

LOCAL EXECUTIVE

A. National.

1. ***Proposal on the Distribution of Quotas for Minority Representatives on the Sixth National People's Congress*** (approved on March 5, 1983 by the 26th Session of the Standing Committee of the Fifth National People's Congress).

(a) The Proposal notes that there are 55 minorities in China, with a total population of approximately 67.23 million, and constituting 6.7% of China's total population. Minority representatives should account for 12% of the total number of representatives of the National People's Congress (*i.e.*, approximately 360 people). The Proposal makes certain adjustments so that each minority will have at least one representative regardless of its population.

(b) The draft proposal called for 319 minority representatives, with 26 candidates to be nominated by the central authorities, for a total of 345 representatives, *i.e.*, 11.5% of the National People's Congress. The actual results of the elections are greater than this percentage.

(c) The schedule attached to the Proposal provides that with respect to Tibetan representatives, there is to be a total of 26 persons, with six representatives from Sichuan Province, two representatives from Yunnan Province, 12 representatives from the Tibet Autonomous Region, two representatives from Gansu Province and four representatives from Qinghai Province.

2. ***Proposal on the Distribution of Quotas for Minority Representatives on the Seventh National People's Congress*** (adopted on September 5, 1987 by the 22nd Session of the Standing Committee of the Sixth National People's Congress).

The 1987 Proposal restates the 1983 Proposal described in item 1 above, with the same number of Tibetan representatives (and the same province of origin) as described therein.

3. ***Proposal on the Distribution of Quotas for Minority Representatives on the Eighth National People's Congress*** (approved on September 4, 1992 by the 27th Session of the Standing Committee of the Seventh National People's Congress).

This 1992 Proposal continues to implement the provisions that the number of minority representatives on the National People's Congress shall constitute approximately 12% of the total number of representatives. The draft proposal called for 320 minority representatives with 26 candidates to be nominated by the central authorities, and 10 minority representatives to be allocated to the People's Liberation Army, for a total of 356 representatives. The annex attached to the Proposal with the

allocation of 26 persons to the Tibetan minority (and their province of origin) is as described in item 1 above.

4. ***Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Ninth National People's Congress*** (adopted on May 9, 1997 by the 25th Session of the Standing Committee of the Eighth National People's Congress).

This Proposal is substantially similar to the one described in item 3.

5. ***Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Tenth National People's Congress*** (adopted on April 28, 2002 by the 27th Session of the Standing Committee of the Ninth National People's Congress).

This Proposal is substantially similar to the one described in item 3.

6. ***Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Eleventh National People's Congress*** (adopted on April 27, 2007 by the 27th Session of the Standing Committee of the Tenth National People's Congress).

(a) The Proposal sets the number of minority representatives in the Eleventh National People's Congress to approximately 360 persons. Of this total number, 26 are allocated to Tibetans as follows:

Sichuan Province	6
Yunnan Province	2
TAR	12
Gansu Province	2
Qinghai Province	4
	26

(b) The People's Liberation Army of China shall select 14 minority persons.

(c) The 26 unallocated seats shall be separately allocated by the Standing Committee of the National People's Congress in accordance with law.

7. ***Opinion of the Organization Department of the Central Committee of the Communist Party of China ("CPC"), the United Front Work Department of the Central Committee of the CPC and the State Ethnic Affairs Commission on Doing Better Work of Further Training and Selecting Minority Cadres*** (effective December 30, 1993, Zhongzufa [1993] No. 9).

(a) This Opinion notes that since 1949, and particularly following the Third Plenary Session of the 11th Communist Party Congress, all levels of Party and governments have seriously implemented the policy of training and using

minority cadres. A large number of minority cadres has already come through the ranks and this has been a major contribution to the safeguarding of the unity of the Motherland and the unity of all ethnic groups and has promoted the social and economic development of minority areas.

(b) The Opinion contains provisions regarding:

- (i) clarifying the guidelines and major tasks on the training and selection of minority officials;
- (ii) strengthening the training and education of minority cadres and further improving their political and professional quality;
- (iii) strengthening the team of minority cadres at the basic levels;
- (iv) strengthening the team of minority specialists and technical cadres;
- (v) carefully selecting the minority cadres who are to be leaders; and
- (vi) including the training and selection of minority cadres on the agendas of the departments in each area.

B. Tibet Autonomous Region.

1. ***Implementing Measures of the TAR for the Law of the People's Republic of China on the Organization of Urban Residents Committees*** (adopted on December 26, 1993 by the Seventh Session of the Standing Committee of the Sixth TAR People's Congress).

(a) These Measures implement the Law of the People's Republic of China on the Organization of Urban Residents Committees, and in all material respects follow the provisions of the national law, which became effective on January 1, 1990. Residents committees are the basic autonomy organizations of the masses. The Measures describe the responsibilities of residents committees. They can establish subcommittees such as people's mediation committees, social security committees, public safety and security committees and public health committees. The Measures also describe the powers of meetings of the committees.

(b) The Measures provide for the composition of residents committees. In areas where there are many ethnic groups, the committees should include a small number of members of different ethnic groups. Members are elected by the residents in the area on the basis of a majority vote. Any resident who is 18 years of age or more, regardless of his or her ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education or financial circumstances, has the right to vote and to be candidates for election (but excluding any persons whose political rights have been forfeited). Candidates must safeguard the unity of the Motherland and the unity of ethnic groups, comply with the law, act in good faith, warmly serve the people and have a certain ability to work.

2. ***Detailed Rules for the Implementation of Elections of Representatives of People's Congresses at All Levels in the Tibet Autonomous Region*** (adopted on April 18, 1981 by the Fifth Session of the Standing Committee of the Third TAR People's Congress; first amended on January 18, 1984 by the Fourth Session of the Standing Committee of the Fourth TAR People's Congress; amended for a second time on July 29, 1987 by the 23rd Session of the Standing Committee of the Fourth TAR People's Congress, taking into account the actual circumstances of the TAR and in accordance with the Decision of the 18th Session of the Standing Committee of the Sixth National People's Congress on December 2, 1986 on the Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congress at All Levels in the Localities; amended for a third time on September 28, 1995 by the 16th Session of the Standing Committee of the Sixth TAR People's Congress in accordance with the Decision of the 12th Session of the Standing Committee of the Eighth National People's Congress on February 28, 1995 on the Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congresses at All Levels in the Localities; and amended for a fourth time on November 26, 2004 by the 15th Session of the Standing Committee of the Eighth TAR People's Congress in accordance with the Decision Concerning the Amendment of the Detailed Rules for the Implementation of Elections of Representatives of People's Congresses at All Levels in the Tibet Autonomous Region).

(a) These Implementing Rules set forth the procedures for the election of the representatives of the TAR on the National People's Congress and people's congresses at local levels.

(b) The representatives to the National People's Congress and the people's congresses of the TAR and municipalities established in the TAR shall be elected by the people's congress at the lower level. The representatives of the people's congresses at the city, administrative area, county, village, minority village or township level shall be elected directly by the people.

(c) All citizens of the People's Republic of China living in the TAR who are at least 18 years of age have the right to elect representatives and to be elected, regardless of their ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education, financial circumstances or period of residence. Citizens of the People's Republic of China from the TAR who live abroad may, if they are in China during an election period for representatives to the people's congresses below the county level, participate in the voting at their original place of residence, current place of residence or the last place of their residence prior to leaving China.

(d) The representatives of the people's congresses at all levels shall include an appropriate number of Han Chinese and other minority representatives, and the ratio of women representatives shall not be lower than 20%.

(e) Persons whose political rights have been forfeited in accordance with law may not vote or be elected.

(f) The standing committee of the people's congress of the TAR and established municipalities shall convene the elections of representatives for the people's congress at their level. The election committees of other cities, city administrative areas, counties, villages, minority villages and townships shall convene the elections of representatives for the people's congresses at their level. The election committees of the cities, city administrative areas and counties shall be under the leadership of the standing committee of the people's congress at their level. The election committees of villages, ethnic villages and townships shall be under the leadership of the standing committee of the people's congress of the cities, city administrative areas and counties.

The standing committee of the people's congresses of the TAR and established municipalities and the regional work personnel of the standing committee of the TAR people's congress shall guide the election work of representatives of the people's congress below the county level.

(g) The Implementing Rules set forth the procedures on the establishment of election committees, their responsibilities, the number of representatives for the people's congresses at various levels, the responsibilities of representatives, the

creation of electoral districts, voter registration, the selection of candidates, the voting process, etc.

(h) There shall be representatives of all aspects in the peoples' congress at each level. There shall be a reasonable number of intellectuals, patriots, religious persons, returning Tibetan compatriots and other representatives of different aspects among the representatives.

(i) In areas where other minorities reside, in accordance with the provisions of Chapter 4, Article 18 of the Law of the People's Republic of China on the Election of the National People's Congress and the Local People's Congress at All Levels, each minority shall have a representative on the local people's congress. In areas where other minorities and Han Chinese live scattered around, the matter shall be handled in accordance with Chapter 4, Article 20 of such Law.¹

The creation of representatives of the people's congress for cities, city administrative areas, counties, villages, minority villages and townships where other minorities live shall be in accordance with the relationships of the local ethnic groups and the residential situation and each minority may separately or jointly elect representatives.

(j) All documents that are prepared or issued such as election documents, lists of candidates, voter certificates, lists of alternate candidates, representative candidate certificates and the seals of election committees shall be in both Tibetan and the written language commonly used by the state.

(k) In areas where there are other minorities, electoral districts may be separately or jointly drawn up in accordance with the relationships of the local ethnic groups and the residential situation.

(l) It is an offense, among other things, to incite ethnic relations, destroy the unity of ethnic groups or instigate the split of ethnic groups.

3. ***Regulations of the Tibet Autonomous Region on the Work of the People's Congresses at the Village and Township Level*** (adopted on October 23, 1992 by the 22nd Session of the Standing Committee of the Fifth TAR People's Congress; first amended on September 28, 1995 by the 16th Session of the Standing Committee of the Sixth TAR People's Congress; and further amended on November 26, 2004 by the Decision of the Standing Committee of the TAR People's Congress Concerning the Amendment of the Regulations of the TAR on the work of the People's Congresses at the

¹ Article 20 of such Law provides that: with respect to the representatives in the local people's congress elected by minorities that have sparse populations, the number of the population represented by each such representative may be fewer than the population represented by each representative of the local people's congress. This provision applies to the election of representatives of other minorities and the Han Chinese who have sparse populations in the village, minority village or township people's congresses of autonomous regions, autonomous prefectures, autonomous counties and those areas where minorities are concentrated.

Village and Township Level adopted by the 15th Session of the Standing Committee of the Eighth TAR People's Congress).

(a) These Regulations have been formulated in accordance with the Law of the People's Republic of China on the Organization of the People's Congress and People's Governments at All Levels in the Localities (the "PRC People's Congress and Government Organization Law"), taking into account the actual circumstances of the TAR, to improve the people's congress system, strengthen the establishment of the political power of the basic levels and guarantee the full exercise of power by the people's congresses of the villages, minority villages and townships.

(b) The national law sets up a framework for the establishment of local people's congresses, their responsibilities, the formation of standing committees, the conduct of meetings and the conduct of elections, as well as the role of local governments and their organizational structure. The Regulations implement the national law for the congresses and governments at the village and township level.

4. ***Implementing Measures of the Tibet Autonomous Region for Law of the People's Republic of China on Representatives to the National People's Congress and to the Local People's Congresses at Various Levels*** (effective April 2, 1999; adopted on April 1, 1999 by the Sixth Session of the Standing Committee of the Seventh TAR People's Congress).

The national law describes the responsibilities of representatives while the people's congress is in session or not in session, and includes provisions to guarantee that a representative is able to perform his or her duties. These Implementing Measures essentially implement the national law.

5. ***Procedural Rules for the People's Congress of the Tibet Autonomous Region*** (adopted on August 7, 1989 by the Second Session of the Fifth TAR People's Congress; first amended on January 20, 2002 by the 24th Session of the Standing Committee of the [Eighth] (sic) TAR People's Congress; and further amended on July 29, 2005 by the 19th Session of the Standing Committee of the Eighth TAR People's Congress).

(a) These Rules contain detailed rules on meetings of the people's congress, attendance by representatives, the preparatory work to be completed before meetings, quorum requirements, responsibilities of the chairman's group of the people's congress, the procedures for submitting and adopting resolutions and the election and removal of the top officials of the standing committee and people's government.

(b) Meetings of the TAR people's congress shall implement the principle of democratic centralism. When the congress examines proposals, discusses or makes decisions on matters, carries out elections or removes people from office, it shall fully carry out democracy. The congress shall collectively exercise its powers in

accordance with legally prescribed procedures and guarantee the democratic rights of representatives.

(c) Meetings of the TAR people's congress shall be conducted in Tibetan and the commonly used language of the state or may be conducted in any one of such languages.

(d) Observers may attend meetings of the full congress. Meetings of TAR people's congress may convene news conferences and meetings for reporters.

6. ***Measures of the Tibet Autonomous Region on Elections to Fill Vacancies of Representatives to the People's Congresses At All Levels*** (adopted on November 25, 1999 by the 10th Session of the Standing Committee of the TAR Seventh People's Congress).

These Measures have been formulated to prescribe the procedures for filling vacancies in the people's congresses on a timely basis. If a representative is unable to complete his or her term, the original voting area or voting unit shall elect a replacement. The Measures describe the process at various levels of the people's congresses, the procedures for nominating candidates, and the review and updating of voter lists. Elections shall be by secret ballot or by a show of hands, and representatives are appointed by majority vote.

7. ***Measures of the Tibet Autonomous Region Regarding the Election of Village Committees*** (effective March 1, 2002; adopted on January 20, 2002 by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) These Measures have been formulated to implement the Law of the People's Republic of China on the Organization of Village Committees. The national law establishes village committees as the primary mass organization of self-government, the composition of village committees, terms of office of members, the election of members, the responsibilities of village committees and so forth.

(b) Villagers who are 18 years or over (other than those whose political rights have been forfeited) have the right to vote and to be elected, regardless of their ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education, financial circumstances or period of residency.

(c) Candidates for election to the village committees must, among other things, protect the leadership of the Chinese Communist Party, warmly love the socialist Motherland, safeguard the unity of the Motherland and unity of peoples and oppose splittism.

(d) In areas where there are many ethnic groups, members of the village committees should include a small number of minorities.

8. ***Procedural Rules for the People's Congress of Lhasa***

Municipality (adopted on June 16, 1989 by the Third Session of the Fifth People's Congress of Lhasa Municipality and amended effective June 9, 2004 by the adoption of such amendment on April 19, 2004 by the Third Session of the Eighth People's Congress of Lhasa Municipality and approved on June 9, 2004 by the Twelfth Session of the Standing Committee of the Eighth TAR People's Congress).

(a) These Rules have been formulated in accordance with the PRC People's Congress and Government Organization Law, taking into account the actual circumstances of the work of the Lhasa Municipal People's Congress, to guarantee the exercise of powers in accordance with law of the people's congress of Lhasa Municipality and to improve work efficiency.

(b) These Rules contain detailed rules on meetings of the people's congress, attendance by representatives, the preparatory work to be completed before meetings, quorum requirements, responsibilities of the chairman's group of the people's congress, the procedures for submitting and adopting resolutions and the election and removal of the top officials of the standing committee and people's government.

(c) When the municipal people's congress examines proposals, decides matters, carries out elections, removes people from office or appoints people, it shall fully carry out democracy and implement the principle of democratic centralism.

(d) When the municipal people's congress conducts meetings, Tibetan and the commonly used language of the state shall be used at the same time or one of such languages shall be used.

(e) Observers may attend meetings of the full congress.

(f) The documents and relevant matters adopted by the meeting of the municipal people's congress shall be issued in accordance with law. If necessary, they can convene news conferences.

C. Qinghai Province.

1. ***Measures of Qinghai Province on the Implementation of the Law of the People's Republic of China on the Representatives of the National People's Congress and the People's Congress of the Localities At All Levels*** (adopted on February 25, 1995 by the Third Session of the Eighth People's Congress of Qinghai Province; and amended on July 28, 2006 by the Decision to Amend the Measures of Qinghai Province on the Implementation of the Law of the People's Republic of China on the Representatives of the National People's Congress and the People's Congress of the Localities At All Levels approved by the 23rd Session of the Standing Committee of the Tenth People's Congress of Qinghai Province).

(a) These Measures have been formulated in accordance with the PRC People's Congress Law, taking into account the actual circumstances of the Province, to guarantee the exercise of powers in accordance with the law of the representatives of the people's congresses of the localities at all levels in the Province, to implement the obligations of the representatives and expand the role of the representatives.

(b) Representatives must be models in observing the Constitution, laws and regulations, safeguard state secrets and when they participate in production, work and social activities, help implement the Constitution, laws and regulations.

(c) The Measures contain provisions on the attendance of representatives at meetings, their duties and responsibilities, their ability to raise matters before the congress for discussion, including the removal of key officials, their activities when the congresses are not in session, and the circumstances when they lose their qualifications to be a representative.

(d) When minority representatives perform their duties, the relevant departments shall give them required help and consideration in terms of their language and living customs.

2. ***Decision of the Standing Committee of the People's Congress of Qinghai Province on the Numbers of Representatives to the People's Congress of Xining Municipality and of Each Autonomous Prefecture*** (adopted on January 26, 1996 by the 22nd Session of the Standing Committee of the Eighth Qinghai Provincial People's Congress).

The Decision sets the number of representatives on the people's congresses of Xining Municipality and the various autonomous prefectures in Qinghai Province.

D. Yunnan Province.

1. ***Decision of the Standing Committee of the Yunnan Provincial People's Congress on the Number of Members of the Standing Committees of the People's Congresses of Certain Cities, Prefectures and 128 Counties*** (adopted on September 27, 2002 by the 30th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

The Decision sets the number of members of the standing committees of the people's congresses of certain cities, prefectures and 128 counties.

2. ***Decision of the Standing Committee of the Yunnan Provincial People's Congress on the Allocation of the Number of Representatives to, and the Election for, the 10th Yunnan Provincial People's Congress*** (adopted on July 25, 2002 by the 29th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

(a) The number of representatives to the 10th Yunnan Provincial People's Congress is 638. Where the population is sparse in the Nujiang Lisa Autonomous Prefecture and the Diqing Tibetan Autonomous Region, each such area shall have at least 10 representatives.

(b) Minority representatives shall account for approximately 40% of the total representatives. Ethnic groups with a rather small population shall have at least one representative.

3. ***Proposal of the Standing Committee of the Yunnan Provincial People's Congress on the Allocation of Minority Representatives to the 10th Yunnan Provincial People's Congress*** (adopted on July 25, 2002 by the 29th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

(a) In accordance with the provision that "of the representatives of the Provincial People's Congress, the number of minority representatives shall constitute approximately 40% of the total number of representatives of the Provincial People's Congress," Yunnan Province has 25 minorities, and there shall be approximately 255 representatives.

(b) The number of the population that each minority representative represents shall be appropriately lower than the average number of the population that each representative represents. The 10 minorities that have a population of less than 34,000 shall each be allocated one representative so as to guarantee that each minority in the province has at least one representative on the Provincial People's Congress.

(c) A total of 235 representatives will be minority representatives, of which 4 will be allocated to the Tibetan minority.

4. ***Procedural Rules for the People's Congress of Yunnan Province***
(amended on September 28, 2006 by the 24th Session of the Standing Committee of the Tenth People's Congress of Yunnan Province, and such amendment effective October 8, 2006).

(a) When the provincial people's congress reviews, examines and decides issues, it shall fully carry out democracy, strictly handle matters in accordance with the law and exercise its powers in accordance with the principle of democratic centralism.

(b) The representatives of the provincial people's congress shall diligently carry out their responsibilities, actively and responsibly participate in the review of all items of the congress, examine reports, elections, voting and other activities.

(c) The Rules set forth the procedures for holding meetings, quorum and notice requirements, the role of the chairman's group, and the procedures for the election, resignation and removal of key officials.

(d) The meetings of the provincial people's congress shall be open to the public. Observers may attend meetings of the full congress. They shall observe the meeting rules and may not obstruct the normal conduct of meetings.

Meetings may, in accordance with needs, hold news conferences or meetings with reporters.

The local laws, discussions and resolutions adopted by the meeting shall be promptly issued.

(e) When necessary, meetings may be held in secret. The chairman's group shall solicit the opinions of each representative group before making its decision to hold such meetings.

(f) During meetings of the provincial people's congress, proposals and recommendations, criticisms and opinions made by minority representatives using their own language, as well as speeches in their own language, shall have equal validity with the Chinese language (written and oral). When meetings of the provincial people's congress are held, the secretariat or the relevant representative group shall, in accordance with needs, provide translation services to minority representatives.