

Tibetan Legislation on Tibetan language and Its Linguistic Rights and Interests Protection

— A Comparative Study with European Legislation on Minority Languages

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The legislation on Tibetan language, as an important part of Chinese legislation on minority languages, is not only closely related to the development of Tibetan society and Tibetan language status, but also to “Constitution of the People’s Republic of China”, “Law of the Peoples Republic of China on Regional National Autonomy”, “Law of the People's Republic of China on the Standard Spoken and Written Chinese Language” and Chinese policies on minority languages. The policy on Tibetan language has its own ethnic features but also represents the characters of Chinese policy on all of the other minority languages.

Part one The Policy Background of Tibetan Legislation on Tibetan language

Part two The legislation process and main content of the two regulations on Tibetan language issued in 1987 and 1988 separately

Part three The amendment of “Regulations (for

trial implementation)” in 2001

The legislation on Tibetan language in Tibet effectively protects the linguistic rights and interests of the Tibetans and promotes the development of Tibetan language. Firstly, the freedom of Tibetan study, use and development are respected and guaranteed further. Second, as Tibetan language work has been brought onto the track of the legal system, Tibetan is made more extensive use of. Thirdly, there have been exciting improvements on Tibetan standardization and information processing. Fourthly, Tibetan translation, publishing, press and network systems have been set up. Fifthly, Tibetan teaching is strengthened, the bilingual teaching of Tibetan and Chinese is becoming perfect, and the teaching quality is improved continuously. Sixthly, the Tibetan language work organizations become perfect and the professional Tibetan talent team grows stronger. Tibetan cooperation organizations have been set up across provinces. Seventhly, there have been a lot of achievements on all aspects of Tibetan research and Tibetan-applied scientific research. Eighthly, people from various nationalities study languages from each other and more and more people master both Tibetan and Chinese. Ninthly, Tibetan use is paid more

attention in administration, judicial procedures and service industry.

In Conclusion, there have been three decrees on Tibetan issued in Tibet since 1987. Tibetan language is changing from a traditional culture communication tool to a modern civilization communication tool. An integrated Tibetan teaching system is established from primary education to higher education. Besides the original Tibetan traditions, Tibetan has another new linguistic character, that is, the bilingual use of Tibetan and Chinese.

Part four A comparison between Chinese legislation and European legislation on minority languages.

It has been a long time for the conflicts due to the minority languages issues in some European countries. Though there was legislation on minority languages in some European countries in the nineteenth century or earlier, a systematic concept of protecting the rights and interests of minority languages was formed and developed during the twenty years across the new century. By comparison, despite Chinese legislation on minority languages was later, we have done a lot of jobs and the legislation has its own characters and some advantages that the

European legislation could hardly compare with.

1. Legislation on minority languages on protecting their rights and interests in some European countries.

2. The concept on protecting the rights and interests of the minority languages and the legislation on minority languages in European constitutional treaties.

3. A comparison between Chinese legislation and European legislation on minority languages

Firstly, Chinese Legislation on minority languages is based on the ethnic policies. It emphasizes its unification with the Constitution and the equality of all ethnic languages. On the contrary, the concept of European legislation on minority languages focuses on their respect to the variety of culture and the minority languages by clauses of law. It lacks support of the minority equality policy on legislation.

Protesting and insisting on the equality of all nationalities, the equality of all languages and the freedom policy on using and developing one's own language, are not only the core of China language policy and national ethnic policy, but also the basic principle for Chinese government to solve ethnic problems. All of the concepts are embodied in "Constitution of the People's Republic of China" and "Law of the Peoples Republic

of China on Regional National Autonomy”.

Since Chinese legislation on minority languages is supported by the national ethnic policy, it is very effective in implementation. Whereas, European legislation on minority languages lacks the content that embodies the national ethnic policies like the equality of the nationalities, the equality of languages, etc., so it is implemented by the rule itself but not the rule and policy together.

Secondly, Chinese legislation on minority languages emphasizes the unification of the national common language and the minority languages and attaches importance to the harmony and equality between different languages. European legislation on minority languages aims to promote the minority languages to an equal status to the national common language in law. There are great obstacles in carrying it out because the two are usually separated or stand up to each other as an equal. It is a long way to go to realize the equal status of the minority languages and the national language for some countries like Belgium, Germany, France, Ireland, etc.

In the past twenty years, the regulations of minority languages issued in the ethnic regions, like Tibet, Uyghur,

Mongol, etc. all have been stressing the unification of and equal status between the national common language and the minority languages in the autonomous regions and regulated the study and use principles of the two. It is not only in accordance with the clauses in the Constitution and “Law on Regional National Autonomy”, but also integrates with the policy on ethnic languages and “Law of the People's Republic of China on the Standard Spoken and Written Chinese Language”.

All of these regulations on languages of the autonomous regions embody the basic law of China, the spirit of ethnic policies, the willing of the minorities and the requirements of the minority languages development. At the same time, they are also in accordance with the unification of Chinese ethnic cultures.

Thirdly, besides clear prospective aims set for the minority languages development, the legislation on minority languages in China emphasizes the operation and supervision in practice, as well as the guidance and management of the study, use and development of the minority languages. So we have had brilliant achievements. European language legislation based on protecting the minority’s benefits is much earlier than that of China and there have also been lots of achievements. But to be

clear, though many countries include the issues of the status, study and use of minority languages into their constitution and laws, they have neither clear prospective aims in the clauses on protecting and developing minority languages, nor a suitable guidance and management system for the ethnic language study, use and development. As a result, the implementation has either been kept at a literal level or come across too many difficulties.

In Tibet regional rules of law, there are not only “Regulations” and “The Implementation” on the study, use and development of Tibetan language, but also definite aims and objectives of Tibetan-Chinese bilingual educational system. There are suitable rules for the implementation. The government institutions of the autonomous regions and cities have also set up special guidance and management supervision organizations for Tibetan study, use and development. The education institutions have made a Tibetan language education plan which has been implemented step by step. All of the above integrates rules and guidance, operation and supervision into one. This will never be achieved in Europe.

In the past 20 years since the first rule of law on Tibetan language was issued and carried into execution in 1987, besides its function of remaining the Tibetan language traditions, Tibet

has been developing Tibetan language from a traditional culture communication tool to a modern civilization communication tool.

According to our investigation, the expanding function and developing changes of Tibetan language are represented in the following ten areas: newspaper, periodical and book publishing; modern mass media and communication; computer and Tibetan information process; society, markings, judicial procedure, official documents and conference language; economic life; the national education system; religious life; literature and art, medical treatment and sanitation; science and technology; exchange at home and abroad, etc.

Tibetan language education set up a teaching system from elementary education to higher education. The linguistic life of the Tibetans not only remains its Tibetan language traditions, but also integrates a new linguistic character, that is, Tibetan-Chinese bilingual use.

All of the achievements above cost us several dozens of years, within which none of the European or any other country could make it. They are the changes that Chinese legislation on minority languages and their scientific practice have brought to the minorities in their linguistic life. They are also the key

differences between Chinese legislation and European legislation on minority languages.