



TIBET JUSTICE CENTER

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Tibet Justice Center Identifies Legal Risks in Re-Naming the Central Tibetan Administration

May 20, 2011 -- Tibet Justice Center notes that a proposal is being considered that the Tibetan Government-in-Exile, also known as the Central Tibetan Administration (CTA), officially change its name to the "Institution of the Government of the Exile Tibetan People." (*Tsenjol Bod Mei Zhung Gi Drik Tsuk*). It should be appreciated that such a change would have dramatically negative consequences under international law.

The CTA legitimately considers itself the "continuation of the government of independent Tibet". The ongoing existence of Tibet's Government-in-Exile is one of the strongest present-day arguments for Tibet's historical status as a sovereign State. (This is a legal and historical fact that is not in opposition to any possible form of autonomy negotiated in the future with the People's Republic of China, and indeed can strengthen such negotiation.)

Any government-in-exile has a precarious position in international law, and great care must be taken if its legitimacy is to be preserved. By changing its name to the "Institution of the Government of the Exile Tibetan People", the CTA risks undermining its legal legitimacy. This is because the CTA would appear to be relinquishing its claim to be the "continuation of the government of independent Tibet". Legally, a government exists as an organ of a territory. Therefore, by voluntarily severing its link with the territory of Tibet, the CTA would effectively be transforming itself into a non-governmental organization (NGO).

Moreover, by stating that the NGO is of "the exile Tibetan people", the Tibetan people inside Tibet would be specifically excluded from the organization's constituency. Legally, the "Institution of the Government of the Exile Tibetan People" could claim to represent the roughly 150,000 Tibetan exiles, but would have difficulty claiming to represent all the roughly 6 million Tibetans.

For the reasons describe above, Tibet Justice Center believes that it is legally inadvisable to officially change the CTA's name. The legal consequences of doing so are serious and almost surely not in the interest of the Tibetan people and State.