

## CULTURAL TRADITIONS

### A. National.

1. *Notice of the Office of the State Council Transmitting the Request of the State Ethnic Affairs Commission on Saving and Organizing Ancient Minority Books* (April 19, 1984).

(a) The Notice notes that ancient minority books are a part of the Motherland's precious cultural heritage, and that the preservation and organization of these books are important. The relevant departments shall create the necessary work and living conditions for the specialists engaged in organizing ancient books of ethnic groups.

(b) The Notice records that, according to incomplete statistics, among other things, there are more than 10,000 ancient Tibetan books.

(c) Under the leadership of the State Ethnic Affairs Commission and State Council Team on the Organization and Publishing of Ancient Texts, a national team shall be established to organize, coordinate, liaise and guide the work. The team will consist of members from the State Ethnic Affairs Commission, the Ministry of Education, the Ministry of Culture, the State Records Bureau and the Chinese Academy of Social Sciences.

(d) The request sets forth measures to be taken to preserve, collect and organize ancient texts. With respect to oral traditions, each province, autonomous region and municipality directly under the central authorities shall timely organize the forces to go into the masses to save such oral traditions.

(e) The policy on intellectuals is to be implemented. Talented people are to be trained to organize ancient texts. The request notes that the Meeting Minutes on Tibet transmitted by the Party and the Central Government, Zhongfa [1980] No. 31, states "Lamas who have researched and have great achievements with respect to minority ancient texts shall be treated as intellectuals." This thinking is also applicable to persons who have researched and achieved attainments in respect of ancient minority texts.

(f) The costs of the work shall be included in the budgets of the provinces, autonomous regions and municipalities directly under the central government.

2. *Explanation Regarding the Provisions of the Funeral Management Regulations of the State Council Relating to Respect of Minority Funeral Traditions* (effective June 10, 1999, issued by the Ministry of Civil Affairs, the State Ethnic Affairs Commission and the Ministry of Health; Minshifa [1999] No. 17).

(a) The Explanation has been issued to respond to questions that have arisen on how to implement the provision in the Funeral Management Regulations relating to the respect of minority funeral traditions. The Explanation stipulates that in the management of funerals, the freedom of a minority to keep or reform its own funeral traditions shall be respected.

(b) The Explanation does not refer specifically to Tibetans. It provides that in areas where cremation is practiced, the earth burial traditions of 10 minorities (Hui, Uigher, Hasake, Ke'erkezi, Uzbeki, Tajike, Tartar, Sanla, Dongxiang and Bao'an) shall be respected, and they shall not be forced to carry out cremation. If a minority wishes to carry out cremation, no person may interfere.

(c) The bodies of persons who have died of the plague, cholera or anthrax must be immediately sterilized and burned. If a deceased of any of the abovementioned 10 minorities died of other infectious diseases, and died in his or her place of residence and such place permits earth burial, such burial shall be permitted but only after the body has been strictly sterilized. If the deceased died in a place other than his or her place of residence, in principle, after the body has been strictly sterilized, it will be buried. The body may not be transported outside of the area. If cremation is desired, then no person may interfere.

(d) Except for the death caused by certain infectious diseases, the minority peoples (Tibetan people are not included) shall have the freedom to bury the body instead of cremation.

**B. Tibet Autonomous Religion.**

1. ***Regulations of the TAR on the Protection of Cultural Relics***  
(adopted on May 31, 1990 by the Third Session of the Fifth People's Congress of the TAR, first amended on July 12, 1996 by the 20th Session of the Standing Committee of the Sixth People's Congress of the TAR and further amended on July 27, 2007 by the 32nd Session of the Standing Committee of the Eighth People's Congress of the TAR).

(a) These Regulations have been formulated in accordance with the law of the People's Republic of China on the Protection of Cultural Relics and relevant laws and regulations, taking into account the actual circumstances of the TAR, to strengthen the protection and use of cultural relics.

(b) The Regulations describe the types of cultural relics that are subject to the protection of the state. All relics under the ground or water surface of areas in the TAR belong to the state. Ancient remains, burial sites, stone temples and cave/mountain paintings all belong to the state. Except as the state otherwise provides, the memorial buildings, ancient buildings, stone carvings, cave paintings and other immovables such as buildings of a representative nature from recent history belong to the state.

(c) Basic infrastructure, tourism development and religious activities must comply with the direction of the cultural relics work. Their activities may not cause damage to cultural relics.

(d) State agencies, social organizations, the army, enterprise units and individuals all have the obligation of protecting cultural relics.

(e) The Regulations stipulate provisions on the supervision and control work for the protection of relics. The expense of protecting cultural relics is to be included in the budgets of the people's government at the county level and above and is to be increased when financial revenues increase.

(f) With respect to immovables, the Regulations designate the duties of the entities that are to protect them. The explanation signs of the protection units are to be in both Tibetan and Chinese, and shall include the grade, name, notification agency, notification date, designating agency, and designation date.

(g) The Regulations stipulate the procedures for conducting archaeological digs in the TAR. All archaeological materials are state records.

(h) The Regulations stipulate the requirements and duties of museums, libraries, places of religious activity and other units that hold cultural relics. Museums and places that hold cultural relics are to use both Tibetan and Chinese in their records.

(i) The transfer, exchange or loan of cultural relics must be strictly controlled. The period for a loan may not exceed two years.

(j) The Regulations also contain provisions regulating the rights of individuals who hold cultural relics, the sale of cultural relics, the photographing and making of rubbings and reproductions and the taking of cultural relics outside the country.

2. ***Notice of the Office of the TAR People's Government Transmitting the Opinion of the TAR Cultural Office Concerning Strengthening the Work of Protecting the Intangible Cultural Heritage of Our Region*** (Zangzhengbanfa [2005] No. 70, September 28, 2005).

(a) The Opinion was issued in response to concerns that due to the changes in the economy and society, the existence of the Region's intangible cultural heritage and its protection and development had encountered many new problems and situations. "Intangible cultural heritage" includes dance, music, opera, art, traditional festival days, sports of ethnic groups, folk art and customs. Intangible cultural heritage of great historical and cultural value had suffered different degrees of destruction. It has not been possible to continue the tradition or promote some oral or active traditions of all types of folk arts and crafts, skills, rites, festivals or parades. There is concern that there will be a loss of some traditional arts, as well as the loss to other countries of many precious artifacts and materials.

(b) The Opinion stresses the major significance and importance of preserving the intangible cultural heritage of the Region. The purpose and direction of the protection work is to protect, pass on and develop intangible cultural heritage that has historical, cultural and scientific value. On the foundation of scientific verification, effective measures will be adopted to cause intangible cultural heritage to receive recognition, respect and dissemination in society.

(c) The Opinion sets forth the responsibilities of the cultural departments in this work to survey and investigate the current status of intangible cultural heritage and to fully understand and grasp the types, amount, distribution, existing environment and protection situation and problems of the resources for the intangible cultural traditions of all ethnic groups. All means are to be used to create accurate, systematic and full records and create files and data.

(d) The key elements of the Opinion are to strengthen the effective protection of cultural traditions through research, verification, safekeeping and dissemination; strengthen the work system of leadership, establish responsibilities and establish starting points for coordination; increasing the funds for this work; improving the quality of the specialists who are to carry out the work; and coordinating the work among the various administrative departments in charge of culture.

3. ***Measures of the TAR for the Protection and Administration of the Potala Palace*** (adopted on October 31, 1997 by the 22nd Session of the Standing Committee of the TAR People's Government and issued and effective on November 18, 1997).

(a) The Measures have been formulated to protect and administer the Potala Palace. All units and individuals have the obligation, in accordance with the cultural relics laws and regulations and these Measures, to assist the administrative office of the Potala Palace to protect and administer the Potala Palace.

(b) The Measures stipulate the boundaries of the Potala Palace that are subject to the Measures.

(c) No unit or person may damage the structures and ancillary cultural relics within the protected area of the Potala Palace. Inflammable, explosive and other dangerous goods or facilities may not be stored or installed in the protected area. No construction may be conducted without approval. If, due to special reasons, construction is to be conducted, the Measures describe the process for obtaining approval. The height, width, color and style of any new construction or buildings must be coordinated with the environs of the Potala Palace.

(d) No unit or persons may conduct in the protected area or controlled zone any manufacturing activities that pollute the environment.

(e) The administrative office is to carry out regular maintenance of the Potala Palace and be responsible for cleaning up the surrounding areas and on a regular basis reporting the maintenance situation to the departments in charge of cultural relics of the TAR.

(f) The Measures set forth the responsibilities of the administrative office in respect of setting up a complete management system, formulating fire, anti-theft measures and the custody of cultural relics in the Palace.

(g) Cultural relics in the Potala Palace may not be photographed without the approval of the administrative office. The taking of photographs of relics in the museum is not permitted. If any such photos are required, it requires the approval of the departments in charge of cultural relics and the administrative office will provide the photos and collect fees to cover its costs.

(h) Other than news reports, the making of films or television shows in the Potala Palace requires the approval of the department in charge of cultural relics of the state. Those approved to produce films or television shows in the Potala Palace are required to sign an agreement to protect cultural relics.

(i) The Measures provide for sanctions for various violations of the Measures.

4. ***Measures of Lhasa Municipality of the TAR for the Administration of the Public Square of the Potala Palace*** (effective January 1, 2003; adopted on November 21, 2002 by the Standing Committee of the Lhasa Municipal People's Government; and issued on December 18, 2002 by Decree No. 1).

(a) These Measures have been formulated to strengthen the administration of the public square of the Potala Palace, and safeguard the order, environment and appearance of the public square of the Potala Palace. The Measures set forth the boundaries of the square that are subject to the Measures.

(b) The administrative office of the public square of the Potala Palace is responsible for the daily management and services work for the square and is responsible for doing a good job of the administration of sanitation, broadcasting equipment, water and electricity supply and park and green areas of the square, maintenance and cleaning and is to assist and coordinate with the relevant departments for this work.

(c) The Measures stipulate the respective responsibilities of the public security and traffic departments, the local police station at Kang Ang East Road, the city inspection departments, the municipal departments in charge of maintenance and protection, the parks and gardens department, health and sanitation department, and the pricing, commercial, environmental protection, cultural relics and civil departments.

(d) Social or commercial activities may not be conducted in the square. If it is really necessary, the approval of the municipal government is required.

(e) The Measures set forth the procedures to apply for approval to conduct activities in the square.

(f) The following activities are not permitted in the square:

- (i) without approval, entering the peaceful liberation memorial or the flag pole;
- (ii) burning flammable items, piling up stones, littering, walking on the grass area or damaging trees;
- (iii) taking over or destroying public facilities;
- (iv) selling goods, chasing after tourists to sell goods to them or buying goods from them or forcing them to accept services;
- (v) sleeping in the open or begging;
- (vi) bringing in pets;
- (vii) playing soccer or skateboarding;
- (viii) without approval, organizing exhibits, commercial film or television production, performances or product promotions;
- (ix) setting up, posting, hanging or spreading commercial advertising;

(x) illegally bringing in flammable or explosive goods, knives, guns or ammunition;

(xi) other activities that affect the appearance of the square or disrupt the order in the square.

(g) When the flag raising and lowering ceremonies are taking place in the square, during the ceremony, the people in the square shall face the flag pole respectfully.

(h) Rallies, demonstrations and protests in the square shall be handled in accordance with the Law of the People's Republic of China on Rallies, Demonstrations and Protests, and the measures of the TAR and of the Lhasa Municipality to implement such law.

5. ***Notice of the Cultural Relics Bureau of the TAR and the Tourism Bureau of the TAR Concerning Matters Relating to Visits to the Potala Palace*** (issued on July 27, 2006).

(a) The Notice limits the number of visitors to the Potala Palace to 2,300 persons each day, with effect from August 1, 2006.

(b) The Notice stipulates the procedure for the purchase of tickets by groups. Casual tourists can reserve a ticket by obtaining a reservation from 5pm on the day before the proposed visit.

(c) Tickets for important groups hosted by Party or government agencies will be arranged by the Cultural Relics Bureau of the TAR.

## C. Gansu Province.

1. ***Regulations of Gansu Province on the Protection of Cultural Relics*** (effective December 1, 2005; adopted by the 18th Session of the Standing Committee of the Tenth People's Congress of the Gansu Province on September 23, 2005).

(a) The Regulations have been formulated in accordance with the Law of the People's Republic of China on the Protection of Cultural Relics and the Implementing Regulations of the People's Republic of China on the Protection of Cultural Relics and relevant laws and regulations, taking into account the actual circumstances of the Province. The Regulations describe the cultural relics that are subject to protection in the Province and the framework for the work of protecting cultural relics. The people's governments at the county level and above are to include in their budget the cost of protecting cultural relics.

(b) The people's government at all levels shall strengthen the work of collecting, organizing, researching, protecting and using cultural relics of the recent past, cultural relics of minorities and religious relics.

(c) The Regulations set forth the conditions to be met by state museums and units that store cultural relics and stipulate provisions on their operations.

(d) Rubbings of ancient stone carvings that involve the relationships of China's border areas, foreign affairs or ethnic groups require the approval of the provincial administrative departments in charge of cultural relics.

(e) The Regulations contain provisions on the conduct of archaeological projects in the Province and procedures to follow if discoveries are made.

2. ***Regulations of the Gannan Tibetan Autonomous Prefecture of Gansu Province Regarding the Development of Tibetan Medicine*** (approved on September 28, 2001 by the 24th Session of the Standing Committee of the Ninth People's Congress of Gansu Province).

(a) The Regulations have been formulated pursuant to the Law of the People's Republic of China on the Autonomy of Ethnic Areas, the Law of the People's Republic of China on the Management of Pharmaceuticals and the Law of the People's Republic of China on Medical Practitioners and taking into account the actual situation of the prefecture, to continue and propagate Tibetan medical studies, develop Tibetan medical undertakings and make full use of Tibetan medicine in medical prevention work.

(b) The people's governments at all levels shall implement the policy of combining Tibetan (Chinese) and western medicines, and implement and protect, help and develop Tibetan medicine policy. In developing Tibetan medical undertakings, the special characteristics and strengths of Tibetan medical studies shall be continued and propagated and advanced scientific technology and measures shall be

absorbed and used to promote the development of Tibetan medical theory and practice and gradually implement the regularization, scientificization and modernization of Tibetan medical work. The development of Tibetan medical undertakings is to be included in the national economy and social development plans, as well as the regional public health plans.

(c) The people's governments at all levels shall gradually increase the investment in Tibetan medical undertakings each year, with the level of increase not to be lower than the increase in normal expenditures. The people's governments at all levels shall establish a special budget for the development of Tibetan medicine, which will be primarily used for healthcare, education, research and production of Tibetan medicines. Social groups, organizations and individuals shall be encouraged to contribute to the development of Tibetan medical undertakings, to establish development funds and to actively use foreign capital and contributions to develop Tibetan medical undertakings.

(d) A portion of value-added and income taxes levied and collected on Tibetan medicines shall be refunded by the tax departments and used in full for the development and utilization of Tibetan medicines.

(e) People's governments and relevant departments at all levels shall pay attention to the protection and rational development and use of wild Tibetan medicinal herb resources. Attention is to be paid to the processing of Tibetan medicines, and the improvement of the quality of medicines. The research and development of Tibetan medical products shall be encouraged.

(f) Tibetan medical facilities shall be established by the people's governments at all levels in accordance with the regional public health plans. The establishment of specialist Tibetan medical facilities with special characteristics shall be encouraged. Counties that do not have Tibetan medical facilities and central public health institutions must have Tibetan medical divisions and pharmacies in their general hospitals. Public health institutions at the county (township) level shall have a certain number of Tibetan medical personnel and the medical instruments and equipment required to provide Tibetan medical services. Doctors in public health centers in the villages shall be familiar with basic Tibetan medical knowledge and Tibetan medical techniques for common illnesses.

(g) The people's governments at all levels and relevant departments shall strengthen the protection, organization, development and use of Tibetan medical texts and establish Tibetan medical academic groups, increasing exchanges and cooperation with other countries and areas.

(h) The prefecture and county people's governments shall appropriately increase the number of specialist technical positions when considering the promotion of Tibetan medical personnel. The requirements for foreign language and computer skills shall be appropriately relaxed for Tibetan medical personnel when testing them for promotion.

(i) Tibetan medical education shall be actively developed.  
Continuing education of Tibetan medicine practitioners shall be organized and supported.

(j) The Regulations set a framework for the establishment, management and supervision of Tibetan medical facilities, the licensing of Tibetan medicine practitioners, the establishment of Tibetan medicine production enterprises, the quality and pricing of medicines and medical advertising.

**D. Qinghai Province.**

1. ***Regulations of Qinghai Province on the Development of Chinese, Tibetan and Mongolian Medicine*** (effective June 1, 2002; adopted on March 29, 2002 by the 29th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) These Regulations have been formulated to continue and carry on traditional medical studies and promote the development of Chinese, Tibetan and Mongolian medical undertakings. The development of Chinese, Tibetan and Mongolian medicine ("CTM Medicine") shall support the principles of protection, support and renewal, shall carry on and develop the special characteristics and strengths of CTM Medicine, and shall use modern science and technologies to modernize CTM Medicine.

(b) People's governments at the county level and above are to include the development of CTM Medicine in their economic and social development plans, rationally establish CTM Medicine resources and gradually improve the management and service systems for CTM Medicine medical treatment, education and research, and gradually increase their investment in CTM Medicine undertakings.

(c) CTM Medicine medical treatment agencies are on an equal footing with Western medicine treatment agencies in enjoying social and public health resources. CTM drugs that comply with state standards and are approved for manufacture may be included in township and village worker's basic insurance drug lists and used in those units.

(d) The Regulations encourage the strengthening of education and research on CTM Medicines. Relevant units are to do a good job of collecting, organizing, researching, translating and publishing ancient texts and materials. Intellectual property rights of research results, novel treatment technologies, prescriptions and examination methods are protected by law.

2. ***Regulations of Qinghai Province on the Development of Chinese, Tibetan and Mongolian Drugs*** (effective October 1, 2002; adopted on July 29, 2002 by the 31st Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) These Regulations have been adopted to promote the continuing development of Chinese, Tibetan and Mongolian drugs ("CTM Drugs"). The development of CTM Drugs shall respect the principles of development and conservation, promotion and renewal and the integration of market forces and strengthened management.

(b) The provincial people's government shall include the development of CTM Drugs in its economic and social development plans and policies, leading to the intensive development of production by CTM Drug enterprises and the promotion of the modernization of the CTM Drug industry.

(c) The science and technology administrative departments of the people's governments at the county level and above are to pay attention to research work of CTM Drugs and guide and support the use of CTM Drug pharmacology, the development of resources for drugs and research on the standards of raw materials and products. The people's governments at all levels and relevant departments are to strengthen the management of wild herbal resources for CTM Drugs, prohibit the arbitrary picking, reckless digging or search of such resources and protect and rationally develop the use of such resources. It is prohibited to use wild animals or plants that State laws or international trade treaties prohibit the use or trade in to manufacture or sell CTM Drugs.

(d) Enterprises, units and individuals are encouraged to cultivate CTM medical herbs and raise animals used for drugs. CTM Drug manufacturing enterprises are encouraged to increase investment in research, develop new drug resources and new drugs, and increase scientific content, develop branded products and increase market competitiveness. CTM Drugs that comply with state standards and are approved for manufacture may be included in the worker's basic medical insurance drug lists.

(e) The people's governments at the county level and above and relevant departments are to adopt measures and do a good job of collecting, organizing, researching, translating and publishing CTM Drug texts and ancient books and discovering, conserving and protecting formulae, examination methods, compositions and preparation methods of CTM Drugs.

3. ***Regulations of the Yushu Tibetan Autonomous Prefecture on the Management of Tibetan Medicine*** (effective November 1, 1995, approved on May 14, 1995 by the Sixth Session of the Eighth People's Congress of the Yushu Tibetan Autonomous Prefecture of Qinghai Province, and adopted on September 22, 1995 by the 20th Session of the Standing Committee of Eighth People's Congress of Qinghai Province).

(a) The Regulations have been formulated pursuant to the Law of the People's Republic of China on the Management of Pharmaceuticals and the Autonomy Regulations of the Yushu Tibetan Autonomous Prefecture.

(b) There shall be a Tibetan medical hospital in the place where the prefecture people's government is located. In the place where county people's governments are located, depending on the conditions, a Tibetan medical hospital or Tibetan medical division shall be established. Public health centers of villages and villages that have the conditions shall have Tibetan medical personnel.

(c) The Regulations provide for the licensing of individual medical practitioners, and the strengthening of the training of medical workers.

(d) Research institutions for Tibetan medicine shall be established to develop the research of Tibetan medicines and to discover, preserve, collect, tidy up, write and publish works on the inheritance of Tibetan medicine.

(e) Tibetan medicinal herb resources belong to the State. The people's governments of the prefecture, county and villages shall strengthen the protection and management of Tibetan medicinal herb resources and rationally develop plant, animal and mineral resources.

(f) The medical business departments of the prefectures and counties shall establish Tibetan medicinal herb purchasing and supply counters to organize the intake and the supply of medicinal herbs in a planned manner for those from outside the prefecture who wish to procure the herbs.

(g) The people's governments at the prefecture and county level shall gradually increase investment in Tibetan medical undertakings.

4. ***Regulations of the Haixi Mongolian and Tibetan Autonomous Prefecture on the Protection and Management of Cultural Relics*** (effective August 1, 2000, adopted on March 1, 2000 by the 16th Session of the Tenth People's Congress of the Haixi Mongolian and Tibetan Autonomous Prefecture, and approved on May 26, 2000 by the 17th Session of the Standing Committee of the Ninth People's Congress of Qinghai Province).

(a) The Regulations have been formulated pursuant to the Law of the People's Republic of China on the Protection of Cultural Relics. The Regulations describe the cultural relics that are subject to protection in the prefecture and sets the framework for the work of protecting cultural relics. Each people's government is to include in its budget the cost of protecting the relics.

(b) Signs for the protection of relics shall be in Mongolian, Tibetan and Chinese.

(c) With respect to religion departments that manage commemorative buildings or old buildings, their temple management committees or other management organizations shall comply with relevant laws such as the Law of the People's Republic of China on the Protection of Cultural Relics and accept the management, supervision and guidance of the cultural administrative departments and shall do a good job of protecting and managing religious cultural relics.

(d) Without the consent of the prefecture cultural administrative departments and the approval of the provincial cultural administrative departments, no unit or individual may collect cultural relics of ethnic groups or religious cultural relics.

(e) The Regulations also contain provisions on the conduct of archaeological projects in the prefecture, procedures to follow if discoveries are made and the responsibilities of museums.

(f) Reproductions or stone rubbings of stone carvings or wall paintings require the approval of the prefecture cultural administrative departments and the approval of the provincial cultural administrative departments. If the content involves China's borders, foreign relations or ethnic group relationships or unpublished astronomical, hydrological or geological stone carving materials, then reproductions or rubbings may not be sold.

(g) The ownership rights of individuals who legally collect cultural relics shall be protected. It is forbidden to privately sell cultural relics to foreigners.