



On October 17, 2007, the Dalai Lama was honored with the Congressional Gold Medal, presented by the US President, in a high-profile ceremony. Despite the risks of showing their loyalty to the Tibetan religious leader, all over Tibet, people celebrated. This image depicts flames shooting from an incense kiln outside the sacred Jokhang Temple in Lhasa on the day of the Gold Medal ceremony. When the flames burn as brightly as they did on that day, it is a sign that Tibetans are making more offerings than usual of alcohol, butter, and medicinal herbs – the smoke is an offering. Observers reported that despite warnings from the authorities not to celebrate, Tibetans still circumambulated the Jokhang in their best clothes and with a devotional spirit. A water-cannon was parked nearby but notably did not quench the flames or disperse the crowds. The image is a powerful representation of the continued loyalty and devotion of Tibetans in Tibet to both their exiled religious leader, as well as their determination against the odds to protect their religious culture.

IMAGE: ZOEANN MURPHY.

## RECOMMENDATIONS

**T**HE FOLLOWING RECOMMENDATIONS represent a way forward for Tibet. Their purpose is to ensure that the expansion of Tibet's economy will be of benefit to Tibetans. Unless such guidelines are followed, the new railway to Tibet will intensify existing migratory trends, exacerbate ethnic income disparities, and further marginalize Tibetans accustomed to traditional economic pursuits, especially Tibetan nomads.

### For the Government of the People's Republic of China (PRC):

- Adopt laws and regulations for Tibetans that allow the implementation of genuine autonomy so that Tibetans have the rights and means to participate in decision-making on the development of Tibet. As the legislative assembly nominally elected by Tibetans has failed to legislate to protect the land leases and livelihoods of nomads, local democracy, such as is increasingly practiced in China, could enable local communities to gain a public voice.
- Impose a moratorium on the settlement of Tibetan nomads displaced by development, pending an independent assessment, including a legal review, of policies that require or produce displacement and resettlement, the confiscation of property and the imposed slaughter of livestock.
- In all instances of displacement and settlement of Tibetan nomads, offer affected persons the opportunity to return or settle in an area nearby or like the one from which they were moved, and provide legally-mandated compensation beyond subsistence rations, until such time that alternative livelihoods are available.
- Prioritize investment in 'soft' infrastructure, such as health and education, rather than 'hard' infrastructure, such as railroads and highways, in order to develop human capacities and improve living conditions of Tibetans.
- Achieve six years of primary education for all rural primary-school-aged Tibetan children, using the Tibetan language as the primary language of instruction, and nine years in urban areas, in accordance with long-held public policy in China's minority nationality autonomous regions.

- Provide Tibetans with universal local access to basic health care, reinforced by a Community Medical System health insurance program.
- Provide adequate income support to eliminate completely absolute poverty among the most disadvantaged Tibetans in the most resource-deficient areas.
- Provide adequate resources to meet the need for vocational skills training for Tibetans in both rural and urban areas, including vocational skills curricula in primary and middle schools.
- Offer access and support to bilateral technical assistance providers and international NGO programming that provides small loans to rural Tibetan households for investment in new income-generating activities, to rural and urban employable skills training, to Tibetan enterprise support and development, and to reform of rural education to include basic employable skills curricula.
- Provide incentives to Tibetans for establishing eco-friendly tourism ventures that support the traditional Tibetan Buddhist culture, including the protection of sacred landscape locations and non-interference with monastic life, and that employ large numbers of Tibetans.
- Establish new conservation protected areas and encourage local Tibetan participation in the planning and implementation of conservation, park ranger and tourist activities. Do not support protected areas which exclude local communities.

### Specific recommendations for strengthening rural livelihoods

Current policy on the settlement of Tibetan nomads has led to increased rangeland degradation and goes against state-of-the-art information and analyses for livestock production in pastoral areas. This body of scientific knowledge champions the mobility of herds as a way to sustain the grasslands and livelihoods and points to the conclusion that settling nomads is not necessary for water source conservancy, nor appropriate, nor consistent with poverty alleviation.

- Focus development programs at local community levels, requiring the development of sustainable participatory mechanisms for community-based natural resource management.

- Provide the necessary support to grasslands scientists to refine existing models of grassland ecology and to work with economists, livestock specialists, and pastoral development experts to design appropriate management systems for livestock production.
- Examine and clearly articulate linkages between the ecological aspects of conserving the biodiversity and watershed values of the grasslands and the economic benefits and goals of sustainable development in Tibetan pastoral areas.
- Adopt and implement policies that encourage livestock mobility and empower nomads to manage their own rangelands.
- Invest in the re-sowing of native grasses in areas that have become degraded and actively employ nomads to do the sowing and caring for the re-vegetated pastures.
- Provide nomads with sufficient social security and livestock insurance within an integrated rangeland management policy that aims at supporting sustainable, mobile pastoralism.
- Determine whether settlement will render individuals vulnerable to violation of other human rights.
- Provide adequate and reasonable notice for all affected persons displaced by development.
- Inform communities of legal channels through which they can challenge a demand to resettle, make legal assistance available, and ensure that claimants receive a fair adjudication.
- In order to ensure transparency and accountability in the process of settlement, institutionalize genuine community consultation that facilitates participation by all those affected by the policies.
- Implement mechanisms by which low-income citizens can easily access information on proposed settlements.
- Where those affected by settlement are unable to provide for themselves, take all appropriate measures to ensure that adequate alternatives are available, including the opportunity to return to a herding livelihood.

- To comply with the recommendations of the United Nations Committee on Economic, Social, and Cultural Rights and other human rights treaty obligations, review the new Property Rights Law 2007 to ensure it provides the greatest possible security of tenure to occupiers of houses and land.
- Uphold the rights to freedom of expression, assembly, and association. Recognize the rights of herders to speak out publicly on settlement, legal regulations, and other issues of concern.

### Recommendations for investors

- Investors in all areas designated as “Tibetan autonomous counties, prefectures or regions” should be especially aware that normal business practices of community engagement, consultation, stakeholder involvement and informed consent of all affected communities are especially difficult to achieve in Tibet, requiring special efforts beyond what suffices elsewhere.
- Investors, whether equity partners, partners in joint ventures, contractors or suppliers of technology, services or capital, should recognize the high profile of Tibet globally, and meaningfully engage all stakeholders, including Tibetans and their supporters worldwide, in order to preserve corporate reputations.
- Investors should adopt global best practice standards, going further than technical compliance with national laws, in order to comply earlier rather than later with emerging global values and expectations of socially responsible investment in areas of minority ethnicity where freedom of expression is curtailed.
- Investors in tourism, hotels, hospitality, entertainment and leisure have special opportunity to invest in training Tibetan staff to occupy managerial positions, and to be the public face of their operations at all levels.
- Investors in mining, resource extraction, processing, concentration and smelting of metals, salts, oil and gas should be particularly aware of the existence of a global public highly aware of Tibet, whose values, like those of Tibetans everywhere, give higher priority to conservation and biodiversity protection than wealth accumulation. Stakeholders, both in Tibet and globally, will expect investors in mining to:
  - impartially educate local Tibetan communities, through independent third party consultants using the Tibetan language, to understand and consider the full range of long-term environmental and social impacts that can be anticipated from proposed mines and processing plants.
  - pay compensation, royalties and resource rental taxes to local communities, rather than provincial or national authorities.
  - set aside sufficient sums to remediate environmental impacts which may occur not only during the productive life cycle of a mine but well after mine closure, especially during extreme weather, earthquakes, floods etc.

### To development agencies and international donors:

- Prioritize developing Tibetan human resources instead of following a model of development typical of a city in inland China that prioritizes raising GDP.
- Project design phase should engage local Tibetan communities at an early stage, even if this requires extra time, so local communities can learn and consider options, impacts and long-term consequences.
- Project implementation should not be left to a Chinese government department or bureau. Effective and meaningful development in Tibetan areas delivers benefits to Tibetans only when the external provider of development finance also closely supervises disbursement and ongoing engagement with local Tibetan communities. Project activities, documentation and reporting to stakeholders should be in Tibetan as well as other languages; and Tibetan-speaking staff should be engaged from design and inception through to implementation and evaluation.
- In practice, be guided by the development guidelines promulgated by the Central Tibetan Administration in Dharamsala.
- Support international NGO programs that provide small loans to rural Tibetan households for investment in new income-generating activities, that offer employable-skills training in rural and urban areas, that support and develop Tibetan enterprises, or that infuse basic employable-skills into rural school curricula.
- Particularly for those international donors funding anti-corruption and environ-

mental protection projects in China, raise the concerns addressed in this report. Encourage the formation within Tibet of community-based organizations that enable local people to voice their concerns without fear of punishment.

- Before entering into any partnerships or contractual dealings with the national or local governments of China, obtain assurances that the land for projects was acquired in a manner consistent with human rights obligations, and that former residents were adequately notified and compensated for their loss of land, property, and income.
- Adopt explicit policies in support of human rights and establish procedures to ensure that the financing of or participation in projects does not contribute to or result in human rights abuses. At a minimum, implement a policy to conduct a “human rights impact assessment” in coordination with local civil society groups.
- Uphold the rights to freedom of expression, assembly, and association. Recognize the rights of Tibetans to speak out publicly on settlement, legal regulations, and other issues of concern.
- Ensure that your infrastructure projects do not result in forced settlement or relocation.
- Press the Chinese government to adopt the recommendations listed in this report.

### **To the United Nations:**

- Request from the Chinese government a report on compliance with the UN Declaration on the Right to Development for presentation at the UN Human Rights Council.
- The U.N. Special Rapporteur on Adequate Housing should request an invitation to conduct a mission to Tibet.
- The U.N. Special Rapporteur on Human Rights and the Fundamental Freedoms Indigenous Peoples should raise concerns about the impact of the railroad and Chinese government economic policies on Tibetan lives and livelihoods, and should request an invitation to conduct a mission to Tibet. He should conduct research in all areas designated as Tibetan counties, prefectures and regions, meas-

uring actual poverty, actual rural household consumption, access to basic services, and progress towards Millennium Development Goals. He should make his findings public.

- The U.N. High Commissioner for Human Rights should address the General Assembly expressing concern at the Chinese government’s failure to uphold the rights of Tibetans to freedom of expression, assembly, and association, including the rights of herders to speak out publicly on resettlement, legal regulations, and other issues concerning development.
- The U.N. Special Rapporteur on Education should press for adequate funding for the education of Tibetan children. The downshifting of responsibility for financing schools to poor counties and poor families should be reversed, with central leaders accepting responsibility for investing in Tibetan human capital formation.
- The Human Rights Council should endorse the Basic Principles and Guidelines on Displacement and Relocation presented by the Special Rapporteur on Adequate Housing in his 2006 report to the Council, and invite China to approve guidelines for such displacement as soon as possible.
- The Human Rights Council and the United Nations Committee on Economic, Social and Cultural Rights should raise questions about the social exclusion and marginalization of Tibetans resulting from China’s economic policies and the advent of the railroad.