

# Homeless But Not Hopeless: How the Tibetan Constitution Governs a People in Exile

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Despite the apparent success as refugees, however, Tibetan exiles have never forgotten the primary purpose of leaving Tibet—to fight for our freedom.

*His Holiness the Fourteenth Dalai Lama of Tibet*<sup>1</sup>

## Introduction

Communities in exile impact modern political, social, and economic structures globally. People and nations living in exile can influence other nations by sharing their history and experiences. The Tibetan community is no exception.<sup>2</sup> While these communities may lack the physical control over their homelands, their ability to organize and create political and social structures in foreign lands embodies the self-determination ideals echoed in many of the world's most valuable national documents: constitutions created by the people.

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1. TENZIN GYATSO, DALAI LAMA XIV, MY LAND AND MY PEOPLE: THE ORIGINAL AUTOBIOGRAPHY OF HIS HOLINESS THE DALAI LAMA OF TIBET vi (3d. ed. 1997) [hereinafter GYATSO, MEMOIRS].

2. The Jewish Diaspora provides another example. See generally, AHIRON BREGMAN, A HISTORY OF ISRAEL (2003).

The Tibetan community in exile, and most notably His Holiness the Dalai Lama, shape the current discourse on the true meaning of autonomy for Tibet,<sup>3</sup> Buddhist texts and philosophies (both by Tibetans<sup>4</sup> and Tibet scholars<sup>5</sup>), and international human rights.<sup>6</sup> Additionally, His Holiness the Dalai Lama has spoken around the world on topics ranging from the intersections of religion and science<sup>7</sup> to finding individual happiness.<sup>8</sup> In recognition of his commitment to peace and his contributions to religious harmony, His Holiness the Dalai Lama has received numerous honorary degrees from American colleges and universities.<sup>9</sup> And, in 1989, he received the Nobel Peace Prize.<sup>10</sup> In 2006, Canada awarded him honorary Canadian citizenship.<sup>11</sup> Most recently, United States President George W. Bush awarded him the Congressional Gold Medal.<sup>12</sup> Originally, these exchanges may have arisen out of concern for Tibet, but in today's interdependent world, the outcomes of such discussions have repercussions for many outside of Tibet.

Recognition of the Tibetan Constitution<sup>13</sup> and thus a free, or at least truly autonomous, Tibet may dramatically impact the ability of the region to gain environmental and political stability. For example, a free Tibet may mean the difference between disastrous flooding of the Mekong River in

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3. See generally, THE DALAI LAMA, A POLICY OF KINDNESS: AN ANTHOLOGY OF WRITING BY AND ABOUT THE DALAI LAMA (Sidney Pilburn ed., 1990).

4. See, e.g., MATTHEW E. BUNSON & TENZIN GYATSO, DALAI LAMA XVI, THE BUDDHISM OF TIBET (Jeffery Hopkins trans. & ed., 3d ed. 2002).

5. See, e.g., ROBERT A. F. THURMAN, ESSENTIAL TIBETAN BUDDHISM (1997).

6. See, e.g., DAMIEN KEOWN, BUDDHISM AND HUMAN RIGHTS (1998); KERRY KENNEDY, SPEAK TRUTH TO POWER: HUMAN RIGHTS DEFENDERS WHO ARE CHANGING OUR WORLD (2000).

7. See, e.g., TENZIN GYATSO, DALAI LAMA XIV, THE UNIVERSE IN A SINGLE ATOM: THE CONVERGENCE OF SCIENCE AND SPIRITUALITY (2005).

8. See, e.g., MATTHEW BUNSON, THE WISDOM TEACHINGS OF THE DALAI LAMA (1997); HIS HOLINESS THE DALAI LAMA & HOWARD C. CUTLER, THE ART OF HAPPINESS: A HANDBOOK FOR LIVING (1998); HIS HOLINESS THE DALAI LAMA & HOWARD CUTLER, THE ART OF HAPPINESS AT WORK (2003); THE DALAI LAMA, AN OPEN HEART: PRACTICING COMPASSION IN EVERYDAY LIFE (Nicolas Vreeland ed., 2001).

9. Associated Press, *Dalai Lama Formally Installed as Professor in U.S. University*, INT'L HERALD TRIB., Oct. 21, 2007, available at <http://www.iht.com/articles/ap/2007/10/22/america/NA-GEN-US-Dalai-Lama.php>.

10. See generally, THE NOBEL PRIZES 1989 (Tore Frängsmyr ed., 1990), available at [http://nobelprize.org/nobel\\_prizes/peace/laureates/1989/lama-bio.html](http://nobelprize.org/nobel_prizes/peace/laureates/1989/lama-bio.html).

11. *Dalai Lama Presented with Honorary Canadian Citizenship*, Sept. 11, 2006, <http://www.dalailama.com/news.67.htm>.

12. See Brian Naylor, *Congress, Bush Give Dalai Lama Gold Medal*, Oct. 16, 2007, <http://www.npr.org/templates/story/story.php?storyId=15374199>.

13. An English translation of the Charter of Tibetans in Exile is available at <http://www.tibet.com/govt/charter.html> [hereinafter TIBETAN CONST.].

Southeast Asia and river communities coexisting with nature as they have for thousands of years.<sup>14</sup> A politically stable Tibet may mean the difference between the acceleration of glacial melting and preservation of some of the world's largest glacial deposits.<sup>15</sup>

Additionally, considering that Tibet is critical habitat for endangered animals, Tibet's commitment to environmental protection is essential to the health and biodiversity of the region.<sup>16</sup> Because the fate of endangered animals lies in the hands of those who have physical control over this geographic terrain, it is crucial that those hands are willing to take actions to investigate and correct the devastating impact of irresponsible development. The Central Tibetan Administration has long recognized the need for protective measures and has already commissioned various reports on endangered animals, the environment and development, and demilitarization.<sup>17</sup> Tibet's efforts to address the impacts of development signal that the government is ready to tackle these difficult modern issues.

Similarly, Tibetan independence and acknowledgement of its supreme law, as written in its constitution, may be vital to establishing and maintaining effective communications between Tibet's neighbors, India and China, the two most populous nations in the world.<sup>18</sup> Contrary to other historical examples, such as the plight of Poland during the twentieth century, Tibet is uniquely situated to act as a mediator rather than serve as another point of contention for neighboring giants. Whereas Poland became an area torn into divisions by Imperial Russia and the German Empire during World War II,<sup>19</sup> Tibet finds itself in the an era absent world war and is led by a person who decries "[t]he concept of war [as an] outdated" means of problem solving.<sup>20</sup> Tibet's unique commitment to

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14. Michael Mitchell, *The Political Economy of Mekong Basin Development*, in *THE POLITICS OF ENVIRONMENT IN SOUTHEAST ASIA: RESOURCES AND RESISTANCE* 71, 72 (Philip Hirsch & Carol Warren eds., 1998).

15. Howard W. French, *A Melting Glacier in Tibet Serves as an Example and a Warning*, N.Y. TIMES, Nov. 9, 2004, at F3, available at <http://www.nytimes.com/2004/11/09/science/earth/09glac.html>.

16. DEPARTMENT OF INFORMATION AND INTERNATIONAL RELATIONS, CENTRAL TIBETAN ADMINISTRATION, *THE ENDANGERED MAMMALS OF TIBET* (2005).

17. Documents available at <http://www.tibet.net/en/diir/pubs/edi/>.

18. It is estimated that China's population is approximately 1.3 billion while India's population is approaching 1.2 billion. GeoHive Home Page, <http://www.xist.org/default1.aspx> (last visited September 1, 2008).

19. JERZY LUKOWSKI & HUBERT ZAWADZKI, *A CONCISE HISTORY OF POLAND* 263–67 (2001).

20. *Dalai Lama Formally Installed as Professor in U.S. University*, INT'L HERALD TRIB., Oct. 21, 2007, available at <http://www.ihf.com/articles/ap/2007/10/22/america/NA-GEN-US-Dalai-Lama.php>.

demilitarization and becoming a zone of peace places it and its neighbors under a more watchful global eye than was afforded Poland. Additionally, India's historic desire and need for the existence of Tibet as a "buffer state between China, Russia and the Indian subcontinent"<sup>21</sup> increases the likelihood of a warmer reception of Tibetan independence on the southern front. Although "China has consistently denied both the presence of missiles and the targeting of India," the allegation alone is alarming.<sup>22</sup> A free Tibet may soothe fears and calm these types of allegations.<sup>23</sup> Meetings and reporting on the role of Tibet in the region have already formally begun in India.<sup>24</sup> Through the promotion of dialogue, Tibet's geographic and political position between these two giants may gain greater prominence as these nations continue to expand in economic and military might.

Global recognition of the democratic political structure enacted by the Tibetan community in exile will also strengthen the region's commitment to worldwide development of democracy. The value placed on the right to vote has prompted the Tibetan community in exile to hold its own elections to select representatives for the government-in-exile.<sup>25</sup> As the democratic progress of this small community in exile grows, recognition of their achievements will become more and more difficult to ignore. The Assembly of Tibetans People's Deputies began with representative members from the three provinces of Tibet and the four schools of Buddhism, but is now more inclusive and includes representatives from North America and Europe.<sup>26</sup>

The first, albeit difficult, step to achieving acceptance in the international community begins with recognition by world leaders. The United States and the European Union are uniquely poised to lead the charge towards informal and eventually formal acknowledgment of the existence and legitimacy of the Tibetan Constitution. In order to do this, there must be a dialogue about this document and its symbolic and practical significance. Despite the strain such recognition may place on the relationship between the United States and one of its largest trading

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21. Shalini Saksena, *Indian Perceptions of the Emergence of the People's Republic of China*, in *INDIA AND CHINA IN THE COLONIAL WORLD* 218–19 (Madhavi Thampi ed., 2005).

22. WAHEGURU PAL SINGH SIDHU & JING-DONG YUAN, *CHINA AND INDIA: COOPERATION OR CONFLICT?* 51 (2003).

23. *Id.*

24. *TIBET AND PEACE IN SOUTH ASIA: PROCEEDINGS OF AN INTERNATIONAL CONVENTION* (Jaya Jaitly ed., 1989).

25. *See infra* notes 62–64 and accompanying text.

26. Additional information on the structure of the Tibetan government in exile is available at Gov't of Tibet in Exile—Democratisation of the Tibetan Government-in-Exile, <http://tibet.com/Govt/demo.html> (last visited Sept. 1, 2008).

partners, the People's Republic of China,<sup>27</sup> the human rights benefits and moral authority to be gained by supporting the opening of this discussion are well worth the potential risks. Political leaders in the United States across the aisle have come together in their support of Tibet.<sup>28</sup> Tibetans worldwide have found hope for future progress towards recognition of their exiled government in these acts of Congress and when the Dalai Lama meets with United States presidents. By standing strong on Tibetan issues, even when pressed otherwise by authorities in Beijing, the United States is sending a clear message of support that reaches beyond one of sympathy or neutrality.<sup>29</sup>

## I. Background and the Tibetan Government-in-Exile

The Dalai Lama is and always has been the head of state, and all executive power is vested in him. However, he is probably the only ruler in the world, who has voluntarily given up political power step-by-step, on his own initiative and without pressure from below.<sup>30</sup>

In 1959, His Holiness the Dalai Lama fled Tibet.<sup>31</sup> He was followed by thousands of Tibetans into the foothills of northern India.<sup>32</sup> Many Tibetans sought refuge in Dharamsala, India, where His Holiness the Dalai Lama set up the seat of the Tibetan government-in-exile.<sup>33</sup> Since his

27. China trails only Canada in 2007 U.S. Census reports of total foreign trade partners. See U.S. Census Bureau—Foreign Trade Statistics, <http://www.census.gov/foreign-trade/top/index.html#2007> (last visited Nov. 10, 2008).

28. Democratic Speaker of the House Nancy Pelosi and Republican President George W. Bush stood united in awarding His Holiness the Dalai Lama the Congressional Gold Medal. See Naylor, *supra* note 12; Brian Knowlton, *U.S. Congress Honors Dalai Lama Despite Objection From China*, INT'L HERALD TRIB., Oct. 7, 2007, available at <http://www.ihf.com/articles/2007/10/17/america/tibet.5-154823.php> (“Over furious objections from China and in the presence of President George W. Bush, the U.S. Congress on Wednesday bestowed its highest civilian honor on the Dalai Lama, the exiled Tibetan spiritual leader whom Beijing considers a troublesome voice of separatism.”).

29. Knowlton, *supra* note 28.

30. Tsewang Phunsto, *Government in Exile*, in *EXILE AS CHALLENGE: THE TIBETAN DIASPORA* 126 (Dagmar Bernstorff & Hubertus von Welck eds. 2003).

31. The Dalai Lama describes his escape from Tibet in two autobiographies. See GYATSO, *MEMOIRS*, *supra* note 1, at 113–16 (“The descent from Tibet to India is a dramatic journey.”); TENZIN GYATSO, *DALAI LAMA XIV, FREEDOM IN EXILE: THE AUTOBIOGRAPHY OF THE DALAI LAMA* 138–43 (1990) [hereinafter GYATSO, *AUTOBIOGRAPHY*] (“I was helped on to the broad back of a *dzomo* [Tibetan word for the hybrid of a cow and a yak], . . . [a]nd it was on this humble form of transport that I left my native land.”).

32. TSERING SHAKYA, *THE DRAGON IN THE LAND OF SNOWS: A HISTORY OF MODERN TIBET SINCE 1947* 207 (1999).

33. *Structure of the Tibetan Government-in-Exile*, <http://tibet.com/Govt/brief.html> (last visited Nov. 6, 2008) (“The Tibetan people, both inside and outside Tibet, consider their Government in Exile based in Dharamsala, North India, to be the sole legitimate government of Tibet.”).

escape, His Holiness the Dalai Lama has yet to return to his homeland.<sup>34</sup> The People's Republic of China has labeled him a "separatist" for promoting Tibetan independence and later genuine autonomy.<sup>35</sup> China has also threatened imprisonment if he were to return.<sup>36</sup> International news reports note that "China views the Tibetan spiritual leader as a separatist who is attempting to undermine Chinese national sovereignty."<sup>37</sup> Yet, even after over a half century of such rhetoric and propaganda, Tibetans worldwide still hold the highest regard for their political and spiritual leader. There is tremendous attendance of His Holiness the Dalai Lama's public events by Tibetans and non-Tibetans alike. At seventy-three years of age, his current listing of scheduled teachings and public talks rivals those of youthful pop stars and political campaigners.<sup>38</sup>

Although the Dalai Lama maintains a busy schedule worldwide, one of his top priorities is securing the welfare of the approximately six million Tibetans living in Tibet<sup>39</sup> and over one hundred thousand living in exile worldwide.<sup>40</sup> Over the last half century, Tibetans have not only fled Tibet into neighboring India and Nepal, but have spread out across the globe, forming the Tibetan diaspora. Despite the Tibetan diaspora, the Tibetan people continue to work to maintain connections to their homeland. This can be seen in the signs of nationalism expressed by those in exile and promoted by the exile government. To place Tibetan nationalism in line with modern indicators of patriotism, "Some older symbols of nationalism such as a flag and a national anthem were supplemented with a new holiday (March 10, the anniversary of the 1959 revolt) and a Constitution."<sup>41</sup>

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34. As he prepared to flee Tibet, he visualized "reaching India safely" as well as "returning to Tibet." GYATSO, AUTOBIOGRAPHY *supra* note 31, at 138.

35. *China Calls Canadian Ambassador Over Dalai Lama*, CTV.ca, Nov. 2, 2007, available at [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20071102/china\\_cda\\_071102/2007110?hub=World](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20071102/china_cda_071102/2007110?hub=World) (last visited Sept. 1, 2008).

36. *Id.*

37. *Id.*

38. A list of teachings is available at <http://tibet.com/teachings.html> (last visited Sept. 1, 2008).

39. See GYATSO, MEMOIRS *supra* note 1 (discussing priorities of the Dalai Lama). According to the Tibetan government in exile, there are approximately six million Tibetans in Tibet and over seven million Chinese in Tibet. *Tibet At A Glance*, <http://www.tibet.com/glance.html> (last visited Sept. 1, 2008). However, there are only "3.3 million [Tibetans] according to Chinese census figures." PHILIP DENWOOD, TIBETAN 2 (1999).

40. "Over 125,000 Tibetans now live in exile mostly in India (centered around the Dalai Lama's Government in exile in Dharamsala) and Nepal." MARTYN BERKIN, THE GREAT TIBETAN STONEWALL OF CHINA: THE STATUS OF TIBET IN INTERNATIONAL LAW AND INTERNATIONAL POLICY ON TIBET 3 (2000).

41. TOM A. GRUNFELD, THE MAKING OF MODERN TIBET 210 (1996).

Another unique aspect of Tibetan nationalism is “that it deploys traditional religious themes to define the nation.”<sup>42</sup> The transnational movement of Tibetans in exile, including the travels of His Holiness the Dalai Lama, has prompted political developments outside of Tibet.<sup>43</sup> These discussions have helped shape international consciousness about the situation inside Tibet. In spite of “almost non-existent” talks, the support of the international community has given rise to hope for a genuine dialogue between officials in Beijing and the Tibetan government-in-exile.<sup>44</sup>

As it stands now, China has reduced Tibet’s physical scope to the “Tibetan Autonomous Region.”<sup>45</sup> The controversies over the discrepancy between the Tibetan Plateau and what the Chinese define as the “Tibetan Autonomous Region” stem from the dramatic geographic reductions in size of historically and culturally Tibetan land. Today, Tibet has been reduced to “the Tibetan Autonomous Region of China, which is a truncated version of the areas ruled by the Dalai Lama from 1642 to 1959.”<sup>46</sup> The excluded land is rich in natural resources and abundant in size.<sup>47</sup> Thus, the land is no doubt desired by China, as China continues to use population transfers to place more migrant Chinese farmers inside Tibet.<sup>48</sup> With the completion of the Transnational Railroad into Lhasa (Tibet’s capital), China has increased the rate at which migrant Chinese are relocated into Tibet.<sup>49</sup> Soon, Tibetans will become an ethnic minority within their own country.<sup>50</sup>

Despite China’s efforts to minimize the impact of political movements inside and outside of Tibet,<sup>51</sup> as the Tibetan sovereignty issue has continued

42. Georges Dreyfus, *Tibetan Religious Nationalism: Western Fantasy or Empowering Vision?*, in *TIBET, SELF, AND THE TIBETAN DIASPORA: VOICES OF DIFFERENCE* 42 (P. Christiaan Klieger ed., 2002).

43. See RAGHU RAI & JANE PERKINS, *TIBET IN EXILE* (1991).

44. *The China-Dalai Lama Dialogue: Prospects for Progress: Roundtable Before the Congressional-Executive Comm. on Tibet*, 109th Cong. 4 (2006) (statement of Tashi Wangdi, Rep. of His Holiness the Dalai Lama to the Americas, Office of Tibet).

45. SHAKYA, *supra* note, 32 at 302.

46. DENWOOD, *supra* note 39, at 4.

47. MOUNTAIN GEOECOLOGY AND SUSTAINABLE DEVELOPMENT OF THE TIBETAN PLATEAU (Du Zheng, Qingsong Zheng & Shaohong Hu eds., 2000).

48. “It is estimated that two million Han Chinese have settled in Tibet.” BERKIN, *supra* note 40, at 4.

49. SAMDHONG RINPOCHE, UNCOMPROMISING TRUTH FOR A COMPROMISED WORLD: TIBETAN BUDDHISM AND TODAY’S WORLD 131–32 (Donovan Robert ed., 2006).

50. “As China exploits Tibetan resources, Tibetans are becoming a second class remnant people in their own country.” BERKIN, *supra* note 40, at 4.

51. For a discussion of arrests, torture and interrogation of Tibetans, see RONALD D. SCHWARTZ, *CIRCLE OF PROTEST: POLITICAL RITUAL IN THE TIBETAN UPRISING* 93 (1994).

to gain international support,<sup>52</sup> Tibetans and Tibet supporters have remained active.<sup>53</sup> In 1991, the Assembly of Tibetan People's Deputies adopted the Tibetan Constitution.<sup>54</sup> Until then, the Central Tibetan Administration<sup>55</sup> operated primarily under the auspices of the draft constitution for a future Tibet created by His Holiness the Fourteenth Dalai Lama in 1961.<sup>56</sup> The Tibetan Constitution was not the first document of its kind. In 1913, the Thirteenth Dalai Lama created the Tibetan Declaration of Independence, reiterating the existence of Tibet as a sovereign nation.<sup>57</sup> Today, the Tibetan parliament consists of elected members of the Assembly of Tibetan People's Deputies, including two representatives from North America and Europe.<sup>58</sup>

## II. Claims of Legitimacy

Brute force can never subdue the basic human desire for freedom.

*His Holiness the Fourteenth Dalai Lama of Tibet*<sup>59</sup>

### A. Local Claims of Legitimacy

"The Tibetans, both inside and outside Tibet, recognize the CTA [Central Tibetan Administration, located in Dharamsala, India] as their sole and legitimate government."<sup>60</sup> An interesting consequence of this is that while political participation for Tibetans in Tibet is limited to those activities approved by China, Tibetans outside Tibet actively engage in

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52. The celebrity attention given to the political and human rights issues facing Tibet has led to the popularity of films like "Seven Years in Tibet" and "Kundun," as well as the support of the Tibetan Freedom Concerts worldwide.

53. For example, the organization Students for a Free Tibet is actively protested China hosting the 2008 Olympics. See Students for a Free Tibet—Campaigns, <http://www.studentsforafreetibet.org/article.php?list=type&type=9> (last visited Sept. 1, 2008).

54. TIBETAN CONST., *supra* note 13, at preface.

55. The Central Tibetan Administration (CTA) is the exile administration established by the Dalai Lama after he fled Tibet in 1959. The CTA was established in Mussoorie, India in 1959 and then relocated to Dharamsala, India one year later. For additional information about the CTA, see generally Official Website of the Central Tibetan Administration, <http://www.tibet.net/en/index.php?id=14> (last visited Sept. 1, 2008).

56. Rebecca R. French, *A Conversation with Tibetans? Reconsidering the Relationship Between Religious Beliefs and Secular Legal Discourse*, 26 LAW & SOC. INQUIRY 95, 100 (2001) (discussing the Tibetan legal system).

57. See BERKIN, *supra* note 40, at 242–44 (discussing how Thubten Gyatso issued a Declaration of Independence from China, as the Thirteenth Dalai Lama).

58. Tsering Tsomo, *Parliament in Exile*, in EXILE AS CHALLENGE: TIBETAN DIASPORA 159 (Dagmar Bernstorff & Hubertus von Welck eds., 2003).

59. Tenzin Gyatso, Dalai Lama XVI, *Finding the Peace Within All of Us*, WASH. POST, Oct. 21, 2007 at B1, available at <http://www.dalailama.com/news.174.htm>.

60. Phuntso, *supra* note 30, at 125–26.



their host countries' political systems. For example, "Tibetans in the United States are adopting US citizenship, and are encouraged to do so by the exile government on the grounds that gaining a political voice in the United States enables Tibetans to be 'ambassadors' for their lost homeland."<sup>61</sup> Tibetans-in-exile not only participate in the political arenas of their host countries,<sup>62</sup> but also take on key roles as nominees for office and participate in worldwide voting for their exile government.<sup>63</sup> The number of Tibetans voting in various elections, as well as the number of elected representatives running for office, has increased in recent years.<sup>64</sup> The Tibetan Constitution, along with the Green Book system, set out requirements for citizenship and thus voting eligibility.<sup>65</sup>

While Tibetans outside Tibet can receive news and reports about and from their government freely, those inside Tibet do not enjoy the same level of freedom. Although freedom of information is limited throughout China, there are heightened restrictions placed on Tibetans.<sup>66</sup> Yet, Tibetans inside Tibet receive and distribute information about the work of their government-in-exile at great risk to their own personal safety.<sup>67</sup> For example, in 1988 a group of Drepung Monastery monks in Tibet printed and distributed "The Meaning of the Precious Democratic Constitution of Tibet."<sup>68</sup> This group of monks "described its aims as political education; one of the first projects was to print and distribute to Tibetan translation of

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61. Julia Meredith Hess, *Statelessness and the State: Tibetans, Citizenship, and Nationalist Activism in a Transnational World*, 44 INT'L MIGRATION 1, 79 (2006).

62. *Id.*

63. See TIBETAN CONST., *supra* note 13, at arts. 8, § 4 (regarding citizenship of Tibet), 11 (regarding the right to vote).

64. Tsering Migmar, *Tibetan Election Commission Expects Heavy Voter Turnout for Kalon Tripa Final Election*, Voice of America broadcast (May 29, 2006), available at <http://www.voanews.com/tibetan/archive/2006-05/2006-05-31-voa4.cfm?textmode=0>.

65. Many Tibetans living in North America and Europe become naturalized citizens of host countries and go on to have children who are natural born citizens of those host countries. The Government of Tibet in Exile—Green Book, <http://tibet.com/Govt/green-book.html> (last visited Nov. 10, 2008). Yet, Tibetan exiles and children of exiles (and even non-Tibetan spouses and supporters) can become Tibetan citizens through the Tibetan Green Book (Gyalthon Manyul) system. *Id.* The Green Book "in effect has become the Tibetan passport of the exiled Tibetans." *Id.*

66. Despite protest from various organizations, Google has censored itself for China. Associated Press, *Tibet Exiles Protest Google Censorship* (Feb. 15, 2006), available at <http://www.foxnews.com/story/0,2933,184808,00.html>. A search for "Dalai Lama" will return only state sponsored or endorsed websites. *Id.*

67. See RONALD D. SCHWARTZ, CIRCLE OF PROTEST: POLITICAL RITUAL IN THE TIBETAN UPRISING 126, 232–34 (1994).

68. *Id.*

the Universal Declaration of Human Rights.”<sup>69</sup> The high risks involved in such activity underscore the significance of continued efforts inside Tibet to learn more about their constitution. Under China’s criminal code, it is a crime punishable by up to seven years in prison to shout “Free Tibet!” or to possess “photographs of the Dalai Lama or any teachings, translating the United Nations Declaration of Human Rights into Tibetan or putting up a poster.”<sup>70</sup>

*Fen lie* or “splittism” is a term invented by China.<sup>71</sup> It applies to any group or person who advocates independence or secession from China.<sup>72</sup> Under China’s criminal code, any expression of splittism is a serious crime carrying seven years of imprisonment.<sup>73</sup> For Tibetans inside Tibet, who have not seen their political leaders for over half a century, to go to such lengths to see and read these documents indicates the great authority the government-in-exile and His Holiness the Dalai Lama still maintain in their homeland.

Although the physical risks for Tibetan exiles pale in comparison to their countrymen inside Tibet, the political ramifications of holding onto Tibetan citizenship outside of Tibet can be considerable. For example, upon naturalization as a United States citizen, a Tibetan’s “country of birth” on his or her passport and naturalization certificate will state “China.”<sup>74</sup> The symbolic and psychological impact of this forced documentation alone holds back many older Tibetans living in the United States from naturalizing, thus abandoning rights available to them if they were to become citizens.<sup>75</sup> “Tibetans have challenged these categorizations [of China as country of birth], even at the risk of their visa or citizenship status.”<sup>76</sup> Tibetan refugees, even those born inside India or Nepal, often cannot become Indian or Nepalese citizens without encountering substantial financial barriers or without the assistance of foreign aid.<sup>77</sup>

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69. *Id.* at 126.

70. BERKIN, *supra* note 40, at 80.

71. William Safire, *Superdel, Will They Provoke Splittism?*, N.Y. TIMES MAG., Apr. 27, 2008, available at <http://www.nytimes.com/2008/04/27/magazine/27wwln-safire-t.html>.

72. *Id.*

73. BERKIN, *supra* note 40, at 80.

74. Hess, *supra* note 61.

75. *Id.*

76. *Id.*

77. In the case of Nepal, the Swiss had to negotiate for Tibetan landholding as non-citizens were denied land ownership rights. See JOHN KENNETH KNAUS, ORPHANS OF THE COLD WAR: AMERICA AND THE TIBETAN STRUGGLE FOR SURVIVAL 37 (1999); ANN FRECHETTE, TIBETANS IN NEPAL: THE DYNAMICS OF INTERNATIONAL ASSISTANCE AMONG A COMMUNITY IN EXILE 44-45 (2002).

Many Tibetans see their lives outside of Tibet as temporary and hold onto their Green Books for the future return to Tibet.<sup>78</sup> Without the government-in-exile and the Tibetan Constitution to guide them, these hopes would have certainly dissipated after over half a century. Rather, the commitment to bring about a free Tibet has gathered strength as younger generations of Tibetans, generations who have yet to see or visit Tibet, organize around modern developments.<sup>79</sup> For Tibetans, the Tibetan Constitution's authority is about more than a battle of political experts, historians, or legal scholars. Their constitution's authority stems from a struggle for freedom, one they are tied to by their heritage as Tibetans.

## B. Global Claims of Legitimacy

China's claim that "Tibet has been a part of China since the Thirteenth century," lacks credibility in light of their history of human rights violations.<sup>80</sup> Human rights abuses and violations have been carefully watched by human rights organizations in Tibet as well as elsewhere in mainland China. The atrocity at Tiananmen Square<sup>81</sup> and the abuses suffered by the Falun Gong<sup>82</sup> are recent examples of crackdowns on political expression. Most recently, U.S. leaders called upon China to end its crackdown on Tibet in the months leading up to the summer Olympic games in Beijing.<sup>83</sup> For Tibetans, the March 10, 1959 uprising functions as "a potent symbol of the dawning of a national consciousness" and serves a key role in the modern Tibetan national movement.<sup>84</sup> This important date "is commemorated by Tibetan exiles all over the world every year . . . [to foster] group solidarity and dedication to the struggle . . . . It is also an

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78. See Government of Tibet in Exile—Green Book, *supra* note 65, for additional details.

79. The 2008 Olympics serve as a focal point for activists supporting the Tibetan cause as well as others hoping to influence China's trade relations with Sudan. For example, the withdrawal of director Steven Spielberg from work on the opening ceremony was anticipated after China refused to change trade policy, fueling the conflict in Darfur. *Spielberg in Darfur Snub to China*, BBC NEWS, Feb. 13, 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/7242016.stm>.

80. Regina M. Clark, *China's Unlawful Control Over Tibet: The Tibetan People's Entitlement to Self-Determination*, 12 IND. INT'L & COMP. L. REV. 293, 293–94 (2002).

81. See VOICES OF TIANANMEN SQUARE: BEIJING SPRING AND THE DEMOCRACY MOVEMENT (Mok Chiu Yi & J. Frank Harrison eds., 1990).

82. See JENNIFER ZENG, WITNESSING HISTORY: ONE WOMAN'S FIGHT FOR FREEDOM AND FALUN GONG 36 (2005).

83. Speaker of the House of Representatives Nancy Pelosi introduced House Resolution 1077 in April 2008. Background information and full text of House Resolution are available at Speaker Nancy Pelosi—Current Legislation, <http://www.speaker.gov/legislation?id=0173> (last visited November 12, 2008).

84. JOHN POWERS, HISTORY AS PROPAGANDA: TIBETAN EXILES VERSUS THE PEOPLE'S REPUBLIC OF CHINA 143–44 (2004).

occasion for Tibetans to interact with non-Tibetan supporters of their cause.”<sup>85</sup>

Law students in international human rights courses begin their study with an introduction that “human rights are not granted by temporal authority, rather they are to be recognized and upheld by it to maintain legitimacy.”<sup>86</sup> This basic tenant of human rights highlights the necessity for the international community to reassess the claims of legitimacy proffered from both sides. The world must now decide which claims to stand next to: those claims offered by the Chinese, who consistently violate these fundamental human rights inside Tibet or those claims asserted by Tibetans living in exile, who work toward eliminating future violations by ensuring fundamental rights in their sovereign supreme law. The United States can look back to recent history and remember that when it “first became involved with Tibet in 1951, its commitments contained a measure of the idealism that was part of the Truman Doctrine of assisting free peoples.”<sup>87</sup> In light of the recent recognition of Kosovo by the European Union and United States, recognition of the Tibetan Constitution for similar reasons is not inconceivable. Later motivations for getting involved in Tibet centered on containment policies aimed against Communist China.<sup>88</sup> Like President Truman, Tibetan supporters can include a wide range of rights and freedoms as their motivations for supporting an internationally recognized Tibetan Constitution.

Even from a purely historical point of view, treaties between Tibet and other nations can be found dating back to the early twentieth century.<sup>89</sup> “[T]he conflict over Tibet, inasmuch as it is about resolving a dispute between the government of the People’s Republic of China (PRC) and Tibetans who contest its claim to Tibet, is a conflict over legitimacy.”<sup>90</sup> The idea that “the core of the Tibet issue is the question of Tibet’s historical status” neglects the growing impact current events and modern approaches to various political problems play in determinations of Tibet’s

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85. *Id.* at 143.

86. INTERNATIONAL HUMAN RIGHTS: PROBLEMS OF LAW, POLICY, AND PRACTICE 2 (Richard B. Lillich, Hurst Hannum, S. James Anaya & Dinah L. Shelton eds., 2006).

87. KNAUS, *supra* note 77, at 318.

88. *Id.*

89. *Convention between Great Britain and Tibet* (Signed at Lhasa, Sept. 7, 1904); *Agreement Between the Chinese and Tibetans* (Aug. 12, 1912), in BERKIN, *supra* note 40, at 218–22, 238–39.

90. Elliot Sperling, *The Tibet-China Conflict: History and Polemics*, 4 POL’Y STUD. No. 7 (2004), available at [http://www.eastwestcenter.org/publications/search-for-publications/browse-alphabetic-list-of-titles/?class\\_call=view&pub\\_ID=1481&mode=view](http://www.eastwestcenter.org/publications/search-for-publications/browse-alphabetic-list-of-titles/?class_call=view&pub_ID=1481&mode=view).

political legitimacy.<sup>91</sup> In his discussion of historical claims to Tibet, Elliot Sperling argues, “With Tibetan acquiescence of the Seventeen Point Agreement of 1951, Tibet formally became a part of the People’s Republic of China.”<sup>92</sup> However, what Sperling fails to discuss are the circumstances surrounding this illegal signing. The illegality of the Seventeen Point Agreement, under which China’s claims arise, stems from lack of agency. Ngabo, the man claimed to have signed the agreement, “had not been empowered to sign anything on [His Holiness’] behalf, only to negotiate.”<sup>93</sup> Most notably, because His Holiness the Dalai Lama “kept the seals of state with [him] to ensure that [Ngabo] could not [sign on his behalf], . . . he must have been coerced.”<sup>94</sup> Finally, Sperling’s contention that “the incorporation of Tibet into China has long since been a *fait accompli* [sic]” is simply incorrect.<sup>95</sup> In light of the very public and vigorous advocacy on both sides of this debate, to state that the much-contested and yet-to-be-resolved issue of Tibet’s fate is one that is “accomplished and presumably irreversible” is a strange and myopic viewpoint.<sup>96</sup>

While the United States does not currently recognize Tibet as an independent state,<sup>97</sup> it consistently states that “the U.S. Government, has a moral responsibility to promote the peaceful resolution of the problem of Tibet on terms that are mutually accessible to the people of Tibet and to the Chinese Government.”<sup>98</sup> International law also supports the search for such a solution, and the United States acknowledges the crucial role of the Tibetan exile government in finding a solution. Much of this support stems from the respect given to and authority held by His Holiness the Dalai Lama.

In 1994, the United States Congress recognized the Dalai Lama and his representatives as the Tibetan government-in-exile. Congress declared that, “Tibet is an occupied sovereign country under international law and that its true representatives of the Tibetan people are the Dalai Lama and

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91. *Id.*

92. *Id.* at 17.

93. GYATSO, AUTOBIOGRAPHY, *supra* note 31, at 64.

94. *Id.*

95. Sperling, *supra* note 90, at 36.

96. Merriam-Webster’s Online Dictionary, available at <http://www.merriam-webster.com/dictionary/fait%20accompli> (last visited Sept. 1, 2008).

97. “The United States considers Tibet to be a part of the People’s Republic of China.” *Tibet: Status of the Sino-Tibetan Dialogue: Hearing Before the Comm. on Foreign Affairs*, 110th Cong. 6 (2007) (statement of Hon. Paula Dobriansky, Under Sec’y, Democracy and Global Affairs, U.S. Dept. of State).

98. *Id.* at 2 (statement by Chairman, Sen. Tom Lantos).

the Tibetan Government in exile.”<sup>99</sup> The United States can continue to lead the way towards a more expansive international understanding of the situation inside Tibet and the legitimacy of the government-in-exile. International recognition is important because “without [it,] a potential state will only have at most *de facto* status or at worst remain unrecognized.”<sup>100</sup> While this is a difficult situation for Tibet, it is not insurmountable. Even without the formal recognition of world leaders, the Tibetan Constitution provides a structured government both for current Tibet (in exile)<sup>101</sup> and future Tibet (in Tibet).<sup>102</sup> As such, the international community can point to this document as a key starting point. While Tibetans-in-exile look to their constitution for political guidance, the international community can look to it as evidence of an active movement for freedom.

### III. Structure and Content of the Tibetan Constitution

The Tibetan Constitution, like many modern constitutions, derives much of its content and structure from previous constitutions and other international documents.<sup>103</sup> The influence of specific documents can be seen throughout the articles, most notably the United States Constitution and the United Nations Universal Declaration of Human Rights. While there are many similarities between the Tibetan Constitution and these documents, the Tibetan Constitution also has distinctively unique elements. The following sections will discuss international influences, the general structure of the constitution, and the more uniquely Tibetan articles, particularly those that strengthen arguments for international recognition and political legitimacy.

#### A. International Influences

The two most visible international influences on the Tibetan Constitution are the United Nations Universal Declaration of Human Rights and the United States Constitution. The 115 articles of the Tibetan Constitution are divided into eleven chapters.<sup>104</sup> The first eight articles

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99. BERKIN, *supra* note 40, at 97–98 (discussing independence and recognition under international law), 370–71 (excerpt from United States Foreign Relation Authorization Act Fiscal Years 1996 and 1997).

100. *Id.* at 99.

101. See *infra* notes 129–134 and accompanying text.

102. See *infra* note 128 and accompanying text discussing the dual nature of this document.

103. FRECHETTE, *supra* note 77, at 176.

104. See TIBETAN CONST., *supra* note 13.

outline fundamental principles.<sup>105</sup> The Tibetan Constitution interacts with international law and contemplates the local laws of the host countries of Tibetans-in-exile.<sup>106</sup> References to the United Nations, in particular the Universal Declaration of Human Rights, appear early in the document.<sup>107</sup> By deferring to the United Nations on matters regarding human rights and international laws, the Tibetan Constitution affirms its commitment to upholding the highest level of respect for fundamental rights.<sup>108</sup> Additionally, the Tibetan Constitution's firm stance of non-violence and the great respect given to the United Nations Universal Declaration of Human Rights may serve as a useful model for other post-conflict nations.

Just as the Tibetan Constitution looks to the United Nations Declaration of Human Rights for guidance on human rights and international laws, the Tibetan Constitution looks to the United States Constitution for format and some individual rights. Dating back to the "Constitution of Future Tibet, composed in exile in 1963, . . . based on the U.S. model," Tibet has seen the values of emulating this document.<sup>109</sup> The United States Constitution's Bill of Rights is echoed throughout the second chapter of the Tibetan Constitution regarding fundamental rights and duties.<sup>110</sup> The Tibetan Constitution lays out ten fundamental rights and freedoms, bearing a striking resemblance to the structure of the United States Bill of Rights.<sup>111</sup> However, even with the similar format of these ten articulated rights, the similarity in substance of these rights is limited to specific provisions. For example, the rights articulated in the First Amendment<sup>112</sup> can be found separately throughout the Tibetan Constitution.<sup>113</sup> Certain rights provided for in the United States Constitution do not appear in the Tibetan Constitution because of fundamental differences in political, social, and cultural policies. Given that Tibet's formal policy of non-violence and disarmament runs directly contradictory to the longstanding and distinctively American right "to keep and bear Arms," such a right does not appear in the Tibetan Constitution.<sup>114</sup>

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105. *See id.*

106. *See id.* at art. 6.

107. *See id.* at arts. 4, 6.

108. *Id.*

109. FRECHETTE, *supra* note 77, at 176.

110. TIBETAN CONST., *supra* note 13, at arts. 9–14.

111. TIBETAN CONST., *supra* note 13, at art. 12, §§ a-j.

112. U.S. CONST. amend. I.

113. TIBETAN CONST., *supra* note 13, art. 12, §§ b, d, e, g.

114. U.S. CONST. amend. II; TIBETAN CONST., *supra* note 13, at art. 7.

While some United States constitutional rights do not appear in the Tibetan Constitution, others receive additional recognition. For example, freedom of religion is mentioned in two articles and descriptively detailed, which is undoubtedly a result of over half a century of religious oppression under Chinese rule.<sup>115</sup> Another instance is how the Equal Protection Clause of the Fourteenth Amendment<sup>116</sup> serves as a jumping off point for the Tibetan Constitution's equality before the law clause.<sup>117</sup> Article Nine of the Tibetan Constitution prohibits "discrimination on grounds of birth, sex, race, religion, language, lay or ordained, social origin, rich or poor, elected position or other status."<sup>118</sup> The distinction made for discrimination on the basis of religious or lack of religious status is certainly unique to Tibet, where historically one-fifth of the population was monastic.<sup>119</sup> The Tibetan Constitution acknowledges its unique demographic make-up and adjusts the relevant American anti-discrimination clause to reflect it.

The source of additional rights in the Tibetan Constitution stem from other United States Constitutional Amendments, including rights regarding voting and candidacy for public office.<sup>120</sup> Like in the United States,<sup>121</sup> "all Tibetan citizens who have attained the age of eighteen shall be entitled to the right to vote."<sup>122</sup> Another similar age restriction exists for nominees to the Tibetan Assembly: "Tibetan citizens who have attained the age of 25 shall be entitled to be a nominee."<sup>123</sup> Although nominees for the Tibetan Assembly may be a decade younger than United States presidential candidates,<sup>124</sup> both requirements acknowledge the maturity that can only come with age.<sup>125</sup> Also, like the United States government,<sup>126</sup> the Tibetan Constitution sets up a government consisting of three distinct organs: the

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115. TIBETAN CONST., *supra* note 13, at arts. 10, 12.

116. U.S. CONST. amend. XIV, § 1.

117. TIBETAN CONST., *supra* note 13, art. 9.

118. *Id.*

119. BERKIN, *supra* note 40, at 2.

120. TIBETAN CONST., *supra* note 13, at art. 11.

121. U.S. CONST. amend. XXVI.

122. TIBETAN CONST., *supra* note 13, at art. 11.

123. *Id.*

124. U.S. CONST. art. II, § 1, cl. 5.

125. One argument for Tibet's lower age requirement may be one of necessity; because the older groups of Tibetan refugees' educations may have suffered due to the displacement that accompanies exile, younger Tibetans have had more opportunities to receive formal education in host countries.

126. U.S. CONST. arts. I-III (regarding the legislative, executive and judicial branches of government respectively).



executive, legislative, and judiciary.<sup>127</sup>

The Tibetan Constitution has been able to selectively adopt provisions of the United States Constitution that conform to the needs of Tibetans-in-exile and support the goals of a free Tibet. By only implementing the provisions of international documents that complement the unique situation of Tibet and the Tibetan community in exile, the Tibetan Constitution has built a solid ground upon which future versions of the document can be built.

## B. Uniquely Tibetan Articles

While the Tibetan Constitution has certainly been subject to international influence,<sup>128</sup> it has successfully retained uniquely Tibetan elements. It begins with a two paragraph preamble discussing the broad goals of “transform[ing] a future Tibet into a Federal Democratic Self-Governing Republic” and “strengthen[ing] the solidarity of Tibetans, both within and out of Tibet.”<sup>129</sup> The hopeful self awareness of the temporary status of this document is found throughout the document’s articles with references to the future of Tibet and the Tibetan people.<sup>130</sup> However, this acknowledgment of the Constitution’s temporary nature does not detract from the forcefulness with which the document speaks to Tibetans, especially those living in exile. In fact, an entire chapter of the document is devoted to “the administration of Tibetan settlements.”<sup>131</sup> In order for Tibetans-in-exile “to preserve their ancient traditions of spiritual and temporal life, unique to the Tibetans,”<sup>132</sup> great attention is paid to the administration of already existing settlement communities<sup>133</sup> as well as to the formation of new settlement communities.<sup>134</sup> Chapter XII defines the various types of settlements, based on the primary industry, social, or economic activity in that settlement.<sup>135</sup>

The Tibetan Constitution is also distinguishable from other constitutions because it devotes an entire chapter to the Tibetan Audit

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127. TIBETAN CONST., *supra* note 13, at chs. IV–VI (discussing the roles of the executive, legislative and judiciary branches respectively).

128. *See supra* notes 103-105 and accompanying text.

129. TIBETAN CONST., *supra* note 13, at preface.

130. *Id.* at ch. I, art. 7.

131. *Id.* at ch. VII.

132. *Id.* at preface.

133. *Id.* at ch. VII, arts. 71–94.

134. *Id.* at art. 95.

135. Types of settlements include agriculture, handicrafts and cooperatives, monastic communities, educational, and self-employed communities.

Commission.<sup>136</sup> Here, the government-in-exile addresses issues of financial accounting that often surface in both governments and corporations.<sup>137</sup> These provisions evidence the Tibetan exile government's foresight to contemplate potential economic issues that may arise. A unique aspect of the first chapter is the renunciation of violence.<sup>138</sup> Tibet's strong Buddhist traditions and political dedication to the principles of the Dharma<sup>139</sup> certainly influence decisions regarding how to structure the government. As discussed, not only does the document lack a right to bear arms article, it sets forth a complete prohibition on the use of force: "Future Tibet shall remain a zone of peace and shall strive to disengage itself in the production of all destructive weapons . . . and, currently refrain from the use of all offensive methods as a means to achieve the common goal of Tibet, or for any other purpose."<sup>140</sup>

Additional provisions regarding education provide for the protection of religious practices.<sup>141</sup> Provisions providing that the government "shall endeavor to disseminate a non-sectarian and wholesome tradition of Buddhist doctrines" are no doubt the result of contemplation of what awaits the government-in-exile back in their homeland.<sup>142</sup> The Tibetan Constitution has the difficult task of rebuilding and modernizing social structures while providing a venue for much needed cultural preservation. After the destruction of thousands of monasteries during the Cultural Revolution and because of the current suppression of religious practices inside Tibet, cultural preservation has become a top priority for Tibetans outside Tibet.<sup>143</sup>

The codification of social welfare is also a distinguishable element of this document.<sup>144</sup> The discussion of modernization schemes,<sup>145</sup> education and culture,<sup>146</sup> and healthcare<sup>147</sup> showcases the government-in-exile's acknowledgment of the needs of both the exile community as well as those inside Tibet. While some of the provisions simply require the government

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136. TIBETAN CONST., *supra* note 13, at ch. X.

137. *Id.* at arts. 106–110.

138. *Id.* at ch. I, art. 7.

139. *Id.* at art. 3.

140. *Id.* at art. 7.

141. *Id.* at ch. III, art. 17.

142. *Id.*

143. See BERKIN, *supra* note 40, at 72–75.

144. TIBETAN CONST., *supra* note 13, at ch. III.

145. *Id.* at art. 16, § 3.

146. *Id.* at art. 17, §§ 1–16.

147. *Id.* at art. 18, §§ 1–3.

to refrain from bad actions, such as discriminatory acts to ensure “equal pay for equal work,”<sup>148</sup> other provisions also strive for more grand ideals. For example, “provid[ing] free medical treatment” is a more difficult and inherently government-centric goal.<sup>149</sup> These ambitious provisions indicate the Tibetan Constitution does not simply reach for what is within grasp, or only for those objectives that are easy to achieve. This document is aspirational and as such, it accepts the inherent difficulty of and longevity required to achieve grander ideals. For the Tibetan community in exile, the aspirational nature of their constitution is necessary to sustain their own hopes of freedom and the hopes of their countrymen inside Tibet, who await their return.

### Conclusion

While international recognition of the status of Tibet and the documents created by Tibetans is important, The Tibetan Constitution was not created simply to achieve this goal. Rather, it is a useful and real document. Furthermore, it is a living document that is called upon and altered, as needed, by the Tibetan community in exile.<sup>150</sup> The Tibetan Constitution has been amended eleven times, including amendments to alter the “election of the *kashag*, the cabinet.”<sup>151</sup> The ability of the Tibetan government-in-exile to adapt and adjust when necessary demonstrates this government’s commitment to serving its people. The response of Tibetans worldwide to the political structure provided for and the rights and freedoms articulated in the Tibetan Constitution belies China’s claims that in light of the “different fractions among Tibetan[s] living abroad . . . the ‘government in exile’ has not been able to unify.”<sup>152</sup>

It is clear that the Tibetan community in exile finds legitimacy and political order in their constitution.<sup>153</sup> Additionally, Tibetans living under occupation in Tibet can take solace in the work of their countrymen outside of Tibet to strengthen international support for their cause. With the hope of increased international recognition of the Tibetan Constitution as the legitimate ruling document for Tibet, Tibetans living at home and abroad hold onto hope for a free Tibet.

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148. *Id.* at art. 16, § 1.

149. *Id.* at art. 18, § 1.

150. *Id.* at ch. XI, art. 111 (outlines the procedure for amending the document).

151. Phunsto, *supra* note 30, at 126–27 (discussing the cabinet structure).

152. WANG JIAWEI & NYIMA GYAINCAIN, *THE HISTORICAL STATUS OF CHINA’S TIBET* 295 (2001).

153. *See supra* Part III.A.

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