TIBETANS AND OTHER MINORITIES IN CHINA'S LEGAL SYSTEM*

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1. Introduction

The minority peoples of the People's Republic of China are made up of 55 different "nationalities" and constitute 6% of the total population. In most countries they would be considered statistically insignificant. But in China, 6% of the population represents 67 million people occupying over half the land area of China; they inhabit, e.g., the vast areas of Tibet, Xinjiang, Qinghai, Gansu, Ningxia and Inner Mongolia. The foremost reason why the Chinese government considers the minority peoples of great importance is, however, strategic.

The areas of Xinjiang and Tibet have given the PRC a dominant position in Central Asia and access to the entire Indian subcontinent. Most minority groups live along the land frontiers of China and in many cases the borders divide the minority groups between two or more states. Should they be hostile to the Beijing government, such minorities could weaken the Chinese defense posture. Moreover, a large part of the border is still the subject of constant disputes: for example, the Sino-Soviet, the Sino-Vietnamese, and the Sino-Indian border, the latter being currently subject to renewed tension.

At the present time the propaganda factor has assumed some importance. Since an aspect of the PRC's new foreign policy is the decrease in international tensions while the economy, with foreign support and currency, is growing, a prosperous, contented minority population would attract foreign tourists and

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1. Other minorities live in Yunnan, Guizhou, Guangdong, and Sichuan.
2. China is reported to be stockpiling nuclear arms in Tibet, including ICBMs; the cities of Moscow and New Delhi are now within China's reach. See, e.g., Indian Express 10 March 1987.
become a living proof of the benefits the current Chinese policy can have for the Chinese population of Hong Kong and Taiwan and the non-Han people. On the other hand, a rebellious minority group can only lend credence to the doubts of the foreign powers regarding Chinese policy, and would discourage foreign investment and tourism.

In this respect, the legacy of China’s takeover of Tibet in 1950 (in the words of the Chinese: “Peaceful liberation”; of the Tibetans: “occupation”) is largely negative. In the fall of 1987, anti-Chinese resentment culminated in three pro-independence demonstrations of up to 2,000 Tibetans in Lhasa, in which at least fourteen people were killed. The riots followed a visit to the United States of the exiled Tibetan leader, the Dalai Lama, who leads a strong opposition abroad that continues to threaten the legitimization of Chinese rule in Tibet, and who is in the West increasingly respected as “a man of peace”. The violent incidents and the worldwide attention they attracted — Chinese policy in Tibet was e.g., strongly condemned by the U.S. Congress — caused considerable embarrassment on the Chinese side.

Furthermore, the border area between India and China not only ties up large reserves of men and capital, but also has the potential of a new conflagration. Since April 1987 sizeable reinforcing of troops has taken place along the Himalayan border, and some sources even reported a clash. From Beijing’s point of view, the Dalai Lama and Tibetan refugees in India remain a dangerous weapon in the hands of New Delhi and other foreign powers, although India did not use the recent events in Tibet to its own advantage but instead accepted the Chinese request that the Dalai Lama be warned against excessive political activity.

Also, China’s plans to exploit the vast mineral reserves of the minority areas confront PRC’s leadership with a dilemma, since the government cannot count on broad popular support. Nor is a leader, acceptable to the Tibetans,

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4. The Dalai Lama, addressing the U.S. Congressional Human Rights Caucus on 21 Sept. 1987, presented a five-point peace proposal on the future of Tibet. The violent events in Lhasa followed on 27 Sept. 1987. For the possible causal relationship between these events, see e.g., FEER, 15 Oct. 1987.
5. This might be illustrated by the fact that the Dalai Lama, who is lecturing on Buddhism in the West, has been nominated for the Nobel Peace Prize on grounds of championing spiritual peace and non-violent change. Tibetan Review (hereinafter cited as: TR), Jan./Feb. 1987.
6. The U.S. Senate passed a bill in Oct. 1987 condemning Chinese abuse of human rights which has resulted in the officially confirmed death of 1.2 million Tibetans since 1959. A similar bill was passed by the U.S. House of Representatives in June 1987. Concern was also expressed by the European Parliament and British and West German MPs. See e.g. FEER, 15 Oct. 1987.
7. See note 3.
8. The areas hold large water and mineral reserves and 90% of China’s grasslands; 7 of its 10 major forests are located in the minority areas. See Beijing Review (hereinafter cited as: BR), 10 Oct. 1983.