

Human Rights and Tibet: Leading a Government-in-Exile

CAMILO SANCHEZ: Good morning. Thank you all for being here. And welcome to a new year of human rights programming at UVA. And now, I know what you're thinking. February is almost over. Spring break is around the corner. And there is this guy still throwing out Happy New Year's wishes. Fair point, but you might not know that this weekend, this very weekend, the Tibetan community is celebrating Losar, a festival that marks the first day of the lunisolar Tibetan calendar.

So in spirit of embracing multiculturalism, the UVA human rights program is kicking off its year ignoring the Gregorian calendar and partially the academic calendar. So Dr. Sangay, I apologize for the last minute request, but you will have to tell us more about the Losar celebrations. Our human rights program at the University of Virginia School of Law is proud of its mission to intentionally bridge the worlds of research, policy, and human rights practice, while maintaining a focus on rigorous and scholarly inquiry.

At the top of our interests is to increase our knowledge on how scholars, activists, governments, movements, and other actors understand, conceptualize, advocate for, critique, or even reject or ignore human rights. We want to expose our community to the tensions, contradictions, contingencies, roads not taken, and dilemmas that lie at the heart of the human rights enterprise. That's why we seek to bring to campus people that from different perspectives and backgrounds reflect not only on philosophical questions, such as what are human rights? What should they be? But also on other questions shaped by human rights practice, such as what do human rights do? Why do people use human rights? Why do communities use them instead of using other political or moral frameworks? And what are the effects, implications, and drawbacks of relying on human rights in political struggles?

And we couldn't think of a better person to speak to these questions than our distinguished keynote speaker, Dr. Lobsang Sangay. He has excelled in both worlds, the field of academic thinking and the reality of practice. Dr. Sangay was born and reared in a Tibetan settlement in North East India. He attended school in a central school for Tibetans and completed his BA with honors and LL.B. degrees from Delhi University.

In 1995, he won the Fulbright Scholarship to pursue postgraduate studies at Harvard University, or, as our own professor calls it, the Virginia of the northeast. In 2004, he became the first ever Tibetan to receive an SJD degree from the Virginia of the North. For his PhD dissertation, *Democracy in Distress, Is exile polity a remedy? A Case Study of Tibet's Government in Exile.*

Dr. Sangay is our recipient of the Yong K Kim Prize, and in 2005, he was appointed as a research fellow and promoted to senior fellow until early 2011 at Harvard University. Dr. Sangay is an expert on international human rights law, democratic constitutionalism, and conflict resolution. He has spoken at numerous seminars around the world. He has organized several major conferences among Chinese, Tibetans, Indians, and Western scholars on China and Tibet,

including two unprecedented meetings between His Holiness, the Dalai Lama, and Chinese scholars in 2003 and 2009, both at Harvard University.

But he promises that the next one will be hosted here at UVA. He has combined that impressive academic trajectory with tenacious activism and different political appointments. In 1992, he was elected the youngest executive member of the Tibetan Youth Congress Centre. In 2007, he was selected as one of the 24 young leaders of Asia by the Asia Society and a delegate to the world justice forum in Vienna, Austria, where top legal experts and judges from around the world congregated.

In 2011, in an unprecedented and competitive democratic election in the Tibetan diaspora, he was elected to the post of Sikyong, the democratically elected leader of the Tibetan people and political successor to His Holiness, the Dalai Lama, of Tibet. In May 2016, Dr. Sangay was re-elected as Sikyong, or the President, for the second consecutive term. He also continues to travel extensively around the world for speaking engagements and leads high level diplomatic engagements and political advocacy for Tibet, seeking to keep Tibet not only in the radar but also atop the global political discourse and agenda. Dr. Sangay, we are very grateful for your presence among us today. Without further ado, please join me in welcoming our keynote speaker, Dr. Lobsang Sangay.

[APPLAUSE]

LOBSANG SANGAY: Thank you very much for reading the propaganda of Tibetan administration about my bio. It took so much time and read so diligently that sometimes quite embarrassing. But as you said, our new year, or Losar, is beginning from Monday. Obviously Monday is a new day. And Losar means new year, which means there has to be a change of something. So it's a spring term. So Losar means when new year happens, we believe the spring is coming.

So if you go by calendar, Tibetan Losar actually reflects something new, because if it's January 1st, January 2nd is as cold as January, isn't it, December 31st. So for us, new year means springtime. And it's a privilege and honor to be invited here to be the keynote speaker for the spring term. And the weather looks like spring. Looks like spring. That's misleading. It's minus one, actually. And I just came from, three days ago I was at Innsbruck Law School in Austria. So I was giving a talk. Then yesterday and day before I was in Washington, D.C. lobbying the US Senate and Congress to pass Tibetan Policy and Support Act, which is a major bill on Tibet.

Now what you read in news media, and then this is much talked about also in Europe, America is divided, Congress is divided, impeachment, all these things that are going on. I mean, it's all these political issues. Three weeks ago, Tibetan Policy and Support Act was passed with 392 votes in the US House. So out of 435, we got 392 votes, which means almost 93% of House members, both Democrat, Republican, independent, socialists, all voted for the bill. So there is consensus in Washington D.C., that is on Tibet issue. Now we have to pass in the US Senate. And that's why I was there to lobby and an office of Tibetan President [INAUDIBLE] here. Our staff members are here.

We are doing the best we can to get the Senate pass the bill before June of this year, before the presidential primary and election heats up and then everybody forgets. Almost all the issues including Tibet, that's our main worry. With your prayer and support and lobbying, if you can call your senators in your respective states it will go a long way. See, I'm trying to pitch also my Tibetan Policy Act.

Again, it's my privilege to be here. Second time to Virginia Law School. And this good experience because I could see a lot of students here. And many from Asia as well. And this is normally not the experience I get when I travel to other parts of the world. For example, two years ago I was speaking at Stellenbosch Law School in Cape Town. And Chinese Embassy issued a press release criticizing my visit and essentially saying that I do not know anything about Tibet because I have never been to Tibet myself. But they omit the fact that the Chinese government doesn't allow me to go to Tibet.

Then to allege that I have never been to Tibet, so I don't know about Tibet. But I think I know a little better than the Chinese ambassador in South Africa about Tibet. But worse than that, more than 100 migrant workers were hired and then stormed the campus of Stellenbosch Law School. They stormed the auditorium. They were on stage with big pamphlets telling me to get out. And I couldn't enter the main room. Fortunately, the law school had arranged an alternative room where I had to speak. It was very tense. There were security guards and very tense. Not to me, but to the organizers addressed.

And the dean was saying, well-- and I told the dean, I said, the fact that you organized the talk, the fact that I'm here, itself is enough. Now we don't have to go through the talk if you think there are security issues. And she was like, oh, how come you're so calm? We are a bit tense with all these 100 migrant workers and 30 or 40 Chinese people storming the campus. And I said, I'm used to it. But we went ahead with the talk. And afterwards, when I finished the talk, as I came out of the campus, came out of the auditorium, I could see from the window. There were 30 or 40 Chinese shouting slogans essentially in Chinese telling me to get out.

So as the door opened, I could see many with their cameras on. So all I could think of and did was give them a v sign, victory sign. They were shouting at me in victory. And I meant it, actually. It's a victory for freedom of speech because I could speak at the law school. And they could protest. Maybe they tried to protest in China. Very unlikely. And I tried to speak about Tibet in China. Very unlikely. So the victory of speech for them, too, is a celebration of freedom of speech.

Why I say this is China poses a big challenge as far as freedom of speech is concerned or human rights is concerned. Just few days ago, the Chinese government expelled three journalists of Wall Street Journal. Unprecedented. Now why this connected is not many people know what is going on in Tibet. For example, how many of you know that Freedom House comes out with Freedom Index every year? For four years in a row, Tibet was listed as the second least free region in the whole world after Syria.

Now we all know about Syria, at least most of us. But how many of you know that Tibet is the second least free region in the whole world? Not many. Why? Reporters Without Borders. Based

on interviews of journalists in Beijing says that for journalists to go to Tibet, is more difficult than to go to North Korea. That's why you do know the true situation in Tibet, because journalists are not allowed to go to Tibet. In fact, a few months ago, there is a journalist at the Washington Post. I know him. He did Facebook Live from Hassan, and said for journalists it's very difficult to get access to Tibet compared to North Korea. But he was allowed to do Facebook Live from Hassan.

And as he was speaking, we were given this tour and we are told all these good things that the Chinese government is doing and he used the word propaganda and the Chinese foreign minister minder came students the propaganda you know just see alternative information or something like that. Because journalists are not allowed, because students are not allowed, because researchers are not allowed, even diplomats are not allowed to go to Tibet, that's why you don't know.

154 Tibetans have committed self-immolations. They have burned themselves. One in 2009 and the rest of them since 2011. How many of you know that 154 Tibetans burned themselves? Now there were a few settlement issues in Middle East countries. If you go back in history in Czech Republic and during Vietnam War, Vietnam is monk [INAUDIBLE] related. They became headline news around the wall and rallied.

Activists, peace supporters, human rights supporters and changed history, But in Tibet, 154. Now the question is, why are they burning themselves? Some would turn it around and I'd remember Chinese embassy, some official propaganda, saying that, well, self-immolation is a very cruel death. It's violence. How can Tibetans do that? Blaming the victim for committing self-immolation. But the genesis of self-immolation lies with, if you study protests in Tibet, if two or three Tibetans organizes or participate in peaceful protests in the streets of Glasgow, you name any town, they will be immediately arrested. They will be sent to prison. They will be tortured. And often disappear.

And all these deaths, so many cases reported by Amnesty International Human Rights Watch and others. Not just that. There's a systematic, in a way, ruthless way of mistreating prisoners or political prisoners. You get arrested. Now your sentenced and you're imprisoned 300 or 400 or 500 kilometers away. And what happens is that now you are separated from your family members. Let's say the father participates in a protest. Father is sentenced, sent away 500 kilometers in the prison.

Now the wife or the mother has to, whatever savings they have, take the money, take clothes, take food and go meet the husband. Now, in prison, in Tibet, they don't have visitation rights. You have to wait for one day or one week or two weeks to meet your husband. And afterwards, when you meet, you hand over whatever clothes and food you have. But then after three or four or five years of doing this, what happens is the family goes bankrupt, whatever savings they have. Children are neglected. They don't go to school. And after some time, the whole family suffers.

And if father is released, father-- he-- will be in poor health and often has to be hospitalized if they have not disappeared. Now, since 2008 nationwide protests-- this was the pattern. This is

how political prisoners were treated. Then the activists, the protesters in Tibet concluded that if I were to protest, not only I suffer, my family suffer, my children suffer, even the community will suffer. Rather, if I burn myself and die quickly, then I don't have to be imprisoned for several years and get tortured. And at least I saved my wife and children.

So the genesis of self-immolation is because of the systematic imprisonment, torture, of Tibetan political prisoners. I remember meeting Mary Robinson, former president of Ireland, who was human rights commissioner. And she went to Tibet. What she did, you know?

She distributed the Universal Declaration of Human Rights, copies of Universal Declaration of Human Rights because she knew and she was told that if you are caught with a copy of Universal Declaration of Human Rights, you could go to prison. Definitely you'll be in trouble.

So she said she defied the restriction and distributed herself. But then I asked her, do you know what happened to those people who you actually distributed, right? That could mean trouble. Now this is a former president of island, human rights commissioner, who hardly get any access. And the last human rights commissioner are not allowed to go to Tibet. They were not allowed. She did. Even to have a copy of Universal Declaration of Human Rights could land you in trouble. If you distribute that, if you decide some provisions, you get arrested, you get tortured, and you go to jail.

Now, as I said, Chinese government is a challenge as far as human rights is concerned. As we speak, Chinese government is trying to restructure United Nations, redefine human rights. They have already passed two resolutions at the U.N. Human Rights Council redefining human rights, supported by a majority of countries in the world. And if that becomes in a statute then human rights is redefined. Then development precedes democracy. Food precedes freedom.

So with that definition, if Tibetans are to go to the Human Rights Council or anyone, any victim, to say my human rights, political rights, or religious freedom is denied, then the question would be, are you getting enough food? Or do you have enough shelter? Then the Chinese government has fulfilled their human rights obligations. Then they have not necessarily or technically violated human rights. This is the effort. It's a challenge.

So the human rights issue of Tibet is not simply of 6 million Tibetans. But it has implications for rest of the world. So that's why Tibet case is very important for us to know, so that you will understand how best to deal with the Chinese government. Now let me give you a couple of examples. Some of you might think that the Tibetan activists in Tibet could be just an activist, a nobody who is morally or spiritually oriented. And they go to the streets and just shout slogans and participate.

No, Tashi Wangchuk, entrepreneur. And Jack Ma's Alibaba Company projected him as one of the successful entrepreneurs in their promotional ad. And New York Times featured him and followed him and did a short documentary. Because Tashi Wangchuk is a bilingual education advocate in Tibet. Because the Chinese Constitution of 1982 and Minority Nationality Act of 1984 clearly says minorities' language should be not only used but should be encouraged. That's exactly the provision of China's constitution.

Now Tashi Wangchuk is saying, this is what it says. Not only Tibetan language should be used but should be encouraged. And based on which, bilingual education is allowed. And he approaches the local authorities and says, this is my constitutional and legal right as a minority to have the curriculum in schools taught in Tibetan language as well. Yes, you teach in Chinese, but also in Tibetan language. The local authorities reject him and he goes to Beijing. All these are documented by New York Times. Very high profile case.

In 2015 he was detained. Then after a few months, he was sentenced for five years in prison. Now Jack Ma's Alibaba portrays him as a successful entrepreneur, a high profile Tibetan, educated. And he was just following the Chinese constitution and Chinese laws and saying these are my rights provided by and clearly stated in the law. And is in prison for five years. And he said so. It's very prophetic. He says, if I don't succeed, then as far as Tibet issue is concerned, it can be solved through law. And he failed. He's in prison. So now law is not a solution as far as Tibet is concerned. Not to disappoint all the law students here. You all think law is the solution. In the case of Tibet it seems not.

And there's another person by the name of Karma Samdup. Rich guy. Philanthropist. Environmentalist. He was into preserving endangered species. And it so happened that his brother, someone alleged a Chinese person was engaged in illegal hunting. And he received national awards. Now very easy, sentenced for 15 years for making a case that endangered species should not be killed, should not be hunted.

And there's a case of [? Doja Tachi. ?] Very rich Tibetan guy. In 1990 he was a multi-millionaire. His property was hot at \$100,000,000 some of business, especially at hotel. So what I'm trying to project is those Tibetans who make it through the system, become entrepreneurs, become environmentalists, and become philanthropists, like this guy. A successful businessman. Again, he was a member of what they call National Political Consultative Conference. A high ranking member. Again, very successful. Perhaps he was too successful. And afterwards he was alleged to have contributed a donation to exile entity and sentenced.

So this, I mean, what can I say? I can't say nobody activist. But person of standing. And he died. So now, law says and China claims nowadays, become a champion as far as climate change and global warming is concerned. They claim to lead the world on climate change. But in Tibet environmental activist was sentenced, sent to prison, and died. And 154 Tibetans, of this many environmentalists, many are cultural activists, many are spiritual activists, many are language activists. They all are saying same thing. Before they die, they're saying, I want our culture, our identity is under threat. And I'm dying and burning myself. Please, rest of the world, listen to us. Listen to our suffering.

Many of you don't know. I don't blame you, mainly because when the Chinese government is expelling three journalists, a Wall Street Journal banning journalists from going to Tibet. Researchers and students from going to Tibet. How will the rest of the world know? So that's why my presence here, even though two days before new year, I came here willingly because this is our assertion or demonstration of freedom of speech in practice. It is a human rights program. Even in human rights programs, and now it is hesitant to have lectures on Tibet.

Why I said this is at Stellenbosch Law School, I went to South Africa. Next year, I could not even go to the campus. The dean and the professor said, well, too much pressure from the higher up. We can't hold talk. And I gave an interview to South African national radio program. The producer for some reason had watched many of my interviews on YouTube. And as soon he heard my name, he really wanted to interview me. And he got this journalist and interviewed for half an hour. Even the journalists became an instant convert.

I'm not trying to show off. It is not a Tibetan way of doing it. But he liked what I said. I said if South Africa can do it, so can Tibet. He said, I like this. Tomorrow I'm going to feature every hour before the radio program. And it was supposed to broadcast at 9:30. 8:45 we got a call saying someone from high up called and said, hold onto that interview. And never saw the daylight. It's been two plus years. They did not broadcast my interview.

This is South Africa. And I was at University of Toronto, I think a year and half ago. 50 or 60 Chinese students came and protested with national flag and singing national anthem outside. Then I had to give a talk inside. I gave and afterwards I said, some of the students and free Tibets were organizing it. They were very angry with the Tibetans. They were very angry. And what do we do? What do we do? Let's go invite them in. And 20 or so came in. And after hour and 15 minutes of talk, yes, some of them were clapping. Because Tibetans, what we pursue, under the leadership of His Holiness, Dalai Lama, is non-violence. And we want to solve the issue through dialogue with the Chinese government, with the Chinese counterpart.

And what we seek is genuine autonomy for the Tibetan people within the framework of the Chinese constitution. Not outside of the Chinese constitution. Within the framework of the Chinese constitution. Now if I go back a little as far as history is concerned, if you look at the ethnic map of China, or map of China, Han Chinese inhabited area is only 40% of China's territory, present China's territory. 60% of China actually is inhabited by Tibetans, Uyghurs, Mongolians, Manchus, and so on and so forth. 55 minorities. So-called 55 minorities.

So now you understand why PLA, People's Liberation Army, invaded Tibet. Because Tibet is 2.5 million approximately square kilometers of land, which is in American context, is as big as Texas and California combined. If you think we are from a small place, no. Texas and California combined. That big of land. And Chinese government sometimes said that Tibet is one fourth of China. Definitely it's around 1/5 of China. That big a territory. So why Tibet was invaded and occupied, because of huge territory. China's 1.3, 1.4 billion people. Tibet has only 6 million. But territory's 2.5 million square kilometers of land. And rich in minerals.

Don't think that, sometimes they show Tibet as this barren land. Not so. 123 different kinds of minerals are there. Uranium, gold, borax, you name it. Copper. Second largest mining in all of China is in Tibet. Now if you are using any of these Chinese made gadgets, you will find lithium battery. Some estimate that 70% of the lithium in China comes from Tibet. So sometimes you might wonder why Chinese makes gadgets cheap. Because Tibetans don't get paid for the Tibetan lithium. The extraction of lithium is very complicated. You have to use chemicals. So in the process, you pollute Tibetan soil, pollute Tibetan air, pollute Tibetan water, and Tibetans don't get paid.

And that's what you find in your gadgets if it's made in China. 90% of rare earth. Rare earth is very important as far as any kind of high tech gadgets. Even satellite and missiles. They get rare earth. 90% of the rare earth the whole world is in inner Mongolia. So if an American company wants to buy rare earth from China, you have to pay 10 times the price. If Chinese company wants to buy rare earth, they get subsidies. They just bear 1/10 of the price. That's why Chinese products are cheap. And Mongolians don't get much, don't get paid much for the rare earth.

Now I'll touch on, I can see a beautiful landscape of Virginia, I'm assuming today. Tibet is also, as far as environment is concerned, very important. After antarctic and arctic, Tibet has the third highest or the largest reserve of ice or snow. And more importantly, antarctic and arctic, when ice melt it goes to ocean, the water. When the Tibetan glaciers and snow melts, it forms streams and rivers. So 10 major rivers of Asia flow from Tibet. How many of you know that? China, Yellow River, cradle of Chinese civilization starts in Tibet. So the source of China or Chinese civilization belongs to us.

Yangtze River flows from Tibet. Yellow River, famous in Chinese history. And as far as the Brahmaputra River, if you are from India or Asean countries, I assume you know that. And for India, you know about the river. And if you are from India, Sutlej River, which flows from Tibet through Kashmir to Pakistan. And more importantly, Indus River starts from Tibet through Kashmir to Pakistan. Why I say this is the term India comes from Indus River. And 40% of Indus River, or the water, is a direct glacier melt of Tibet, which means we have 40% ownership over Indus River or Indus term, hence 40% of term India we have some claim over, too.

So Tibet is very rich in minerals and rivers. Now some environmentalists, even Quebec or California, have stated that climate change, whether winter is warm or cold in Canada is dependent on the jet-stream over Tibetan Plateau. So I'm going to Ottawa. And I could see in the weather forecast is all minuses. Very cold. So jet-stream over Tibet somehow influenced the climate in Canada. This is a Canadian environmentalist saying it's that important.

Now the challenge is, because as you said, Harvard Law School is northern Virginia. Virginia of the northeast. Yeah, but I think I am from the northern most territory of the world, right. Tibet it's called the roof of the world. And as far as the global warming and climate change is concerned, because of rapid industrialization of Tibet, as I mentioned, Tibet is rich and minerals, is being exploited. In Tibetan rivers in Tibet, you'll find not just one or two, 10, 20 dams to generate hydropower. Make quick money. And not many of them are engineeringly or scientifically sound. A challenge.

And because of the urbanization, a lot of Chinese are moving in to Tibetan Plateau. And now you have to build roads and houses and things like that. So it generates heat. Now if there's one degree increase in rest of the world, there's two degrees increase on the Tibetan Plateau, given the sensitivity, given the delicate nature of the Himalayan region. Now what is happening is that the ice or the snow on the Tibetan Plateau is melting very fast. In the last 50 years, 50% of Tibetan glaciers and ice have melted and disappeared.

Now NASA predicts the forecast that by 2070, another 50% of Tibetan glacier and snow will melt and disappear. Then what happens is that that Tibet actually becomes barren. Then the

Tibetan Plateau will be the roof of the world, the northernmost. Becomes very warm and hot. What is dangerous is 70% of Tibetan Plateau is permafrost. Frozen earth. Now once frozen earth started thawing, underneath the Tibetan Plateau is 10 million tons of carbon dioxide.

So once the Tibetan Plateau thaws, carbon dioxide will be leaked. And it's already leaking actually in some places. Then the global warming as we know it will be very, very different and dangerous. Now worse is equal amount of methane is underneath the Tibetan Plateau. And methane is 28 times more dangerous than carbon dioxide. So if you want to study climate change and global warming, you have to study Tibetan Plateau. And this has been said by environmentalists and scientists.

Now the U.N. experts on climate change and global warming, again, I'm giving you example of freedom of speech, they have done thousands of pages of research on climate change and global warming. And they don't mention Tibet. At these are U.N. sanctioned scientists. They're scared to mention Tibet. They mention Himalaya. They mention Hindu Kush region. Things like that. Even scientists are avoiding mentioning Tibet in their report. That's what some of the scientists in California and others have said.

If you want to understand global warming, climate change, without understanding the Tibetan Plateau, which is a huge tract of land, is not complete. So even U.N. scientists, they practice self-censorship when it comes to climate change. So that's why I said, as far as China's concerned, they pose a big challenge as far as human rights and freedom of speech is concerned. So today I'm here, two days before the new year, to celebrate and participate in freedom of speech. And University of Virginia Law School and Professor Sanchez and his team has given me this opportunity. So I feel very grateful and honored. So thank you very much for your time. And I'm happy to take questions. Thu-je-che.