

*Some Notes on "THE QUESTION OF TIBET"*

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Some people are convinced that China has no legal and very little historical basis for considering Tibet as part of China and therefore the Chinese government's actions with respect to Tibet are unjust, immoral and constitute aggression.

The historic claim of Chinese governments for the past 270 years, on the other hand, is that Tibet has been an inalienable, sovereign part of China and that Chinese suzerainty goes back even further to the Yuan Dynasty (1271-1368).

The nature of Tibet's relation to China clearly involves questions of legality in international law, political realities, morality and justice.

First, the aspect of international law: the authoritative records of the British and American governments show that in the 20th century, at least until the 1940's, Tibet was part of China.

What is the documentary proof of this assertion?

Great Britain, because of her over-lordship in India, was the most active Western power in Tibet. The attached map of the Foreign Office shows the British view in international practice (law) as of 1911 at the end of the Qing (Manchu) dynasty. Tibet was part of the Chinese empire.

After the fall of the Qing dynasty China fell into chaos and civil war with warlords carving the country up into separate territories. Some scholars, such as H. E. Richardson, hold that because Chinese central authority was weak during the Republican period (1912 - 1949) the legality of the Chinese position in Tibet was nullified.

Richardson has long been an ardent supporter of a Tibet independent of China. In 1937 he was part of an official British Mission to Lhasa headed by J. Gould, Political Officer for Sikkim, which tried among other things, to maintain that China was no longer legally entitled by treaty to claim suzerainty over Tibet. This position was repudiated by their superiors with the following words: "Chinese suzerainty over Tibet is not a privilege accruing from the Convention of 1914: rather it is based on age-long usage and was recognized in previous conventions which were merely confirmed in 1914."

Thus as late as 1937 the British authorities did not consider that it was open to **"His Majesty's Government to repudiate Chinese suzerainty over Tibet or to support the Tibetan government in an attempt to do so."** (Source: India Office to Foreign Office, 21 June 1937, FO 371/20964, Public Record Office, London.)

A few years later, in 1943, the British government, while still recognizing "formal Chinese suzerainty" over Tibet tried unsuccessfully to get the United States to join it in securing the right for Lhasa to "exchange diplomatic representatives with other powers."

The American government's reply gives its view of the **legal** position--namely that the Chinese government had long claimed suzerainty and that the Chinese constitution listed Tibet as part of the territories of the Republic of China and that the United States government **"has at no time raised a question regarding either of these claims"**. (Source: **Foreign Relations of the United States, 1943, China**. (Washington, D.C. 1957), pg. 630.

From this evidence any fair-minded person would have to concede that up until the 1940s

at any rate, in international practice (law) Tibet was considered part of China and that the attached map still held (although the words 'Chinese Empire' had been replaced by 'Republic of China').

To sum up: according to commonly accepted standards of international law the Chinese Communists were not aggressors and were legally justified in asserting control of what historically had been part of China. If it had been a Nationalist (Chiang Kaishek) army rather than the People's Liberation Army which marched into Tibet in 1950 there probably would have been very little protest in the outside world.

Now we come to matters of political realities, justice and morality.

There are 54 minority nationalities in China who constitute 6% of the population. This 6% of the population occupies over half the land area. The majority Han nationality numbering 94% of the population are mainly crowded in the agricultural eastern part of the country. [In order to reduce the population pressure the Chinese government has since 1978 had a policy of one-child per family among the Han people--a policy, ironically, that is condemned in some quarters as a violation of human rights!]

China's leaders consider that the vast mineral, oil, timber, grazing, hydro etc. resources of the western and northern parts of the country are vital if the state is to succeed in raising the standards of living of its people through industrialization. If China were to be partitioned along the lines of nationalities this would be impossible. As it is the Chinese are supporting 23% of the world's population on 7% of the earth's arable land, an awesome task.

It has always been a central concern of the Chinese Communist Party to remain on good terms with the minority nationalities. The Communists promote the idea of national self-determination within a single multi-national state. To do this they have devised a constitutional approach of local autonomy for national minorities which, at least theoretically, respects minority customs, religion and language while opposing feudal exploitation and promoting secular education. Areas heavily populated by minorities are not organized as provinces but as autonomous regions. Tibet, for example, is called the Tibet Autonomous Region. A symbolic gesture is that the national currency carries the language of the five main groups (Han, Meng (Mongol), Man (Manchu), Hui (Moslem) and Zhang (Tibetan). And in the National People's Congress that meets in Beijing the minority nationalities are guaranteed at least 150 places, or more than twice the number they would have on a proportional basis.

In practice, as the Chinese government has attempted to promote industrialization and modernization, respect for local autonomy has often been replaced by policies of assimilation to the ways of the Han majority. This has led to resentment and resistance. It has also provided opportunities for outside forces to intervene in China's affairs sometimes by clandestine means sponsored by the American C.I.A. For many decades the United States has financed and otherwise supported a Tibet government-in-exile.

While vigorously rejecting such interference, the Chinese government has from time to time acknowledged the mistakes and shortcomings of its work in Tibet and elsewhere and has back-tracked or otherwise amended its programmes.

One of the fairest reviews of the situation of Tibet, is a report, 'The Tibetans,' prepared for the widely respected London **Minority Rights Group** by Christopher Mullin in 1981. Mr. Mullin says that "the promise of self-government has proved largely illusory." What was presented as opportunity for economic development "has often turned out to be little more than an attempt to assimilate minority peoples into the Han culture. Religion, language and local agricultural practice has often been suppressed at the cost of great resentment and, in the case of Tibet, armed rebellion."

Mullin's conclusions, however, are not entirely negative. "To be fair," he says, "the many negative aspects of attempts to Sinocise the minority peoples have to be balanced against undoubted improvements in health, welfare and in many cases living standards." He also states in mitigation that the Chinese government "is among the first to own up to the serious mistakes that have been made" and that it is committed to making amends. It will be judged by results.

By way of keeping perspective on a difficult problem, Mullin states that one other point must be made: **"The Chinese communists' treatment of minority peoples in China has, for all its faults, been incomparably more civilized than that meted out by, for example, white settlers to the American Indians, the Australian Aborigines, the Indians in Brazil or for that matter the Palestinians in Israel."**

In my judgement those who agitate for the partition of China according to nationality usually do so without proper consideration for the historical and legal background or the political and moral circumstances involved. In doing so they either create false expectations or hope to raise the level of ill-will toward the People's Republic and its efforts to build a socialist commonwealth.

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[My students at York University sometimes liked to write essays on 'the Tibet question,' and the above reflections are from comments that I made in response to one of those efforts. S.E.]