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统一·自治·发展

TONGYI ZIZHI FAZHAN

—— 单一制国家结构与民族区域自治研究

戴小明 潘弘祥 等著

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总 序

湖北民族学院地处鄂渝湘黔四省（市）毗邻的武陵山片区腹地——恩施土家族苗族自治州，长期以来，学校始终牢记“面向少数民族和民族地区，为少数民族、民族地区和国家战略服务”的办学宗旨，坚持“立足湖北、面向西部、服务基层、辐射全国”的办学定位。近年来，依托民族地区、武陵山区，哲学社会科学专业建设、学科发展充分发挥省级科研平台湖北省人文社会科学重点研究基地——南方少数民族研究中心的团队凝聚和辐射功能，以“大民族学”的视阈来开展科学研究、构建优势学科体系、凝炼特色学科方向，保持和加强在“一州”（恩施自治州）、“一区”（武陵山片区）、“一族”（土家族）研究领域的独特优势，努力在民族文化保护与传承、生物多样性与生态安全、区域经济发展与环境保护、鄂西生态旅游圈建设，以及民族区域治理等领域产生具有重大影响的理论成果，占领学术研究的高地。

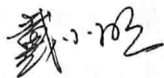
在湖北省高等学校创新能力提升计划（简称“2011计划”）的支持下，呈现在广大读者面前的这套《文化多样性与地方治理丛书》，是一个大型的跨学科协同研究项目，涉及文化学、历史学、民族学、政治学、法学、经济学、管理学等学科领域。该项目的目的不仅在于展示湖北民族学院及“2011计划”协同单位学者相关研究的最新成果，更在于激励具有创新精神的年轻学者脱颖而出。丛书的研究内容既有对地方治理政策框架的宏观讨论，也有民族地方具体政策法规的微观分析，还有社会文化变迁的细致考察，从丛书的选题和研究内容来看，它们本身就带有文化多样性的特点。丛书的作者都是接受过系统专业学习和学术训练的博士，既有已经在学界崭露头角的中青年专家，也有初出茅庐的青年才俊，虽然有的著

作可能还略显稚嫩，但都显示出了每一位研究者良好的创新能力和较为扎实的基本功底。

一方山水养育一方人，有什么样的风土，就有什么样的人文；有什么样的文化，就有什么样的地方风貌。地方政府是国家政治制度的重要组成部分，不了解前者，就不能了解后者。每一个国家只有一个中央政府，却有多个地方政府。地方政府与民众的日常生活更为息息相关，与多样性的地理和社会生态环境的联系更为密切。地方政府的重要性，不仅源于与它有关的政治和政治家们，源于在地方这一级所提供的服务的数量，而且还源于它在增进民主和个人自由方面所作的哲理和道德上的贡献。^①

现代治理是德治与法治的结合、道德治理与法律治理的统一，更是文化认同、文化共识之上的规则之治、宪政之治。多民族统一的中国疆域辽阔，地域差别，民族不同，文化多样，历史和现实昭示我们：政府施政不能脱离民族的文化传统，相应的人文环境，只有尊重传统性，包容多样性，关注民族性，才能因地制宜，实现有效治理，达致善治。我国正处在社会转型期，我们期待《文化多样性与地方治理丛书》的出版，能对推动地方治理、特别是民族区域治理能力和水平的提升有所裨益。

值此《文化多样性与地方治理丛书》付梓之际，我们谨向所有对组编工作给予关注、支持和帮助的相关专家，特别是中国社会科学出版社及其编辑者所付出的努力致以衷心的感谢！



2013年10月8日

^① 参见〔以〕柴姆·卡西姆《民主制中的以色列地方权力》，余斌、王荣花译，北京大学出版社2005年版，第1、3页。

摘 要

民族区域自治制度是指在我国单一制国家结构形式中,在国家宪政体制内,以少数民族聚居区为基础实行自治的一系列法令、规定、措施、办法、方法等的总称,是国家治理体系的有机组成部分。它是中国共产党把马克思主义民族理论和中国民族问题的实际结合起来,协调和处理民族关系和实现民族平等的基本政策,是保障少数民族权益的制度性机制。新中国成立以来,作为我国的基本政治制度之一,民族区域自治制度对维护国家统一、民族团结、促进民族地区经济社会发展发挥了巨大的作用,展示出巨大的政治功能和社会功能。但是改革开放以来,尤其是21世纪以来,随着全球化背景下民族主义和族群意识的张扬以及中国以市场为取向的经济改革带来的中西部差距的拉大,民族区域自治制度与社会的急剧变迁存在着一些不相适应之处,特别是发生拉萨“3·14”事件、乌鲁木齐“7·5”事件之后,学术界和社会上出现了反思和质疑我国民族政策和民族区域自治制度的声音。主要观点有:(1)在民族认同与国家认同、公民身份与民族身份的关系上,认为应注重公民平等身份、强化国家认同来应对这一现实问题。而在政策导向和具体措施上,应该逐渐将其中的民族性因素予以淡化,通过实行“族群”身份的“文化化”而实行“民族”身份的去“政治化”。(2)我国现阶段实施的民族区域自治制度借鉴的是原苏联的理论和经验,而民族政策失败是导致苏联解体的重要原因之一。因此,我国现行的民族区域自治制度和民族政策需要反思,因为这种政策带来了很多社会治理问题,而且影响到公民社会建设和现代国家构建目标。(3)在实践层面,民族自治地方还存在经济社会发展不够、权益保障不充分等现实问题,民族区域自治制度名实不符。这些声音的存在,

亟须我们就中国民族区域自治制度和民族政策进行理论的深入阐释和实践的评估与修正，推动了中国民族区域自治制度和民族政策的理论和实践问题的研究。

欲对我国民族区域自治制度和现行的民族政策进行价值诠释和实践评估，首先需要科学地定位单一制国家结构形式下民族区域自治制度的性质和地位。在此基础上，解析民族区域自治制度的历史原意及其需要承接的核心价值，完整准确地确立其在少数民族地区政治、经济、文化及社会发展中的基础性地位和作用；其次，要基于国家发展的新形势和少数民族地区发展的新要求，探讨民族区域自治制度在自身发展、实践中的完善，以及少数民族地区依赖这一制度发展时所需要完善和创新的任务和内容。关于新形势的变化：一是体现为少数民族地区“五化”背景下的现实挑战（工业化、城市化、市场化、信息化、国际化）。民族地区如何将国家的民族区域自治制度更好地运用于本地区的建设和发展？民族区域自治制度面临着在新形势下如何作出适应性的变革和调整？使之不仅能发挥以往的效能，同时也能借助于民族区域自治制度以外其他制度和政策的辐射性和溢出效应，形成制度和政策的多元互动，共同发挥效能。二是需要对民族地区正在完成转型或尚待转型过程中的各种特点进行揭示，以此准确形成民族区域自治制度在发展和完善过程中的背景知识描述，从静态和动态角度把握民族地区的社会发展进程和变革的特点，进而对民族区域自治制度安排下的少数民族和民族地区的发展需求进行再认识。

本课题的研究主要由国家结构形式与自治权的基础理论研究、民族区域自治制度的正当性分析、自治机关自治权配置的科学化研究、民族自治地方自治权行使的有效性分析、上级国家机关履行法定职责问题研究、民族自治地方行政区划变更的规范化研究共六章所构成。

第一章，国家结构形式与自治权的基础理论研究。国家结构形式是国家机构体系内纵向配置和运用国家权力的政治法律制度，当今世界各国的国家结构形式可归结为单一制和联邦制两种形式。而复合单一制（或带有复合因素的单一制）是中国特色的国家结构形式。我国的复合单一制包含着普通模式、民族模式、特区模式这三种实践样态，其中普通模式是中国国家结构形式的主体，民族模式是单一制中央与地方的关系在民族自治地方的变形，是中国共产党在探索中国国家结构制度的模式时，吸收马

克思恩格斯的地方自治单一制和列宁的民族自治联邦制的优点,结合中国的政治传统和民族特点,在单一制国家内建立的民族区域自治制度。中央与特区关系实践模式是单一制中央与地方关系的特殊形态,是中国为了解决台、港、澳地区问题而对世界政治制度作出的创新。中国国家结构形式是在长期的历史中产生,是中国共产党将马克思主义相关理论与中国地理环境、民族发展和经济背景相结合的创新,蕴涵着发展的适应性、内容的兼容性、功能的多样性,解决了民族人口众多和面积辽阔的国家的整合问题,为大国国家结构形式提供了独具特色的范例。自治权和主权之间存在密切联系:人类社会的自治随着主权理论的发展而受到限制;自治权的行使要以不损害和削弱一国的主权为前提。自治权具有权利和权力双重属性。要对中国民族区域自治制度进行理论的深入阐释和实践的评估与修正,必须从自治权的双重属性入手,既探讨自治权力配置的科学性、行使的有效性等问题,又要考察具有法定职责的上级国家机关对自治权利的保障程度问题。

第二章,民族区域自治制度的正当性分析。正当性涉及合法性、价值判断、历史渊源、现实基础、实践检验等诸多因素,在这些因素的综合影响下,一项制度是否正当才具有论证的基础。中国自秦汉以来就是统一的多民族国家,各民族在长期的经济文化交往过程中,形成了大杂居、小聚居的犬牙交错的分布格局。历代中央王朝对汉族集中居住地区之外的少数民族地区采取一定的“自治”形式,实行羁縻政策,强调“各依本俗治”,以一种间接管理的方式实现边疆少数民族对中央政府的制度认同和社会整合。新中国成立后,中国共产党以马克思主义的民族平等思想为基本原则,结合中国民族问题的具体实际,提出了以民族区域自治制度的形式协调和整合多民族国家族际关系,得到了广大少数民族群众的认同。由此可见,实行民族区域自治制度是中国共产党在对传统族际政治治理政策的形式继承与本质颠覆的基础上,领导各族人民群众经过民主协商而共同选择的结果。实践也证明,实行民族区域自治,保障少数民族依法行使自治权,对于发展少数民族政治、经济和文化各项事业,发挥了重要作用,取得了突出成绩。

第三章,自治机关自治权配置的科学化研究。民族自治地方自治机关的自治权,是实行民族区域自治的核心内容。对自治权内容及其限度的科

学界定,是保证自治权实施,保证实现民族区域自治制度与的核心价值的前提与保证。我国《民族区域自治法》第三章对自治机关的自治权作了较为详细的规定。但从法律条文与实践效果来看,《民族区域自治法》关于自治权的规定存在的问题较多,如有的条文过于笼统抽象,难于操作与实践;有的规定无实践的必要与可能,如第二十四条规定民族自治地方的自治机关可以组织本地方维护社会治安的公安部队;有的未能体现民族区域自治特色,规定不具有特殊性,如第四十二条规定自治区、自治州的自治机关依照国家规定,可以和国外进行教育、科学技术、文化艺术、卫生、体育等方面的交流,等等。民族区域自治制度在实践中所反映的问题,民族自治地方意见较大的问题,许多就是因为自治权设置不够科学合理所致。本书立足于我国单一制国家结构和民族自治地方实际,侧重从自治权配置角度分析当前自治机关立法自治权、财政自治权和行政管理自治权配置现状、实践绩效及其存在的主要问题,认为自治权配置应该进一步坚持法治原则,以法律明确自治权配置;坚持向下倾斜原则,强化民族自治地方的自治;坚持权责对等原则,实现权责均衡配置;坚持比例原则,明确自治权划分。在此基础上,要树立正确的自治权观念,改善政治生态环境,科学设置自治权法律规定内容,进一步明确划分中央与民族自治地方的权责,科学设置自治机关政府机构,加快政府职能转变,完善协商民主决策机制,以确保自治权有效行使。

第四章,民族自治地方自治权行使的有效性分析。自治权是民族区域自治制度的核心结构要素,是《宪法》与《民族区域自治法》等一系列宪法和法律所肯认的制度性权力,但在实际运行中,自治权行使的过程和效果与既定的民族区域自治制度的原则、价值、目标及其自治权规则内涵的权威性之间出现了负向“偏离”,面临着有效性不足的问题。从系统理论角度分析,自治权的有效行使与其相关结构要素——自治权规则的科学性、行为主体素质品性和自治权行使的社会环境密切相关。具体从科学性角度而言,自治权行使的规范依据存在着体系不完备,权限边界不确定,规则与规则之间协调性不够,法律责任条款缺失,监督机制虚置等问题;从主体意识角度而言,上级国家机关和自治机关自治意识和责任意识淡薄导致自治权行使有效性不显的主观原因;从外部环境角度而言,行政化的中央与地方分权模式,党政职能错位是影响自治权的有效行使的客观因

素。因此,应进一步完善民族法制体系建设,为自治权有效行使提供法制保障;提升政策执行主体的政策认同感和责任意识,为自治权有效行使提供认同保障;变行政化的分权模式为立法化分权模式,为自治权有效行使提供体制保障;完善地方党委与自治机关间职权配置关系,为自治权有效行使提供政治保障。

第五章,上级国家机关履行法定职责问题研究。在公共政策的执行系统中,上级国家机关既是政策的执行主体,又是政策资源的权威分配主体;既是责任主体,又是权力主体。因此,在民族区域自治制度的实践中,上级国家机关对民族自治地方依法履行职责和义务,并充分尊重民族自治地方自治机关的自治权,是民族区域自治制度有效运行的重要保障。《民族区域自治法》颁布实施二十多年来,上级国家机关依法在财政金融、资源开发、生态建设、环境保护、文化教育、干部队伍建设等方面,制定并实施了一系列对少数民族和民族地区的优惠政策,加大对民族自治地方的扶持力度,有力促进了民族地区经济社会快速发展,人民生活水平得到显著提高。但不可忽视的是,实践中上级国家机关依法履行职责也还存在不少问题。如对民族自治地方自治权尊重不够;配套立法或政策不到位,民族优惠政策难落实;民族自治地方“造血”功能不足,整体发展仍然滞后;少数民族干部人才队伍数量和素质不能满足当地发展需要。因此,应提高上级国家机关依法履行职责的意识与能力,完善相关配套立法或政策,加大帮助扶持力度,大力加强少数民族干部人才队伍建设,完善上级国家机关履行责任的监督机制和责任追究制度等措施强化上级国家机关履行法定职责,更好地发挥政策效能,使民族地区的发展能力和发展空间得到更大的拓展。

第六章,民族自治地方行政区划变更的规范化研究。城市化是民族地区发展的必然趋势。在城市化浪潮下,我国的民族区域自治正从以农村区域自治为主转向扩大城市区域自治的新阶段。面对这一发展趋势,我国民族地区行政区划的设置与变更显露出了规范的局限性和实践的随意性。一方面,由于民族自治地方缺少“自治市”一级建置,不少自治县不得不变更为市和区,如1993年海南省东方黎族自治县改为东方市,2000年重庆市黔江土家族苗族自治县改为黔江区。变更区划后,这些市和区不再享有自治权,一些上级国家机关的优惠政策也不能很好的落实;另一方面,

违反《宪法》、《地方组织法》和《民族区域自治法》的相关程序规定，将自治州辖县划归一般行政区域。如1994年湖南将本属于湘西自治州管辖的大庸市、桑植县划归张家界管辖，变更为张家界市的永定区和桑植县；2007年新疆维吾尔自治区将昌吉回族自治州管辖的米泉县并入乌鲁木齐市米东区。虽然民族自治地方行政区划的变更顺应了工业化和城市化发展的现实需要，但却有削弱民族区域自治制度之虞。主要表现为：行政区划变更没有遵循法定程序和协商机制，大部分地方经济社会发展依然落后，民族优惠政策执行随意性较大，少数民族干部培养、选拔和任用普遍存在弱化趋势。因此，这一做法在民族地区干部群众中有不少非议，在一定程度上影响了民族关系，阻碍了民族地区经济社会发展。为使民族自治地方既享有宪法规定自治权，又能适应城市化发展的需要，应该在民族自治地方中增加“自治市”的建置，同时以中央立法形式确立民族区这一城市行政建置的法律地位。此外，民族自治地方行政区划的变更和调整应严格遵照《民族区域自治法》和《国务院关于行政区划管理的规定》的相关规范，履行必要的法定程序且须经过上级国家机关与民族自治地方自治机关和少数民族代表充分协商。

Abstract

The system of regional autonomy for ethnic minorities is the generic terms for a series of decree, stipulation, measure, method, way and so on, which makes regional autonomy based on areas inhabited by ethnic minorities under the unitary state and the constitutional system of our country. It is a fundamental policy that the Chinese Communist party integrates the Marxism's ethnic theory with the practice of ethnic issues in China, deal with ethnic relationships and achieve ethnic equality and also an institutional mechanism that guarantees ethnic minorities rights. Since the building of People's Republic of China, the regional autonomy system for ethnic minorities plays a very important role and shows its tremendous political and social function in safeguarding national unity, ethnic unity and promoting social and economic development in ethnic minority's areas as one of the basic political system in our country. However, since reforming and opening up to the world, especially since the 21st century, Along with the raising of nationalism and ethnic consciousness, and the widening gap between east and west area in the market - oriented economic reform. The regional autonomy system for ethnic minorities is incompatible with the rapid social change. Especially after 3.14 events in Lhasa and 7.5 events in Urumqi, there was a voice to question our country's ethnic policy and the regional autonomy system for ethnic minorities in academia and society. Their main points are as follows: First, In the relationship between ethnic identity and state identity, citizen identity and ethnic identity, we should focus on the

equal citizen status and improve state identity to answer the reality problems and should weaken ethnical elements gradually by culturalization of ethnic identity and de-politicization of ethnic identity in the orientation of the policy and concrete measures. Second, The regional autonomy system for ethnic minorities use the experience of the former Soviet Union for reference at current stage, however the failure of ethnic policy is an important factor caused the collapse of the Soviet Union. Because our current system of regional autonomy for ethnic minorities and ethnic policy brings many social and governance issues and affect civil society construction and the goal of modern state establishment, we should rethink it. Third, At the practical level, ethnic autonomous areas still exists a series of issues, such as the lack of economic and social development and the insufficiency of rights and interests guarantee, thus, the regional autonomy system for ethnic minorities is still more in name than reality. these voices urges us to elucidate current theory in depth and evaluate and amend reality practice about the regional autonomy system for ethnic minorities and ethnic policy. In fact, It promotes the study of theory and practice issue of the regional autonomy system for ethnic minorities and ethnic policy too.

If we want to interpret and evaluate its value and practice of the regional autonomy system for ethnic minorities and current ethnic policy, The most important thing is that we should scientifically define the nature and status of the regional autonomy system for ethnic minorities under unitary state. Based on this, we should analyze its historical original intention and core value that it need to carry on, and establish fully and exactly its foundational status and function in the process of developing minority's politics, economy, culture and society. Secondly, Base on the new situation of state development and the new demand of minority areas, we need to discuss itself improvement and practical perfection of the regional autonomy system for ethnic minorities, and study task and content which need to improve and create when minority area's development rely on the system. Regarding the change of the new situations, it firstly appears to be the minority area's

actual challenges under the "five problems", such as Industrialization, urbanization, marketization, informatization and internationalization. How do the minority areas make better use of the regional autonomy system for ethnic minorities to promote the local area's construction and development? How do the regional autonomy system for ethnic minorities make adaptive adjustments in the face of the new situation? This will not only exploited its previous efficiency, but also can form multiple interactions between autonomy system and ethnic policy by the help of the radiation and spillover effect other systems and policy besides the regional autonomy system of ethnic minorities. Secondly, we need to reveal the various characteristics in the process of the transition or yet to be transitioned in minority areas, in order to accurately described the background knowledge about the regional autonomy system for ethnic minorities in the process of its development and improvement, and Grasp the progress and change of social development in minority areas from the static and the dynamic aspects, then recognition the development demand of ethnic minorities and minority areas under the arrangement of the regional autonomy system for ethnic minorities.

The research of this topic is consist of six chapters: thestate structural form and basic study about autonomy right, the legitimacy of regional autonomy system for ethnic minorities, the scientific disposition of the autonomy for self - government organs, the exercise validation of the autonomy in ethnic autonomous areas, the problem of state organs at higher levels perform its statutory duty, the standardization research about establishment and alteration of administrative division in minority areas.

The first chapter is that study the fundamental theory of the state structural form. The state structural form is a political and law system that has vertical disposition and utilize public power in state institutional systems. There are two structural forms of states, including unitary system and federal system in the world now. But the compound unitary system (or unitary system which has compound factor) is the state structural form with Chinese characteristics that includes three practical samples: common pat-

tern, ethnic pattern, special administrative region pattern. Among them, common pattern is the main part in china. ethnic pattern is the transformation of relationship between the central and the local in minority areas. This is a system of regional autonomy for ethnic minorities established in a unitary state which absorb the merits of Marx and Engels's unitary system of local self - government and Lenin's federal system of ethnic autonomy and combine China's Political tradition with state features when Chinese Communist Party is exploring the pattern of Chinese state structure system. The practice pattern in between the central and the Special Administrative Region is a special form of the central and local government in a unitary state and a creation that the Chinese government made about the world political system in order to solve the issue of Taiwan, Hong Kong and Macao. The state Structural form in China is born in a long history, which it is a creation that the Chinese Communist Party Combine related theory of Marxism China's with geographical circumstance, minorities development and economic background. It contains adaptation of development and diversity of function and solves the integration problem of a country which has great amount of national population and vast area and provides distinctive examples for structural form of the large country. There is close relationship between autonomy and sovereignty; the autonomy of human society restricts with the development of state sovereignty; the exertion of the autonomy don't harm and impair a country's sovereignty. The autonomy has double attribute of right and power. thus, We must start with the double attribute of the autonomy to elucidate the theory in depth and evaluate and amend the practice about the regional autonomy system for ethnic minorities. Meanwhile, we should not only discuss the problem about scientific allocation and effectively perform of self - government power, but also discuss how state organs at higher levels with statutory duty protect the autonomy of ethnic autonomous areas.

The second chapter is about the legitimacy research of the regional autonomy system for ethnic minorities. Legitimacy involves many factors, such as validity, value judgment, historical origin, practice examination and so

on. Under the comprehensive influence of these factors, Only When a system is justifiable, It would become the topic of our discussion. As a unified multi-ethnic country, China has forms an indented distribution pattern of multi-ethnic groups living together over vast areas during their long-term intercourse process of economic and culture since Qin Dynasty and Han Dynasty. Central dynasties through the ages adopt autonomy form in minority areas to implement yoke policy, emphasize "to govern a place according to its local custom", and realize System recognition of ethnic groups in borderland to central government and social integration in indirect management. After the founding of new China, the Chinese Communists take Marxist idea of the ethnic equality as its basic principle, integrate the reality of ethnic problems, put forward a method to coordinate and integrate ethnic relations in multi-ethnic country in the form of regional autonomy system for ethnic minorities and gain acceptance of the broad masses of ethnic groups. Thus, ethnic Regional autonomy is the result that Chinese Communist Party leads the people of all nationalities to make a common choice through democratic consultation on the basis of inheriting the form and changing the nature of traditional Ethnic politics treatment policy. The practice has proves that carrying out the ethnic regional autonomy and guaranteeing the full exercise of the self-government rights play an important role and make outstanding achievements in developing the ethnic minorities' politics, economy, culture and so on.

The third chapter is that study the scientific disposition of the autonomy of the autonomous organs. The autonomy of autonomous organs is core content exercising ethnic regional autonomy. The Scientific definition for content and limitation of autonomy is the premise and guarantee to perform the autonomy and realize the core value of the regional autonomy system for ethnic minorities. Although the autonomy of autonomous organs have been detailed stipulated In the third chapter of regional autonomy law, but the stipulation still exists many problems in legal rules and practice effect. For examples, some legal rules are too general and abstract to hard to operate

and practice ; some stipulation have no necessity and possibility to practice, such as Article twenty - fourth provides that autonomous organs of ethnic autonomous areas can organize safeguard security in local areas; some can't reflect the characteristic of ethnic regional autonomy and its rule have no particularity, such as the Article 42 ruled that autonomous organs can communicate and cooperate with the abroad in education, science, art, sanitation, sports and so on. Many of the problems in practice and that ethnic autonomous area complained about are caused by the set of autonomy which has not been scientific and reasonable. This book is established in the reality of unitary state system and ethnic autonomy in our country, lay particular emphasis on analyzing current disposition, practical performance and main problems of the legislative autonomy, financial autonomy and administrative autonomy from the point of the autonomy allocation. We think the autonomy allocation should stick to the legal rules further, clear and definite the autonomy allocation by the law; stick to the principle of downward - sloping, strength autonomy of ethnic autonomous areas; stick to the principle of "rights being equal to liabilities" and realize equilibrium allocation of rights and liabilities; stick to the principle of scale and definite divide autonomy. On this basis, we should establish correct concept of autonomy, improve political ecological environment and scientifically set autonomy content, and make clear division of power liabilities further between the centre and the ethnic autonomous areas, set governmental agencies of autonomous organs scientifically, accelerate the government functions transformation and improve decision - making mechanism of deliberative democracy in order to guarantee effectively exercise of autonomy.

The fourth chapter is that analyze the validation of autonomy exercising in ethnic autonomous areas. Autonomy is the core structural elements of the regional autonomy system for ethnic minorities and institutional power accepted by the Constitutional Law and ethnic regional Autonomy law, but in its practice, there is a negative "deviation" between process and result of the autonomy exercising and principle, value, goal of the regional autonomy