



INTERNATIONAL CAMPAIGN FOR TIBET



ADDRESSING THE MUTED CRISIS IN TIBET

Five points of action for the
German EU Presidency



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Key recommendations

The human rights situation in Tibet remains deeply concerning, as China has strengthened its repressive measures. Tibet has effectively been turned into a police state, with control and surveillance measures developed there now replicated in Xinjiang.

As Beijing has blocked access to the country, Tibet has come to stand for a muted crisis. At stake is the survival of the Tibetan culture, language and religion, and eventually of Tibetans as a distinct people altogether. Therefore, the international community must act. For the European Union, this is obligation and opportunity at the same time.

In line with the most recent European Council conclusions on China, which state that the European Union will continue to “urge China to fulfill its international obligations” and to call on China to “protect the rights of people belonging to minorities, not least in Tibet and Xinjiang”, the International Campaign for Tibet calls on the German EU Presidency to:

- **Civil and political rights:**

Urge China to cease the persecution, surveillance, torture and ill-treatment, enforced disappearances, arbitrary detention of Tibetans who simply exercise their human rights, and revise relevant legislation; urge for independent investigations into reports of torture and ill-treatment; include relevant language on Tibet and cases into public, e.g. summit related statements.

- **Succession of the Dalai Lama:**

Position the European Union and its Member States recognizing that the decisions regarding the appointment of Tibetan Buddhist religious leaders, including a future Dalai Lama, are exclusively spiritual matters that should be made by the Tibetan Buddhist community and the present 14th Dalai Lama without interference by the Government of the People’s Republic of China or any other government, and urging China to refrain from intervening in the matter.

- **Environment and sustainable development:**

Raise environmental issues on the Tibetan plateau and Tibetans’ social, economic and cultural rights in line with the UN Sustainable Development Goals, both during high-level meetings such as the EU-China Summit and in the framework of EU-China dialogues and cooperation mechanism on environment, including the Environment Policy Dialogue, the Climate Change Partnership and EU-China Water Policy Dialogue.

- **Unfettered, reciprocal access:**

Request the Chinese Ministry of Foreign Affairs to allow an unfettered visit to Tibet of an EU delegation led by the Head of the EU Delegation and the German Ambassador to China during the Presidency; call for unfettered access of the UN High Commissioner for Human Rights and UN Special Procedures, also to Tibet.

- **Sino-Tibetan dialogue:**

Urge for the resumption of and play a facilitating role in the Sino-Tibetan dialogue process, which remains an effective way to achieve a mutual and durable solution for the crisis in Tibet.

Germany's EU Presidency, starting on 1 July 2020, comes at an unprecedented time for the European Union, engulfed in the aftermath of the coronavirus pandemic and of its likely to be far-reaching impacts, including for EU-China relations. But it also takes place at a time of another – less visible but potentially devastating – crisis, which is the deterioration of the human rights situation in Tibet.

A muted crisis and a people under threat

The human rights situation in Tibet¹ remains tense with totalitarian measures of governance being implemented across all Tibetan areas in the PRC, particularly in the aftermath of the widespread protests in Tibet that have taken place in 2008. Surveillance and control of daily life has become pervasive, while the state uses electronic and digital as well as 'traditional' means of control.

The region has effectively been turned into a police state, with its control and surveillance measures now replicated and refined in Xinjiang. Tibetans' capacity to engage in religious activities, move and associate freely, express concerns, access information and enjoy due process continues to be severely limited. The rights to enjoy a healthy environment, achieve an adequate livelihood and access to Tibetan language education are also restricted. And a significant number of activists, writers and human rights defenders have been arbitrarily detained, tortured or disappeared simply for voicing their concerns about Chinese ethnic or religious policies. As a result of these continuing violations of their fundamental rights and freedoms, over 150 Tibetans have self-immolated in Tibet since 2009, in one of the biggest waves of self-immolation as political protest globally in the past 60 years.

As Beijing has blocked access to Tibet, the situation in Tibet has become a muted crisis. As focus shifted to the situation of Uyghurs and to Hong Kong, and given competing economic interests, there is a real danger for a further dramatic deterioration of the situation on the Tibetan plateau. What is at stake is the very survival of the Tibetan culture, language and religion, and eventually of Tibetans as a distinct people altogether.

Europe's obligation and Germany's opportunity

According to the Lisbon Treaty, the EU action in the world should be guided by the values that have inspired its creation, including human rights and democracy. The Strategic Framework on Human Rights and Democracy adopted in 2012 also commits the EU to place "human rights at the center of its foreign relations, including with its strategic partners." On Tibet more specifically, the July 2016 European Council conclusions on China, stated that the European Union will continue to "urge China to fulfill its international obligations" and to call on China to "protect the rights of people belonging to minorities, not least in Tibet and Xinjiang." After the 10th annual EU-China Strategic Dialogue in June 2020, the European Union stated that "as regards human rights, the High Representative recalled the EU's concerns about the treatment of minorities in Xinjiang and Tibet", while he also raised a number of specific cases.²

¹ Tibet was traditionally comprised of three main areas: Amdo (north-eastern Tibet), Kham (eastern Tibet) and U-Tsang (central and western Tibet). The Tibet Autonomous Region was set up by the Chinese government in 1965 and covers the area of Tibet west of the Dri-chu (Yangtse river), including part of Kham. The rest of Amdo and Kham have been incorporated into Chinese provinces, and where Tibetan communities were said to have 'compact inhabitancy' in these provinces, they were designated Tibetan autonomous prefectures and counties. As a result most of Qinghai and parts of Gansu, Sichuan and Yunnan provinces are acknowledged by the Chinese government to be 'Tibetan.' ICT uses the term 'Tibet' to refer to all Tibetan areas currently under the jurisdiction of the People's Republic of China.

² European Union External Action, 9 June 2020, 'EU-China Strategic Dialogue: Remarks by High Representative/Vice-President Josep Borrell at the press conference'.

Yet, the EU's response to the grave human rights situation in Tibet has so far been insufficient, with the EU limiting itself to raising concerns with China during an EU-China Human Rights Dialogue that has proven unable to achieve concrete improvements or through purely perfunctory statements, and in some cases even giving in to China's pressure and divide and rule tactics aimed at shunning criticism of its abuses. Moreover, the EU has failed to ascertain itself as a credible proponent of human rights vis a vis Beijing, particularly with regard to Tibet. In 2008, China's crackdown in Tibet and later its insincerity towards the Sino-Tibetan dialogue did not lead to decisive action by the EU. These missed opportunities have helped pave the way for Beijing's blunt disregard for international law today in Xinjiang or Hong Kong.

What is now needed is a much more assertive, united and ambitious EU policy with regard to China, human rights in China and Tibet. The EU must invest political capital and take the lead in pushing back against the "alternative model of governance" proposed by China, by a principled defense of its interests and values, including the need to respect human rights in China and Tibet. This would be line with the 2020-24 EU action plan on human rights and democracy, which proposes to enhance the EU leadership in promoting and protecting human rights and democracy throughout its external action.

The German EU Presidency provides an important opportunity to achieve this. Germany is Europe's largest trading partner with China. China and Germany have established a "strategic partnership" and engage in a number of dialogues. Among EU members, Germany has been one of the most outspoken countries on China's human rights record. Germany should also be mindful of Europe's recent history when solidarity with civil rights activists helped bringing down the iron curtain.

Civil and political rights

Recommendations:

- Urge China to immediately release Tibetans who have been detained solely for their peaceful expression of opinion, their peaceful activism or their expression of religious belief; raise cases of Tibetan human rights defenders at the UN Human Rights Council, such as Tashi Wangchuk³, Anya Sengdra⁴, of the 'disappeared' Panchen Lama, and of the monk Drugdra and eight others⁵ and include them into public statements, e.g. ahead or after meetings with the Chinese government.
- Urge China to disclose the whereabouts of those detained for having peacefully protested against the policies of the Chinese government in Tibet offline or online. They should be granted access to a lawyer of their choice, as well as to their families, and if needed, to adequate medical treatment; urge for independent investigations into reports on torture and ill-treatment during detentions, and related deaths of Tibetans, such as the case of the monk Choekyi.⁶

³ OHCHR, 6 June 2018, 'China: UN human rights experts condemn 5-year jail term for Tibetan activist'.

⁴ OHCHR, 19 May 2020, 'UN experts urge China to drop charges against jailed Tibetan minority human rights defender'.

⁵ OHCHR, 10 May 2019, AL CHN 5/2019; International Campaign for Tibet, 18 July 2019, 'UN Special Rapporteurs ask China for information about nine Tibetans imprisoned for celebrating Dalai Lama's 80th birthday'.

⁶ European Parliament resolution of 18 January 2018 on the cases of the human rights activists Wu Gan, Xie Yang, Lee Ming-che and Tashi Wangchuk, and the Tibetan monk Choekyi (2018/2514(RSP)); International Campaign for Tibet, 8 May 2020, 'Tibetan monk Choekyi dies after years of prison, torture'.

- Urge China to repeal and amend legislation and regulations that infringe on freedom of expression, freedom of assembly and freedom of association, such as the “Counter Terrorism Law”⁷, the “Security Law”, the regulations “to establish a model area for national unity and progress”⁸ and the “Measures for Reporting and Rewarding on the Campaign for Eliminating Pornography and Illegal Content in the Tibet Autonomous Region.”⁹ Moreover, urge China to revise and amend provisions in its criminal code relating to state security; call on China to end the persecution of Tibetan community activism under the pretext of “anti-crime” campaigns.¹⁰

The succession of the Dalai Lama

In line with international human rights principles on religious freedom, and with the EU guidelines on the promotion and protection of freedom of religion or belief – which recognize that the right for religious communities to perform acts integral to the conduct of their basic affairs includes “non-interference in internal affairs” and “the freedom to select and train leaders” – the German EU Presidency should:

Recommendations:

- Issue a statement on behalf of the EU and its Member States¹¹ recognizing that the decisions regarding the appointment of Tibetan Buddhist religious leaders, including a future Dalai Lama, are exclusively spiritual matters that should be made by the Tibetan Buddhist community and the present 14th Dalai Lama without interference by the Government of the People’s Republic of China or any other governments.
- Express concern with regard to statements of Chinese officials that claim sole authority over the appointment of Tibetan Buddhist Lamas for the Chinese government, as well as to legislation intended at legitimizing government interferences in religion, such as the State Religious Affairs Bureau Order no.5 and the revised Regulations on Religious Affairs.
- In the context of the appointment of Tibetan Buddhist leaders, urge the Chinese authorities to immediately and unconditionally release the 11th Panchen Lama of Tibet Gedhun Choekyi Nyima, and to accept outstanding recommendations of several human rights mechanisms (including the UN Committee Against Torture, the UN Committee on the Rights of the Child, as well as Special Rapporteur on Freedom of Religion or Belief) to allow an independent expert to have access to him.

⁷ OHCHR, 1 November 2019, OL CHN 18/2019; Joint report by FIDH and the International Campaign for Tibet, 15 November 2016, ‘Dangers of China’s counter-terrorism law for Tibetans and Uyghurs’.

⁸ International Campaign for Tibet, 12 February 2020, ‘New ‘ethnic unity’ regulations violate Tibetans’ human rights: ICT briefing’.

⁹ International Campaign for Tibet, 6 April 2020, ‘Anti-porn measures criminalize discussion of Tibetan autonomy.’

¹⁰ Human Rights Watch, 14 May 2020, ‘China: Tibet Anti-Crime Campaign Silences Dissent’.

¹¹ See previous comments on the succession of the Dalai Lama by the Netherlands (<https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vl3rj06x72zt>), by Belgium (<https://www.lachambre.be/doc/CCRI/pdf/55/ic091.pdf>) and by Germany (<http://dip21.bundestag.de/dip21/btd/19/174/1917407.pdf>), all of which have officially stated that it is up to the Tibetan religious community to select the future Dalai Lama, therefore rejecting China’s efforts to control the succession of the revered Tibetan leader.

Environment and sustainable development

In the context of increased EU-China cooperation on environmental issues, and in line with the newly adopted European Green Deal, which commits the EU to act as a global leader in the field of environmental protection and to “develop a stronger ‘green deal diplomacy’ focused on convincing and supporting others to take on their share of promoting more sustainable development”, the German EU Presidency should:

Recommendations:

- Urge the Chinese government to pursue development and environmental policies that respect the economic, social and cultural rights of Tibetans and are inclusive of local populations, in line with the United Nations Sustainable Development Goals¹².
- Promote the opening up of the Tibetan plateau for scientific research and international collaboration, and facilitate the creation of a regional environmental council that discusses and mitigates environmental issues facing the Hindu-Kush Himalayan Mountains and the Tibetan plateau. More thorough, regular, and transparent cross-boundary studies will improve our understanding of the state of the ecosystem and the severity of the challenges facing the environment.
- Call for the immediate release of Tibetan environmental activists such as Karma Samdrup¹³, directly with China and in UN Fora (in line with the EU Priorities in UN Human Rights Fora in 2020, which states that the EU “will pay more attention to the link between human rights and environment” and continue “to call on States (...) to protect environmental human rights defenders”).¹⁴
- Raise environmental issues on the Tibetan plateau with China, both during high-level meetings such as EU-China Summits and in the framework of EU-China dialogues and cooperation mechanism on environment, including the Environment Policy Dialogue, the Climate Change Partnership and EU-China Water Policy Dialogue.
- In view of the adoption of the EU Biodiversity Strategy for 2030, and of the COP15 to the Convention on Biological Diversity, recognize the importance of the Tibetan Plateau for biodiversity, and include reference to it in its contribution to the Conference. This would also be in line with the European Parliament resolution of 16 January 2020, which called on the Commission “to actively engage with third countries (...) in order to promote and set targets for biodiversity protection, conservation and restoration measures and governance” and to “design a strategy that will address the main drivers of biodiversity loss, both domestically and worldwide”.¹⁵

Unfettered, reciprocal access:

Recommendations:

- Urge prompt, unfettered and independent access to Tibetan areas by European diplomats and journalists and independent international human rights experts, including

¹² European Parliament resolution of 12 September 2018 on the state of EU-China relations (2017/2274(INI)).

¹³ New York Times, 24 June 2010, ‘Tibetan Environmentalist Receives 15-Year Sentence’.

¹⁴ Council Conclusions on EU Priorities in UN Human Rights Fora in 2020, 17 February 2020.

¹⁵ European Parliament resolution on the 15th meeting of the Conference of Parties (COP15) to the Convention on Biological Diversity, 16 January 2020.

the UN High Commissioner for Human Rights and relevant UN Special Rapporteurs.

- Request the Chinese Ministry of Foreign Affairs to allow an unfettered visit to Tibet of an EU delegation led by the German Ambassador to China during the Presidency.
- Build upon the calls made by the former High Representative¹⁶ and the European Parliament¹⁷ for China to allow reciprocal access to Tibet for EU citizens; which could be achieved by developing a policy document laying out options at the EU level to extend the notion of reciprocity in EU-China relations to include freedom of movement of European citizens to and in Tibet, or by ensuring that the issue of access to Tibet is taken into account when considering the new EU-China Visa Facilitation Agreement as well as in the on-going negotiations of an EU-China Comprehensive Agreement on Investments¹⁸. Such an approach would echo the recent remarks of the current High Representative Borrell who stated that the focus of the EU-China relationship should be on "trust, transparency, and reciprocity".¹⁹

Support for the Sino-Tibetan dialogue

Between 2002 and 2010, envoys of the 14th Dalai Lama held nine rounds of discussions with representatives of the Chinese government. In 2008, the Tibetan envoys presented a "Memorandum on Genuine Autonomy for the Tibetan People"²⁰ which outlined a future Tibet enjoying real autonomy and fundamental rights within the framework of the People's Republic of China. The dialogue has been stalled since 2010 when the last round of talks took place.

Recommendations:

- Urge for the resumption of and play a facilitating role in the Sino-Tibetan dialogue process, which remains an effective way to achieve a mutual and durable solution for the crisis in Tibet.
- Engage on highest diplomatic levels to facilitate a resumption, e.g. on heads of government and state level.
- Reiterate previous statements such as of President of the European Council Donald Tusk in 2015, who called for dialogue to be resumed at a joint press conference with China's Prime Minister Li Keqiang following the 17th EU-China Summit in June 2015.²¹

END

¹⁶ On 18 April 2019 during a European Parliament urgency debate, HR/VP Mogherini called on "the Chinese authorities to allow reciprocal access to Tibet for European journalists, diplomats, and families", see https://eeas.europa.eu/delegations/china/61227/speech-high-representativevice-president-federica-mogherini-european-parliament-urgency-debate_zh-hant.

¹⁷ See in particular the resolution of the European Parliament of 12 September 2018 on the state of EU-China relations.

¹⁸ See <https://trade.ec.europa.eu/doclib/press/index.cfm?id=2115>.

¹⁹ See EEAS, Op-Ed by Josep Borrell, 15 May 2020, 'Trust and reciprocity: the necessary ingredients for EU-China cooperation'.

²⁰ See full text at <https://savetibet.org/advocacy/memorandum-on-genuine-autonomy-for-the-tibetan-people/>.

²¹ European Council, 29 June 2015, 'Remarks by President Donald Tusk at the press conference of the EU-China summit'.

About the International Campaign for Tibet

Founded in 1988, the International Campaign for Tibet (ICT) works to protect the democratic freedoms and the human rights of the Tibetan people. ICT maintains offices in Washington, D.C., Amsterdam, Brussels and Berlin. The organization is member of FIDH, the governing association of the German Institute for Human Rights, the NGO Forum on Religious Freedom (Geneva), the World Heritage Watch network and is recipient of the prestigious Dutch Resistance Medal, the 'Geuzenpenning'.

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