

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

JUL 23 1972

SENATE
S. No. **3237**

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2 provides:

Section 2. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations.

Section 11. The State values the dignity of every human person and guarantees full respect for human rights.

Since the Chinese occupation of Tibet began in 1949, the Tibetan people have suffered widespread violations of their human rights. Their distinctive religious, cultural, and linguistic identity has been constantly endangered by policies of the Chinese government.

The Dalai Lama, the spiritual and temporal leader of the Tibetan people, has tirelessly campaigned to end the human rights violations against the Tibetan people, and to engage the Chinese government in meaningful dialogue towards a peaceful and sustainable solution for Tibet. He appealed to the United Nations to address the worsening human rights situation in Tibet. The General Assembly adopted three resolutions on Tibet in 1959, 1961, and 1965, all essentially calling for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life.

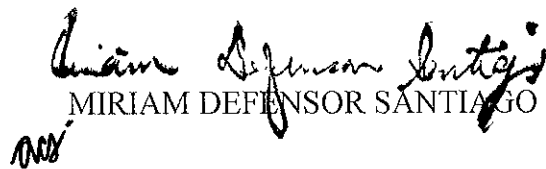
The Dalai Lama, as the religious and temporal leader of the Tibetan people, deserves support from the Philippines, in the context of interfaith dialogue and of human rights law.

While the Philippine government has always maintained the position that China has sovereignty over Tibet, it should also exhort the protection of the human rights of the Tibetan people, and higher respect for and the preservation of Tibetan culture and identity, consistent

with the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenant on Civil and Political Rights, the Indigenous and Tribal Peoples Convention, and other international human rights instruments.

The Philippine government should also urge the government of the People's Republic of China to resume substantive talks with the Dalai Lama or his representatives towards positive, meaningful change in Tibet.

This Bill articulates the policy of the Philippine government on Tibet, and affirms our support for the Tibetan people in their struggle to advance their human rights and safeguard their distinct religious, cultural, and linguistic identity.


MIRIAM DEFENSOR SANTIAGO

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
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SENATE
S. No. 3237

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 ADVANCING THE HUMAN RIGHTS OF THE TIBETAN PEOPLE
3 AND SUPPORTING THEIR ASPIRATIONS TO SAFEGUARD THEIR DISTINCT
4 RELIGIOUS, CULTURAL, AND LINGUISTIC IDENTITY

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

5 SECTION 1. *Short Title.* – This Act shall be known as the “Tibetan Policy Act of 2012.”

6 SECTION 2. *Declaration of Policies.* – (a) The State renounces war as an instrument of
7 national policy, and adheres to the policy of peace, equality, justice, freedom, cooperation, and
8 amity with all nations.

9 (b) In the pursuit of an independent foreign policy and while considering national
10 sovereignty, territorial integrity, national interest, and the right to self-determination paramount
11 in its relations with other states, the State shall, at all times, uphold the dignity and worth of the
12 human person and the equal and inalienable rights of all members of the human family.

13 (c) The State values the dignity of every human person and guarantees full respect
14 for human rights, without distinction of any kind, such as race, color, sex, language, religion,
15 political or other opinion, national or social origin, property, birth or other status. Furthermore,
16 no distinction shall be made on the basis of the political, jurisdictional or international status of
17 the country or territory to which a person belongs, whether it be independent, trust, non-self-
18 governing or under any other limitation of sovereignty.

19 (d) The State adopts the generally accepted principles of international law, including
20 the Universal Declaration of Human Rights, the Charter of the United Nations, the International

1 Covenant on Civil and Political Rights, and the Indigenous and Tribal Peoples Convention, as
2 part of the law of the land.

3 Pursuant to these policies, the State supports the aspirations of the Tibetan people to
4 protect their human rights, and safeguard their distinct national identity, culture, and linguistic
5 heritage. The President of the Philippines and the Secretary of Foreign Affairs are exhorted to
6 encourage the Government of the People's Republic of China to enter into a dialogue with the
7 Dalai Lama or his representatives leading to a negotiated agreement on Tibet.

8 SECTION 3. *Philippine Special Coordinator for Tibetan Issues.* – (a) There shall be
9 within the Department of Foreign Affairs a Special Coordinator for Tibetan Issues.

10 (b) The Secretary of Foreign Affairs shall consult with the Committee on Foreign
11 Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives
12 prior to the designation of the Special Coordinator.

13 (c) The central objective of the Special Coordinator is to promote substantive
14 dialogue between the Government of the People's Republic of China and the Dalai Lama or his
15 representatives.

16 (d) The Special Coordinator shall—

17 (1) coordinate Philippine government policies, programs, and projects
18 concerning Tibet;

19 (2) vigorously promote the policy of seeking to protect the distinct religious,
20 cultural, linguistic, and national identity of Tibet, and pressing for
21 improved respect for human rights;

22 (3) maintain close contact with religious, cultural, and political leaders of the
23 Tibetan people, including regular travel to Tibetan areas of the People's
24 Republic of China, and to Tibetan refugee settlements in India and Nepal;

25 (4) consult with Congress on policies relevant to Tibet and the future and
26 welfare of the Tibetan people;

27 (5) make efforts to establish contacts in the foreign ministries of other
28 countries to pursue a negotiated solution for Tibet; and

(6) take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the Special Coordinator.

SECTION 4. *Release of Prisoners and Access to Prisons.* – The President and the Secretary, in meetings with representatives of the Government of the People’s Republic of China, should—

(a) request the immediate and unconditional release of all those held prisoner for expressing their political or religious views in Tibet;

(b) seek access for international humanitarian organizations to prisoners in Tibet to ensure that prisoners are not being mistreated and are receiving necessary medical care; and

(c) seek the immediate medical parole of Tibetan prisoners known to be in serious ill health.

SECTION 5. *Religious Persecution in Tibet.* – (a) The Philippine ambassador to the People’s Republic of China should—

(1) meet with the 11th Panchen Lama, who was taken from his home on 17 May 1995, and otherwise ascertain information concerning his whereabouts and well-being; and

(2) request that the Government of the People’s Republic of China release the 11th Panchen Lama and allow him to pursue his religious studies without interference and according to tradition.

(b) It is the sense of Congress that representatives of the Philippine Government in exchanges with officials of the Government of the People’s Republic of China should call for and otherwise promote the cessation of all interference by the Government of the People’s Republic of China or the Communist Party in the religious affairs of the Tibetan people.

SECTION 6. *Economic Development in Tibet.* – (a) The Secretary shall instruct all diplomats, foreign service officers, and other appropriate government officials to use the voice and vote of the Philippines to support projects in Tibet, if the projects are designed in accordance with the policies contained in this Act.

(b) Projects in Tibet supported by international financial institutions, other international organizations, nongovernmental organizations, and Philippine government entities should—

- (1) be implemented only after conducting a thorough assessment of the needs of the Tibetan people through field visits and interviews;
- (2) be preceded by cultural and environmental impact assessments;
- (3) foster self-sufficiency and self-reliance of Tibetans;
- (4) promote accountability of the development agencies to the Tibetan people and active participation of Tibetans in all project stages;
- (5) respect Tibetan culture, traditions, and the Tibetan knowledge and wisdom about their landscape and survival techniques;
- (6) be subject to on-site monitoring by the development agencies to ensure that the intended target group benefits;
- (7) be implemented by development agencies prepared to use Tibetan as the working language of the projects;
- (8) neither provide incentive for, nor facilitate the migration and settlement of, non-Tibetans into Tibet; and
- (9) neither provide incentive for, nor facilitate the transfer of ownership of, Tibetan land or natural resources to non-Tibetans.

SECTION 7. *Establishment of a Philippine Branch Office in Lhasa, Tibet.* – The Secretary of Foreign Affairs shall make best efforts to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet.

SECTION 8. *Requirement for Tibetan Language Training.* – The Secretary shall ensure that Tibetan language training is available to foreign service officers, and that every effort is made to ensure that a Tibetan-speaking foreign service officer is assigned to the Philippine post in the People's Republic of China responsible for monitoring developments in Tibet.

1 SECTION 9. *Cultural Exchanges.* – The Secretary shall establish an International Visitor
2 Leadership Program and other exchange opportunities with Tibetans to build mutual
3 understanding and cooperation between Filipinos and Tibetans.

4 SECTION 10. *Annual Report to Congress.* – The Secretary shall submit a report within
5 one year from the effectivity of this Act, and every year thereafter, on the implementation of this
6 Act.

7 SECTION 11. *Appropriation.* – To carry out the provisions of this Act, such amounts as
8 may be necessary is hereby authorized to be appropriated from the National Treasury.
9 Thereafter, such amounts necessary to carry out the provisions of this Act shall be included in
10 the annual appropriation of the Department of Foreign Affairs.

11 SECTION 12. *Separability Clause.* – If any provision or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
13 valid and subsisting.

14 SECTION 13. *Repealing Clause.* – Any law, presidential decree or issuance, executive
15 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
16 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

17 SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) newspapers of general circulation.

Approved,

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