



Submission No 11

Inquiry into Australia's Human Rights Dialogue Process

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**A submission to the Australian Federal Parliament's Human
Rights Sub-Committee of the Joint Standing Committee on
Foreign Affairs, Defence and Trade
Inquiry into Australia's Human Rights Dialogue Process**

**A CHARADE IN THE SHADOWS
Australia's Dialogue Process with Beijing
A Tibetan Perspective**

14th June 2004

**Name and Address Withheld
An Individual Submission**

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1. Executive Summary

- ❖ This Joint Standing Committee review of the Human Rights Dialogue process is very welcome.
- ❖ This submission focuses specifically on the Human Rights dialogue process as it impacts Tibet and the Tibetan people.
- ❖ The existing bilateral Human Rights dialogue between Australia and China is an ineffective mechanism to advance Human Rights and to deal with the plight of the Tibetan people.
- ❖ The deterioration in conditions in Tibet since 1997 shows that Beijing has been emboldened by the closed-door nature of Human Rights dialogue process and now acts with increasing impunity in Tibet. Dialogue partners are now reluctant to raise violations in multilateral forums in fear of retaliatory impacts on pending trade deals. Beijing has succeeded in buying complicit silence.
- ❖ The level of repression in Tibet is now worse than at any period in Tibetan history outside the horror years of Cultural Revolution. Beijing's increasingly sophisticated methods of coercion and control pervade all levels of Tibetan society and effectively prevent any form of political expression.
- ❖ The dialogue process has led to the commoditisation of political prisoners, to be used as 'bargaining chips' ahead of leadership visits.
- ❖ The dialogue process should continue. However, in order to become an effective mechanism to pressure Beijing, the Human Rights dialogue process requires a major overhaul to ensure that it is correctly resourced and has widely publicised goals and objectives that are time constrained and adequately communicated to all interested parties. The dialogue should include observers from the relevant ethnic, academic and NGO communities. Input should be sort from these groups in determining the objectives and the associated timeframes. The entire process should be subject to yearly reviews by the Joint Standing Committee.
- ❖ The Australian Government claims that 'the dialogue has matured to a point where no subjects are off limits'. It is time to test those limits by including objectives and timeframes that measure actual progress. A 'mature' and genuine dialogue would recognise the need for progress and the achievement of objectives.
- ❖ Beijing's latest Whitepaper on Tibet (May 2004) is ominous in that it indicates an increasing level of confidence by Beijing that the policies in Tibet - policies that threaten the very survival of the Tibetans as a people - will go unchecked by the countries presently enmeshed in the bilateral dialogue process.

2. Introduction

'With the peaceful Liberation of Tibet in 1951, Tibet had fundamentally extricated itself from the fetters of imperialism. Later, through the Democratic Reform, the abolition of feudal serfdom under theocracy and the establishment of the Tibet Autonomous Region, the socialist system has been steadily consolidated there and the various rights of the people have been constantly developed and truly realised.'

From the White Paper "Regional Ethnic Autonomy in Tibet", issued by the Information Office of the State Council of the People's Republic of China, May 2004, p 9.

'By imposing extra-legal or illegal penalties in the form of severe beating, torture, or inventive measures such as military-style "exercise", on whole groups of political prisoners, Drapchi's authorities [the authorities of the main gaol complex in Lhasa] may have surpassed people's congresses and courts in their efficacy at creating and building a deterrent against political dissent.'

Marshall, Steven D., in 'Rukhag 3, The Nuns of Drapchi Prison', Tibet Information Network (TIN), London, September 2000, p. 64.

'I have never resorted to empty superlatives about bilateral relationships. What matters in a relationship is what you achieve in practical and real terms.'

The Prime Minister John Howard speaking in Beijing at a breakfast gathering of the China-Australia Chamber of Commerce, Beijing, May 2003.

'... there is very little we are able to do.'

An Australian Federal Minister responding to concerns raised by a constituent regarding the Human Rights dialogue process in May 2000.

Whilst Beijing paints a picture of a socialist paradise in Tibet, Human Rights groups catalogue the ongoing suffering of the Tibetan people under Beijing's colonial occupation. Meanwhile, the Australian Government sees fit to hide behind a Human Rights dialogue process that, over the past seven years, has yielded no substantial improvements in the situation in Tibet; on the contrary, the situation in Tibet is now widely recognised as the worst period of repression Tibet has suffered outside the horror years of the Cultural Revolution.

Like many Australians, I have been a strident critic of aspects of the dialogue process from the very start. So, to begin, let me tell you what I thought of Australia's Human Rights dialogue process with Beijing when I communicated my views to my local member four years ago -

'Increasingly, it is obvious that the Sino-Australian Human Rights dialogue is nothing but a secretive charade – a non-accountable, non-transparent puppet show played out in the shadows by bureaucrats without conscience. It is a medium designed to placate an oppressive and belligerent regime in order to gain trade concessions. It is a convenient salve for the conscience of a Government that encourages trade with despotic regimes whilst ignoring Human Rights abuses.'

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The writer to the Hon. Phillip Ruddock, April 2000

I believe, these words echo even more true today – over four years later.

The continuing nationalist aspirations of the Tibetan people remain a major source of embarrassment to the Beijing regime. Over fifty years after Beijing launched a military offensive to conquer Tibet, the Tibetan people continue to defy Beijing, giving a lie to the notion that they wholeheartedly accept rule from the leadership compound in Beijing, over 2,000 kilometres away. Beijing's embarrassment is evidenced by the coercion Beijing uses on Western Governments to sideline legitimate concerns about Tibet under the threat of losing trade deals. Witness the threats every time the Dalai Lama visits a Western country; such as in May 2004, when Liverpool in the UK was threatened with removal of a sister-city relationship with Shanghai,¹ or the threats made to editors of the major newspapers in Australia during the Dalai Lama's visit in 2002.²

The Australian Government has proven particularly sensitive and compliant to these threats. Since a brave (albeit reluctant) start in 1996 - when Prime Minister Howard met the Dalai Lama in Sydney - Tibet and things Tibetan are now avoided at all costs. No such meeting took place between the Prime Minister and the Dalai Lama in 2003; instead the Prime Minister undertook a cynically timed visit to Beijing. So compliant has Australia become that Australian diplomats will not even publicly mention Tibet in international forums.

Australia has been well rewarded, with a massive LNG contract and other preferential trade deals. Sycophancy and obsequiousness seem to pay dividends; Beijing's carrot and stick approach is working and Australia is seen to kowtow like a willing vassal before the Middle Kingdom. Meanwhile, Tibetans continue to be increasingly marginalised and oppressed in their own land; a fate similar to the Manchurians and Inner Mongolians – i.e. obliteration as a people – is a spectre that looms large for the Tibetans in the next twenty years.

3. Tibet pre 1997 (Historical Interlude Part I)

Beijing likes to claim that China's right to 'own' Tibet 'goes back to ancient times'. Beijing cites the Mongol Yuan dynasty as establishing control over Tibet in the 13th Century.³ The fact that this was a Mongol and not an indigenous Han dynasty seems lost on Beijing, as is the mutual recognition by Tibet and Mongolia of each other's independence in 1913.⁴ Similarly, Mongolia's existence as a free and independent nation today is also overlooked.

China has encroached on Tibetan lands for centuries, bringing destruction, ethnic cleansing and Han settlement, especially along the Tibetan Marches - the borderlands of the Tibetan provinces of Kham and Amdo, now subsumed into Yunnan, Szechwan, Kansu and Qinghai. Tibetan and Chinese armies have fought endless campaigns, moving the border back and forth as success and failure dictated.⁵ In 1912, with the collapse of the Qing dynasty, the Tibetans expelled a Chinese force (that had occupied Lhasa in 1910) after a successful uprising against this Chinese presence.⁶ This allowed the 13th

Dalai Lama to then returned from exile in India to assert Tibetan independence. In 1918, the Tibetans again soundly defeated encroaching Chinese forces in Kham.⁷

From 1912 till 1950, Tibet successfully asserted de facto independence. This came to an end in October 1950 when Chairman Mao – who had once described the PLA's foraging for food in Tibet during the Long March as the Chinese communist's only foreign debt⁸ – unleashed a 20,000 strong, two pronged invasion force against Tibet.⁹ The poorly equipped Tibetan army and militia were quickly defeated.¹⁰ Beijing used this initial military success to force a Tibetan delegation to submit under threat of total invasion.¹¹ The 'Peaceful Liberation of Tibet' never occurred - it was a full-scale military assault, followed by military occupation and colonization. Tibet was 'liberated' from the Tibetans.

Under the terms of the '17 Point Agreement', signed in Beijing by a Tibetan delegation put under duress and forced to use unofficial seals,¹² Beijing began to take control of Tibet. At first Beijing maintained the power and status of the Dalai Lama and the ruling Tibetan aristocrats, but as reforms began in the east of Tibet, discontent began to spread to Lhasa, culminating in the uprising of March 1959 and the flight of the Dalai Lama and around 100,000 Tibetans into exile. This was the signal for Beijing to unleash its true intentions on the Tibetans. Full communist reforms were commenced in central Tibet and by 1966 the full horror of the Cultural Revolution was visited upon the Tibetans. It was not until the death of Mao in 1976 and the rise of Hu Yaobang, that Tibet emerged from this nightmare.¹³ In the years since the invasion of 1950 and the end of the Cultural Revolution, between one-half and over a million Tibetans died in battles, from executions, starvation, torture, imprisonment and forced labour. Around 6,000 monasteries were destroyed and priceless art treasures and cultural relics trashed or stolen. By the time of Mao's death Tibet was an empty shell.

Seemingly genuinely remorseful of the horror inflicted on the Tibetans (new Party Secretary Hu Yaobang was highly critical of the extreme policies inflicted on Tibet)¹⁴, the new Beijing leadership implemented reforms in the early 1980's. These included the resuscitation of Tibetan culture, religious life and language. Nomads were allowed to recommence their traditional grazing practices. This period is now seen as almost a golden era compared to what was to follow.

Tibetans are not Chinese. In this new and relatively liberal climate it did not take long for the nationalist sentiments of the Tibetans to re-emerge. By 1987, demonstrations were beginning to take place that, by 1988, had become widespread and were increasingly seen as a threat to Beijing's occupation. These demonstrations were harshly put down. Pre-empting tactics later used in 1989, during the Tiananmen protest, Chinese troops and uniformed and plain clothes police fired into the crowds and harshly beat and tortured protesters. Chinese police videos smuggled out of Tibet show the PLA and PAP stamping on Tibetan heads and severely beating Tibetan protesters with truncheons, fists and boots. Several hundred Tibetans died in this, the fourth major Tibetan uprising of the 20th century.¹⁵

The re-emergence of Tibetan nationalist sentiments, coupled with the decision by the Dalai Lama to internationalise the Tibet issue, was seen by Beijing's hardliners as proof that Beijing must assert total control over Tibet. Martial law followed.¹⁶ By 1990, harsh political controls were imposed on dissenters and their families were increasingly sought out and isolated. Tibet's gaols were full to bursting. Stories of torture and abuse seeped across the Himalayas as the flow of Tibetan refugees increased. Most countries in the world were severe in their criticism of Beijing and the methods used in Tibet and elsewhere in China.

In many Western nations, the late 1980's saw the formation of politically focussed Tibet Support Groups. These organisations became extraordinarily effective in generating publicity for Tibet and organising large peaceful demonstrations that have brought considerable pressure to bear on visiting Chinese leaders and compliant Western governments.

Meanwhile, Tibet entered a new era of control through violence and coercion. Inducements for cooperating Tibetan elites were introduced and there was an increase in the tempo of Han immigration coupled with economic infrastructure developments designed to encourage and favour these new settlers.¹⁷

4. The Human Rights Dialogue process

Since 1997, Beijing has succeeded in convincing Australia, and a large number of other nations, to forego the ritual of annual condemnation of Beijing's Human Rights abuses in the multilateral forum of the United Nations Commission for Human Rights (UNCHR) in exchange for closed-door bilateral dialogues on Human Rights. Beijing's manipulation of Third World votes in the UNCHR – primarily through aid packages – coupled with threats of trade losses against First World nations has been a successful strategy.

The Human Rights dialogues have a very similar format around the world. In Australia's case the dialogue is an annual one-day meeting, held alternately in Australia and in China. As the dialogue also includes discussion of Australia's Human Rights performance, it can be safely assumed that half-a-day is devoted to discussion of the situation in China and half-a-day on the situation in Australia. Given other widespread Human Rights abuses within China, discussion on Tibet would take up a very small proportion of the day. Whilst Australian delegations have visited Tibet under the umbrella of the dialogue, these have been chaperoned visits designed to showcase the Tibet that Beijing wants the world to see.

Minimal resources are applied to the dialogue. There are no stated outcomes and only a high level outline of each round of the dialogue is available to the public. Beijing's responses – or lack of responses - are not disseminated.

When questioned, the bureaucrats that run the dialogue on Australia's behalf are reluctant to give details and defend the dialogue's lack of progress in terms of the newness of the

engagement and that, therefore, change will take years. After seven years, this excuse is now looking tired.

The series of dialogues conducted by Beijing around the world does seem to have had one impact: the release of several high-profile political prisoners, mainly Tibetans. Whilst this is wonderful for the individuals who have been released, the timing of the releases has routinely been just before a Chinese leader is about to embark on an overseas visit. It would seem that Beijing has learnt to use political prisoners as cynical 'bargaining chips' - to be hoarded and released as required to reduce the level of criticism at key times. The 'commoditisation' of political prisoners is a sad outcome. Beijing won't run out of 'bargaining chips' very soon, after all, political prisoners are one of the regime's 'major products'. The release of political prisoners is, therefore, a hollow achievement; especially when, after one high profile Tibetan is released, news of an equally high profile Tibetan execution reaches Human Rights monitors.

5. Tibet post 1997 (Historical Interlude II)

Since the establishment of the Human Rights dialogue process, the situation in Tibet has moved from bad to worse. Many argue that the sophisticated nature of the systematic repression in Tibet is now harsher, more pervasive and more effective than at any time outside the Cultural Revolution. **This new level of control placed on any form of Tibetan political expression has occurred during the 'watch' of the bilateral Human Rights dialogue process.**

The repressive controls implemented by Beijing make use of coercive and threatening measures that pervade all levels of Tibetan society and frequently severely disadvantage family members of those prepared to make a political stand. Released political prisoners are often subjected to strict controls which then force these individuals to seek relief through going into exile in India or Nepal.

Examples of the deteriorating situation since 1997 include-

- ❖ The 'Patriotic Education Campaign' which aggressively targets Tibetan religious institutions to root out support for, or traditional worship of, His Holiness the Dalai Lama. This campaign utilises 'work teams' which visit every monastery and nunnery to force monks and nuns into signing declarations rejecting the Dalai Lama. Monks and nuns who refused to sign are expelled from their institutions. Any resistance often leads to violent outcomes and imprisonment. This campaign was initiated in TAR and has spread to other Tibetan regions since 2001. The banning of photos of the Dalai Lama is part of this campaign.¹⁸
- ❖ Destruction of major religious institutions, considered a threat to Beijing's rule, especially the case of Serthar, Kardze Prefecture, Sichuan. This institute was established only in 1980 and attracted 7,000 monks and nuns. It was the largest Tibetan Buddhist institution under Chinese rule. *'Most remarkable was, perhaps, simply in how short a period of time Serthar grew from virtually nothing into one*

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*of the largest and most important centres of Buddhist learning in Tibet, which the Chinese authorities actually could have hailed as a successful example of the success of their policies that they call 'religious freedom'.*¹⁹

- ❖ The flight of the 17th Karmapa, head of the Karma Kagyu order and the first and only Tibetan reincarnated lama to be endorsed by both the Dalai Lama and Beijing. He fled to India in December 1999 after Beijing reneged on promises of a full traditional Tibetan Buddhist education and access to his teachers who were later denied visas to travel from India.²⁰
- ❖ The flight Agya Rinpoche, Abbott of Kumbum monastery in Qinghai and the highest placed Tibetan religious leader on Chinese ruling bodies (Committee Member of the Chinese People's Political Consultative Conference etc.). Agya Rinpoche fled Tibet in November 1998, justifying his flight by saying '*our people are suffering because they do not have true freedom to practise our religion and uphold our traditions. Under these conditions, I could not remain. I had to leave.*'²¹
- ❖ Tightening of security along the border areas to capture fleeing Tibetans, many of whom are former political prisoners seeking a new life in India after they are unable to live under the terms imposed on them after their release. Beijing's desire to hermetically seal Tibet was evidenced by the forced deportation from Nepal of 18 Tibetan refugees in May 2003, in a well planned and deliberate action co-ordinated with Nepalese assistance.²²
- ❖ The continual banning of traditional Tibetan gatherings and celebrations (mostly of a religious nature) seen as nationalist in their leaning.
- ❖ Increased in-migration of ethnic Han Chinese.²³
- ❖ Construction and development of economic infrastructure designed to increase the flow of Han immigrants. Examples are the Gormud to Lhasa railway, expansion of highways as military supply routes, expansion of airports and the destruction of traditional Tibetan town areas to make way for new accommodation for the new Han immigrants.²⁴
- ❖ The devaluing of Tibetan culture and language through an education system that gives emphasis to Mandarin as the language of opportunity and has a syllabus designed to discredit traditional Tibetan culture and only promote those 'fine aspects' of Tibetan culture deemed acceptable by Beijing.²⁵
- ❖ The persecution of Trulku Tenzin Delek and his sentencing to a suspended death sentence on 26th January 2003 (scheduled to be carried out in December 2004). Trulku Tenzin Delek was persecuted by Chinese authorities because he was seen as a threat to the Party. He was a culturally and charitably inclined religious leader who was very popular. When a 10,000 signature petition was received by the

Chinese authorities, they realised that the level of support for Trulku Tenzin Delek was a threat to the Party and moved to accuse him of 'terrorism'.²⁶

- ❖ The execution of Lobsang Dhondup, a relative of Trulku Tenzin Delek, on 26th January 2003, on charges of 'terrorism'. Lobsang Dhondup was shot immediately after a secret retrial – despite foreign protests. He had been severely tortured. His body was cremated immediately and not returned to his family, as is the custom. His family have disappeared after speaking out.²⁷
- ❖ Whilst overall political prisoner numbers in Tibet have declined in the TAR since 1995-1996, this can be attributed to the campaigns of intense political and religious repression and the deterrent factor posed by the severe physical abuse, beatings and torture inflicted on prisoners.²⁸

There is no doubt that events since the implementation of the bilateral Human Rights dialogue process in 1997 constitute a deterioration of the situation in Tibet. **The dialogue has effectively emboldened Beijing to act with increasing impunity in Tibet.** A compliant Australia is too scared to risk trade deals by mentioning the abuses in the UNCHR, but only too happy to engage in a closed-door dialogue where no pressure whatsoever is brought to bear against Beijing. By acting in this way, Australia is complicit in the gross abuse and cultural genocide of a people.

6. Treating the symptoms not the cause

The dialogue process does not even begin to address the fundamental issue causing the human rights abuses in Tibet, that is the right of the Tibetan people to self determine.

At the very time that the tide of the colonial occupations by European nations was ebbing, Beijing chose to commence the Chinese colonisation of inner Asia. For a nation that has suffered severely at the hands of the Japanese and Europeans, Beijing's colonisation of Tibet is difficult to understand. Beijing justifies the colonisation of Tibet by claiming the Tibetans welcome the benefits of Chinese modernisation, yet this is the same tired argument trundled out by every colonising power.

As the Tibetan-exile-government states '*Despite the brutality of the Cultural Revolution, China was not able to wipe out Tibet's gentle civilisation whose rich spiritual tradition even now vibrates well beyond Tibet. Where brute military might and outright political repression have failed, China now is attempting to exterminate Tibet's unique way of life through renewed colonisation*'.²⁹

The dialogue cannot be taken seriously when it subverts any recognition of the rights of the Tibetan people to self-determination. Beijing is determined not to negotiate anything with the Tibetans other than the return of the Dalai Lama as an individual. Many Tibetans recognise this; momentum is building amongst them to push for self-determination.

7. A more accountable, transparent and effective process

The dialogue should not be abandoned. Instead it should be transformed into an effective mechanism that places pressure on Beijing to change, and, in Tibet's case, to seek a solution to the Tibet conflict that is acceptable to the Tibetan people.

The following changes should be made to the dialogue process -

- ❖ Beijing is unresponsive to bilateral dialogue pressure alone. Australia should therefore be prepared to act multilaterally to pressurise Beijing in the UNCHR by sponsoring or co-sponsoring condemnations of Beijing's actions. Australia should be brave enough to specifically mention Tibet. Australia should lobby other UN member nations accordingly.
- ❖ Australia should seek a co-ordinated strategy with Beijing's other dialogue partners to maximise the pressure on Beijing.
- ❖ The dialogue should be made transparent. There should be objectives and these should be made public. The objectives should be time constrained and continuation of the dialogue should be reviewed against Beijing meeting the objectives within the timeframe. The objectives should be set in consultation with ethnic, academic and NGO communities.
- ❖ The Human Rights Sub-Committee should review the progress and conduct of the dialogue every year.
- ❖ The time and resources invested in the process should be greatly increased. The appropriate Ministers and relevant high-ranking staff should participate from both sides.
- ❖ The dialogue should have observers from academia, relevant ethnic community groups and NGO's. These observers should be provided with an opportunity to ask questions of both the Australian and Chinese government participants. The observers should have full access to the objectives and timeframe.
- ❖ Full disclosure of the objectives, timeframe, participants, discussion points, questions raised, responses, lack of responses etc. should be made on the DFAT website before the dialogue round and updated after the dialogue round.

The Australian Government claims that 'the dialogue has matured to a point where no subjects are off limits'.³⁰ It is time to test those limits by including objectives and timeframes that measure actual progress. A 'mature' and genuine dialogue would recognise the need for progress and the achievement of objectives.

8. Conclusion

In its present format the Sino-Australian Human Rights dialogue is at best an ineffective, poorly designed process that will not succeed in achieving anything beyond Beijing's desire to deal with its poor public relations over Human Rights and Tibet. At worst, it a mutually convenient and cynical charade designed purely as a mechanism that enhances Australia's trade opportunity.

After seven years of impressive non-achievement, there must be a serious re-engineering of the mechanisms and goals of the dialogue. At the present trajectory, Tibet will be completely and irrevocably sinocized within twenty years. If Australia continues participation in the existing dialogue process without seeking to re-engineer the process, then history will document the Australian Government as a complicit partner in the elimination of the Tibetan people.

Beijing's latest Whitepaper on Tibet (May 2004)³¹ is ominous in that it indicates an increasing level of confidence by Beijing that the policies in Tibet - policies that threaten the very survival of the Tibetans as a people - will go unchecked by the countries presently enmeshed in the bilateral dialogue process.

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