

IDENTITY OF YI IN CHINESE STATE EDUCATION SYSTEM

-----Study on the Right to Education of Yi in Zhaojue



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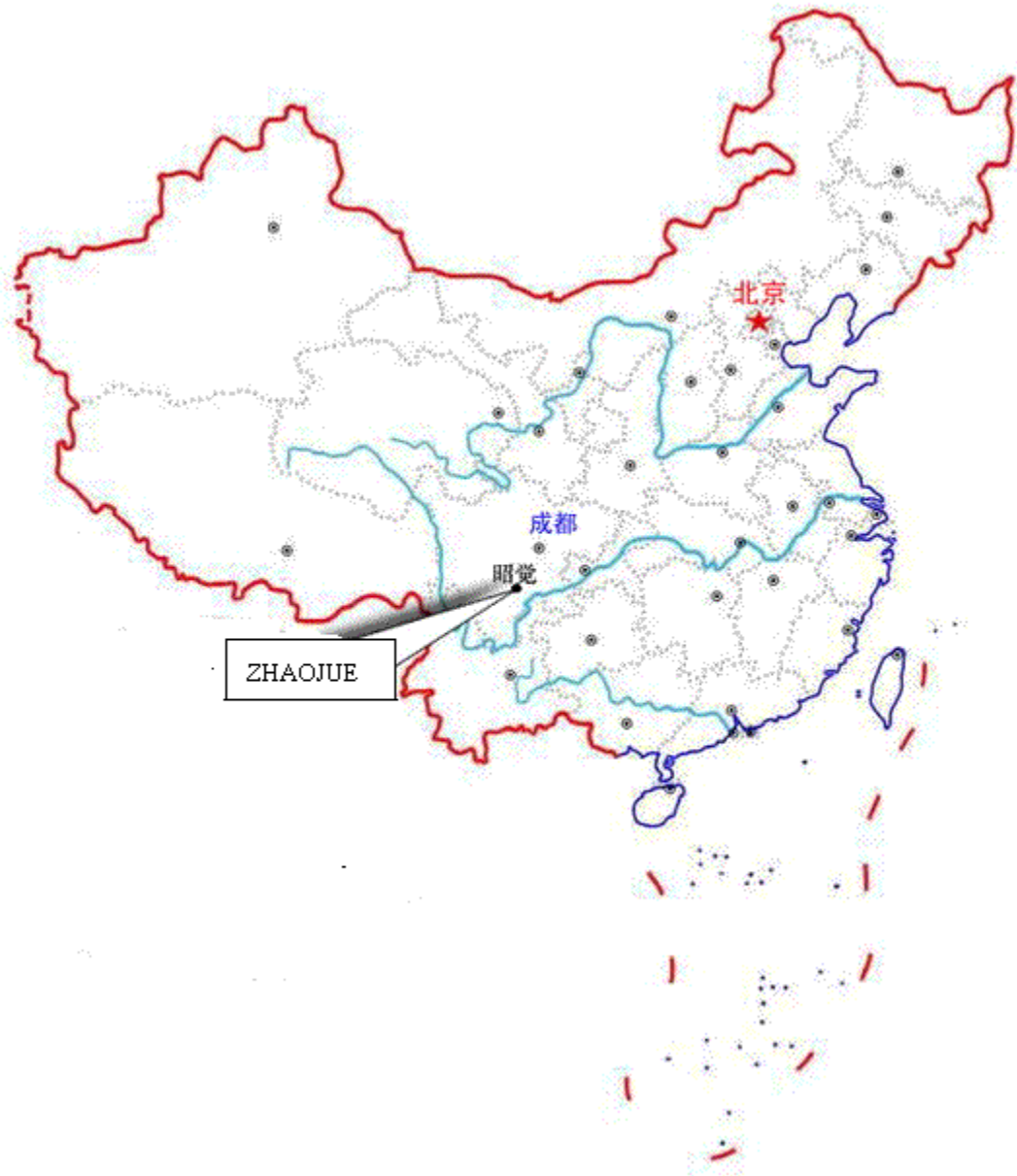
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Map 1 Liangshan Yi Autonomous Prefecture in China



Liangshan in China

Map 2 Zhaojue County in China



Zhaojue in China

ABBREVIATIONS

UDHR	Universal Declaration of Human Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
CRC	Convention on the Rights of the Child
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNDM	UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
ILO	International Labour Organization
HRC	Human Rights Committee
WTO	World Trade Organization
ECHR	European Convention on the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
OSCE	Organization for Security and Co-operation in Europe
Hague Recommendations	The Hague Recommendations Regarding the Education Rights of National Minorities
RNAL	Law of the People's Republic of China on Regional National Autonomy
CCP	The Communist Party of China
Liangshan Autonomous Regulation	Autonomous Regulation of Liangshan Yi Autonomous Prefecture

Contents

<u>1</u>	<u>INTRODUCTION.....</u>	<u>1</u>
1.1	Yi in Zhaojue.....	1
1.1.1	Yi in China.....	1
1.1.2	Yi in Zhaojue.....	2
1.2	Research Questions.....	5
1.2.1	Sub-question 1.....	5
1.2.2	Sub-question 2.....	5
1.3	Previous Studies.....	6
1.4	Methodology: Field Work Method.....	9
1.5	Sources of Law.....	10
<u>2</u>	<u>RIGHT TO EDUCATION AND MINORITIES.....</u>	<u>11</u>
2.1	International Instruments and Mechanisms.....	11
2.1.1	Education: a human right.....	11
2.1.2	4-A Scheme.....	14
2.1.3	The right to education for minorities.....	16
2.1.4	International mechanisms for implementing the right to education and minorities.....	20
2.2	Chinese Domestic System Related to the Right to Education and Minority Issues.....	21
2.2.1	Chinese law about the right to education and minority.....	21
2.2.2	Chinese mechanisms.....	25
<u>3</u>	<u>RIGHT TO EDUCATION OF YI IN ZHAOJUE.....</u>	<u>27</u>
3.1	The Importance of the Examination of the Implementation.....	27

3.2	The General Situation of State Education System in Zhaojue	28
3.3	The Implementation of the Right to Education in Zhaojue.....	30
3.3.1	Great achievements on education in Zhaojue?	30
3.3.2	Taking steps or progressively?	34
4	<u>IDENTITY OF YI IN EDUCATION</u>	<u>37</u>
4.1	Identity of Yi and the Right to Education	37
4.2	Bilingual Education	38
4.2.1	The necessity of bilingual education for Yi	38
4.2.2	The reality of bilingual education in Zhaojue	40
4.2.3	Problems and possibilities of bilingual education in Zhaojue	44
5	<u>CONCLUSION</u>	<u>53</u>
	<u>REFERENCES</u>	<u>56</u>
	<u>ANNEX</u>	<u>A</u>

1 INTRODUCTION

1.1 Yi in Zhaojue

1.1.1 Yi in China

In China, there are fifty-six nationalities officially recognized including fifty-five minority ethnic groups¹. The Yi ethnic group, with a population of 7,762,272², is the sixth largest minority ethnic group in China in terms of population. Currently in China: “The Yi ethnic group is mainly distributed over the provinces of Sichuan, Yunnan and Guizhou, and the Guangxi Zhuang Autonomous Region.”³

1 In China, the term of “shao shu min zu” means minority nationality. Here I use “minority ethnic groups” for “shao shu min zu” to keep in accordance with international terminology.

2 *Shi jie shang ren kou zui duo de guo jia (The Country with the hugest population in the world)*, http://www.gov.cn/test/2005-06/24/content_9198.htm, [visited on 24 February 2008].

3 *The Yi ethnic minority*, <http://www.china.org.cn/e-groups/shaoshu/shao-2-yi.htm>, [visited on 24 February 2008].



Yi people's geographical distribution in China

Like the broad geographical distribution, Yi has many subgroups. "Historically, they shared more than 100 self-appellations such as Nuosu, Niesu, Nasu, Lowu, Axipo and Sani. After 1949, they are officially named Yi(彝) Ethnic group."⁴ "To this day, the Nuosu are known in Chinese as the Yi of Liangshan."(Harrell, 2000, p.8)

1.1.2 Yi in Zhaojue

Zhaojue is a county in Liangshan Yi Autonomous Prefecture. According to the official website of the People's Government of Liangshan Yi Autonomous Prefecture:

Liangshan Yi Autonomous Prefecture situates at the Southwest of Sichuan province [...] covering a land of 60,100 square kilometers with 17 counties

⁴ Pu Zhongliang, translated by Shi Defu and Li Jie, *History*, <http://www.yizuren.com/ENGLISH/history.asp>, [visited on 24 February 2008].

(cities), which is the largest Autonomous Prefecture of Yi nationality in China and the region with the most nationalities and most population of minorities in Sichuan province. There are 4.35 million people in the whole state, and 1.97 million people are of Yi nationality.⁵

Now Liangshan directly controls one county-level city, fifteen counties, and one Tibet autonomous county, whose capital is Xichang. The area of Liangshan is nearly twice as the area of Belgium which is 30,528 square kilometers⁶.

According to the official website of the People's Government of Zhaojue County:

Zhaojue is located in Liangshan Yi Autonomous Prefecture in Sichuan Province, China. [...] Because of the special and important position in Daliangshan Mountain, Zhaojue was having been ruled by the governments to control the whole Daliangshan area along more than 2000 years. After the foundation of the People's Republic of China, Zhaojue had ever been the capital of Liangshan Yi Autonomous Prefecture since 1952 to 1978.⁷

In Zhaojue's population, more than 97% is Yi people. According to the data of the fifth population census in 2000, Zhaojue, its population of Yi is the largest in China at the county level. In 2005, there are 228,628 Yis living in Zhaojue whose total population is 234,962.⁸ The reason why I choose Zhaojue as my research site are the following: firstly, as you see, even in Liangshan Yi Autonomous Prefecture, as "the single largest Yi community in China"⁹, the percentage of Yi's population is only around 44% in 2005.¹⁰

5 *Survey of Liangshan*, <http://en.lsz.gov.cn/Survey/index.aspx>, [visited on 24 February 2008].

6 *Belgium*, <http://en.wikipedia.org/wiki/Belgium>, [visited on 24 May 2008].

7 Ning Xie, *Welcome to the magical village of Yi ethnic – Zhaojue*, <http://www.sczhaojue.gov.cn/en/index.asp>, [visited on 24 February 2008].

8 *Ren kou ji min zu gou cheng (Population and nationalities)* (2005), http://www.lsz.gov.cn/html/lsztemplate_1.asp?catalogid=93, [visited on 25 February 2008].

9 *The Yi ethnic minority*, <http://www.china.org.cn/e-groups/shaoshu/shao-2-yi.htm>, [visited on 24 February 2008].

But in Zhaojue, more than 97% of its population is Yi people. So Zhaojue can be regarded as a pure Yi community especially in the countryside since most of the Han migrations in Zhaojue are living in the Xincheng Town where the government of Zhaojue County locates. Secondly, Zhaojue has been regarded as the centre of history and culture for Liangshan Yi derive from the ancient time.¹¹ Zhaojue County was the capital of Liangshan Yi autonomous prefecture. There are three dialects of Yi living in Zhaojue, Yiluo, Shiza and Suodi respectively. Finally, I have been a volunteer teacher in Zhuhe Central Primary School in the countryside of Zhaojue from September 2002 to June 2003. The experience has given me the chance to observe the practice of education in Zhaojue and be involved into it. Additionally, my study can benefit from my wife's seven-year teaching experience and our contacts in local community in Zhaojue.



The Yi pupils and I on the way to Zhuhe Central Primary School, December 2002

10 *Ren kou ji min zu gou cheng (Population and nationalities)* (2005), http://www.lsz.gov.cn/html/lsztemplate_1.asp?catalogid=93, [visited on 25 February 2008].

11 *Zhaojue xian gai kuang (Survey of Zhaojue)*, <http://www.dnong.com/area/ODY1MTM0MzE=>, [visited on 09/06/07].

1.2 Research Questions

My research question is which elements are essential to the implementation of the right to education of persons belonging to the Yi in Zhaojue from a human rights perspective especially for the preservation of the identity of Yi as an ethnic minority group.

1.2.1 Sub-question 1

Is education a human right? At international level, there are still some discussions about it like whether education is a human right or a traded service (Tomaševski, 2005). In China, the answer for the question of whether the right to education is a human right is not clear, as article 46 of the Constitution of People's Republic of China says "Citizens of the People's Republic of China have the *duty* (emphasis added) as well as the right to receive education."¹² Additionally, a few years ago, there even was a discussion in China on so called "industrializing education"¹³. Therefore it is necessary to discuss the nature of education as a human right especially in China in order to have a full discussion of the implementation of the right to education in Zhaojue. Additionally, in the Chinese context, the difference between the right to education and the right to receive education should be clarified too.

1.2.2 Sub-question 2

From human rights perspective, the identity of a minority group represents the existence of the group itself in an ethnic, cultural, linguistic, religious sense and it is related to the rights of its members. In my thesis, I will explore the link between the right to education and the right to cultural, linguistic, religious identity of a minority group since education is related to the cultivation and shaping of the next generation of one group, i.e. the cultural survival of the group. Firstly, the question of whether education influences the identity of a minority

12 The English text of the *Constitution of People's Republic of China* in my thesis is from the website of <http://english.peopledaily.com.cn/constitution/constitution.html>, [visited on 7 November 2007].

13 "Industrializing education" means make education become a business, one of the direct and visible results of "industrializing education" is the rising on charges for students in China.

group or not need to be discussed and answered. Secondly, if the answer for the first question is positive, how we can protect the identity of a minority group in the process of education. From this point, I have to explore what are the content and form of the right to education and their relationship to the right to identity for a minority group.

1.3 Previous Studies

At the international level, there are many discussions about the relationship between the identity of a minority group and human rights of the minority group. Generally, the importance of the identity issue for the protection of human rights of a minority group has been recognized among them. However:

Most researchers of minority education have focused on form of education, goals, bilingual education, and (in cases where the focus has been on effects) academic achievement. Fewer studies have used local research to examine how the content and form of state education influences members of different minority groups' ways of conceiving of their status as minorities, their ethnic identification, and expressions of ethnicity. (Hansen, 1999, p.7)

“This is specially so in China, where foreign educational researchers have until now largely ignored the specific problems of education among non-Han peoples.”(Hansen, 1999, p.7)Internationally, most of studies on Yi as a minority group are carried out by anthropologists such as Stevan Harrel.

In China, there are many discussions about education. Since the strategy of CCP for the whole “cause of socialism” in China is “the Communist Party of China must persist in taking economic development as the central task, making all other work subordinate to and serve this central task”¹⁴. So most of these discussions about education are surrounding the economic and social development, such as how the education can serve the economic development, how to improve the quality of education and how to expand the scale of education. The Party' strategy on education is that “make the development of education as

14 *CONSTITUTION OF THE COMMUNIST PARTY OF CHINA, General Program,*

<http://www.cctb.net/wjgg/wxb/wxbdt/200802020004.htm>, [visited on 15 April 2008].

a priority and build a strong nation on human resources.”¹⁵ This strategy has been reflected from the research of Chinese scholars on education whose general conclusion is that the main task of education in the following fifty years before 2050 is transit China from the state of huge population to rich human resources (The Blue Book of Chinese Education, 2004, p.15).The human rights perspective is seldom used in these discussions about education. In terms of “human resource”, education is regarded as a tool to serve the centre of economy by providing a lot of good human resources, not the basic right of human beings in China.

“The first important task for education and researches on education in ethnic areas is to improve ethnic education and reduce the gap on education between minority areas and developed areas.”(Liu Yu, 2004, p.1) In the eye of the central government, “Education development has greatly contributed to local economic and social progress, national unity and the overall betterment and common prosperity of all ethnic groups.”(Li Lanqing, 2004, p.275).

On the other hand, the bilingual education for ethnic minorities has gotten much attention in the law, governments and scholars. In RNAL, Article 37 paragraph 3 points out:

Schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever possible, use textbooks in their own languages and use their languages as the media of instruction. Classes for the teaching of Chinese (the Han language) shall, where possible, be opened for junior or senior grades of primary schools to popularize putonghua (the common speech based on Beijing pronunciation) and standard Chinese characters.¹⁶

15 Hu Jintao (the General Secretary of the Central Committee of CCP), *Report on the 17th National Congress of CCP, Part Eight*, Section One, http://news.xinhuanet.com/newscenter/2007-10/24/content_6938568_7.htm, [visited on 11 April 2008], translated by myself.

16 The English text of the *Law of the People's Republic of China on Regional National Autonomy* in my thesis is from the website of <http://www.lawinfochina.com/Law/display.asp?id=6211&keyword=> , [visited on 26 February 2008].

In the Decision of Deeply Reform and Improve Ethnic Education by the State Council, the State Council has used a special part, Part Seven, to discuss the bilingual education.¹⁷ Additionally, there are numerous books and articles on bilingual education for ethnic minorities in China (Sun Dongfang, 2005, p.7). But most of them are from the perspectives of pedagogy and cultural anthropology (Sun Dongfang, 2005, p.7).

In Zhaojue, in Liangshan, the emphasis of education is how to reduce the gap in the quality and scale of education between Liangshan and other developed areas in China such as the universal compulsory education and the elimination of illiteracy. How to address the identity of Yi as a minority group in the education has not obtained enough attention. If there has been some attention, it is the bilingual education. The Article 61 paragraph 2 of Liangshan Autonomous Regulation is copied from the Article 37 paragraph 3 of RNAL which says “Primary and middle schools where most of the students come from Yi can teach in both Yi language and Chinese. At the same time, the schools shall popularize putonghua, the common speech in the whole China.”¹⁸ On the website of Liangshan Education Bureau, planning and guiding bilingual education is one of the main responsibilities for the ethnic education department in the bureau.¹⁹ Additionally, there are some books and articles about bilingual education in Liangshan such as *Change of Culture and Bilingual Education—Field Work and Description in Yi Community in Liangshan from*

17 Guo wu yuan guan yu shen hua gai ge jia kuai fa zhan min zu jiao yu de jue ding (*Decision of Deeply Reform and Improve Ethnic Education by the State Council*), Part Three Section Seven: Improve bilingual education in ethnic primary and middle schools greatly, http://www.sdpc.gov.cn/shfz/t20070326_123879.htm, [visited on 11 April 2008], translated by myself.

18 I cannot find the English text of the *Liangshan Yi zu zi zhi zhou zi zhi tiao li (Autonomous Regulation of Liangshan Yi Autonomous Prefecture)*, the contents of the Liangshan Autonomous Regulation are translated by myself. Its Chinese text is on the website of <http://www.seac.gov.cn/gjmw/zcfg/2005-05-11/1169530562682717.htm>, [visited on 7 November 2007].

19 *Min zu jiao yu ke (Ethnic education department)*, <http://jyj.lsz.gov.cn/showdoc.asp?id=75&lg=CN>, [visited on 12 April 2008].

*the Perspective of Anthropology of Education*²⁰ and *A Revelation of True Attitudes of Teachers—A Case Study of Bilingual Education of Yi Nationality, Liangshan* (Ding Yueya, 2004). But human rights are not their concerns.

So I will examine the law and reality of the right to education of Yi in Zhaojue from the human rights perspective and discuss the implementation of the right to education under the preservation and promotion of the identity of Yi as a minority group.

1.4 Methodology: Field Work Method

The reality of the enjoyment of the right to education of Yi in Zhaojue is very important to point out what is lacking in the implementation. As I mentioned above, my one-year teaching experience in Zhaojue can be regarded as the involved investigation to education in Zhaojue.

At the same time, I have arranged some of my students and friends to use the questionnaires²¹ designed by me to investigate the issues related to the right to education of the Yi in Zhaojue. I have made eight different questionnaires for students (both in school and dropped out of school), parents, teachers and staffs in administration of education. My focuses in these questionnaires are on charges and bilingual education in the primary school and junior middle school, namely nine-year compulsory education in China. The persons who carried out the survey are seven students, two teachers and one civil servant in the Education Bureau in Zhaojue. The students are graduated from Zhuhe Central Primary School who are in charge of questionnaires for students and parents. One teacher is from Zhuhe Central Primary School and the other is teaching in one village-level primary school in Zhuhe Township who are in charge of questionnaires for teachers. Of course, the civil servant in the Education Bureau is responsible for questionnaires for officers in education administration. The team leader for students is studying in Sichuan Normal University,

20 Teng Xing, *Wen hua bian qian yu shuang yu jiao yu—Liangshan Yi zu she qu jiao yu ren lei xue de tian ye gong zuo yu wen ben chan shu*(*Change of Culture and Bilingual Education—Field Work and Description in Yi Community in Liangshan from the Perspective of Anthropology of Education*), Beijing, Education Science Press, 2001.

21 I have enclosed the questionnaires in the annex of this thesis.

other students are studying in the senior department of Zhaojue Middle School and Zhaojue Nationality Middle School. All the students can speak fluently in both Yi language and Chinese which makes them understand me well on the one hand and communicate with Yi people who cannot speak in Chinese on the other hand. Since most of these students' families are living in Zhuhe Township, most of the students and parents surveyed by them are from the Zhuhe Township. The teachers and officers in my survey are from Zhuhe Township and Xincheng Town. There may be some overlap on persons who are surveyed through my questionnaires because three special questionnaires on charges were supplemented after they finished other five questionnaires.

The survey was carried out in January and February 2007 when it was winter holiday for schools in China. Finally, I have received ten questionnaires for students on charges, five questionnaires for teachers on charges, ten questionnaires for parents on charges, forty questionnaires for teachers, twenty questionnaires for officers in education administration, fifty-three questionnaires for students in school, forty questionnaires for children dropped out of school and ninety-one questionnaires for parents with valid results. I will use the data from the questionnaires to combine the personal experience of mine and my wife's in this thesis.

1.5 Sources of Law

The sources of international law, according to Article 38 paragraph 1 of the Statute of the International Court of Justice, are international conventions, international custom, the general principles of law, judicial decisions and the teachings of the most highly qualified publicists. In my thesis, I will mainly focus on international conventions for the right to education of minorities considering their validity to China. On the other hand, according to Paragraph 1 Article 31 of Vienna Convention on the Law of Treaties²², international custom, the general principles of law, judicial decisions and the teachings even from the regional system like the European one can play a subsidiary role in interpreting the treaties. So I will these subsidiary sources into account in my thesis.

22 "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose."

At the domestic level, the sources of law related to the right to education of Yi in Zhaojue are limited to laws and regulations come from both the national level and regional level such as the Education Law of PRC, Liangshan Autonomous Regulation and so on. Since China is belonging to the continental legal system traditionally, the validity of custom, general principles and judicial decisions are not accepted as the sources of law. On the other hand, I have to put some attention to the policies and documents of CCP and the governments related to the right to education of Yi which are not laws but sometimes more powerful than laws in China²³.

2 RIGHT TO EDUCATION AND MINORITIES

2.1 International Instruments and Mechanisms

2.1.1 Education: a human right

In the international human rights law, at the global level, there are many provisions on the right to education in international human rights conventions and covenants such as Article 26 of UDHR, Article 13 of ICESCR, Articles 28, 29 of CRC, Article 10 of CEDAW, etc. There is even a special convention on education, namely UNESCO Convention against Discrimination in Education. Since the international human rights are based on the notion of equality and many international human rights conventions have the non-discrimination clause, the right to education applies to all human beings, of course including the minority members within one country.

As many international human rights conventions express explicitly, international human rights law defines education as a human right. However, “the international trade law defines it as a service.”(Tomaševski, 2005, p.1) The nature of education as a human right

23 At least two reasons for this: firstly, in fact, the CCP and governments in China are more powerful than the court.

Secondly, usually the policies and documents are more useful than laws because they are more detailed than laws.

seems to be unquestioned in the framework of international human rights law as “It is readily apparent from the foregoing survey that the international community over the past fifty years has embraced education as a basic human right.”(Hodgson, 1996, p.260)²⁴ But there is a challenge from the international trade law to this. Nowadays, there are both public education and private education in many countries that means the coexistence of education as a human right and trade service. “The global community recognizes education as a human right due to its indispensability to the preservation and enhancement of the inherent dignity of the person.”(Kumar, 2004, p.252)Additionally, in my opinion, regarding education as a human right is from the point of the obligation of the government to ensure education to all, especially the free compulsory education to all children as Sub-paragraph (a) Paragraph 1 Article 28 of CRC requires. Comparatively, defining education as a trade service is on the basis of market economy’s liberalization and to support private education system which usually charges on students. As we know, in today’s world, education is the best way to achieve equality of opportunity while it is difficult to a person without education to success in the world. I believe most of us have recognized the importance of education. However, because of poverty, “In the result, millions of children either never attend school or fail to complete their basic education.” (Hodgson, 1996, p.261)Therefore, the human rights aspect of education is more important than its trade service aspect because ensuring education to all is a basic condition to achieve equality of opportunity which consists of the foundation of modern society since “education has been valued for all societies as both an end in itself and a means for the development of the individual and society.” (Kumar, 2004, p.251-252)So private education can be regarded as the supplement or substitute to the public education and can give the people alternatives on education, but the government cannot avoid its obligation on the right to education. Like the right to health, the government cannot deny its obligation on it because of the existence of private hospitals. The fact of the coexistence of private and public education institutions in many

24 For the detailed foregoing survey, please read the article which has comprehensively discussed the recognition of the right to education from different aspects: international and regional, major international human rights instruments and other instruments dealing with particular groups or subject matter.

countries shows us there is no fundamental conflict for education as a human right and trade service since they can complement each other. Of course, recognizing education as a human right is more important on the sense of ensuring education to all by the State.

Confirmation on the education's nature of human rights is meaningful in China's context. Just a few years ago, there was a movement called "industrializing education" which has made education in China more expensive than before especially at the university level. With a huge population under the poverty line²⁵, the payment for education has made many students dropped out of school in China especially who are coming from the countryside. Fortunately, in 2006 the central government in China made the decision that the government would "eliminate all charges on rural students receiving a nine-year compulsory education before the end of 2007"²⁶. Generally, the decision has brought some positive changes on rural compulsory education though it is not implemented well. Since many minority groups are living in the countryside of China, they are benefiting from free compulsory education policy like in Zhaojue.

Additionally, as Article 46 of the Constitution of People's Republic of China provides that "Citizens of the People's Republic of China have the *duty*(emphasis added) as well as the right to receive education", why China makes education become the responsibility of citizens? There are two reasons as follows: firstly, since the willingness of sending children to schools is not strong among their parents especially in the countryside of China particular for "Yi families from counties with a very high percentage of Yi traditionally do not encourage their children to go to school" (Schoenhals, 2001, p.243), if education is only a right that means they give it up freely. However, it is a right of the child which cannot be given up by their parents. In fact, the duty of citizens on education especially primary education is in accordance with international human rights provisions which insist

25 90 million Chinese under poverty line: minister,
http://english.peopledaily.com.cn/200505/28/eng20050528_187219.html, [visited on 3 March 2008].

26 China pledges elimination of rural compulsory education charges in two years,
http://english.peopledaily.com.cn/200603/05/eng20060305_248042.html, [visited on 3 March 2008].

that “Primary education shall be compulsory”²⁷. Secondly, from the beginning of the establishment of Chinese state education system, it is not really free even at the primary level; hence the nature of education as a duty gives the justification for Chinese public schools to charge on students. Therefore, from the compulsory character of primary education, I do agree with describing education as a “duty” since “Education is one of the few human rights for which it is universally agreed that the individual has a corresponding duty to exercise this right.” (Nowak, 2001, p.253) However, if using “duty” to justify the charge on students during primary education, it is in direct contradiction with the requirement of free primary education because “Fees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right and may jeopardize its realization.”²⁸

2.1.2 4-A Scheme

As a human right, the human rights-related aims and objectives of education have been recognized in international law such as Article 26(2) of the UDHR and Article 5(1) (a) of the UNESCO Convention against Discrimination in Education. “The most detailed provision on the aims and objectives of the right to education in international law can be found in Article 29(1) of the UN Convention on the rights of Child.” Article 29(1) of CRC provides that:

States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

[...]

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

²⁷ Article 13, Para 1 of ICESCR.

²⁸ *Plans of action for primary education (art.14): 10/05/99. E/C.12/1999/4. (General Comments), Para. 7.*

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; [...]

Furthermore, the Committee on the Rights of Child has explained more detailed on the aims of education in its General Comment No. 1.²⁹ But how to examine educational practice within one State which is in accordance with the requirements on the right to education set by international human rights law?

According to the provisions on the right to education in international human rights treaties, the core human rights obligations in education are as follows:

AVAILABILITY Obligation to ensure compulsory and free education for all children in the country within a determined age range, up to at least the minimum age of employment. Obligation to respect parental freedom to choose education for their children, observing the principle of the best interests of the child.

ACCESSIBILITY Obligation to eliminate exclusion from education based on the internationally prohibited grounds of discrimination (race, colour, sex, language, religion, opinion, origin, economic status, birth, social status, minority or indigenous status, disability). Obligation to eliminate gender and racial discrimination by ensuring equal enjoyment of all human rights in practice, rather than only formally prohibiting discrimination.

ACCEPTABILITY Obligation to set minimum standards for education, including the medium of instruction, contents and methods of teaching, and to ensure their observance in all educational institutions. Obligation to improve the quality of education by ensuring that the entire education system conforms to all human rights.

ADAPTABILITY Obligation to design and implement education for children precluded from formal schooling (e.g. refugees seeking or internally displaced

²⁹ *The Aims of Education : 17/04/2001. CRC/GC/2001/1. (General Comments).*

children, children deprived of their liberty, or working children). Obligation to adapt education to the best interests of each child, especially regarding children with disabilities, or minority and indigenous children. Obligation to apply indivisibility of human rights as guidance so as to enhance all human rights through education, such as the right to marry and raise a family, or the right to freedom from forced and child labour.(Tomaševski, 2004, p.8)

The 4-A scheme is a comprehensive indicating system on the right to education generally. At the same time, it has already addressed some special issues on the right to education of minorities. So I will use it to analyze the right to education of Yi in Zhaojue later.

2.1.3 The right to education for minorities

As a special subject comparing to the majority in a given society or state, the minorities need special protection of their rights. The UNDM is the effort to give minorities' special protection in the international human rights law. The new development for minority protection is the United Nations Declaration on the Rights of Indigenous Peoples in 2007 which can give some suggestion on minority rights because there are some connections between minorities and indigenous peoples since a minority group may be an indigenous people at the same time. Of course, one indigenous people may be the majority in a given State.

Based on the principle of equality and non-discrimination, minority group and members can enjoy the right to education as others in the society. On the other hand, the right to education has special significance for minorities when we put it under the concern of the identity of minorities. In fact, these special measures are in accordance with the principle of equality and non-discrimination, too.³⁰

From the perspective of a minority group, education is crucially important for the preservation and promotion of a specific identity (Henrard, 2000, p.256).The concept of identity is the first I need to clarify:

30 See *The right to education (Art.13): 08/12/99. E/C.12/1999/10. (General Comments)*, Para 31, 32 and 33.

Identity is about belonging, about what you have in common with some people and what differentiates you from others. As it most basic, it gives you a sense of personal location, the stable core to your individuality. But it is also about your social relationships, your complex involvement with others, and in modern world these have become even more complex and confusing. (Weeks, 1990, p.88)

When we come to the identity of minority, the “right to identity” is the new development of international human rights law in this field:

The “right to identity”, which is the second right of minorities (the right to physical existence, explicitly by the Genocide Convention, aside), is sometimes regarded as constituting the whole of “minority rights”. It remains the essential right under modern conditions of human rights...It is a right which reflects diversity in human nature and might also be styled the “right to be different”.³¹

If the right to identity is not explicitly expressed in Article 27 of ICCPR, Article 1 paragraph 1 of UNDM points it out clearly as follows: “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” There are many other provisions in international human rights documents about the identity of minorities such as Article 1 paragraph 3 of Declaration on Race and Racial Prejudice. In Article 1 paragraph 2 of Declaration on Race and Racial Prejudice, even the right to be different, one of the bases for minority rights, has been addressed for the protection of individuals and groups.³² Generally, the protection and promotion of cultural

31 P. Thornberry, *The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Background, Analysis, Observations and an Update*, l.c., 41.

32 “All individuals and groups have the right to be different, to consider themselves as different and to be regarded as such. However, the diversity of life styles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice; they may not justify either in law or in fact any discriminatory practice whatsoever, nor provide a ground for the policy of apartheid, which is the extreme form of racism.”

diversity within the ILO, UNESCO and OSCE has given the justification for the protection of the right to identity of minorities. In fact, about Article 27 ICCPR itself, maybe the most important international provisions for minority rights within the existing international human rights framework, “there is broad agreement on the fact that this article enshrines a complete and absolute prohibition of forced assimilation and a right to identity for minorities.”(Henrard, 2000, p.165)

Furthermore, if the individual or a more group character of Article 27 ICCPR is still a controversial issue even though “Most authors underscore the hybrid character of the article in the sense that although it is framed in terms of individual rights, it would imply at the same time a certain recognition of the group dimension of the minority phenomenon” (Henrard, 2000, p.173), there should be no doubt on both the individual and group dimension of minority rights in the UNDM as Article 3 paragraph 1 expresses clearly: “Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.” In my opinion, minority rights including the right to identity are individual rights with a group dimension. The relationship between persons belonging to minorities and minority groups is as same as one Chinese idiom tells us “if the skin does not exist, where can the hair rely on?”³³When I compare it to the relationship between minority members and minority groups, it means if one minority group does not exist itself, it will be very difficult or even impossible for an individual belonging to that group to exercise his or her rights as a minority member. For example, in *Sandra Lovelace v. Canada*, the HRC do support Lovelace that “In this respect the significant matter is her last claim, that ‘the major loss to a person ceasing to be an Indian is the loss of the cultural benefits of living in an Indian community, the emotional ties to home, family, friends and neighbours, and the loss of identity’.”(*Sandra Lovelace v. Canada*, Para.13.1)So, “the existence of minorities is protected as such, since without such protection, individual rights could easily become devoid of any substance.”(Nowak, 2005, p.665, Para.36)Therefore,

33 Zuo Qiuming, *Zuo zhuan xi gong shi si nian*. Mr Zuo lived in the same period when Confucius lived in China, namely more than two thousand years ago.

my conclusion is the existence of minority groups is the precondition for the exercise of minority rights. For the right to identity, “Weeks emphasizes on the importance of identity for individuals and the fact that identity is build by relationships with other individuals and with a community.”(Donders, 2002, p.31)

When we discussing the relationship between the right to education and the right to identity for minority, since “education is a precondition for the exercise of human rights” (Nowak, 2001, p.245) and the right to identity is a human right for minorities, we can say education is closely related to the right to identity of minorities. “History shows that education has always been characterized by two major concerns of cultures and peoples, namely to transmit to the young the technical skills necessary to master the tasks of daily life as well as the religious, philosophical, cultural and social values of the respective peoples and societies.”(Nowak, 2001, p.246-247)The second major concern shows us the role of education on the preservation and promotion of identity for minority groups because “education is of crucial importance to maintain a distinct identity, which applies not only to the overarching minority culture but also to its component parts, language and religion.”(Henrard, 2000, p.257)In fact, “next to the family, (education) is the single most important agency for cultural reproduction, socialization and identity formation”.³⁴ Therefore, my conclusion is that the right to education is a precondition for the right to identity of minorities. From this point, the content of education, such as the curriculum and teaching language, is closely related to the right to identity of minorities. Additionally, for children belonging to minority groups, “the liberty of parents and, when applicable, legal guardians to choose for their children schools” should be respected according to Paragraph 3 Article 13 of ICESCR and Sub-paragraph (c) Paragraph 1 Article 29 of CRC³⁵.

34 Cf, C.H.Williams, *The Cultural Rights of Minorities: Recognition and Implementation*, l.c., p 114.

35 “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.” Paragraph 3 Article 13 of ICESCR. “The

2.1.4 International mechanisms for implementing the right to education and minorities

Within the UN framework, as I discussed above, the right to education is a basic human right, so addressing issues of the right to education is the inherent mission of the UN human rights bodies generally like the Human Rights Council (the former Human Rights Commission), the United Nations High Commissioner for Human Rights and treaty bodies like the HRC and so on. For the right to education, the obligation of member States on submitting reports aiming to examine the implementation of rights set forth in ICESCR and CRC is playing an important role on the implementation of the right to education since both ICESCR and CRC have set up the reporting system³⁶.

At the same time, there are some special institutions to supervise the right to education such as the UNESCO and especially the Special Rapporteur on the right to education. According to the mandate of the Special Rapporteur, she/he can visit the member states and give her/his report on her/his finding of the right to education in a given state. In fact, the former Special Rapporteur Katarina Tomaševski visited China in September 2003 with the result of a report under her mandate. In her mission to China, “The Special Rapporteur applies her 4-A scheme as analytical framework, structuring government obligations stemming from the right to education in terms of making education available, accessible, acceptable and adaptable.” (Tomaševski, 2003, Para.6) In her mission to Turkey, she also discussed the right to education in Turkey under the framework of the 4-A scheme (Tomaševski, 2002, Executive summary).

In the existing international jurisprudence related to minorities, the importance of Article 27 of ICCPR appears. Unlike other treaty bodies, according to its mandate, the HRC can play a more important role in the protection of human rights from the point of legal remedy. For minorities, the HRC has applied Article 27 and other articles to protect rights of

development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;” Sub-paragraph (c) Paragraph 1 Article 29 of CRC.

³⁶ Article 16 of ICESCR and Article 44 of CRC.

persons belonging to ethnic, religious or linguistic minorities such as in *G.B. v. France* and *Diergaardt et al. v. Namibia* which are involved linguistic issues.

2.2 Chinese Domestic System Related to the Right to Education and Minority Issues

2.2.1 Chinese law about the right to education and minority

In the Constitution of People's Republic of China, Article 33 paragraph 3 "The State respects and preserves human rights" is a significant event in the Amendment Fourth to the Constitution in 2004 which is the first time that the term of "human rights" appears in the Constitution even the whole law system in China. The principle of protection of human rights in Chinese Constitution will make the right to education more important because "in many respects, the key to securing the universality of human rights lies in the right to education" (Smith, 2007, p.290). The special article for education right is Article 46 in the Constitution which states that "Citizens of the People's Republic of China have the duty as well as the right to receive education." At the same time, as Article 4 of the Constitution says, "all nationalities in the People's Republic of China are equal." Furthermore, there is a section on minority issues which are mainly on the regional national autonomy system in the Constitution, namely Section 6 "the organs of self-government of national autonomous areas". In this section, Article 119 has entitled the organs of self-government of national autonomous areas power to administer educational affairs in their respective areas independently.

Under the Constitution, at the basic law level, the RNAL is focusing on minority issues in China especially the Chinese regional national autonomy system. In RNAL, there are some articles about the education issues in minority areas including some special and preferential treatment on minority education rights like Articles 36, 37 and 71 of RNAL. I will go to details on these articles later in my thesis.

At the same time, at the state level, there are Education Law of the People's Republic of China³⁷ and Compulsory Education Law of the People's Republic of China³⁸. These two

³⁷ The English text of the *Education Law of the People's Republic of China* in my thesis is from the website of http://www.moe.edu.cn/english/laws_e.htm, [visited on 26 February 2007].

laws are general rules about education and compulsory education. But in the contents of these two laws there are some provisions about the minority education issues such as the use of teaching language, the financial support of minority education and so on³⁹.

At the local level, Article 59 to Article 63 is focusing on education in the Liangshan Autonomous Regulation. In these articles, Paragraph 1 Article 59 can be regarded as the principle on education in Liangshan which provides that “in accordance with the law and related regulations of the state, the autonomous authority of the autonomous prefecture can reform the educational system, make education plans for the special reality in the prefecture and decide on the establishment, semester, form, teaching contents, teaching language and enrollment approaches.” I will discuss these provisions in the following chapters when I discuss the right to education of the Yi in Liangshan and in Zhaojue.

It is interesting that when it mentions education as a right it use the term of “the right to receive education” in Chinese law such as Article 46 of the Constitution, Article 9 of the Education Law and Article 4 of the Compulsory Education Law. As you see, in most of international human rights instruments, the term of “the right to education” is the standard expression (Art. 26, UDHR; Art. 13, ICESCR; Art. 2, Protocol One ECHR). The right to receive education is another thing created by the People’s Republic of China with Chinese character. What is the difference between the right to education and the right to receive education? There are at least two differences between them in my opinion.

Firstly, when we use the term of “the right to education”, the students and citizens are the beneficiaries in the education process. But the right to receive education means that there is someone will give education to students and citizens. In China, it is the government who gives education to students and citizens as Article 19 of the Constitution states that “the

38 The English text of the *Compulsory Education Law of the People's Republic of China* in my thesis is from the website of <http://english.peopledaily.com.cn/data/laws/detail.php?id=38> , [visited on 27 February 2007]. But the English text is translated from the 1986 Compulsory Education Law not the latest 2006 version. So I have to translate the provisions of 2006 version by myself.

39 Articles 10 and 12 of Education Law. Articles 6, 18 and 31 of Compulsory Education Law.

state develops socialist educational undertakings”. Then students and citizens have become the objects in the education process. Here I don’t want to deny the obligation of the state to provide free education, but the status of beneficiaries or objects does relate to the nature and scope of education not the financial obligation to support the education system. As Katarina Tomaševski says that “its civil and political dimensions require respect of freedom; its social and economic dimensions mandate state provision and/or financing of education, while education as a cultural right often necessitates its affirmation as a collective right.” (Tomaševski, 2005, p.60) Now it is coming to my second point. The term of “the right to receive education” gives the authority more power on deciding the scope and nature of education which is given by them and “freedom to impart education is not recognized” (Tomaševski, 2003, Summary). However, “the very scope and nature of education offered by a State may also be open to scrutiny” (Smith, 2007, p.293). Article 26 (2) of UDHR proclaims that “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.” The content of education should be directed to pursuing these aims and goals of education as well as in *The Aims of Education* (Arajärvi, 1999, p.555)⁴⁰. However, in Chinese Constitution, Article 24 provides that:

The state strengthens the building of socialist spiritual civilization through spreading education in high ideals and morality, general education and education in discipline and the legal system, and through promoting the formulation and observance of rules of conduct and common pledges by different sections of the people in urban and rural areas. The state advocates the civic virtues of love for the motherland, for the people, for labour, for science and for socialism; it educates the people in patriotism, collectivism, internationalism and communism

⁴⁰ It is interesting that this is only discussion on the content of education I can find which is just based on the aims and goals of education.

and in dialectical and historical materialism; it combats the decadent ideas of capitalism and feudalism and other decadent ideas.

We can find the similar provisions in education laws and other laws such as Article 6 of the Education Law says that “The state shall conduct education among education receivers in patriotism, collectivism and socialism as well as in ideals, ethics, discipline, legality, national defence and ethnic unity.” Once again, the scope and nature of education in China is attached with Chinese socialist characteristics. Based on these provisions, we can say that one of important tasks of Chinese state education system is to impose socialist ideology on persons who receive education. On the other hand, Article 58 of the Liangshan Autonomous Regulation gives the autonomous authorities in Liangshan power to administrate education issues independently. In the following Paragraph 1 Article 59, it proclaims that “in accordance with the law and related regulations of the state, the autonomous authority of the autonomous prefecture can reform the educational system, make education plans for the special reality in the prefecture and decide on the establishment, semester, form, teaching contents, teaching language and enrollment approaches.” How the autonomous authority in Liangshan can decide the content of education within the socialist educational undertakings as a minority group? In the history of China, the minorities are regarded as the barbarian in the eye of the Han majority: “the goal remained their ‘cultivation’ by means of Confucian values, that is, cultural, nonviolent Sinification”(Heberer, 2001, p.215). Especially for Yi, they were at the slavery social system while the foundation of People’s Republic of China⁴¹.

Therefore, generally, the content of education to impose socialist ideology in China is in contradiction with the aims and goals of education set by international human rights instruments which are “strengthening of respect for human rights and fundamental freedoms”⁴². For Yi people as a minority group, the content of education has not taken into

41 *Liangshan gai lan (Survey of Liangshan)*, http://www.lsz.gov.cn/html/lztemplate_1.asp?catalogid=23, [visited on 15 March, 2008].

42 Para 2 Article 26 of UDHR.

the consideration of special needs of Yi according to Sub-paragraph (c) Paragraph 1 Article 29 of CRC.

2.2.2 Chinese mechanisms

2.2.2.1 The bureaucratic system in charge of education and minority issues

Besides the Chinese school system, there is an education department in the different levels of governments in China. At the national level, it is the Ministry of Education in the State Council. Accordingly, there is an education department in the governments of the province level, city level and county level. Even at the township level, there is an education office in the government like in Zhuhe Town in Zhaojue. These education departments in different levels governments are responsible for the administrative issues on education in the area they locate. Furthermore, in the Ministry of Education, there is a special section on minority education, the same as in the Education Bureau of Sichuan Province and Liangshan Yi Autonomous Prefecture. They are focusing on minority education according to their mandate. In the education department of the government of Zhaojue County, there is no special section on minority education. But it doesn't matter since the education in Zhaojue automatically becomes minority education from the administrative perspective because of the status in the autonomous prefecture and more importantly the dominant percentage of Yi in the population of Zhaojue.

Like the education bureaucratic system, there is an administrative system on minority issues. At the national level, it is the State Ethnic Affairs Committee. In the government of Sichuan Province, there is an Ethnic Affairs Committee too. At some lower level, the ethnic affairs have been combined with the religious affairs into the Ethnic and Religious Affairs Committee like in the government of Liangshan Yi Autonomous Prefecture. Since they are focusing on minority issues, minority education is of course included. Like the educational administration, there is a special section on minority education in the State Ethnic Affairs Committee and Ethnic Affairs Committee of Sichuan Province.

2.2.2.2 The system within CCP

Besides the administrative system, there is a strong and complicated Chinese Communist Party bureaucratic system in China. But the system is not regulated by law. In fact, it is ruled by the documents of the Party and most of these documents are not open to the general public like me. According to the General Program of the Constitution of CCP⁴³ and the preamble of Chinese Constitution, CCP “is the core of leadership for the cause of socialism with Chinese characteristics”⁴⁴. “Leadership by the Party means mainly political, ideological and organizational leadership.”⁴⁵

The United Front Work Department, one of its responsibilities is focusing on minority and religious affairs⁴⁶, is an important department in the Party system. The Propaganda Department of the Party is related to the education issues since it is in charge of ideological education in the public⁴⁷. Though I cannot find enough information about their work, both the United Front Work Department and Propaganda Department are carrying out their responsibility in a macro perspective such as important approaches and guidance on minority and education respectively.

43 *CONSTITUTION OF THE COMMUNIST PARTY OF CHINA, General Program*, <http://www.cctb.net/wjgg/wxb/wxbdt/200802020004.htm>, [visited on 15 April 2008].

44 *CONSTITUTION OF THE COMMUNIST PARTY OF CHINA, General Program*, <http://www.cctb.net/wjgg/wxb/wxbdt/200802020004.htm>, [visited on 15 April 2008].

45 *CONSTITUTION OF THE COMMUNIST PARTY OF CHINA, General Program*, <http://www.cctb.net/wjgg/wxb/wxbdt/200802020004.htm>, [visited on 15 April 2008].

46 *Zhu yao zhi neng (Main Responsibilities)*, <http://www.zytzb.org.cn/zytzbwz/introduce/zhineng.htm>, [visited on 15 March, 2008].

47 *Zhu yao zhi neng (Main Responsibilities)*, <http://cpc.people.com.cn/GB/64114/75332/5230610.html>, [visited on 15 March, 2008].

In Liangshan Yi Autonomous Prefecture, it is the same that “The local CCP committee is the locus of power, though constitutionally the people’s congress is.”(Minglang Zhou, 2004, p.85)

2.2.2.3 The judicial system

The role of Chinese courts in protecting the right to education of minorities is limited. Firstly, RNAL, the basic law for minorities, have never been applied in any Chinese courts until now. In Chinese legal system, RNAL belongs to constitutional laws. Even the Chinese Constitution itself is difficult to be applied in the court though there have been many discussions about the application of Constitution in the court in China.⁴⁸ Secondly, though there are many cases involved students, parents and schools in courts in China, cases focused on the right to education of minorities are very rare.

3 RIGHT TO EDUCATION OF YI IN ZHAOJUE

3.1 The Importance of the Examination of the Implementation

From this chapter, I will describe and discuss the reality of the right to education of the Yi in Zhaojue. As I have discussed above, there are many laws and institutions especially on or related to the right to education for minorities in China from the state level to local level. Though Chinese laws are not perfect, Chinese laws are roughly good in some aspects. Only laws passed by the National People’s Congress are too many to study generally for a student of bachelor in law within four years in a university. But the implementation of law is far away from the satisfaction of both the masses and scholars even the government in China. Many Chinese laws are only in paper not in practice. So as many scholars point out, now in China, from the legal perspective, what we need is not the law but the

48 *Xian fa si fa hua zhuan ti (On the topic of the application of the Constitution in the court)*, <http://www.gongfa.com/xianfasifahuazhuanti.htm>, [visited on 12 April, 2008].

implementation of law. The reflection of this experience in the legal philosophy is that “what I am worried in the society is not the lack of law but the existing law which have not been implemented.”⁴⁹ This experience applies to the examination of law and its implementation worldwide, not only in China.

For Yi, as a minority group in China, the implementation of the right to education is more important as “What this means is that for many disadvantaged groups, the key educational issue is not so much what the law says but whether educational practice actually realises those legal rights, expectations, duties and obligations, and provides a full, effective and fulfilling education for their young people.”(Jones, 1999, p.206)

3.2 The General Situation of State Education System in Zhaojue

Now in Zhaojue, there are three levels of schools in Zhaojue within the state education system which are primary school, junior middle school and senior middle school respectively. Though the Chinese government has encouraged the private school for several years, there are no private primary, junior or senior schools in Zhaojue. There are one or two private kinder gardens in Xincheng Town, but they are very small and cannot compete with the state-owned kinder garden and kinder gardens attached to primary schools in Xincheng Town. So we can see that the Yi parents have no choice but to send their children in the public schools in Zhaojue which has violated the freedom of parents to choose education for their children set by Sub-paragraph (c) Paragraph 1 Article 29 of CRC. Of course, they can send their children to schools in Xichang or even other advanced Han areas which cost them much more than in Zhaojue. For example, one case I found through my survey is that a boy studying in a senior school in Xichang spends five thousand RMB per semester, two thousand more than students studying in senior middle schools in Xincheng Town.

In Xincheng Town, Zhaojue Middle School and Zhaojue Nationality Middle School have both junior department and senior department. Outside Xincheng Town, there are six

49 Heng Kuang, *Yan tie lun (Discussion on salt and iron)*. Mr. Heng lived in Han Dynasty in China around two thousand years ago.

middle schools which only have junior department in the countryside. Unlike Xincheng Town, in the countryside, several towns belonging to one administrative area are sharing one middle school. Indeed, the establishment of one middle school in every administrative area was a new achievement in September 2005. However, even now, there is no senior middle school in the countryside of Zhaojue. At the lower level, there are hundreds of primary schools in Zhaojue. Almost every township in Zhaojue has its own central primary school except Xincheng Town which has two primary schools at the same scale and one nationality primary school which only enrolls students from the Grade Four. Furthermore, there are many primary schools at the village level. In my thesis, I will focus on the primary school and junior middle school which constitute the nine-year compulsory education according to Chinese Compulsory Education Law. In Zhaojue, only a very few of Yi students can go to study in the senior middle school⁵⁰, so the primary school and junior middle school enroll the majority of the Yi children especially the primary school.



The Yi pupils in one primary school in the countryside of Zhaojue (Taken by Hu Xiaoqin).

⁵⁰ There are three reasons for this: firstly, there are not enough senior schools in Zhaojue; Secondly, many Yi students cannot pay the high fees for senior middle school; Finally, some Yi students cannot pass the entrance exam of senior middle school.

3.3 The Implementation of the Right to Education in Zhaojue

3.3.1 Great achievements on education in Zhaojue?

On 28 and 29 of October 2007, Zhaojue passed the examination of “shuangji” by the higher education authorities on the behalf of governments of Liangshan and Sichuan. “Shuangji” means popularizing the nine-year compulsory education and eliminating illiteracy among the young adults basically. Passing the examination of “shuangji” means the enrollment rates of school-aged children for primary schools and junior middle schools are above 99 % and 95% respectively and illiteracy rate among the young adults above fifteen years old is below 2%.

But I cannot fully believe the statistics from the government as Katarina Tomaševski says “Figures are, as is well known, interpretations rather than facts. The thirst for documenting success, with deflection of criticism the reverse side of the coin, requires figures. The generation of statistics from the school to the local administration, and all the way to the central Government, indeed depicts successes.” (Tomaševski, 2003, Para.9) I have some evidence supporting my suspicion. In the Zhuhe Central Primary School where I taught, no more than 15% graduated students were able to go to study in junior middle school in Xincheng Town in 2002 and 2003. Before the establishment of the Zhuhe Middle School in 2005, there had been little change on the enrollment to the junior middle school. After that, only two years later, in October 2007, there are more than 95% of children between 13 to 15 years can go to study in junior middle school. Is that true? If it is true, only two years, it would be a very great achievement. But according to results of my questionnaires for parents, among 151 school-aged⁵¹ children for nine-year compulsory education, there are 18 children who do not study in the school which means the enrolment rate is only around 88%. Generally speaking, the enrollment in primary school is much better than in junior

51 The age range for nine-year compulsory education is from seven to fifteen years old according to the standard of “shuangji”. But in Zhaojue, for students who can complete nine-year compulsory education finally, many of them cannot complete their nine-year compulsory education on time. However, here, I still use the age standard of “shuangji” to calculate the enrollment.

middle school. But even in the primary school, the enrollment is not as high as the government declared. Based on my wife's personal experience, very few students (around 3% which means one or two students in a class with fifty students) which are registered in the school, but they never or seldom go to school. Even in the process of the examination of "shuangji", I heard of some cheating methods from my friends in Zhaojue that some newly established junior middle schools persuaded some students attending the school only when the examination of "shuangji" was carried out. After that, these students are registered in the school but seldom go to school. There are two reasons for this kind of phenomenon. Firstly, most of these students don't like studying and feel difficult to manage studying in junior middle school because they haven't finished primary education before or they have totally forgotten what they have learned in the primary school after graduated from the primary school a few years ago. Secondly, the authorities in the middle school are happy to permit these students being absent because they can get the reimbursement for the students' food and lodgings in school from the higher government since they are registered at the school officially. From this point, I do agree with Katarina Tomaševski's conclusion that "The official statistics on school enrolment, all above 99 per cent, conflict with reports of large numbers of children who cannot afford to go to school." (Tomaševski, 2003, Para.13)

On the other hand, there have been great achievements on education in Zhaojue during the recent years especially after the establishment of junior middle schools in the countryside in September 2005, the elimination of all charges on students in the primary school in the countryside from March 2005 and the establishment of Zhaojue Nationality Primary School in August 2007. Indeed, before the Chinese central government announced the elimination of all charges on rural students during nine-year compulsory education in 2006, the policy of "Liang mian yi bu" which means elimination of charges on books and miscellaneous fees and reimbursement on food of lodging students for students in rural area during compulsory education had been implemented in Zhaojue from March 2005. Because of the elimination of all charges on students in the primary school in the countryside, according to the findings of my questionnaires, the students, their parents and teachers have made the same conclusion that now studying in the primary school in the countryside is really free

because the student only pay for their own food in the school around 70 RMB per semester. So the enrollment of children to the primary school in the countryside has been greatly improved that more than 95% school-aged children have studied in the primary school in Zhuhe Town. At the same time, in the junior middle school in the countryside, the students only need to pay for their own food around 50 RMB per semester. From this point, there has been a great achievement on education in Zhaojue comparing the situation before the elimination of rural compulsory education charges and the establishment of junior middle schools in the countryside of Zhaojue. At that time, the charges were at least 50 RMB more than now per semester in the primary school in the countryside and the charges in middle schools in Xincheng Town were usually 300-400 RMB more than now for every semester. Additionally, the establishment of Zhaojue Nationality Primary School can be regarded as an achievement since it especially enrolls excellent and poor Yi students from the countryside with reimbursement on their lodging and food and does not charge students on tuition and miscellaneous fees. However, even these new achievements do not meet the requirement of international human rights provisions which insist that “Indirect costs, such as compulsory levies on parents (sometimes portrayed as being voluntary, when in fact they are not), or the obligation to wear a relatively expensive school uniform, can also fall into the same category.”⁵²

However, we must be careful to review the data and statements from the local government. At the junior school level, the policy of elimination of all charges on rural students is not implemented well. In Zhaojue Middle School and Zhaojue Nationality Middle School, the students from the countryside in the junior department have to pay 700-1000 RMB per semester including fees on books, extra teaching, food and lodgings, even the school uniform according to the students, parents and teachers⁵³. So in 2002, only 10 students

⁵² *Plans of action for primary education (art.14): 10/05/99. E/C.12/1999/4. (General Comments), Para 7.*

⁵³ This time, there is a difference in the my findings between teachers and students, parents. Students and parents claim the charge for extra teachings while teachers deny. Through communicating with students by call directly, I believe that the charge for extra teachings does exist. The reason for the difference may be that charge for extra teachings is prohibited

graduated from my wife's class continued studying in the junior middle school in Xincheng Town among 40 students. Her class had been at least at the middle level both on the scores and the number of students who could continue to study in junior middle school among classes in Zhuhe Central Primary School before 2002. The establishment of Zhuhe Middle School has made some improvement in the enrolment of children to the junior middle school. But there are two facts which make the role of this kind of junior middle school limited. As I discussed above, one is most of the students are unable to manage study at the junior middle school level directly without the necessary basic knowledge which should have been obtained in the primary school. So some of them don't like attending in the school, in fact, they are just registered at the school. The other is that the students with good scores has been enrolled by middle schools in Xincheng Town and the students with the real wishes to study even without good scores will try their best to go to middle schools in Xincheng Town because middle schools in Xincheng Town can offer much better quality of education than the newly established middle schools in the countryside. Now many parents will support their children's effort to study in Xincheng Town for better quality of education. These students from the countryside who are studying in middle schools in Xincheng Town have to pay high charges as their classmates from Xincheng Town whose parents are probably civil servants or businessmen not peasants. These students cannot benefit from the policy of the elimination of all charges in compulsory education in rural areas just because they are qualified and pursuing for the better education in Xincheng Town though Zhaojue is an agriculture county totally. Additionally, some excellent rural students can transfer to study in primary schools in Xincheng Town from the countryside after passing the examination. These pupils have to pay about 600 RMB per semester which is much higher than in the countryside.

In the announcement of the policy of elimination of charges, the object is "rural students

according to Chinese education law and policy such as Para 3 Article 2 of Compulsory Education Law: "Charge of tuition and miscellaneous fees is prohibited in providing compulsory education"

receiving a nine-year compulsory education”⁵⁴. What does “rural students” mean? I cannot find the definition of “rural students”. When these “rural students” study in urban schools in the town or city pursuing for better education mixed by the majority of non-rural students, are they still “rural students”? In Zhaojue’s practice, they are no longer treated as “rural students” from the viewpoint of levying upon charges. Almost all this kind of students are Yi because almost all Han migrates in Zhaojue don’t live in the countryside. So these Yi excellent rural students cannot benefit from the elimination policy on “rural students”. On the other hand, students in urban schools in China have to pay much for receiving nine-year compulsory education. So that is why China remains on the list of “countries without free public primary education”⁵⁵ until now because education should be free in two senses: “1) education (tuition) can be free of charge; or 2) the ancillary costs of education, such as books and other supplies, schools meals, transportation and the like should be paid by the State”(Arajärvi, 1999, p.561).Even though the Compulsory Education Law stipulates that “Charge of tuition and miscellaneous fees is prohibited in providing compulsory education”⁵⁶, the practice is not in accordance with the law⁵⁷.

3.3.2 Taking steps or progressively?

For the requirement of availability, as Article 12 Para 2 (a) of ICESCR and Article 28 Para 1 (a) of CRC point out, “primary education shall be compulsory and available free to all”. China has ratified both treaties. And China has confirmed the obligation of the government

54 *China pledges elimination of rural compulsory education charges in two years*, http://english.peopledaily.com.cn/200603/05/eng20060305_248042.html, [visited on 3 March 2008].

55 *Table 1: Countries without free public primary education available to all school age children by region*, http://www.right-to-education.org/content/tables/table_01.html, [visited on 7 April 2008].

56 Article 2, para 3 of the Compulsory Education Law (2006 version), translated by myself.

57 *Table 4: Guarantees of free education: The law and practice in Asia*, http://www.right-to-education.org/content/tables/table_04.html, [visited on 7 April 2008].

to provide free compulsory education for all in its domestic law⁵⁸. We can find this idea in the mind of top leaders of the State Council and the Standing Committee of Political Bureau of the Central Committee of CCP: “Providing decent education should be a government responsibility. Basic education, especially compulsory education, should depend primarily on government allocations.”(Li Lanqing, 2004, p.50)Therefore, there should be no doubt on Chinese government’s obligation to provide free compulsory education for all school-aged children. But the practice of compulsory education in Zhaojue isn’t really free especially in the junior middle school. According to the findings of my questionnaires, the financial obstacle is the main reason for the 30% students dropped out of school.

Why the schools are daring to charge on students even though some of these charges are prohibited by the education law and policy? The basic reason is the serious lack of educational fund which should be provided by the government (The Blue Book of Chinese Education, 2004, p.197). As I have discussed above, there have been great achievements on compulsory education in China after the announcement of elimination of rural compulsory education charges in 2006. Dose this mean that China has fulfilled its obligations on the free compulsory education as a member state of ICESCR since the Covenant allows its member state to fulfill its obligations by steps and progressively? No, absolutely not. As we see, China has been in a rapid economic growth from 1990s. But “The budgetary allocation for education hovered around 2 per cent of GDP throughout the 1990s although the Government made a commitment in 1993 to increase it to 4 per cent.” (Tomaševski, 2003, Para.16)On the contrary, “The 9.6 per cent increase in military expenditure approved in 2003 was lower than the 18 per cent in 2002 and, for the first time in 14 years, a single-digit increase.” (Tomaševski, 2003, Para.16)In 2002, the amount of fund for education from the state budgetary allocation was 311.424 billion RMB (The Blue Book of Chinese Education, 2004, p.169).However, in 2004, 700 billion RMB from the public budget was

58 “Compulsory education is a requirement for all school-aged children offered by the state. Compulsory education is the public welfare enterprise which the state must safeguard.” Article 2 Para 2 of the Compulsory Education Law (2006 version).

used on food and drinks, cars and visiting foreign countries by employees of the government and other state-owned institutions.⁵⁹ Some authors point out that “the lack of fund for basic education is the biggest obstacle for the development of education in China.” (The Blue Book of Chinese Education, 2004, p.177) Obviously, the Chinese government has enough money for the development of education. In fact, the lack of fund for free compulsory education just comes from its small part of the budget of the government. Therefore China has enough financial power to eliminate obstacles to the realization of the right to education of every child immediately, and it is not necessary taking steps or progressively because the progressive obligation is based on the “the maximum of its available resources”⁶⁰.

Since Zhaojue is a state-level poverty county, people in Zhaojue are poorer than many other people in China. Furthermore, most of Yi people in Zhaojue are poorer than Han people in Zhaojue. So financial problems to ensure free education for all children is more serious for Yi people in Zhaojue. Of course, the financial obstacles do not only exist in Zhaojue as community of Yi, but also do in other Han areas because “the serious lack of public educational fund and imbalance between the Supply and Demand on education has been practical issues for a long time in China.” (The Blue Book of Chinese Education, 2004, p.119) Therefore, we can say the financial obstacles to the realization of the right to education of every child is a general problem in China not only in Zhaojue for Yi, but just more serious for the Yi in Zhaojue because of their relatively poorer situation.

⁵⁹ *Qu nian san gong xiao fei da* (The amount of public expenses on food and drinks, cars and visiting foreign countries last year), <http://news.sohu.com/20050411/n225129857.shtml>, [visited on 7 April 2008].

⁶⁰ Article 2 Para 1 of ICESCR.

4 IDENTITY OF YI IN EDUCATION

4.1 Identity of Yi and the Right to Education

In 4-A Scheme especially the requirement of accessibility and availability, the special concerns for Yi related to its status as a minority group has been mentioned such as “Obligation to eliminate exclusion from education based on the internationally prohibited grounds of discrimination (race, colour, sex, language, religion, opinion, origin, economic status, birth, social status, minority or indigenous status, disability).” and “Obligation to adapt education to the best interests of each child, especially regarding children with disabilities, or minority and indigenous children.” (Tomaševski, 2004, p.8) In Chinese universities there have been some special treatments for students belonging to ethnic minorities for many years (Sautman, 1998, p.77). In this thesis, my focus is on the nine-year compulsory education. The relationship between the identity of Yi and the right to education is the basis for my discussion here.

For Yi people, as members of a minority group in China, their identity is about what they have in common with other Yi people and what differentiates them from other ethnic groups in China including Han and other minority groups. In fact, within the name of Yi nationality given by the communist government, there are many sub-groups which are different from each other historically even now. In the process of education, the linguistic and religious issues are two pillars for exercise of the right to identity of minorities as “more specific remarks are made about the relation between language and education and between religion and education.” (Henrard, 2000, p.256) In China’s context, discussing on the linguistic and religious issues in education for minorities from a human rights perspective is extremely important because “Education imposed upon minorities, enforcing their children’s obligation to receive compulsory education, violates human rights when it denies their religious or linguistic identity. This came as a complete surprise to most of the Special Rapporteur’s interlocutors.” (Tomaševski, 2004, p.7) For Yi, unlike Tibetan or Uyghur, they only have their own language but not officially recognized religion in China. However, just because of its unofficially recognized status, the religious issue may be more complex than linguistic issue of Yi. Because of the limitation on the number of words, I

will only focus on the linguistic issue of Yi in my thesis since “It (the Yi language) has become an important part of the developing Yi identity” (Bradley, 2001, p.213).

4.2 Bilingual Education

4.2.1 The necessity of bilingual education for Yi

The Yi people have both their own language and traditional written system. “According to the historical records or documents in both Chinese and Yi, the Yi writing system can be calculated being created in Han Dynasty or even earlier.”⁶¹ But

After the foundation of the People's Republic of China, the Yi traditional writings in Yunnan, Guizhou, Sichuan and Guangxi have been standardized and these standardized writings have been put into use in the Yi inhabited areas. The Tentative Program for Standardization of Traditional Yi Characters(《彝文规范试行方案》) was worked out in Sichuan in 1975, in which 819 characters were decided as standardized ones. The program was ratified to put into practice in Liangshan Yi Autonomous Prefecture by the State Council (which still have been putting into practice at present) [...]⁶²

Since Yi people have their own language, the same to other linguistic minority groups worldwide, “specifically mother tongue education, is the educational matter that tends to receive most attention regarding minority protection” (Henrard, 2000, p.256). Based on the crucially importance of mother tongue education, “Research also indicates that in primary school, the curriculum should ideally be taught in the minority language. The minority language should be taught as a subject on a regular basis.” and the same to secondary

61 Pu Zhongliang, translated by Shi Defu and Li Jie, *History*, <http://www.yizuren.com/ENGLISH/history.asp>, [visited on 24 February 2008].

62 Pu Zhongliang, translated by Shi Defu and Li Jie, *History*, <http://www.yizuren.com/ENGLISH/history.asp>, [visited on 24 February 2008].

school.⁶³ On the other hand, “the State language or languages are an essential element in the functioning of a modern State and the teaching of such language(s) in the schools is a critically important aspect of their work.”(Jones, 1999, p.215) In China, “the standard spoken and written Chinese language means Putonghua (a common speech with pronunciation based on the Beijing dialect) and the standardized Chinese characters.”⁶⁴ A dilemma between the mother tongue education for minorities and State language education in China is coming on the table since “any change in the hierarchy of languages will have an impact upon the power relations within the society concerned.”(Kaske, 2008, p.XV)In Liangshan, the solution is that “primary and middle schools where most of the students come from Yi can teach in both Yi language and Chinese. At the same time, the schools shall popularize Putonghua, the common speech in the whole China.”⁶⁵ This is a universal solution for linguistic minorities within State as Stephen May points out “A group-maintenance approach to bilingual education is thus the most usual policy response here.”(May, 2001, p.177)

As I have discussed in Chapter One, bilingual education for minorities in China has been given much emphasis both in law and policies of the central government such as in the stipulation that “(The State) should respect and protect the rights of minorities to receive

63 Articles 12 and 13 of *The Hague Recommendations*.

64 Article 2 of *Law of the People's Republic of China on the Standard Spoken and Written Chinese Language*, http://english.gov.cn/laws/2005-09/19/content_64906.htm, [visited on 25 April 2008].

65 Article 61 paragraph 2 of *Liangshan Autonomous Regulation*. “The State popularizes Putonghua and the standardized Chinese characters”, Article 3 of the *Law of the People's Republic of China on the Standard Spoken and Written Chinese Language*.

education in their own language.”⁶⁶ Even for Chinese scholars, “Much of the Chinese debate about minority education has been dominated by discussion of bilingual education (*shuangyu jiaoyu*). The majority of researchers in China concerned with minority education seem to agree that developing bilingual education is necessary in many areas.” (Hansen, 1999, p.5) It is the same in Liangshan for Yi both in law and practice: “Bilingual education in Chinese and Yi helped to improve the quality of education in Yi communities.” (Zhongliang Pu, 2004, p.262) Furthermore, the necessity of bilingual education has been confirmed by 95% officers in my survey.⁶⁷ But my concern is that bilingual education can contribute to the protection and promotion of the right to identity of Yi not only as a tool to learn Putonghua and other so called “knowledge” in public schools because “Language is an important identity feature, which is intrinsic to or at least closely related to culture and ethnicity.” (Henrard, 2000, p.245) Comparatively, much of the Chinese policy and the scholarship seem to see mother tongue education as a tool.

4.2.2 The reality of bilingual education in Zhaojue

Bilingual education, in terms of teaching language, is an inherent component of the right to education. As the RNAL and Liangshan Autonomous Regulation require, bilingual education in Yi language and Chinese is a basic requirement in public schools in Zhaojue.⁶⁸

According to the results of my questionnaires, among 39 teachers (there is one teacher did not answer the question on her own teaching language), five teachers teach in Yi language mainly, twenty-nine teachers teach in Chinese mainly and only five teachers take the bilingual education in Yi language and Chinese. Among them, thirty-seven teachers are from the primary school and two teachers are teaching in the junior middle school both

⁶⁶ *Guo wu yuan guan yu shen hua gai ge jia kuai fa zhan min zu jiao yu de jue ding (Decision of Deeply Reform and Improve Ethnic Education by the State Council)*, Part Three Section 7, http://www.sdpc.gov.cn/shfz/t20070326_123879.htm, [visited on 11 April 2008].

⁶⁷ Only one officer among twenty officers in my survey thinks that bilingual education is not necessary.

⁶⁸ Para 3 Article 37 of RNAL and Para 2 Article 61 of Liangshan Autonomous Regulation.

belonging to the nine-year compulsory education. Additionally, only four teachers are teaching in Xincheng Town. For the question of students' number and nationalities in their class, four teachers did not answer it. For the answers, thirty-one teachers in countryside schools have reported that all of their students are Yi nationality, three teachers in countryside schools say there is only one Han student in their class (others are Yi) and two teachers in the schools of Xincheng Town give the exact number of Yi and Han students in their class which is 42(Yi):20(Han) and 51(Yi):10(Han) respectively. This data can prove my statement is right in Chapter One that Zhaojue can be regarded as a pure Yi community especially in the countryside. Even in this kind of pure Yi community, more than 70% teachers are using Chinese as their main teaching language according to the results of my questionnaires. The teaching language in Zhuhe Primary School is just like this based on my personal experience. Most of the teachers in my survey are from schools in Xincheng Town and central primary schools and junior middle schools in the countryside. In the village-level primary schools, the use of Yi language should be more than central primary schools and junior middle schools in the countryside because the Chinese level of these teachers are generally lower than teachers in the latter ones. But this does not mean they will use bilingual teaching language more since their level of Chinese is lower. In a word, for the dominated percentage of Yi students in schools especially in the countryside of Zhaojue, at least half of their teachers use Chinese as their major teaching language. How can the pupils in the countryside manage their studies when the teaching language is not their mother tongue? As I know, most of the Yi children in Zhuhe cannot speak in Chinese or just speak very little Chinese before they go to school because their community in the village is a pure Yi language community except the language of TV and other

medias⁶⁹. In my survey, 90%⁷⁰ officers in education administration think the development of education in Zhaojue is lower than other Han areas in Sichuan. This is in accordance with my experience in Zhuhe Central Primary School where the average of students' scores is much lower than students in other Han areas in Sichuan. That the teaching language has some influence on the achievements of students as more than 92% teachers in my survey agree. For 55% of drop-out students, their difficulty in studying is coming from the reason that they cannot understand their teachers who speak too much Chinese. Since most Yi students cannot understand Chinese especially in the lower grades of primary schools, bilingual language is necessary for students at least in the lower grades of primary schools even from the point of education quality not only from human rights angle. In the case of children of Han migrant workers my wife found in her class, it shows us the importance of teaching language for Yi students from a negative point: the study achievement of only one or two children of Han migrant workers is much better than Yi students in her class just because their mother tongue is Chinese and my wife is teaching in Chinese mainly.

Besides teaching language, textbooks are very important for bilingual education too. Though "much progress has been made in bilingual teaching and in the compilation, publication and distribution of minority-language textbooks"(Li Lanqing, 2004, p.274), and even the first electronic dictionary in Yi language has been invented,⁷¹ there are no textbooks in Yi language to accompany textbooks in Chinese on different subjects in schools in Zhaojue. There are some differences in the nationality primary school and

69 When I was teaching in Zhuhe Central Primary School, some students especially the male students liked imitating the Chinese actors in Chinese TV programs. But the influence of TV is limited since maybe only very few families in the village have the TV set.

70 Eighteen officers among twenty officers have chosen C for Question Ten which means the development of education in Zhaojue is lower than other Han areas in Sichuan.

71 *Shou bu Yi yu dian zi ci dian yan zhi cheng gong* (*The first electronic dictionary in Yi language has been invented*),

Education Newspaper in China, 19 March 2005,

<http://www.moe.edu.cn/edoas/website18/level3.jsp?tablename=1206&infoid=13040>, [visited on 7 November 2007].

middle school in Xincheng Town, especially in some nationality classes in Zhaojue Nationality Middle School whose textbooks are all in Yi language. But generally speaking, the lack of textbooks in Yi language is a big problem for carrying out bilingual education in Zhaojue.

Fortunately, the teaching of Yi language and literature as a subject in primary schools and middle schools in Zhaojue can contribute to bilingual education as Hague Recommendations points out that “The minority language should be taught as a subject on a regular basis”⁷². More interesting to me, in the textbook of Yi language and literature, there are some traditional Yi language poems and articles written by Yi people themselves, which were many in ancient time. Undoubtedly, these Yi language poems and articles are very important in the culture of Yi. The teaching of these traditional Yi language poems and articles can contribute to the identity of Yi because culture is the core content in the identity of Yi. Unfortunately, Yi language and literature is just a minor subject in the curriculum which is not regarded as important as the main subjects such as Chinese and mathematics by both teachers and Yi students. Ironically, Yi language and literature is not regarded as important as English in middle schools since English is a main subject in the entrance examination for higher education institutions such as universities, colleges and secondary training schools⁷³.

In a word, bilingual education is not implemented as well as the Chinese law and policies require for the Yi in Zhaojue. From the perspective of pedagogy, in terms of education quality, the bad implementation of bilingual education for Yi students in Zhaojue has made their study achievements much worse than Han students in Zhaojue and other areas. From human rights viewpoint, the bad implementation of bilingual education can cause three results: firstly, as Article 28 Paragraph 1 of CRC points out, the right of the child to education should build on the basis of equal opportunity, “Education has long been recognized as an important means of providing Americans of diverse backgrounds a common heritage and equality of opportunity.”(Johnson, 1973-1974, p.943)The poor

72 Articles 12 and 13 of *The Hague Recommendations*.

73 The secondary training school is at the same level of senior middle school which more focused on career training.

bilingual education for the Yi in Zhaojue is a main obstacle to their enjoyment of equal opportunity. Secondly, the bilingual education for the Yi in Zhaojue does not suit for the requirement of acceptability in 4-A Scheme because “the use or the teaching of their own language” is an essential right for minority members both as a primordial right to identity and as a instrumented right to enjoy education. Finally, too much Chinese and not enough Yi language in teaching in Zhaojue can damage the identity of Yi as a minority group since “it is clear that the link between language and identity encompass both significant cultural and political dimensions.”(May, 2001, p.132)

4.2.3 Problems and possibilities of bilingual education in Zhaojue

The direct reason for bad bilingual education in Zhaojue may be the lack of bilingual teachers. In my survey, among forty teachers, eleven teachers think bilingual education is better for Yi students and seventeen teachers has chosen D is better for Yi students which is one form of bilingual education in China for minorities, namely for lower grade it should be Yi language mainly and for higher grade it should be Chinese mainly⁷⁴. Furthermore, they have given roughly the same reason for their choice which is that the students can understand what the teacher says in bilingual education. Among these forty teachers, twenty-one are Han teachers. Among these twenty-one Han teachers, eighteen teachers are teaching in Chinese mainly and six teachers even have given the reason for this which is that they cannot speak in Yi language. Comparatively, only five Yi teachers among nineteen Yi teachers in my survey are teaching in Yi language mainly. On the contrary, more than half of these Yi teachers are using Chinese as their main teaching language and others are taking bilingual education. From these results, we can see that Yi teachers are better in Chinese than Han teachers in Yi language. According to my personal experience, the bilingual language level of Yi and Han teachers in Zhaojue is just the same as my

74 About the three forms of bilingual education in China for minorities, please see Sun Dongfang, *Wen hua bian qian yu shuang yu jiao yu yan bian—Dong bei di qu Dawoer zu ge an yan jiu (The change of culture and bilingual education—Case study on Daur in northeast China)*, the doctor thesis of ethnicity from Central University of Nationality in China, 2005 p 8, download from the Chinese Knowledge Net (<http://www.cnki.net/index.htm>).

questionnaires results show though Article 49 of RNAL requires “The organ of self-government of a national autonomous area shall persuade and encourage cadres of the various nationalities to learn each other's spoken and written languages.” For the whole Zhaojue, there are only about one third of teachers are Han nationality.⁷⁵ As I know, many of these Han teachers cannot speak in Yi language or just a little Yi language. On the other hand, many of Yi teachers can speak in Chinese fluently. So the lack of bilingual teachers is mainly coming from the Han teachers in Zhaojue.

As I say above, the lack of bilingual teachers is just the direct reason for the bad bilingual education in Zhaojue. The root cause for this problem is that the public use of Yi language outside Yi community is very rare and the Yi language especially the written one is in the trend of being marginalized even in Zhaojue as Minglang Zhou points out: “minority language policy in China: equality in theory and inequality in practice”.(Minglang Zhou, 2004, p.71-95)In his article, he points out that the equality of language lies on three aspects: equality of legal status, equality of service and equality of use. (Minglang Zhou, 2004, p.75) In Zhaojue, in the Yi community, Yi people will speak in Yi language when they talk to each other. But for Yi students in Zhaojue, most of their exams are in Chinese especially the entrance exams for higher education. So if they want to go further in study, they have to study much more Chinese than Yi language. For teachers in Zhaojue, since the exams are in Chinese and evaluating system is based on Chinese, they may have no other choice but to teach students more Chinese. Because there are only 819 characters in the Tentative Program for Standardization of Traditional Yi Characters⁷⁶, they are not enough for use in the modern society, so called “information age”, comparing to at least five thousand frequently used words in Chinese. Most of educated Yi people in Zhaojue have some difficulties in writing in Yi language. When they want to write something, usually they prefer to write in Chinese. From the linguistics viewpoint, the language in use is an active

⁷⁵ I tried to look for the exact percentage of Yi and Han in teachers in Zhaojue, but I failed. There is no this kind of data even in the Education Bureau of Zhaojue.

⁷⁶ Pu Zhongliang, translated by Shi Defu and Li Jie, *History*, <http://www.yizuren.com/ENGLISH/history.asp>, [visited on 24 February 2008].

one. If it was not in use, probably it would die some day. In Liangshan, most of the road signs are both in Yi language and Chinese. But like in Zhaojue and Xichang, all the automatic bank machines' working languages are Chinese or Chinese and English, but no Yi language in Yi autonomous prefecture. Comparatively, in Norway's capital, Oslo, which is not Sami area, the automatic bank machines of Nordea can offer menu in Sami language. I do agree with the arrangement that "The proportional equality of use effectively classifies Chinese as the national language and minority languages as provincial and local languages." (Minglang Zhou, 2004, p.84) But even this kind of proportional equality has not been achieved in Liangshan. Indeed, "the study of minority education and ethnicity is also a study of power relations" (Hansen, 1999, p.4). From this point, "The barrier for minority language use appears to lie in the local CCP committees." (Minglang Zhou, 2004, p.85) It is the same in Lishangshan since both the current and former secretary of CCP Liangshan Autonomous Prefecture Committee are belonging to Han nationality. How can the Yi people manage their own language under the leadership of CCP Liangshan Autonomous Prefecture Committee whose secretary is belonging to Han nationality in Liangshan? Furthermore, for the Yi in Liangshan, "Lower on the evolutionary scale were societies that were believed to practice a 'slave system', represented mainly by the Nuosu (classified as Yi) from Daliangshan." (Hansen, 1999, p.13) So, the Yi language, as a part of Yi culture from the slave system, it is difficult to be equal to Chinese in the CCP's ideology. When I talk about the possibility of bilingual education in Zhaojue, I am really concerned about the opinion and will of the people in local community on it since "We should make sure that minority languages are taught properly in schools according to relevant legal stipulations and the wishes of the people." (Li Lanqing, 2004, p.276) So how to develop bilingual education for Yi in Zhaojue should be decided by the Yi people in Zhaojue themselves. This is guaranteed by the UNDM under the name of the right to effective

participation⁷⁷. At the same time, the right of self-determination is highlighted by Article 1 of both Covenants. Though the right of self-determination is little bit confused, there is no doubt on its internal aspects, namely the right of internal self-determination. In fact, the right of internal self-determination is confirmed by the Paragraphs 2 and 3 in the Preface of RNAL aiming at making the minority be the master of their internal affairs. Additionally, for me, as an outside researcher to Zhaojue, the principle of subsidiarity⁷⁸ requires me to be very careful to judge whether I want to give them here at least from the theoretic level is what they really want. Therefore, the opinions and wishes of local governments, teachers, parents and students on bilingual education are significantly important.

In my survey, the necessity of bilingual education has been confirmed by 95% officers, which can be regarded as the opinion of local government on bilingual education. Another example is from Xide County, another county in Liangshan, who hosted the first Yi mother tongue culture festival in 2007.⁷⁹ Among forty teachers in my survey, twenty-eight teachers think bilingual education is better for Yi students. Then we can say in the opinions of local government and teachers, bilingual education should be carried out in schools in Zhaojue. However, on this question, the opinions of parents and students especially the students are more important than others because “the education of the child shall be directed to the

77 “Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.” Para. 3 Article 2 of UNDM.

78 The principle of subsidiarity is significant here which is “intended to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at national, regional or local level.” *Subsidiarity*, http://europa.eu/scadplus/glossary/subsidiarity_en.htm, [visited on 28 April 2008].

79 Chen Zongguo, Xiaofu and Cai Xiaohua, *Xide shou jie yi zu mu yu wen hua jie long zhong kai mu (The first Yi mother tongue culture festival started in Xide)*, <http://www.lsz.gov.cn/3/3ji.aspx?id=48177>, [visited on 7 November 2007].

development of respect for the child's parents, his or her own cultural identity, language and values..." and "the best interests of the child shall be a primary consideration."⁸⁰ The findings on the opinion and will of parents and students are more interesting and controversial than the former two. Here I want to explain first is that all the parents and students in my survey are coming from Yi.

Among ninety-one parents, forty-three parents hope the teacher will teach in Chinese mainly, twenty-three on bilingual education and only fifteen parents prefer the teacher teach in Yi language mainly. For the reason of the choice for bilingual education and teaching in Yi language mainly, some of parents are concerned about their own language and culture of Yi while the majority of them are concerned about their children's understanding of the teaching language. For the choice of teaching in Chinese mainly, the reasons from the parents are diverse: the first big group of reason is that Chinese is the national language which is spoken in whole China with most speakers, the second one is that Chinese are more useful and important than Yi language, the third one is that their children can learn advanced culture and knowledge of Han people. A few parents are concerned about their children' careers in future. And some parents point out that the reason is that most of textbooks are written in Chinese. It is interesting that two parents' reason is that they like Chinese. By the way, from the result, we can see that Yi people are open-minded to learn Chinese. But for most of the reasons they give, it is difficult to judge whether they are the causes of bad bilingual education in Zhaojue and marginalization of Yi language in Liangshan or they are the results. When I examine the reasons again, the wider use of Chinese in society at large is the main reason. From this point, their choice of Chinese is at least partly the result of marginalization of Yi language in Zhaojue and in China.

For students studying in schools, twelve students prefer the teacher to teach in Yi language, eighteen students hope the teacher can teach in Chinese and sixteen students prefer the teacher to teach in Yi language and Chinese among fifty-three students. Unlike their parents, more than half of the students hope the teacher can teach in Yi language or both in

80 Article 29 Para 1 sub-Para (c) and Article 3 Para 1 of CRC.

Yi and Chinese. Their reasons for their choices are basically the same as their parents. For students dropped out of schools, if they can go back to school, twenty students hope the teacher can teach in Chinese mainly, eleven students prefer the teacher to teach both in Yi language and Chinese and only five students want the teacher to teach in Yi language mainly among forty students in my survey. The high percentage of the choice of Chinese gives me a surprise. When I check their reasons for the choice, their concerns are more about their careers because fluency in Chinese can help them to find a job in Xincheng Town or outside Zhaojue even Liangshan. Obviously, they have suffered the competition from the employment market which is based on Chinese in China even in Zhaojue because many businessmen in Xincheng Town are Han nationality who speak in Chinese mainly.

After examining the opinion from the local community, I think I can discuss the possibility of bilingual education in Zhaojue now. According to the majority opinion of officers, teachers, parents and students in my survey, the bilingual education is necessary and good for Yi students in schools. Though many of them have been aware of the importance of mother tongue to them, teaching only in Yi language is not their choice. While they learn their mother tongue, most of them want to learn Chinese at the same time. It is the same for linguistic minorities in U.S.A.: “Furthermore, I am sure that all other language minority feel as strongly as I do that our children must learn English. In today’s world, the absence of the ability to use English effectively relegates an individual to a life of menial employment.”(Cavazos, 1989-1990, p.574)

In the time of globalization, no one can ignore the strong power of market economy. “The challenge now for Nuosu who have some knowledge of the wider world(and they are still a minority) is to manage wisely the tension between cultural survival and economic development.”(Harrel, 2000, p.9)Even for the development of bilingual education, economy is the main concern of Chinese government as Li Lanqing says that “we must be serious about bilingual teaching, which is vital to making education more relevant to economic and social development in minority regions.”(Li Lanqing, 2004, p.276)In today’s China, obviously, Chinese is dominant in political, economic and cultural life. According to the results of my survey, undoubtedly, most of the Yi people in Zhaojue including the students and their parents know the importance of Chinese in China’s employment market.

But the bad bilingual education in Zhaojue and marginalization of Yi language in China will put the Yi language into a dangerous status. On the other hand, for some Han people in China, maybe take the position as follows:

Thus, one could view the loss or death of a language as simply a failure on its part, or its speakers, to compete adequately in the modern world where, of course, only the fittest languages can (and should) survive. This form of linguistic social Darwinism is widely articulated by majority-language speakers-conveniently secure in their own linguistic and cultural heritage-but it is by no means limited to them. (May, 2001, p.3)

However, this form of linguistic social Darwinism is in conflict with the international human rights law as Paragraph 3 Article 4 of UNDM points out. Discussing on bilingual education should apply a right-based approach not economic or pragmatic approach as “Language teaching means a great deal in that it is essential for minority peoples to improve their communication skills to exchange knowledge and information.” (Li Lanqing, 2004, p.276) This kind of pragmatism on minority language will lead to linguistic social Darwinism finally since, in the eyes of majority society, minority languages maybe not so “useful” as majority one. As I have discussed above, language is very important to the identity of minorities. Therefore, marginalization of minority language is a breach of minority’s right to identity since “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.”⁸¹ In the case of nine-year compulsory education for Yi children in Zhaojue, CRC can be applied here because “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality...”⁸²

Within a State someone belonging to the majority group may say that minority language is nonsense for him or her since he/she never use the minority language in his/her life. However, the cultural aspects of minority language have given everyone responsibility on

81 Article 1 Para 1 of the UNDM.

82 Article 8 Para 1 of CRC.

the protection and promotion of it according to the Convention on the Protection and Promotion of the Diversity of Cultural Expression, the Convention for the Safeguarding of the Intangible Cultural Heritage and so on. When I talk about the status of language as culture, the principle of the complementarity of economic and cultural aspects of development is meaningful to China's context, which is expressed as "Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy."⁸³ In China, "the Communist Party of China must persist in taking economic development as the central task, making all other work subordinate to and serve this central task."⁸⁴ Here, I am not opposed to taking economic development as the central task in today's China. I do agree that culture can serve economic development since their relationship is complementary, but I cannot agree on "making all other work subordinate to" economic development. This kind of subordinate status has made culture become a tool in developing economy as "(should) transform minorities' advantage on culture resource into economic advantage"⁸⁵. This thought has a very bad influence on the protection and promotion of minority culture in China because when local government in minority areas hosts some kind of culture activities, many of these culture activities are displayed by employees from public institutions which are targeting outsiders (higher authorities, tourists and potential investors, even researchers) for economic concerns. At many times, these displayed culture activities are not exercised by local minority group members in their life or are far away from their daily life. Regarding culture as a tool to develop economy is in conflict with human beings ourselves since "cultural diversity is a defining

83 Article 2 Para 5 of *CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS*.

84 *CONSTITUTION OF THE COMMUNIST PARTY OF CHINA, General Program*, <http://www.cctb.net/wjgg/wxb/wxbdt/200802020004.htm>, it is the English version already, [visited on 15 April 2008].

85 The State Council in China, *Shao shu min zu shi ye shi yi wu gui hua (The eleventh five-year plan on minority issues)*, Part Two, Section Five, Para 3, translated by myself..

characteristic of humanity”⁸⁶. In a word, language has its own value as a right and as culture, which is not based on its “usefulness” to economy or society especially on the national and global level.

On the other hand, we have to recognize linguistic social Darwinism does work at some levels because “Language loss is not only, perhaps not even primarily, a linguistic issue-it has much more to do with power, prejudice, (unequal) competition and, in many cases, overt discrimination and subordination.”(May, 2001, p.3-4)“Thus, it should come as no surprise that the vast majority of today’s threatened languages are spoken by socially and politically marginalised and/or subordinated national minority and ethnic groups.” (May, 2001, p.4)If the State lets it go without doing anything positive, some minority languages will die as it is predicted on present trends that between 20 per cent and 50 per cent will ‘die’ by the end of twenty-first century among six thousand languages spoken in the world today.⁸⁷ Fortunately, according to modern international human rights law, the State has positive obligations on the protection of minority rights. If the negative formulation of Article 27 of ICCPR makes the positive obligation of States little bit confusing though the HRC has confirmed that “Positive measures of protection are, therefore, required not only against the acts of the State party itself, whether through its legislative, judicial or administrative authorities, but also against the acts of other persons within the State party”⁸⁸, the positive aspects of State obligations on minority rights have been pointed out explicitly in UNDM as Paragraph 2 Article 1 claims that “States shall adopt appropriate legislative and other measures to achieve those ends”.

In the case of bilingual education in Zhaojue for Yi, Chinese government has the positive obligation on it as Article 4 Paragraph 3 of UNDM requires that: “States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother

86 Preamble, Para 1 of *CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS*.

87 See Krauss, M., *The World’s Languages in Crisis*, Language 68, 1992, p.4-10.

88 *CCPR/C/21/Rev.1/Add.5, General Comment No. 23*. Para 6.1.

tongue.” At the same time, as I have mentioned above, both in Chinese law and policy, carrying out bilingual education for minorities is the obligation of the government. Only declaring the obligation in law and policy is not enough to fulfill positive obligations. For improving bilingual education in Zhaojue, there are at least three programs which can be done by the Chinese government now: Yi language training program for teachers who can not speak in Yi language fluently, providing more textbooks in Yi language and reforming the examination and evaluating system which is based on Chinese in education system. Some of them have been aware by Chinese government and scholars as “Employment of teachers and supply of textbooks in ethnic languages should be ensured.”(Li Lanqing, 2004, p.273)But the obligations of Chinese government under international human rights law are not the words but the deeds. Furthermore, reforming the examination and evaluating system which is based on Chinese in education system may be more important than employment of teachers and supply of textbooks in ethnic languages because if the examination and evaluating system is still based on Chinese, the bilingual teachers have to teach mainly in Chinese without using the textbooks in ethnic languages under the pressure of Chinese examination and evaluating system finally. Today, “Without a college degree, it is very difficult to get a good job in China, thus the college entrance exam exerts a very strong influence on teachers, students, and curricula.”(Schoenhals, 2001, p.242)From the linguistic and human rights perspectives, the fundamental measure to improve bilingual education in Zhaojue is expanding the use of Yi language in the whole education system including the examination and evaluating system and in all aspects of the whole society at least in Liangshan.

5 CONCLUSION

For the Yi, as an ethnic minority group, there is no doubt on its status as a subject to enjoy minority rights in international law. In China, as an officially recognized minority nationality, the Yi should have all minority rights under Chinese domestic law and policy. At the international level, China has ratified ICESCR, CRC, the Convention on the

Protection and Promotion of the Diversity of Cultural Expression and the Convention for the Safeguarding of the Intangible Cultural Heritage which all are legally-binding to China. Especially for the ICESCR and CRC since China has ratified them without reservations on provisions on the right to education. For the ICCPR, though China has signed but not ratified, according to Article 18 of Vienna Convention on the Law of Treaties⁸⁹, China has the “obligation not to defeat the object and purpose of” of ICCPR. Additionally, when talking about relevant international standards, the UNDM influence on China, it should be taken into account since “a declaration proclaims a set of principles, ideals or standards generally accepted by the international community which are intended to influence national policies.”(Hodgson, 1996, p.246)The declaration, as one kind of soft law, can contribute to the hard law, namely the human rights treaties because “Soft law formulates and reformulates the hard law of human rights treaties in the application of this law to specific states and cases.”(Shelton, 1997, p.141)

As I have discussed above, education is a human right and persons belonging to the Yi have the right to education. China has the obligation to ensure free compulsory education to all children including Yi and to promote bilingual education in Zhaojue for the protection of the identity of Yi according to the provisions in the international human rights covenants, conventions and declarations. In addition, the obligation is confirmed by Chinese domestic law and policies such as the RNAL, Compulsory Education Law, Liangshan Autonomous Regulation and the State Council’s Decision of Deeply Reform and Improve Ethnic Education.

On the free compulsory education to all school-aged children, I come to the conclusion that China has the obligation to ensure it immediately which is confirming the conclusion of the former Special Rapporteur made in 2003(Tomaševski, 2003, Para.10).That this is of extreme importance for Yi children in Zhaojue in Liangshan, which becomes evident to me

89 “Obligation not to defeat the object and purpose of a treaty prior to its entry into force

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or

(b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.”

when reading the new reports from the end of April 2008 about hundreds of child labors in Dongguan, Guangdong Province from Liangshan without access to education.⁹⁰ All of these children are Yi nationality from Liangshan and some of them are from Zhaojue. There is no excuse for any delay by Chinese government to ensure free compulsory education to all school-aged children.

As I have pointed out above, the right to education can play a key role in the protection of the identity of Yi. For linguistic minorities, the mother tongue education is extremely important in the right to education. In Liangshan, mother tongue education for the Yi is taking the form of bilingual education both in Yi language and Chinese. For the promotion of bilingual education in Zhaojue, there are at least three programs for Chinese government to undertake from now onwards. The promotion of bilingual education for the Yi in Zhaojue and in Liangshan should be carried out progressively by the Chinese government, since it cannot be done over one night. Furthermore, a rights-based approach should be implemented during the whole process of promoting bilingual education according to the international human rights law and the protection of identity of Yi.

Fundamentally, the implementation of minority rights relies on the exercise of the right to effective participation in decision-making process by minority members. In China, it entails full exercise of the right to regional national autonomy having as its aim making the minority be the master of their internal affairs as Paragraphs 2 and 3 in the Preface of RNAL highlight. It is the same to the bilingual education as Noam Chomsky asserts: “Questions of language are basically questions of power” (Noam, 1979, p.191). Since educational issues are at the core for the protection and promotion of the identity of the Yi, the Yi themselves should have the decision-making power on how to carry out the right to education in their autonomous areas, Zhaojue and Liangshan. This follows from international human rights law, China’s RNAL and Liangshan Autonomous Regulation.

⁹⁰ See *Sichuan tong gong bai cai ban zai Dongguan fan mai Dongguan yong gong mo shi zao kao yan (Child labors from Sichuan have been sell as cabbage, the employment model of Dongguan is facing examination)*, South City Newspaper, http://money.163.com/08/0428/06/4AJL9DJN002510B6_4.html, [visited on 28 April 2008]. And, *Chinese police find child slaves*, <http://news.bbc.co.uk/2/hi/asia-pacific/7374864.stm>, [visited on 30 April 2008].

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Annex

Questionnaires:

No. 1 Questionnaires for students on charges

Nationality: Sex: Age: School and Class: Home address:

1 Are your parents still alive? Yes or No

2 If they are alive, what are their jobs?

A Agriculture peasants B Peasants working in non-agricultural field C Civil servants D Do their own business. E Others (Please explain:)

3 Your cost of one semester in the school and details:

Total cost	Tuition	Fee on books	Fee on extra teaching	Other Fee (Please explain)	Food	Lodgings

4 Can your parents pay for your cost in the school on time? Yes or No

5 If your parents cannot pay for you, how do you solve the problem of the cost?

A Elimination or aid from the state B Aid from the relatives C Aid from the society D Delay and owe to the school E Others (Please explain:)

No. 2 Questionnaires for teachers on charges

Nationality: Sex: Age: Education level: Your working school: Class and subject:

1, How many students in your class? What about the number of Yi and Han respectively?

2, The average cost of one semester in the school and details for a student:

Total cost	Tuition	Fee on books	Fee on extra teaching	Other Fee (Please explain)	Food	Lodgings

3, In your class, how many students are unable to pay the fee to the school? What about the number of Yi and Han respectively?

4, If a student cannot pay the fee, what will happen to him?

A Elimination or aid from the state B Aid from the society C The authority of the school will persuade the student to leave D The student will leave by his own decision E The authority of the school will ask the student to pay but don't persuade him to leave F Others

(Please explain:)

5、 Before the implementation of policy of “liang mian yi bu” in 200?, how about the cost of one student in one semester in the same grade as you are teaching now?

Total cost	Tuition	Fee on books	Fee on extra teaching	Other Fee (Please explain)	Food	Lodgings

6、 At that time, in your class, how many students were unable to pay the fee to the school? What about the number of Yi and Han respectively?

7、 At that time, if a student couldn't pay the fee, what would happen to him?
 A Elimination of charges or aid from the state B Aid from the society C The authority of the school persuaded the student to leave D The student left by his own decision E The authority of the school asked the student to pay but didn't persuade him to leave F Others
 (Please explain:)

No. 3 Questionnaires for parents on charges

Nationality: Sex: Age: Education level: Vocational: Address:

1、 What about your children:

Order in age	Sex	Age	Educated in school or not	If now in school, which grade	If not now in school, graduated grade
No. one					
No. two					
No. three					
No. four					
No. five					
No. six					

2、 What about the cost of your children in school now for one semester?

Order in age	Total cost	Tuition	Fee on books	Fee on extra teaching	Other Fee (Please explain)	Food	Lodgings

3、 What about the cost of your children for one semester when they were at the graduated grade in the school?

Order in age	Total cost	Tuition	Fee on books	Fee on extra teaching	Other Fee (Please explain)	Food	Lodgings

4、 How much of the income of your family for the whole year?

5、 What are the main sources of your family income?

A Agriculture B Working in non-agricultural field C Doing your own business D Salary from public position of the state E Others (Please explain:)

6、 If you cannot pay for your children in the school, what will happen?

A My children will be dropped out of the school B I will ask my children to leave the school C My children will leave the school on their decisions D My relatives will pay for my children E Elimination of charges or aid from the state F Aid from the society G Others (Please explain:)

No. 4 Questionnaires for teachers

Nationality: Sex: Age: Education level: Your working school: Class and subject:

1 How many students in your class? What about the number of Yi and Han respectively?

2 What about the scores of Yi students comparing to Han students?

A Yi students are better. B Han students are better C It is same for Yi and Han. D It depends on subjects.

3、 If it depends on subject, how about it?

A Yi students are good at Chinese not mathematics B Han students are good at Chinese not mathematics C Yi students are good at mathematics not Chinese. D Han students are good at mathematics not Chinese

4、 Which subject is better for Yi students in your class?

A Mathematics B Chinese C The same

5、 What is your teaching language?

A Yi language mainly B Chinese mainly C Bilingual language in Yi and Chinese

6、 Do you think that the teaching language will influence the score of Yi students? Yes or No

7、 For Yi students, which teaching language is better?

A Yi language mainly B Chinese mainly C Bilingual language in Yi and Chinese D It depends on the grade: for lower grade it should be Yi language, for higher grade it should be Chinese E Others (Please explain:)

8、 Do you believe in Bimo? Yes or No

9、 Do you teach something about Bimo in your class? Yes or No

10、 Do you think the teachers in the school should teach the Yi students the knowledge about Bimo? Yes or No.

No. 5 Questionnaires for officers in education administration

Nationality: Sex: Age: Education level: Your employer: Your position:

1、 Do you know the policy of bilingual teaching language in primary school and middle school in Liangshan? Yes or No

2、 Do you think the bilingual teaching language is necessary? Yes or No)

3、 In your opinion, what is the best arrangement for bilingual education in Zhaojue?
A More in Chinese B More in Yi language C The same in Chinese and Yi language D

Others (Please explain:)

Why (for your choice):

4、 How about the implementation of the policy of bilingual education in primary school and middle school in Zhaojue ?

A Good B Bad C It depends on the area of countryside or town D It depends on middle school or primary school E Others (Please explain:)

5、 If you choose B for Question 3, what about the situation?

A Speaking in Chinese too much B Speaking in Yi language too much C Others (Please explain:)

6、 What about the difference of bilingual education between the schools in countryside

and town?

A Good in the countryside B Good in town C The same D Others (Please explain:

)

7、 What about the difference of bilingual education in primary school and middle school?

A Good in primary school. B Good in middle school C The same D Others (Please

explain:)

8、 Do you believe in Bimo? Yes or No

9、 Is there an introduction to Bimo in the teaching of middle school and primary school in Zhaojue? Yes or No

10、 Do you think it is necessary to teach Yi students the knowledge about Bimo? Yes or No

11、 What about the development level of education in Zhaojue's primary school and middle school comparing to other Han area in Sichuan?

A The same B Zhaojue is better C Zhaojue is worse D Others (Please explain:)

12、 What is biggest obstacle for the development of compulsory education in Zhaojue?

A Least developed economics B Poor quality of teachers C Poor quality of students D

Little interested in studying for both parents and students. E Others (Please explain:

)

No. 6 Questionnaires for students in school

Nationality: Sex: Age: School and Class: Home Address:

1、 Are your parents still alive? Yes or No

2、 If they are alive, what are their jobs?

A Agriculture peasants B Peasants working in non-agricultural field C Civil servants D Do

their own business. E Others (Please explain:)

3、 Do you parents support you to go to school? Yes or No

4、 Do you have siblings? What about their situations?

Order in age	Sex	Age	Educated in school or not	If now in school, which grade	If not now in school, graduated

					grade
No. one					
No. two					
No. three					
No. four					
No. five					
No. six					

5、 How many students in your class?

6、 How many students of Yi and Han in your class respectively?

7、 Do you like going to school? Yes or No

8、 What kind of job do you want to do in your future?

9、 What are your scores comparing to your classmates?

10、 How many teachers are teaching you? What about their nationalities respectively?

11、 The teacher you like or prefer is or should be:

A Yi B Han C It is OK for both Yi and Han D No matter which nationalities they are.

12、 The teaching language of the teachers in your class is:

A Yi language mainly B Chinese mainly C Bilingual language in Yi and Chinese D It depends on the teacher and subject.

13、 If it depends on the teacher and subject, could you please describe the teaching languages of different teachers and subjects:

Subject	Nationality	Teaching Language	Subject	Nationality	Teaching Language	Subject	Nationality	Teaching Language
Chinese			Politics			History		
Mathematics			Physics			Geography		
English			Chemistry			Biology		

14、 The teaching language you like or prefer is:

A Yi Language B Chinese C Bilingual language in Yi and Chinese D It depends on different subjects E It doesn't matter

Why (for your choice):

15、 If it depends on different subjects, could you please describe the teaching languages of different subjects?

Subject	Teaching Language	Subject	Teaching Language	Subject	Teaching Language
Chinese		Politics		History	
Mathematics		Physics		Geography	
English		Chemistry		Biology	

16、 Do you believe in Bimo? Yes or No

17、 Do you want to learn something about Bimo? Yes or No

18、 If you want to learn it, where can you learn it?

A In the school B In the village or community. C Parents and family members. D Bimo

himself E Others (Please explain:)

19、 Do you hope the teachers in the school should teach you the knowledge about Bimo? Yes or No.

No. 7 Questionnaires for children dropped out of school

Nationality: Sex: Age: Last Grade and Class: Home Address:

20、 Are your parents still alive? Yes or No

21、 If they are alive, what are their jobs?

A Agriculture peasants B Peasants working in non-agricultural field C Civil servants D Do

their own business. E Others (Please explain:)

22、 Do you have siblings? What about their situations?

Order in age	Sex	Age	Educated in school or not	If now in school, which grade	If not now in school, graduated grade
No. one					
No. two					
No. three					
No. four					

No. five					
No. six					

23、 Why did you quit from the school?
 A Financial reason of the family B Study difficulties C Dropped out by the school D Do not like studying E Parents do not support me because of no financial reason F Others (

Please explain:)

24、 If you choose B for Question 4, why you feel the study is difficult?
 A Language B Too young at that time C No interest in studying D Others (Please explain:

)

25、 If you choose D for Question 4, what is the concrete reason?
 A No interest in studying B Study is useless. C Cannot live together with teachers in school

D Cannot live together with teachers in school E Others (Please explain:)

26、 If you choose E for Question 4, why do not your parents let you to go to school?
 A They think study is useless B They prefer boys than girls. C Others (Please explain:

)

27、 If you feel study difficult just because of teaching language, the detailed reason of language is:

A I don't understand the teacher who speaks in too much Chinese. B I don't understand the teacher who speaks in too much Yi language C I cannot survive from the bilingual teaching language. D I cannot understand the teacher who speak in his/her accent. E Others (Please

explain:)

28、 Now what are you doing?
 A Helping parents to do family work. B Playing, nothing to do. C Going outside to work. D

Working in Zhaojue E Others (Please explain:)

29、 Do you want to go back to school now? Yes or No

30、 If you go back to school, what kind of teaching language do you want your teacher

use?

A Mainly in Yi language B Mainly in Chinese C Bilingual education in Yi and Chinese D It doesn't matter.

Why (for your choice):

No. 8 Questionnaires for parents

Nationality: Sex: Age: Education level: Vocational: Address:

7、 What about your children?

Order in age	Sex	Age	Educated in school or not	If now in school, which grade	If not now in school, graduated grade
No. one					
No. two					
No. three					
No. four					
No. five					
No. six					

8、 Do you want your children to go to school? Yes or No

9、 Do you prefer your son go to school or your daughter?

A Son B Daughter C No difference, equal on my son and daughter.

10、 If you want your children to go to school, what kind of teaching language do you like for your children?

A Yi language mainly B Chinese mainly C Bilingual education in Yi and Chinese D It

depends on the teacher and subject. E Others (Please explain:)

Why (for your choice):

11、 If your children don't go to school at the school age, why?

A Financial reason of my family B I think study is useless C Poor teaching quality of the

school D My children cannot understand what the teacher said E Others (Please explain:

)

12、 If you choose D for Question 5, what is the detailed reason?

A My children don't understand the teacher who speaks in too much Chinese. B My children don't understand the teacher who speaks in too much Yi language C My children cannot survive from the bilingual education. D My children cannot understand the teacher who speak in his/her accent. E Others (Please explain:)

13、 Do you believe in Bimo? Yes or No

14、 Do you want your children to learn something about Bimo? Yes or No

15、 Now where can your children learn it?

A In the school. B In the village or community. C Parents and family members. D Bimo

himself E Others (Please explain:)

16、 Do you hope the teachers in the school should teach your children the knowledge about Bimo? Yes or No.