

I. Summary

They are destroying our Tibetan [herder] communities by not letting us live in our area and thus wiping out our livelihood completely, making it difficult for us to survive in this world, as we have been [herders] for generations. The Chinese are not letting us carry on our occupation and forcing us to live in Chinese-built towns, which will leave us with no livestock and we won't be able to do any other work...

—F.R., Tibetan from Machen (Maqin), Qinghai province, November 2004¹

At meetings in the “People’s Hall” in the county town the officials always tell that people have a right to land, but they must obey government orders and respect the law, and not to do so is no different from separatism and destroying national unity, so no one dares to oppose [governmental policy] directly.

—D.P., Tibetan from Pasho county, TAR, July 2006²

Since 2000 the Chinese government has been implementing resettlement, land confiscation, and fencing policies in pastoral areas inhabited primarily by Tibetans, drastically curtailing their livelihood. The policies have been especially radical since 2003 in Golok (Guoluo) and Yushu prefectures of Qinghai province, but have also been implemented in Gansu, Sichuan, and Yunnan provinces and the Tibetan Autonomous Region (TAR). Many Tibetan herders have been required to slaughter most of their livestock and move into newly built housing colonies in or near towns, abandoning their traditional way of life.

These requirements are part of a broader policy drive associated with the “Western Development” campaign.³ Since this campaign got underway in 1999 many Tibetan

¹ Human Rights Watch interview with F.R., from Machen (Maqin) county, Golok TAP (Guolou) prefecture, Qinghai province, November 24, 2004. Interviewees’ names have been withheld throughout this report and replaced with initials (which are not the interviewees’ actual initials); the locations where the interviews were conducted are also not disclosed.

² Human Rights Watch interview with D.P., from Pasho county, Chamdo prefecture, TAR, July 20, 2006.

agricultural communities have had their land confiscated, with minimal compensation, or have been evicted to make way for mining, infrastructure projects, or urban development.

The Chinese government gives several explanations for its actions, principally invoking concerns for environmental protection but also citing the objectives of “bringing development” and “civilizing” the areas and the people. Resettled herders and dispossessed farmers are encouraged to take up more “modern” livelihoods and integrate with the new economy. Chinese officials and development experts also take the view that these policies will make it much easier for the formerly herding populations to get access to social and medical services. The policy coincides with an economic theory that is favored in Chinese government circles, according to which development is best stimulated by creating conditions which will lead to members of the rural labor force moving to towns or cities, where they will supposedly become workers and consumers in a new, expanding urban economy.

Chinese authorities also explain their actions as a necessary response to environmental crises on the plateau and in other parts of the country, and refer to those resettled as *shengtai yimin*, or “ecological migrants.” In 2005 Du Ping, director of the Western Development Office under the State Council, China’s cabinet, stated that 700,000 people in western China had been resettled since 2000 because it is “the most effective way to restore land to a healthy state.”⁴ Du went on to stress that “relocations are voluntary [and] carried out in a way that fully respects public opinion and minority cultures.”

That China is facing multiple environmental crises is not in dispute, nor is the reality that poverty remains significantly higher in the western part of the country. But the causes of those crises and the validity of official measures supposed to address

³ A detailed analysis of the Great Western Development Campaign can be found in David S.G. Goodman, ed., *China’s Campaign to “Open Up the West:” National, Provincial and Local Perspectives*, (Cambridge: Cambridge University Press, 2004).

⁴ “The Ecological Migration Policy in Western China has Already Resettled 700,000 People” (“Wo guo xibu diqu shengtai yimin yi da 70 wan ren”) speech by Du Ping, director, Western Development Office, State Council, People’s Republic of China, report in Xinhua, http://news.xinhuanet.com/newscenter/2005-06/21/content_3116128.htm (accessed May 11, 2007). See also “Over one million Qinghai farmers and herders participate in ‘give up farmland for trees’ policy over last 5 years,” *Qinghai News*, July 2006, www.tibetinfo.com/qh-tibetan.com (accessed August 2006), which notes that “the provincial government’s plan to ‘give up farmland for trees’ and the development of [the] natural environment through peaceful coexistence between people and environment, has been successfully and successively implemented in Qinghai.”

them certainly are. And the commitment to environmental protection must be questioned, given the government's enthusiasm for infrastructure development projects, such as mining, in the very same areas. Even assuming the government has had valid environmental or other reasons for relocating Tibetan populations in certain circumstances, moreover, the relocations often have not been carried out transparently, with the advance consultation and post-relocation compensation required under both domestic and international law.

Interviews conducted by Human Rights Watch suggest that for the affected populations current government policies often result in greater impoverishment, and—for those forced to resettle—dislocation and marginalization in the new communities they are supposed to call home. At a minimum, what is happening to these Tibetan communities is a further example of China's economic development drive taking place with scant regard for the interests of individuals and communities, including the rights of the affected individuals.

Indeed, some Chinese studies obtained by Human Rights Watch acknowledge that the interests of herders have often been harmed through the loss of their original land rights:⁵

Before resettlement started, the herders had enjoyed their land rights under the responsibility system for about 30 years. But after the prohibition of [herding] and restoration of ecology [policies], there was absolutely no way for them to enjoy these benefits.⁶

A number of similar studies also criticize the general lack of legality surrounding resettlement of herders, noting that the transfer of land rights often “is not explicit.”⁷ In particular, they observe that resettlement policies have been marked by “insufficient legal involvement,”⁸ “a lack of legal knowledge from all the parties,”⁹ and that “government departments have an insufficient knowledge of the law.”¹⁰

⁵ Meng Linlin, Bao Zhiming, “Survey of Ecological Migration Studies,” *Journal of the Central University for Nationalities*, p. 49.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

Some studies also suggest that the policies may contribute to unrest in the region a study in 2006 by Chinese scholars Li Jiicaidan and Yang Hude concluded that, “If we cannot find an effective method for solving these problems, then the disputes over grassland brought by the worsening of the environment may redouble, and could severely influence the social and political stability of Qinghai and even of the entire Northwest regions.”¹¹

It is also conceivable that ethno-political motives are at work: that these policies are in part designed to further an integrationist agenda aimed at weakening Tibetan cultural distinctiveness and further extending Chinese control over Tibetan lives. Some observers believe that the resettlements signal an aggressive new turn of policy in Tibetan areas. Tibet remains a source of anxiety for the Chinese government, which is eager to suppress any impulses toward independence or true autonomy, and to ensure its hold on a key strategic region. Similar resettlement projects carried out in the 1990s in Inner Mongolia and Xinjiang have more often than not resulted in considerable impoverishment, and China’s attempts to refashion cultural identity, most notably in Xinjiang, have ultimately been attempts to defuse ethno-nationalism.¹²

The range of Chinese policies addressed in this report includes the overt compulsory resettlement of herders. Chinese authorities have decided that it would be better for Tibetan herders to enter the urban economy as, for example, shopkeepers, drivers, or construction workers. The authorities claim to have granted the herders housing opportunities and interim cash or food handouts. Other policies entail compulsory livestock herd reduction or compulsory change of farmland use. In some cases, these negatively impact the viability of herders’ and farmers’ making a living where they reside, so that they are effectively forced to relocate in order to seek alternative

⁹ Yang Weijun, “Study of the development policies of the ecological migration of ethnic areas of Western China,” *Journal of the Second Northwest University for Nationalities*, Issue 4, 2004, p. 7 [杨维军, “西部民族地区生态移民发展对策研究”, 西北第二民族学院学报 2005 年第 4 期, 第 7 页].

¹⁰ Ibid.

¹¹ Li Jiicaidan, Yang Hude, “Analysis of current ethnic relations in Qinghai’s Tibetan Autonomous Areas,” *Nationalities Research in Qinghai*, Vol. 17, No. 3, July 2006, p. 50.

¹² Human Rights Watch, *China – Devastating Blows: Religious Repression against Uighurs in Xinjiang*, vol. 17, no.2(C), April 12, 2005, <http://hrw.org/reports/2005/china0405/>, p. 7-8.

livelihoods. People are being resettled in uniform, shoddily built new towns and villages. Deprived of their conventional livelihood, the affected populations are unable to participate in urban, commercial economies, and are thus facing bleak futures.

According to official media reports, since the launch in 2003 of what are termed the “ecological migration policies,” the government in the Three Rivers Area of Qinghai has resettled 28,000 people and constructed 14 “migrant urban districts” to carry out the policy of “concentrated settlements” (*jizhong anzh*).¹³ In late 2004 the government announced that it planned to move 43,600 people out of the same area, to turn its central zone into a “no-man’s land” (*wurenqu*).¹⁴ Other data about the affected population numbers are scarce, but overall in the areas discussed in this report, the number of Tibetans who have been resettled or who have had to relocate likely runs to many tens of thousands.

Tibetans have suffered and continue to suffer civil, cultural, economic, and political repression and discrimination under the rule of the People’s Republic of China. Land confiscation and resettlement therefore occur under the implicit threat of force derived from earlier decades when repression was explicit. In addition, there is effectively no legal recourse available to those affected.¹⁵ Although China’s 1982 constitution in principle guarantees minorities’ rights, including to cultural preservation, and outlaws discrimination, in reality these protections are not accessible and have little bearing on Tibetans’ everyday lives. In the international

¹³ “The urban population of the Three rivers area increases rapidly,” Xinhuanet (www.news.cn), November 3, 2006 [“三江源城镇人口快速增长”, 新华网 (www.news.cn), 2006 年 11 月 3 日], http://www.qh.xinhuanet.com/misc/2006-11/03/content_8428768.htm (accessed February 24, 2007).

¹⁴ “40,000 pastoralists from Qinghai to migrate because of environmental degradation: Three rivers area to be turned into a no-man’s-land,” Qinghai News Network, October 31, 2004 [“青海 4 万牧民因生态恶化转移 三江源将成无人”, 青海新闻网, 2004 年 08 月 31 日], <http://news.sina.com.cn/c/2004-08-31/11194186362.shtml> (accessed February 17, 2007); “Ecological migration in the Three rivers area ought to have a compensation system,” Xinhuanet, December 21, 2004 [“三江源地区生态移民应有补偿机制”, 新华网, 2004 年 08 月 11 日], <http://210.51.184.11/561/2004/12/21/62@63920.htm> (accessed February 17, 2007).

¹⁵ For other Human Rights Watch discussions of international legal standards on resettlement, please see, *Burma - “They Came and Destroyed Our Village Again” The Plight of Internally Displaced Persons in Karen State*, Vol. 17, No 4(C), June 2005, <http://hrw.org/reports/2005/burma0605/6.htm>; and, *Indonesia - Condemned Communities: Forced Evictions in Jakarta*, Vol. 18, No 10(C), September 2006, <http://hrw.org/reports/2006/indonesia0906/>.

language of human rights, the practices described in this report are a classic violation of indigenous peoples' rights to land use and livelihood.¹⁶

Methodology

Human Rights Watch gathered testimony outside China from about 150 Tibetans who had recently left the areas directly affected by the issues covered in this report. The interviews were conducted between July 2004 and December 2006. The information has been supplemented by academic research, media reports, and government documents and official statements. Except where stated, information from interviews has been used only where it could be corroborated by other interviews or secondary sources. To protect their identities, each interviewee's name has been replaced with indicative initials (which are not the interviewee's actual initials), and the location where they were interviewed has been withheld, although wherever possible the interviewee's place of origin is indicated.

In researching this report, Human Rights Watch also had access to a number of Chinese academic studies which support our conclusions. As expressly noted at relevant points in the text below, these studies confirm and verify the existence of widespread problems in the design and implementation of resettlement policies in Qinghai's Tibetan areas, including the incidence of ethnic unrest.

Because China does not allow independent, impartial organizations to freely conduct research or monitor human rights concerns inside the country, obtaining and verifying credible information can be difficult. Human Rights Watch believes that the abuses documented here are indicative of larger problems in the areas covered by this report.

¹⁶ The term "indigenous" is not generally used in advocacy by or on behalf of Tibetans, however, as it implies acceptance of PRC sovereignty.

II. Key Recommendations

To the government of the People's Republic of China (PRC)

- Impose a moratorium on all resettlements until a review mechanism can be established. That mechanism should entail independent experts assessing policies that require or produce displacement and resettlement of Tibetan herders and other rural populations in Tibetan areas, the confiscation of their property, or imposed slaughter of their livestock. This review should also evaluate the compliance under Chinese, such as the new Property Rights Law 2007, and international law with the rights of Tibetan herders.
- In instances in which consultation and compensation have not been adequate, undertake steps including offering the opportunity to return, to be resettled in an area nearby or like the one from which people were moved, and/or provide additional appropriate compensation as dictated by Chinese law.
- Where those affected by resettlement are unable to provide for themselves, take all appropriate measures to ensure that adequate alternatives are available, including the ability to return to a herding livelihood.
- To comply with the recommendations of the United Nations Committee on Economic, Social, and Cultural Rights and other human rights treaty obligations, review the Property Rights Law 2007 to ensure it provides the greatest possible security of tenure to occupiers of houses and land.
- Uphold the rights to freedom of expression, assembly, and association. Recognize the rights of herders to speak out publicly on resettlement, legal regulations, and other issues of concern.

To international donors

- Ensure that funds lent for development projects in the areas described in this report are not resulting in forced resettlement.
- Urge the Chinese government to conduct resettlements in accordance with laws regarding consultation and compensation and international standards of transparency and accountability.

To the United Nations

- The U.N. Special Rapporteurs on Adequate Housing and on Human Rights and the Fundamental Freedoms of Indigenous People should write to the Chinese government raising concerns about forced resettlement and the treatment of Tibetans, and should request an invitation to conduct a mission to Tibetan areas.
- The Human Rights Council and the United Nations Committee on Economic, Social and Cultural Rights should raise questions about China’s policy of forced resettlement.

To Chinese and international infrastructure companies investing in Tibetan areas

- Before entering into any partnerships or contractual dealings with the national or local governments of China, demand assurances that the land for projects was acquired in a manner consistent with human rights obligations, and that former residents were adequately notified and compensated for their loss of land, property, and income.
- Adopt explicit policies in support of human rights and establish procedures to ensure that the financing of projects, or participation in projects, does not contribute to, or result in, human rights abuses. At a minimum, implement a policy to conduct a “human rights impact assessment” in coordination with local civil society groups.

Detailed recommendations are presented in Chapter VIII, below.