



# General Assembly

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## Human Rights Council

Twentieth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Denial of Tibetan people's rights on their native land**

Over the past five decades, the landscapes on the Tibetan Plateau have experienced much environmental negligence and degradation, caused mainly by natural phenomena such as climate warming, earthquakes and due to human interference such as resource extraction, unskilful policy implementations and infrastructure developments.

The Plateau's rich natural resources became a resource curse for the local residents and its ecosystem. Since late 1960s, these resources have been exploited in various scales and mostly under very poor environmental norms and regulations. The mining not only undermines the sanctity of the local landscapes but also creates social tension and distrust when standard corporate policies are not followed.

Wherever possible, the Tibetan communities try to put forward their grievances in numerous petitions to higher authorities against the miners: they are either ignored or harassed. After failing to respond adequately, the local residents then resort to street protests that are immediately suppressed by heavy armed forces. Unlike the protests related to environmental negligence and accidents in many parts of the People's Republic of China, those that occur in the Tibet Autonomous Region and adjacent areas where Tibetans live are classified as political and the protestors are immediately clamped down. It also appears that the Administrative Litigation Law (ALL) which has been successfully adopted in other parts of China remains invalid in Tibetan-inhabited areas.

Over the past two years (2010 -2011), there have been more than twelve protests against mining activities that Environment Desk has documented and many more remains unknown. The state itself is fervently involved in tapping these resources, as it is evident from the budget in the 12th Five Year Plan for improving the resource extraction economy infrastructures such as highways, railway lines, and hydropower plants. These infrastructures will facilitate smooth operation and transportation of mineral ores to various smelters in addition to the large-scale migration of Chinese workers.

A recent Chinese official media report claimed to have found more than 7.9 million tons of copper and 100,000 tons of Molybdenum deposits in Kyung-lung (Ch: Qulong) in Meldro Ghongkar county.

The extractive industries are now mining from those sites that are considered holy and revered by the local residents. Such activities are further fuelling the flame of frustration and it sets a constant reminder to many youngsters that the land they have lived and worshipped for many generations could be destroyed within few days by showing a piece of paper proclaiming mining rights. Besides, mining activities leads to the destruction of the grazing pastures, pollution and diversion of the local water source. There is no mentioning of any post-mining activities being conducted in rehabilitating the mining sites as required by the standard norms.

It is true that such activities are happening right under the nose of those judicial personnel who are fully aware of the standard environmental norms and laws as stipulated in the PRC constitution and Law of Regional National Autonomy [Article 9 and 26 -under the general principles of PRC constitution- and Article 27, 28, 45 & 66 of 'Law of Regional National Autonomy'].

For centuries, Tibetan nomads and herders have lived successfully with their herds using only their centuries-old local knowledge and by keeping a mobile lifestyle. The implementations of different grassland and land-use policies in the name of development have severely affected not only these grasslands but also the lives of the nomads.

The current grassland rehabilitation policy implemented throughout the Tibet Autonomous Region and adjacent areas where Tibetans live referred to as the 'Restore Grassland Policy' or 'tuimu huanco' in Chinese -meaning closing pasture to restore grasslands- restricts the mobility of the nomads and blames their livestock for overgrazing these grasslands. In fact the actual degradation or overgrazing of these grasslands started during the commune system 50 years ago when all the herds were collectivized. In recent years, moving the nomads from the grasslands to state built housings is being largely intensified and has now become the central measure in protecting these grasslands.

Scientists say that field observations conducted on these grasslands have revealed positive connections between the grazing herds of the nomads and the grasslands. Abandoning and depopulating these grasslands will lead to the domination of the invasive species, diminution of biodiversity, and cause more harm to the grassland. The People's Republic of China's own scientists have now learned through patient observation that the grasslands of the Tibet Autonomous Region and adjacent areas where Tibetans live, when grazed moderately and intermittently actually maintain a higher biodiversity and healthier pastures.

According to the latest 2011 Qinghai Statistical Year Book, the area of Qinghai affected by drought increased from 108,000 hectares in 2007 to 158,000 in 2010. Technically, it should be the other way round, which clearly shows that the current policy of removing the herds 'to protect the grasslands' is failing badly in terms of what was initially projected.

The total number of people being moved or lured to these concrete settlements under the different name tags - ecological migrants or comfortable housings projects - sums to approximately 3.2 million in whole of the Tibet Autonomous Region and adjacent areas where Tibetans live. According to the Chinese state media - Xinhua (2011), another 185,500 families are expected to move into new homes by 2013.

Joblessness and alcoholism are prevalent in those new settlements. Interviews with nomads and herders who fled into exile show that the current policy of forced 'villagization' is in fact a very strategic move to have all the mobile pastoral wanderers on a tight leash and to have open access to pastures for extractive industries without facing any resentment.

At the 19<sup>th</sup> session of the UN Human rights council, Prof. Olivier De Schutter, the Special Rapporteur on Food quoting from the Xinhua news report said "a Tibetan saying that his family now lives on an annual governmental subsidies that is "less than the price of two yaks. Everything is so expensive here in town."

During his report presentation Prof. De Schutter criticized the China policy of forcibly resettling nomadic herders. He said that this policy, in relation to herders in Tibet in particular, raised 'legitimate and important concerns'.

In his mission report on China released on 20 January 2012, he called for the suspension of the non-voluntary resettlement of Tibetan nomadic herders from their traditional lands. He also said China must improve employment opportunities, education and health services in "new socialist" villages, in order to enable the realization of the right to adequate food of all resettled rural habitants. The report further urged China to "allow for meaningful consultations to take place with the affected communities, permitting parties to examine all available options, including recent strategies of sustainable management of marginal pastures."

Mr. De Schutter said that the resettlement policies were failing because since March 2011, 25 Tibetans self-immolated in protest against the policies that are implemented in this region. He said 18 of the 25 who burned themselves were actually herders forcibly resettled in the new socialist villages. "This I have to say is not compatible with the idea that these would be I quote "very popular polices", he said.

Mr. De Schutter observed that the measures of resettlement are overly harsh, depriving nomads of the right to subsistence in violation of the ICESCR and the 1992 Convention on Biodiversity. Both documents have been ratified by China. The European Union also expressed concern over the impact on the forced resettlements of Tibetan nomads, herders and other rural residents.

Society for Threatened Peoples urges the Human Rights Council to ask the People's Republic of China to:

- base any development in the Tibet Autonomous Region and adjacent areas where Tibetans live on the approach 'listening to the land and listening to the people'. The land and its resources must be used within its capabilities and ecological limits;
  - respect the Tibetan cultural tradition, which is based on centuries-old practice of sustainable use in policy implementation and developmental activities;
  - enable local Tibetans be the major stakeholder for any development activities. Their grievances (if any) resulting from such development activities should not be suppressed, instead should be channelled to find ways to take care of their interests;
  - incorporate the experiences and intimate knowledge of pastoral nomads into rangeland management practices;
  - take all appropriate measures to immediately halt non-voluntary resettlement of nomadic herders from their ancestral lands; and non-voluntary relocation or rehousing programmes of other rural residents;
  - engage in meaningful consultations with herding communities including to assess the results of past and current policies on the realization of the right to food;
  - Improve employment opportunities, education and health services in the new socialist villages, in order to enable the realization of the right to adequate food for all resettled rural habitants.
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