



INTERNATIONAL CAMPAIGN FOR TIBET

International Campaign for Tibet (ICT) Contribution: Rights to freedom of peaceful assembly and of association to advance climate justice

Submitted 29 May 2021

The International Campaign for Tibet (ICT) is a not-for-profit advocacy group that works to promote human rights and democratic freedoms for the people of Tibet. In this submission, we aim to highlight both best practice and challenges in the preserving cultural rights within education. Tibet is defined as the area that now encompasses the Tibet Autonomous Region, and Tibetan autonomous prefectures and counties of Qinghai, Gansu, Sichuan and Yunnan.

The following responses relate to the experiences of Tibetan environmental activists inside the People's Republic of China.

Tibet: at the frontlines of climate change

The Tibetan plateau is home to over 45,000 glaciers.¹ As the third largest concentration of water after the north and south poles, it is often called the 'Third Pole'. The Tibetan plateau is of regional importance. It is not only the source of Asia's 11 great rivers, but also plays a prominent role in generating the Asian monsoon system. At varying degrees and times, about 1.3 billion people living in the Himalayan river basins rely on both meltwater and monsoon waters to sustain their livelihoods.²

The Himalayan region and Tibetan plateau is also rich in biodiversity, sitting at the intersection of three biodiversity hotspots – defined as the Earth's most biologically rich, but threatened terrestrial regions.³ The region is notable for unique high altitude plant life as well as snow leopards, Tibetan antelope, migratory birds, gazelles and pandas.

The Tibetan Plateau is at the frontline of climate change with temperatures rising at least twice as fast as the global average.⁴ This is expected to increase the frequency and intensity of extreme weather conditions such as snowstorms and floods.⁵ Climate warming has been caused by increased air pollution and an expanding human footprint on the Tibetan plateau caused by mining and hydropower projects, and government-led urbanization. Warming temperatures has been exacerbated by grassland degradation and desertification, which have in turn increased glacial melt and biodiversity loss across the plateau.

¹ Reuters, 16 January 2009: 'Tibetan glacial shrink to cut water supply by 2050', <http://www.reuters.com/article/us-glaciers/tibetan-glacial-shrink-to-cut-water-supply-by-2050-idUSTRE50F76420090116>.

² Ibid.

³ Critical Ecosystem Partnership Fund, 2019, 'What is a biodiversity hotspot?' <https://www.cepf.net/our-work/biodiversity-hotspots/hotspots-defined>.

⁴ The Tibetan plateau is warming up at an average of 0.4 degrees Celsius a decade. See Ibid., and The Huffington Post, 13 December 2016, 'Climate change is melting 'The roof of the world'', http://www.huffingtonpost.com/entry/tibet-melting-glaciers-avalanches_us_584e552de4b04c8e2bb061ee.

⁵ The Hindu: Business Line, 23 March 2014, 'Global warming reaches Tibet; extreme weather on plateau', <https://www.thehindubusinessline.com/news/world/Global-warming-reaches-Tibet-extreme-weather-on-plateau/article20740057.ece>.



Questions from the Special Rapporteur on the rights to freedom of peaceful assembly and of association

1. What are examples of climate justice activism from your country or region? What has been their impact over the last 5 years? What is the role that the rights to freedom of peaceful assembly and of association plays in those movements and their impact? When successes were achieved, what tools and strategies were used to achieve them? For example, do climate defenders or affected communities in your country engage in civil disobedience, non-violent protest actions or digital activism?

Environmental activism in Tibet is synonymous with climate justice activism, as environmental activists are resisting activities that damage the local environment and alter the climate. Cases of environmental activism in Tibet and Tibetan areas of China primarily concern the construction of mines, hydropower dams, and the implementation of grassland management policies, such as nomad relocation and enclosed national parks. All activities expand the human footprint on the Tibetan plateau or alter the local ecosystem and climate dynamics.

Publicised cases of environmental activism

Date	Location	Cause	Details
2018	Kyangche (Ch. Jiangqian), Gongmey (Xiazangke)/ Ganglung (Ganglong) in Gade County, Golog	mining, hunting, and corruption	Anya Sengdra, a community leader, was detained on September 4, 2018 and sentenced to seven years for “provoking troubles, forming a mob to disturb social order, and other evil cases”. ⁶ He had campaigned against the misuse of public funds, illegal mining, and poaching and hunting.
2016	Amchok township, Sangchu county	Mining	Local residents held protested the construction of a mine and were injured by police. Authorities accused protesters of collaborating with overseas anti-China groups and of ‘distorting facts’. Tsewang Kyabe, a community protest leader in his 50’s passed away in 2017 following injuries sustained while in detention. ⁷
2016	Akhokri township, Chuchen county, Ngaba	Mining	Residents had been resisting the construction of a mine since March 2013. They have been subjected to surveillance and threats of arrest. ⁸ On 28 March 2016, 200 local villagers staged a protest which was violently suppressed by armed police. About 20 people were injured and 7 people were arrested for 7-20 days.

⁶ International Campaign for Tibet (ICT), 20 December 2019, ‘Tibetan anti-corruption campaigner to appeal 7-year prison sentence’, <https://savetibet.org/tibetan-anti-corruption-campaigner-to-appeal-7-year-prison-sentence/>.

⁷ Free Tibet, 7 June 2016, ‘Mining protests enter second week’, <https://freetibet.org/news-media/na/mining-protest-enters-its-second-week>; Free Tibet, 3 May 2017, ‘Tibetan environmental protest leaders Tsewang Kyab dies’, <https://freetibet.org/news-media/na/tibetan-environmental-protest-leader-tsewang-kyab-dies>.

⁸ Free Tibet, 27 May 2016, ‘Police threaten Tibetan community resisting Chinese mining’, <https://freetibet.org/news-media/na/police-threaten-tibetan-community-resisting-chinese-mining>.



Date	Location	Cause	Details
2014	Dechen (Deqin) County, Dechen (Deqin) TAP, Yunnan	Mining	On 1 July 2014, local Tibetans protested the construction of a copper mine as they were concerned about its location on a sacred site and potential environmental damage. ⁹ Protesters were beaten by local police, with 7-9 individuals arrested.
2014	Dzogang (Zuogang) County, Chamdo (Changdu) Prefecture, TAR	Mining	Local Tibetans expressed concerns about the risk of two new mines causing natural disasters, such as earthquakes. On 28 April, about 20 men were arrested for protesting against the mines. On 7 May 2014, Phakpa Gyaltsen (39-years old) took his own life in protest against the continued mining.
2013	Pondha township, Derge (Derge) County, Kardze (Ganzi) TAP, Sichuan	Mining	On 27 December 2013, after a local petition against mines was rejected, about 100 Tibetans protested against mining in the area. Most protesters were arrested on 7 January 2014. ¹⁰
August 2013	Dzatoe (Zaduo) County, Yushu TAP, Qinghai	Mining	Protests against mining on a sacred mountain began on 15 August 2013. Hundreds of locals gathered at three mining sites: Atoe, Dzachen, and Chikdza. They erected posters of President Xi Jinping, hoisted Chinese flags and quoted extracts from Xi Jinping's speech on protecting the environment. Several Tibetans were arrested, and at least 14 people were hospitalised. When protests failed, residents petitioned the central government citing local level corruption and the status of the area as an environmental reserve. The central government then ordered local authorities to cease mining activities. ¹¹
2013	Lhasa, TAR	Mining	Kunchok Jinpa was detained on November 8, 2013 and sentenced to 21 years in prison for "leaking state secrets" such as passing information to foreign media about local environmental and other protests. ¹²
2013	Driru (Ch. Biru) County, Nagchu (Ch. Naqu) Prefecture, TAR	Mining	On 24 May 2013, approximately 3,500 Tibetans protested against a hydroelectricity power construction project on the sacred mountain Naglha Dzamba. Residents also filed petitions against mining in the area. At least 8 Tibetans were arrested and sentenced to prison terms for 3-13 years. Authorities responded to subsequent protests with tear gas, guns and batons. At least 60 people were injured and one man was shot in December 2013. Kunchok Drakpa, one of the 8 detainees, later died in custody. ¹³

⁹ Tibet Watch, January 2015, 'Environmental Protests on the Tibetan Plateau', https://static1.squarespace.com/static/5c6d7c35b2cf790541327f25/t/5c9229b3e4966b53e038eee1/1553082810007/environmental_protests_on_the_tibetan_plateau.pdf

¹⁰ Ibid., Tibet Watch, January 2015, 'Environmental Protests on the Tibetan', page 16.

¹¹ Ibid., Tibet Watch, January 2015, 'Environmental Protests on the Tibetan'; Tibet Action Institute, no date, 'Environmental protection', <https://tibetaction.net/peoplepower/environmentalprotection/>

¹² Human Rights Watch, 16 February 2021, 'China: Tibetan tour guide dies from prison injuries', <https://www.hrw.org/news/2021/02/16/china-tibetan-tour-guide-dies-prison-injuries>.

¹³ Opt. Cit., [Tibet Watch, January 2015, 'Environmental Protests on the Tibetan'](https://static1.squarespace.com/static/5c6d7c35b2cf790541327f25/t/5c9229b3e4966b53e038eee1/1553082810007/environmental_protests_on_the_tibetan_plateau.pdf).



The right to freedom of assembly and of association plays a critical role in the climate justice and environmental action movement, as organising and gathering as a group is key to expressing collective concerns or opposition to environmentally destructive activities. The right to freely assemble and associate allows concerned or affected individuals to share information and organise opposition through non-violent protests, petitions, digital activism or letter writing. Unfortunately, it is rare for such cases to end with success, as local opposition to environmental issues in Tibet are commonly repressed and dismissed as political threats. Leaders of non-violent protests are routinely detained and sentenced for various crimes such as “provoking troubles” or threatening to “split” the Chinese nation. Protesters are also often beaten, temporarily detained and threatened to discourage further resistance.

While Tibetan attempts to frame environmental concerns within Chinese government policies, speeches, and laws on the environment and corruption have generally failed, there was one case of success in 2014, after local residents at Zatoe county petitioned the central government on the issue of local level corruption (in forging central government approval documents) and the status of the mining area as an environmentally protected area.¹⁴

2. What are the particular challenges and threats to exercising assembly and association rights to advance climate justice in your country or region? For example, what sort of restrictions on peaceful protest does climate defenders face in your country or region? What was the rationale advanced when these restrictions were introduced? What are the most common restrictions on the right to freedom of association facing those engaged in climate justice activism, including operation and access to funding barriers?

All Tibetan grievances are politicised and therefore treated as political threats that, in the view of the authorities, must be repressed. Therefore all protests of expressions of opposition are shut down, including non-violent protests. Protesters are often detained, and group leaders are regularly charged and sentenced.

Tibetans face restrictions at multiple stages of environmental activism. First, they are restricted from sharing information about new developments such as mining plans and dam construction. The dissemination of such information is criminalised by numerous laws that treat such information as state secrets.¹⁵ For example, article 15 of the National Security Law (2015) notes, the State will “legally punish any conduct that compromises national security such as stealing, divulging state secrets”.¹⁶

¹⁴ Radio Free Asia, 23 October 2014, ‘Chinese mining is ordered stopped in Tibetan protest-hit Dzatoe’, <https://www.rfa.org/english/news/tibet/stopped-10232014153844.html>.

¹⁵ See article 111 and article 398 of the Criminal Law (1997), Law on Guarding State Secrets (2010), Counterterrorism Law (2015) and the National Security Law (2015).

¹⁶ Ministry of National Defense of the People’s Republic of China, 3 March 2017, ‘National Security Law of the People’s Republic of China (2015) [Effective]’, http://eng.mod.gov.cn/publications/2017-03/03/content_4774229.htm.



Individuals are also restricted from expressing opinions or sharing information that may incite instability. Article 12 of the Cyber Security Law (2017) states that any person and organisation using networks “must not incite subversion of national sovereignty, overturn the socialist system” and “disseminate false information to disrupt the economic or social order”.¹⁷ In some cases, local communication lines are shutdown to prevent individuals from sharing information and organising resistance.

When concerned citizens organise non-violent resistance activities such as peaceful protests, petitions and social media campaigns, they are repressed and the leaders are detained and charged under article 293 of the Criminal Law for undermining public order by “creating a disturbance in a public place, causing serious disorder”.¹⁸ The rationale for these laws are all centred on protect the stability, unity and security of the state.

3. What are the unique challenges and threats to peaceful assembly and association rights face climate defenders belonging to at-risk groups, in particular, children and youth, indigenous peoples and women and girls? What barriers, challenges and impacts, including those arising from the legal framework governing associations and assemblies, do these populations face in this context?

Two key challenges stand out. First, as a result of their ethnic and religious identity, Tibetans are presumed to be a security threat, even when holding legitimate concerns about the environment. Second, Tibetans face barriers to accessing information about new policies and their legal rights which are primarily in mandarin Chinese, and not Tibetan.

4. Please provide any specific examples illustrating violation of the rights to freedom of peaceful assembly and of association against climate defenders in your country or region, for example: (1) laws that restrict peaceful assembly and association rights of those engaged in climate justice; (2) violent repression and criminalization of climate peaceful protests; (3) killings, harassment, and intimidation against climate defenders, affected communities and climate protest leaders; (4) restrictions to public participation by affected communities, including indigenous peoples and women, in climate decision making; (5) gender based violence, including online and sexual violence committed particularly against women climate defenders, (6) digital surveillance and other digital threats against climate defenders and (7) the role of companies, particularly the fossil fuel industry, in these contexts.

1) Laws that restrict peaceful assembly and association

As mentioned above, Tibetans who have organised to resist environmentally destructive activities and policies have been charged under article 293 of the Criminal Law for undermining public order by “creating a disturbance in a public place, causing serious disorder”.¹⁹ This article therefore criminalises the act of peaceful assembly and association.

¹⁷Roger Creemers, Paul Triolo and Graham Websters, 29 June 2018, ‘Trnsalation: Cybersecurity Law of the People’s Republic of China (Effective June 1, 2017)’, *New America*, <https://www.newamerica.org/cybersecurity-initiative/digichina/blog/translation-cybersecurity-law-peoples-republic-china/>.

¹⁸ Foreign Ministry of the People’s Republic of China, no date, ‘Criminal Law of the People’s Republic of China’, <https://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm>.

¹⁹ Ibid.



At the regional level, in February 2018, China’s Public Security Bureau in the Tibet Autonomous Region (TAR) issued a notice that urged the public to inform on “underworld forces” and declared a range of traditional or informal social activities among Tibetans to be illegal. These included local initiatives for environmental protection, language preservation, and dispute mediation, some of which the notice claimed secretly encourage support for the exiled Dalai Lama or for Tibetan independence.²⁰ The notice grants the security apparatus authority to crack down on civil society or community activism that challenges decisions or policies of the state, on a local or regional level. Given the history of protests against, for example, mining sites and the environmental activism of local Tibetans, it is highly likely that the notice will be used to criminalize and persecute environmental activists in particular.

2) Examples of violent repression of climate peaceful protests, including killings, intimidation and harassment

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2016	Amchok township, Sangchu county	Mining	Local residents held protested the construction of a mine and were injured by police. Authorities accused protesters of collaborating with overseas anti-China groups and of ‘distorting facts’. ²¹ Tsewang Kyabe, a community protest leader in his 50’s passed away in 2017 following injuries sustained while in detention. ²²
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²⁰ Human Rights Watch, 30 July 2018, “‘Illegal Organizations’: China’s Crackdown on Tibetan Social Groups”, <https://www.hrw.org/report/2018/07/30/illegal-organizations/chinas-crackdown-tibetan-social-groups>.

²¹ Free Tibet, 7 June 2016, ‘Mining protests enter second week’, <https://freetibet.org/news-media/na/mining-protest-enters-its-second-week>.

²² Free Tibet, 3 May 2017, ‘Tibetan environmental protest leaders Tsewang Kyab dies’, <https://freetibet.org/news-media/na/tibetan-environmental-protest-leader-tsewang-kyab-dies>.

²³ Free Tibet, 27 May 2016, ‘Police threaten Tibetan community resisting Chinese mining’, <https://freetibet.org/news-media/na/police-threaten-tibetan-community-resisting-chinese-mining>.

²⁴ Tibet Watch, January 2015, ‘Environmental Protests on the Tibetan Plateau’, <https://static1.squarespace.com/static/5c6d7c35b2cf790541327f25/t/5c9229b3e4966b53e038eee1/1553082810007/environmental+protests+on+the+tibetan+plateau.pdf>

²⁵ Ibid., Tibet Watch, January 2015.



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5. What measures and actions would you recommend that States and businesses take to ensure the promotion and protection of freedom of peaceful assembly and of association in the context of climate action?

For countries like China, that have not ratified the International Convention on Civil and Political Rights, we recommend the following measures:

- End interference by officials, Chinese Communist Party representatives, and state security forces in the formation, continuation, and conduct of independent social associations in Tibetan communities, in particular with regard to environmental activism.
- Unconditionally release environmental activists arbitrarily detained for their climate or environmental activism.
- Grant unfettered access to Tibetan areas, as requested by several United Nations special procedures.
- Support the call by United Nations independent experts from June 2020 for an independent monitoring mechanism at the United Nations Human Rights Council with regard to the human rights situation in the People's Republic of China, which should also investigate reports about the persecution of environmental and climate activists in Tibet.
- Provide clear language and guidance on how individuals and groups can express and channel legitimate environmental concerns without contravening national laws and policies.

²⁶ Ibid., Tibet Watch, January 2015, page 16.

²⁷ Ibid., Tibet Watch, January 2015, 'Environmental Protests on the Tibetan'; Tibet Action Institute, no date, 'Environmental protection', <https://tibetaction.net/peoplepower/environmentalprotection/>

²⁸ Opt. Cit., Tibet Watch, January 2015, 'Environmental Protests on the Tibetan'.



6. What is the role of multilateral institutions, including bodies and processes within the United Nations Framework Convention on Climate Change, in supporting individual's peaceful assembly and association rights in the context of climate action? What type of measures should be adopted by multilateral institutions to promote and ensure affected communities and climate defenders can enjoy these freedoms without fear of reprisals and attacks?

Multilateral institutions can support individuals' right to peaceful assembly and association in the context of climate action by undertaking the following:

- Integrate the human-rights based approach and language into the United Nations Framework Convention on Climate Change (UNFCCC), and agreements and instruments that precipitate from the Convention.
- Incorporate international legal standards for the protection of the right to peaceful assembly and association into the UNFCCC and the Convention on Biological Diversity.
- Introduce a regular reporting mechanism on the treatment of environmental activists against all relevant civil and political rights.
- To improve transparency and identify where weaknesses and strengths exist among national legal systems, continue to report on best and worst practices in the enjoyment of the right to peaceful assembly and association.



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