



# The Tibetan Policy Act of 2002: Background and Implementation

(name redacted)

Specialist in Asian Affairs

March 17, 2009

Congressional Research Service

7-....

[www.crs.gov](http://www.crs.gov)

R40453

## Summary

U.S. policy on Tibet is governed by the Tibetan Policy Act of 2002 (TPA), enacted as part of the Foreign Relations Authorization Act of FY2003 (P.L. 107-228). In addition to establishing a number of U.S. principles with respect to human rights, religious freedom, political prisoners, and economic development projects in Tibet, the TPA established in statute the State Department position of Special Coordinator for Tibetan Issues; required a number of annual reporting requirements on Sino-Tibetan negotiations, both by the State Department and by the congressionally established Congressional-Executive Commission on China (CECC); mandated the provision of Tibetan language training to interested foreign service officers in the U.S. government; required U.S. government officials to raise issues of religious freedom and political prisoners; and urged the State Department to seek establishment of a U.S. Consulate in Lhasa.

Since the TPA's enactment, opinions on the effectiveness of the Act have varied. These views include assessments on the nature of the objectives the TPA sets forth for U.S. policy; the attainability of those objectives; the achievements of the Special Coordinators; and the manner of the Act's implementation.

A number of people who follow Tibetan issues closely were interviewed for this report in an effort to assess the TPA's effectiveness. A commonly held view was that the Act was being implemented as intended and that those who had filled the Special Coordinator position created by the Act had been diligent in carrying out their responsibilities. In instances where the Act's objectives had not been achieved, such as the establishment of a U.S. Consulate in Lhasa or a meeting with the 11<sup>th</sup> Panchen Lama, the lack of achievements generally were ascribed to obstacles put in place by Beijing rather than failures in implementation on the U.S. side. Some suggestions were raised for improvements in the Act, including an expansion of the Special Coordinator's authority to task other U.S. government agencies and a broadening of issues to be included in annual reporting. A minority view held that the Act's principle objective – to encourage PRC dialogue with the Dalai Lama – was inherently flawed. According to this view, placing dialogue with the Dalai Lama at the center of U.S. policy objectives raises unrealistic expectations among Tibetans; prompts recurring PRC crackdowns that contribute to a worsening situation in Tibet; and ultimately may be counterproductive to fulfilling other legitimate interests of Tibetans in Tibet.

This report will not be updated.

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# The U.S. Tibetan Policy Act of 2002: Background and Implementation

## Introduction

Tibet became a recurring issue in congressional deliberations in the late 1980s. A number of factors contributed to Members' greater interest, including the Dalai Lama's and the Tibetan community's ongoing political activities; reports of human rights abuses and China's continuing repressive social and political controls in Tibet; and the lack of consensus among U.S. policymakers over what U.S. policy should be toward China. On matters involving Tibet — as on many matters involving China — congressional views have often been at odds with those of the White House. As a matter of official policy, the U.S. government recognizes Tibet as part of China and has always done so, although some dispute the historical consistency of this U.S. position.<sup>1</sup> Since normalization of relations with the PRC in 1979, a succession of both Republican and Democratic U.S. Administrations have favored policies of engagement with China. In the process, they frequently have sought to minimize areas of potential tension with Beijing on which Chinese leaders have taken strong positions, such as on the question of Tibet's political status.<sup>2</sup>

The Dalai Lama himself has been the most charismatic and renowned advocate for the Tibetan people over the past decade. His and the Tibetan exile community's efforts to gain international support for Tibet's cause took a major step forward in 1986-1987, when a series of meetings between Tibetan and Western supporters in New York, Washington, and London launched what has become known as Tibet's "international campaign."<sup>3</sup> The goal of this campaign was to garner Western and principally U.S. support for Tibet's situation, and ultimately to bring this international pressure to bear on Beijing to make satisfactory political concessions. As part of this new strategy, the U.S. Congress in 1987 began to put pressure on the White House to protect Tibetan culture and accord Tibet greater status in U.S. law, despite Beijing's strong objections.

Two events of particular importance occurred in 1987. First, on September 21, the Dalai Lama made his first political speech in the United States, to the Congressional Human Rights Caucus. In that speech, the Dalai Lama made a five-point proposal for resolving the Tibet question that was well-received in the United States and had significant consequences on congressional

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<sup>1</sup> Some assert that past U.S. actions that treated Tibet as if it were an independent state in effect signaled U.S. recognition. Michael C. van Walt van Praag, for instance, in *The Status of Tibet: History, Rights, and Prospects in International Law* (Westview Press, Boulder Colorado, 1987), states that "Washington supported Tibet and treated it as an independent State, even recognizing its *de facto* (italics included) independence." p. 139. In the daily press briefing of October 8, 1987, responding to a question concerning what year the United States formally recognized Tibet as a part of China, the State Department's Public Affairs office issued the following statement: "We have never recognized Tibet as a sovereign state independent of China. We first made the statement that we considered Tibet to be a part of China in 1978; however, our earlier formulations were not inconsistent with the statement, and we have never challenged China's claim. No third country recognizes Tibet as a state independent of China."

<sup>2</sup> See CRS Report RL34445, *Tibet: Problems, Prospects, and U.S. Policy*, by (name redacted).

<sup>3</sup> These three cities are all still centers for Tibet-related offices and information networks. According to Dr. Melvyn Goldstein, professor of anthropology at Case Western Reserve University, the details of how the "international campaign" strategy was formed have not yet been documented. Goldstein, Melvyn, *The Snow Lion and the Dragon: China, Tibet, and the Dalai Lama*, University of California Press, 1997. pp. 76 and 138.

attitudes toward Tibet.<sup>4</sup> Second, Congress put non-binding measures into place in 1987 declaring that the United States should make Tibet's situation a higher policy priority and should urge China to establish a constructive dialogue with the Dalai Lama.<sup>5</sup> Fifteen years later, this latter point in particular became a provision in the Tibetan Policy Act of 2002.

The 1987 language, though not the first that Congress had passed regarding Tibet,<sup>6</sup> marked the beginning of a significant increase in congressional activity on Tibet's status.<sup>7</sup> From this point on, congressional supporters sought to mention Tibet separately whenever possible in legislation relating to China. In 1990, in considering foreign relations authorization legislation that contained the so-called "Tiananmen sanctions," Congress singled out Tibet for special mention in sense-of-Congress language that closely resembled the "five points" the Dalai Lama had proposed two years earlier and, in the same legislation, mandated the Voice of America to begin broadcasts in the Tibetan language.<sup>8</sup> In 1994, Congress enacted a number of Tibetan-related provisions in the Foreign Relations Authorization Act of FY1994-1995, including:

- a provision mandating that Tibet be listed separately in the State Department's annual report, "Country Reports on Human Rights"; and
- a provision mandating the State Department to issue a report on the "state of relations between the United States and those recognized by Congress as the true representatives of the Tibetan people; the Dalai Lama, his representatives, and the Tibetan Government in exile, and on conditions in Tibet."<sup>9</sup>

Congressional efforts to raise the profile of Tibet since 1986 have been resisted or mitigated by successive U.S. Administrations, but generally in a low profile, non-confrontational manner. As early as 1986, when Congress passed legislation authorizing Export-Import Bank funding that listed Tibet as a separate country, President Reagan signed the legislation into law.<sup>10</sup> In his remarks, however, the President said:

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<sup>4</sup> The five points are: transformation of all Tibet into a zone of peace; halting the transfer of large numbers of Han Chinese into Tibet; respect for Tibet's human rights and democratic freedoms; restoration of Tibet's environment and the halting of nuclear waste dumping in Tibet; and commencement of Sino-Tibetan negotiations on the future status of Tibet.

<sup>5</sup> President Reagan signed into law H.R. 1777, the Foreign Relations Authorization Act of FY88-89, on December 22, 1987 (P.L. 100-204); section 1243 contains language on Tibet. In 1985, 91 Members of Congress reportedly had also sent a letter to China's President, Li Xiannian, expressing support for continued talks with the Dalai Lama.

<sup>6</sup> Congress considered a number of non-binding measures in the 1980s concerning Tibet. In 1986, Congress listed "Tibet" as an independent country in H.R. 5548, legislation dealing the Export-Import Bank. This bill was approved on October 15, and became P.L. 99-472.

<sup>7</sup> According to a legislative database, in the four years prior to 1987, only 6 measures had been introduced in Congress concerning Tibet, whereas the 1987 legislation was one of 14 measures introduced in 1987-1988. <http://thomas.loc.gov>

<sup>8</sup> This bill, H.R. 3792, was enacted as P.L. 101-246, and contains the "Tiananmen sanctions" on China that are still largely in effect. Its provisions on Tibet stated that U.S. policy toward China should be explicitly linked with the situation in Tibet, specifically to include lifting of martial law in Lhasa and other parts of Tibet; opening Tibet to foreigners, including the press and international human rights organizations; release of political prisoners; and conduct of negotiations between representatives of the Dalai Lama and the Chinese government.

<sup>9</sup> Established pursuant to Section 536 of the Foreign Relations Authorizations Act, H.R. 2333, enacted as P.L. 103-236.

<sup>10</sup> H.R. 5548 was approved on October 15, 1986, and became P.L. 99-472.

I note that Tibet is listed as a country in section 8. The United States recognizes Tibet as part of the People's Republic of China. I interpret Tibet's inclusion as a separate country to be a technical oversight.<sup>11</sup>

In other respects, however, consistent congressional pressure has contributed to U.S. Administrations acknowledging, however subtly, the position of the Tibetan community-in-exile. Thus, President George H. W. Bush in 1991 became the first U.S. President to meet with the Dalai Lama, while President Bill Clinton met with the Dalai Lama several times in casual "drop-by" meetings.<sup>12</sup> Although these early meetings were deliberately low-key and informal, they nevertheless offended Chinese leaders, as did the Clinton Administration's decision to compromise with Tibet's congressional supporters and establish the position of Special Coordinator for Tibet.

### **Efforts to Create a Special Envoy for Tibet**

During the early years of the Clinton Administration, Congress introduced measures to establish the position of a U.S. Special Envoy for Tibet, with ambassadorial rank. In introducing such a measure in 1994, Senator Claiborne Pell stated he believed it was necessary to further focus White House attention on issues involving Tibet:

I recall how difficult it was to engage previous administrations in serious, knowledgeable discussions on Tibet.... A Special Envoy for Tibet would ensure that this important element of United States-China relations was continually reflected in policy discussions on a senior level.<sup>13</sup>

Although legislation to create a Special Envoy for Tibet was never enacted, provisions similar to those in the 1994 legislation were also introduced as sections of authorization bills in the 104<sup>th</sup> and the 105<sup>th</sup> Congresses.<sup>14</sup> In each case, the provision called for the Special Envoy to have ambassadorial rank and to actively promote negotiations between the Dalai Lama and the Chinese government. Clinton Administration officials opposed these provisions, primarily because of concerns about the creation of an ambassadorial rank position for an entity (Tibet) that the United States recognizes as part of China rather than as an independent country in its own right.

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<sup>11</sup> "Statement on Signing the Export-Import Bank Act Amendments of 1986," October 15, 1986, in *Public Papers of the Presidents of the United States: Ronald Reagan*, Book II, June 28 to December 31, 1986, pp. 1390-1391.

<sup>12</sup> President George W. Bush raised the profile of presidential meetings with the Dalai Lama considerably in 2007, becoming the first sitting U.S. President ever to meet publicly with the Dalai Lama on the occasion of his being awarded the Congressional Gold Medal.

<sup>13</sup> Statement by Senator Pell, *Congressional Record*, October 7, 1994, p. S14878. Senator Pell's bill, S. 2554, was not enacted; nor was H.R. 5254, a similar bill introduced in the House on October 7, 1994, by Representative Howard Berman.

<sup>14</sup> In the 104<sup>th</sup> Congress, that legislation was the American Overseas Interests Act of 1995 (H.R. 1561 (Gilman), and H.R. 908 (Helms)). President Clinton vetoed this legislation on April 12, 1996; the House override vote on April 30, 1996 failed to achieve the two-thirds necessary for passage (234-188). Similar legislation in the 105<sup>th</sup> Congress, H.R. 1486, was replaced by three separate bills after consideration by the House Rules Committee on June 3, 1997: H.R. 1757, authorizing appropriations for the State Department for FY1998-1999 (and containing the Tibet Special Envoy provision); H.R. 1758, the European Security Act (NATO enlargement); and H.R. 1759, a foreign aid authorization and reform bill. The Special Envoy provision was dropped from this separate legislation before final passage.

## **U.S. Legislation and Financial Assistance for Tibet**

In 1990, in considering foreign relations authorization legislation that contained the so-called “Tiananmen sanctions,” the 101<sup>st</sup> Congress began a process of regular congressional provisions in various pieces of legislation for U.S. assistance to Tibet.<sup>15</sup> Much of the U.S. assistance provided to Tibet is a result of congressional earmarks in such legislation. Such provisions, which may or may not reflect the actual disbursement of assistance, have included:

- Provision for Voice of America broadcasts (and later, Radio Free Asia broadcasts) to Tibet in the Tibetan language; and periodic provisions for 30 scholarships for Tibetans living outside Tibet (P.L. 101-246, P.L. 106-113);
- Establishment of an educational and cultural exchange program with Tibet (in P.L. 104-319), later renamed the “Ngawang Choepel Exchange Program” (in P.L. 106-113), funded at \$500,000 in each of fiscal years 2000, 2001, and 2003;<sup>16</sup>
- Authorization and/or appropriation of funds for humanitarian, food, medical, and other assistance to Tibetans who have fled from China to Nepal and India, amounting to \$2 million in each of fiscal years 2001 and 2002 (P.L. 106-113) and \$2 million in FY2003 (P.L. 107-228); and
- Provision of Economic Support Fund (ESF) assistance for non-governmental organizations who work to support and preserve the Tibetan environment and cultural traditions and to promote sustainable development. ESF funds for these purposes were first provided at \$1 million in FY2000 (P.L. 106-113), averaged \$4 million per year through FY2006 (P.L. 109-102), and in the 110<sup>th</sup> Congress were provided at \$5 million (P.L. 110-161).

## **Provisions in the Tibetan Policy Act**

On May 9, 2001, Senator Dianne Feinstein and Representative Tom Lantos each introduced in the Senate and House “The Tibetan Policy Act of 2001.” The two measures (S. 852 and H.R. 1779) had the stated purpose of supporting “the aspirations of the Tibetan people to safeguard their distinct identity.” Although neither bill was acted upon either in Committee or in its respective body, the main components of the measures later were incorporated into H.R. 1646, the Foreign Relations Authorization Act of FY2003 (P.L. 107-228, at Title VI, Subtitle B), as “The Tibetan Policy Act of 2002” (TPA).<sup>17</sup> In addition to establishing a number of U.S. principles with respect

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<sup>15</sup> This bill, H.R. 3792, was enacted as P.L. 101-246, and contains the “Tiananmen sanctions” on China that are still largely in effect. Its provisions on Tibet stated that U.S. policy toward China should be explicitly linked with the situation in Tibet, specifically to include lifting of martial law in Lhasa and other parts of Tibet; opening Tibet to foreigners, including the press and international human rights organizations; release of political prisoners; and the conduct of negotiations between representatives of the Dalai Lama and the Chinese government.

<sup>16</sup> In legislation for FY2006 (H.R. 3057, the Foreign Operations, Export Financing, and Related Appropriations Act, 2006, which eventually became P.L. 109-102), the House Report (H.Rept. 109-152) recommended \$2 million for Tibetan refugees in Nepal and India, and the Senate Report (S.Rept. 109-96) recommended \$500,000 for the “Tibetan Fulbright” program; neither provision made it into the final conference report.

<sup>17</sup> The authorization measure, H.R. 1646, was introduced on April 27, 2001, by Representative Henry Hyde. It became P.L. 107-228, including the Tibetan Policy Act of 2002, at Title VI, Subtitle B, on September 30, 2002. The Tibet language is codified at 22 U.S.C. 2901 note.

to human rights, religious freedom, political prisoners, and economic development projects in Tibet, the TPA establishes in statute the State Department position of Special Coordinator for Tibetan Issues; requires a number of annual reporting requirements on Sino-Tibetan negotiations, both by the State Department and by the congressionally established Congressional-Executive Commission on China (CECC); mandates the provision of Tibetan language training to interested foreign service officers in the U.S. government; and urges the State Department to seek establishment of a U.S. Consulate in Lhasa. The major provisions of the TPA and their implementation are discussed below.

### **Creation of a Special Coordinator for Tibetan Issues (Sec. 621)**

The TPA's primary provision mandates that a U.S. Special Coordinator for Tibetan Issues be maintained within the Department of State, with the central objective of encouraging and promoting dialogue between the Dalai Lama and the PRC government in Beijing. The TPA specifies six other duties of the Special Coordinator. These include (1) coordination of U.S. government policies, programs, and projects concerning Tibet; (2) "vigorous" promotion of protection for human rights and for Tibet's distinct religious, cultural, linguistic, and national identity; (3) maintenance of close contact with religious, cultural, and political Tibetan leaders, including regular travel to Tibetan areas in China and to Tibetan refugee settlements; (4) consultation with Congress on Tibet policies; (5) efforts to coordinate with other foreign ministries in pursuit of a negotiated settlement for Tibet, and (6) maintenance of adequate resources and staffing to sustain these responsibilities.

Congress had been considering measures to establish a position of U.S. Special Envoy for Tibet since the early Clinton Administration. Provisions to create a Special Envoy for Tibet also were introduced as sections of authorization bills in the 104<sup>th</sup> and the 105<sup>th</sup> Congresses.<sup>18</sup> In each case, the provision called for the Special Envoy to have ambassadorial rank and to actively promote negotiations between the Dalai Lama and the Chinese government. Clinton Administration officials opposed these provisions, primarily because of concerns about the political repercussions of creating an ambassadorial rank position for an entity (Tibet) that the United States recognizes as part of China rather than as an independent country.

On October 31, 1997, in a move seen as a compromise to appeal to proponents of the "Special Envoy" position, Secretary of State Madeleine Albright designated a Special Coordinator for Tibetan issues – without ambassadorial rank – within the State Department and named Gregory Craig to serve in the position concurrently with his job as Director of Policy Planning.<sup>19</sup> On January 20, 1999, the position of Special Coordinator was assumed by Julia Taft, U.S. Assistant Secretary of State for Population, Refugees, and Migration. She stepped down on January 19, 2001. On May 17, 2001, Secretary of State Colin Powell announced that Paula Dobriansky, Undersecretary of State for Global Affairs, would serve concurrently as the next Special Coordinator for Tibet. She is the highest-level official to date to have held this position, serving in

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<sup>18</sup> In the 104<sup>th</sup> Congress, that legislation was the American Overseas Interests Act of 1995 (H.R. 1561 (Gilman), and H.R. 908 (Helms)). President Clinton vetoed this legislation on April 12, 1996; the House override vote on April 30, 1996 failed to achieve the two-thirds necessary for passage (234-188). Similar legislation in the 105<sup>th</sup> Congress, H.R. 1486, was replaced by three separate bills after consideration by the House Rules Committee on June 3, 1997: H.R. 1757, authorizing appropriations for the State Department for FY1998-1999 (and containing the Tibet Special Envoy provision); H.R. 1758, the European Security Act (NATO enlargement); and H.R. 1759, a foreign aid authorization and reform bill. The Special Envoy provision was dropped from this separate legislation before final passage.

<sup>19</sup> Gregory Craig is currently the White House Counsel in the President Barack Obama Administration.

that capacity throughout the Bush Administration. The Tibetan Policy Act provisions in P.L. 107-228, which became public law in 2002, made the position of Special Coordinator a statutory requirement. As of the date of this memo, a new Special Coordinator to replace Dobriansky had not yet been named.

### **Reporting Requirements on Sino-Tibetan Dialogue (Sec. 613, Sec. 614, Sec. 615)**

The TPA establishes several annual reporting requirements on Sino-Tibetan dialogue. In Sec. 613, the Act specifies the steps that “the President and the Secretary” need to take to encourage dialogue and report on the status of any resulting Sino-Tibetan discussions. Section 614 of the TPA also requires that Tibet be included as a separate section in any relevant reports submitted in accordance with the Foreign Assistance Act of 1961 (the State Department’s annual human rights report) or the International Religious Freedom Act of 1998. Finally, Sec. 615 of the TPA amends P.L. 106-286 to require the Congressional-Executive Commission on China (CECC) to include also in its mandated annual report the status of Sino-Tibetan negotiations and of any measures to safeguard Tibet’s distinct cultural identity.

### **Establishment of “Tibet Project Principles” (Sec. 616)**

With respect to Tibetan economic development projects being considered by international financial institutions, non-governmental organizations (NGOs), the Export-Import Bank, and the Trade and Development Agency, the Act declares it to be U.S. policy to advocate and support those projects that meet certain principles. These principles include projects that conduct a thorough assessment of the needs of the Tibetan people; are preceded by cultural and environmental impact assessments; foster the self-sufficiency and self-reliance of Tibetans; involve active participation of Tibetans at all stages; respect Tibetan culture, traditions, and the environment; are subjected to on-site monitoring; provide for use of the Tibetan language during implementation; do not facilitate migration of non-Tibetans into Tibet; and transfer no Tibetan land or natural resources to non-Tibetans.

### **Political Prisoners (Sec. 617)**

The Act urges the U.S. government to seek the “immediate and unconditional” release of political or religious prisoners in Tibet, access to prisoners for humanitarian organizations, and the medical parole of seriously ill Tibetan prisoners.

### **U.S. “Branch Office” in Lhasa (Sec. 618)**

The TPA states that the Secretary of State should “make best efforts” to establish an office in Lhasa to monitor political, economic, and cultural developments there.

### **Tibetan Language Training (Sec. 619)**

The Act requires the Secretary of State to ensure that Tibetan language training is available to Foreign Service officers and urges “every effort” to assign a Tibetan-speaking U.S. official to a U.S. post in the PRC.

## **Religious Persecution (Sec. 620)**

The Act states that the U.S. Ambassador to the PRC should seek to meet with the 11<sup>th</sup> Panchen Lama, who was removed from his home by PRC authorities in 1995 and held incognito since then, and should request the PRC government to allow the Panchen Lama to freely pursue his religious studies. The Act also contains a sense of Congress resolution that U.S. government exchanges with PRC officials should promote the end of PRC interference in Tibetan religious affairs.

## **Implementation**

Various views exist on how effective the Tibetan Policy Act has been since its enactment, including different views on the objectives the TPA sets forth for U.S. policy; the attainability of those objectives; the achievements of the Special Coordinators; and the manner of the Act's implementation. A number of people who follow Tibetan issues closely were interviewed for this report to gauge their assessment of the TPA's effectiveness. These sources included officers from NGOs involved with Tibet; Tibetan and American scholars; sources close to the Dalai Lama; and current and former U.S. government officials.

Many felt that the Special Coordinators for Tibet have demonstrated a consistent commitment to their statutory responsibilities and fulfilled these with as much success as PRC sensitivities have allowed. U.S. leverage with the PRC is thought to have benefited from the more senior-level position held by the longest-serving Special Coordinator, Paula Dobriansky, who as Under-Secretary of State was the highest-ranking U.S. official to date to hold this position. According to observers, an official at the Under-Secretary level is in a position to have more avenues of input in U.S. policy issues, including regular access to the Secretary of State, participation in senior-level U.S. government meetings, and the opportunity to travel to China with the President and sit in on his meetings with the Dalai Lama. Moreover, some observers thought that having a Special Coordinator dual-hatted with a more senior rank assured access to meetings with senior PRC officials that Beijing would decline to a U.S. official holding either lower rank or maintaining a single, Tibet-centric portfolio.

On the negative side, some thought the position of Special Coordinator has been hampered by a number of constraints on its ability to coordinate U.S. Tibet policy with other U.S. government departments and agencies. According to these observers, while the TPA theoretically imposes obligations on a number of U.S. government agencies concerning Tibet, it establishes unclear lines of communication and no mechanism for the Special Coordinator either to facilitate interagency coordination or to task other U.S. government agencies. Some observers interviewed for this report provided anecdotal evidence that cabinet secretaries at times had traveled to Tibet without either informing or consulting with the Special Coordinator for Tibet or even with the State Department East Asia bureau. Among the suggestions that some observers made were: giving the Special Coordinator authority to convene a Policy Coordinating Committee (PCC) on Tibet to facilitate interagency coordination on U.S. Tibet policy, and revisiting the issue of giving ambassadorial rank to the Special Coordinator in order to enhance the stature and clout of this position within the State Department. In the case of the latter, however, it should be noted that the political and diplomatic problems of making such a move, noted elsewhere in this report, remain salient.

Others thought the TPA could be improved by broadening the Act's basic mission of fostering Sino-Tibetan dialogue. One scholar suggested that what the TPA lacked was an institutional

mechanism to encourage and perhaps help fund multiple levels of Sino-Tibetan dialogue – between scholars, environmental experts, PRC citizens, and exiled Tibetans. Fostering a “track two” set of dialogues, according to this observer, would encourage greater understanding and greatly expand the range of issues under discussion.

In a different take on this point, another Tibetan expert opined that the narrow portfolio the TPA assigns to the Special Coordinator – encouraging dialogue between the Dalai Lama and Beijing – is counterproductive both to U.S. interests and to the welfare of Tibetans. According to this observer, the Special Coordinator’s brief suggests that the only answer to Tibet’s problems lies in the formal dialogue process, a focus that ignores many of the real, deep-seated grievances of Tibetans living in Tibet. These grievances include demands for a fairer shot at economic opportunity, greater respect and stature for Tibetan culture, more control over Tibetan local affairs, and a higher degree of religious and monastic freedom. The Special Coordinator for Tibet, according to this view, should be tasked with encouraging the PRC to meet Tibetan grievances internally and to improve the well-being and autonomy of Tibetans. This view holds that placing dialogue with the Dalai Lama at the center of U.S. policy objectives in Tibet raises unrealistic expectations among Tibetans; prompts recurring PRC crackdowns that contribute to a worsening situation in Tibet; and ultimately may be counterproductive to fulfilling other legitimate interests of Tibetans in Tibet.

Other portions of the TPA are being implemented as the Act requires. As specified in Sec. 619, Tibetan language training is made available for U.S. foreign service officers who wish to pursue it. As required in Sec. 613-615, U.S. agencies tasked with submitting annual reports on Tibet are fulfilling these requirements. The State Department submits regular annual reports to Congress describing the steps the United States has taken over the previous year to encourage PRC negotiations with the Dalai Lama and describing the status of those negotiations. Some suggested that these reports would be improved if they were more readily available publicly; dated as to what period they covered; and perhaps expanded in scope to include matters beyond Sino-Tibetan negotiations, such as status reports assessing U.S. inter-agency meetings and coordination on Tibet policy over the previous year. Also as required by the TPA, the State Department includes Tibet separately in other annual reports mandated by Congress. These include the annual Country Reports on Human Rights Practices (required by Sec. 116 and Sec. 502(B) of the Foreign Assistance Act of 1961, as amended) and the annual Report on International Religious Freedom (required by Sec. 102(b) of the International Religious Freedom Act of 1998). Finally, the Congressional-Executive Commission on China (CECC) has included a section on Tibet in each of its annual reports since 2002, and has reported on the status of Sino-Tibetan negotiations and on Tibet’s cultural identity since 2003.

In other aspects, the TPA’s effectiveness has been problematic, although most of these problems appear related more to actions by Beijing than to implementation problems in the U.S. government. For instance, U.S. government officials maintain they have continually raised with the PRC government the issue of political and religious prisoners (Sec. 617), but have seen little or no progress on this front. Likewise, although U.S. officials reportedly frequently raise with PRC officials the issue of meeting with the 11<sup>th</sup> Panchen Lama (Sec. 620), such efforts have not produced results nor has anyone ever reported meeting with the 11<sup>th</sup> Panchen Lama or being informed of his location. Finally, there has been no productive progress on the goal of establishing an additional U.S. Consulate in the PRC (Sec. 618), although the State Department now has made Lhasa its top priority as a location for an additional U.S. office in China. Lack of a

Lhasa-based U.S. Consulate means that Tibetan issues in the PRC are covered by U.S. diplomats based in Beijing and Chengdu.<sup>20</sup> On the final provision of the TPA—the establishment of “Tibet Project Principles” (Sec. 616)—some observers suggest that the problematic implementation of these principles is subject to the Special Coordinator’s inability to task other government agencies.

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<sup>20</sup> The United States has never had an official branch office in Tibet or elsewhere in China’s far west. The westernmost U.S. Consulate in the PRC now is in Chengdu, in China’s center, leaving the entire western half of the country without U.S. representation. In 2008, Congress highlighted this issue anew in the Emergency Supplemental bill (P.L. 110-252) with language (in Sec. 1412) providing up to \$5 million for construction of a U.S. Consulate in Lhasa and requiring the U.S. State Department to deny the opening of any additional PRC Consulate in the United States until Beijing consents to a U.S. Consulate in Lhasa.

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