occupies.” The UN Special Rapporteurs on Population Transfer have stated in their report that population transfers constitute a violation of basic principles of conventional and customary international human rights law.<sup>57</sup>

While most principles of international law which deal with population transfer address the rights of the subject group of the transfer, it has also been recognised that population transfers cannot be used as a policy which threatens the identity, culture and livelihood of a minority group living in the area to which the transfers are made.

The UN Special Rapporteur on Population Transfer has stated that, “The validity of even the consent of the people being moved may be subject to the wishes of the inhabitants of the place of

settlement. While the principles of consent safeguard the forcible removal and dispersal of a minority settled in a distinct homeland it cannot be used to achieve the chauvinistic overlaying of national areas by planting of settlements, and the imposition of cultural hegemony upon minorities.”<sup>58</sup>

A transfer mostly of officials and army personnel into Tibet marked the early period of the Chinese invasion. Since the 1980’s, with the Chinese decision to integrate Tibet into China’s economy and social structure, we see a conscious decision by the Chinese government to transfer Chinese peasants, agricultural workers and other groups of labourers and traders into Tibet.<sup>59</sup> From July 2 to 23 in 1994 the Third National Forum on Work in Tibet was convened in Beijing. There decisions were made to implement the Chinese government’s policy to integrate Tibet within the structure of China’s economic needs. The major thrust of the implementation strategy was “to open Tibet’s door wide to inner parts of the country and encourage traders, investment, economic units and individuals from China to Central Tibet to run different sorts of enterprises.”<sup>60</sup>

The population transfer of ethnic Chinese into Tibet has been massive, and enforced by the presence of over 200 000 troops.<sup>61</sup> According to both Tibetan and PRC statistics, whilst there were virtually no Chinese in Tibet or neighbouring provinces,<sup>62</sup> Chinese settlers now outnumber Tibetans in Tibet 7-7.5 million to 6.1 million.<sup>63</sup> While a great deal has been written on the large population transfer of Chinese into Tibet, and the official PRC policies designed to reduce Tibetans to a minority in their own land,<sup>64</sup> it suffices here to note that the Chinese government has publicly acknowledged its encouragement and support for this illegal migration into Tibet.<sup>65</sup>

The population transfer of Chinese settlers into Tibet has had devastating economic effects for Tibetans. Settlers, encouraged by government incentives, arrive in search of jobs in an industrialised Tibet. Their presence threatens the livelihood of the Tibetan people and is central to the government’s integration of the Tibetan economy into the Chinese economy. Chinese settlers have come to dominate the Tibetan economy, and they own virtually all the businesses there.<sup>66</sup> There appears to be a degree of segregation between the

mainly urban Chinese settlers and Tibetans in remote areas such as the nomads. One **nomad** who came from Nagchu Prefecture, TAR, and arrived in Dharamsala on 11 February 2000, said of the Chinese, "there are Chinese settlers, but they are mainly business people and they are 4 hours away from my village."

**Dhondup**, a young student from a farming family in Kandze County in Sichuan Province (Kham) who arrived in Dharamsala on 2 April 2000, reported that in Kandze County centre Chinese settlers constitute at least 50 percent of the population. They mainly consist of government officials and business people.

Chinese population transfer into Tibet has a great impact on the kind of development that takes place in Tibet. Central government subsidies and much of the infrastructure in place have been directed at maintaining a distinct, controlling Chinese community in Tibet, which can be seen to be mainly urban, administrative, mercantile or military, and segregated from the bulk of Tibetan communities. The much-heralded, Chinese sponsored infrastructure projects such as highways, mines and housing have mainly been built to facilitate this settlement, fulfil military objectives and to expedite resource extraction. Subsidised economic growth has encouraged and facilitated Chinese settlement as part of the wider attempt to absorb Tibet. But in many ways this process has been one-sided and has left much of Tibet's urban landscape sinicised. Population transfer has also impacted on Tibetan access to land, food and meaningful employment. Tibetans are becoming a minority in their own country, excluded from participating in and benefiting from the development that is being carried out on their land and in their name.

## B. FORCED LABOUR PRACTICES AND EXPLOITATION OF CHEAP, UNSKILLED LABOUR

Chinese officials have made some impressive claims<sup>67</sup> about the changes that have taken place in terms of workers' rights and labour protection, but what is the situation in Tibet and how did Chinese communism's conception of development and industrial

growth and production relate to a largely agrarian Tibetan economy?

Tibetans account for only 5-10% of the labour force in Chinese controlled industry and usually are placed in the most low-paid, unskilled jobs, and with no genuine opportunity of advancement.<sup>68</sup> Compulsory and forced labour practices are widespread in Tibetan areas with Tibetans sequestered to build the roads and housing needed to support Chinese development of the Tibetan plateau. A number of refugees arriving from Tibet have stated that they have had to perform labour for various Chinese projects without receiving any remuneration. The PRC's development of modern industry in Tibet has provided some unskilled, subsistence employment to a few Tibetans while mainly allowing for further Chinese development, high waged employment and settlement.

The following accounts highlight the lack of vocational training and skilled work accessible by Tibetans, and the haphazard way in which regional authorities find cheap, and even forced labour for their road building and house construction projects, projects which seem to seldom benefit those doing the actual work.

**Jinpa**, a 26 year-old man from Rongshar in Shigatse Prefecture, "TAR" reported on 27 January 1999 that in addition to annual tax paid in the form of butter, he and members of other families had to work without pay in public construction jobs. During the four-month construction period, each person had to work 10 days per month. Officials described the forced labour as "work tax." However, the forced labour was not optional. Although the Chinese describe it as a "tax," it does not replace or decrease taxes otherwise due.<sup>69</sup>

**Tsering Norbu**, a 37 year-old man from Dzonga *Shang* (township), at the border of Kerum, "TAR" arrived in exile on 13 January 2000. He reports that after the harvest the farmers in his village are called to work for the Chinese government either as road builders or as construction workers for houses. They are not paid because they used the land owned by the Chinese government. If they were absent they would be fined 10 yuan per day. If they could not afford to pay the fine then they would be called for extra days of work. The work is usually for a month per year. They were told that the building they were making was for a school but the school was

never built. Instead the building was used as a guesthouse for Chinese officials.

**Lobsang Yeshi**, a 23 year-old from Gyare *Shang*, Chamdo Prefecture, arrived in exile on 24 December 1999. He reports that there was a big bridge built in the village and there were a number of Tibetans who were asked to contribute work to the construction of this bridge. There were no wages paid to these labourers. They generally worked from 9 in the morning to 6 in the evening and it took twenty-six days to finish building the bridge. When his mother was sick he did not go to work and he was arrested and produced before a court and sentenced to six months in Gonjo County detention centre [Phuchka], and fined 500 yuan as well. At that time he was sixteen years old. There were no written laws which allowed for such detention.

“We were made to do labour for the *Shang*. We worked on road and bridge building. We mainly did digging and moving rocks. We were paid 5 yuan per day but had to bring our own food. Each family had to send one person to do the work. If you were unable to send this person, you had to pay fines of 50 yuan per day. You can understand how everybody always found a way to send one person, even if it was hard. We had no choice. The fines were too high to pay,” reported **Tashi Lhamo**, age 43 from Topthi Village, Rongsha Township, Shigatse County, on 3 March 1999.

**Tenzin Dargay**, 26 year-old from Phenpo, Lhundup County, “TAR” wrote on 4 February 1999: “The Chinese were building offices within our County. Each village had to send labourers without payment. We had to bring our own food. If we refused we had to pay 16 yuan per day in fines (5 times the average daily Tibetan salary). We had to carry stones, sand etc. from sunrise to sunset with two hours break per day. Chinese supervisors watched the workers and sent those who didn’t work hard enough away. They had to pay the fine instead for every day until the project was finished.”

Chinese authorities even allow young children to do force labour. **Tenpa Chopel**, an 18 year-old from Nabhu, Ratong, Kham province, described on 10 February 1999, “Once we built a school

and then a house for one of the heads of our district. 40 people (1-2 people per family) were collected and transported to the construction site. The youngest workers were 7 and 8 years old and the oldest were 40. We got no salary and had to bring vegetables from our farm for our food. If somebody did not work, he or she had to pay 10-15 yuan per day as a fine. We had to carry stones and do the digging. There were also Chinese workers who built the walls. They were paid about 25 yuan per day.”

The conscription is justified by the Chinese position that the locals are the ones benefiting from development. However, interviews suggest that the government benefits most from the roads and resources built to transport goods out of Tibet.

**Dorje Rabten**, 25 year-old from Deva, Martang, Labrang County, Gansu province, on 5 April 1999 reported that in 1997 and 1998 everyone physically capable in the village had to work without pay on the local road construction. The length of forced work was 15 days per year. **Rinchen**, age 21 from Ramachen, Chauni, confirmed that his village members are forced to work without wages on road construction. **Chamba Tenzin**, age 13, and his brother **Sonam Dhondup**, age 12, from Takyup, Kham, described how the local Tibetans were forced to work for free on a local road construction project. **A woman from the area near Mt Kailash**, who preferred that her name not be disclosed, described on 19 January 1999 that the forced labour required to annually repair any damages to the road leading to Mt. Kailash. She said that every family had to provide an average of two people to perform repair work without wages once per year.

**Nortso**, a 29 year-old farmer from Ngamring County, Shigatse Prefecture, “TAR” reached Nepal on 20 December 1999. In his village, County and Township officials forcibly engage villagers on road and house constructions without any payment for 25 days per year. In his family the 3 members have to do compulsory labour for a total of 75 days each year. The fine for failing to do so is 7 yuan per day per member. All people between the ages of 15 and 60 were required to go for compulsory labour. Similarly, in Saga County in Shigatse Prefecture, a 30 year-old nomad **Samdup** who arrived

in Nepal on 11 January 2000 stated that all villagers in his Township area aged between 16 and 58 are required to work on road construction without payment. Men perform 25 days of such compulsory labour per year, while women are required to work for 15 days. There are fines for non-attendance.

Construction of a big powerhouse in Kandze County that began in 1997 was completed with compulsory labour using local Tibetan farmers. **Norbu Tso**, a 30 year-old farmer from Kandze County in Sichuan Province (Kham), reported that Tibetan workers were not paid for their labour and were expected to work for 10 days. She worked there without pay for 40 days as there were 4 members in her family and she worked on behalf of all of them.

**Dawa**, an 18 year-old farmer from Kyirong County, Shigatse Prefecture, arrived in Dharamsala on 25 January 2000. According to Dawa's testimony, in his area Tibetans have to go for compulsory labour without pay. "In a year you must go for more than 20 days, if you are above 18 years of age and below 60 years. If you are sick you can stay at home but must work 2 days for every day you are absent the next time. It is possible to send someone in your place. The supervisor of this compulsory labour is Chinese. If you do not work hard you are scolded. Work starts from 10 am and continues till 8 pm. There are no breaks apart from a one-hour lunch break. The work is mainly road construction connected with forestry."

**A young nomad** from Lhasa Municipality, arrived in Dharamsala on 30 January 2000. According to his testimony, there is compulsory labour every year in his village for 1 month (or 20 days sometimes). There is no pay for this forced labour. They work from 9 am to 6 or 7 pm with a 2-hour break for lunch when they have to travel back to their homes to have something to eat. All those in the village above the age of 18 (for men 18-55; for women 18-50). In 1998 they were fined 5 yuan per day for not attending, this rose to a 10 yuan fine in 1999. There are no Chinese workers participating at all. The order for the compulsory labour comes from the *dzong* (County), and the work is mainly road and house construction for Chinese staff or school construction. 20 families are put in each group, some groups go for house



construction, some for fencing and some for road construction.

## International law

This forced labour violates long-standing principles of international law. The first treaty prohibiting compulsory labour appeared in 1932,<sup>70</sup> and has (as modified in 1946) been ratified by 132 countries. This treaty is almost seventy years old and in Article 1 requires state parties to “suppress the use of forced or compulsory labour in all its forms within the shortest possible period.” Article 10 states that compulsory labour exacted as a tax should be progressively abolished.

Upon its creation, the United Nations enshrined the protection against forced labour in Article 23(3) of the Universal Declaration of Human Rights (UDHR), an axiomatic right which applied to China when it joined the United Nations. The Article states: “Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of protection.” The fundamental rights in the UDHR were meant to be reduced to binding fundamental treaty rights; as was done when the state parties drafted and adopted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Social and Economic Rights (ICESCR).<sup>71</sup> China signed the ICCPR on October 5, 1998 and the ICESCR on October 27, 1997, although it has not yet ratified either treaty. Article 8(3) of the ICCPR<sup>72</sup> expressly forbids the use of compulsory labour.

The UDHR does not contain any relevant exceptions to the prohibition on forced labour. However, Article 8(3)(iv) of the ICCPR, like the American Convention and European Convention, excludes from the definition of compulsory labour, “Any work or service which forms part of normal civil obligations.” In a similar fashion, the Conventions on Forced Labour exempt from their prohibition:

Minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations

incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

The definition of "normal civil obligation" was considered by the European Commission on Human Rights in the *Iverson Case*.<sup>73</sup> Normal civil obligation means the citizen's duty to "undertake joint efforts in the common interest on the local level, such as taking part in fire brigades or similar measures against other calamities."<sup>74</sup> The exception cannot mean, "a general subjection to direction of labour for economic purposes."<sup>75</sup>

It is evident from the accounts of Tibetan refugees that these rights are being violated by the Chinese authorities under the pretext of either being punishment or through terming the labour as "voluntary labour". This semantic guise for what is actually forced labour is also enshrined in the Constitution of China. Article 42 of the Constitution provides that: "Citizens of the People's Republic of China have the right as well as the duty to work...The state encourages citizens to take part in voluntary labour."<sup>76</sup> As we can see from the testimony of Tibetans leaving to come into exile, in many cases this labour is forced and without any remuneration. Even where workers are paid, often the amounts given are negligible and there are fines levied if they do not attend in any case. Article 42 also promises occupational safety and health improvements, improved working conditions, and the provision of "necessary vocational training before they are employed."<sup>77</sup> These important constitutional rights do not seem to be realised in practice in Tibet.

## UNEMPLOYMENT AND UNDEREMPLOYMENT

Furthermore, unemployment and underemployment remain serious concerns in Tibet. Forced labour practices come against this background of many Tibetans searching for work, and are all the more reprehensible for this. Real figures for unemployment for rural Tibet are hard to find and analyse. Many Tibetans from farming

and nomad families consider themselves employed in the sense that they help to look after the family animals or go for lowly paid construction or forestry work, despite their wishes to look for other kinds of work and their inequality of access to different employment opportunities. This rural underemployment is all the more acute when it is placed in the context of China's planned urbanisation. Recently the *China Daily* reported that "rural labour experts estimate there will be 600 million available people in China's rural workforce by 2005, but the demand for rural labourers will fall to 168 million leaving a potential 432 million unemployed. Without the creation of local employment, mass urban shifts are expected to occur."<sup>78</sup>

The big picture of rural unemployment is reflected in a number of refugee reports which TCHRD has conducted. **Tamding**, a young farmer from Haiyen County, Qinghai Province (Amdo), arrived in Dharamsala on 15 December 1999. According to his testimony, no one in Tamding's village gets an office job, even after they have studied in the Town or County centres. The only options for young Tibetans from these farming families is to return and work at home. Always they have to do farm work, and take the animals grazing, which is what Tamding does. It is therefore difficult to estimate the level of unemployment among Tibetans in the community. Certainly there is no government assistance for the unemployed.

**A 19 year-old nomad** from Sangchu County, Gannan TAP, Gansu Province reports high levels of unemployment in his village and community. He arrived in Dharamsala on 25 January 2000. He reported the following to TCHRD. "Many young people are unemployed after school. They stay at home idle as mainly they don't know how to look after animals. 90% of middle school students return home unemployed, with only 10% of Tibetan middle school students able to continue their studies due to the heavy school fees. There is no government assistance for the unemployed, and the main reasons for unemployment are: because Tibetans are unable mostly to pay the bribes to get the jobs; and because only Chinese or the children of government staff get the jobs. This is typically long term unemployment."

**Bhuchung**, a 28 year-old nomad from Lhasa Municipality

came to Dharamsala on 30 January 2000. He reports that, "around 25% of my village are unemployed in the sense that they have no housework to involve themselves with, in terms of access to other jobs there are greater problems. Those who are unemployed go to Lhasa, but the common Tibetans can't afford the bribes needed for jobs, only the rich families." **Kelsang**, a 22 year-old man from Lhasa estimates that 40 percent of the Tibetans in the Barkhor area are unemployed, with many trying to run some small business or something of this nature. Some of the older generation of Tibetans who are particularly desperate turn to begging, while the younger generation, he feels, turn to thieving. Kelsang arrived in Dharamsala on 6 January 2000.

It is clear that compulsory labour, low wages and unemployment all form serious obstacles to the realisation of Tibetans' right to development.

### C. EXPROPRIATION OF LAND

The official Chinese position is that all lands belong to the communist party<sup>79</sup> and hence farmers and nomads who work on the land are merely using state land to earn their livelihood. The following testimony gathered by TCHRD reveals that in many areas development projects such as the construction of roads, mines and housing result in local Tibetans losing their land without being given sufficient compensation. The preceding section has already shown that many of these projects involve Tibetan forced labour.

**Dorje Rabten**, a 25 year-old from Deva, Martang, Labrang County, Gansu province, on 5 April 1999 reported that in 1997 and 1998 the local road construction project took Tibetan farmland without any compensation. **Tenpa Chophue**, an 18 year-old from Nabhu, Ratong, Kham Province, testified on 10 February 1999 that in 1997-1998 a hydro-electric power station was built in his area which resulted in the flooding of farmland. The Tibetan farmers were not compensated for their lost land. Also, **Rinchen**, age 18 from Rabkung, Amdo, told TCHRD that a dam has just been

constructed in his area that flooded the land. The landowners are occasionally compensated with an insufficient amount of moneys. Finally, a **22 year-old male** from Gyantse described the land taken by the government for their construction of a plastic factory. The factory construction began in 1997 and is scheduled to be completed in the year 2000. His family lost 5 *mu* of land. About 20 families (or half of the peasants) lost a similar amount of land. No one was paid any compensation because the government claimed that the land belonged to the communist party.

**Dawa**, an 18 year-old farmer from Kyirong County, Shigatse Prefecture, arrived in Dharamsala on 25 January 2000. According to Dawa, expropriation of Tibetan land by the authorities is common. The Chinese are making the Tibetan plots smaller and smaller. For each member of Dawa's family they have 6 *mu* of land. With 9 family members, the total holding comes to 54 *mu*. If any family member works in an office or is away in a foreign place (such as India), the authorities will take away that member's allocated land. His share of the land will be taken away now he has come to India and his family will be fined 6000 yuan. If the government need to build housing, they compulsorily acquire the land and while they claim to compensate Tibetans for this, in reality this doesn't happen. When Tibetan land is taken away from a family, they often resort to opening a small business.

**Nyima**, a 27 year-old nomad from Nagchu County, Nagchu Prefecture, arrived in Dharamsala on 11 February 2000. He told TCHRD that if "Tibetan land falls on a road construction area, the land is taken away without payment. This is a common practice." **Tamding** supports this testimony. **Tamding**, a 19 year-old farmer from Haiyen County, Qinghai Province (Amdo), arrived in Dharamsala on 15 December 1999. He states that families in his area whose land fell on the main road had such land taken away without compensation and subsequently moved to the Township to look for work.

It is also the case that many people have lost land due to redistribution, and Chinese settlement. **Dorje**, a 68 year-old farmer from Gonjo County, Chamdo Prefecture, arrived in Dharamsala on

1 February 2000. There are 10 family members in Dorje's family. Each member has 2 *mu* of land. This land was allocated by the government 18 years ago. The Township and Village officials carried out this land redistribution process together. Earlier the family had 40 *mu* of land, but after the redistribution they were left with around half of that, only 20 *mu*. There was no compensation for the land the family lost, but the quality of the new land was the same as the old.

### International Law

International case law advances the international right to compensation for the governmental expropriation of property. These cases date from at least 1846<sup>80</sup> through the nationalisation of Iranian oil fields and the Suez Canal until present day international arbitral awards.<sup>81</sup> This widespread right is found in nations around the world.<sup>82</sup> While the PRC may take land for public purposes, it must pay the farmer a fair and equitable price.

### D. EXCESSIVE TAXATION

"No levels have been imposed on the peasants and herders in Tibet since 1950 and there is no compulsory state purchase of grain there. The income that Tibetan peasants and herders earn is entirely their own" - Xinhua, 23 January 1999.

One of the most striking features of the taxation policy of China is its absolutely arbitrary nature. The existence of a strict taxation policy in the context of a centralised economy necessarily implies a transparent taxation policy as well as the corresponding use of such revenue towards social welfare spending. China's taxation system is conspicuous by the absence of both these principles. There are no official statistics available which give us detailed figures or breakdown for tax collected at the county level and below. It seems that the decentralisation of tax has given greater powers to local authorities to collect tax, but it is not clear how the levels or types of tax are set, or what proportion is remitted to the higher authorities.<sup>83</sup>

Despite China's official statements that no taxes have been collected from Tibetan farmers and nomads, in almost every single refugee report (that the TCHRD conducted), Tibetan farmers and nomads spoke of being subjected to excessive taxes. They were taxed on their crop yield (including medicinal herbs they were made to collect by hand), number of animals, animal products like meat, hides, milk, butter, cheese, fur and wool, number of family members, as well as water, grass, and building taxes. They are also regularly made to provide food for the frequent meetings of the same officials who are implementing and enforcing repressive and destructive policies against them. Overall, poor Tibetans are subjected to 27 times the tax rate of non-poor in rural China.<sup>84</sup>

It is interesting to contrast with their taxation policies the claims made by the Chinese authorities that the Tibetan economy has been subsidised greatly to allow it to grow. In 1993 alone the subsidies and financial aid from the PRC government amounted to 1,709 million yuan (US\$ 214 million), which represented 91.6 per cent of the total income of the TAR government. But a lion's share of these subsidies and financial aid goes towards meeting chronic financial deficits accrued by the state-owned enterprises in industry, construction, transportation, trade and grain management (that is purchase of grain from Chinese provinces for sale at subsidised rates to Tibet's urban residents).<sup>85</sup>

If there is little or no correlation between the amount of money spent in subsidies and the severe taxation policy, and if the revenue from the taxes does not make a comparatively significant contribution to the economy, then is the taxation policy yet another means through which the Chinese government disciplines the Tibetan polity into submission? These are not questions which can be answered in an evidentiary manner but a closer look at the lives of the Tibetan poor would clearly indicate its efficacy as a tool of oppression. Some of the features of the tax system are best inferred by the narratives of the Tibetan refugees who have supposedly benefited from the economic developments in Tibet.

**Kunchok Sangmo**, a 32 year-old from Nagchu Prefecture arrived in exile on 16 November 1998. She reports that as nomads

her family depended on their animals but the Chinese imposed a restriction of only four animals per member of a family and since she had nine members they can keep 36 animals. However, her family had 62 animals in total and hence had to pay an annual fine of 100 yuan<sup>86</sup> per *yak* or *dri*, 50 yuan per sheep or goat and 300 yuan per horse. If any family failed to pay the fine then their animals were either killed or sold. This, she said, greatly reduced the possession of animals by nomads resulting in a threat to their survival. She also said that there was an increase in the number of Muslim settlers who bought these animals, hides and *yartsa gunbu*<sup>87</sup> from them and in exchange sold them basic commodities.

**Topgyal**, a 32 year-old from Nagchu Prefecture reports that his family, which had a nomadic lifestyle, had to pay taxes on the various products of their animals. Annually they had to pay 100 to 150 *gyama*<sup>88</sup> of meat, 10 to 15 *gyama* of butter, 1 *gyama* of “Rak-hul”<sup>89</sup> for five goats, 30 to 40 *gyama* for “Nor Khul”<sup>90</sup>, 3 yuan *sok trel*<sup>91</sup> for five goats, 3 yuan *sok trel* per sheep and 24 to 60 yuan *sok trel* per horse. The collection of *sok trel* taxes varied from year to year and some times they had to pay to officials from other counties taxes in the form of butter, yoghurt and meat but these were not considered to be a part of the annual tax.

**Phuntsok**, a 43 year-old man from Dhingri in Shigatse Prefecture arrived in exile on 22 November 1999. He reports that in 1997 the county authorities had announced an “interest free” loan to farmers and nomads from the Rongshar *Shang* township and they called it the “no interest” loan. As a result, many of the farmers and their families borrowed money from the county office. However, in November 1998 the county authorities suddenly announced that they were collecting the interest which had accrued for the loans taken in the year 1997 and forcibly collected 30% interest on the so called “interest free” loans. A number of the farmers had to sell their cattle and in some cases even their roof sheets to repay the interest on the loan.

**Jinpa**, a 28 year-old man from Rashuka village, Khaba *Shang*, Amdo arrived in exile in December 1999. He reports that he had to work as a servant despite the fact that he was actually a farmer and



owned land. He says that it did not make economic sense to continue as a farmer as they had to pay half of whatever they cultivated to the government as taxes. This is forcing a lot of farmers in his area to work in different fields rather than continue in agriculture and be taxed heavily. For instance in the monasteries even though you earned much less it was still ultimately your own money.

**Sonam Ai-nyen**, a 26 year-old monk of Khap Shong monastery arrived in exile on 21 May 1999. He reports that when there is a failure to pay the taxes on time, the authorities either fine them, call them for "compensatory work" or confiscate their animals. Hence, despite the difficulties involved, the nomads ensure that they pay the taxes on time so that they are not called up for compensatory work.

**Gelek**, a 64 year-old farmer from Kham (Ch: Sichuan Province) in Kandze, TAP arrived in exile on 7 June 1999. He reports that his family had around 6 *mu* of land and that their annual crop production was around 4000 *gyama* of cereals. He paid 270 yuan as land tax in 1998, and a human tax of 240 yuan for his four family members was also paid. In addition, he had to pay tax on grass, animals, and the collection of *yartsa gunbu*. In total his family had to pay 1200 yuan to the Chinese authorities and if they could not pay it on time then the authorities charged double the amount in the next year. **Tsering Yangchen**, an 18 year-old farmer arrived in exile on 6 June 1999. He reports that in his village the farmers have to pay taxes even when there is very low crop production. When there is a crop shortage, then the authorities accept other material things in place of the cereals, which the farmers are supposed to pay as annual tax.

**An anonymous government staff member**, from Malho County, Malho TAP, Tsongon Province (Qinghai), arrived in Nepal on 28 October 1999. He worked in the audit office of Malho County and reports that annually County authorities collect 1000 yuan as land, water and animal tax per nomad. The majority of the County's population is made up of Tibetan nomads or farmers. In the whole County there are 400 000 Chinese Muslim settlers who came as traders, government staff and students. They did not have to pay taxes. According to the County authorities the estimated annual

income for Malho County nomads is 700 to 800 yuan per year, less than the average taxes they pay. Therefore "the Tibetan nomads and farmers pay their taxes to the County authorities by selling their animals or by doing work or small business." When a Tibetan nomad or farmer does not pay his/her taxes, their land and animals are confiscated by the County authorities. For example in 1998 a nomad named Jamyang of Malho County had all his cereals and animals confiscated. There are 6 members in Jamyang's family and collectively they had 30 *yaks/dri*. The family paid taxes of 600 yuan per year, but were unable to pay in November 1998. A Township official was sent to collect the taxes, and 120 *gyama* of the family's butter along with their cereals and animals was confiscated until his family's taxes are paid. Threats were made that the family's land would also be confiscated. "Presently, Jamyang's family is looked after and fed by neighbours."

**Samdup**, a 30 year-old nomad from Saga County in Shigatse Prefecture, arrived in Nepal on 11 January 2000. Saga County is the poorest County in the Prefecture and is mostly inhabited by nomads and farmers. In his Township which covers a population of around 1500 nomads, there is very little infrastructure. In the whole Township there is no electricity, clinic or hospital, though there is a large military barracks. In Trago Township tax is collected according to each family's holding of animals. His family is comprised of 3 members and they have 100 sheep, 10 goats, and 1 horse. They own no land but pay annually 60-70 yuan for grass tax. 7 animals were taken as a meat tax, and the family were only given 100 yuan per animals as opposed to their market value of 250 yuan.

**Taklha Kyab**, a 29 year-old farmer from Shinghay County, Tso Lho TAP, Tsongon Province (Qinghai), came to Nepal on 10 December 1998. His family were nomads and their village had to pay 8 yuan per *yak/dri* annually as tax. Some families paid taxes of up to 8000 to 10000. The nomads mostly sell wool and animal skins but their trade is declining and 80 percent owe hefty amounts of money to County banks or money lenders.

**Tashi**, a 23 year-old monk, from Chamdo County, arrived in Nepal on 1 March 1999. He came from a farming family with 6

members. The family has 12 *mu* of land, and cultivate *dru*<sup>92</sup>, *paikhang*<sup>93</sup> and *nyungma*<sup>94</sup>. Their annual production was around 1000 *gyama*. They have 10 *yaks*, 3 goats, and 1 horse. Annually their taxes add up to 600 yuan. They always face food shortages and earn money to buy cereal from collecting *yartsa gunbu*.

**Khedrup**, a 21 year-old monk from Lithang County, Kandze TAP arrived in Nepal on 5 May 1999. His parents are semi-nomads and his family have 5 *mu* of land. They have 50 *yaks/dri*, 20 goats and 2 horses. They grow potato, *nyungma*, wheat and cereals. Annually the family produces 130 *gyama* of butter which they sell in the market in order to buy other food supplies for themselves. They also collect *yartsa gunbu*, mushrooms and garlic, during the summer which they can sell in the market. They can earn around 1500 yuan from the sale of these plants and they spend this money on the family. As land tax the local authorities collect 5 *gyama* of butter per family member. From nomads they collect hides and skins, animal heads and meat as meat tax. The market rate for *yak* skin is 170 to 180 yuan per skin. Nomads must first get permission from the local authorities before they can slaughter their animals, otherwise all such skins and meat will be confiscated.

From the above narratives it is possible to discern a recurrent pattern which can be summarised as follows:

- The taxation policy covers almost every aspect of the right to subsist ranging from taxes on human life, animals, grass, herbs, animal skins, to education even if there is no education provided. Thus while there exists a right to subsist, the means to it are severely impaired.
- The system is closed and self-referential. It defines even the rules in cases of disobedience to the law. These rules include the imposition of further taxes and fines, ignoring the fact that the rules were disobeyed due to an inability to pay in the first place. These fines are also coupled with the arbitrary power of imposing punishments in the form of forced labour.

- The administrative structure created is arbitrary and both the taxes and the fines depend on the authority collecting them. There is a clear absence of any accountability or provision for appeal against what are in most cases harsh and unfair taxes. Consistency and transparency are sorely lacking in the taxes applied to Tibetans.

## URBAN TAXATION

While it is more difficult to get accurate information on urban taxation, the following reports indicate that again it is marked by a lack of transparency and consistency.

**An anonymous staff member of the Kandze TAP Political Assembly** escaped to Nepal on 12 May 1999. His testimony provides an insight into the actual conditions of a success story of Tibetan employment, but also gives some evidence of the high taxes that are levied in urban Tibet, especially on shop-keepers. Both his parents are farmers and he attended primary, middle and then high school, which is unusual for a young Tibetan. After 4 years at the Tibetan Sichuan High School, in 1987 he was employed as staff at the Political Assembly of Kandze TAP. After that he was posted to an office in Dege County and in 1991 attended Sichuan Socialists' High School for a further 2 years. After this time he worked at the Assembly again and at various regional offices as a secretary. After promotion to the office of senior secretary he received a salary of 415 yuan per month. During leave for 4 months when he was conducting business he was fired for failure to pay staff taxes. Following this he went to Lhasa in 1997 where he worked in a liquor store run by a friend. His friend had invested 30 000 yuan in the store which sold imported alcohol, audio and video tapes. His friend paid 700 to 1000 yuan per month as tax. He also paid 30 yuan as sales tax, 10 yuan cleaning tax, 20 yuan fire security tax, 30 to 50 yuan as town development tax, 80 to 100 yuan as *lobso* tax<sup>95</sup>, 20 yuan for security tax, 100 to 200 yuan as *rim-ghok* tax<sup>96</sup>, and 140 to 500 yuan as a tax for selling electrical goods. It is difficult to decipher

such an array of taxes, but altogether they add up to a sizeable tax rate per year, and a confusing tax structure, neither of which are conducive to good business or regulation.

**An 18 year-old man from Lhasa**, arrived in Nepal in November 1999. He lived in the Banak Shol in Lhasa with his mother and sister in a 2 room rented house. Their average monthly expenses exceeded 500 yuan. He works in a Chinese hotel as a waiter. His monthly salary is 500 yuan but he pays a monthly tax of 150 yuan, and receives only 350 yuan per month after tax.

**Dadon**, an 18 year-old from a small business family in Lhasa, arrived in Nepal on 23 September 1998. Her father is a tailor and her mother sells miscellaneous goods in the market. In her family only her mother and brother have ration cards for Lhasa and she and her father and sister do not have the necessary *themdo* (ration card). Without a ration card, she was not able to access fee reductions for school and from the age of 12 to 18 she stayed with her mother doing small business. There are a number of taxes incurred by her parents for keeping a shop. They must pay 80 yuan monthly for land tax and 250 yuan monthly for cleanliness and security tax. Profits from a good month of selling cloth and garments might reach 400 yuan and her parents use this money to meet household expenses.

But it is interesting to note how there are great discrepancies even between the experiences of Tibetans in urban areas. While the general picture is of heavy taxation, some refugees have reported that certain areas of small business are free from the heavy taxes which hit shopkeepers and others. The following account gives an insight into those who have found ways around the system. **Kelsang** is a 22 year-old small businessman in Lhasa who comes from a farming family of Sichuan Province (Kham). He arrived in Dharamsala on 6 January 2000. He doesn't know much about farming as he was all the time hanging around in Lhasa, and never worked on the family farm. There is a big wholesale shop in the city where he bought clothes to sell on the ground in the Barkhor. He did not have a shop as such and was allowed to sell goods for only 2 hours per day. He could sell anywhere but had to pay a tax/permit of 1 yuan per 2 hours. This was paid to police and he was

given a coupon. He did not have to pay bribes. His family were quite well off and he and his cousin brother took a room for rent in Lhasa. The rent cost 200 yuan per month. There was no real problem that his *themdo* was in his village, he didn't have to pay double for things and actually mostly ate outside in restaurants. There was no double charge for rent. In four years he made 10 000 yuan profit. It was good business, and there were no real taxes except for his expenses in paying rent, for the house costs, dustbin collection and various residential charges. Shops in Lhasa, on the other hand, must pay a lot of tax.

According to Kelsang, the poor Chinese in Lhasa also have to pay tax and are treated poorly like the Tibetans. The rich ones, however, are treated much better. In this sense he indicated that discrimination seems socio-economic, as well as racial, in the small business area. The broader picture here is interesting because in other areas we can see how the Chinese government has worked to keep Tibetans poor through heavy taxation and limits on animals; in this way racial discrimination can blend with and metamorphose into socio-economic discrimination.

Heavy taxation and procurement policies, especially in rural areas (but also those aimed at Tibetan businesses in urban areas), work to keep a great number of Tibetans poor. The level of taxation appears to vary greatly and to be on the increase, despite claims that farmers and nomads are exempt from taxation. Government procurement of produce at artificially low prices damages the agricultural economy and acts as a disincentive to production. Taxation seems mainly to be collected at a regional level and there are great discrepancies between various Counties, indicating that corruption and lack of transparency in implementation of taxation policy are big problems. Excessive taxation remains a serious obstacle to the enjoyment of the right to development in Tibet.

## E. AGRICULTURAL POLICIES AND INSUFFICIENT FOOD SECURITY FOR TIBETANS

Article 11(1) of the ICESCR states that: "The State Parties...recognise the right of everyone to...adequate food and (2) recognising the right of everyone to be free from hunger, shall take...the measures...which are needed..." Furthermore, Article 1(2) of the ICESCR states, "...In no case may a people be deprived of its own means of subsistence."

China repeatedly declares that making Tibet self sufficient in food production is a major goal in their development policy.<sup>97</sup> The PRC's reference to Tibet's dependency of food negates the fact that Tibet had always been self sufficient in producing enough food for themselves for thousands of years, until the migration of Chinese settlers.<sup>98</sup> It is the influx of Chinese following their invasion in 1950 and their enormous new demands that ended this long history of Tibetan independence and self-sufficiency. The Chinese themselves are the ones who created the dependency that they now trumpet the need to overcome. The PRC has implemented unsustainable, industrial mass production policies with the intention of increasing agricultural output in order to feed the overwhelming amounts of new Chinese settlers. Aside from the immense environmental damage caused by these policies, as noted in the previous section, the basic effect on Tibetans of satisfying Chinese appetites is ongoing hunger.

Poverty is widespread in Tibet, not because of ecological determinism or Tibetans' "backwardness", but due to the PRC government policy of taking farmers and nomads surpluses and subsistence produce.<sup>99</sup> As noted above, the PRC's taxation of Tibetan farmers, usually taken in-kind as a percentage of their crop and animal products, is excessive and frequently leaves them and their families without enough to eat. Refugees very often report that they and a very high percentage of their district's residents are forced to borrow from more prosperous families in order to survive. Tibetan farmers and nomads are also forced to sell a certain amount of their crops,

animals and animal products to the State at a fraction of its fair market value so that they may resell it themselves, either cheaply to Chinese settlers or to deprived Tibetans at excessive prices.<sup>100</sup> As Gabriel Lafitte has argued, "The procurement bureaus, often renamed as 'producer co-operatives', continue to operate as a rent-seeking class. They hold down prices received by producers...and divert commodities away from local trading networks towards bulk supply to the major nodes of Chinese settlement. They have succeeded at becoming self-sustaining, at the cost of immiserating the Tibetan producers."<sup>101</sup> While the Chinese take large amounts of the Tibetans agricultural production, they provide no or little aid to them in the event of crop failure.

#### FOOD SHORTAGES AND POVERTY

Recent interviews conducted by TCHRD reveal that food shortages remain a real concern for Tibetans, and a daily reality for some. Such shortages highlight problems with agricultural policy and must also be placed in the context of the heavy burden that rural taxation and procurement is placing on Tibetan farmers and nomads. Meanwhile official Chinese media recently claimed increases in grain production in "TAR" and that at present "Tibet [TAR] boasts surplus grain capable of meeting local needs for five years."<sup>102</sup>

**Norbu Choepel**, a 36 year-old farmer from Dhingri County, Shigatse Prefecture, who arrived in Nepal on 19 December 1999, had 6 members in his family, including 4 children. He has around 11 *mu* of land, and his family produce 600 *gyama* of cereals per year. However, this is all consumed by the family and lasts for only 3 months of every year. For 9 months of every year his family faces serious food shortage, and have to borrow from other families to eat. The family has suffered terribly since 1989, and annually face hunger. He lives on the mercy of other farmers, and currently owes a debt of 700 *gyama* of cereals and around 1000 yuan to his fellow farmers. In his village of the 18 Tibetan families only 4 are



prosperous, while the rest are annually troubled by grain shortages.

"In my village of the 60 Tibetan families, 15 families usually face food shortages and borrow cereals from other farmers to feed their families," reported **Tsetan**, a 33 year-old nomad from Nagchu Prefecture who arrived in Nepal on 22 November 1999. There is no help from the government for these families who have to pay taxes as per usual.

**Gelek Passang**, a 22 year-old monk from Lithang County, Sichuan Province, arrived in Nepal on 2 January 1999. His families are farmers and there are 10 members. From the 300 Tibetan families in the *Shang*, "around 80 families usually borrow cereals from other farming families to feed their families." Despite this these farmers still have to pay annual cereal taxes.

Upon his arrival in Nepal on 22 January 1999, **Phuntsok**, a 43 year-old farmer from Dhingri County, Shigatse Prefecture, reported that there are 30 families in his village and 28 of these families usually face cereal shortages. They borrow money from the County office. These people do not have enough food to eat. Phuntsok has 6 members in his family. They have 10 *mu* of land, 2 *yaks*, 2 *dzo* and 3 *dri*. Their annual crop production was around 30 to 40 *mu* of cereals. He reported that his family regularly faced a shortage of cereals and had to borrow money to buy cereals.

In autumn of 1997 the County authorities announced interest free loans to farmers and nomads in the *Shang*, lending between 1000 and 3000 yuan to each family in the *Shang*. However the following year the authorities announced they would collect interest on the loans. They forcibly collected interest at a rate of 3 yuan per 1000 yuan loaned. Many farmers "sold their animals and even their roofing to pay the interest on the loans."

**Lhaphsum Gyaltsen's** family is nomad and has 9 members. He is a 34 year-old monk from Diru County, Nagchu Prefecture, and arrived in exile on 28 January 1999. He reported that at the end of 1997 and in the beginning of 1998 the Nagchu Prefecture suffered heavy snowfalls. Large numbers of the nomads' animals perished due to the cold and snow. In his area around 20 nomadic families suffered heavy losses of their animals. No sufficient relief came

from the Chinese authorities, although they collected donations for the snow-affected nomads from all over Tibet. "Many affected families are now seen begging and borrowing food from other people in the *Shang* [township]."

In **Tsewang Dorje's** village there are 76 Tibetan families and 46 of them face annual shortages of cereal foods for their own consumption. As such during summer most of the Tibetans move out of the village in search for work in Ngari. They mainly work in Chinese road and factory construction and are paid 10 to 20 yuan per day. From his work in Ngari, Tsewang Dorje earned around 1800 yuan. He used this money to buy clothing and food for his family. He has 6 members in his family, including four children. Tsewang Dorje, a 35 year-old farmer from Ngamring County, Shigatse Prefecture, fled Tibet and reached Nepal in May 1999.

**Trakok Dawa**, a 19 year-old monk from Toelung Dechen County, Lhasa Municipality, arrived in Nepal on 19 September 1998. In his village of 80 families, 10 families always face food shortages. In 1997 the region was hit severely by frost and the great bulk of the villagers' crops were damaged. The Chinese authorities collected taxes as per usual and there was no relief or assistance forthcoming. The villagers have to pay their taxes in the form of fertilisers when they have run out of cereals, and these fertilisers are purchased from the Chinese at a high rate in the first place. Some families try to pay taxes by killing their animals and selling the meat to buy the fertiliser needed. Some also raise funds by collecting dried cow dung and plants used for incense.

"In my village there are 64 Tibetan families and 35 of these families survive by constantly borrowing food, while a further 20 families have to occasionally borrow food and seeds. Some families must do without adequate food for long periods of time. However, due to the generosity of friends and neighbours, no one has died from starvation or hunger recently," reported **Choe Pak**, a 22 year-old farmer from Driru County, Nagchu Prefecture, who arrived in Nepal on 1 September 1998. His family have also faced food shortages and have never received any government assistance at these times.

These testimonies reveal that hunger and grain shortages continue to undercut China's claims for success in developing Tibet and its agricultural economy. They counterbalance the official line of mass poverty reduction, and illustrate that attempts to transform the subsistence nature of traditional agricultural practices have in fact led to greater food insecurity for a number of Tibetans. Chinese assistance to farmers and nomads facing shortages or economic hardship due to natural disasters is either insubstantial or non-existent. Critically the procurement and taxation policies continue to be blind to actual living conditions and yearly variations, so that Tibetans facing economic crises are still required to pay taxes as per usual. Tibetans also report that while traditionally richer families were previously able to help those in need, in many areas those families can no longer afford to do this to the same extent and local government has not stepped in to fill their place effectively.

### Animal Limits

In addition there are indications that in some areas local Chinese authorities are enforcing animal limits on nomads. These limits act to artificially keep some families and areas poor and seem an unnecessary restriction on traditional agricultural practices. **Nortso**, a 29 year-old farmer from Ngamring County, Shigatse Prefecture, reached Nepal on 20 December 1999. In his village farmers were not allowed to keep more than 15 goats or sheep per family member. Chinese authorities inspected the villages in autumn and slaughtered excess animals. This policy was instituted by Ngamring County officials in 1994 and those who failed to comply were publicly criticised and had their animals confiscated.

**A young monk from a nomad family**, came to Dharamsala on 4 January 2000. He reports that in his village in Shersul County, Ganzi TAP, Sichuan Province (Kham), there are animal limits. "My family have no land. We have 20 *yaks*, 7 *dri*, 100 sheep, 3 horses. There is an animal limit in the area. Each family is allowed to keep 7 *yaks*, not more, 4 *dri*s, 20 sheep and 3 horses. For each sheep over the official limit there is a fine of 3 yuan, for each *yak* over the limit

the fine is 5 yuan. It is 2 yuan for each offending *dri*, and also 2 yuan per horse over the limit. The village head collects these fines and hands the money over to the *dzong* (County) authorities who issue the limits in the first place. However, to make any kind of profit it is necessary to transgress this limit, and it is still possible to make something after paying the fines, from selling the skins and so on. As yet the animals have not been taken away by the authorities for redistribution. They say this will be done shortly, but no date has been set.”

**A young nomad**, from Lhasa Municipality, came to Dharamsala on 30 January 2000. There are 9 members in his family. The family has 40 *yak/dril/dzo*; 80 sheep; 1 horse. Each member is allowed 30 sheep or the equivalent thereof with 1 *yak* counting as 6 sheep. They are not fined but they must either kill them or sell them to others. Every year the village head comes to calculate the number of animals and sets a date by which offending animals must be sold or killed. He doesn't know how many animals his family had before, but redistribution occurred in 1980.

**An anonymous nomad** from Ngaba TAP, Sichuan Province (Kham), came to Dharamsala on 24 January 2000. His testimony points to differing practices with regards to animal limits. In his area officials lease animals and also limit them. The family have 80 *yak/dril/dzo*, 20 sheep, and 3 horses. “The animals are owned by the government and given to the people for 10 years by the Township authorities. This policy came about in 1988-89.” Before this he doesn't know how many animals his family had. Before 1988-89, groups of 10 families were given animals to share. Then family allocation occurred. “Each family is given 80 animals and if they have less than this they must pay money to the government. The Township fixes these fines. There is little chance of going too far over these limits either because we have to pay meat tax and kill animals to pay for their taxes.”

The animal limit policies vary widely and seem to be implemented in a haphazard way like taxation and procurement policies. In some cases it seems that to prosper, nomads and semi-nomads must exceed the limits in any case and pay the fines levied.

Such intervention in the market economy is counterproductive and damaging. The limits act to unnaturally constrain this integral sector of animal husbandry within the wider Tibetan economy, and along with other agricultural policies such as fencing of nomad grazing lands, reveal an unfamiliarity with traditional practices and an attempt to control Tibetan practices and ways of living. Once again, Tibetan participation and consultation in the formulation and implementation of such policies is either minimal or heavily constrained.

#### FENCING AND ATTEMPTS TO CONTROL THE NOMADIC EXISTENCE

There are 9 members in **Dakpa Gyatso's** family. They have 70 sheep, 30 *dris/yaks*. Most of the 400 families in their village in Rabkong County, Mahlo TAP, Tso-ngon Province (Qinghai), are nomads and farmers. The family gives around 10 sheep as meat tax, and 600 yuan as land and water tax per year. "In 1997 the authorities collected 1000 yuan from each family in the village to pay for the demarcation and fencing of the grazing land. The farmers and nomads have protested these changes but were threatened with police and the army, and this policy has greatly affected livestock productivity and further impoverished nomads in the region," reported Gyatso, a 25 year-old monk who arrived in exile on 23 April 1999.

**Nyima**, a 27 year-old nomad from Nagchu County, Nagchu Prefecture, arrived in Dharamsala on 11 February 2000. Nyima felt strongly that the nomad existence was being directly threatened by government policies. He said:

"The Chinese authorities do not like the nomads, and they impose many limitations on our way of life, so that life will be hard and to encourage us to stop living as nomads." This discrimination and prejudice is indirect. The nomads in his area could not move freely. "We are given a particular piece of land and have to stay there. Generally we are given around 20 *mu* of land. We are told to fence the land or else we are fined 5 yuan per sheep. There are some nomad families who because of heavy taxation became very

poor and had to leave the nomadic way of life. They open small tea shops on the road construction.”

**Kunchok**, a 22 year-old monk from a nomad family from Shersul County, Kandze TAP, Sichuan Province (Kham), arrived in Dharamsala on 4 January 2000. According to his testimony his family must fence their pastures and cannot let their animals graze freely. “My family had to pay 4000 yuan for the cost of the fencing and if we had refused we would have had to pay 8000 yuan for the fencing as punishment.” Bizarrely, the family can only kill animals if they have animals over the official government limits and then are only allowed to kill these offending animals.

The fencing of the traditional grasslands of Tibetan nomads has led to increased economic hardship for some and divisions between various tribes over the areas in which they can graze their animals. There have been a number of reports of fighting between rival groups with deaths occurring, as a direct result of the fencing policies. On 20 May 1999 fighting occurred between the Arig tribe of Sogpo County, Malho TAP, Qinghai Province, and the Ngulra tribe of Machu County, Gannan TAP, Gansu Province.<sup>103</sup> This incident resulted in 5 deaths and added to the total at that time of 29 deaths from such incidents since August 1997.<sup>104</sup>

TIN made the following criticisms of the government’s handling of these disputes, pointing to their origin in this case in the government policy of fencing:

“The traditional role of influential religious figures has been taken over by the state, whose hands-off approach is prolonging disputes, affecting the economic productivity of the communities involved and contributing to a break-down in the sense of affinity among the nomadic population.”<sup>105</sup>

In many cases the cost of the fence construction is borne by the nomads themselves, and there have been concerns about those who are allocated inferior land with poor access to water and other essentials. In addition there are environmental issues such as increased erosion and the degradation of grasslands due to “unsustainable herd size” in many areas as a result of state policies of communisation from the 1960s until the reallocation of animals

in the 1980s.<sup>106</sup>

## GOVERNMENT ASSISTANCE TO TIBETAN FARMERS AND NOMADS

The following testimonies reveal that local government and higher levels of officialdom are not doing enough on the ground to alleviate hardship and poverty during times of economic crisis. This is most obvious when areas are affected by natural disasters such as heavy snowfall or crop failure.

“For two years my village didn’t have good crops due to heavy snow fall. Despite the failure of crops, there was no government assistance, and we still had to pay a heavy rate of taxation, despite our yield being much smaller. At these times all the village people faced problems and had to sell their animals. For the years of 1997 and 1998, my family had to sell 15 *yaks* and 20 sheep, as a result of the crop failures,” said **Tamding**, a 19 year-old farmer from Haiyen County, Qinghai Province (Amdo) who reached Dharamsala on 15 December 1999.

A 24 year-old nomad from Malho Tibetan Autonomous Prefecture in Qinghai Province (Amdo) arrived in Dharamsala on 3 January 2000. He reports that there have been instances of government aid during agricultural crises, but that taxation remained the same at these times. In 1996 Chinese County authorities gave each family in the village 500 yuan in government assistance. This compensation was given after a very heavy snowfall when many lost animals. “My family lost 20 *yaks* and 6 sheep. The compensation was not enough money and we still had to pay our taxes at the usual rates, though not for the dead animals. There are no Chinese farmers in the area.”

According to **Tamding**’s testimony many animals died of diseases in his area in Sangchu County, Gannan TAP and nomads were not given any government assistance at that time. Tamding, a 19 year-old nomad from Sangchu County, came to Dharamsala on 25 January 2000. **Buchung**, a 28 year-old nomad from Damshung County, Lhasa Municipality, arrived in Dharamsala on 30 January

2000. He also reports that while previously richer families used to help those in need in his area, now there is no aid from the government when there are natural disasters or poor crops. An **Anonymous nomad** from Chuchen County, Ngaba TAP, Sichuan Province (Kham), came to Dharamsala on 24 January 2000. He told TCHRD, "when we have difficulties, sometimes the government gives flour but only when there has been heavy snowfall and at this time 300 *gyama* is given to each family. This has happened twice and the source is the Township authorities, but the amount given was insufficient."

Despite its many claims to the contrary<sup>107</sup>, China has failed to improve agricultural conditions and productivity in Tibet by any great margin, especially when we consider that Chinese officials have had nearly 50 years to work with. Tsewang Phuntso in his study of the history of development in Tibet concludes that "the lives in rural Tibet remain almost unchanged during the past 40 years. The Tibetan farmers still till the soil with the same old farming techniques... The PRC's well-publicised initiatives to improve grain production in rural Tibet still remain concentrated in a few fertile valleys. Most of the peripheral areas are neglected."<sup>108</sup> In fact many of its experiments with new agricultural techniques such as the introduction of winter wheat have been failures and have only further alienated Tibetan rural workers. Winter wheat takes a lot of input and time and reduces soil quality. Initially it was grown during the 60s and 70s to feed Chinese settlers, officials and military who were unused to the traditional Tibetan staple of barley (*tsampa*). Phuntso notes that during this phase of Chinese experimentation, "Wheat outputs declined after some initial huge harvests."<sup>109</sup> Along with such unsuitable crops, fertilisers have also had a detrimental long-term impact on Tibetan farmland. **Dawa**, a young farmer from Kyirong County, Shigatse Prefecture, arrived in Dharamsala on 25 January 2000. He reported to TCHRD that his family is ordered to buy fertiliser from the government. Fertiliser costs 150 yuan per small sack and his family has been encouraged to use fertilisers for 10 years. But "once fertiliser is used, if we do not use it the next time, then the following crop suffers. This is a big problem for



those in my community who cannot afford to buy fertiliser anymore.”

Yet despite continuing evidence of a failure of agricultural policy, the Chinese government continues to claim that it is making life better for Tibetan farmers and nomads. Ann Forbes and Carole McGranahan concluded in their study of development in Tibet that local officials exert a great degree of control over the lives and lifestyles of nomads. There is also a disjuncture between the policies initiated in Beijing and Lhasa and the ways in which they are implemented at a local level.<sup>110</sup> In this, as in other areas under the broader category of the Tibetan right to development, there continues to be a widening gap between the rhetoric of the State and the reality of Tibetan lives.

## F. MEDICAL TREATMENT

Article 12(1) of the ICESCR provides that, “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” China now claims to have provided a comprehensive basic medical infrastructure in Tibet. Recent claims are that:

“By the end of 1997 Tibet [TAR] had 1,324 medical and health establishments, 127 more than in 1991; 6,246 hospital beds, 1,169 beds more than in 1991, averaging some 2.5 beds per 1,000 people; 10,929 medical and health personnel, a 24.46 per cent increase... In Tibet a preferential medical policy is being carried out. Medical treatment is free in farming and pastoral areas, and is financed jointly by personal medical insurance and the state in cities and towns.”<sup>111</sup>

Because of the economy of scale, the majority of the hospitals and medical clinics are located in urban centres. This provides treatment to the urban Chinese rather than the distant, rural Tibetans. This conclusion is verified by Tibetan interviews. For instance, **Dhorchoe Kunchok Tendar**, age 61 from Chamdo Village, on 16 April 1998 talked about the cost of treatment in Chamdo. Tibetans must pay 500 yuan to be admitted to the governmental hospital, even if the person is dying. The Tibetan Medical Institute also charges

500 yuan. Rural hospitals are rare. **One young resident of Lhasa**, age 22 years, arrived in Dharamsala on 6 January 2000 and reports that "there are so many hospitals in Lhasa". However, he also reports that a relative who was stabbed had to pay 5000 yuan as an advanced deposit to receive treatment, and received no refund of this deposit. Medical treatment in the big cities does not come cheap.

**Namgyal Choephel**, age 56 from Na-Kar Tse County, Lhoka Prefecture, "TAR" on 29 April 1998 said that there was no medical care in any of his village; rather anyone would have to travel 2 hours to the County for treatment, where admission to the clinic cost 100 yuan. The medicine usually would cost more than 1000 yuan. **Dawa Tsering**, age 35 from Chamdo Prefecture, Gasok *Shang*, said on 8 October 1998 that there was no hospital in his village. There is one hospital in the County that charges 700 yuan for an examination. **Tsetan Norbu**, age 30 from Shigatse Prefecture, Ngamring County, Chu-Wok *Shang*, described on 1 January 1999 that he was hospitalised for a fracture of his right arm and paid 1750 yuan. A woman whom he knew named Bhu Chok applied for admission to the hospital for an emergency appendicitis; because she did not have 3000 yuan, the hospital did not treat her.

"In Dhingri County, there are 7 villages with a total population of 4500 Tibetans. They are mostly farmers. There is no electricity, and for every 3 people there is a one room house. There is a small clinic in the Township, but for major treatment or to buy medicines, people must go to the County hospital, which is 50 km away. Many times people self-medicate and die in their homes," reported **Tsultrim Kelsang**, a 32 year-old farmer from Dhingri County, Shigatse Prefecture, who reached Nepal on 19 November 1999.

The two main obstacles facing Tibetans in accessing adequate health care, are distance and the heavy cost resulting from the required payment of an advance deposit before admission is permitted in many of the larger hospitals. These kind of impediments have lead many Tibetans, especially those in rural and remote areas to think of the larger hospitals as places they could never go, except in extreme circumstances.

The following examples given by recently arrived refugees

give further insight into the state of health care in Tibet.

**Dawa**, an 18 year-old farmer from Kyirong County, Shigatse Prefecture, arrived in Dharamsala on 25 January 2000. Dawa would have to go to the People's Hospital in Kyirong Town for treatment. A deposit of 2000 yuan is required or else there is no treatment available. There is no financial help from the government in paying for health care. Just recently authorities announced that you needed a green book to go to hospital. People must pay 10 yuan for this book, and it is meant to reduce hospital fees by half. In reality, with or without the green book, you still pay the full amount for health services.

In fact, health care is meant to be free for farmers, but according to Dawa this is all lies. For minor problems if you don't have the 10-15 yuan to pay for treatment, then you will not be treated. Dawa had heard a story of an old Tibetan man in a hospital in Lhasa who died in front of other waiting patients because he didn't have the 2000 yuan needed to receive treatment.

"There is no hospital in my village. We have to go to the nearest town when we are sick. It takes a whole day walking to get there. If it is a minor problem we do not have to pay an advance deposit. But we do have to pay an advance for surgery. A short consultation is free, but they must pay for the medicine," said **Nyima**, a 27 year-old nomad, who escaped to Dharamsala on 11 February 2000 from Nagchu County, Nagchu Prefecture.

**Gangkyi**, a 29 year-old nomad from Tsaka County, "TAR", arrived in Dharamsala on 12 February 2000. She reports that there is one small village clinic that is Tibetan, but the standard of health care is poor. For villagers with a major problem, they have to go to the County hospital. Nomads and common people simply cannot afford to do this. The cost of an ambulance to the County hospital is 100 yuan, and patients must pay an advanced deposit of 800 yuan to be admitted. The authorities provide no preventative health measures in the village.

"There is no hospital in my village. Local Tibetans have to go to the Township for the small hospital and to the County for a bigger hospital. The major impediment to access to health care is the 800-

900 yuan advance deposit that must be paid to receive treatment at these hospitals. Tibetans face problems paying this amount and if they have a really serious condition must borrow from others. There are no health care prevention measures," recalls **Tamding**, a 19 year-old farmer, who came to Dharamsala on 15 December 1999 from Haiyen County, Qinghai Province (Amdo), Tibet.

There are no medical facilities in **Namlang**'s village. In the Township there is a people's hospital. The basic consultation fee is 5 yuan, however, to receive admission for anything serious at this hospital they must pay an advanced deposit of 500 yuan. Medicine is paid for separately. Namlang had been to the Township hospital to receive treatment for intestinal problems. He had to pay 2300 yuan altogether for medicine, his bed and treatment for one month. The facilities in the hospital were good. In this hospital patients have to bring food from home. "By horse it takes 8 hours to the hospital from my home, but there are a few buses which take 3 or 4 hours from the village to the Township. The doctors see the patients in the mornings only and if the patients have a problem they have to shout and beg for the doctors to come to see them," said Namlang, a 24 year-old nomad from Mahlo TAP, Qinghai Province (Amdo), who arrived in Dharamsala on 3 January 2000.

Some Tibetans have reported that they face problems with being prescribed out-of-date medicines, and being given poor treatment. One such case is reported by **Kunchok**, a 22 year-old monk from a nomad family. Kunchok comes from Sershul County, Kandze TAP, Sichuan Province (Kham), and arrived in Dharamsala on 4 January 2000. There are no medical facilities in Kunchok's home village and but a small clinic in the Township where fees for a brief consultation are 13 yuan. There is a large Chinese hospital in the County centre, but the family doesn't go there because the medicines and treatment there are really expensive. In addition doctors give expired medicines to the nomads, this is also done in the Township clinic and sometimes doctors give the nomads the wrong medicines because they know that the nomads are on the whole uneducated and take advantage of this. Many people die as a result of being given incorrect or expired medicines. Kunchok has

seen one such case with his own eyes and heard of many other cases. One man from Kunchok's village had lung problems and was admitted to the County hospital. He was treated with the wrong injection and expired medicines. He remained in the hospital for 3 days and died as a result of this malpractice. The man had to pay 700 yuan as an advance deposit to be admitted and then 300 yuan on top of this per day for his bed and medicine. According to Kunchok, the doctors give expired medicines to nomads only. In his village those who have been to school can sometimes tell the others whether the medicines are expired, as they can read. The people in his village prefer to see a lama for treatment, even if they are near death, as they know the treatment in the hospital will be expensive and often useless. There are no government health prevention measures, but Westerners once came to their village to give the villagers injections. Kunchok doesn't know what this was for.

## G. HOUSING AND LOCAL INFRASTRUCTURE

Clarifying the nature of the right to housing provided by Article 11(1) of the ICESCR, the Committee on Economic, Social and Cultural Rights has stated that, "the right should not be interpreted in a narrow or restrictive sense that equates it with, for example, merely having a roof over one's head or view shelter exclusively as a commodity. Rather it should be viewed as the right to live somewhere in security, peace and dignity."<sup>12</sup> For a number of Tibetans this right even in its most basic sense of having shelter is not provided as most of them do not have even the most basic housing available to them. With respect to the other constitutive elements of the right, these are constantly violated by the policies of the state such as high taxation for basic amenities.

A key theme emerging in this report is that of Tibet as a land of extremes of underdevelopment and over development. This can be clearly seen in the area of housing and local infrastructure where many nomads and farmers from remote areas simply do not have the access to the infrastructure that Chinese development has brought.

The following testimony gives an example of how remote some Tibetan communities can be. **Ngawang**, is a 24 year-old farmer from Derge County, Kandze TAP, Sichuan Province (Kham). In his village there are 60 Tibetan families with a population of around 500 people. Most of the villagers are farmers. Their village has no motorable roads, and is located in a deep valley. The villagers have no electricity, shops, clinics or schools nearby. To buy or sell anything the villagers must travel to the County or Township.

**Tsering Gyatso**, a 17 year-old student from Sichuan Province, Ngaba TAP, Zongge County arrived in exile on 30 April 1999. Despite the fact that his family had to pay a number of taxes they lived in a tent during the summer and in the winter they made a small grass house to accommodate their family, they don't have any electricity or any other facilities.

"Most of the Tibetans in my village live in mud houses with one room. The Chinese had concrete houses and only the Tibetans who worked in the Chinese offices had concrete houses. There are also a lot of homeless people who are not nomads but because they do not have a house or any land, they live in a tent. Even they have to pay 5 yuan as a tax for the land which they pitch their tents on," reported **Tsering Norbu**, a 37 year-old man from Dzongka *Shang*, at the border of Kerum. He arrived in exile on 13 January 2000.

**A 24 year-old nomad** from Malho TAP, Qinghai Province (Amdo), came to Dharamsala on 3 January 2000. There are five members in the family and they live in a one room mud house. They have no furniture and no access to electricity. For heating his family burn animal dung. There is no wood in this village. There are no telephones in the village, but there is a telephone in the Township. The family does not have a toilet.

The 6 members of **Yeshe's** family live in a *yak* hair tent. While they do not have beds, tables, or chairs, the family has blankets and pillows. They put their cup on the floor. There is no electricity and for heating they burn animal dung and sometimes wood for the fire. They are allowed to collect dry wood on the ground but cannot cut any trees. They have no toilet. Yeshe is 20 year-old nomad from Nyagchuka County, Sichuan Province (Kham). He came to

Dharamsala on 30 January 2000.

“My family has 7 members. We live in a mud/dung house with 4 rooms. We have no beds, only 1 table and burn animal dung for heating. We have no electricity. The nearest telephone is in the Township and we use the outdoors for toilet. All of my family work and I am the youngest. We pay no rent,” reports a **19 year-old nomad** from Sangchu County, Gannan TAP, who arrived in Dharamsala on 25 January 2000.

**A husband and wife from a nomad area** in Derge County, Kandze TAP, Sichuan Province (Kham), arrived in Dharamsala on 31 January 2000. There are only 2 family members. This is their testimony. “We live in a *yak tsipa* (black *yak* hair tent). We have no blankets or furniture and use our *chubas* to sleep in, wearing our clothes at night to keep warm. We use wood for heating and have a mud stove. At the top of our tent there is a flap to release the smoke and at night this is closed. There is no electricity.”

There are 9 members in **Buchung's** family and he makes the following comments about their housing conditions. “We have mud houses but also use tents when we take the animals grazing. Only from last year have we had electricity, and the authorities collected 50 yuan from each family for this; those who didn't pay didn't get connected. Then families have to pay monthly for electricity. Per 100 W bulb you pay 40 yuan per month, per 60 W bulb 30 yuan per month. There is no wood and so we use animal dung. There is a phone in the Township or the County centre.” Buchung is a young nomad from Lhasa Municipality. He came to exile on 30 January 2000.

## HOUSING IN LHASA

The Chinese government has claimed great improvements in urban housing, though much of the housing has been built for Chinese settlers and has resulted in the destruction of urban cultural heritage. A recent white paper on human rights claimed, “Municipal

construction has been speeded up in major cities and towns... Since the 1980s more than 300,000 sq m of old residential houses have been rebuilt in Lhasa, and 5,226 households have moved to new dwellings. All this has improved the living environment and quality of life of both urban and rural residents."<sup>113</sup>

But refugee testimony, though difficult to find in this area, and academic opinion raise questions about whether this new Chinese housing has in fact delivered improved living conditions to Tibetans living in the cities such as Lhasa. In fact Lhasa's economy has been artificially fuelled by a construction boom to such an extent that buildings built by the Chinese in recent times have been pulled down only to be built again. There are also reports of much of the finished construction lying unoccupied, although most of the housing is built for Chinese settlers and housing policies can be seen to be interconnected with the policies of population transfer.<sup>114</sup> In the few areas of Lhasa where traditional Tibetan housing remains, there are constant pressures for development and further desecration of Tibetan cultural heritage.<sup>115</sup> The Chinese have also built poorly constructed "Tibetan-style" housing which has environmental, cultural, sanitation and comfort concerns. The conditions for residents are cramped and unhealthy. Whereas previous structures could have been improved upon through renovation, older housing has been pulled down and shoddily-constructed, Chinese-designed housing with a whole new set of problems has been built. Many of these problems relate to cultural heritage concerns, but also stem from the unique nature of Tibet's environment with which traditional Tibetan buildings had synergised over time.

Scott Leckie, in a major study on the violation of housing rights in Tibet, listed 10 main areas of violations: racial discrimination in housing; demolition of houses and forced eviction; increasing homelessness; restrictions on residency; evictions on racial grounds; housing insecurity and poor living conditions; intentional denial of public amenities; selective investment in public housing; lack of popular participation in planning and design of housing projects; and expropriation of housing (occasionally as punishment).<sup>116</sup>

**A small businessman from Lhasa**, arrived in Dharamsala on



6 January 2000. He comes from a Khampa farming family. In his words, "earlier farmers had lots of lands, these were taken away by the Chinese and so now some of us go to the cities to look for jobs, but there are not enough jobs and the taxes are high." He and his cousin brother took a room in Lhasa, with the rent at 200 yuan per month. "We shared a 2 room flat. The flats are of stone construction, new Chinese housing. We lived in the Banak Shol area. Our flat had a table and bed but these were owned by my cousin brother, who also runs a small business. The flat had electricity which cost 15 to 20 yuan per month. We used gas for heating, and one cylinder which costs 40 yuan lasted for around 2 months. We did not have a phone. In the housing complex, 15 families had to share the one toilet, for which we each had to pay 3 yuan per month."

Poor sanitation is a real concern in the Chinese housing and Leckie has gathered evidence that "the new housing provided after demolition of historic areas in Lhasa is culturally barren, more expensive to rent, smaller, less comfortable and unsuited to Tibetan conditions, causing health concerns."<sup>117</sup> The new constructions also have inferior access to electricity, water, and sewage facilities.<sup>118</sup> Furthermore, the new housing has not incorporated the energy-saving, heat-conserving features of traditional Tibetan constructions.

Although increasing attention is being focused on the cultural desecration of Lhasa, and other urban areas in Tibet, the demolition continues. **A 17 year-old Lhasa resident** told TCHRD that in 1997 around 150 traditional Tibetan houses were demolished in the eastern part of Lhasa. The residents were poor Tibetans who could not afford to pay taxes for their homes. They were expelled to their native villages without compensation. After the houses were demolished apartment buildings for Chinese officials and settlers were constructed on the site. **A young woman from Lhasa** arrived in exile in January 2000. She reports that often authorities order Tibetan families to leave their houses because of planned construction. They are given smaller apartments or a little compensation. Some are even required to pay for the new housing they are allocated after their forced eviction.

Even though we have detected a sharp divide in the housing

and provision of basic infrastructure between urban and rural areas, the situation in Lhasa and other cities is far from adequate. Housing conditions in urban areas are of serious concern and the demolition of Tibet's urban cultural heritage continues apace. Leckie concludes: "Tibetans face systematic discrimination in the housing sphere, possess no rights to participate in or control the housing or planning process, confront significant barriers to accessing housing resources, have little real housing security and, in many cases, are forced to reside in living conditions inferior to those enjoyed by Chinese migrants to Tibet."<sup>119</sup>

#### H. STANDARD OF LIVING: FOOD, CLOTHING, FAMILY AND LIFE

In 1980, Hu Yaobang, then Secretary-General of the Chinese Communist Party (CCP), in a speech to "TAR" cadres admitted what has rarely been spoken of by Chinese officialdom. He said, "There has been no great improvement in the lives of the people of Tibet, and there are some places where there has even been a bit of a decline."<sup>120</sup> It is a very difficult thing to gauge something as broad as the concept of "standard of living", although there are many indicators in the factors emerging in this report so far of what might be perceived as the constitutive elements of a Tibetan conception of standard of living. In its interviews TCHRD has attempted to give recently arrived refugees the opportunity to talk about a range of matters relating to "Family and Life". These questions focused on areas that have already been covered such as housing, family size, facilities, living expenses, and health care. And also on food and clothing which have not so far been discussed except in the context of Food Security. We also asked a broader question, "has your standard of living changed over the years?"

There are two broader aims in our looking at standard of living in Tibet. Firstly, by including this section we hope to continue the theme of shifting the focus from income to consumption in discussion

of the standard of living and level of poverty in Tibet. Income can be highly misleading, while consumption is difficult to ascertain and can only be explored by asking people of their actual day-to-day lives, a process which we have begun but which needs to be continued and expanded upon.

Secondly, TCHRD hopes to begin the process of letting Tibetan voices challenge Chinese and Western definitions of what might constitute "standard of living". In a number of areas interviewees have taken our initial questions and gone on to talk more broadly about how they perceive life in present day Tibet, the boxed sections throughout the text aim to give a sense of these life stories, where elsewhere for structural purposes, the testimony of interviewees has been broken up into the various categories of discussion.

There is also support within mainstream economic analysis for a broadening out of established categories. Amartya Sen confronts these questions by arguing the following:

"the freedom-centered perspective [on development] has a generic similarity to the common concern with "quality of life," which too concentrates on the way human life goes (perhaps even the choices one has) and not just on the resources or income that a person commands. The focusing on the quality of life and on substantive freedoms, rather than just on income or wealth, may look like something of a departure from the established traditions of economics, and in a sense it is... But in fact these broader approaches are in tune with lines of analysis that have been part of professional economics right from the beginning."<sup>121</sup>

The following testimonies reveal a similar focus on freedoms and quality of life. Indeed, increasingly in human rights law development is being seen in terms of human development. As the UN High Commissioner for Human Rights, Mary Robinson, recently commented, "There is an understanding that strategies and policies which target GNP growth and financial and economic indicators alone, without taking full account of human and social factors, are not a sound approach to development."<sup>122</sup> Many interviewees talked of religious repression when asked about economic and social conditions in Tibet, such as an anonymous follower of Geshe Sonam

Phuntsok who came to Dharamsala on 2 February 2000, following the arrest and imprisonment of his lama.<sup>123</sup> **Dawa**, a young farmer from Shigatse Prefecture, who arrived in Dharamsala on 25 January 2000, concluded his interview by talking broadly of the lack of freedom and participation in the political sphere. He said due to the restrictions on information, "In Tibet, Tibetans are like a frog in a well, they do not know of the situation other countries, and it is difficult even to talk of the situation within Tibet itself." Others, like **Nyima**, a young nomad who arrived in Dharamsala on 11 February 2000, talked of restrictions regarding the Dalai Lama. He said "In Tibet, Tibetans cannot display photos of His Holiness the Dalai Lama. The Chinese say His Holiness is a splittist. Now I am happy to be here in India." Nyima also talked of birth control policies and forced sterilisation.

**Tamding**, a 19 year-old farmer from Haiyen County, Qinghai Province (Amdo), arrived in Dharamsala on 15 December 1999. He saw his family's living conditions as linked to heavy taxation policies. "My family's living conditions have worsened over the years. We pay about half of our income as tax, whereas earlier we could keep this money. This new taxation policy was introduced in 1997, but now our tax bill has increased to 4000 yuan per annum. Given these financial pressures, my family often cannot pay for adequate health care and we struggle to pay our tax at times."

Many of the interviewees from rural areas talked mainly in terms of food and clothing when asked about consumption, reflecting the subsistence issues which can dominate daily life for many. **Yeshe**, a 20 year-old nomad from Nyagchuka County, Sichuan Province (Kham), arrived in Dharamsala on 30 January 2000. There are 6 members in Yeshe's family. The youngest is 13 and is in a monastery, an older brother who is 28 is also in the monastery, all others in the family work. They do not pay rent. They spend any money which they can earn from collecting *yartsa gumbu* on food. Their diet consists of *tsampa*, flour, rice, meat, butter and cheese. "We have to buy everything except for cheese, meat and butter. We have to buy these food supplies from Chinese government shops in the County centre. We are not allowed to buy food anymore in private

shops, and this policy has been enforced since 1999. The government shops are more expensive and furthermore the food is often of a poor quality with worms and weevils in the rice and so on. All of the private shops have been closed down specifically so that the County government shops will have a monopoly.” In terms of income, his family is able to earn 2000 to 3000 yuan by collecting and selling *yartsa gumbu*, which they can gather in May and April. Village people are able to make some money from this and the Chinese use the plant for medicine. There are no government restrictions on this activity. “We do not buy new clothes every year, but if we have money from *yartsa gumbu* they buy clothes. We wear *chupas* over pants.” According to Yeshi his family does not buy other goods. When asked specifically about standard of living, Yeshi commented, “Whatever my family earns we spend on food. The rest we simply cannot afford. We cannot buy good things for our home. Our standard of living has been this way for years.” Yeshi hopes to go to Tibetan school in India and will not return to Tibet until Tibetans get their country back. “Then I will return to help my village people.”

**Tamding**, a young nomad from Gannan TAP, Gansu Province, came to Dharamsala on 25 January 2000. His family’s expenses for food come to around 1500-2000 yuan per year. Their estimated annual income is 4000 yuan for the whole family. Their diet is based around *tsampa*, rice, sometimes *tingmo*<sup>124</sup> and only occasionally butter and meat. They buy rice, flour and *tsampa*. The villagers wear sheep skins, Chinese pants and *paktsas* (fur-lined *chubas*), and his family spend around 700-800 yuan per year on clothes. They have no other expenses. Often they cannot afford new clothes and shoes, prices have really risen in the past few years while the quality has gone down.

**A husband and wife from a nomad area** in Derge County, Kandze TAP, Sichuan Province (Kham), arrived in Dharamsala on 31 January 2000. They earn about 700-800 yuan per year from *yartsa gumbu* which they use to pay the government as tax. They also sell *yak* meat, butter, wool and cheese (but are not sure how much exactly they earn from this). Generally the couple are unable

to save anything, but whatever they have is usually enough to run the family. They had the following to say to TCHRD. "In our area, there are no roads and there is no school, it is very remote. We never eat vegetables. Our diet consists mainly of *tsampa*, butter, meat, bread, rice and flour. We also eat *droma* [potentilla sp.] which we can find in summer. Our diet has remained pretty much the same. We buy rice, *thukpa* (noodle) and flour and our food expenses per year come to approximately 2000 yuan depending upon what we are able to earn. For clothing we wear *paktsas*. These are made by Chinese and we have to buy them. There are different kinds but we buy the lowest quality and cheapest *paktsa* which costs 125 yuan per piece. We buy a new *paktsa* once every 3 years. For footwear we wear soldier's canvas shoes which cost 10 yuan per pair." They do not have the money to afford any other goods after buying clothes and food. Basically the couple spend everything they have on food and clothing. They don't really have anything spare after this. There is a lot of clothing which they cannot afford to buy, especially good quality clothes. They cannot afford jewellery and they cannot afford to eat the same standard and quality of food which they used to eat.

**Kelsang**, a young businessman in Lhasa had some different picture of what was possible. He came to Dharamsala on 6 January 2000. While he commented that the prices for goods in Lhasa were increasing every year. He had enough to eat and enough income to buy fashionable clothes. From his perspective his standard of living was reasonable but he argued that in general the Chinese had made the Tibetan people poor. By hard work and by moving to Lhasa he felt that he had been able to achieve a level of comfort, though as he pointed out this was still relative comfort.

"I have 10 members in my family. We need to buy flour, rice and barley, and our food expenses come to maybe 2000 yuan per year. For clothing sometimes we wear Chinese clothes; sometimes *paktsa*," reported **Dawa**, a young nomad from Golog TAP, Qinghai Province (Amdo), who arrived in exile in Dharamsala on 3 January 2000. "The prices for consumer items and food and clothes are increasing. Our standard of living is getting worse. After going to school here in India I will return to Tibet. But I will not find any

jobs and so I will look after my family's animals."

"I have 9 family members. My family's standard of living has fallen. There are no rich and no destitute families in our village, we all must help each other to survive" reported an **anonymous nomad** from Ngaba TAP, Sichuan Province (Kham), who reached Dharamsala on 24 January 2000.

Conceptualising the standard of living and consumption rates in Tibet is a complex and fraught process, but we begin to see the patterns of over and under-development, the levels of existence, the divides. We can also see the ways in which Tibetans have adapted to a variety of circumstances, though for many issues such as whether they will have enough food and clothing dominate. But as the preceding testimony illustrates, even these subsistence issues are also seen in the context of political and religious freedoms, and overwhelmingly through the prism of the potential freedom to live as a Tibetan with cultural, social, economic and political autonomy.

**Dhondup**, a young student from a farming family in Kandze Dzong, Kandze County, Sichuan Province (Kham), arrived in Dharamsala on 2 April 2000. He expresses this last point powerfully and clearly. "My maternal grandmother told me that during her time when the Chinese first invaded Tibet, they confiscated all the land and wealth. That was a terrible time. Then came the commune system, which was also awful. Then came the redistribution of land, after which time, life got a little better for Tibetans in Kandze. In terms of food, clothing and housing, life is not as bad as it was during the cultural revolution."

However, Dhondup feels that freedom is more important than food, clothing and shelter. "Freedom of expression, democracy and a civil society will lead to great improvements in the standard of living, even in terms of food, clothes and jobs. The only way to deal with economic and social hardship is to have political freedom and democracy, whereby you can elect your own leaders and participate in the processes which impact on your life."

## IV. The Tibetan People and the Right to Development

### A. THE FUTURE OF DEVELOPMENT IN TIBET

As we have seen, the nature of development in Tibet is complex and varies vastly from area to area. Despite the vision of a developed west that China is putting out, still there are enormous divides within China itself in terms of development, with the eastern coastal cities booming, and the west largely left out of the economic transformation taking place in larger cities.<sup>125</sup> Within Tibet itself, the divides are even more marked, and Gabriel Lafitte has argued that the policies of urbanisation, centralisation, and modernisation have left large social groups within Tibetan society, such as the traditionally prosperous nomads, cut off from the new infrastructure. Lafitte remarks: "If we look at the Tibetan Plateau as a whole, Chinese impacts are highly concentrated in enclaves, especially the urban enclaves, mining and resource extraction enclaves and military zones. Meanwhile, other areas remain largely untouched, neither subjected to intensive pressure to increase production, nor able to access modern services and facilities."<sup>126</sup>

The testimony which TCHRD has gathered from recently arrived refugees from Tibet indicates that the state of development in Tibet is a source of major concern, and that China's claims about reduction of poverty, adequate health care, housing, food security, lenient taxation policies, increased agricultural production, and improving standard of living in Tibet are flawed and hollow.

China has had nearly 50 years in which to develop Tibet. However, the development it has pursued has not taken Tibetan concerns into account, and has primarily been about maintaining political control in Tibet. There has been a marked absence of grassroots development. And Lafitte notes, "What is especially



conspicuous by its absence is any attempt at development of the West by investing in... the people. China's entire strategy for western development is locked onto key projects which do little to build basic infrastructure or train human beings in the skills needed for grassroots development."<sup>127</sup> Its "civilising mission" can thus be placed in the context of the history of modern imperialism, and can be seen to have failed the Tibetan people and to have infringed their right to development. When we perceive the achievement of freedoms as interdependent with the achievement of development, and when we look at concepts such as "standard of living" from a variety of Tibetan perspectives, we can see the way forward for a sustainable and equitable pattern of development in Tibet.

Unfortunately, presently the news trickling out from Chinese officials and media is that the mistakes of the past will be continued in the near future with the upcoming 10<sup>th</sup> Five Year Plan for China. Population transfer remains a key threat to Tibetan identity and culture. Post Hu Yaobang's reforms and visit in 1980, Tibetans were promised an 85% reduction in the number of Chinese cadres and large inputs of central subsidies to boost the failing Tibetan economy. The reduction of Chinese cadres was reassessed and discontinued in 1983, and in fact the huge input of state subsidies resulted in greater Chinese population transfer into Tibet and "provided an incentive for Chinese cadres to stay in Tibet."<sup>128</sup> Furthermore, China continues to be beset by population pressure leading to increased urbanisation and mass resettlement of millions from rural China to burgeoning towns and cities. A report in the *China Daily* quotes sources from the State Development Planning Commission as saying that urbanization may be made a priority in the 10<sup>th</sup> Five Year Plan. It explains that, "China's guiding principle of urbanization is to plan and develop super-large and large cities, expand medium-sized cities, and improve small cities and towns."<sup>129</sup> A further report reveals that "China is trying to help at least 100 million rural residents move into small urban areas within the coming decade."<sup>130</sup>

There are indications that China-wide the focus will remain on large infrastructure projects with Li Rongrong, vice-minister of

the State Development Planning Commission, revealing of the soon to be released 10<sup>th</sup> Five Year Plan (2001-2005):

“The construction of railways, highways and airports, and power grids in rural areas, coupled with the government’s input into technological upgrading by industrial firms will not only generate demand for the achievement of short-term objectives, but also create a favourable environment for long-term production and consumption growth.”<sup>131</sup> And yet despite the talk of developing the West, bank loans to the Western areas of China account for only 15 percent of the total for China.<sup>132</sup>

The Develop the West campaign will rely on developing highways, rail, hydro-electric power, gas and oil in the western regions. China needs to fuel the development boom in the East with energy from the West, including gas, oil and hydro-electric schemes being planned in Tibet. The plan is to finance development of the West in a number of ways including bilateral and commercial foreign direct investment loans, lottery tickets, and Chinese policy bank loans from banks such as the State Development Bank. “China will lay stress on developing hydropower plants in the western region. The goal is to realize ‘sending electric power from the west to the east’.”<sup>133</sup> Again education of and consultation with Tibetans about these projects is sorely lacking, as is their participation.<sup>134</sup>

Two current development proposals give some indication of China’s intentions for Tibet in the next Five Year Plan. The first example is the AES Dams Project. AES Corporation, a multinational company based in the United States and involved in electricity production, is planning to dam the upper reaches of the Yellow River in Tibet. The hydropower dam will cost US \$170 million as a joint venture between AES and a Hong Kong company the Truf Busy Group Ltd. The dam is to be built at Drigang Lhaka in Qinghai Province (Amdo). However, the electricity generated from the project will not benefit local Tibetans, who have no access to electricity, and will be directed towards the cities of Xining, the Chinese-dominated capital of Qinghai, and Lanzhou, the capital of Gansu Province. This project comes within wider plans to produce more electricity to feed the rapid growth of Chinese industries,

particularly in the East, but also to quickly build infrastructure in the neglected West. However, "the vast Tibetan hinterland of Qinghai remains beyond electrification, except for county administrative centres served by small hydro schemes."<sup>135</sup> Two nearby dams (Longyangxia and Liji Xia) have been the backbone of Chinese settlement and industry in Qinghai, and it is planned that the new dam will also accelerate the urbanisation and Chinese settlement of this area of Tibet.<sup>136</sup> The dam comes also in the context of increasing water shortage and erosion problems in China. It is currently not known exactly what the environmental impacts will be; equally there are potential issues regarding resettlement and displacement of local people.

The second development proposal in-line with China's strategies for the West is the recent establishment of PetroChina, a subsidiary of the Chinese National Petroleum Corporation (CNPC). CNPC has for decades been extracting oil from the Tsaidam basin in northern Tibet. The oil serves the needs of China's heavy industries, and the proceeds from the extraction and sale of the oil, along with the jobs involved, remain outside the grasp of Tibetans. Along with oil, the resource rich Tsaidam basin produces salt, gold, zinc, lead, potash and asbestos. These resources have been extracted for use in what has become a burgeoning petrochemical industry located in the arid northern area of the Tibetan plateau. This industrialisation has made possible the large-scale settlement of Chinese workers and migrants to this traditional Tibetan area. By 1991, over 200,000 of CNPC's Chinese workers had been settled in western China.<sup>137</sup>

In 1999 PetroChina was created out of CNPC, with the decision-making and the Board of Directors remaining with CNPC. This "new company", has plans to exploit Tibet's natural resources for use in the boom cities of eastern China and for the further industrialisation of Chinese cities outside of the Tibetan plateau, including Xining and Lanzhou. Recently discovered natural gas fields in the Tsaidam basin (estimates have placed these reserves in the range of 150 billion cubic metres) will be extracted and transported out of Tibet through a pipe-line stretching to the east

coast of China. According to a 1999 report from the China Chemical Reporter available on the China Business Newsbase, the ultimate destination of Tsaidam basin reserves is the middle and lower reaches of the Yangtze basin including *Shanghai*, Wuhan and Nanjing.<sup>138</sup> If this transmission proceeds as planned, within 20 years all of Tibet's natural gas will be exhausted, with no benefit for the Tibetan people.

If these two projects are an indication of the future direction of development in Tibet, resources will increasingly be extracted to supply China's urban and industrial boom, while an ever-increasing number of Chinese settlers will find employment inside Tibet to support these projects.

## B. CONCLUSION

After examining the socio-economic condition of the Tibetan people it is clear that there is a huge gap between the professed development that has taken place in Tibet and the real development that has touched the lives of the Tibetan people. The gap between the official discourse of development and the lives of the people is often blurred by the use of impressive facts and figures. In this paper it is argued that the development that has taken place in Tibet, rather than benefiting the Tibetan people has actually occurred at their cost resulting in a violation of their socio-economic rights, or broadly their right to development.

Why has the influx of Chinese money not benefited the average Tibetan? One explanation was advanced by an agency of the Australian government which was hired by China to evaluate investment in the Tibetan area of Qinghai. The Australian Agency for International Development concluded that the Chinese subsidies pump money into large superstructures rather than targeting the poor. This approach to poverty alleviation places emphasis on activities that are project oriented in nature and not necessarily on the participation of the poor in identifying and developing solutions to

their poverty. It also places emphasis on large enterprise activities and does not target poor households.<sup>139</sup>

This conclusion was echoed by the UN Development Report submitted by China in July 1998 which states: "Within the poor areas, the focus has been upon economic and infrastructure development; there has been little information about the effects of such projects on the lives of poor families themselves."

The large, cost-intensive projects create such developments as dams and roads that do not directly raise the local income. Much of the money spent on projects is drained off by the cost of project administration. According to Chinese statistics, for example, in 1993 the operating cost of TAR projects was 18.34%; and in 1996 it was 21.8%. Moreover, the true cost was higher since the artificially low percentage excluded the pension and social security costs of the workers.<sup>140</sup>

These subsidies have a direct effect on the GDP (Gross Domestic Product) while excluding the poor. Because the money paid to the construction workers is included (by Chinese definition) in the GDP, increased subsidies will immediately increase the GDP. Furthermore, because the GDP includes taxes collected from the region, all taxes paid by the project workers and all monies received from the residents to compensate for the development projects will also appear in the GDP.<sup>141</sup> Finally, the GDP is increased by the large profits made by the PRC in exploiting the Tibetan natural resources. For example, according to Chinese-published figures, the PRC has earned 30 billion yuan from 1949 to 1997 on Tibetan forestry alone.<sup>142</sup> It has through 1997 drawn 14 million tons of crude oil and more than 7 million tons of refined oil from the Tibetan Tsaidam oil field, producing 1.5 million tons of oil and gas per year.<sup>143</sup> Its 1994 extraction of coals, metals, and salts in the TAR alone was worth 580.24 million yuan.<sup>144</sup>

The bulk of China's financial subsidies go towards maintenance of Chinese personnel in Tibet. They also serve as incentives for Chinese settlers. More often than not economic growth takes place at a certain social cost. Firstly, there is a divide between the developed urban (Chinese dominated) economy and the

underdeveloped rural (Tibetan dominated economy). Within the urban economy there is a divide between the Chinese migrants and the poorer Tibetans. The economic growth that has taken place in the urban economy has crystallised as a result of the proactive role of the state in providing subsidies in ensuring a certain form of planned development. The costs of these subsidies are partially borne by the poor Tibetan farmers and nomads.<sup>145</sup>

Traditional human rights law has always assumed that once economic growth is achieved states would encourage the growth of civil and political rights and eventually this would benefit individuals and groups. Economic development, however, threatens the cultural identity of minorities like the Tibetans by supplying an excuse for the degradation of their human rights guarantees.

While it has been a consistent claim of the Chinese authorities that civil and political rights cannot be realised without the realisation of economic and social rights, the Chinese government's policies towards the Tibetan people reveals a dual violation of both these sets of rights. Economic policies of a state can result in regimes of inequality. In Tibet the social cost of the economic policies of the Chinese government plays itself out as the violation of the right to development of the Tibetan people.

What then does a right to development mean for the Tibetan people? In a broad sense the right to development entitles people to pursue economic, social, cultural and political development. Thus, even conceding that the state remains the final administrator of the right, the state's right to pursue economic development is contingent upon its observance of its duties to the people.<sup>146</sup>

By treating development not merely as the right to economic development but as a comprehensive economic, social and cultural process, the declaration severely contests the form of development followed by the Chinese state. China treats the right to development as a hierarchy of rights; with plain economic development at the top. China's strategy for economic growth expressly permits the delay of human rights protections. The policy of population transfer, for example, allows it to degrade cultural rights in the name of economic development. China has likewise failed to assure Tibetan

involvement in development. In the case of the violation of the Tibetan peoples' right to development, the verdict on the Chinese government is written by the suffering of the Tibetan people.

The following accounts of recently arrived Tibetan refugees' views of development in Tibet, powerfully disturb the narrative of progress and poverty eradication that the Chinese government has offered.

**Dawa**, a young farmer from Kyirong County, Shigatse Prefecture, arrived in Dharamsala on 25 January 2000. He reports that: "In general, Tibetans have not received many benefits from development in Tibet. While Tibetans can run businesses, they are required to pay heavy taxes. These taxes are at a higher rate than Chinese settlers running similar businesses. Tibetans can only run a business in their home village, whereas Chinese settlers are free to open businesses anywhere in Tibet. If a Tibetan businessperson did set up a business in another town, they would have to pay double the usual taxes and rates, even double the cost of electricity." **Nyima**, a young nomad from Nagchu Prefecture, arrived in Dharamsala on 11 February 2000, and feels that "Tibetans receive no benefit at all from the construction and other economic development taking place in my region."

**A young man**, from Ngamring County, Shigatse Prefecture, arrived in Dharamsala on 29 January 2000. He felt that the Chinese model of development in Tibet "is all a show to the outside world. In the rural areas there are no proper schools or infrastructure. In my area the roads which are built go to mines."

While it may be true that some Tibetans have benefited from the development that has taken place in Tibet, we must ask what has been lost, and recognise that today in Tibet many have yet to see any tangible improvements in their day to day lives. Lobsang Sangay writing of the development that has occurred, comments that, "most Tibetans have not felt themselves to be the beneficiaries... Rather, Tibetans have felt increasingly marginalized in their own territory and see themselves as mere observers of an economic development benefiting others."<sup>147</sup> Development in Tibet is one of China's greatest claims to success, but the picture emerging is of a land of

haves and have-nots. The promises made have yet to be fulfilled and the cost borne in the decades of Chinese rule has left the issue of “development”, which could be a real avenue of change and empowerment for Tibetan people, tainted and controversial. We can only hope that in the future fresh strategies and approaches will yield concrete gains for Tibetans in realising their right to development. Their participation will be the key.



## Toiling Hard for Basic Subsistence

Following are selected personal testimonies of Tibetan refugees on the standard of living of their families.

### PAYING TAXES ON TIME IS MORE IMPORTANT THAN ENSURING OUR SUBSISTENCE

*My name is Sonam. I am 26 year-old monk from Shershul County, Kandze TAP, Sichuan Province (Kham). I escaped Tibet and reached Nepal on 21 May 1999. I came from a nomad family and attended primary school from the age of 6 to 9. I joined the monastery at the age of 14. There are 5 members in my family and we have 30 dri and yaks. During the heavy snowfalls of 1995-1997 my family lost most of their animals. My family collects "Yartsa gunbu" and other medicinal plants during the summer which earns us around 2500 yuan per year. This money is used to buy cereals, clothing and other subsistence items for my family. My family greatly depends on our animals and usually face cereal shortages, which mean we must borrow from local farmers. My parents sometimes work as labourers for Chinese construction work to earn some extra money. The local Chinese authorities levy a tax of 500 yuan for the 30 animals and 5 family members per year. In the case of not being able to pay the tax on time, the authorities fine us or make us do compensatory work, or confiscate animals. Because of this, the nomads consider paying their taxes on time as being more important than ensuring their own basic subsistence because of the constant fear of penalties and threats from the authorities.*

#### FACING CROP SHORTAGES EACH YEAR

*My name is Tsering Yangchen and I am 18 year-old woman from a farming family in Meldrogungkar County, Lhasa Municipality. I came to exile on 6 June 1999. I have never been to school. There are 8 members in my family. From 1994 I worked as a construction worker in Gaden Monastery and was paid 8 yuan per day. My family has 21 "mu" of land. We grow wheat and cereals and our annual production was 168 "mu" of cereals. Of this amount my family pays around 63 "mu" of our cereals to the local authorities as tax. We are given 2 yuan per "mu", whereas the actual value if we were to buy our cereal back from the government is 40 yuan per "mu". With a big family we usually face crop shortages each year and do not have enough for family consumption. In our village there are around 10 Tibetan families and a total population of 100 people. Most of the villagers are farmers who annually pay taxes even though their crop production is low. Occasionally the local Chinese authorities provide food relief of 100 gyama of wheat flour to the needy and poor. However, even at these times such people must continue to pay their taxes and the authorities will accept material things in place of cereals as the farmers often have not produced enough to pay the taxes.*

#### STANDARD OF LIVING OF MY FAMILY WORSENS EVERY YEAR

*My name is Gangkyi. I arrived in Dharamsala on 12 February 2000. I am 29 year-old nomad from Tsaka County, "TAR". After my parents died my uncle gave me to family friends, so I became an adopted daughter to them. This family consists of an old man and woman, with 2*

children. They have animals but no one to look after them, and I look after the family animals. In return the family gave me food and clothing, but no wage. They also pay my taxes.

Each person in the village must pay butter tax and animal hide tax. My own rate is 6 gyamas of butter per year; 3 gyamas of chura (cheese); and in winter villagers have to give animal skins. The rate is 2 animal skins per person per year (yak or sheep). There is also a wool tax that the family as a whole pays which is 20 gyamas of wool per year. The village head collects these taxes, once a year in winter. When it is impossible to afford to pay these taxes, my family has to borrow the money from others in the village.

My adopted family has 10 yaks and 20 sheep/goats. They are a poor family and were given these animals by the village head who asked some of the richer families in the village to contribute some animals. In my village there are no Chinese. There are Chinese settlers in the town and elsewhere in the County, but they are not farmers. There is no government help or aid in the case of crop failures.

We live in a house with 2 rooms. We have no furniture, only thin mattresses. We have no electricity. We have no phone. For heating we have a kettle stove which burns wood. Villagers in my area are not free to collect wood. The village head has instituted a system whereby families take turns to collect wood. The wood they can collect in this way lasts for 3 months and at other times we burn dung, or sometimes we are given wood by other families. We have no toilet and use the outdoors.

5 people share the house, and all of us work, including the children. My adopted family always runs short of money and has to borrow from others for basic essentials such as

rice and clothes. I myself owe a neighbour 800 yuan. There is one small village clinic which is Tibetan, but the standard of health care is poor. For villagers with a major problem, they have to go to the County hospital. Nomads and common people simply cannot afford to do this. The cost of an ambulance to the County hospital is 100 yuan, and patients must pay an advanced deposit of 800 yuan to be admitted. The authorities provide no preventative health measures in the village. And I have never been to a big hospital, only to the village clinic. Even this is relatively costly.

The standard of living for my family has worsened in recent years and deteriorates every year. 10 years ago things changed for the worse significantly. Each year we villagers have to go for 8 days of compulsory labour in road construction. There is a fine of 10 yuan per day if you do not attend. We are paid 5 yuan per day for the work, but must bring our own meals. We have to work for 4 hours each day, from 11am to 1 pm, and from 2pm to 4pm.

#### SOME FAMILIES FACE PROBLEMS BUT NOT MINE

*An anonymous son of a village head from Ngaba Tibetan Autonomous Prefecture, Sichuan Province, arrived in Dharamsala on 10 February 2000. He came into exile for the blessing of His Holiness the Dalai Lama; and for education. Below is his testimony.*

*My family has no land, but my father is the village head and we have a great many animals. We do make some profit by selling butter and meat. We are free to kill animals and do not have to pay the government for this.*

Earlier the Chinese government gave 8 yaks for each person and 2 horses. My family has 13 members and we must keep to these levels, but obviously we have many more. There are richer families in the village. My village is prosperous and there are 500 families, only 8 or 9 are poor. There are only Chinese in the Township.

My family pays: land tax; people tax; animal tax. All up we pay 30 000 yuan per year. This is a lot of money. My father, the Township head and the County head all come together to collect the tax in August/September. They have to give one yak at this time, though if you have a big family you have to give 2 yaks. Some families face problems but not mine, taxes are always increasing.

In summer we live in tents, but have a cement house also which is given due to my father's position. My father has been the village head for 30 years, and has been re-elected during that time. However, the names of the candidates for the election are prepared by the County authorities, and my father must go to a meeting in the County every year. There is no salary attached to my father's position, this is only for officials who work at the County level. At my village level there are 7 or 8 other committee members who all get housing but receive no wages and no health care benefits.

We don't pay for electricity, but others do have to pay. There is no phone, my father does not have an office as a village head, he doesn't work every day at an office as village head. Township officials have offices. Whatever orders my father is given he has to announce to the village people, he has no office or administrative work. These orders come from both the Township and County authorities, from both Chinese and Tibetan officials.

*One member from each family has to go for one month per year for road construction. They do not get paid. This is for a road from the Township to the village. My father goes to supervise this work with the other village committee members and no other members of his family have to go.*

#### **WE DO NOT HAVE ENOUGH MONEY TO BUY FLOUR OR RICE**

*Dorje Tsering, an old farmer from Gonjo County, Chamdo Prefecture, left Tibet to receive the blessing of His Holiness the Dalai Lama, and to go to Bodh Gaya for pilgrimage. He arrived in Dharamsala on 1 February 2000.*

*There are 10 family members in my family and together we have around 20 "mu" of land which was allocated after redistribution. The crops grown by my family include barley, wheat, turnips and beans. The Chinese told us once to grow different kinds of barley, but the yield was poor, and so the village people stopped planting this variety. These seeds had been given to the farmers by local authorities. My family have 2 dzos, 6-7 dris and 2 horses. It is very hard to calculate our yearly income. In a sense we have no income. The family eats, pays tax, and if we need more money then we sell our animals.*

*I do not know so many of the details about the taxes we pay as I am an old man. The total yield is 1000 gyamas per year of all the crops combined. Of this, we pay about 60% in taxes, and we go to the County centre to pay these taxes, once a year in winter. It is not easy to pay these taxes and sometimes we run short. At this time we borrow from the rich families in their village. The tax you pay is dependent on the yield size and varies from year to year depending on crop success.*

*There are no Chinese farmers nearby. When my family has a very bad crop, we have no food and it is only at this time that County authorities give aid to villagers, in the form of cash, and very little at that.*

*My family lives in a traditional mud house with 4 rooms. There is no electricity, the nearest phone is in the dzong (county). We have a little furniture and use wood for heating. When there is a good crop we always have enough food. Otherwise my family always runs short of food to eat. We do not eat meat or butter very often. In our village, the people do not have enough money to buy flour or rice. Therefore we mainly eat tsampa.*

*We wear 'paktsa' (fur-lined chubas) and we make these only when our clothes are torn, not every year. Each family member has two paktsas, which they wear in turns. Sometimes we need to buy shirts and pants, and these are Chinese products.*

*The Chinese say that if Tibetans have finished their studies they will be given good jobs, and that a Tibetan student who goes to China for further studies will be given an important high-level job. In fact even these Tibetans are given jobs in small, remote places, not the important government jobs. Only those Tibetans who are rich or big business men are given jobs with the County government. And this is because they are involved in selling Chinese goods.*

*When they cannot find work, the young men play cards and fight. They are desperate. This is mainly in the Barkhor area of Lhasa. There are many bars and brothels in Lhasa and I am worried that many Tibetans will get spoilt in this environment.*

## UNEMPLOYMENT IS A PROBLEM

*An anonymous media worker from Gansu Province, came to Dharamsala on 23 March 2000. She comes from a nomad family and was working as a Tibetan language radio and television broadcaster for government owned media. She comes from a big family and in her county there are 40 percent Chinese, and at the Prefecture level there are 60 percent Chinese. But in her home village there are no Chinese.*

*While I was working I had to broadcast Chinese ideologies and speak against His Holiness the Dalai Lama. This was against my wishes and my beliefs. The people in the village areas were angry at such propaganda and due to feeling uncomfortable in saying such things publicly I felt that I had to leave my job. I had been very interested in working in the media while at school but the reality was different. I would like to learn English and then become a broadcaster for the government in exile.*

*It was very difficult as a Tibetan to get such a job. I went to school for many years, and I had to have the right voice and look. My parents were proud that I held such a good position, but were sad about the nature of the broadcasts. It was my own personal decision to quit.*

*In the media organisation where I worked 50 percent of the workers were Tibetan but the director was Chinese. Whatever was broadcasted was translated from Chinese and then back into Tibetan, so that it could be censored.*

*My salary was 600 yuan per month. Accommodation facilities were also provided and I shared one house with another woman. We did not pay any rent. Except for higher ranking officials, all workers, Tibetan and Chinese, were given the same kind of facilities and benefits. I worked*



*for 2 years, during that time I didn't pay any tax, although it may have been taken out of my salary. Sometimes my employer collected 50 yuan per month, but this was when there was construction, and was less a tax than a development fund for the office.*

*There are rules that 50 percent of our health costs were to be covered by my employer, but in reality some people get this and some do not. If you are having good connections you get these kind of benefits. We did not have health care pass or card.*

*In my area, unemployment is a problem. If there are 50 Tibetan students in a class learning Tibetan, only 3 to 4 students will pass the exam to go onto higher levels of education. There are limited numbers of seats available for Tibetans in Prefecture level schools. Therefore many Tibetan students are discouraged and disheartened about learning Tibetan language. Even the good jobs for those who can speak Chinese well are not so varied, there are a few jobs like mine, or there are some opportunities as teachers, but these are also scarce.*

## NOTES

<sup>1</sup> SITA, "President Jiang with NPC deputies from Tibet", *China's Tibet*, Vol. 9, No. 3, 1998, p. 2. See also, "1999: A Golden Year", *China's Tibet*, Vol.10, No. 1, 1999.

<sup>2</sup> The TAR Economy Coordination Committee, *A Guide to Investment in Tibet*, 1999.

<sup>3</sup> This shall be further clarified when we examine what the term has come to mean post the Declaration of the Right to Development, 1986. While it is admittedly difficult to define "development", keeping in mind the various discourses that constitute the subject under enquiry, for the purposes of this paper the term development shall be understood from a peoples-centric as opposed to state-centric definition.

<sup>4</sup> Ann Kent, *China, The United Nations, and Human Rights: The Limits of Compliance*. University of Pennsylvania Press, Philadelphia, 1999, p. 22.

<sup>5</sup> Kent, *China, The United Nations, and Human Rights*, pp. 24-25.

<sup>6</sup> Declaration on the Right to Development, General Assembly Res. 41/128 (1986).

<sup>7</sup> United Nations Development Programme, *Integrating Human Rights with Sustainable Human Development: A UNDP Policy Document*, January 1998, available at [www.magnet.undp.org](http://www.magnet.undp.org).

<sup>8</sup> Statement by Mary Robinson, United Nations High Commissioner for Human Rights, "Human Development and Human Rights: Report on the Oslo Symposium", 2-3 October 1998, available at [www.unhchr.ch](http://www.unhchr.ch).

<sup>9</sup> United Nations Development Programme, *Integrating Human Rights with Sustainable Human Development*.

<sup>10</sup> Declaration on the Right to Development, General Assembly Res. 41/128 (1986).

<sup>11</sup> Michele L. Adin, "The Right to Development as a Mechanism for Group Cultural Autonomy: Protection of Tibetan Cultural Rights", 68 *Wash. L. Rev.* 695.

<sup>12</sup> Declaration on the Right to Development, Article 8 (2).

<sup>13</sup> *Ibid.*, Article 8.

<sup>14</sup> *Ibid.*, Articles 6, 9(1).

<sup>15</sup> Human Rights Watch, *World Report 2000*, available at [www.hrw.org](http://www.hrw.org).

<sup>16</sup> *Ibid.*

<sup>17</sup> See further Robert Weatherly, "Challenging State Orthodoxy: New Academic Thinking on Human Rights", *China Rights Forum Winter 1999-2000*, pp. 28-33.

<sup>18</sup> Yash Ghai, "Human Rights and Governance: The Asia Debate" 15 *Austral. Y. Bk. Int. L.* 1 (1994), p. 5, in Steiner and Alston, *International Human Rights in Context: Law, Politics, Morals*, Clarendon Press, Oxford, 1996, p. 236.

<sup>19</sup> "50 Years of Progress in China's Human Rights", released by Xinhua, Beijing, in English 0632 gmt 17 February 2000.

<sup>20</sup> Jack Donnelly, *Universal Human Rights in Theory and Practice* (1989), p. 118, in Steiner and Alston, *International Human Rights in Context: Law, Politics, Morals*, Clarendon Press, Oxford, 1996, p. 239.

<sup>21</sup> Sen writes: "To see Asian history in terms of a narrow category of authoritarian values does little justice to the rich varieties of thought in Asian intellectual traditions. Dubious history does nothing to vindicate dubious politics." Amartya Sen, *Development As Freedom*, Oxford University Press, New Delhi, 1999, p. 248.

<sup>22</sup> Sen, *Development As Freedom*, p. 298.

<sup>23</sup> *Ibid.*, p. 3.

<sup>24</sup> *Ibid.*, p. 10.

<sup>25</sup> *Ibid.*, p. 3.

<sup>26</sup> "50 Years of Progress in China's Human Rights", released by Xinhua, Beijing, in English 0632 gmt 17 February 2000.

<sup>27</sup> See for example, Information Office of the State Council Of the People's Republic of China, "New Progress in Human Rights in the Tibet Autonomous Region", Beijing, February 1998, pp. 2, 13, 16.

<sup>28</sup> See generally the rhetoric in "50 Years of Progress in China's Human Rights", released by Xinhua, Beijing, in English 0632 gmt 17 February 2000.

<sup>29</sup> Information Office of the State Council, "Human Rights in China", Beijing, 1991.

<sup>30</sup> Kent, *China, the United Nations, and Human Rights*, p. 157.

<sup>31</sup> "Market Economy Transforms Tibet, Beijing Gets Little Credit", *China News Digest*, 7 June 1999.

<sup>32</sup> "NPC Tibet Deputies", Xinhua, 7 March 2000.

<sup>33</sup> See further Ann Forbes and Carole McGranahan, *Developing Tibet? A Survey of International Development Projects, Cultural Survival and The International Campaign for Tibet*, May 1992, pp. 108-110.

<sup>34</sup> "Tibet Can't Follow Beaten Track in Large-Scale Western Development", *People's Daily*, 27 March 2000.

<sup>35</sup> Tsewang Phuntso, "China's Development Policy in Tibet Since Early 1950s", unpublished, copy held with TCHRD, p. 4.

<sup>36</sup> Text of Report by Chinese regional newspaper from Tibet, Xizang Ribao, "Report on Implementation of the Xizang [Tibet] Autonomous Region's 1996 Budget and on its 1997 Draft Budget" by Yang Xiaodu, director of the regional finance department, at the fifth session of the sixth regional people's congress on 15 May 1997; source Xizang Ribao, Lhasa, in Chinese, 2 June 1997, p. 3.

<sup>37</sup> "Report on Implementation of the Xizang [Tibet] Autonomous Region's 1996 Budget and on its 1997 Draft Budget".

<sup>38</sup> Text of "Report on the work of the government" by Gyalcan Norbu, chairman of the Tibet Autonomous Regional People's government, delivered at the sixth regional people's congress on 15 May 1997 published by the regional newspaper

from Tibet "Xizang Ribao"; source Xizang Ribao, Lhasa, in Chinese, 29 May 1997, pp. 1, 2.

<sup>39</sup> "Poverty fight needs dedication", China Daily, Xinhua, 17 January 2000.

<sup>40</sup> "50 Years of Progress in China's Human Rights", released by Xinhua, Beijing, in English 0632 gmt 17 February 2000.

<sup>41</sup> Gabriel Lafitte, "Immiserization and Poverty in Tibet", Seminar 6 in "Tomorrow's Tibet", Department of Information and International Relations, Dharamsala, 20 March 2000.

<sup>42</sup> Xinhua, 26 September 1999.

<sup>43</sup> "50 Years of Progress in China's Human Rights", released by Xinhua, Beijing, in English 0632 gmt 17 February 2000.

<sup>44</sup> Gabriel Lafitte, "Immiserization and Poverty in Tibet", Seminar 6 in "Tomorrow's Tibet", Department of Information and International Relations, Dharamsala, 20 March 2000.

<sup>45</sup> "Agricultural Conditions Improved in Qinghai", Xinhua, Beijing, in English 0930 gmt 10 October 1999.

<sup>46</sup> See further Gabriel Lafitte, "Remaking the West: China's New Mass Campaign for Development of Western China", Seminar 5 in "Tomorrow's Tibet", Department of Information and International Relations, Dharamsala, 15 March 2000, p. 9.

<sup>47</sup> See International Commission of Jurists (ICJ), *Tibet: Human Rights and the Rule of Law*, Geneva, December 1997, p. 148, note 201. Chinese statistics in recent years on average rural income reveal that 80-90% of Tibetans live at approximately 1000 yuan per annum while the poverty line is at 2600 yuan. See also, Gabriel Lafitte, "Off Farm Employment in Rural Tibet: Prospects for Strengthening Tibetan Development", May 9 1999, p. 4.

<sup>48</sup> International Commission of Jurists, *Tibet: Human Rights and the Rule of Law*, p. 150.

<sup>49</sup> International Commission of Jurists, *Tibet: Human Rights and the Rule of Law*, p. 156, note 218. According to the World Bank spending is a more reliable indicator of poverty than income especially given the very low rate of Tibetan savings.

<sup>50</sup> *Ibid*, pp. 156, 158.

<sup>51</sup> *Ibid*, pp. 156, 158.

<sup>52</sup> Where former Tibetan provinces of Amdo and Kham have been absorbed and incorporated into, which mixes figures for Tibetans and Chinese.

<sup>53</sup> International Commission of Jurists, *Tibet: Human Rights and the Rule of Law*, p. 158.

<sup>54</sup> Declaration on the Right to Development, Article 8(1).

<sup>55</sup> See further TCHRD, *Tibet: Tightening of Control [Annual Report 1999 Human Rights Violation in Tibet]*, Dharamsala 2000, pp. 75-81.

<sup>56</sup> See, A.S. Al-Khsawneh and R. Hatano, "The Realization of Economic, Social and Cultural Rights: The Human Rights Dimensions of Population Transfer, including the Implantation of Settlers", Economic and Social Council, Sub

Commission on the Prevention of Discrimination and Protection of Minorities, E/CN.4/Sub.2/1993. (Hereafter "The Special Rapporteur on Population Transfer").

<sup>57</sup>The Special Rapporteur on Population Transfer, "The Realization of Economic, Social and Cultural Rights".

<sup>58</sup> *Ibid*, para 30.

<sup>59</sup> See Tibetan Youth Congress, *Strangers in their Own Country: Chinese Population Transfer in Tibet and its Impacts*, 1994. See also Tsewang Phuntso, "China's Development Policy in Tibet Since the Early 1950's", September 1999.

<sup>60</sup> Speech given by Ragdi, Chairman of the Standing Committee of the Tibetan Regional Congress on September 5, 1994 at the Seventh Plenum of the Sixth Standing Committee Session of the TAR Communist Party and distributed internally as "Document No. 5", quoted in Tsewang Phuntso, "China's Development Policy in Tibet Since the Early 1950's".

<sup>61</sup> International Committee of Lawyers for Tibet and Unrepresented Nations and Peoples Organization, *The Case Concerning Tibet: Tibet's Sovereignty and The Tibetan People's Right to Self-Determination*, Tibetan Parliamentary and Policy Research Centre, New Delhi, December 1998, p. 70.

<sup>62</sup> ICLT, *The Case Concerning Tibet*, p. 68.

<sup>63</sup> International Committee of Lawyers for Tibet, "The Relationship Between Environmental Management and Human Rights in Tibet", A Report Prepared for the Special Rapporteur for the Study of Human Rights and the Environment, July 1992, p. 11. A comprehensive study of population transfer conducted in 1995 by the Tibet Support Group (UK) arrived at a more conservative figure while confirming the unreliability of Chinese official statistics for Tibet. They estimate that the total of non-Tibetans in ethnographic Tibet is between 5 and 5.5 million, while noting that Chinese statistics from 1990 put the total Tibetan population at 4.59 million. Tibet Support Group UK, *New Majority: Chinese Population Transfer into Tibet*, London 1995, esp pp. 157-159.

<sup>64</sup> See for example, Conference of International Lawyers on Issues relating to Self-Determination and Independence for Tibet, *Tibet: The Position in International Law*, Edition Hansjörg Mayer and Serindia Publications, London, 1994, pp.29-30.

<sup>65</sup> Conference of International Lawyers, *Tibet: The Position in International Law*, pp. 72-73.

<sup>66</sup> See International Commission of Jurists, *Tibet: Human Rights and the Rule of Law*, p.117.

<sup>67</sup> "50 Years of Progress in China's Human Rights", released by Xinhua, Beijing, in English 0632 gmt 17 February 2000. See especially the first section entitled "A historical turning point in the progress of human rights in China" which claims among other changes that "the old wage system was adjusted, a labour insurance system was introduced, and workplace welfare and employees' living standards were improved."

<sup>68</sup> Department of Information and International Relations, Central Tibetan Administration, *Tibet: Environment and Development Issues*, Dharamsala, 1992, p.35 (citing HRA 1991).

<sup>69</sup> TIN and Human Rights Watch/Asia, *Cutting off the Serpent's Head: Tightening Control in Tibet, 1994-1995*, p. 108 (1996).

<sup>70</sup> Convention Concerning Forced or Compulsory Labour (ILO No. 29), 39 U.N.T.S. 55 entered into force 1 May 1932.

<sup>71</sup> Steiner and Alston, *International Human Rights in Context*, p. 120.

<sup>72</sup> International Covenant on Civil and Political Rights, *Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of December 16, 1966, signed by China on October 5, 1998*. As of June 1997, the ICCPR has been ratified by 138 countries.

<sup>73</sup> [1963] Y.B. Eur. Conv. On Human Rights 278.

<sup>74</sup> Lillich, "Part II: The Global Protection of Human Rights" in Carey, U.N. Protection of Civil and Political Rights, p. 125 (1970), and Castberg, *The European Convention on Human Rights*, p. 92 (1974).

<sup>75</sup> Lillich, "Part II: The Global Protection of Human Rights", note 20, and Fawcett, *The Application of the European Convention on Human Rights*, p. 56 (1969).

<sup>76</sup> Constitution of the People's Republic of China (Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Proclamation of the National People's Congress on December 4, 1982), Article 42.

<sup>77</sup> Constitution of the People's Republic of China, Article 42.

<sup>78</sup> "Jobs Needed in Rural Areas", *China Daily*, 20 February 2000.

<sup>79</sup> The PRC justified the forceful expropriation of land when it wrote Article 10 of their 1993 constitution.

<sup>80</sup> *The Finlay case*, 39 B.F.S.P. 410.

<sup>81</sup> See for example *Aminoil Arbitration*, 21 ILM 1033, and Sornarajah, *The International Law on Foreign Investment* (1994).

<sup>82</sup> See for example, the U.S. Constitution, 5th Amendment; European Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 4(2), 213 UNTS 221, signed November 4, 1950, entered into force September 3, 1953 (and *Holy Monasteries v. Greece*, 20 E.H.R.R. (1984)); American Convention on Human Rights, Art. 21(2), 91 ILM 673 (1970) signed November 22, 1969, entered into force July 18, 1978; African Charter on Human and People's Rights, Art. 14, 21 ILM 58 (1982), signed June 27, 1981, entered into force October 21, 1986; and the Cairo Declaration on Human Rights in Islam, Art. 15, signed by the *Organization of the Islamic Conference* on August 5, 1990.

<sup>83</sup> See further TIN, *News Review: Reports from Tibet 1998*, London 1999, pp. 92-4.

<sup>84</sup> Gabriel Lafitte, "Off Farm Employment in Rural Tibet: Prospects for Strengthening Tibetan Development", 9 May 1999, pp. 7-8.

<sup>85</sup> See Tsewang Phuntso, "China's Development Policy in Tibet Since the Early 1950's".

<sup>86</sup> 8 yuan = US\$ 1.

<sup>87</sup> *Yartsa gunbu* is a kind of medicinal plant (botanical name: *cordyceps*

*sinensis*).

<sup>88</sup> 1 Gyama = 500g.

<sup>89</sup> Ra-khul = goat's fur.

<sup>90</sup> Nor-khul = yak and *dri*'s fur.

<sup>91</sup> Suk trel = animal tax.

<sup>92</sup> Dru = barley.

<sup>93</sup> Paikhang = mustard oil.

<sup>94</sup> Nyungma = turnip.

<sup>95</sup> Lobso tax = education tax

<sup>96</sup> Rim-ghok tax = regulatory health tax or preventative health tax.

<sup>97</sup> See for example Information Office of the State Council Of the People's Republic of China, "New Progress in Human Rights in the Tibet Autonomous Region", p. 7.

<sup>98</sup> Lafitte, "Off Farm Employment in Rural Tibet". ICLT, The Case Concerning Tibet, p. 70.

<sup>99</sup> Lafitte, "Off Farm Employment in Rural Tibet", p. 19.

<sup>100</sup> TIN, News Review: Reports from Tibet 1998, pp. 60, 92, 94; Lafitte, "Off Farm Employment in Rural Tibet", pp. 4-5.

<sup>101</sup> Lafitte, "Off Farm Employment in Rural Tibet", p. 5.

<sup>102</sup> "Tibet Grain Harvest Increases 7.9 per cent", Xinhua, Beijing, in English 0756 gmt 7 January 2000.

<sup>103</sup> TIN News Update, 21 June 1999, p. 1.

<sup>104</sup> Ibid

<sup>105</sup> Ibid, p. 2.

<sup>106</sup> Gabriel Lafitte in TIN News Update, 21 June 1999, p. 4.

<sup>107</sup> See for example, "Tibet Grain Harvest Increases 7.9 per cent", Xinhua, Beijing in English 0756 gmt 7 January 2000.

<sup>108</sup> Phuntso, "China's Development Policy in Tibet Since the Early 1950's", pp. 15-16.

<sup>109</sup> Ibid, p. 8.

<sup>110</sup> Ann Forbes and Carole McGranahan, "Developing Tibet? A Survey of International Development Projects", Cultural Survival and The International Campaign for Tibet, May 1992, p. 121.

<sup>111</sup> Information Office of the State Council Of the People's Republic of China, "New Progress in Human Rights in the Tibet Autonomous Region", p. 15.

<sup>112</sup> Committee on Economic, Social and Cultural Rights, General Comment No.4 (1991), UN Doc. E/1992/23, Annex III.

<sup>113</sup> Information Office of the State Council of the People's Republic of China, "New Progress in Human Rights in the Tibet Autonomous Region", p. 11.

<sup>114</sup> Scott Leckie, Destruction by Design: Housing Rights Violations in Tibet, Centre on Housing Rights and Evictions (COHRE), The Netherlands, February 1994, pp. 71, 80.

<sup>115</sup> Leckie, Destruction by Design, p. 89.

<sup>116</sup> Ibid

<sup>117</sup> Ibid, p. 132.

<sup>118</sup> See further TIN Housing Supplement, Reconstruction in the Old City of Lhasa, 9 November 1990.

<sup>119</sup> Leckie, *Destruction by Design*, p. 183.

<sup>120</sup> Hu Yaobang's (Secretary-General of the CCP at the time) Speech to the Meeting of Cadres in the TAR, 29 May 1980, extracted and translated in TIN News Update, 12 April 1999.

<sup>121</sup> Sen, *Development as Freedom*, p. 24.

<sup>122</sup> Statement by Mary Robinson, United Nations High Commissioner for Human Rights, Workshop on Economic, Social and Cultural Rights and the Right to Development in the Asia-Pacific Region, Sana'a, 5-7 February 2000, available at [www.unhchr.ch](http://www.unhchr.ch). See further UNDP, *Integrating Human Rights with Sustainable Development*.

<sup>123</sup> See further Human Rights Update, Volume V, Number 2, February 2000, p. 6.

<sup>124</sup> Steamed dumpling.

<sup>125</sup> Yongnian Zheng, *Discovering Chinese Nationalism in China: Modernization, Identity, and International Relations*, Cambridge University Press, 1999, p. 32.

<sup>126</sup> Gabriel Lafitte, "Biosphere Tibet", Seminar 7 in "Tomorrow's Tibet", Department of Information and International Relations, Dharamsala, 23 March 2000.

<sup>127</sup> Gabriel Lafitte, "Remaking the West: China's New Mass Campaign for Development of Western China", Seminar 5 in "Tomorrow's Tibet", Department of Information and International Relations, Dharamsala, 15 March 2000, p. 11.

<sup>128</sup> Forbes and McGranahan, *Developing Tibet?*, p. 111.

<sup>129</sup> "Nation to Develop More Cities", *China Daily*, 18 October 1999.

<sup>130</sup> "Towns to Expand to Absorb Rural Population", *China Daily*, 19 September 1999.

<sup>131</sup> "Person of the Week", *China Daily*, 19 September 1999.

<sup>132</sup> "Lenders Told to Help", *South China Morning Post*, 3 March 2000.

<sup>133</sup> "China to Develop Energy Sources in Western Region", *Wen Wei Po* (Hong Kong newspaper), 17 February 2000.

<sup>134</sup> Forbes and McGranahan, *Developing Tibet?*, p. 132.

<sup>135</sup> Gabriel Lafitte, "AES Dams The Yellow River", Milarepa Foundation, January 2000, p. 4.

<sup>136</sup> Lafitte, "AES Dams The Yellow River", p. 5.

<sup>137</sup> *Oil and Gas Journal*, 29 July 1991.

<sup>138</sup> "Natural Gas Eastward Transmission Project Started", *China Chemical Reporter-CBNB*, 9 July 1999.

<sup>139</sup> The Australian Agency for International Development, *Qinghai Community Development Project: Project Implementation Document*, pp. 12-19 (May 1995). This report is discussed in *International Commission of Jurists, Tibet: Human Rights and the Rule of Law*, p. 149. A report by the Tibetan Government in Exile,



“Guidelines for International Development Agencies and Investors in Tibet”, which offers suggestions to foreign investors on how to minimise waste and maximise aid in Tibet, is about to be published. The report may be obtained from the Department of Information and International Relations, Central Tibetan Administration, Dharamsala, HP, 176215, India.

<sup>140</sup> TIN, News Review: Reports from Tibet 1998, p. 58.

<sup>141</sup> Ibid, p. 89.

<sup>142</sup> International Commission of Jurists, Tibet: Human Rights and the Rule of Law, p. 159.

<sup>143</sup> Ibid, p. 161.

<sup>144</sup> TIN, News Review: Reports from Tibet 1998, p. 74.

<sup>145</sup> See further 1999 Country Reports on Human Rights Practices, “China”, released by Bureau of Democracy, Human Rights, and Labour, US Department of State, 25 February 2000, available at [www.state.gov](http://www.state.gov).

<sup>146</sup> See Ladin, “The Right to Development as a Mechanism for Group Cultural Autonomy”.

<sup>147</sup> Lobsang Sangay, “China in Tibet: Forty Years of Liberation or Occupation?”, p. 28.

The Tibetan Centre for Human Rights and Democracy (TCHRD) is the first Tibetan non-governmental organisation (NGO) to be formed with the mission "*to highlight the human rights situation in Tibet and to promote principles of democracy in Tibetan community.*" TCHRD is independent of the Tibetan Government-in-Exile, and is based in Dharamsala, India. It is funded by foundations and from individual supporters around the world. It was founded in January 1996 and was registered as an NGO on 4 May 1996. In addition, a branch office has been set up in Kathmandu, Nepal. Our objectives are to protect and promote human rights of Tibetan people and to build our society based on the principles of human rights and democracy.

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