



GOVERNMENT OF HIS HOLINESS

**THE DALAI LAMA**

THE  
INTERNATIONAL POSITION  
OF TIBET



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1959

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## I. Historical Survey

The history of Sino-Tibetan relations falls into four clear and distinct periods. The first is the period of equal alliance and it commenced at the beginning of the 7th century of the Christian era when the King of Tibet, Srong-Tsan Gampo, annexed Eastern China and compelled the Chinese Emperor to sue for peace and to give in marriage one of the royal princesses. This period was characterised by relations on a footing of equality and reciprocity. The treaty concluded at the beginning of the following century and inscribed on a stone pillar in the Central Temple of Lhasa bears witness to this relationship. Another historical pillar at the foot of the palace of the Dalai Lama in Lhasa describes in detail the conquests of the Tibetan armies in Western China during the second half of the eighth century.<sup>[1]</sup> Another interesting piece of evidence of this relationship between China and Tibet during this period is to be found in the treaty concluded between the two States in the year 821. This period of wars and alliances came to an end when the King of Tibet, Lang-dar-ma, was assassinated during a religious dance which became subsequently famous as the Dance of the Black Hat. The Kingdom was divided into several petty States governed by independent and absolute rulers.<sup>[2]</sup>

A recent Chinese author has thus described the relations between China and Tibet during this period : "Sino-Tibetan relations between the seventh and ninth centuries were ..... close indeed, but the status of Tibet even then was rather vague. During that period Tibet as a military power was by no means inferior to China; but when later it was divided and weakened, and its foreign relations were reduced almost to nought, its status naturally became even less clear. In any case, owing partly to differences in setting --- an environment of a thousand

years ago compared with the world of today --- and partly to, differences between Chinese and Western, and between ancient and modern, conceptions of the term, we prefer to leave the political status of Tibet in this early period undefined.<sup>[1]</sup> This is, of course, the orthodox view of the Chinese, but there is no evidence that during this period the status of Tibet was in any way inferior to that of China. It is true that at times Tibet came under the influence of China, but it is also true that at other times Tibet was in a position to dictate terms to the Chinese government.

This was the state of affairs till 1270 when Kublai Khan, the first Mongol Emperor of China, embraced the Buddhism of Tibet and established his suzerainty over the country by installing the Grand Lama of the Monastery of Sakya as the pontiff and sovereign of Tibet. Thus began the period of Chinese suzerainty as well as the system of priest kings of Tibet which survives today. But the authority of the Lamas of Sakya did not endure and was replaced by the second monarchy of Tibet.

After a reign of more than three centuries the power of the monarch was destroyed by the Oelot Mongols who came to the assistance of the Fifth Dalai Lama, Lob sang Gyatso, in order to re-establish his authority over Tibet. As Desideri has pointed out, all the petty States were gradually conquered by the Grand Lama or the King of Lhasa and their Rulers deposed and deprived of all authority. During these years the sovereign of Tibet formally accepted the suzerainty of the Emperor of China, but this did not imply the grant of any authority to the Chinese to interfere in the administration of the State. The Fifth Dalai Lama visited Peking and was received by the Chinese Emperor "as an independent sovereign, because the Emperor wished to secure his alliance with a view to establish the rule of the Manchus over the peoples of Mongolia."[\[2\]](#) Rockhill is also of the view that the Fifth Dalai Lama "had been treated with all the ceremony which could have been accorded to any independent sovereign, and nothing could be found in Chinese works to indicate that he was looked upon in any

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other light."[\[1\]](#) Desideri, who arrived in the holy city of Lhasa in 1716 and lived there for more than five years, states that during that period the Kingdom of Tibet "was governed by an absolute and independent King under the sovereignty of the Dalai Lama". According to Orazio Della Penna, a Capuchin missionary who arrived in Lhasa in 1719 and lived there for twenty two years, "the Grand and Supreme Lama was the master of the entire Tibet", but he established a high functionary under the name of the King of Lhasa. It was the duty of the King to maintain public order and to protect the kingdom against external aggression. There was also in Lhasa another high functionary under the name of Tisri. He was invested with the power to nominate the Kahlons or Ministers of State and all other important officers of the kingdom. By means of this organisation, says Della Penna, the Dalai Lama was able to escape from intervention in the day-to-day administration of the State and to devote himself to religious affairs.

During this period there was not the slightest vestige of Chinese authority in Tibet. The Chinese publicists, on the other hand, have contended that "Tibet became a vassal state of China from the time of Kublai Khan and remained in such a status throughout the Yuan and Ming dynasties. At one time the Emperor at Peking exercised his authority over local administration in Tibet; for example, in effecting the change of a governor or in issuing patents to local officers in command of one thousand or ten thousand families. At other times he left the Tibetans alone to manage their affairs so long as his own authority was not challenged or as long as both parties of a civil strife paid allegiance or even lip-service to him." It has, therefore, been argued that during this period "Tibet was in a status resembling or suggesting that of a vassal in the full sense of the word".[\[2\]](#)

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It is true that during this period the suzerainty of the Chinese Emperors was generally accepted by the Tibetan, authorities, but at no time did this suzerainty mean anything more than a formal acknowledgment of the title of the Chinese Emperor. The preponderant evidence is definitely against the contention that the authority of the Government of China over Tibet during this period was in any way effective or complete. In fact, the repeated refusal on the part of Tsong-Kha-Pa, the founder of the Yellow Sect, to comply with the invitation sent by the Chinese Emperor would clearly indicate that

the so called suzerainty of the Chinese Emperor was at that time purely nominal. Tieh-Tseng Li himself admits the fact that the repeated refusal by the head of the Yellow Sect to accept the invitation from Peking was suppressed by Chinese historians. According to him, "Had the fact been made known to the public that Cheng-Tsu's repeated invitations extended to Tsong-Kha-Pa were declined, the Emperor's prestige and dignity would have been considered as lowered to a contemptible degree, especially at a time when his policy to show high favours toward Lamas was by no means popular and had already caused resentment among the people".<sup>[1]</sup> This curious tendency to suppress facts or to distort them is not confined to the Chinese historians of that period. Ample evidence of it is to be found today in the assertions of Chinese authorities and historians.

Chinese authorities as well as Chinese publicists have construed the term 'suzerainty' in different ways and have treated it as synonymous with 'sovereignty'. It is, therefore, necessary to examine the exact significance of the term. It should be remembered that originally 'suzerainty' was a term of the constitutional law of the feudal regime and was not to be found in international law until the middle of the nineteenth century. Under the feudal system, the term described the special relationship which existed between a sovereign and a vassal-subject.<sup>[2]</sup> This was the form of constitutional relationship between the Chinese Emperors and the Kings of the Mongols. It had four distinct connotations. In the first place,

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it meant that the vassal was under the obligation to perform each year an act of homage and submission to the suzerain. Secondly, the vassal was also bound to pay to the suzerain an annual tribute, generally in kind. Thirdly, the vassal was under the obligation to serve the Emperor with his soldiers in times of war and danger. Finally, the vassal was generally granted a subvention by the Emperor. These were the consequences of suzerainty to the customary laws of the Chinese Empire.<sup>[1]</sup> They were not, however, the characteristic features of Chinese suzerainty over Tibet. Reference in support of this view may be made to the reports of European travellers who visited Lhasa during this period. All these reports clearly prove that the Dalai Lama was under no other obligation to the Chinese suzerain than that of an annual payment of tribute. It is no doubt true that Chinese authorities always contended that the Emperor of China had the right to participate in the selection and installation of the Dalai Lama, but such a right was vigorously contested by the Tibetan authorities and was not uniformly exercised on behalf of the Government of China. It is, therefore, abundantly clear that the suzerainty which the Emperors of China could legitimately claim over Tibet was not the suzerainty of the constitutional law and usage of the Chinese Empire.<sup>[2]</sup> On the contrary, the only legal incident of this relationship was that the title of the Dalai Lama to his power and authority over Tibet was derived from a grant from the Chinese Emperor. In actual practice this meant that the appointment of the Dalai Lama and his patent of authority had to be renewed whenever there was a new successor to the Chinese throne. But even this rule was not strictly enforced, nor was it always accepted by the Government of Tibet.

This state of affairs came to an end when the Manchus acquired the sovereignty of China, and thus commenced the period of Chinese domination in Tibet. In 1706 there began dissensions between the King of Lhasa and the Tisri in consequence of which the latter was ultimately assassinated. The King deposed the Dalai Lama with the consent of the Emperor of

China and appointed in his place the Lama of the Monastery of Chapohri. The situation became so serious that the people of Tibet appealed to the Chinese Emperor for assistance. Meanwhile the holy city of Lhasa was invaded by the Oelot Mongols. Emperor Kanghsi thereupon dispatched to Tibet a large Chinese army which seized Lhasa and conquered the whole of Tibet. It is thus for the first time that China established her authority over Tibet, and two permanent representatives of the Chinese Emperor known as the Ambans were stationed in Lhasa. The instructions which the Chinese Emperor gave them indicate the extent of their authority : "The Ambans must consult the Dalai Lama or the Panchen Rimpoche on all regional questions on a footing of perfect equality. All officials from the Kahlon downwards and monks holding an official position must submit all questions for the decision of the Dalai Lama. The Amban must superintend the conditions of the defence of the frontiers, visit the various garrisons, control the finances of the country and supervise the relations between Tibet and the tribes living outside its frontiers".<sup>[1]</sup> This extract has been taken from the public archives of China and cannot, therefore, be accepted as a correct statement of the actual state of affairs. But Bogle, who visited Tibet in 1774, gives us an interesting account of the relations between the Chinese Emperor and the Dalai Lama. According to him, the two Viceroys of the Emperor of China with a guard of 1,000 soldiers were at the time stationed in Lhasa. The Emperor of China was recognised as the sovereign of the country ; the appointment to all important offices of the State were made under his orders, and all measures were submitted to the Government at Peking for final decision. But the internal government of the country was confined to the local people. The Chinese were exclusively stationed in the capital. No tribute was exacted from the people and except at Lhasa they did not feel the burden of the foreign yoke. Bogle also pointed out that as the Dalai Lama was about to attain his majority, it was hoped that the Chinese Emperor would invest the Dalai Lama with "the supreme authority which his predecessor

exercised".<sup>[1]</sup> It is evident that the authority of the Chinese government in Tibet did not always have an effective force even during this period and that the Chinese representatives could only control the administration of Tibet during the minority of the Dalai Lama. Desideri, who lived in Lhasa for five years during Chinese supremacy, thus describes the situation : "The Grand Lama of Tibet ..... is recognised 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 him ..... he reigns over the religious and temporal affairs, because he is the 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".<sup>[2]</sup> The opinion expressed by Hue and Gabet, two Lazarist missionaries who were in Lhasa in 1846, lends support to this interpretation of the relations between the Emperors of China and the Dalai Lama. According to these missionaries, the Government of Tibet resembled that of the Pope and the position occupied by the Chinese ambassador was the same as that of the Austrian ambassador in Rome.<sup>[3]</sup>

It was during this period of Chinese domination that Great Britain and China concluded a convention for the adjustment of the frontiers between Tibet and Sikkim. It has been argued that this agreement

constituted an acknowledgment on the part of Great Britain of China's sovereign rights over Tibet, but this interpretation of the Convention has no legal or logical foundation. Article I of the Convention defined the boundary between Sikkim and Tibet. Under Article III the two High Contracting Parties engaged themselves reciprocally to respect the boundary and to prevent acts of aggression. The most remarkable provision of the Convention was, however, to be found in Article II which provided : "It is admitted that the British Govern

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ment, whose Protectorate over the Sikkim State is hereby recognised, has direct and exclusive control over the internal administration and foreign relations of that State, and except through and with the permission of the British Government neither the Ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country". There was, however, no corresponding acknowledgment on the part of the British Government of China's authority over Tibet. Therefore, the utmost that could be deduced from the Convention in favour of China is that it recognised the right of China to enter into an international agreement in respect of Tibet without the intervention of the Tibetan authorities. This did not, however, imply that this right was the sole and exclusive right of the Chinese Government and as such it could not be exercised by the Government of Tibet. In fact, as we shall see, the subsequent Convention concluded by Great Britain with the Government of Tibet clearly recognised the right of the Tibetan Government directly to enter into an international agreement. There is, therefore, nothing in the Convention to lend support to the Chinese claim that the Convention amounted to a recognition of China's sovereignty over Tibet.

Two other points should also be noted in this connection. In the first place, the preamble to the Convention makes it quite clear that it was intended "to clearly define and permanently settle certain matters connected with the boundary between Sikkim and Tibet." It is, therefore, clear that the Convention did not purport to settle any dispute relating to the boundary between China and British India. Sikkim was not a part of British India, although it was a Protectorate of Great Britain. Similarly, Tibet was not accepted as a part of China and, therefore, the Convention dealt with the settlement of the boundary between the two States of Sikkim and Tibet. If, on the other hand, the Chinese claim to sovereign rights over Tibet had been recognised, it would have been a question of boundary settlement between Sikkim and China. Secondly, the Trade Regulations which followed the conclusion of the Convention made a clear distinction between Chinese and Tibetan subjects. For instance, Clause 6 of the Regulations provided that "in the event of trade disputes arising between British and Chinese or Tibetan subjects in Tibet, they shall be enquired into and settled in

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personal conference by the Political Officer for Sikkim and the Chinese Frontier Officer." Such a distinction would have been unnecessary if Tibet had been a part of China and sovereign rights over Tibet were vested in the Chinese Government. These provisions, therefore, make it abundantly clear that at the time of the conclusion of the Convention Tibet was a separate and sovereign State, although under the international guardianship of China.

The Chinese contend that this period in the history of Sino-Tibetan relations marked "the



establishment of Chinese sovereignty in Tibet". There is, however, no evidence to justify this contention. It is true that during this period on several occasions and for several years the Government of China did exercise wide and extensive authority in respect of the internal administration of Tibet, especially after successful military expeditions. But, as Petech points out, during all these years, the sovereignty of the Dalai Lama was always understood, although nowhere expressly affirmed in the Chinese documents. [1] Tieh-Tseng Li cites with approval the following description from Rockhill of the relations between Tibet and China during this period : "The preceding study ..... has, I trust, made clear the real nature and the extent of the autonomy enjoyed by Tibet for the last 150 years, and with which the Tibetans are, I believe, perfectly satisfied. There has been no claim raised by them for total or even greater independence of China, no wish to deprive themselves of the aid and guidance of China, no dissatisfaction with the reforms of 1793, which were well suited to the requirements of the country and the customs of the people." [2] This statement clearly shows that during this period Tibet did enjoy a certain measure of independence, as otherwise there could be no question of "total or even greater independence of China". The conclusion is, therefore, inescapable that if Tibet did enjoy a certain measure of independence, it could not have been under the sovereignty of China. This is particularly true of the closing years of this period when, as Tieh-Tseng Li has to admit, "real power gradually passed into the Dalai Lama's hands." "The transfer of the real power to the Dalai Lama

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can be more clearly seen from the handling of the internal affairs of Tibet." [1]

The period of Chinese domination came to an end when in 1894 the Thirteenth Dalai Lama assumed the reins of government. The Chinese representative was deprived of every vestige of authority. During this period, except for an interval between 1910 and 1911, the Government of Tibet was virtually independent. It was during this period that the Dalai Lama sent a diplomatic mission to Russia. [2] Kawaguchi, a Japanese monk who visited Lhasa at the beginning of the 20th century, states that the Chinese are no longer respected in Tibet because they have ceased to have any power. The Tibetans now defy the Chinese and conduct themselves against their wishes. "They know that their suzerainty has disappeared." [3] In consequence of the disappearance of Chinese suzerainty and the termination of Chinese domination, the Government of Tibet questioned the validity of the Anglo-Chinese Convention of 1890 and refused to accept it as binding on them. The refusal of the Tibetan Government created a difficult situation for the Government of Great Britain and they were ultimately obliged to send a military expedition to Lhasa. As a direct result of the expedition, an agreement was reached between the two governments for the settlement of their disputes and differences. This treaty refers to the doubts and difficulties which had arisen as to the meaning and validity of the Anglo-Chinese Convention of 1890 and also mentions "the relations of friendship and good understanding which have existed between the British Government and the Government of Tibet." It also makes it quite clear that the Government of Great Britain were treating Tibet as a separate and independent State, particularly as it does not make any reference to China or to Chinese authority over Tibet. Article I of the Convention imposed the obligation on the Government of Tibet to respect the Anglo-Chinese Convention of 1890, and to recognise the frontier between Sikkim and Tibet as defined in Article I of that Convention. Under Article IV, the Tibetan Government undertook to levy no duties of any kind other than

those provided for in the tariff mutually agreed upon. Under Article VIII, the Tibetan Government agreed to raze all forts and fortifications and remove all armaments which might impede the course of free communication between India and Tibet. It is, however, Article IX of the Convention which is of paramount importance. Under this Article, the Government of Tibet gave the undertaking that, without the previous consent of the British Government, (a) no portion of Tibetan territory would be ceded, sold, leased, mortgaged or otherwise given for occupation to any foreign power ; (b) no foreign power would be permitted to intervene in Tibetan affairs; (c) no representatives of any foreign power would be admitted to Tibet; (d) no concession for railways, roads, telegraphs, mining or other rights would be granted to any foreign power or the subject of any foreign power; and (e) Tibetan revenues, whether in kind or in cash, would not be pledged or assigned to any foreign power or the subject of any foreign power. It should be pointed out in this connection that China was treated as a foreign power under this Article, as is evident from Article III of the Anglo-Chinese Convention of 1906 and Article 6 of the Simla Convention of 1914. In other words, it is evident that the provisions of this Convention were totally inconsistent with any Chinese claim to sovereignty or suzerainty over Tibet.

The Anglo-Tibetan Convention of 1904 was accepted and ratified by the Government of China under the Anglo-Chinese Convention of 1906. Under Article I of this Convention China not only confirmed the Anglo-Tibetan Convention of 1904, but also engaged herself to take at all times such steps as may be necessary to secure the due fulfilment of its terms. In other words, China accepted her position as a foreign power under Article IX of the Anglo Tibetan Convention, and therefore agreed that without the consent of the British Government she could neither intervene in Tibetan affairs nor obtain any portion of Tibetan territories or the assignment of Tibetan revenues. The sovereignty of Tibet was also recognised by both the parties for, under Article II, the Government of Great Britain undertook not to annex Tibetan territory or to interfere in the administration of Tibet.

The following conclusions appear to be clearly established from a careful examination of these two treaties. In the first

place, in spite of her past relations with Tibet, China accepted the authority of the Government of Great Britain in regard to the external affairs of Tibet and agreed to take the same position as other powers *vis-a-vis* the Government of Tibet. It would, therefore, be clear that under the terms and conditions of these treaties the suzerainty of China over Tibet ceased to exist. There could, therefore, be no question of Chinese sovereignty over Tibet. Secondly, the powers which the Government of Tibet transferred to the Government of Great Britain under the Treaty of 1904 constituted a species of international guardianship of Great Britain over Tibet. Thirdly, Article IX of the Convention of 1904 presupposes that the sovereignty of Tibet in the external field was intact and unrestricted at the time of the conclusion of the treaty, as otherwise the Government of Tibet could not legitimately transfer to Great Britain the wide and extensive powers specified in that Article. This was, therefore, a clear recognition of the fact that the suzerainty claimed by China could not prejudice or impair the exercise of external sovereignty by Tibet. It should also be pointed out that neither of these Conventions

contained any reference whatsoever to Chinese suzerainty. The fact that Great Britain considered it necessary to secure from China the confirmation of the Anglo-Tibetan Convention of 1904 can, however, be construed as an acknowledgment of China's international guardianship over Tibet, but by the very terms of Article IX of the Convention of 1904 this guardianship passed from China into the hands of the Government of Great Britain.

It was during this period that the Government of Great Britain began to realise the gravity of the situation created by the efforts of the Dalai Lama to gain the support of the Government of Russia. The British Government were also apprehensive that the Russian manoeuvres to extend her influence in Central Asia were dangerous to the peace and security of India. On the other hand, the Russian Government were naturally anxious to arrest the extension of British influence in Asia. Negotiations were, therefore, initiated by the two governments for a satisfactory solution of the problem, and as a result, an agreement was reached between the two governments which, *inter alia*, purported to settle the Tibetan situation so far as Russia and Great Britain were concerned. Under this treaty of 1907 the two

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governments recognised the suzerainty of China over Tibet. They also undertook not to enter into any negotiations with Tibet except through the intermediation of China. It should, however, be noted that both the governments also recognised the position of Tibet as a separate and sovereign state, for they engaged themselves to respect the territorial integrity of Tibet and to abstain from intervention in its internal affairs. The High Contracting Parties also undertook to abstain from acquiring any concession or right in Tibet or the assignment or mortgage of its public revenues. The Government of Russia also recognised that the Government of Great Britain, by virtue of the Geographical position of their dominions, were especially interested in the maintenance of the *status quo* in regard to the external affairs of Tibet.

Three points should be noted in this connection. In the first place, the Government of Tibet were not a party to the Anglo-Russian treaty and in consequence, the treaty was not, binding on them being *res inter alios acta*. Secondly, the treaty did not purport to modify or amend in any manner the provisions of the Anglo-Tibetan Convention of 1904 and, therefore, the powers transferred to Great Britain by Tibet under that Convention continued to subsist. Thirdly, the restrictions which were imposed on the authority of China in respect of Tibet were not affected by the acknowledgment of Chinese suzerainty. Fourthly, the Anglo Russian treaty of 1907 ceased to be valid when Soviet Russia denounced the treaties concluded by the Czarist government.

After the conclusion of the Anglo Tibetan Convention of 1904, the armed forces of the British expedition were withdrawn from Tibet. Thereupon China began to take every measure to re-establish her authority and to subjugate the whole of Outer Tibet. In 1910, a Chinese army invaded Tibet and the Dalai Lama was compelled to take refuge in Indian territory. But this *interregnum* of Chinese authority did not last and before the end of 1911, when the Chinese Revolution broke out, the Dalai Lama returned to Tibet. A statement was then issued by him declaring the complete independence of Tibet so far as China was concerned. Thus, the authority previously exercised by the Chinese representatives in Tibet came to an end with the surrender of the Chinese forces in Lhasa, and thus

began for Tibet a period of complete independence.

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The Chinese authorities made several attempts to re-establish their control over Tibet. The President of the Chinese Republic declared that Tibet must be treated on a footing of equality with the Provinces of China. This view was diametrically opposed to the position which had been previously taken by the Governments of Great Britain and China and, therefore, the British Government addressed a note to the Chinese Government refusing to accept the declaration and asserting that China had no authority to interfere in the administration of Tibet. As a result of the negotiations which followed, a conference of the representatives of Great Britain, China and Tibet met in Simla for the purpose of concluding a tripartite agreement. After a great deal of discussion, a convention was drawn up and initial led by the three parties. Article 2 of the Convention stipulated that "the Governments of Great Britain and China recognising that Tibet is under the suzerainty of China, and recognising also the autonomy of Outer Tibet, engage to respect the territorial integrity of the country, and to abstain from interference in the administration of Outer Tibet (including the selection and installation of the Dalai Lama), which shall remain in the hands of the Tibetan Government at Lhasa. The Government of China engages not to convert Tibet into a Chinese Province. The Government of Great Britain engages not to annex Tibet or any portion of it." The wording of this Article makes it clear that the suzerainty of China did not mean that Tibet was a part of Chinese territory; nor did it mean that the Chinese authorities had power to interfere in the administration of Tibet. The Convention also recognised the rights of the Tibetan Government in Inner Tibet which included the power to select and appoint high priests of monasteries and to retain full control in all matters affecting religious institutions. We have already seen that under the Anglo Tibetan Convention of 1904, read with the Anglo Chinese Convention of 1906, the Government of China had no power to intervene in Tibetan affairs, nor to depute any representatives or agents without the previous consent of the British Government. These restrictions on Chinese authority in Tibet continued to subsist even after the acknowledgment of Chinese suzerainty. But the Chinese authorities refused to ratify the Convention, although it had been initialled by their representative. The Convention was, how-

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ever, accepted as binding by Great Britain and Tibet as between them. It is, therefore, clear that any claim to authority over Tibet advanced by the Chinese Government cannot rest on any provisions of this Convention. The most striking evidence offered by the Convention relates, however, to the equal status which was accorded to Tibet at this conference. The preamble to the Convention expressly states that the Tibetan delegate to the conference was to be treated as a plenipotentiary like the representatives of the other two parties. The form and structure of the Convention also make it clear that Tibet was a separate and sovereign State and, therefore, her adherence to the Convention was absolutely necessary. It is also evident that so far as China was concerned, the Convention of 1914 did not in any manner impair the independence which Tibet had attained after the outbreak of the Chinese Revolution.

In consequence of the refusal of the Chinese government to ratify the Simla Convention the struggle for power between China and Tibet continued near the eastern frontier of Tibet, and the Tibetan army

began to recover the territory which had been seized by China. In 1918, the two parties arrived at an amicable settlement regarding the frontier between them, but this agreement was not ratified by the Chinese Government, although it continued to be observed in practice. In the course of the second World War the Government of China felt the necessity of opening up communications through Tibet but the Government of Tibet strongly resisted this proposal. The Government of Great Britain joined with the Chinese government in order to secure the consent of the Tibetan Government to the Chinese proposal. Finally, the Government of Tibet accepted the advice offered by the British Government, but only consented to the transport of non military goods through Tibet in order to safeguard their neutrality. In 1949 the Tibetan Government compelled the Chinese representative in Lhasa to leave the country with the Chinese colonists with a view to preserving their independence and protecting their neutrality in the civil war in China.

## II. The Position of Tibet in 1950

The Government of Tibet contend that they were completely independent of Chinese control at the time when the territorial integrity of Tibet was violated by the armed forces of China. There are several indisputable facts which establish this contention. In the first place, extreme protagonists of the Chinese claim like Tieh-Tseng Li admit that "real power" had passed into the hands of the Thirteenth Dalai Lama when he assumed the reins of government. Secondly, the Anglo Tibet Convention of 1904 pre-supposes that Tibet was a separate and sovereign State at the time of the conclusion of the Convention. In 1890 Great Britain had entered into a treaty with China for the regulation of the frontier between Tibet and Sikkim, but as the Chinese were unable to exercise any power in Tibet and to carry out the terms of the treaty, it became necessary for Great Britain to intervene and to come to a direct agreement with Tibet. Thirdly, independent observers like Kawaguchi who visited Tibet during this period categorically affirm that Chinese power over Tibet had ceased to exist at the time. Fourthly, this fact is also fully borne out by the Agreement of 1951 which was drafted by the Chinese communists and forced upon the Government of Tibet. The preamble to the Agreement emphatically acknowledges the fact that Tibet had been outside the authority of China for several decades. This is what it says : "The Tibetan nationality is one of the nationalities with a long history within the boundaries of China and, like many other nationalities, it has performed its glorious duty in the course of the creation and development of our great Motherland. But, over the last one hundred years or more, imperialist forces penetrated into China, and in consequence also penetrated into the Tibetan region and carried out all kinds of deceptions and provocations ..... And the local Government of Tibet did not oppose the imperialist deceptions and provocations, and adopted an unpatriotic attitude toward our great Motherland. Under such conditions, the Tibetan nationality and people were plunged into the depths of enslavement and suffering". Shorn of its communist jargon, this is a clear admission of the fact that China had exercised no authority whatsoever over Tibet for a considerable number of years.

This is further clear from the statement that "in order that the influences and aggressive imperialist forces in Tibet might be successfully eliminated, the unification of the territory and sovereignty of the People's Republic of China accomplished and national defence safeguarded; in order that the Tibetan nationality and people might be freed and return to the big family of the People's Republic of China to enjoy the same rights of national equality as all other nationalities in the country and develop their political, economic, cultural, and educational work, the Central People's Government, when it ordered the People's Liberation Army to march into Tibet, notified the local government of Tibet to send delegates to the Central authorities to conduct talks for the conclusion of an agreement on measures for the peaceful liberation of Tibet." If these avowals are to be taken at their face value, they mean that at least China was not in a position to exercise any authority whatsoever over Tibet, as otherwise there could have been no question of the "liberation" of Tibet. Two important admissions are implicit in these statements. First, Tibet was not in fact a part of China and not under Chinese

sovereignty, and, therefore, "the unification of the territory and sovereignty" was to be brought about by "ordering the People's Liberation Army to march into Tibet". Second, Tibet was under a separate and independent government, and therefore, the Tibetans were to be forcibly "freed" from their own government and brought f under the heel of the Chinese communists. These are, indeed, an emphatic acknowledgment of the position of Tibet as a separate and sovereign State at the time of the Chinese invasion in 1950.

These facts clearly demonstrate that so far as the Government of Tibet were concerned, their country was *de facto* separate and sovereign. This actual state of facts was given legal force and validity when the Thirteenth Dalai Lama issued a declaration of independence, and Tibet became *de jure* and *de facto* sovereign in every sense of the word. 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. Although Turkish suzerainty was accepted by the concert of powers under the Treaty of Berlin of 1878, nevertheless the unilateral declaration made by

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Bulgaria was accepted by the community of nations. It is contended that the declaration made by the Thirteenth Dalai Lama was similar in character and had the same effect in the eye of international law.

This is the position so far as the Government of the Dalai Lama is concerned. It is now necessary to examine the question from the point of view of foreign powers. We have already seen that in 1904 Great Britain concluded a treaty with Tibet, treating Tibet as a separate and sovereign State. The Anglo Chinese Convention of 1906 did not detract from this position but purported to acknowledge the international guardianship of China over Tibet, but at the same time restricted the authority of the Chinese government. In fact, the position that China had previously occupied *vis-a-vis* the Government of Tibet was under this Convention taken over by the Government of Great Britain. It was not till the Anglo-Russian Treaty of 1907 that Chinese suzerainty was expressly recognised by other powers. The treaty did, however, make it clear that Chinese suzerainty did not mean that Tibet was a part of China, for it contained an express engagement on the part of the High Contracting Parties that they would respect the territorial integrity of Tibet and would not interfere in the internal administration of the State. Such an acknowledgment would not have been necessary if Tibet had not been a separate State and as such entitled to claim territorial integrity under the general principles of international law. Under the Simla Convention of 1914 Great Britain was prepared to recognise Chinese suzerainty over Tibet on the express condition that China, on her part, agreed to recognise the autonomy of Tibet and to respect her territorial integrity. They were not, however, prepared to withdraw the restrictions which had been imposed under Article IX of the Anglo-Tibetan Convention of 1904 on the power of the Government of Tibet to enter into relations with China without their previous consent. China had accepted this prohibition under the Anglo-Chinese Convention of 1906. This meant that even if the suzerainty of the Chinese Government survived the conclusion of the Anglo-Tibetan Convention of 1904, it did not permit China to enter into direct relations with Tibet. In other words, Chinese suzerainty over Tibet was purely nominal if it did exist at all after 1904. The Simla Convention of 1914 was not ratified by the Chinese autho-

rities and, therefore, the claim to suzerainty advanced by China could not rest on the terms of this Convention. In this connection it should also be pointed out that although the Anglo-Russian Treaty of 1907 did recognise the suzerainty of China, it did not purport to modify the terms of the Conventions of 1904 and 1906. The inference is, therefore, clear that the recognition of Chinese suzerainty by Great Britain and Russia did not confer any power or authority on the Government of China.

The question therefore arises: if it be assumed *arguendo* that Chinese suzerainty did exist at the time of the Chinese invasion of Tibet, what power or authority did this suzerainty confer on the Government of China. At the outset, it should be remembered that after the recognition of Chinese suzerainty by other powers, the term assumed a connotation which it has in international law. It is, therefore, necessary to examine the meaning and significance of the term 'suzerainty' so far as the principles of international law are concerned. According to Oppenheim, although it is not possible to lay down a general rule regarding the position of a vassal State in the family of nations, there are instances which demonstrate that vassal States may have a subordinate position in that family and may, accordingly, be considered to be international persons in respect of certain matters. This opinion is no doubt partially correct in so far as it recognises the fact that a vassal State may retain its international personality to a certain extent but it does not correctly describe the historical examples of suzerainty<sup>[1]</sup>. The view expressed by Heffter corresponds more exactly to the actual state of facts. According to him, "the homage (of the vassal to the suzerain) does not prejudice in any manner the territorial rights of the vassal nor its relations with foreign sovereigns provided that such relations permit the continuance of the feudal bond."<sup>[2]</sup> Thus, the Kingdom of the Two Sicilies did not lose its international personality under the suzerainty of the Holy See. Such was also the position of Bulgaria between the years 1878 and 1908. The Principalities of Serbia, Wallachia and Moldavia were in a similar position.

The definition of suzerainty given by Oppenheim is equally defective. He is of the opinion that suzerainty is a form of international guardianship, since the vassal State is, either absolutely or principally, represented in international relations by the suzerain State. But, as Despagnet has correctly pointed out, there are two different modes of the functioning of international representation: one may compare the first with guardianship, and the second with *curatela* of Roman law. In the first case, the guardian State acts in the name and on behalf of the State under its guardianship, exercising only those rights the enjoyment of which can be claimed by the State under its control. In the second case, on the other hand, the State under the control of another State, acts on its own behalf subject to the agreement and control of the superior State. But in a particular case the vassal State may retain its external sovereignty in its entirety. Thus, in 1881 Tunisia concluded the Treaty of Casr Said with France despite the fact that she was at the time under Turkish suzerainty. It should be noted that this treaty was concluded without the previous consent of the suzerain. It follows, therefore, that Tunisia was in possession of full external sovereignty at the time of the conclusion of the Treaty, although Turkish suzerainty continued to subsist. In other words, Turkish suzerainty did not abridge or curtail the external sovereignty of Tunisia. This was exactly the position of Tibet when she concluded a Convention with Great Britain in 1904.



The historical instances of suzerainty have one essential common feature and this is the derivative character of the title of the vassal State; all other characteristics are purely accidental. Despagnet has thus explained this essential ingredient of suzerainty. According to him, the subordination of a vassal State to the suzerain arises from the recognition by the vassal State of the fact that its sovereignty is derived from a grant of the suzerain. Therefore, "vassalage presupposes the recognition on the part of the vassal State that its sovereignty is derived from the suzerain to which it submits by virtue of the acknowledgment and accepts its superiority by an act of homage or by the surrender of certain of its rights ..... In effect, by itself vassalage does not impose any obligation other than that of the observance of a certain respect, certain regard vis-a-vis the

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suzerain". [11] The history of vassal States shows that this interpretation is correct. Thus, a vassal State may, in consequence of the acknowledgment of the title of the suzerain, lose a large part of its sovereignty, whether internal or external, as, for instance, in the case of Egypt. But in another case it may preserve its international personality in its entirety. This was the position of Tibet under the suzerainty of the Chinese Emperors. As we have already seen, the history of the Sino-Tibetan relations clearly shows that Chinese suzerainty did not at any time entail the surrender of any sovereign rights. On the contrary, it only meant that the title of the Dalai Lama to sovereign power and authority was derived from the Chinese Emperor and consequently he was under the obligation to pay an annual tribute to China. There never was any cession, definite and *de jure*, of any rights to the Chinese suzerain. It is true that the Chinese representative in Lhasa was at times in a position to exercise *de facto* authority over the administration of Tibet, but this was always during the minority of the Dalai Lama. Therefore, even if Chinese suzerainty did survive the declaration of independence made by the Dalai Lama, it could not and did not mean the exercise of any authority by the Government of China either in the field of external affairs or in the internal administration of the State. In other words, Tibet was a separate and sovereign State at the time when her territorial integrity was violated by the armed forces of China.

The Government of China contend that the Chinese armed forces have invaded the territory of Tibet with a view "to liberating the people of Tibet and to exercising their sovereign rights". It is difficult to comprehend or to justify this claim, , The term "liberated areas", *chief fang*, has been used by the Chinese Communists to designate the areas released from the Japanese conqueror; but in the case of Tibet, there was no question of driving out a foreign power, because the Tibetans have had their own indigenous government for several centuries. The second claim is equally unfounded. It has, however, been advanced by the Chinese authorities on several occasions. The same argument was urged by the representative of China at the Security Council of the United Nations. The genesis of the

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claim is to be found in the declaration made by the President of the Chinese Republic, Yuan Shih Kai, after the outbreak of the Chinese revolution, which affirmed that Tibet was a Province of China. This declaration was endorsed by General Chiang Kai Shek in his well known book, *The Destiny of China*, where the General attempted to prove that Tibet was an integral part of China and that the

people of Tibet belonged to the Chinese nationality. This claim was also supported by official documents and maps prepared by the government of General Chiang Kai Slick which not only regarded Tibet as a part of China but also laid claim to a large portion of Indian territory. Thus, under the inspiration of General Chiang Kai Shek, the suzerainty of the Chinese Emperors was converted into the sovereignty of the Chinese Republic. The government of the Kuomintang made several efforts to strengthen this novel claim. Thus, every diplomatic act of the Government of Tibet was falsely construed as lending support to the Chinese claim to sovereignty. For instance, the Goodwill Mission sent by the Government of Tibet was treated by the Chinese authorities as the Tibetan delegation to the National Assembly of China. [1] Similarly, the congratulatory messages sent by the Government of Tibet to General Chiang Kai Shek on his accession to the office of the President of the Republic were taken as a message of loyalty and submission. These are typical tactics of Chinese diplomacy and a souvenir of the diplomatic technique of the Emperors of China who considered every communication from the Pope or from the British Crown as evidence of vassalage and submission. The present Government of China have gone further and violated international law in the name of the so-called rights of sovereignty. For instance, when the Government of India brought to the notice of the Government of China the deplorable results which might follow the unprovoked aggression by the Chinese forces against Tibet, the Communist Government retorted that "Tibet is an integral part of Chinese territory. The problem of Tibet is entirely the domestic problem of China. The Chinese Peoples Liberation Army must enter Tibet, liberate

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the Tibetan people and defend the frontiers of China." They also urged that Tibet was "within the confines of Chinese sovereignty".

It has been rightly asserted that the Chinese claim to sovereignty over Tibet has no foundation whatsoever either in law or in fact. It has also been pointed out that at no time in the history of Sino-Tibetan relations was there a definite and *de jure* surrender of any powers of sovereignty by the Government of Tibet to the Government of China. [1] This view has recently been criticised on the ground that there are "enough historical facts" to repudiate this contention. In support of this argument it has been urged "that the English recognised Tibet as a dependency of China as early as 1792 and that (1) Lord Hamilton, the British Secretary of State for India, said in reply to Lord Curzon that His Majesty's Government still regarded Tibet as a Province of China; (2) Lord Reay also said in the House of a Lords that the home government looked upon Tibet as a Provice of China'; and (3) as late as June the 14th, 1904, the British Foreign Minister in his official despatch to the British Ambassador to Russia mentioned Tibet as 'that Province of the Chinese Empire'." [2] It is very curious indeed that this extreme protoganist of the Chinese claim does not cite any declaration of the British Government later than that of 1901. As we have already seen, whatever might have been the character of Chinese authority in Tibet prior to the Anglo-Tibetan Convention of 1904, it cannot be disputed that since that Convention Great Britain has always regarded it as a separate State enjoying and exercising the rights of external sovereignty. There is, moreover, no evidence that at any time the Government of Tibet surrendered their powers to the Government of China and came under Chinese sovereignty; nor has any evidence ever been adduced by Chinese authorities to support their claim. In fact, such evidence cannot be found even in the Chinese sources which, it is well known, have always attempted to suppress or distort facts. So far as the British Government was concerned, the position of Tibet as a

separate and sovereign State is clearly evident from the preamble to the Simla Convention of 1914 which treats

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Tibet as one of the High Contracting Parties to the Convention. Tieh-Tseng Li himself admits that at the Simla Conference of 1913 Tibet was on an equal footing with China and Great Britain. As he points out, "the British Government insisted not only that the meeting be held in India but also that the Tibetan plenipotentiary should participate on an equal footing with both the Chinese and British delegates". (Op. cit., p. 135). In the face of this clear and conclusive evidence it is futile to claim that China was entitled to exercise rights of sovereignty over Tibet. Moreover, as we have already seen, no power or authority has been exercised by China over Tibet since the declaration of independence by the Thirteenth Dalai Lama. It is, therefore, evident that the Chinese Government could not legitimately claim that they had the right to invade Tibetan territory on the basis of their sovereignty. Consequently, the violation of the territorial integrity of Tibet by the Armed Forces of China in 1950 was a naked act of aggression.

The absurdity and hollowness of the Chinese claim is clearly evident from the following extract from the note of the Chinese Government to the Government of India of the 16th November, 1950 : "When the Chinese Government actually exercised its sovereign rights, and began to liberate the Tibetan people and drive out foreign forces and influences to ensure that the Tibetan people will be free from aggression and will realise regional autonomy and religious freedom, the Indian Government attempted to influence and obstruct the exercise of its sovereign rights in Tibet by the Chinese Government." There could be no greater travesty of the truth; there could be no greater denial of facts which are now the property of history. It is apparent that the Chinese Government wish to rewrite the history of their relations with Tibet and in their efforts to do so are prepared to brush aside their own historical sources. As we have already seen, till the declaration of 1911 made by the President of the Chinese Republic, no rights of sovereignty were ever claimed by or on behalf of China. Nor is there any evidence that at any time the Tibetan Government surrendered any of their sovereign rights to the Government of China. All that the undisputed facts of history show is that the Government of Tibet did acknowledge the suzerainty of China, and as such the right to intervene in Tibetan affairs was at times claimed by the

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Chinese and some times exercised, particularly after successful military operations. But, as we have already pointed out, even this vestige of suzerainty disappeared after the declaration of independence by the Thirteenth Dalai Lama.

A similar argument was advanced by the Soviet delegate when the Tibetan issue came before the General Committee of the Assembly of the United Nations in 1950. It was then asserted by the Soviet delegate that "Chinese sovereignty" over Tibet had been recognised for a long time by the United Kingdom, the United States and the U.S.S.R. This, however, is not the case; at no time in the history of Tibet's relations with foreign States has there been any acknowledgment of the sovereignty of China over Tibet by any foreign power. The Anglo-Russian Convention of 1907 spoke of the *suzerainty* of

China and not of her *sovereignty*. It should also be pointed out that while this Convention recognised the suzerainty of China, it also imposed the obligation on the two governments not to violate the territorial integrity of Tibet. There could have been no question of an international obligation of this kind if Tibet had been under the sovereignty of China, for in that case her territory would have been part and parcel of the Chinese territory. Nor could there have been any obligation on the part of the High Contracting Parties not to interfere in the internal administration of Tibet, because if Tibet had been under the sovereignty of China; she could not have any internal administration separate from and independent of the Government of China

The foregoing discussion conclusively proves that the claim now asserted by the Communist Government of China has no foundation whatsoever either in fact or in law. This is manifestly clear from the facts with which we have already dealt. These may now be summarised as follows : In the first place, no power or authority has been exercised by the Government of China in Tibet since the declaration of independence by the Thirteenth Dalai Lama. During this entire period there were no acts of suzerainty on the part of China, much less were there any acts of sovereignty. Secondly, the Anglo-Tibetan Convention of 1904 imposed restrictions on the external sovereignty of Tibet in favour of Great Britain and thereby ousted any authority in the field of external affairs which China might otherwise have claimed. Under Article 1 of the Anglo-Chinese

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Convention of 1906, the Government of China accepted this position. China did not claim any rights of sovereignty at the time ; nor did she purport to exercise any rights of suzerainty. Thirdly, the Anglo-Russian Convention of 1907, while recognising the suzerainty of China over Tibet, expressly enjoins upon the parties not to violate the territorial integrity of Tibet or to interfere in her internal administration. These are clear and indisputable acknowledgments by two foreign powers of the position of Tibet as a separate and sovereign State, although under the suzerainty of China. Fourthly, under the Simla Convention of 1914 the Government of Great Britain agreed to recognise the suzerainty of China on the express condition that China on her part recognised the autonomy of Tibet. Although subsequently the Convention was not ratified by the Government of China, this position was generally accepted by the Chinese plenipotentiary. At no time during this conference did the Chinese representative advance any claim to sovereignty over Tibet. Fifthly, at the Simla Conference, the Tibetan plenipotentiary was assigned the same status as the representatives of the other two States. This is clear from the preamble to the Convention. The Chinese authorities have also admitted that this was the case. The position is, therefore, clear beyond doubt : Tibet was a separate and sovereign State at the time of the Chinese invasion. It cannot, therefore, be disputed that by violating the territorial integrity of Tibet the Communist Government of China have committed an act of aggression in defiance of the universally accepted principles of international law.

It is necessary to examine further how far the Chinese claim to sovereignty over Tibet can be justified in accordance with the principles of international law. It is almost universally recognised that the term 'sovereignty' has a dual aspect. From the point of view of internal administration, it signifies the right of a State to exercise its functions within its territory to the exclusion of all other powers.[\[1\]](#) This exclusive right naturally includes all rights relating to the function of a State : the right of political and administrative organization, the right of legis

lation, the right of jurisdiction and the right of eminent domain. The second aspect of sovereignty implies and includes three important rights : the right of representation and of legation, the right to negotiate with other sovereign States and the right to conclude treaties and conventions. These are the sovereign rights of independent States. The question, therefore, arises whether the Government of China have ever exercised these rights in regard to Tibet. The answer given by the unquestionable facts of history is definitely in the negative. As regards the first right of sovereignty, it is necessary to point out that the political organisation of Tibet has always been the same since the time of the Fifth Dalai Lama, and the Chinese Emperor never possessed at any time the right to choose at his will the form of government and the character of the constitution of Tibet. It is true that sometimes the Emperor intervened in the administration of the State but this was for brief periods and during the minority of the Dalai Lama. The right of legislation was never exercised by the Chinese Government and the laws in force in Tibet have always been framed and promulgated by the Tibetan Government. As regards the right of jurisdiction, all important cases were at one time submitted to the Court of Peking but this was only for a brief period. The same observation is equally applicable to the right of eminent domain. The position in regard to external affairs is still more clear. The external sovereignty of Tibet was never delegated to China. On the contrary, since the reign of the Thirteenth Dalai Lama the Government of Tibet have directly conducted its international relations. The diplomatic mission sent to Russia in 1901 furnishes an interesting instance. Indeed, the Anglo-Tibetan Convention of 1904 clearly shows that the external sovereignty of Tibet at the time belonged to the Government of Tibet. As Fauchille has rightly stated, "the manifestation of will embodied in a treaty is the most formal application of the right to independence ; sovereignty thus proves its existence by the very act of abdication."[\[1\]](#) Moreover, since 1912 there has been no exercise of any kind of authority by the Government of China in or over Tibet ; and the government of Tibet have continued their direct relations with the neighbouring States. It is, there-

fore, evident that the claim now advanced by the Communist Government of China is neither historically nor juridically well founded.

### III. A Summary of the Tibetan Case

The Government of Tibet contend that Tibet was a sovereign and international State at the Time of the Chinese invasion in 1950. The violation of the territorial integrity of Tibet was, therefore, a clear and flagrant act of aggression. In support of this contention, the Government of Tibet urge the following arguments :

(1) No power or authority has been exercised by the Government of China in or over Tibet since the Declaration of Independence by the Thirteenth Dalai Lama in 1912 till the Chinese invasion in 1950. The preamble to the Agreement of 1951 which the Government of Tibet were obliged to accept under duress clearly admits this fact. This is also implicit in the notes despatched by the Government of China to the Government of India in 1950. It is the considered opinion of the Government of Tibet that this Declaration of Independence had the same effect in international law as the Declaration made by Bulgaria in 1908 denouncing Turkish suzerainty. Therefore, at the time of the Chinese invasion the State of Tibet was completely independent of China, both *de facto* and *de jure*.

(2) The sovereign status of Tibet during this period finds conclusive evidence in the fact that the Government of Tibet concluded as many as five international agreements immediately before and during these years. The first was the Treaty of 1856 between Tibet and Nepal which bound the Government of Nepal to render assistance to the Government of Tibet in the event of invasion of Tibet by a foreign power. As regards China, the treaty expressly stated that "both States pay respect as always before to the Emperor of China." In other words, the parties acknowledged the nominal suzerainty of China as had always been the case since the installation of the First Dalai Lama. The second treaty was between Mongolia and Tibet and recognised the independence and sovereignty of the two contracting States. The third was the Lhasa Convention of 1904 between the British Government and the Government of Tibet. This Convention

expressly speaks of "the relations of friendship and good understanding which have existed between the British Government and the Government of Tibet." This was indeed a clear recognition of the sovereign status of Tibet. Under this Convention, the Government of Tibet engaged that without the previous consent of the British Government no foreign power would be permitted to intervene in Tibetan affairs, and that no representative of any foreign power would be admitted to Tibet. This provision was applicable to China as well as to other foreign powers. It follows, therefore, that even if Chinese suzerainty did survive the Declaration of Independence by the Thirteenth Dalai Lama, it ceased to have any legal effect after the conclusion of this Convention. The provisions of this Convention were accepted by the Government of China under the Peking Convention of 1906. The next international agreement was the Simla Convention of 1914. Under Article 1 of this Convention, the Government of Tibet and Great Britain agreed for the first time to recognise the suzerainty of China on the express condition that China recognised the autonomy of Tibet. It was, however,

expressly made clear that the suzerainty of China did not authorise her to interfere in the administration of Tibet or to convert Tibet into a Chinese Province. The Convention also prohibited the Government of China from sending troops into Tibet, or stationing civil or military officers or establishing Chinese colonies in Tibet. The Convention continued the restrictions which were imposed on the authority of the Chinese Government under the Lhasa and Peking Conventions. This tripartite agreement, although initialled by the Chinese representative, was not ratified by the Government of China. It is, therefore, clear that Article 1 of the Convention did not come into operation and was devoid of any legal effect. Consequently, no claim to Chinese suzerainty, much less a claim to sovereignty, can be founded upon the provisions of this Convention. However, the point of paramount importance in connection with the Simla Convention is that the representative of the Government of Tibet was recognised by the Governments of Great Britain and China as a plenipotentiary and accorded the same status as the representatives of the other two Governments. This is fully borne out by the preamble to the Convention which provides clear and unquestionable evidence of the international status of Tibet. This Convention was

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followed by the Anglo-Tibetan Agreement relating to trade regulations. Here, again, the representative of the Government of Tibet occupied the same position and status as a plenipotentiary as the representative of His Majesty the King of Great Britain. This fact emphatically endorses the contention that Tibet did possess and enjoy international status before the Chinese invasion of 1950.

(3) An examination of the international agreements clearly establishes the fact that even if Chinese suzerainty survived the assumption of power by the Thirteenth Dalai Lama, it was terminated by the Anglo-Tibetan Convention of 1904, and the terms of this Convention were accepted by China under the Peking Convention of 1906. Moreover, Article 1 of the Simla Convention of 1914 which was intended to recognise Chinese suzerainty did not come into operation as the Convention was not ratified by the Government of China. There is, therefore, no treaty or agreement under which the Government of Tibet have acknowledged Chinese suzerainty. Nor has there been any such acknowledgment by the Government of Great Britain. It is true that the British Government have always been prepared to recognize Chinese suzerainty on the express understanding that China, on her part, would recognise the autonomy of Tibet, but such an agreement has not been concluded between the two Governments, as would be abundantly evident from the British Foreign Secretary's memorandum of the 5th August, 1943 to the Chinese Prime Minister. The position is, therefore, clear beyond doubt that there subsists no international agreement acknowledging the suzerainty of China.

(4) The claim to suzerainty over Tibet advanced by the Chinese Government from time to time was converted into a claim to sovereignty after the outbreak of the Chinese Revolution. This claim has been repeatedly asserted by the Nationalist Government of China and has recently been enforced at the point of the bayonet by the People's Government of China. In fact and in law, however, there is no foundation for this claim to, sovereignty.

(5) The international status of Tibet is also substantiated by the fact that during the Second World War Tibet insisted on preserving her neutrality, although both the Government of Great Britain and the Government of China were involved in



it. This position was accepted by Great Britain and China. If Tibet was not a separate and sovereign State during the time of the Second World War, there would have been no question of her insisting on the preservation of her right of neutrality.

(6) The sovereign status of Tibet has also been acknowledged by other powers. Thus, in 1948 when the Trade Delegation from the Government of Tibet visited India, France, Italy, the United Kingdom and the United States of America, the passports issued by the Tibetan Government were accepted by the Governments of these countries. If Tibet had been a part of China and did not possess any external sovereignty, she could not have exercised the right to issue passports.

(7) Even if we accept for the sake of argument that Chinese suzerainty existed at the time of the invasion of Tibet in 1950, it did not confer any power on the Government of China to violate the territorial integrity of Tibet. Suzerainty does not necessarily imply the loss of international personality. Bulgaria furnishes an illuminating instance in point. This was also the position of Serbia, Morocco and Tunisia which entered into international relations although continuing to remain under Turkish suzerainty. On the other hand, Article 5 of the Simla Convention recognises the right of Tibet to enter into any negotiations or agreements with other powers, but subject to the exercise of the right to the control of the British Government. It could not, therefore, be said that Tibet had no international status. The Article also imposes a similar restriction on the Government of China, but this restriction could not be construed as depriving China of her international personality. In any case, these restrictions came to an end with the transfer of power in India in 1947. The position is, therefore, clear. Under international agreements as well as in accordance with the relations, between the British Government and the Government of Tibet, Tibet was in possession of external sovereignty.



## APPENDIX I

### Convention between Great Britain and China relating to Sikkim and Tibet

*Signed at Calcutta, March 17, 1890*

WHEREAS Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of China, are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires; and whereas recent occurrences have tended towards a disturbance of the said relations, and it is desirable to clearly define and permanently settle certain matters connected with the boundary between Sikkim and Tibet, Her Britannic Majesty and His Majesty the Emperor of China have resolved to conclude a Convention on this subject, and have, for this purpose, named Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, his Excellency the Most Honourable Henry Charles Keith Petty Fitzmaurice, G.M.S.I., G.C.M.G., G.M.I.E., Marquess of Lansdowne, Viceroy and Governor-General of India ;

And His Majesty the Emperor of China, His Excellency Sheng Tai, Imperial Associate Resident in Tibet, Military Deputy Lieutenant-Governor ;

Who, having met and communicated to each other their full powers, and finding these to be in proper form, have agreed upon the following Convention in eight Articles :

Art. I. The boundary of Sikkim and Tibet shall be the crest? of the mountain-range separating the waters flowing into the Sikkim Teesta and its affluents from the waters flowing into the Tibetan Mochu and northwards into other rivers of Tibet. The line commences at Mount Gipmochi on the Bhutan frontier, and follows the above-mentioned water-parting to the point where it meets Nepal territory.

II. It is admitted that the British Government, whose Protectorate over the Sikkim State is hereby recognized, has direct and exclusive control over the internal administration and foreign relations of that State, and except through and with the permission of the British Government neither the Ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country.

III. The Government of Great Britain and Ireland and the Government of China engage reciprocally to respect the boundary as defined in Article I, and to prevent acts of aggression from their respective sides of the frontier.

IV. The question of providing increased facilities for trade across the Sikkim-Tibet frontier will hereafter be discussed with a view to a mutually satisfactory arrangement by the High Contracting Powers.

V. The question of pasturage on the Sikkim side of the frontier is reserved for further examination and future adjustment.

VI. The High Contracting Powers reserve for discussion and arrangement the method in which official communications between the British authorities in India and the authorities in Tibet shall be conducted.

VII. Two joint Commissioners shall, within six months from the ratification of this Convention, be appointed, one by the British Government in India, the other by the Chinese Resident in Tibet. The said Commissioners shall meet and discuss the questions which, by the last three preceding Articles, have been reserved.

VIII. The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible after the date of the signature thereof.

In witness whereof the respective negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quadruplicate at Calcutta, this 17th day of March, in the year of our Lord 1890, corresponding with the Chinese date, the 27th day of the second moon of the 16th year of Kuang Hsu.

## APPENDIX II

### Convention between Great Britain and Thibet

*Signed at Lhasa, September 7, 1904*

WHEREAS doubts and difficulties have arisen as to the meaning and validity of the Anglo-Chinese Convention of 1890, and the Trade Regulations of 1893, and as to the liabilities of the Thibetan Government under these Agreements; and whereas recent occurrences have tended towards a disturbance of the relations of friendship and good understanding which have existed between the British Government and the Government of Thibet ; and whereas it is desirable to restore peace and amicable relations, and to resolve and determine the doubts and difficulties as aforesaid, the said Governments have resolved to conclude a Convention with these objects, and the following Articles have been agreed upon by Colonel F.E. Younghusband, C.I.E., in virtue of full powers vested in him by His Britannic Majesty's Government, and on behalf of that said Government, and Lo-Sang Gyal-Tsen, the Ga-den Ti-Rimpoche, and the representatives of the Council, of the three monasteries Se-ra, Dre-pung, and Ga-den, and of the ecclesiastical and lay officials of the National Assembly on behalf of the Government of Thibet :

Art. I. The Government of Thibet engages to respect the Anglo-Chinese Convention of 1890, and to recognize the frontier between Sikkim and Thibet, as defined in Article I of the said Convention, and to erect boundary pillars accordingly.

II. The Thibetan Government undertakes to open forthwith trade marts to which all British and Thibetan subjects shall have free right of access at Gyangtse and Gartok, as well as at Yatung.

The regulations applicable to the trade mart at Yatung, under the Anglo-Chinese Agreement of 1893, shall, subject to such amendments as may hereafter be agreed upon by common

consent between the British and Thibetan Governments, apply to the marts above mentioned.

In addition to establishing trade marts at the places mentioned, the Thibetan Government undertakes to place no restrictions on the trade by existing routes, and to consider the question of establishing fresh trade marts under similar conditions if development of trade requires it.

III. The question of the amendment of the Regulations of 1893 is reserved for separate consideration, and the Thibetan Government undertakes to appoint fully authorized delegates to negotiate with

representatives of the British Government as to the details of the amendments required.

VI. The Thibetan Government undertakes to levy no dues of any kind other than those provided for in the tariff' to be mutually agreed upon.

V. The Thibetan Government undertakes to keep the roads to Gyangtse and Gartok from the frontier clear of all obstruction and in a state of repair suited to the needs of the trade, and to establish at Yatung, Gyangtse, and Gartok, and at each of the other trade marts that may hereafter be established, a Thibetan Agent who shall receive from the British Agent appointed to watch over British trade at the marts in question any letter which the latter may desire to send to the Thibetan or to the Chinese authorities. The Thibetan Agent shall also be responsible for the due delivery of such communications and for the transmission of replies.

VI. As an indemnity to the British Government for the expense incurred in the dispatch of armed troops to Lhasa, to exact reparation for breaches of Treaty obligations, and for the insults offered to and attacks upon the British Commissioner and his following and escort, the Thibetan Government engages to pay a sum of 500,000 --- equivalent to 75 lakhs of rupees --- to the British Government.

The indemnity shall be payable at such place as the British Government may from time to time, after due notice, indicate, whether in Thibet or in the British districts of Darjeeling or Jalpaiguri, in seventy five annual instalments of one lakh rupees each on the 1st January in each year, beginning from the 1st January, 1906.

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VII. As security for the payment of the above mentioned indemnity, and for the fulfilment of the provisions relative to trade marts specified in Articles II, III, IV, and V, the British Government shall continue to occupy the Chumbi Valley until the indemnity has been paid, and until the trade marts have been effectively opened for three years, whichever date may be the later.

VIII. The Thibetan Government agrees to raze all forts and fortifications and remove all armaments which might impede the course of free communication between the British frontier and the towns of Gyangtse and Lhasa.

IX. The Government of Thibet engages that, without the previous consent of the British Government

(a) No portion of Thibetan 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 Thibetan affairs ;

(c) No Representatives or Agents of any foreign Power shall be admitted to Thibet ;

(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 Thibetan revenues, whether in kind or in cash, shall be pledged or assigned to any foreign Power, or to the subject of any foreign Power.

X. In witness whereof the Negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quintuplicate at Lhasa, this 7th day of September, in the year of our Lord, 1904, corresponding with the Thibtan date, the 27th of the seventh month of the Wood Dragon year.

## APPENDIX III

### Convention between Great Britain and China respecting Tibet

*Signed at Peking, April 27, 1906*

WHEREAS His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires;

And whereas the refusal of Tibet to recognise the validity of or to carry into full effect the provisions of the Anglo-Chinese Conventions of March 17, 1890 and Regulations of December 5, 1893 placed the British Government under the necessity of taking steps to secure their rights and interests under the said Convention and Regulations;

And whereas a Convention of ten Articles was signed at Lhasa on September 7, 1904 on behalf of Great Britain and Tibet, and was ratified by the Viceroy and Governor-General of India on behalf of Great Britain on November 11, 1904, a declaration on behalf of Great Britain modifying its terms under certain conditions being appended thereto ;

His Britannic Majesty and His Majesty the Emperor of China have resolved to conclude a Convention on this subject and have for this purpose named Plenipotentiaries, that is to say :

His Majesty the King of Great Britain and Ireland:

Sir Ernest Mason Satow, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, His said Majesty's. Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China;

And His Majesty the Emperor of China:

His Excellency Tong Shoa-yi, His said Majesty's High Commissioner Plenipotentiary and a Vice-President of the Board of Foreign Affairs; who having communicated to each

other their respective full powers and finding them to be in good and true form have agreed upon and concluded the following Convention in six Articles :

I. The Convention concluded on September 7, 1904 by Great Britain and Tibet, the texts of which in English and Chinese are attached to the present Convention as, an annex, is hereby confirmed, subject to the modification stated in the declaration appended thereto, and both of the High Contracting Parties engage to take at all times such steps as may be necessary to secure the due fulfilment of the terms specified therein.

II. The Government of Great Britain engages not to annex Tibetan territory or to interfere in the administration of Tibet. The Government of China also undertakes not to permit any other foreign State to interfere with the territory or internal administration of Tibet.

III. The concessions which are mentioned in Article IX (d) of the Convention concluded on September 7, 1904 by Great Britain and Tibet are denied to any State or to the subject of any State other than China, but it has been arranged with China that at the trade marts specified in Article II of the aforesaid Convention Great Britain shall be entitled to lay down telegraph lines connecting with India.

IV. The provisions of the Anglo-Chinese Convention of 1890 and Regulations of 1893 shall, subject to the terms of this present Convention and annex thereto, remain in full force.

V. The English and Chinese texts of the present Convention have been carefully compared and found to correspond but in the event of there being any difference of meaning between them the English text shall be authoritative.

VI. This Convention shall be ratified by the Sovereigns of both countries and ratifications shall be exchanged at London within three months after the date of signature by the Plenipotentiaries of both Powers.

In token whereof the respective Plenipotentiaries have signed and sealed this Convention, four copies in English and four in Chinese.

Done at Peking this twenty seventh day of April, one thousand nine hundred and six, being the fourth day of the fourth month of the thirty second year of the reign of Kuang hsu.

## APPENDIX IV

### **Convention between Great Britain and Russia relating to Persia, Afghanistan and Tibet**

*Signed at St. Petersburg, August 31, 1907*

#### **Arrangement relating to Tibet**

The Government of Great Britain and Russia, recognising the suzerain rights of China over Tibet and considering that by virtue of her geographical position Great Britain has a special interest to see that the existing state of the external relations of Tibet is integrally unimpaired, have arrived at the following arrangement :

Art. I. The two high contracting parties engage themselves to respect the territorial integrity of Tibet and to abstain from every interference in its internal administration.

Art. II. In conformity with the admitted principle of the suzerainty of China over Tibet, Great Britain and Russia undertake not to deal with Tibet except through the intermediary of the Government of China. This undertaking does not, however, exclude direct relations of English commercial agents with the Tibetan authorities as provided under Article V of the Convention of September 7, 1904, between Great Britain and Tibet and confirmed by the Convention of April 27, 1906, between Great Britain and China. Moreover, it does not modify the obligations assumed by Great Britain and China by virtue of Article I of the said Convention of 1906.

It is understood that Buddhists, whether British or Russian subjects, may enter into direct relations in respect of strictly-religious affairs with the Dalai Lama and other representatives of Buddhism in Tibet ; the Governments of Great Britain and Russia undertake, in so far as it lies in their power, not to permit such relations to prejudice the stipulations of the present arrangement.

Art. III. The British and Russian Governments undertake, each on its part, not to send representatives to Lhasa.

Art. IV. The two high contracting parties undertake not to seek or obtain, either on their own behalf or in favour of their subjects, any concessions relating to railways, roads, telegraphs and mines, or any other rights in Tibet.



Art. V. The two Governments agree that no portion of the revenues of Tibet, whether in kind or in cash, will be mortgaged or assigned either to Great Britain or to Russia or to any of their subjects.

## **APPENDIX V**

### **Convention between Great Britain, China and Tibet --- 1914**

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Excellency the President of the Republic of China, and His Holiness the Dalai Lama of Tibet, being sincerely desirous to settle by mutual agreement various questions concerning the interests of their several States on the Continent of Asia, and further to regulate the relations of their several Governments, have resolved to conclude a Convention on this subject and have nominated for this purpose their respective Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir Arthur Henry McMahon, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Eminent Order of the Indian Empire, Companion of the Most Exalted Order of the Star of India, Secretary to the Government of India, Foreign and Political Department ;

His Excellency the President of the Republic of China, Monsieur Ivan Chen, Officer of the Order of China HO ;

His Holiness the Dalai Lama of Tibet, Lonchen Ga-den Shatra Pal-jor Dorje ; who having communicated to each other their respective full powers and finding them to be in good and due form have agreed upon and concluded the following Convention in eleven Articles :

#### **Article 1**

The Conventions specified in the Schedule to the present Convention shall, except in so far as they may have been modified by, or may be inconsistent with or repugnant to, any of the provisions of the present Convention, continue to be binding upon the High Contracting Parties.

#### **Article 2**

The Governments of Great Britain and China recognising that Tibet is under the suzerainty of China,

and recognising also the autonomy of Outer Tibet, engage to respect the territorial integrity of the country, and to abstain from interference in the administration of Outer Tibet (including the selection and installation of the Dalai Lama), which shall remain in the hands of the Tibetan Government at Lhasa.

The Government of China engages not to convert Tibet into a Chinese province. The Government of Great Britain engages not to annex Tibet or any portion of it.

### **Article 3**

Recognising the special interest of Great Britain, in virtue of the geographical position of Tibet, in the existence of an effective Tibetan Government, and in the maintenance of peace and order in the neighbourhood of the frontiers of India and adjoining States, the Government of China engages, except as provided in Article 4 of this Convention, not to send troops into Outer Tibet, nor to station civil or military officers, not to establish Chinese colonies in the country. Should any such troops or officials remain in Outer Tibet at the date of the signature of this Convention, they shall be withdrawn within a period not exceeding three months.

The Government of Great Britain engages not to station military or civil officers in Tibet (except as provided in the Convention of September 7, 1904, between Great Britain and Tibet) nor troops (except the Agent's escorts), nor to establish colonies in that country.

### **Article 4**

The foregoing Article shall not be held to preclude the continuance of the arrangement by which, in the past, a Chinese high official with suitable escort has been maintained at Lhasa, but it is hereby provided that the said escort shall in no circumstances exceed 300 men.

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### **Article 5**

The Governments of China and Tibet engage that they will not enter into any negotiations or agreements regarding Tibet with one another, or with any other Power, excepting such negotiations and agreements between Great Britain and Tibet as are provided for by the Convention of September 7, 1904, between Great Britain and Tibet and the Convention of April 27, 1906, between Great Britain and China.

### **Article 6**

Article III of the Convention of April 27, 1906, between Great Britain and China is hereby cancelled, and it is understood that in Article IX (d) of the Convention of September 7, 1904, between Great Britain and Tibet the term "Foreign Power" does not include China.

Not less favourable treatment shall be accorded to British commerce than to the commerce of China or the most favoured nation.

### **Article 7**

- (a) The Tibet Trade Regulations of 1893 and 1908 are hereby cancelled.
- (b) The Tibetan Government engages to negotiate with the British Government new Trade Regulations for Outer Tibet to give effect to Articles II, IV and V of the Convention of September 7, 1904, between Great Britain and Tibet without delay; provided always that such Regulations shall in no way modify the present Convention except with the consent of the Chinese Government.

### **Article 8**

The British Agent who resides at Gyantse may visit Lhasa with his escort whenever it is necessary to consult with the Tibetan Government regarding matters arising out of the Convention of September 7, 1904, between Great Britain and Tibet, which it has been found impossible to settle at Gyantse by correspondence or otherwise.

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### **Article 9**

For the purpose of the present Convention the borders of Tibet, and the boundary between Outer and Inner Tibet, shall be as shown in red and blue respectively on the map attached hereto.

Nothing in the present Convention shall be held to prejudice the existing rights of the Tibetan Government in Inner Tibet, which include the power to select and appoint the high priests of monasteries and to retain full control in all matters affecting religious institutions.

### **Article 10**

The English, Chinese and Tibetan texts of the present Convention have been carefully examined and

found to correspond, but in the event of there being any difference of meaning between them the English text shall be authoritative.

## Article 11.

The present Convention will take effect from the date of signature.

In token whereof the respective Plenipotentiaries have signed and sealed this Convention, three copies in English, three in Chinese and three in Tibetan.

Done at Simla this third day of July, A.D. one thousand nine hundred and fourteen, corresponding with the Chinese date, the third day of the seventh month of the third year of the Republic, and the Tibetan date, the tenth day of the fifth month of the Wood Tiger year.

## **Addendum No. 1**

At page 38 of the memorandum of the Dalai Lama's Government on the International position of Tibet it has been contended that Article 1 of the Convention of 1914, which recognised Chinese suzerainty, did not come into operation and was devoid of any legal effect. This is fully substantiated by the Treaty of Ratification concluded between Great Britain and Tibet which brought into force the Convention of 1914. A

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copy of the English translation of the Tibetan version of the Treaty is enclosed herewith.

## **Treaty of Ratification between Great Britain and Tibet** *(English Translation)*

The plenipotentiaries of Great Britain and Tibet accept the following treaty.

The Government of Great Britain and the Government of Tibet will recognise and abide by the Convention already concluded.

The powers granted to China under the Convention shall not be recognised by Great Britain and Tibet until and unless the Government of China ratify the Convention.

This treaty in two copies each of English and Tibetan versions respectively have been sealed and signed on the 3rd July, 1914 corresponding to the tenth day of the fifth month of the Wood Tiger Year.

## APPENDIX VI

### Agreement on Measures for the Peaceful Liberation of Tibet

*(17 point Agreement of May 23, 1951)*

The Tibetan nationality is one of the nationalities with a long history within the boundaries of China and, like many other nationalities, it has done its glorious duty in the course of the creation and development of the great Motherland. But, over the last 100 years or more, imperialist forces penetrated into China and in consequence also penetrated into the Tibetan region and carried out all kinds of deceptions and provocations. Like previous reactionary Governments, the Kuomintang reactionary Government continued to carry out a policy of oppression and sowing dissension among the nationalities, causing division and disunity among the Tibetan people. The local government of Tibet did not oppose the imperialist deception and provocation and adopted an unpatriotic attitude towards the great Motherland. Under such conditions the Tibetan nationality and people were plunged into the depths of enslavement and sufferings. In 1949 basic victory was achieved on a nationwide scale in the Chinese people's war of liberation ; the common domestic enemy of all nationalities --- the Kuomintang reactionary Government --- was overthrown and the common foreign enemy of all nationalities --- the aggressive imperialist forces --- was driven out. On this basis the founding of the People's Republic of China (CPR) and of the CPG was announced.

In accordance with the Common Programme passed by the Chinese People's Political Consultative Conference (CPPCC), the CPG declared that all nationalities within the boundaries of the CPR are equal and that they shall establish unity and mutual aid and oppose imperialism and their own public enemies, so that the CPR will become a big family of fraternity and co-operation, composed of all its nationalities. Within the big

family of all nationalities of the CPR, national regional autonomy shall be exercised in areas where national minorities are concentrated and all national minorities shall have freedom to develop their spoken and written language and to preserve or reform their customs, habits and religious beliefs, and the CPG shall assist all national minorities to develop their political, economic, cultural, and educational construction work. Since then, all nationalities within the country --- with the exception of those in the areas of Tibet and Taiwan --- have gained liberation. Under the unified leadership of the CPG and the direct leadership of higher levels of people's governments, all national minorities have fully enjoyed the right of national equality and have exercised, or are exercising, national regional autonomy.

In order that the influences of aggressive, imperialist forces in Tibet might be successfully eliminated,

the unification of the territory and sovereignty of the CPR accomplished, and national defence safeguarded ; in order that the Tibetan nationality and people might be freed and return to the big family of the CPR to enjoy the same rights of national equality as all other nationalities in the country and develop their political, economic, cultural and educational work, the CPG, when it ordered the People's Liberation Army (PLA) to march into Tibet, notified the local government of Tibet to send delegates to the central authorities to conduct talks for the conclusion of an agreement on measures for the peaceful liberation of Tibet. At the latter part of April, 1951 the delegates with full powers of the local government of Tibet arrived in Peking. The CPG appointed representatives with full powers to conduct talks on a friendly basis with the delegates with full powers of the local government of Tibet. As a result of the talks both parties agreed to establish this agreement and ensure that it be carried into effect.

(1) The Tibetan people shall unite and drive out imperialist aggressive forces from Tibet ; the Tibetan people shall return to the big family of the Motherland --- the People's Republic of China.

(2) The local government of Tibet shall actively assist the PLA to enter Tibet and consolidate the national defences.

(3) In accordance with the policy towards nationalities laid down in the Common Programme of the CPPCC, the Tibetan

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people have the right of exercising national regional autonomy under the unified leadership of the CPG.

(4) The central authorities will not alter the existing political system in Tibet. The central authorities also will not alter the established status, functions and powers of the Dalai Lama. Officials of various ranks shall hold office as usual.

(5) The established status, functions and powers of the Panchen Ngoerhtehni (Lama) shall be maintained.

(6) By the established status, functions and powers of the Dalai Lama and of the Panchen Ngoerhtehni are meant the status, functions and powers of the thirteenth Dalai Lama and of the ninth Panchen Ngoerhtehni when they were in friendly and amicable relations with each other.

(7) The policy of freedom of religious belief laid down in the Common Programme of the CPPCC shall be carried out. The religious beliefs, customs and habits of the Tibetan people shall be respected and lama monasteries shall be protected. The central authorities will not effect a change in the income of the monasteries.

(8) The Tibetan troops shall be reorganised step by step into the PLR and become a part of the national defence forces of the CPR.

(9) The spoken and written language and school education of the Tibetan nationality shall be developed step by step in accordance with the actual condition in Tibet.

(10) Tibetan agriculture, livestock-raising, industry and commerce shall be developed step by step and the people's livelihood shall be improved Step by step in accordance with the actual condition in Tibet.

(11) In matters related to various reforms in Tibet, there will be no compulsion on the part of the central authorities. The local government of Tibet should carry out reforms of its own accord, and, when the people raise demands for reform, they shall be settled by means of consultation with the leading personnel of Tibet.

(12) In so far as former pro-imperialist and pro-Kuomintang officials resolutely sever relations with imperialism and the Kuomintang and do not engage in sabotage or resistance, they may continue to hold office irrespective of their past.

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(13) The PLA entering Tibet shall abide by all the abovementioned policies and shall also be fair in all buying and selling and shall not arbitrarily take a needle or thread from the people.

(14) The CPC shall have centralised handling of all external affairs of the area of Tibet; and there will be peaceful coexistence with neighbouring countries and establishment and development of fair commercial and trading relations with them on the basis of equality.

(15) In order to ensure the implementation of this agreement, the CPG shall set up a Military and Administrative Committee and a Military Area HQ in Tibet and apart from the personnel set there by the CPG shall absorb as many local Tibetan personnel as possible to take part in the work. Local Tibetan personnel taking part in the Military and Administrative Committee may include patriotic elements from the local government of Tibet, various districts and various principal monasteries ; the name list shall be set forth after consultation between the representatives designated by the CPG and various quarters concerned and shall be submitted to the CPG for appointment.

(16) Funds needed by the Military and Administrative Committee, the Military Area HQ and the PLA entering Tibet shall be provided by the CPG. The local government of Tibet should assist the PLA in the purchase and transport of food, fodder and other daily necessities.

(17) This agreement shall come into force immediately after signatures and seals are affixed to it.



# NOTES

- [1]. Bell. *Tibet Past and Present*, Appendices I and II. Oxford, 1924.
- [2]. Desideri, *An Account of Tibet*, p. 146, London, 1927.
- [1]. Tieh Tseng Li, *The Historical Status of Tibet*, p. 18.
- [2]. Bell, op. cit., p. 36
- [1]. *The Dalai Lamas*, p. 18. The view expressed by Sir Charles Bell has been criticised by a recent Chinese author, and it has been argued that Rockhill's statement does not support the contention that the Fifth Dalai Lama was regarded by the Chinese as an independent monarch. It is, however, clear that this criticism is totally unfounded. Rockhill clearly asserts that there is no evidence in any Chinese documents or publications that the Fifth Dalai Lama was treated by the Chinese authorities otherwise than as an independent sovereign.
- [2]. Tieh-Tseng Li, op cit . p. 32.
- [1]. Op. cit., p. 29.
- [2]. See Sen, *The Indian States, Their Status, Rights and Obligations*, London, 1930. See also Stubbs, *Suzerainty*, London, 1882.
- [1]. Hue, op. cit., Volume II., p. 185.
- [2]. See Sen, *La situation internationale du Thibet*, p. 11, Extrait de la Revue Generale de Droit International Public, Editions Pedone, Paris, 1951.
- [1]. *Waddel, Lhasa and Its Mysteries*, p. 34. London, 1905.
- [1]. Markham, *Narratives of the Missions of George Bogle to Tibet and of the Journey of Thomas Manning to Lhasa*, p. 195, London, 1879 Tieh-Tseng Li cites this evidence with approval but conveniently suppresses Bogle's reference to the "supreme authority" exercised by the previous Dalai Lama.
- [2]. Op. cit. pp. 205-209.
- [3]. Huc. *Souvenirs de Voyage dans la Tartarie et le Thibet*, English translation. Vol. I., pp. 151-152 and Vol. II., p. 185, London, 1928
- [1]. *China and Tibet in the Early Eighteenth Century*, p. 213.
- [2]. Op. cit. p. 56.
- [1]. Op. cit., p. 64.
- [2]. *Messenger officiel* of 25th June, 1901.
- [3]. *Three Years in Tibet*, pp. 504-519, Madras, 1919.
- [1]. *International Law*, Vol. I., p. 172, London, 1947.
- [2]. *Das Enropaishes Volkerreeht*, Sec. 22.
- [1] *Essai sur les Protectorate*, pp. 46 48. Paris, 1896.
- [1]. For instance, Tieh-Tseng Li tries to make a great deal of this argument but completely ignores the fact that the Delegation refused to sign the Draft Constitution prepared by the Assembly.
- [1]. Sen, *La situation internationale du Thibet*, p. 10.
- [2]. Tieh-Tseng Li, op. cit., p. 215.
- [1]. See the Judgment of the Permanent Court of Arbitration in the case of the *Island of Palmas*.
- [1]. *Traite de droit international public*, Vol. I., Part I., p. 455, Paris, 1922.

