

The Independent Status Of Tibet

A Brief Summary

Compiled by
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FOREWORD

The story of modern Tibet is one of tragedy, of human bondage. It is the story of a small nation forcefully subjugated by a bigger nation much against her will.

The tale began in 1949 when Communist Chinese invaded Tibet. Tibetan reaction to this onslaught and the massive Chinese propaganda about Tibet having been 'an inseparable part of China' could not be made known to the outside world at once because of various factors. However, the fact remained that whatever the Chinese may have said, the people of Tibet knew we were independent, separate and a distinct community.

After the happenings of 1959, the Tibetans were able to directly address the people of the world through the media. This has led to the awareness among the international public about the true status of Tibet. In our effort to make known the actual situation we have been assisted by many non-Tibetans, who have specialized on various aspects of the Tibetan issue.

*Michael C. van Walt van Praag is one of them. A specialist on international law, he has made in-depth study about Tibet's status from the legal perspective. We had the pleasure to publish his **Tibet and the Right to Self-determination** in 1979.*

In this present volume, compiled by Michael, various aspects of Tibetan history which support Tibet's independent status are touched. Various documents, including treaties, are cited as evidence to prove this.

We hope this booklet will help in the readers' clear understanding of the unique status of Tibet.

October, 1985

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Introduction:

Tibet existed as an independent state for almost two thousand years before the communist Chinese troops invaded and occupied the country.

Situated at the very heart of Asia, Tibet is inhabited by a people of a race and with a culture and way of life totally different from that of the neighbouring peoples of India, China or Eastern Turkistan. Tibetans have developed a unique and extremely rich culture and spiritual tradition, a distinct language and a large body of literature and exquisite works of art. Tibetan civilization, which goes back thousands of years, is, indeed, a highly sophisticated and valuable contribution to the heritage of mankind.

Today, it is in danger of complete destruction at the hands of the Chinese occupiers of Tibet.

Early History

The written history of the Tibetan State may be said to have begun with the reign of King Song-tsen Gampo in 629 A.D., when Tibet became one of the great military powers in Asia. King Songtsen Gampo annexed or subjugated numerous kingdoms on Tibet's borders, invaded Western China and compelled the Chinese Emperor and the Nepalese ruler to sue for peace and give royal princesses in marriage.

From the seventh to the ninth century, Tibet and China were frequently at war. A pillar inscription at the foot of the Potala Palace in Lhasa describes in detail the conquests of the Tibetan armies in Western China during the second half of the eighth century. On one occasion, the Chinese capital was captured, the Emperor was forced to flee and a new Emperor was installed by the Tibetans.

This period was characterized by relations on a footing of equality and reciprocity. The Peace Treaty concluded in 821, inscribed on a stone

pillar in front of the Central Cathedral of Lhasa, bears witness to this. By the terms of the Treaty, the Emperor of China and Tibet pledged that neither would trespass beyond the marked frontier. The fact that during this period Tibet was an independent country is evident from the Treaty and other historical sources, and is not disputed even by the Chinese.

Mongol Influence

Tibet fell under the sway of Mongol power in the thirteenth century as did most of Asia, including China, and much of Europe. The Mongol Khans exercised influence over Tibet before they had conquered China or established the Yuan Dynasty. Kublai Khan embraced Tibetan Buddhism and recognised the Grand Lama of the Monastery of Sakya as Supreme pontiff of his empire and his personal teacher. He also installed him as sovereign of Tibet. But the authority of the Lamas of Sakya did not endure and was eventually replaced by the second monarchy of Tibet.

Tibet's Foreign Relations from the 14th to the early 20th century

The native Chinese Ming Dynasty (1368- 1644) which succeeded the Mongol Yuan Dynasty in China had few ties and no authority over Tibet. On the other hand, the Manchus, who conquered China and established the Ching Dynasty in the 17th century, embraced Tibetan Buddhism as the Mongols had and developed close ties with the Tibetans. The Dalai Lama who had by then become not only the head of the Tibetan Buddhist Church, but also, the Head of State, was highly respected in Asia and the Manchu Emperors looked upon him in the same way as the Christian monarchs looked upon the Pope. A Buddhist priest-patron relationship was established between the two men. The Dalai Lama was the spiritual teacher and guide and the Manchu Emperor his lay worshipper, supporter and protector. It was on the basis of this relationship that the Manchus rendered the Dalai Lamas and Tibet help in the years that followed. The Tibetan-Manchu relationship did not in any sense turn Tibet into a vassal State of China.

In 1652, the Fifth Dalai Lama visited Peking at the invitation of the first Ching Emperor. The Emperor made a four-day march from the capital to receive the Tibetan sovereign and spiritual leader of all Central Asian Buddhists. The Dalai Lama was treated in every sense as an independent sovereign and shown the respect due to a Head of State.

In 1720, the Manchu Emperor, as the patron, offered to lend his troops to escort the Seventh Dalai Lama, at the time still a child, from Kumbum Monastery in eastern Tibet, to Lhasa, where the incarnate child was to be enthroned.

The Dzungar Mongols, who had invaded Tibet in 1717 and occupied the country for three years, still threatened the country-side and the Emperor's troops provided protection with the approval of the Tibetan government. Some years later, the Emperor appointed two Manchu Ambans, or resident ambassadors, in Lhasa to serve as his representatives and as security guards to the Dalai Lama. When the Manchu troops left Tibet, two Ambans remained in Lhasa. In the course of time, they gained influence and, on occasion, even became involved in Government activities. In practice, their influence never lasted more than a few years at a time.

Chinese sources have sought to interpret the Amban's presence as evidence of Chinese authority over Tibet. Tibetan sources contradict this claim and Desideri, who lived in Lhasa for five years from 1716, described the situation thus :

“The Grand Lama of Tibet is recognized and revered not only by the Tibetans of the second and third Tibet, but also by the Nepalese, the Tartars and the Chinese; he is worshipped and offerings are made to himhe reigns over the religious and temporal affairs, because he is absolute master of the whole of Tibet The Emperors of China have demonstrated their profound respect for him often they have sent ambassadors with presents.”

The opinions expressed by Huc and Gabet, two Lazarist missionaries who were in Lhasa around 1846, confirm Desideri's observations. According to them, "the Government of Tibet resembles that of the Pope and the position occupied by the Chinese [Manchu] ambassadors was the same as that of the Austrian Ambassador in Rome."

In 1792, the Gorkhas of Nepal invaded Tibet. The Dalai Lama appealed to the Emperor for help but by the time it arrived, the Gorkhas were already defeated. Thus, once again, Manchu troops had entered Tibet with the consent of Tibetan authorities.

Although today the Chinese contend that this period marked the establishment of China's "suzerainty" or "sovereignty" over Tibet, this contention contradicts both the spirit and the facts of Sino-Tibetan relations during this time. "Suzerainty" and "sovereignty" are imprecise terms borrowed from Western political vocabulary and are inadequate to describe the uniquely Buddhist relationship between a High Priest and his disciple. All Tibetan documents describing the relationships of Tibetan grand Lamas to the Mongol and Manchu rulers of China, use the term "*choe-yoen*" which means "Spiritual teacher - religious disciple." The Chinese cannot produce any written document to which the Tibetan seal or signature has been affixed acknowledging any form of Chinese suzerainty, let alone sovereignty over Tibet.

The Chinese have always been adept at pretending that the slightest connection with any foreign power made that foreign power a vassal of the Chinese. It is well known that when Queen Victoria of England and the Pope sent ambassadors to China, the Manchu Emperor thanked those ambassadors for the present sent by his "vassals." In subsequent Chinese histories, England, the Vatican, Holland, Portugal, Russia and numerous Asian countries were listed among China's vassals.

In its report "Tibet and the Rule of Law," the Legal Inquiry Committee on Tibet of the *International Commission of Jurist* described

the lack of understanding for Tibet's independent status thus :

“Apparently the presence of the Chinese [i.e., Manchu] Ambans in Lhasa led the British representative at Darjeeling to take the view that China possessed a residuum of at least de facto authority in Tibet, for in 1876 Great Britain and China entered into a treaty whereby it was agreed, inter alia, that the Chinese Government would make the necessary arrangements for a British mission of exploration to visit Tibet. When the Chinese Government encountered difficulties from the Tibetans who refused to recognize the Convention, the British made no attempt to enter and in 1886 a British mission was abandoned before reaching Tibet. Britain continued to deal with China and the extent to which China proved to be impotent to afford the British the rights which were conceded by Anglo-Chinese agreements now began to provide an illustrative guide to the extent of Chinese power in Tibet.”

In 1893, trade regulations were signed between Great Britain and China. The Tibetan Government was not a party to the agreement and refused to abide by its terms as it had refused to abide by the 1876 convention. The British invaded Tibet in 1903 with the intention of forcing the terms of those documents. Colonel Younghusband defeated the Tibetan army, proceeded to Lhasa and compelled the Tibetan Government to sign a bilateral Treaty on September 7, 1904. The only parties to this treaty were Great Britain and Tibet. Article IX reads:

IX. The Government of Tibet engages that, without the previous consent of the British Government: -

(a) no portion of the Tibetan territory shall be ceded, sold, leased, mortgaged or otherwise given for occupation, to any foreign power;

(b) no such power shall be permitted to intervene in Tibetan affairs;

(c) *no representative or agents of any foreign power shall be admitted to Tibet;*

(d) *no concessions for railways, roads, telegraphs, mining, or other rights shall be granted to any foreign power, or the subject of any foreign power. In the event of consent to such concessions being granted, similar or equivalent concessions shall be granted to the British Government;*

(e) *no Tibetan revenues, whether in kind or in cash, shall be pledged or assigned to any foreign power, or to the subject of any foreign power.”*

The Imperial Government in Peking was not a party to this Convention. In fact, at the time of invasion, it neither protested nor offered any resistance to the British forces as it should have done had Tibet been an integral part of China or even a protectorate of the Manchu Empire.

The situation at the time was aptly described by Lord Curzon, the Viceroy of India, when he said, “Chinese suzerainty over Tibet is a constitutional fiction—a political affectation which has only been maintained because of its convenience to both parties.”

In 1906, China signed a Convention with Great Britain recognizing the Anglo-Tibetan Treaty. But a year later, the British and Russians acknowledged Chinese suzerainty over Tibet in a bilateral agreement relating to Persia, Afghanistan and Tibet, which demarcated the two signatories’ spheres of influence in Asia. This recognition, although it could not legally affect Sino-Tibetan relations since neither Tibet nor China were parties to the convention, stimulated the Manchu Government to attempt to establish control over Tibet. In 1910, Tibet was invaded by Manchu and Chinese troops.

The Manchu invasion of 1910 was a turning point in the relations

between Tibet and her eastern neighbour. Previous Manchu expeditions had come to assist the Dalai Lama and had never attempted to take over the Tibetan administration. The Ch'ing Empire had modern arms and modern training and was not in a mood for the politico-religious courtesies of the past. Although militarily successful, the occupation of Tibet was shortlived.

When the Manchu Dynasty fell in 1911, the Imperial troops in Tibet mutinied and were also attacked by the Tibetans. The following year, they surrendered to the Tibetans and were deported back to China.

In 1913, the Thirteenth Dalai Lama and the Tibetan National Assembly issued a proclamation of independence of Tibet.

It should be noted in this connection that Bulgaria which was under the suzerainty of the Turkish Empire, made a similar declaration in 1908 denouncing the Turkish rights of suzerainty. Turkish suzerainty had been accepted by the concert of Europe under the Treaty of Berlin of 1878, but the unilateral declaration made by Bulgaria in 1908 was accepted by the community of nations. Although Tibet had never recognized Chinese suzerainty, the Thirteenth Dalai Lama's declaration was similar in character and had the same effect in international law.

In 1913, Tibet entered into a treaty with Mongolia whereby the two States recognized each other as independent.

Tibet had thus reasserted its full independence.

Tibet's Foreign Relations in the 20th century

The Tibetans were completely independent of the new Chinese Republic set up by Sun Yat-sen. But Chinese President Yuan Shih-Kai claimed that Tibet was a part of China and proposed to send a military

expedition to prove it. In order to avoid a long-drawn war between Tibet and China, a tripartite conference was arranged with British mediation at Simla, India, in October, 1913. The plenipotentiaries of Tibet, China and Great Britain met and negotiated in Simla on a perfectly equal footing.

At the conference, Great Britain, anxious for peace north of her Indian borders, persuaded Tibet to agree to China's nominal suzerainty in exchange for China's pledge to respect the territorial integrity and full autonomy of Tibet. As it turned out, however, the Chinese Government refused to sign the Convention.

On the 3rd of July, 1914, the Tibetan and British plenipotentiaries initialed the Simla Convention, and signed a bilateral Declaration debarring China from any of the advantages which she might have accrued from the terms of the Convention. The Anglo-Tibetan Declaration stated as follows:

“We, the Plenipotentiaries of Great Britain and Tibet, hereby record the following declaration to the effect that we acknowledge the annexed Convention as initialled to be binding on the Governments of Great Britain and Tibet, and we agree that so long as the Government of China withholds signature to the aforesaid Convention she will be debarred from the enjoyment of all privileges accruing therefrom.

“In token whereof we have signed and sealed the declaration, two copies in English and two in Tibetan....”

Tibet's status, therefore, remained what it was when she entered the Convention: That of an independent State owing no allegiance to China.

In 1934, a Chinese Mission sent to offer condolences on the death of the Thirteenth Dalai Lama was received by the Tibetan Government in Lhasa. A Chinese representative was then permitted to stay and was given a similar status as the Nepalese and British representatives in

Lhasa. He remained until his expulsion from Tibet in 1949.

During World War II, the British and American Governments requested permission to transport war material through Tibet to their Chinese ally. President Roosevelt sent representatives to Lhasa to secure Tibet's cooperation, but the Tibetan Government insisted on maintaining neutrality and allowed only non-military goods to be transported through its territory.

In 1947, a few months before the independence of India, Tibet was invited to participate in the Asian Relations Conference in New Delhi. The Tibetan delegation travelled on Tibetan passports and participated in the Conference as representatives of an independent State. The national flag of Tibet flew alongside those of all other states at the Conference.

After the transference of power in India, the Indian Government inherited Britain's treaty relations with Tibet and both Governments agreed to continue bilateral relations on the basis of those treaty relations.

In 1948, when the Tibetan Government Trade Delegation visited India, France, Italy, the United Kingdom and the United States of America the delegates' passports, issued by the Tibetan Government, were accepted by the Governments of these and other countries as valid. It should also be noted that Tibet had, throughout, her own telegraph and postal service, her own civil service, separate coins and paper currency of her own, a national army and even ammunition factories.

The foregoing are but some of the historical facts that demonstrate Tibet's independence. When the Communist Chinese invaded Tibet, in 1949, Tibet was a completely independent State satisfying all the basic requirements of statehood, viz., the existence of a people, a defined territory, and a government with the capacity to enter into international relations with other States.

This conclusion is supported by virtually all serious scholars on the subject.

The Occupation of Tibet

In late 1949, the Chinese launched the military invasion of Tibet. While the world's attention was focused on the Korean War, the Chinese Red army, with full air and artillery support, marched to the Tibetan capital, Lhasa.

Resistance was organized in eastern Tibet but was unable to do more than slow down the advance of the Chinese army.

Once Chinese armies had occupied about half of Tibet, the Tibetan Government was forced to sign the so-called 17-Point "Agreement for the Peaceful Liberation of Tibet" on May 23, 1951. This Agreement was void, for it was signed under duress: The threat of an immediate occupation of Lhasa and total obliteration of the Tibetan State left the Tibetans little choice.

From 1951 to 1959, the Chinese occupation forces repeatedly violated the terms in the 17-point Agreement as if it had never existed. The Chinese imprisoned thousands of Tibetans and destroyed hundreds of temples and monasteries, the focal point of Tibetan life. A Chinese Communist system of life, considered unnatural, oppressive and alien by the Tibetan people, was forced on the six million Tibetans.

Finally, on March 10, 1959, the open resistance to the Chinese which had led to violent clashes in the east, spread to Lhasa setting off a national uprising against the oppressive Chinese. To break up the crowds, the Chinese began to shell Lhasa and even the Dalai Lama's own residence. The Dalai Lama managed to escape to India and one hundred thousand Tibetans followed him

