Law of the PRC on Regional Ethnic Autonomy

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Establishment of Ethnic Autonomous Areas 2

Chapter III — Organs of Self-Government 3

Chapter IV — People's Courts and Procuratorates 5

Chapter V — Ethnic Relations 6

Chapter VI — Duties of Superior State Organs 6

Chapter VII — Supplementary Provisions 7

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Establishment of Ethnic Autonomous Areas
- Chapter III — Organs of Self-Government
- Chapter IV — People's Courts and Procuratorates
- Chapter V — Ethnic Relations
- Chapter VI — Duties of Superior State Organs
- Chapter VII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — The Law of the People's Republic of China on Regional Ethnic Autonomy is enacted in accordance with the Constitution of the People's Republic of China.

Article 2 — Regional ethnic autonomy shall be practiced in areas where minority ethnic groups live in compact communities. Ethnic autonomous areas shall be classified into autonomous regions, autonomous

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prefectures, and autonomous counties. All ethnic autonomous areas are inalienable parts of the People's Republic of China.

Article 3 — Organs of self-government shall be established in ethnic autonomous areas as local state organs. Organs of self-government of ethnic autonomous areas shall exercise the power of self-government in addition to the functions and powers of local state organs as specified in Section 5, Chapter III of the Constitution.

Article 4 — Organs of self-government of ethnic autonomous areas shall uphold the unity of the state and ensure that the Constitution and other laws are observed and implemented in those areas. Organs of self-government of ethnic autonomous areas may implement state laws and policies in light of local conditions.

Article 5 — Organs of self-government of ethnic autonomous areas shall, under the leadership of the state, lead the people of all ethnic groups in the autonomous areas in the socialist modernization drive.

Article 6 — Organs of self-government of ethnic autonomous areas shall, in accordance with the characteristics and needs of the local ethnic groups, develop the economy and accelerate the development of education, science, culture, public health, and sports. Organs of self-government of ethnic autonomous areas shall inherit and carry forward the fine traditions of ethnic cultures, develop socialist ethnic culture with Chinese characteristics, and build a socialist society with advanced culture and ethics.

Article 7 — Organs of self-government of ethnic autonomous areas shall place the overall interests of the state above all else and actively fulfill the tasks assigned by state organs at higher levels.

Article 8 — State organs at higher levels shall protect the right of organs of self-government of ethnic autonomous areas to exercise the power of self-government, and shall, in accordance with the characteristics and needs of the ethnic autonomous areas, strive to help the ethnic autonomous areas accelerate the development of their socialist construction.

Article 9 — State organs at higher levels and organs of self-government of ethnic autonomous areas shall uphold and develop the socialist ethnic relations of equality, solidarity, mutual assistance, and harmony, and shall prohibit discrimination against, oppression of, or acts undermining ethnic unity and creating ethnic division among any ethnic groups.

Chapter II — Establishment of Ethnic Autonomous Areas

Article 10 — Ethnic autonomous areas shall be established in accordance with the principles of the Constitution based on the local ethnic relations, economic development, and other conditions, and with reference to historical circumstances.

Article 11 — Where a place is inhabited by more than one minority ethnic group, corresponding ethnic autonomous areas may be established based on the relations among the ethnic groups and local conditions. An ethnic township may be established for a minority ethnic group living in a scattered community. The classification and establishment of ethnic autonomous areas shall be determined by the State Council.

Article 12 — The names of ethnic autonomous areas shall, in addition to special circumstances, be composed of the name of the locality, the name of the ethnic group, and the administrative status, in that order.

Article 13 — The alteration of the area of an ethnic autonomous area or the alteration of its boundaries shall be subject to approval by the State Council. The revocation or merger of ethnic autonomous areas shall be subject to approval by the State Council.

Article 14 — The establishment of ethnic autonomous areas, the delimitation of their boundaries, and the composition of their names shall be decided by the State Council after full consultation with the state organs

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at higher levels and the representatives of the relevant ethnic groups, and in accordance with the provisions of law.

Article 15 — Where it is necessary to revoke or merge an ethnic autonomous area, the matter shall be decided by the State Council after full consultation with the relevant state organs and the representatives of the relevant ethnic groups. The boundaries of ethnic autonomous areas may not be altered lightly; where alteration is necessary, it shall be decided by the State Council after full consultation with the relevant state organs and the representatives of the relevant ethnic groups.

Chapter III — Organs of Self-Government

Article 16 — The people's congress and the people's government of an ethnic autonomous area shall be the organs of self-government of the ethnic autonomous area. Organs of self-government of ethnic autonomous areas shall exercise the functions and powers of local state organs as specified in Section 5 of Chapter III of the Constitution, and shall at the same time exercise the power of self-government within the scope of their authority as prescribed by the Constitution, this Law, and other laws.

Article 17 — Among the chairperson and vice-chairpersons of the standing committee of the people's congress of an ethnic autonomous area, there shall be one or more citizens of the ethnic group or groups exercising regional autonomy in the area. The chairperson of an autonomous region, the governor of an autonomous prefecture, and the head of an autonomous county shall be citizens of the ethnic group exercising regional autonomy in the area concerned. Other members of the people's government of an ethnic autonomous area and the personnel of its subordinate departments shall, as far as possible, include members of the ethnic group exercising regional autonomy and members of other minority ethnic groups. Citizens of the ethnic group exercising regional autonomy shall be included in the staff of the organs of self-government of the ethnic autonomous area to the extent appropriate.

Article 18 — Organs of self-government of ethnic autonomous areas shall assist the People's Liberation Army and the People's Armed Police Force stationed in their areas in building up the armed forces, defending the frontiers, and maintaining public order in the areas.

Article 19 — The people's congresses of ethnic autonomous areas shall have the power to enact autonomous regulations and specific regulations in accordance with the political, economic, and cultural characteristics of the ethnic group or groups in the areas concerned. The autonomous regulations and specific regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. The autonomous regulations and specific regulations of autonomous prefectures and autonomous counties shall be submitted to the standing committees of the people's congresses of the relevant provinces or autonomous regions for approval before they go into effect, and shall be reported to the Standing Committee of the National People's Congress and the State Council for record.

Article 20 — If a resolution, decision, order, or directive of a state organ at a higher level does not suit the actual conditions of an ethnic autonomous area, the organ of self-government of that area may, after reporting the matter to and obtaining the approval of the state organ at a higher level, either implement it with modifications or cease to implement it. The state organ at a higher level shall, within 60 days of receiving the report, give a reply.

Article 21 — In performing their functions, organs of self-government of ethnic autonomous areas shall, in accordance with the autonomous regulations of those areas, use one or more commonly used local languages, where conditions permit, and where several commonly used languages are used for the performance of functions, the language of the ethnic group exercising regional autonomy may be the main language.

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Article 22 — Organs of self-government of ethnic autonomous areas shall, in accordance with the needs of socialist construction, take various measures to train, from among the local ethnic groups, a large number of cadres at different levels and specialized technical personnel and managerial personnel in various fields, give full play to their role, and pay special attention to the training of cadres and personnel of various types from among women of the ethnic groups.

Article 23 — In recruiting personnel, enterprises and public institutions in ethnic autonomous areas shall give priority to members of the ethnic groups in the areas. Organs of self-government of ethnic autonomous areas may, in accordance with state regulations on the recruitment of personnel, determine the proportions and methods of recruitment of personnel from among the various ethnic groups from the rural and pastoral areas of the autonomous areas.

Article 24 — Organs of self-government of ethnic autonomous areas may, in accordance with state military regulations and local needs, upon approval by the State Council, organize local public security forces to maintain public order.

Article 25 — Under the guidance of state plans, organs of self-government of ethnic autonomous areas shall independently arrange for and administer local economic development.

Article 26 — Organs of self-government of ethnic autonomous areas shall, in accordance with legal provisions and the characteristics of local economic development, rationally adjust relations of production and the economic structure, and strive to develop the socialist market economy. Organs of self-government of ethnic autonomous areas shall uphold the basic economic system whereby public ownership is the mainstay and diverse forms of ownership develop side by side, and encourage and guide the development of the non-public sectors of the economy.

Article 27 — Organs of self-government of ethnic autonomous areas shall, in accordance with legal provisions, determine the ownership and use rights of the grasslands and forests within those areas. Organs of self-government of ethnic autonomous areas shall protect and develop grasslands and forests, and organize and encourage the planting of trees and grass. It is prohibited to destroy grasslands and forests by any organization or individual. Reclamation of grasslands or forests for farmland shall be strictly prohibited.

Article 28 — Organs of self-government of ethnic autonomous areas shall administer and protect the natural resources of those areas in accordance with legal provisions and the state plans. Organs of self-government of ethnic autonomous areas may, in accordance with legal provisions and the state plans, give priority to the rational development and utilization of the natural resources of those areas that can be developed locally.

Article 29 — When the state develops resources or establishes enterprises in ethnic autonomous areas, it shall give due consideration to the interests of the ethnic autonomous areas, make arrangements that are favorable to the economic construction of the ethnic autonomous areas, and properly care for the livelihood of the local people. When the state takes measures to construct projects for the extraction of natural resources or for processing industries in ethnic autonomous areas, it shall assist the ethnic autonomous areas in developing their economies. Enterprises and institutions that the state has established in ethnic autonomous areas shall, when recruiting personnel, give priority to members of the ethnic groups in the areas in accordance with state regulations.

Article 30 — Organs of self-government of ethnic autonomous areas shall independently administer the enterprises and institutions under local ownership.

Article 31 — Organs of self-government of ethnic autonomous areas may, in accordance with the relevant state regulations, carry out foreign economic and trade activities and may, upon approval by the State Council, open foreign trade ports. Ethnic autonomous areas that border foreign countries may, upon approval by the State Council, conduct border trade. Organs of self-government of ethnic autonomous areas shall enjoy preferential treatment from the state in their foreign economic and trade activities.

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Article 32 — The finance of an ethnic autonomous area is a level of finance of the state and is a component part of state finance. Organs of self-government of ethnic autonomous areas shall have the power to manage their own finances independently. All fiscal revenues belonging to ethnic autonomous areas in accordance with the state financial system shall be independently arranged and used by the organs of self-government of the ethnic autonomous areas. Ethnic autonomous areas shall, in the state's unified financial system, enjoy preferential treatment in terms of financial arrangements through transfer payments from the higher-level finance authorities.

Article 33 — The financial budget of an ethnic autonomous area shall include an item for reserve funds, and the proportion of the reserve funds in the budget shall be higher than that in the budgets of ordinary areas. In implementing their financial budgets, organs of self-government of ethnic autonomous areas shall arrange independently for the use of surplus revenues and savings in expenditures.

Article 34 — In implementing tax laws, organs of self-government of ethnic autonomous areas may, except where unified state approval is required for tax reduction or exemption, implement tax reduction or exemption for items that fall within the scope of local financial revenues and that require encouragement and care in taxation, and the same shall apply to prefectures and counties.

Article 35 — Organs of self-government of ethnic autonomous areas may, in accordance with local conditions, independently develop education by eliminating illiteracy, providing nine-year compulsory education, and developing regular senior secondary education and secondary vocational and technical education, and training teachers of ethnic minority groups in various forms.

Article 36 — Organs of self-government of ethnic autonomous areas shall, in accordance with the state's educational policies and legal provisions, determine the educational plans of those areas, the establishment of schools at different levels and of different types, their academic systems, curricula, language of instruction, and enrollment methods.

Article 37 — Organs of self-government of ethnic autonomous areas shall independently develop ethnic culture with local ethnic characteristics, and develop cultural undertakings with ethnic forms and characteristics, including literature, art, press and publishing, radio, film, and television.

Article 38 — Organs of self-government of ethnic autonomous areas shall independently determine the plans for the development of science and technology in their areas and disseminate scientific and technological knowledge.

Article 39 — Organs of self-government of ethnic autonomous areas shall independently determine the plans for the development of medical and public health services, develop modern medicine and traditional ethnic medicine, and strengthen the prevention and treatment of endemic diseases, infectious diseases, and frequently occurring diseases.

Article 40 — Organs of self-government of ethnic autonomous areas shall independently develop sports undertakings, carry forward traditional ethnic sports activities, and enhance the physical fitness of the people of all ethnic groups.

Article 41 — Organs of self-government of ethnic autonomous areas shall, in accordance with state regulations and in combination with local realities, implement the state policies on family planning and on the promotion of eugenics and sound child rearing, so as to improve the quality of the population of all ethnic groups.

Article 42 — Organs of self-government of ethnic autonomous areas shall protect and improve the living environment and the ecological environment, and prevent and control pollution and other public hazards, so as to achieve the harmonious coexistence of the population, resources, and the environment.

Chapter IV — People's Courts and Procuratorates

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Article 43 — The people's courts and the people's procuratorates of ethnic autonomous areas shall exercise their judicial and procuratorial powers independently in accordance with law. The judicial and procuratorial work of the people's courts and people's procuratorates of ethnic autonomous areas shall be subject to the supervision of the people's congresses at the corresponding levels and their standing committees. The people's procuratorates of ethnic autonomous areas shall be responsible to the people's procuratorates at higher levels. The people's courts of ethnic autonomous areas shall be responsible to the judicial organs at higher levels. The judicial and procuratorial organs of ethnic autonomous areas shall be responsible to and report on their work to the organs of self-government of those areas.

Article 44 — Citizens of the ethnic group exercising regional autonomy and citizens of other minority ethnic groups shall be included in the leadership and other personnel of the people's courts and people's procuratorates of ethnic autonomous areas.

Article 45 — The people's courts and people's procuratorates of ethnic autonomous areas shall, in the trial and prosecution of cases, use the commonly used local language or languages, and shall, where necessary, provide interpretation and translation for parties to the proceedings who are not proficient in the commonly used local language or languages. Legal documents shall, in light of actual needs, be written in one or more commonly used local languages. The right of citizens of all ethnic groups to use their own spoken and written languages in court proceedings shall be protected.

Chapter V — Ethnic Relations

Article 46 — Organs of self-government of ethnic autonomous areas shall safeguard the equal rights of citizens of all ethnic groups within their areas. Organs of self-government of ethnic autonomous areas shall unite the cadres and the masses of all ethnic groups, fully mobilize their initiative, and jointly build the ethnic autonomous areas.

Article 47 — Organs of self-government of ethnic autonomous areas shall educate and encourage the cadres and the masses of all ethnic groups to trust, learn from, help, and respect each other's spoken and written languages, customs and habits, and religious beliefs, and to jointly safeguard the unification of the state and the unity of all ethnic groups.

Article 48 — Organs of self-government of ethnic autonomous areas shall, in accordance with the provisions of law, administer the marriage and family affairs of the ethnic groups in their areas, and protect women, children, the elderly, and persons with disabilities.

Chapter VI — Duties of Superior State Organs

Article 49 — State organs at higher levels shall, in accordance with the characteristics and needs of the ethnic autonomous areas, assist the ethnic autonomous areas through financial, material, technical, and personnel support to accelerate their economic and social development.

Article 50 — State organs at higher levels shall, in making decisions on the economic and social development of ethnic autonomous areas, give full consideration to the characteristics and needs of those areas.

Article 51 — The state shall, in allocating funds for infrastructure investment and other special construction funds, appropriately increase the proportion and the amount of funds allocated to ethnic autonomous areas. The state shall give priority to the ethnic autonomous areas in arranging infrastructure projects and in arranging for the rational development of resources and the establishment of enterprises.

Article 52 — The state shall establish special funds to assist the development of ethnic autonomous areas. All such funds and temporary grants shall not be deducted, withheld, or misappropriated by any department, nor shall they be used to offset the normal budget allocations to ethnic autonomous areas.

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Article 53 — State organs at higher levels shall, in accordance with state industrial policies, guide the ethnic autonomous areas in their efforts to rationally adjust the industrial structure, and assist the ethnic autonomous areas in developing enterprises that make full use of local resources.

Article 54 — State organs at higher levels shall assist the ethnic autonomous areas in developing economic and trade relations with other areas and in strengthening horizontal economic ties.

Article 55 — State organs at higher levels shall, in the allocation and utilization of special funds and earmarked subsidies and in the investment in fixed assets for the financial, material, and technological support for the ethnic autonomous areas, give due preferential treatment to the ethnic autonomous areas.

Article 56 — State organs at higher levels shall take effective measures to assist the ethnic autonomous areas in training, from among the local ethnic groups, cadres at different levels and various types of specialized personnel and managerial personnel, and shall take various measures to train local ethnic women cadres and specialized technical personnel.

Article 57 — The state shall, in the investment in education, give priority to and preferential treatment to ethnic autonomous areas. State organs at higher levels shall assist the ethnic autonomous areas in running well all types of schools at various levels, in improving teaching conditions, and in raising the quality of education.

Article 58 — State organs at higher levels shall assist the ethnic autonomous areas in developing cultural undertakings, and shall support the ethnic autonomous areas in developing press and publishing, radio, film, and television undertakings, in compiling, publishing, and distributing books and periodicals in ethnic minority languages, and in training personnel for ethnic cultural work.

Article 59 — State organs at higher levels shall assist the ethnic autonomous areas in developing medical and public health undertakings, in preventing and treating endemic and infectious diseases, in protecting the health of women and children, and in improving sanitary conditions.

Article 60 — State organs at higher levels shall assist the ethnic autonomous areas in developing sports undertakings.

Article 61 — State organs at higher levels shall assist the ethnic autonomous areas in strengthening the building of public security, procuratorial, judicial, and judicial administrative organs.

Article 62 — State organs at higher levels shall, in accordance with state plans and the market demand for commodities, give priority to arranging for the supply of materials, means of production, and other means to the ethnic autonomous areas.

Article 63 — The state shall formulate preferential policies to support the development of foreign economic and trade cooperation between the ethnic autonomous areas and foreign countries. The state shall give support to the development of border trade in the ethnic autonomous areas.

Article 64 — State organs at higher levels shall guide and assist the ethnic autonomous areas in the orderly transfer and resettlement of surplus labor from the rural and pastoral areas.

Article 65 — The state shall accelerate the establishment of a social security system in the ethnic autonomous areas compatible with their economic development, and shall establish and improve social security systems such as those for old-age pensions, unemployment, medical insurance, and minimum living allowances.

Article 66 — State organs at higher levels shall incorporate the development of education, science and technology, culture, public health, and sports in the ethnic autonomous areas into their state plans, and shall help the ethnic autonomous areas in accelerating the development of these undertakings.

Chapter VII — Supplementary Provisions

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Article 67 — The measures for the implementation of this Law shall be formulated by the State Council and the relevant state organs at higher levels.

Article 68 — The standing committees of the people's congresses of the relevant provinces and autonomous regions shall formulate specific measures for the implementation of this Law in accordance with this Law and the actual local conditions.

Article 69 — This Law shall be applicable to the organs of self-government of the ethnic townships, including their exercise of powers in accordance with the provisions of this Law, mutatis mutandis.

Article 70 — The organs of self-government of the five autonomous regions, namely, the Inner Mongolia Autonomous Region, the Guangxi Zhuang Autonomous Region, the Tibet Autonomous Region, the Ningxia Hui Autonomous Region, and the Xinjiang Uygur Autonomous Region, as well as the organs of self-government of the autonomous prefectures and autonomous counties, shall exercise the power of self-government in accordance with the Constitution, this Law, and other laws.

Article 71 — The implementation of this Law by the relevant state organs at higher levels and the organizations stationed in the ethnic autonomous areas shall be subject to the supervision of the people's congresses and their standing committees in the ethnic autonomous areas.

Article 72 — The departments concerned under the State Council and the relevant state organs at higher levels shall, within the scope of their respective functions, formulate specific measures and provisions for the implementation of this Law.

Article 73 — This Law shall go into effect as of October 1, 1984.

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