

The Charter of the Tibetans In Exile

TIBETAN GOVERNMENT IN EXILE CHÖDAR



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Translated by Tib Shelf



The Charter

For over one thousand years the three regions of Tibet were ruled by forty-three successive Tibetan familial kings. Beginning with the first king Nyatri Tsenpo in the second century [BCE] and [finishing with] U Dum Tsenpo in the ninth century [CE].

[During this time], the kingdom of Tibet's military power and rule became one of the most powerful in Central Asia. For this reason, it is included within the three countries of comparable strength: China, Tibet, and Mongolia. Tibet developed its own independent language and grammar from that time and was considered as the second Noble Country (India) in all respects to dharma, sciences, and social civilization.

In the ninth century Tibet collapsed into a fragmented state and lost its capacity to remain united. It lacked a well-organised political administrative power and there were only ruling regional chieftains.

Drogön Chögyel Pakpa (1235 - 1280) established a priest-patron relationship with the great Hor in the 1260s, once again reviving a political power that pervaded the entire three regions of Tibet. However, shortly after this period, not only were they unable to protect the borderlands, but Tibet's reigning party frequently changed over the next three hundred and eighty years with Pakdru, Rinpung, and Tsangpa ruling respectively. For these reasons, [a set of] laws and administrative power could not reach all of Tibet. Due to

numerous domestic dissensions, Tibet's prevailing political power dramatically diminished.

From the moment that the His Holiness, the Great Fifth [Dalai Lama] (1617 - 1682), founded the Gaden Podrang Government in 1642, the tradition [which acknowledges] the successive incarnations of the Powerful Victor, [the Dalai Lama], as the leaders of the spiritual and political affairs of Tibet was inaugurated. The Tibetan political administration was correspondingly stabilized, Buddhist teachings flourished in a non-sectarian manner, the Tibetan people happily enjoyed a life of freedom, and the tradition in which the incarnations of the Powerful Victor, [the Dalai Lama], gradually took on the activities of the political administration upon reaching a suitable age was established.

In particular, at the end of the nineteenth century and the beginning of the twentieth century, a general secular approach and international foreign relations, had not properly developed. Additionally, not long after the Great Thirteenth [Dalai Lama] had accepted his authority over the political administration, powerful adverse conditions forced him flee to Mongolia, China, and India. In conjunction with resettling himself in the country [of Tibet] again, he re-enforced Tibet's position of power and made a [significant] declaration. Due to his observations of the international environment during his recent [forced] journey, he brought about great



achievements through exerting himself in creating ways which bring comfort to Tibetan people and approaches for firmly establishing a political administration, modern education, and other institutional reforms. The main point is that for nearly four hundred years, Tibet's political administration, [the Gaden Podrang], has been able to stably govern.

In 1949 the Chinese Red Army began their violent invasion of Tibet. In 1950 when the situation in Tibet became critical, His Holiness, the Great and Supreme Fourteenth [Dalai Lama] (1935 -) had to [prematurely] accept the responsibilities of the political administration even though he was only sixteen years old. Under the force of the People's Republic of China, in 1951, Tibet had to sign the so-called Seventeenth Point Agreement. While the government of Tibet tried to abide [by the settlement] for eight years, the Chinese governmental authorities disregarded the articles of the agreement and violently suppressed the Tibetan people. As such, His Holiness, the Great and Supreme Refuge-Protector [the Dalai Lama], along with the Cabinet Ministers had to relocate the Tibetan government to the Yülgyel Lhüntse District. There they maintained their declaration that the [Chinese government] had pressured them to sign the Seventeen Point Agreement.

Immediately upon arriving in exile on 18th April 1959 in the city of Tezpur, India, [His Holiness and the Cabinet Ministers] held a press conference during which they reasserted the declaration that repudiated the Seventeen Point Agreement. All Tibetans in Tibet as well as within the diaspora continue to believe and recognise that the legitimate Tibetan government is wherever His Holiness [the Dalai Lama], the Great and Supreme Refuge-Proctor, and his Cabinet Ministers reside.

Upon the formation of the Tibetan Government in Exile in India, which was under the leadership of the His Holiness [the Dalai Lama], the Great and Supreme Refuge-Protector granted a legitimate democratic system, which had been his long-held wish. Subsequently, the democratically

elected body of the Tibetan Parliament was established in 1960.

In 1961 they prepared the fundamental principles of the constitution for the future Tibetan [nation] and announced the constitution in 1963. In 1991 His Holiness [the Dalai Lama], the Great Refuge-Protector, converted the Tibetan Parliament into a proper legislative assembly. Accordingly, the eleventh parliament established the Charter of the Tibetans in Exile, which His Holiness the great [Dalai Lama] approved on 28th June 1991. This transformed the Tibetan government in exile to accord with a modern democratic system possessing a written constitution.

In 2001 following the wishes of His Holiness [the Dalai Lama], the Great and Supreme Refuge-Protector, the people directly elected a Prime Minister. This was significant progress in the development of democracy.

In the Charter of the Tibetans in Exile there are conditions which establish the successive incarnation of His Holiness [the Dalai Lama], the Refuge Protector, as the director of the government and the leader of the nation. However, His Holiness saw multiple long and short-term objections, necessities, and reasons for the Tibetan people not to rely on a sole person [as the head of the government]. To completely develop a democracy from that time onward, on 14th March 2011, His Holiness [the Dalai Lama], the Great and Supreme Refuge-Protector, did not accept the responsibilities of the political and governing administrations.

Furthermore, he irrevocably and firmly declared to the [parliamentary] assembly that the leader of the political and governing administrations should be a democratically elected representative. To accomplish this [goal], the framework of the charter would need to be amended. An appeal was put forward for him to reconsider [his declaration], but he did not accede and returned the request.

Moreover, based on the eleventh chapter of the currently existing charter, His Holiness [the Dalai



Lama], the Great Refuge-Protector, gave his permission to amend the charter and to pass his responsibilities over secular affairs to the elected leaders. These leaders' capacity to serve and be the representatives of all Tibetan people in Tibet and abroad as was confirmed on 29th May 2011.

CHAPTER 1

FUNDAMENTALS PRINCIPLES

ARTICLE 1

- Refuge-Protector— The Symbol of Tibet and the Tibetan People

The destined deity of Tibet is Avalokiteśvara who is His Holiness the Fourteenth [Dalai Lama], the Victor of the three realms and the Great and Supreme Refuge-Protector. He is the commander of the universe's peace and the master of all the teachings of the victorious [buddhas] upon the Earth. He is the Refuge-Protector of all Tibetans, the unsurpassable leader, and a guide for moral behaviour. He is the identity of the Tibetan people, the symbol of their unity, and the sovereign spokesperson of all Tibetans. Those conditional factors have been established through the historical events over the centuries and by the culture and aspirations of sovereign Tibetans. Therefore, he intrinsically possesses the responsibilities and the authority enumerated below.

1. He shall give counsel, advice, and encouragement on any matters of the Tibetan people and the procedures of Central Tibetan Administration including the development of the Tibetan peoples' welfare, thoughts and conduct, the preservation and promotion of Buddhism, culture, and sciences, and the methods that accomplish the main goal of Tibet.

2. Whenever His Holiness [the Dalai Lama], the Great Refuge-Protector, sees the necessity, or upon the request from the leaders, he shall state his judgment concerning the prominent matters of the Tibetan people, society, Buddhism, and politics to the parliament and cabinet as grounds

for investigation.

3. For the Central Tibetan Administration and the Tibetan people, he shall meet and discuss with international leaders and various important people. His Holiness shall bestow the title of the representative of His Holiness [the Dalai Lama], the Great and Supreme Refuge-Protector, to the official representatives and specified representatives who have been appointed by the cabinet.

(continued)

CHAPTER 4

(continued)

ARTICLE 28

- His Holiness and the Summoning of the Cabinet Meetings

Withdrawn

(continued)

ARTICLE 31

- Council of Regents

Withdrawn

ARTICLE 32

- Chairman of the Council of Regents

Withdrawn

ARTICLE 33

- Duties and Powers of the Council of Regents

Withdrawn

ARTICLE 34

- Dissolution of the Council of Regents and Removal of Regents

Withdrawn

ARTICLE 35

- Term of Office and Salary of the Council of Regents

Withdrawn

(continued)



CHAPTER 5

(continued)

ARTICLE 43

- His Holiness [the Dalai Lama]'s Annual Address and Communications to the Tibetan Parliamentary Assembly

Withdrawn

ARTICLE 44

- Rights of the President and the Admission of Cabinet Ministers in the Sessions of the Tibetan Assembly

The President and Cabinet Ministers have the right to take part in the sessions of the parliamentary assembly and the sessions of the standing committees. They have the right to deliver speeches, engage in debate, and propose the agenda. However, they do not possess the right to vote [in the assembly].

(continued)

CHAPTER 6

(continued)

ARTICLE 68

- Obtaining the Judgement from the Supreme Justice Commission

Withdrawn

(continued)

ARTICLE 70

- Office of the Judicial Administration

Withdrawn

CHAPTER 8

ELECTORAL PROCEDURES

ARTICLE 96

- Tibetan Central Election Commission

There shall be an independent Tibetan Central Election Commission for the discharge of duties pertaining to the election of the members of the Tibetan Assembly, the Speaker, the Deputy Speaker of the Tibetan Assembly, and the

Auditor General as well as any other election responsibilities regarding referendums on major issues involving the interest of Tibetan citizens.

ARTICLE 97

- Chief Election Commissioner of the Tibetan Central Election Commission, Their Responsibilities and Power

1.a. Whenever the Tibetan Central Election Commission requires a Chief Commissioner due to its vacancy, the Supreme Justice, the Speaker, Deputy Speaker, and the President are to set up a special committee comprised of three people specifically assigned to select candidates. The proposed candidates should be at least double [the vacancy] and voted upon in parliament. Whosoever wins the majority shall be recognized as the selected Chief Commissioner of the Tibetan Central Election Commission. Otherwise from time-to-time, the cabinet can appoint the necessary members after consulting with the Chief Commissioner of the Tibetan Central Election Commission.

1.b. Whenever there is the need to appoint a Chief Commissioner for the Tibetan Central Election Commission when the parliament is not in session, with more than two-thirds majority, the standing parliament can appoint a Chief Commissioner from amongst the candidates proposed by the aforementioned selection committee.

2.a. Whenever there is the need for an election of the President and the Members of Parliament, two additional Election Commissioners are required in the Tibetan Central Election Commission beginning from the official announcement for commencing the election up until the time of declaring the final results.

The Supreme Justice, the Speaker, Deputy Speaker, and the President are to set up a special committee comprised of three people specifically assigned to select candidates. The proposed candidates should be at least double [the vacancy] and voted upon in parliament. Whosoever wins the majority shall be recognized as the selected additional Election Commissioner of the Tibetan Central Election Commission. Conversely, it



is sufficient for the parliamentary assembly to decide [and appoint an additional Election Commissioner] with a majority [vote] as long as the committee mutually supports the chairman of the Public Service Commission and the Tibetan Audit Commission.

2.b. Whenever there is the need to appoint an additional Election Commissioner of the Tibetan Central Election Commission when the parliament is not in session, with more than two-thirds majority, the parliamentary standing committee can appoint an additional Election Commissioner from amongst the candidates proposed by the aforementioned selection committee.

2.c. Before entering into their responsibilities, the Chief Election Commissioner and the two additional Election Commissioners of the Tibetan Central Election Commission must take an oath before the Supreme Justice Commissioner per the main points settled in the law.

3. From the appointment of the additional Election Commissioners of the Tibetan Central Election Commission until the declaration of the final electoral results, all the electoral procedures shall be decided by the Chief Election Commissioner of the Tibetan Central Election Commission and the two additional Electoral Commissioners either through a unanimous or majority decision. The Chief Electoral Commissioner shall be in charge of the committee of the electoral commission.

4. The duties and powers of the Election Commission and framework of their procedures and functions shall be implemented as determined by the parliamentary assembly.

5. Per articles of this charter, the Tibetan Central Election Commission shall formulate the regulations of the general election, which shall be implemented as determined by the parliamentary assembly.

6. The Tibetan Central Election Commission shall investigate and resolve all irregularities or discrepancies involving election procedure. If the decision made by the commission is disapproved,

the matter may not be brought before any other Justice Commission except the Supreme Justice Commission.

7. Any irregularities or discrepancies involving election procedure in separate Tibetan settlements may be investigated and resolved by the Local Election Commission. If the decision made by the Local Election Commission is disapproved, the matter may be brought before the Tibetan Central Election Commission. If the matter remains unresolved, the matter may be referred to the Supreme Justice Commission.

ARTICLE 98

- Salary of the Chief Commissioner of the Tibetan Central Election Commission
(continued)

3. If only one person is acting as the Chief Election Commissioner and the additional Election Commissioner, then there is no need to determine a separate salary, allowances, pension, and other privileges. If another person is appointed in addition, the salary, allowances, and other privileges are comparable to the Chief Commissioner's other than the pension.

ARTICLE 99

- Term of the Chief Commissioner of the Tibetan Central Election Commission

1. The term of the Chief Commissioner shall be [set to] five years unless a resolution calling for the removal of the Chief Commissioner of the Tibetan Central Election Commission is approved by more than two-thirds majority of the parliamentary assembly, or the term of the Chief Commissioner shall be [annulled] upon reaching the age of sixty-five, whichever the case may be.

(continued)

CHAPTER 9

(continued)

ARTICLE 101

- Composition of the Public Service Commission

1. The Public Service Commission must function with a Chairperson and two to four Committee



Members. Whenever there is a vacancy, the Supreme Justice, the Speaker, Deputy Speaker, and the President set-up a special committee comprised of three people specifically assigned to select candidates. The proposed candidates should be at least double [the vacancy] and voted upon in parliament. Whosoever wins the majority shall be recognized as the selected Chairperson or a Committee Person of the Public Service Commission.

2. Whenever there is the need to appoint a Chairperson or Committee Member for the Public Service Commission when the parliament is not in session, with more than two-thirds majority, the standing parliament can appoint a new Chairperson or Committee Member from amongst the candidates proposed by the aforementioned selection committee.

3. Before entering into their responsibilities, the Chairperson or Committee Member of the Public Service Commission must take an oath before the Supreme Justice Commissioner per the main points settled in the law.

(continued)

ARTICLE 103

- Rules of the Procedures and Functions of the Public Service Commission

The formulated framework of procedures of the Public Service Commission shall be implemented as determined by the parliamentary assembly.

(continued)

CHAPTER 10

(continued)

ARTICLE 107

- Composition of the Tibetan Audit Commission

1.a. Whenever the Tibetan Audit Commission requires an Auditor General due to its vacancy, the Supreme Justice, the Speaker, Deputy Speaker, and the President are to set up a special committee comprised of three people specifically assigned to select candidates. The proposed candidates should be at least double [the vacancy] and voted upon in parliament.

Whosoever wins the majority shall be recognized as selected Auditor General of the Tibetan Audit Commission.

1.b. Whenever there is the need to appoint an Auditor General of the Tibetan Audit Commission when the parliament is not in session, with more than two-thirds majority, the standing parliament can appoint an Auditor General from amongst the candidates proposed by the aforementioned selection committee.

2. Before entering into their responsibilities, the Auditor General of the Tibetan Audit Commission must take an oath before the Supreme Justice Commissioner per the main points settled in the law.

(continued)

CHAPTER 11

(continued)

ARTICLE 112

- Referendum

Withdrawn

ARTICLE 113

- Transitional Provisions

Withdrawn

ARTICLE 114

- Infrastructural Reorganisation

Withdrawn

(continued)

APPENDIX NO 1.A

- Oaths for the Duties of the President and the Cabinet Ministers

President:

Since I, (name), have been elected as the President of the Tibetan Administration, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of the President in accordance with the fundamental



principles of the charter. I will serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

Cabinet Minister:

Since I, (name), have been elected as a Cabinet Ministers of the Tibetan Administration, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of a Cabinet Ministers in accordance with the fundamental principles of the charter. I will serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

1. I make this firm oath with the Three Jewels as my witness.

Or

2. I solemnly swear.

APPENDIX NO 1. B

- Oaths of Confidentiality

President:

I, (name), will never directly or indirectly disclose to anyone the confidential matters related to the duties of the President unless the government has decided to make an announcement for the interest of Tibet and the Tibetan people.

Cabinet Minister:

I, (name), will never directly or indirectly disclose to anyone the confidential matters related to the duties of the Cabinet Ministers unless the government has decided to announce them for the interest of Tibet and the Tibetan people.

1. I make this firm oath with the Three Jewels as my witness.

Or

2. I solemnly swear.

APPENDIX NO 2

- Oaths for the Duties of the Members of Parliament

Since I, (name), have been elected as a member of the (XX) Tibetan Parliament, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of the members of the parliament in accordance with the fundamental principles of the charter. I will serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

1. I make this firm oath with the Three Jewels as my witness.

Or

2. I solemnly swear.

APPENDIX NO 3

- Oaths for the Duties of the Speaker and Deputy Speaker

Speaker:

Since I, (name), have been elected as the Speaker of the Tibetan Parliament, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of the Speaker in accordance with the fundamental principles of the charter. I will serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

Deputy Speaker:

Since I, (name), have been elected as the Deputy Speaker of the Tibetan Parliament, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of the Deputy Speaker in accordance with the fundamental principles of the charter. I will serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

1. I make this firm oath with the Three Jewels as my witness.

Or

2. I solemnly swear.



APPENDIX NO 4

- Oaths for the Duties of the Supreme Justice Commissioner and the Members of the Justice Commission

Supreme Justice Commissioner:

Since I, (name), have been elected as the Supreme Justice Commissioner of the Central Tibetan administration, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of Supreme Justice Commissioner in accordance with the fundamental principles of the charter. I will serve to the best of my ability and wise discernment with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

Members of the Justice Commission:

Since I, (name), have been elected as a member of the Justice Commission of the Central Tibetan administration, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of a member of the Justice Commission in accordance with the fundamental principles of the charter. I will serve to the best of my ability and wise discernment with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

1. I make this firm oath with the Three Jewels as my witness.

Or

2. I solemnly swear.

APPENDIX NO 5

- Oaths for the Duties of the Chief Election Commissioner and the Additional Commissioners

Chief Election Commissioner:

Since I, (name), have been elected as the Chief Election Commissioner of the Tibetan Central Election Commission, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of Chief Election Commissioner of the Tibetan Central Election Commission in accordance with the fundamental

principles of the charter. I will serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

Additional Election Commissioner:

Since I, (name), have been elected as an additional Election Commissioner of the Tibetan Central Election Commission, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of an additional Election Commissioner of the Tibetan Central Election Commission in accordance with the fundamental principles of the charter. I will serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

1. I make this firm oath with the Three Jewels as my witness.

Or

2. I solemnly swear.

APPENDIX NO 6

- Oaths for the Duties of the Chairperson and Committee Members of the Public Service Commission

Chairperson:

Since I, (name), have been elected as the Chairperson of the Public Service Commission, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of the Chairperson of the Public Service Commission in accordance with the fundamental principles of the charter. I will serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

Committee Member:

Since I, (name), have been elected as a Committee Member of the Public Service Commission, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of a committee member of the Public Service Commission in accordance with the fundamental principles of the charter. I will



serve to the best of my ability with sincerity and pure intentions devoid of self-centred partiality, apprehension, and favouritism.

1. I make this firm oath with the Three Jewels as my witness.

Or

2. I solemnly swear.

APPENDIX NO 7

- Oaths for the Duties of the Auditor General of the Tibetan Audit Commission

Since I, (name), have been elected as the Auditor General of the Tibetan Administration, with faith and trust in the Charter of the Tibetans in Exile, I will fulfil all duties and obligations of the Auditor General in accordance with the fundamental principles of the charter. I will serve to the best of my ability and wise discernment with sincerity and pure intentions devoid of self-centred partiality, apprehension, favouritism.

1. I make this firm oath with the Three Jewels as my witness.

Or

2. I solemnly swear.

The above charter contains all the amendments made up until 6th February 2020.



Tib Shelf
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