

How Autonomous Are the National Autonomous Areas of the PRC?

An Analysis of Documents and Cases

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This paper examines the concept of national autonomous areas (NAAs) within the Chinese legal-political context. The first part surveys the Chinese conception of autonomy from Imperial times to the Republican period. From this survey, we understand that the notion of national autonomy is not a creation of the twentieth century, but rather a concept rooted in the Chinese past. Of course, this is not to say that modern forces have not influenced the nationality question. Indeed, the Chinese Communist Party (CCP) was highly influenced by Soviet nationality policy. Part three therefore examines the CCP's nationality policy from the days of the Jiangxi Soviet to the end of the Cultural Revolution. The corpus of legislation studied here includes the Chinese Soviet Republic's Basic Law (1934), the Common Program (1949), the General Program (1952), and the 1954, 1975, 1978, and 1982 constitutions. Part four is devoted entirely to the analysis of the Law on Regional National Autonomy (1984), which represents Deng Xiaoping's view on the nationality debate. A common theme found in all these legislations is that they are extremely limited in their autonomy provisions; this has been borne out in practice, as cited by the cases in section five. The author concludes that given the experiences of the NAAs, the same fate (if in a different degree) may befall the soon-to-be created Hong Kong Special Administrative Region.

Keywords: autonomy, minority nationality, CCP, constitutions, Law on Regional National Autonomy

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The People's Republic of China is a unitary multi-national state created jointly by the people of all its nationalities. Socialist relations of equality, unity and mutual assistance have been established among the nationalities and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and to combat local national chauvinism. The state will do its utmost to promote the common prosperity of all the nationalities.

Preamble to the PRC's 1982 Constitution

In the governance of ethnically diverse states, the question of striking the proper balance of power between the central authority and its constituent parts has always been a tricky issue for political-legal theorists and practitioners alike. In modern history, several paradigms have surfaced which have attempted to synchronize the central-peripheral power relationship. The American colonies attempted their first union via a loose confederation only to be supplanted by a more centralized federal system. The Union of Soviet Socialist Republics (USSR, the Soviet Union) opted for a strong union of fifteen republics, each representing a distinct ethnic population. The segregationist Republic of South Africa instituted the system of apartheid, whereby semi-independent "homelands" were established for the various black nations.

The People's Republic of China (PRC) operates under "a multinational unitary state" rubric. Under this arrangement, national autonomous areas (NAAs) for ethnic minorities (*shaoshu minzu*) are established under the auspices of the central Party-state and given a measure of local autonomy in light of their socioeconomic and cultural differences. According to one Chinese commentator, this scheme not only provides national unity but also the opportunity for the national minorities "to be the master[s] of [their] own affairs."¹ Another legal worker comments that "regional autonomy in our *united* multinational state protects the rights of the minorities to manage their own affairs and the *unity* of the nationalities and of the state, and forestalls external aggression and subversive activities."² This paper argues, however, that autonomy and unity as envisioned and practiced under the NAA system is an oxymoron. The strong emphasis on unity has necessarily diminished the self-rule or autonomy facet of the scheme. It is argued below that the autonomy "enjoyed" by China's NAAs is, to paraphrase Mao, paper autonomy. In fact, it is less than that; as shown below, legislation on regional autonomy is replete with limitations and restrictions which have diluted the vigor of autonomy. The consequence, at least in terms of *de jure* autonomy, is that the minorities living in the NAAs are far from being masters of their

¹ Li Weihai, "Regional Autonomy for Nationalities," *Chinese Law and Government* 14, no. 4 (Winter 1981-82): 14.

² Zhang Youyu, "On the Law of Regional National Autonomy," *Faxue yanjiu* (Studies in Jurisprudence), 1984, no. 4:1-7, translated as "Law of Regional National Autonomy Discussed," in Joint Publications Research Service (JPRS), January 29, 1985, 55. Emphasis added.

own affairs. They are more like political eunuchs serving at the pleasure of the Communist Court in Beijing.

What follows is a five-part presentation. Part one attempts to put the Chinese concept of autonomy in historical perspective. The second part examines the CCP's changing theories of autonomy from the Party's early days to the time of the 1982 Constitution's promulgation. The third part analyzes in detail the powers and inherent limitations of the 1984 Law of the PRC on Regional National Autonomy (hereinafter LRNA). Part four discusses the NAAs' actual practice of autonomy. Finally, I conclude the analysis with a reference to the applicability of the NAAs' experiences to Hong Kong and Taiwan as Special Administrative Regions.

The Chinese Concept of Autonomy in Historical Perspective

The Imperial Tradition

The notion of autonomy for specific population groups in distinct geographical areas has its roots in imperial times. Professor Anthony Dicks has shown that early Muslim settlers residing in Tang and Song China for the purposes of trade were allowed or required to live in separate, discrete quarters known as *fan fang* (foreign zones).³ In these *fan fang*, the foreign settlers were governed by an Arab official who was elected by the foreign community itself for appointment by the Chinese Imperial government. These appointed officials enjoyed "considerable autonomy in judicial matters, and cases in which both parties were foreigners were referred by the Chinese authorities to the foreign official to be judged in accordance with their own law."⁴

The practice of granting autonomy to minority groups continued under the Qing dynasty. For example, the Muslim communities enjoyed a high degree of autonomy under the Qing. Except for murder and other grave crimes, they could follow their Islamic laws in lieu of Chinese ones.⁵ Moreover, Mongols were encouraged by the Qing Court to retain their traditional ways of life, including their complex

³Anthony Dicks, "New Lamps for Old: The Evolving Legal Position of Islam in China, With Special Reference to Family Law," in *Islamic Family Law*, ed. Chibli Mallat and Jane Connors (London: Graham & Trotman, 1990), 355.

⁴*Ibid.*

⁵*Ibid.*, 362-63.

matrices of clan organizations, so that the Court could play one rival clan against another.⁶ The Qing government also granted the Tibetans a high degree of autonomy as long as they accepted Qing imperial rule.⁷ June Teufel Dreyer succinctly summarizes the Chinese imperial state's general policy toward non-Han minorities within the empire:

[T]he goal of the Ch'ing, and of other dynasties', policy toward ethnic minorities was a pluralistic form of integration. . . . Abstention from aggression and a vague commitment of loyalty to the emperor and the Confucian values he embodied were sufficient to attain this level of integration. Traditional customs, languages, and governing systems were not interfered with so long as they did not pose a threat to the Chinese state. . . . Barring the rise of a major threat to the peace of the territory under their jurisdiction, most officials had little further interest in the events of [the ethnic minority areas].⁸

The Republican Attitude Toward Ethnic Autonomy

Generally speaking, Republican policies vis-à-vis the ethnic minority nationalities, unlike their imperial antecedent, were based on the assimilation of these groups in order to foster *national unity*. Yuan Shikai, the first Republican president, decreed in 1912 that all areas of Mongolia, Tibet, and Xinjiang were integral territories (*lingtu*) of the Republic of China and that all nationalities of the above-mentioned areas were citizens of the Republic.⁹ The Tongmenghui (Alliance Society), precursor to the Kuomintang (KMT, Nationalist Party of China), included in its nine-point manifesto the principle of racial evolution, i.e., the assimilation and acculturation of the various ethnic minorities into Han culture, mores, etc.¹⁰ An early KMT pronouncement on the nationality issue parroted the Tongmenghui's assimilationist doctrine (*zhongzu tonghua*).¹¹ In his famous *San Min Chu I* (Three Principles of the People) lectures in 1919, Sun Yat-sen scathingly rejected the notion of a multiethnic society. In his view,

⁶June Teufel Dreyer, *China's Forty Millions* (Cambridge, Mass.: Harvard University Press, 1976), 10.

⁷Ibid.

⁸Ibid., 12-13.

⁹Colin Mackerras, *China's Minorities: Integration and Modernization in the Twentieth Century* (Oxford, England: Oxford University Press, 1994), 53.

¹⁰Ibid., 54-55.

¹¹Ibid., 55. This doctrine clearly has a Sino-centric if not a flagrant racist undertone. The ethnic minorities were seen as obstacles to the Chinese nation-building process, and therefore they should be "eliminated" via Sinicization.

the fledgling Chinese Republic should imitate America's "melting pot" society.¹²

The American nation . . . is a melting pot that has amalgamated the various races and nationalities of Europe. Moreover, since the emancipation of its black slaves, it has absorbed and assimilated millions of African blacks, becoming the most advanced, greatest, and wealthiest nation in the world and the forefather of modern democracy and republicanism. . . . It is [thus] for the Han people to sacrifice the separate nationality, history and identity . . . and to merge in all sincerity with the Manchus, Mongols, Muslims, and Tibetans in one melting pot to create a new order of Chinese nationalism, just as America has produced the world's leading nationalism by melding scores of different peoples, black and white. This is a positive goal.¹³

By 1923, however, the Sun-Joffe agreement with the Soviet Union had substantively altered the KMT's stance on the nationality question. The Manifesto of the KMT's First National Congress in 1924 recognized the right of self-determination (*zijue quan*) and, by implication, autonomy for all nationalities within the Republic. The Manifesto set as one of its objectives upon the reunification of the country the establishment of a free united Republic of China "formed by the *free* association of all the nationalities."¹⁴ Reflecting this change, Sun Yat-sen himself included self-determination for ethnic nationalities in his famous twenty-five-point Fundamentals of National Reconstruction for the National Government of China. Article 4 reads: "The government should help and guide the racial minorities in the country toward self-determination and self-government."¹⁵ As late as the party's Second National Congress in 1926, the KMT still embraced the concept of *zijue quan*.¹⁶

However, this accommodating disposition was short-lived. After the death of Sun and the ascension of Chiang Kai-shek to power, the

¹²It is doubtful that Sun failed to discern that American society was dominated by Anglo-Saxons. Thus, in advocating the American paradigm of racial/ethnic assimilation, Sun clearly envisioned the same dominating role for the Han in China as their Anglo-Saxon counterpart in the United States. His talk of *Han people merging with the national minorities* (see below) was political rhetoric. Given that over 90 percent of the Republic's population was of Han ethnicity, assimilation by definition meant the Sinicization of the national minorities.

¹³Sun Yat-sen, "The Three Principles of the People," in *Prescriptions for Saving China: Selected Writings of Sun Yat-sen*, ed. Julie Lee Wei, E-su Zen, and Linda Chao (Stanford, Calif.: Hoover Institution Press, 1994), 224-25.

¹⁴Quoted in Mackerras, *China's Minorities*, 57. Emphasis added.

¹⁵Sun Yat-sen, "Fundamentals of National Reconstruction for the National Government of China," in *Fundamentals of National Reconstruction* (Taipei: China Cultural Service, 1953), 10.

¹⁶Mackerras, *China's Minorities*, 58.

KMT made an about-face on the nationality issue, reverting to the more assimilationist policy of the Tongmenghui and early KMT (before the Leninization of the party). Symbolic of this change was Chiang's replacement of the national flag.¹⁷ Prior to Chiang's rise to political dominance, the national flag of the Republic consisted of five colors, each representing the five major ethnic/cultural groups of China (the Han, Tibetan, Hui, Mongolian, and Manchu). The new flag, still in use on Taiwan, carried the KMT white sun on a red banner. Like this symbolic change, the policy volte-face meant the apostasy of earlier nationality theories and policies advocated by Sun and the party. The Third Congress in 1929 proclaimed that the people of Mongolia, Xinjiang, and Tibet were members of the *Chinese nation* and not just members of the *Chinese Republic*.¹⁸ In this connection, Chiang Kai-shek later wrote that "there is an inner factor closely linking the historical destiny of common existence and common sorrow and joy of the whole Chinese nation. That there are five peoples designated in China . . . is not due to difference in race or blood, but to religion and geographical environment."¹⁹

Accordingly, the Third KMT Congress called for mutual co-operation and unity among the nationalities with the goal of creating a strong state-nationality (*guozu* as opposed to *minzu*).²⁰ In addition, the Central Executive Committee of the Congress disparaged the principle of self-determination as tricks and ploys propagated by the Third International.²¹

The CCP and the Concept of Autonomy

The Soviet Influence

Taking advantage of the KMT's "gaff" on the nationality question, the CCP responded favorably to the issue. However, as much

¹⁷Chiang could point to the same speech given by Sun (see above) to justify the flag replacement. Sun had referred to the five-color flag as a "divisive bureaucrat flag . . . [which] has been the cause of all the Republic's misfortunes. No sooner had we discarded the Ch'ing dynasty's imperial yellow-dragon flag than the five-color flag of its military officials was adopted in its stead! It is little wonder that we were able to overthrow the Ch'ing emperor but have found it difficult to extinguish the despotism of the Ch'ing military." Sun, "The Three Principles of the People," 225.

¹⁸Mackerras, *China's Minorities*, 58.

¹⁹Chiang Kai-shek, *China's Destiny*, With Notes and Commentary by Philip Jaffe (London: Dobson, 1947), 39-40. Emphasis added.

²⁰Mackerras, *China's Minorities*, 59.

²¹*Ibid.*

as it was a response to the KMT's platform, the CCP nationality policy, as shown below, has also drawn heavily from the Bolsheviks' successful manipulation of the issue in the Soviet Union.

Long before the celebrated Wilsonian principle of self-determination, Lenin had advocated self-determination for all nationalities within the Russian state. He later elaborated on this thesis by specifying that "the right of nations to self-determination implies exclusively the right to independence in the political sense, the right to free political separation from the oppressor nation."²² In an exchange with several Polish Communists who contended that the right of self-determination was not applicable to a socialist society, Lenin countered that although economic oppression would dissipate under socialism, *political* oppression of a dominant nation over a minority nation could still occur.²³ Thus, he publicly advocated a high degree of autonomy for the constituent nations making up Czarist Russia.

Indeed, during the Bolsheviks' political struggle with the Provisional Government, they propagandized self-determination to the various minority nationalities. As a result, more than a dozen minority groups declared independence and established their separate governments which were recognized by the Bolsheviks.²⁴ However, in an Orwellian volte-face, the USSR under Bolshevik leadership soon re-absorbed all the nationalities (who had been encouraged by the same people to declare independence in the first place) into the Soviet Union.

While it is true that the 1924 Constitution of the USSR granted the various Soviet republics the right to secede from the Union, the exercise of this right was considered to be, in Stalin's words, "profoundly counterrevolutionary."²⁵ Yet, the central government continued to foster different degrees and forms of autonomy.²⁶ The use of ethnic minority languages was encouraged in minority schools and areas. Where a written language was absent, the government helped to develop one.²⁷ Furthermore, the central authorities sought to train

²²V. I. Lenin, "The Significance of the Right to Self-Determination and Its Relation to Federation," in *Collected Works*, vol. 22 (Moscow: Progress Publishers, 1964), 146.

²³Dreyer, *China's Forty Millions*, 47. In this respect, Lenin deviated from Orthodox Marxism, which saw political oppression as an offshoot of economic oppression.

²⁴*Ibid.*, 53.

²⁵*Ibid.*, 55.

²⁶Known in the literature as Leninist or Stalinist autonomy.

²⁷Dreyer, *China's Forty Millions*, 55.

party cadres from among the minority populations.

Imitating Soviet propaganda technique, the Chinese Communists early on advocated a generous minority policy. In 1929, the "Announcement of the Red Fourth Army Command Headquarters" issued by Mao Zedong and Zhu De proclaimed that "the Man, Mongol, Hui, and Zang nationalities [should] decide on their own rules and regulations."²⁸ The Basic Law (Constitution) of the Chinese Soviet Republic (CSR), adopted by the Second All-Chinese Congress of Soviets in January 1934, elucidated the principle of "own rules and regulations" by including a very liberal provision for non-Han minorities. Article 14, reflecting the influence of the 1924 Soviet Constitution, acknowledged "the right of national self-determination of national minorities on the territory of China, up to and including the right of all national minorities to *separation from China and the creation of their own autonomous state*."²⁹ This article, like the Bolsheviks' pledge, was only meant for propaganda purposes. It represented the CCP's attempt to broaden the anti-KMT coalition under its leadership. Like other nationalists, the Chinese Communists had bitterly criticized Qing China's weakness in being dismembered by foreign powers. Not unlike their KMT rivals, the Communists favored a strong central government capable of unifying the country and wrestling away the unequal treaties and forced concessions from foreign countries.³⁰ Thus, it was disingenuous on the part of the CSR to advertise discrete, independent minority states which undoubtedly contravened their ultimate goal of *jiuguo*.

Autonomy and the Common Program

Upon Liberation in 1949, the PRC leadership, like its Bolshevik counterpart in the USSR, backed away from the earlier stance on the nationality question enshrined in Article 14 of the CSR Basic Law. The Common Program, adopted by the Chinese People's Political Consultative Conference in 1949, loudly articulated the inalienability of the NAAs to the PRC. Article 50 stated that the PRC is "a big

²⁸"A Brief Account of CPC's Implementation of Its National Regional Autonomy Policy," *Liaowang* (Outlook Weekly), 1985, no. 28:17, translated as "History of National Regional Autonomy Traced," in JPRS, October 10, 1985, 50.

²⁹Michael Palmer, Anthony Dicks, and Yuan Cheng, *Modern Chinese Law: Legislation and Related Materials*, 9 vols. (London: Department of Law, School of Oriental and African Studies, 1992), 1:1. Emphasis added.

³⁰This is known as *jiuguo* or saving the country.

fraternal and cooperative family composed of all its nationalities.”³¹ Any act resulting in the split “of the unity of the various nationalities shall be prohibited.”³² Thus, in effect, any attempt on the part of the national minorities to extract fulfillment from the Party-state on the earlier commitment could be labeled counterrevolutionary since it would have violated Article 50 of the Common Program.

Instead, Article 51 established a water-downed policy of “regional autonomy [*quyu zizhi*] . . . in areas where national minorities are concentrated.”³³ Article 52 granted national minorities the right to join the People’s Liberation Army (PLA), and Article 53 allowed minority peoples to preserve and reform their languages, culture, and customs—all reminiscent of the Soviet line. These articles of the Common Program, notwithstanding certain deviations caused by the political climate of the day, have been the basis of the PRC’s subsequent policies on national minorities.

The General Program, 1952

The General Program of 1952 was the enabling legislation that implemented the theory of national regional autonomy espoused by the Common Program in 1949. Article 4 of the General Program set the rules on the creation of the NAAs. Articles 15 and 16 were standard provisions encouraging the use of local minority languages in administrative, cultural, and educational work. Article 18 allowed the NAAs to make internal reforms in accordance with the wishes of the majority of the people and local leaders. Significantly, there was no provision sanctioning a veto from the central authorities. Article 19 permitted an NAA to administer its finances within the spheres prescribed by the central authorities and the local people’s government above it as well as “subject to the unified financial control of the state.” Articles 20 to 22 granted the NAAs the power to develop their economies, cultures, arts, and local security forces within the limits specified by the state.³⁴

³¹Palmer, Dicks, and Cheng, *Modern Chinese Law* 1:2.

³²*Ibid.*

³³*Ibid.* At present, the PRC has 116 NAAs which consist of 5 provincial-level autonomous regions, 31 autonomous prefectures, and 80 autonomous counties or banners. See “History of National Regional Autonomy Traced,” 51. Together, these NAAs amount to 6.1 million km² of land, or 60 percent of the PRC’s total territory. See Zhang, “On the Law of Regional National Autonomy,” 55.

³⁴For example, NAAs could consist of areas inhabited by one *shaoshu minzu*; by one

Like the Common Program, the General Program was a far cry from the autonomy propagandized by the Party before Liberation. It was a Leninist document that conceded limited autonomy to the NAAs while ensuring the center's hegemony over them.

The NAAs and the 1954, 1975, and 1978 Constitutions

The Preamble to the PRC's 1954 Constitution further underscored the importance of unity among the Chinese nationalities: the "unity of China's nationalities will continue to gain in strength, founded as it is on overgrowing friendship and mutual aid among themselves."³⁵ This unity was also premised on vigorous opposition to both great-Han chauvinism and local nationalism. Moreover, Article 3 (4) unequivocally enunciated the rule that the NAAs are inalienable parts of the PRC.

Chapter 2, section 5 of the 1954 Constitution granted the various levels of the NAAs *limited* autonomy. The restricted nature of this autonomy is explicitly underscored by Article 70 (1): "The organs of self-government of all autonomous regions, autonomous *chou*, and autonomous counties exercise autonomy *within the limits of the authority prescribed by the Constitution and the law*."³⁶

The 1975 Constitution, echoing the leftist tendency of the Cultural Revolution which frowned upon national minority autonomy as corrosive to the unity of the proletariat, devoted only one article to the NAAs (Article 24). Article 24 (3), moreover, emphasized that the higher state organs would assist the NAAs to carry out "socialist revolution and socialist construction."³⁷ Socialist revolution and construction in the NAAs were lofty revolutionary ideals, but they did not necessarily promote minority political, economic, and cultural development,³⁸ which was the rationale behind the PRC's establishment of the NAAs in the first place.

large *shaoshu minzu* and other smaller *minzu* who would also exercise autonomy; or jointly by more than one group. See "General Program of the People's Republic of China for the Implementation of Regional Autonomy for Minority Nationalities," *Chinese Law and Government* 14, no. 4 (Winter 1981-82): 28-35.

³⁵Palmer, Dicks, and Cheng, *Modern Chinese Law* 2:1.

³⁶*Ibid.* Emphasis added.

³⁷*Ibid.*

³⁸A similar provision under the more moderate 1954 Constitution called for the higher state organs to assist the national minorities in their political, economic, and cultural development.

The 1978 constitutional provisions on the NAAs, reflecting the Thermidorean reaction to the excesses of the Cultural Revolution decade, replicated many of those of the 1954 Constitution. Article 39 (3), for example, stated that the organs of NAA self-government were to employ the local written and spoken languages in their administrative duties.³⁹ Article 40 encouraged higher state organs to train cadres among the minority nationalities as well as actively “assist all the minority nationalities in their socialist revolution and construction and *thus advance their socialist economic and cultural development*.”⁴⁰ The last clause was an apparent attempt to counter-balance the antecedent clause which was a relic of the Cultural Revolution era. However, like their 1975 counterparts, the 1978 provisions for NAA self-government lacked specificity; there were only three articles (compared to eleven in the 1982 Constitution) devoted to the NAAs. This brevity effectively precluded the elaboration of specific rights and powers accorded to areas practicing autonomy.

The Present (1982) Constitution

The 1982 Constitution represents Deng Xiaoping’s attempt to re-Leninize (and therefore restore public confidence in) the Party-state after the “decade of turmoil.” Particularly, its provisions on the NAAs are an effort to make amends for the ultraleftist excesses of the previous ten years, which saw fierce attacks on regional autonomy and minority cultures.⁴¹ However, by no means does this connote liberalism vis-à-vis the national minorities. It is instructive to restudy Deng Xiaoping’s 1957 dictum that “those extremely bad elements who openly instigate national divisions [i.e., independence] . . . should be resolutely exposed and repudiated in order to keep them completely isolated, to educate the masses and the functionaries.”⁴²

The Preamble to the PRC’s 1982 Constitution, like its moderate 1954 counterpart, stresses the PRC’s unitary, multinational nature, and sternly admonishes against the dual evils of great-Han chauvinism

³⁹The 1975 Constitution did not even bother to include this constitutional nicety.

⁴⁰Palmer, Dicks, and Cheng, *Modern Chinese Law* 2:3. Emphasis added.

⁴¹The protection of national minority interests is also found in a provision of the Criminal Law, 1979. Article 147 imposes criminal detention or imprisonment for not more than two years on “any state functionary who unlawfully deprives . . . legitimate freedom of religious belief and infringes upon the customs and habits of minority nationalities.” Palmer, Dicks, and Cheng, *Modern Chinese Law* 6:7.

⁴²Deng Xiaoping, “On Minority Nationalities,” *Chinese Law and Government* 14, no. 4 (Winter 1981-82): 68.

and local national chauvinism. Marking a clean break from the Cultural Revolution,⁴³ the 1982 Constitution contains eleven articles devoting to the NAAs (Articles 112 to 122).

The 1982 Constitution's treatment of the organs of NAA self-government is by far the most specific and comprehensive of the constitutional documents since Liberation and thus anticipates the 1984 Law on Regional National Autonomy (see below). Article 113 (2) and Article 114 reserve key positions of *de jure*, if not *de facto*, power for national minority cadres. In addition, Article 116 grants the NAAs the authority to "enact regulations on the exercise of autonomy and other separate regulations in the light of the political, economic, and cultural characteristics of the nationality or nationalities in the areas concerned."⁴⁴ Furthermore, Articles 117 and 118 give the NAAs financial and economic autonomy vis-à-vis the central state. Article 119 devolves educational, scientific, cultural, and public health matters to the NAAs. Article 120 allows the NAAs to organize local public security forces as needed. Article 121 reaffirms the Leninist-Stalinist principle of encouraging the use of local spoken and written languages in the conduct of government business, and Article 122 promises central financial, technical, and material assistance to the NAAs.

While the 1982 Constitution offers comparatively progressive provisions to the NAAs, like those of the 1984 LRNA, they are of course subject to the veto of the center or some higher level responsible to the center. For example, Article 115 makes it evident that the NAAs' exercise of autonomy is to be conducted "within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional National Autonomy, and other laws."⁴⁵ More specifically, Article 116 stipulates that the national autonomous regions' modifications of national laws and promulgation of separate legislations are to be "submitted to the Standing Committee of the National People's Congress [NPC] for approval" *before*

⁴³Even though the radical Maoists, including Madame Mao, were politically crushed by the time the 1978 Constitution was adopted, Hua Guofeng (Mao's hand-picked successor) nevertheless could not completely turn against his embalmed patron. After all, Hua's political claim to power was his association with Mao. Hence, it was not until the ascendancy of Deng Xiaoping, a victim of the Cultural Revolution, that we can identify a complete reversal of the Cultural Revolution policies. This volte-face manifests itself (among other areas) in the constitutional treatment of the national minorities and the NAAs.

⁴⁴Palmer, Dicks, and Cheng, *Modern Chinese Law* 2:4.

⁴⁵*Ibid.*

they go into effect.⁴⁶ Furthermore, these modified legislations/regulations need to be reported to the NPC's Standing Committee for the record. This is a nearly fail-proof checking system: in the rare instances that the provincial/regional standing committees allow an undesirable local legislation (or modification) to become law, the NPC's Standing Committee can block the law when it is reported to the committee for the record. Moreover, while Article 118 grants NAAs regional autonomy in economic development, the NAAs are constrained by the "guidance" of the ubiquitous state plans. Similarly, Article 120 restricts the establishment of the local public security forces to the overall military plans of the state. In addition, NAAs have to seek approval from the State Council in order to form these local militia.

The Law on Regional National Autonomy (LRNA)

Wanting quite desperately to restore the Leninist socialist "golden age" of the 1950s and regain the trust of the various ethnic minorities, in 1984 the Party-state promulgated the LRNA, which is the "basic law to guarantee the implementation of the constitutional provisions" on regional autonomy.⁴⁷ The LRNA expands on and updates the provisions of the General Program of 1952, which essentially fell into disuse during the "ten bad years" of the Cultural Revolution. Consistent with other post-Liberation documents on regional autonomy already examined above, the LRNA stresses the territorial integrity of the PRC⁴⁸ while purporting to give "full play to the initiatives of all nationalities as masters of the country, [to develop] among them a socialist relationship of equality, *unity and mutual assistance*, [to consolidate] *the unification of the country*, and [to promote] socialist construction in the national autonomous areas and the rest of the country."⁴⁹

Undeniably, the LRNA is intended to redistribute some powers of autonomy to the NAAs, but the language of the law is replete with

⁴⁶Ibid.

⁴⁷Zhang, "On the Law of Regional National Autonomy," 57.

⁴⁸Article 2 (3) unambiguously declares that "all national autonomous areas are integral parts of the People's Republic of China." See Palmer, Dicks, and Cheng, *Modern Chinese Law* 2:13.

⁴⁹Ibid. Emphasis added.

restrictions to curb any potential excesses in the exercise of autonomy. This law's anticipation of autonomy's extent is indicated by its two introductory parts. Both the Preamble and General Principles emphasize the limitations rather than the rights of national regional autonomy. The Preamble binds the NAAs and the national minority population to the "leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought" as well as to the people's democratic dictatorship and the socialist road.⁵⁰ Article 3 stipulates that the organs of NAA self-government "shall apply the principle of democratic centralism."⁵¹ In other words, the NAAs and the ethnic population are expected to practice "autonomy" within the strict confine of orthodox communism. There is little room for heterodoxy.

Furthermore, Article 5 makes it a duty of the NAAs to uphold the unity of the PRC and guarantee that the Constitution and *other laws* are observed and implemented. While it is perfectly reasonable to expect the NAA governments to enforce the national Constitution in their jurisdictions, the inclusion of the phrase "other laws" serves to dilute the NAAs' autonomy. Does this mean "any" law that the central people's government wishes to enforce? Perhaps a better approach would be to enumerate specifically what "other laws" or categories of laws the NAAs are expected to uphold and enforce. Similarly, the unity clause (found not only in Article 5 but also in Article 9) is equally problematic, as it can be employed to suppress autonomous behavior. All the central authorities need to do is to declare that Autonomous Area X's action is not conducive to the unity of the country, its action contravenes Article 5 of the LRNA, and thus is null and void.

Article 6 (3) gives NAAs the power over economic policies but subsumes this power to "the guidance of state plans."⁵² That autonomy derives from higher state organs is made explicit in the following two articles. Article 7 states that the NAAs will place the national interest above all else and "make positive efforts to fulfill the tasks

⁵⁰Ibid.

⁵¹Ibid.

⁵²Ibid. During the Deng decade of economic reforms, local administrative units, including the NAAs, have enjoyed greater autonomy vis-à-vis the center in the regions of economic and development affairs. But as suggested below (see case studies below), this power is not absolute and is subject to central control.

assigned by state organs at higher levels,” and Article 8 says that higher-level state organs “guarantee” the NAAs’ exercise of autonomy. Are not (at least in principle) the LRNA and the Constitution the sources of the NAAs’ autonomy?

Furthermore, Article 11 protects “normal” religious activities. Evidently, the state decides the standards of normality and grants only those it deems deserving some protection. As Ismail Amat, secretary of the Xinjiang CCP Autonomous Regional Committee, unequivocally remarked:

We must strictly distinguish between legal and illegal religious activities as well as between religious activities and feudal superstitious activities. We must protect normal religious activities and curb all illegal religious activities. We must deal blows at all violations of law, crimes and counter-revolutionary sabotage carried under the cloak of religion.⁵³

This Article then confers upon the state arbitrary power to clamp down on “feudal superstitions” (*fengjian mixin*) and other folk religions that defy the Party-state’s attempt to co-opt them. A more equitable approach would be to delete Article 11 (3) altogether. The people’s courts then, like their counterparts in the West, would have the responsibility to decide on a case-by-case basis whether an activity qualifies for state protection or is in reality criminal maneuvering under the cloak of religious practices. Like Article 36 (4) of the Constitution, Article 11 (4) forbids foreign domination of religious bodies in the NAAs. Under this provision, mere association with an international organization conceivably can invite government sanctions. Does this not then violate the constitutional guarantee of freedom of association (Article 35 of the PRC’s 1982 Constitution)?

Article 15, which is congruent with the spirit if not letter of the LRNA, subjects the NAAs to democratic centralism. The NAAs’ governments are held accountable to the state administrative organs at the next higher level (in addition to reporting to their respective people’s congresses).⁵⁴ Since the Central People’s Government in Beijing is the highest state organ, it can exert influence, if not force, through the administrative chain of command down to even the (basic) county NAAs.⁵⁵ Thus, the NAAs, including the county-level NAAs,

⁵³Quoted in Dicks, “New Lamps for Old,” 379.

⁵⁴Reporting to the people’s congresses, until recently, was a mere formality since they served at the pleasure of those Party cadres in the government.

⁵⁵Much ink has been spilt in the social science literature on the actual “reach of the

exercise autonomy under the shadow of big brother's watchful eyes. As if to drive the point home, Article 15 reiterates that all NAAs "shall be administrative organs of the state under the unified leadership of the State Council and shall be subordinate to it."⁵⁶

Chapter 3 of the LRNA formally enumerates the powers of autonomy of the NAAs' governments. However, along with the powers come many accompanying restrictions as well. Consider Article 19 of the LRNA, which is a verbatim copy of Article 116 of the 1982 Constitution (see above). While the article stipulates that the people's congresses of various NAA levels have the authority to enact regulations on the exercise of autonomy and separate legislations, it also requires that these separate regulations/legislations must obtain the endorsement of the standing committee of the higher people's congress before they go into effect. Thus, the state provides itself with a "brake" option lest the NAAs get carried away with the exercise of autonomy.

Similarly, Article 20 gives NAAs the power to modify state policies to suit local needs. The NAAs' governments can cease implementation of any objectionable policy provided that they obtain approval from the state organ at a higher level. Article 24, a direct copy of Article 120 of the 1982 Constitution, allows the NAAs to organize local public security forces with State Council approval. Articles 25 to 31 are detailed corollaries to Article 6 (3), and provide the NAAs with a range of economic and development autonomy, of course subject to state guidance and plans. For example, Article 29 permits the NAAs to "independently arrange local capital construction projects."⁵⁷ Needless to say, this is qualified independence, since the autonomous governments need to act in accordance to the guidance of the omniscient state plans.

Article 33 recognizes the NAAs' autonomy in administering the finances of their areas. "All revenues accruing to the national autonomous areas under the financial system of the state shall be managed

state." The literature seems to agree that since the post-1978 reforms, the projective capacity of the central Party-state has significantly been reduced. For instance, see Susan Shirk's *The Political Logic of Economic Reform in China* (1993); Jean C. Oi's seminal work *State and Peasant in Contemporary China* (1989); and Binh G. Phan's conclusion in "The Deng Xiaoping Years: Reform and Rural Discontent" (Unpublished manuscript, 1995). But most definitely, the central authorities' ability to strike down on any one wayward NAA is unquestionable.

⁵⁶Dicks, "New Lamps for Old," 379.

⁵⁷*Ibid.*

and used by the organs of governments of these areas on their own.” Nevertheless, Article 33 (1) proclaims that the finances of an NAA is a component of the overall state financial system. Thus, Article 33 (3) remarks that “the revenues and expenditures of national autonomous areas shall be specified by the State Council.”⁵⁸ Continuing with the logic of a unified financial system, Article 33 (4) arranges for “a fixed amount” of the NAAs’ surplus to be delivered to the financial department at a higher level. Clause 4 of Article 33 is an attempt by the state to check the fiscal autonomy of the NAAs.

Another illustration of the central government’s half-hearted commitment to regional autonomy is seen in Article 34 of the LRNA. While acknowledging the NAAs’ right to “work out supplementary provisions and concrete procedures with regard to the standards of expenditure, the sizes of the staff, and the quotas of work for their respective areas,” these provisions and concrete procedures are to be reported to the people’s government at the next higher level for approval.⁵⁹ Similarly, Article 35 allows the autonomous prefectures and counties to reduce taxes in order to stimulate the development of certain economic sectors, but these decisions on the part of the local NAAs must receive the blessing of the provincial or regional authorities.

On the whole, Articles 36 to 45 can be categorized as autonomous powers over “soft” issues, or the less politicized issues which the central Party-state can do without. The issues include education (Articles 36 and 37), cultural development (Article 38), technological/scientific advancement (Article 39), health care and disease prevention (Article 40), sports and physical fitness (Article 41), interregional cultural exchanges (Article 42), and environmental protection (Article 45). It is in these mostly “administrative” areas of work that the NAAs are accorded “true” autonomy. Only Article 42, which allows cross-border educational-cultural exchanges, carries the oft-repeated catch phrase, “in accordance with relevant state provisions” (Clause 2), in order to, as one Chinese commentator puts it, further consolidate “the motherland’s unity and border defense.”⁶⁰ Evidently,

⁵⁸Ibid.

⁵⁹Ibid.

⁶⁰Liu Shusheng, “Realistically and Conscientiously Carry out the Law on Regional Autonomy for Minority Nationalities,” *Yunnan shehui kexue* (Social Sciences in Yunnan), 1984, no. 5:10-13, translated as “Law on Minority Regional Autonomy Discussed,” in JPRS, February 5, 1985, 84.

the central government fears that the border nationalities might harbor irredentist ambitions and plot with their brethren in Central Asia (now independent republics) to secede from the PRC in order to form some larger republic such as Greater Turkistan.

Articles 43 and 44 outlining the NAAs' power over the transient population and family planning, respectively, are not soft issues, of course. Indeed, these are very sensitive policies that the central government believes can best be handled by proxy—via the various NAAs.

Chapter 4 of the LRNA outlines the powers of the courts and procuratorates of the NAAs. Article 47 ensures the use of local languages in court proceedings as well as in legal documentation. However, Article 46 posits the power to supervise the NAA courts with the Supreme People's Court and higher people's courts. Similarly, the NAA procuratorates are directed by the Supreme People's Procuratorate as well as by higher people's procuratorates.

Finally, Articles 54 to 66, forming Chapter 6 of the LRNA, outline the "leadership and assistance from state organs at higher levels."⁶¹ No doubt, these provisions are intended to help the underdeveloped NAAs because they are quite generous. As an example, Article 61 exhorts higher state organs to enlist the support of the more advanced regions (i.e., the eastern coastal regions) to help the NAAs (which for the most part comprise the interior, western regions of the PRC) develop economically and technologically. Article 64 stipulates that the higher state organs will help to train autonomous nationalities in various professions and trades and that the higher state organs have the obligation to send appropriate numbers of teachers, doctors, scientists, technicians, and managers to the NAAs. Conveniently, many of these professionals can be provided by the PLA.

Portentously, these generous offers of "assistance" to the autonomous *shaoshu minzu* are reminiscent of the Trojan Horse. Article 64's provision for sending in technical and skilled personnel can give the state the necessary pretext to relocate Han Chinese or PLA units into the NAAs in order to ensure that these geopolitically strategic areas remain firmly in the PRC union. Likewise, other provisions of help can be used to justify superfluous central interference with the NAAs' actual practice of autonomy. My point here is that along with assistance, the NAAs face the "real" danger of intrusion by the center.

⁶¹Dicks, "New Lamps for Old," 379.

It is quite inconceivable that the Beijing Horse is “only” filled with gifts.

The Practice of Autonomy

A General Assessment and Case Studies

The actual practice of autonomy in the various NAAs resonates with the limits imposed by the LRNA and the 1982 Constitution. Regional self-rule (*quyu zizhi*) is restricted to the economic, educational, and technical training spheres. Toward these ends, Beijing has made admirable efforts to assist the NAAs as well as to give them the latitude to maneuver within the confines of Articles 25 to 31 and Chapter 6 of the LRNA.

For example, capital construction investments in the NAAs in 1991 nearly tripled from that of 1984 (from 8,087 million *yuan* in 1984 to 21,410 million *yuan* in 1991), the year the LRNA was promulgated.⁶² Additionally, in 1991 the number of minority students enrolled at tertiary institutions was nearly 142,000, placing the ratio of minority post-secondary school students to minority secondary school students at 4 percent.⁶³ This 4 percent figure, though low by Western standards, was the same or better than the overall Chinese ratio. During the same year, there were also 18,869 minority teachers enrolled in institutions of higher learning.⁶⁴

Case study one: The Xinjiang (Uighyr) Autonomous Region. Since the adoption and promulgation of the LRNA, the government of the Xinjiang Autonomous Region (AR) has used the economic levers granted to it by the law to promote east-west cooperative schemes. The region is keen to import capital and technology as well as to recruit skilled personnel from the more advanced eastern coastal areas of the country. In this respect, by 1984 Xinjiang had been successful in establishing business contracts with 22 provinces, cities, and autonomous regions on over 1,400 economic and technological projects. These relations in turn generated an additional 100 million *yuan* worth of economic output in 1984, which for the first time raised

⁶²*China Statistical Yearbook: 1992* (Beijing: China Statistical Information and Consultancy Service Center, 1992), 60.

⁶³*Ibid.* Calculated by the author.

⁶⁴*Ibid.*

the region's gross value of industrial and agricultural output to over 10 billion *yuan*.⁶⁵

Pursuant to Article 22 of the LRNA, the Xinjiang AR has taken positive steps to train minority cadres and personnel in the technical fields. The regional commerce department has set up remedial classes for minorities who never had the opportunity to obtain formal training in the various subfields of commerce. The department also offers minority cadres and skilled minority professionals advanced training in finance, accounting, statistics, food processing, and cold storage. To further raise the competency of its high-level personnel, the department has contracted with the local finance and economic colleges to teach courses in their respective areas of specialization.⁶⁶

Case study two: The Ningxia (Hui) Autonomous Region. Similarly, the Ningxia AR has taken advantage of the economic autonomy given by the LRNA to pursue economic development and growth. The region's 1993 gross domestic product (GDP) was pegged at nearly 9.65 billion *yuan*, an increase of 10 percent from that of 1992. Agricultural, industrial, and tertiary sector output value for 1993 grew by 5.5 percent, 12.9 percent, and 9.5 percent over their respective 1992 figures. Pursuant to Chapter 6 of the LRNA, in 1993 the central government invested nearly 2 billion *yuan* in capital construction projects in the region, a 55 percent increase over the previous year.⁶⁷

Like the Xinjiang AR, Ningxia, pursuant to LRNA Article 37, has increased its investment in minority (Hui) education. In particular, the regional government has targeted cities and counties where Hui people live in large number such as Tongxin, Wuzhong, Yinchuan, and Longde. Tongxin County alone invested 700,000 *yuan* in one year for minority education, with part of the money used for establishing an Arabic school. Moreover, Ningxia University and Guyuan Teachers School have created special preparatory courses for nationality minority students.⁶⁸

The Ningxia AR, in accordance to LRNA Articles 36 and 37, has instituted training programs for nationality cadres which have

⁶⁵Li Xianguo, "Reverberations of the 'Autonomy Law' on Both Sides of the Tianshan Mountains," *Liaowang*, 1985, no. 28:16-17, translated as "Impact of Autonomy Law in Xinjiang Discussed," in JPRS, October 10, 1985, 53-54.

⁶⁶*Ibid.*, 53.

⁶⁷"Ningxia: 1993 Statistical Communiqué," *SWB Weekly Economic Report: Special Supplement*, May 4, 1994, 3.

⁶⁸*Ibid.*

enabled them “to grow up and become mature.” By the end of 1984, in seven cities and counties where Hui people live in compact communities, Hui nationality cadres comprised 60 percent of all cadres. All city mayors and county magistrates in these seven areas are of Hui nationality.⁶⁹

The Modification of Legislation/Policy

Pursuant to LRNA Article 20, the NAAs also exercise the autonomy to modify national policies and laws in order to account for varying customs and local peculiarities. In this connection, Articles 25 of the 1985 Succession Law, 151 of the 1986 General Principles of Civil Law, 32 of the 1987 Sichuan Province Family Planning Regulations, 31 (2) of the 1991 Adoption Law, 53 (3) of the 1992 Law for the Protection of Women, and 36 of the 1980 Marriage Law specifically reaffirm this right.⁷⁰ For example, the various NAAs have attached supplementary provisions (SPs) to the 1980 Marriage Law. Some NAAs have used the SPs to reduce the marriageable age⁷¹ to twenty for men and eighteen for women.⁷² Additionally, Xinjiang AR SP Article 9 and Inner Mongolia AR SP Article 6 stipulate that family planning is not mandatory for national minorities. Tibet AR SP Article 3, Ningxia AR SP Article 4, and Liangshan Autonomous Prefecture SP Article 9 allow traditional marriage and wedding ceremonies if they do not violate the 1980 PRC Marriage Law. Furthermore, Tibet AR SP Article 2 allows the maintenance of polygamous and polyandrous relationships provided that these “feudal” marriages took place *before* the SPs went into force in January 1982.⁷³ Moreover, Article 6 stipulates that the tradition of the mother bearing the expense of children born out of wedlock must be changed. Similarly, Ningxia AR SP Article 6 attempts to overcome the traditional Islamic rule forbidding Islamic women to marry nonbelievers⁷⁴ by declaring

⁶⁹Ibid.

⁷⁰Palmer, Dicks, and Cheng, *Modern Chinese Law* 7:2, 11, 14, 15, 17; 8:12.

⁷¹The legal age for marriage under the 1980 PRC Marriage Law (Article 5) is twenty-two for men and twenty for women.

⁷²Palmer, Dicks, and Cheng, *Modern Chinese Law* 7:3. Xinjiang AR SP Article 2; Tibet AR SP Article 1; Ningxia AR SP Article 2; Inner Mongolia AR SP Article 3; Liangshan Autonomous Prefecture (Sichuan) SP Article 5.

⁷³Article 180 of the PRC Criminal Law (1979) metes out criminal sanctions for polygamists and polyandrists.

⁷⁴Professor Dicks notes that this rule “continues to have important repercussions” in Contemporary China and thus the need for Article 6. See Dicks, “New Lamps for Old,” 366.

illegal any interference with interethnic marriages.⁷⁵ In light of customary practice, Inner Mongolia AR SP Article 4 does *not prohibit* (but only *discourages*) the marriage between relatives up to the third degree.⁷⁶

The Inadequacy of Limited Autonomy

As seen above, the exercise of autonomy is limited in nature and scope. The NAAs are permitted by the LRNA to tinker with only "soft" autonomy—e.g., training minority cadres and personnel, minor adjustments to national laws and policies, and adoption of local development programs consistent with state plans. Even these rather small concessions on the part of Beijing have not been meticulously executed. For instance, the overall percentage of Hui cadres in the Ningxia AR in 1984 was only 42 percent. Worse yet, the percentage of Hui cadres at the departmental and bureau levels in the same year was a mere 27 percent.⁷⁷ Likewise, minority cadres are underrepresented at the national level. As of 1990, there were two million minority cadres, making up 6.6 percent of the total number of cadres nationwide. In the same year, the minority population was 8 percent of the total Chinese population.⁷⁸

Similarly, economic development in the NAAs, though witnessing growth, is still far from adequate. No less of an ethnographer than Thomas Heberer has shown that nearly 30 percent of the *shaoshu minzu* do not possess sufficient food and clothing, and that a quarter of those earning less than the living wage are ethnic minorities.⁷⁹ This fact is corroborated by government-sanctioned Chinese commentators themselves. An editorial in *China Today* acknowledges that:

⁷⁵There is a potential conflict of law here. Does this SP reinforce the right to free marriage guaranteed by the 1980 PRC Marriage Law and backed up by the 1979 Criminal Law or does it violate the LRNA and constitutional protection of minority cultures and customs? The question becomes more complicated when we consider the Supreme People's Court's ruling in the 1956 Hu Xiuqin case that in cases of interethnic marriages, it was important to respect "the habits and customs of the minority nationalities for the benefit of national unity." Quoted in Dicks, "New Lamps for Old," 381.

⁷⁶Article 6 (1) of the 1980 PRC Marriage Law forbids such marriages.

⁷⁷Sun Hongshu and He Zhaoguo, "Our Region Attains Success in Implementing the Law on Regional National Autonomy," *Ningxia ribao* (Ningxia Daily), June 13, 1985, 1, translated as "Ningxia Successfully Implements PRC Autonomy Law," in JPRS, July 30, 1985, 67.

⁷⁸Mackerras, *China's Minorities*, 157.

⁷⁹Thomas Heberer, *China and Its National Minorities* (London: Sharpe, 1989), 46.

How Autonomous Are the National Autonomous Areas of the PRC?

Western regions [of the PRC] have developed more slowly than the east. Of the 80 million [people living] under the poverty line, 64 million, or 80 percent, live in minority areas. If we continue to ignore the problem and do nothing to narrow the gap between the east and the west, it will become more and more difficult to solve what is de facto inequality between different ethnic groups. China as a whole would suffer as a result, for solidarity between the ethnic groups and social stability across the nation would be seriously affected.⁸⁰

If principles as fundamental to Leninism as the training of an adequate number of nationality cadres to practice pro forma autonomy and economic equality are not thoroughly implemented and observed, then certainly any attempt at meaningful autonomy (e.g., independence) would invite harsh suppression. The cases of Tibet and Xinjiang discussed below lucidly show that when Beijing speaks of autonomy, it means it in the narrowest sense.

One of the most serious Tibetan uprisings since that of 1959 occurred on September 27, 1987, when some twenty-six Tibetans demonstrated for Tibetan independence in Lhasa,⁸¹ thus sparking the Tibetan “intifada.”⁸² Charged with promoting “splittism,” the “troublemakers” were arrested by the public security organs “for investigation.”⁸³ The authorities labeled the protest as “crimes committed by a handful of bad people . . . carrying out splittist activities and undermining the unity and unification of the motherland.”⁸⁴

Four days later, another pro-independence rally led by ten monks broke out in Lhasa. This time the demonstration turned violent as six people were killed and nineteen public security personnel wounded.⁸⁵ In response, the authorities arrested some 640 Tibetans with a target of 7,000 arrests and garrisoned 70,000 armed personnel in the AR.⁸⁶ Pro-independence protests continued at intervals throughout 1988 and

⁸⁰ *China Today*, December 12, 1994, 7.

⁸¹ “Tibetan Leaders Condemn ‘Serious Political Incidents’ in Lhasa,” *Summary of World Broadcasts (SWB)*, October 2, 1987, FE/8688/BII/1.

⁸² Between 1987 and the imposition of martial law on March 8, 1989, there were eighteen “violent disturbances” staged by separatists. “Lhasa Press Briefing on Situation in Tibet,” *SWB*, April 4, 1989, FE/0425/B2/1.

⁸³ See note 81 above.

⁸⁴ “Tibetan Leaders Meet Monks: Condemn ‘Handful of Bad People’,” *SWB*, October 3, 1987, FE/8689/BII/1.

⁸⁵ “Accounts of Lhasa Independence Demonstrations and Their Aftermath,” *SWB*, October 5, 1987, FE/8690/BII/1.

⁸⁶ Tenzing Chimey, “640 Arrested in Lhasa since October,” *Tibetan Review*, February 1988, 4.

1989, resulting in more arrests and perhaps even summary executions.⁸⁷ Finally, martial law was declared in the AR in early March 1989.

The consequence of these pro-independence agitations was the tightening up of control and the curtailing of autonomy. Martial law in Tibet was not lifted until April 30, 1990.⁸⁸ The continued military and police presence surely does not help to further the practice of autonomy in the region—not even the Leninist-Stalinist version of it. The center's strong display of force makes it "crystal clear that . . . the Chinese have no intention whatever of allowing an independence movement to grow, let alone succeed, in Tibet [or any other part of the country] if they can possibly prevent it."⁸⁹ Mirroring this sentiment, a commentary in the *People's Daily* declared unequivocally that "Tibet is an inalienable part of China's sacred territory. . . . Any splittist act of creating turbulence and destruction cannot be supported by the people and will be firmly opposed by the Chinese people of all nationalities."⁹⁰

Similar "splittist" agitations erupted in Xinjiang's Kizilsu Kirghiz Autonomous Prefecture in early April 1990. In the words of a regional television broadcast, a small clique of murderers, "habitual thieves and villains" attempted "a shocking counter-revolutionary armed rebellion."⁹¹ Apparently, the rebels conspired to launch "a holy war to eliminate the heathens" and create the great East Turkistan.⁹² "With the people's all-out support," the authorities were able to quash the rebellion "at a stroke."⁹³

Another separatist incident occurred on February 5, 1992, as a time bomb killed six people and wounded twenty in Urumqi, Xinjiang's capital city. The government quickly responded by stationing 100,000 troops in the region as a preemptive measure.⁹⁴

⁸⁷"Amnesty Fears Summary Executions," *Tibetan Review*, July 1989, 4-5. Article 106 of the Criminal Law metes out among other punishments the death penalty for crimes endangering public security or safety. Palmer, Dicks, and Cheng, *Modern Chinese Law* 6:7.

⁸⁸Mackerras, *China's Minorities*, 161.

⁸⁹*Ibid.*

⁹⁰"Accounts of Lhasa Independence Demonstrations and Their Aftermath," BII/3.

⁹¹"Further Report on April 5-6 Rebellion in Xinjiang," *SWB*, April 24, 1990, FE/0746/B2/1.

⁹²*Ibid.*

⁹³*Ibid.*, B2/2.

⁹⁴Mackerras, *China's Minorities*, 163.

Conclusion

Unlike the KMT, the CCP does not believe in *tonghua* or the complete Sinicization of the ethnic minorities. Indeed, since 1978, the government has taken the initiative in reviving minority cultures and customs. Despite the thaw (*fang*), the Party-state does not brook unbridled autonomy, let alone the independence that early Party documents advertised. Colin Mackerras views the CCP's policy as neither pluralistic nor assimilationist. Integration "most appropriately describes policy and reality in China, a concept which certainly allows for some autonomy."⁹⁵ If this is the case, then the next logical question is: How autonomous are the NAAs? In the final analysis, the evidence derived from both the textual study of the LRNA and the 1982 Constitution as well as actual case studies suggest that the NAAs' autonomous powers vis-à-vis the central Party-state are quite weak. Of the twenty-seven articles hailed in Chapter 3 of the LRNA as autonomous powers for the NAAs, only nine (one-third) are without restrictive clauses limiting the NAAs' self-government to the state plans and/or other forms of administrative restrictions. Moreover, these nine articles deal with innocuous or "soft" issues that do not directly challenge the dominance of the central Party-state. Indeed, when the center is challenged or perceives that its dominance is undermined by "local national chauvinism," it does not hesitate to crack down—at times quite brutally. Cases in point include Tibet and Xinjiang.

However, the PRC's treatment of the NAAs has not been unexpected. The regime does not hide the fact that it is a Leninist state which practices democratic centralism. By definition, democratic centralism denotes strict control by the center over the periphery. Thus, a relevant question is whether the Chinese Leninist state can exert self-discipline and fight the instinctive urge to extend its bureaucratic tentacles to *all* parts of the country. This question becomes even more significant when we consider the Hong Kong and Taiwan variables. Next year, Hong Kong will rejoin the PRC as a Special Administrative Region (SAR) pursuant to the 1984 Sino-British Joint Declaration. The PRC hopes to woo Taiwan back into the motherland some time in the twenty-first century on a similar SAR basis (the

⁹⁵Ibid., 165.

missile tests of March 1996 notwithstanding). Can the same Leninist Party-state that severely restricts the autonomy of the NAAs be entrusted to safeguard the autonomy of newly-created SARs?

Clearly, the SARs and the NAAs are different species if not different organisms, and therefore objections can be made against lumping them together. After all, the latter are poor, underdeveloped regions whose relatively backward economic and technological base requires help from the rest of China Proper while the former are wealthy, modern areas whose capital, technology, and human resources China desperately wants and needs for its own development. Thus, the SARs, so the argument goes, are unlikely to face interference from the center. But lest we forget, the 1982 Constitution makes it crystal clear that the NAAs and SARs are integral parts of the PRC. Hence, both are subject to the reach of the Chinese state, if only to different degrees. Therefore, the question posed above remains valid, and the answer based on the experiences of the NAAs is not at all encouraging.