The revolt and the subsequent dramatic flight of the Dalai Lama once again drew international attention to Tibet. In 1959, the International situation, although still very much under the influence of the Cold War, was uneventful. Tibet therefore stole the world’s headlines. Coming so soon after the Hungarian revolt that the Tibetan conflict was quickly identified by the press as ‘another Hungary’, International reactions predictably fell into the Cold War divisions, with the communist bloc supporting the Chinese claims and the western bloc much more sympathetic to the Tibetans.

However, although, Tibet was treated as a cause célèbre in the media, there was a disparity between public support and official action. The anti-Communist countries, while deploring the Chinese actions, were nevertheless careful not to provoke the Chinese. The gap between public and official attitude was most glazing in Asia. Some South-East Asian countries were alarmed by the irredentism policies of the PRC: South Vietnamese volunteered to go and fight in Tibet, from Ceylon and other Buddhist countries protested in front of the Chinese Embassy. The communist block argued that events in Tibet to be more an internal matter for China. The only communist country to
voice criticism of China was Yugoslavia where the media carried reports of unprecedented reports of events in Tibet and argued that the Chinese had misread the feelings of Tibetans and that the revolt was caused by misapplication of Marxist nationalistic policy. They went on to say that the Chinese should have allowed the Tibetans to express their culture and traditions, and that this would have prevented international reactionary forces from rousing the population. However, the Yugoslavs conceded that Tibet was an internal affairs of China. China, for its part, remained unconcerned by the international criticism. They steadfastly argued that they would not tolerate interference in domestic affairs.

Most other countries, although sympathetic to the Tibetans' plight, conceded that Tibet was an internal matter for China and that legally the Tibetan issue could not be compared to that of Hungary which, they argued, was a sovereign country with representation at the UN, unlike Tibet, on the other hand, had never received *de jure* recognition of its independence. The International response was, therefore, circumscribed by Tibet's legal status. Even the Americans, who had clandestine relations with the Tibetans, were reluctant either to support Tibetan independence or recognize the Dalai Lama as the Head of the Government-in-exile. On 28 March, the State department issued a statement expressing 'profound sympathy with the people of Tibet in face of the barbarous intervention of the Chinese Communist
imperialists to deprive a proud and brave people of their cherished religion and political autonomy, and to pervert their institutions to communists ends.¹

This was in marked contrast to the Lhasa uprising on 10 March 1959, which drew worldwide attention and sympathy. The desperate and heroic struggle of the Tibetan people and the dramatic escape of the Dalai Lama caught the imagination of people everywhere, and for sometime the sad fate of Tibet was in the limelight of the world press.

Moreover, due to relentless Chinese propaganda over the past Forty years. China has been claiming that Tibet was part of China since the Thirteenth Century, effectively creating doubts that China ever “invaded” or “occupied” Tibet; for how can one invade and occupy one’s own territory. According to the argument, China’s brutal suppression of Tibetans is a “legitimate” reaction to Tibetan “separatism”. Therefore the immediate need then was to ensure that the question of Tibet was put squarely on the international agenda at the United Nations. The Resolution condemning China’s actions in Tibet were adopted in 1959, 1960 and 1965 indicating grave concern about the violation of fundamental human rights of the Tibetans and religious life and autonomy that the Tibetans had traditionally enjoyed. This Chapter has a significant importance as far as the issue

¹ Keesing Contemporary Archives (KCA), No. XI, 19560s, P. 16802.
of Tibet and informal diplomacy at the UN is concerned. This Chapter will be analytical and interpretative in nature and scope. Content analysis will be applied on the study of UN Resolution passed by the World body in the year 1959 and also in 1961 and 1965 as discussed in the subsequent chapter.

**Tibet at the United Nation: the 1959 Resolution**

In a speech to the Indian Council on World Affairs on 7 September 1959, the Dalai Lama announced his intention to appeal Tibet's case to the United Nations. In addition to laying out the basis for Tibet's appeal, the Dalai Lama commented on India's position and its border with Tibet and the nature of China's 'suzerainty' over Tibet. The Dalai Lama pointed out that India's position on the legality of the McMahon Line depended upon its recognition of Tibet as a state capable of entering into international agreements. As the Dalai Lama said that "If Tibet did not enjoy international status at the time of the conclusion of the (Simla) Convention, it had no authority to enter into such an agreement. Therefore, if you deny sovereign status to Tibet, you deny the validity of the McMahon Line". In regard to Suzerainty, the Dalai Lama pointed out that "suzerainty does not imply loss of international personality".2 On the next day, 8 September, the GOI

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2 Thomas Lowell, "Dalai Lama pleads for Support", (New Delhi), Hindustan Times, Delhi, 7 September 1959, in Tibet Fights for Freedom, 226.
officially rejected the contention that the McMohan Line was dependent upon Tibet's juridical status.³

The Dalai Lama's appeal to the United Nations, dated 9 September 1959, referred to Tibet's 1950 appeal, which had been shelved contingent upon the possibility of a peaceful resolution of Sino-Tibetan differences. The Dalai Lama informed the UN that no peaceful resolution had been achieved, instead, Chinese aggression had continued. The appeal reiterated Tibet's status as a sovereign state; based upon the Thirteenth Dalai Lama's declaration of independence in 1912, the 1914 Simla Convention, Tibet's World War II neutrality, and the recognition of Tibetan passports used by Shakabpa's 1946 Tibetan Trade Delegation. The majority of the Tibetan argument was based upon Tibet's political status, with a secondary appeal based upon humanitarian grounds, including dispossessions of Tibetan's prosperity, forced labor, mass murder and persecution of religion.⁴

³ US Embassy, New Delhi, to Secretary of State, 9 September 1959, National Archives, 733B.00/9-959. The legality of the Mc Mohan Line did, of course, depend upon Tibet's ability to conclude international agreements, a fact that India chose to ignore. No doubt, few Indian officials remembered that the Mc Mohan Line had been agreed upon in a secret bilateral agreement between British India and Tibet, or that the similar agreement itself had never been rectified by China.

The Dalai Lama acknowledged the US advice that his appeal should be confined to human rights issues, but stated that he intended to present his appeal as a continuation of the 1950 Tibetan appeal to the UN: "The Dalai Lama replied that the 1950 case had been a case of invasion of an independent country and that by basing his appeal to the UN on the continuance of the previous case he was thereby reasserting the independence of invaded Tibet."5

China protested the Dalai Lama’s appeal to the UN as a violation of India’s responsibilities to China under the principles of mutual non-interference and Nehru’s assurance that India would neither recognize a Tibetan exile government nor allow any Tibetan political activities in India. China complained that "the Dalai Lama has all along been engaged in political activities against China and has submitted the so-called Tibet question to the United Nation in the name of the so called government of Tibet, thus exceeding by far what is permissible under the international practice of asylum".6

On 25 July 1959 the International Commission of Jurists (ICJ) published a preliminary report on Tibet, entitled "the Question of Tibet and the Rule of Law," which influenced several countries decision to

5 US Embassy, New Delhi to the Department of State, 10 September 1959, National Archive, 793B. 11/9-1059.

support. The report of Tibet's appeal to the UN was prepared by the Indian International lawyer, Purshottam Trikamdas. He examined the issues of China's obligation to abide by its own system of national and regional autonomy, to allow freedom of religious belief and protection of religious institutions, to permit free trade and to respect the property of the Tibetan people. The report examined the issues of violations of human rights and the question of genocide, based upon the 1948 Genocide Convention. On the question of Tibet's legal status, the Commission came to the conclusion that Tibet was an independent country\(^7\) and the report reached the tentative conclusion that "the events in Tibet constitute *prima facie* threat to and a breach of the fundamental legal principles, which the International Commission of Jurists stands for and endeavors to promote and protect. From the present report their emerges also, it is submitted, a *prima facie* case of the worst type of imperialism and colonialism,


\(^8\) This report does not deal with the status of Tibet before 1913. It only deals with the status of Tibet between 1913 and 1950 and concludes that Tibet was *de facto* independent. The Chinese accept that during this period their authority in Tibet was absent but they argue that the absence of authority was the result of foreign aggression (i.e. British Machinations) and that therefore, the absence of Chinese authority did not create a legal situation. In October 1959, the Chinese convened a meeting of the International Association of Democratic Lawyers, an organization of Lawyers from the Communist bloc plus some left-wing lawyers from western countries who concluded that the situation in Tibet between 1913 to 1950 was *ex iniuria ius non critur.*
coming precisely from the very people who claim to fight against it."\textsuperscript{9} Despite the fact that the Dalai Lama's appeal had been based upon a violation of Tibet's sovereignty, and the ICJ report had also addressed the political issue, international support for Tibet's case at the UN was confined to human rights violations to the exclusions of the political issues of Tibetan independence or China's violation thereof. The US, which took the lead in arousing support for Tibet at the UN, recommended this position, not only for reasons of its relations with Taiwan, but because of the fact that few countries, particularly Asian countries, were willing to challenge China's claim to sovereignty over Tibet. Even though, Tibet's political status remained the issue in theory, in practice even countries sympathetic to Tibet could raise only humanitarian or human rights issues, since they recognized Chinese sovereignty over Tibet.

The US advised the Dalai Lama in August that "the UN is limited in its ability in a practical way to alleviate the plight of the Tibetan people. On the other hand, it can generate considerable moral support for the Tibetan cause by dramatizing the Chinese Communists "perfidy and brutality". The Dalai Lama was advised that "to achieve maximum

\textsuperscript{9} Question of Tibet and the Rule of Law, (ICJ: 1959) IV. The ICJ described itself if the preface to the preliminary report as a "non-governmental and non-political organization". The ICJ has consultative status with the United Nations Economic and Social Council.
world impact, it (the appeal) should focus on the outrage and atrocities committed against the Tibetan people and the denial of human rights resulting from the actions of Chinese Communists. For technical reasons it would not be desirable to include charges of aggression in the appeal". The "technical reasons" included the inability to achieve support from a sufficient number of countries at the UN for a resolution based upon political grounds and the US desire to avoid embarrassing India. Indian support, or at least an absence of Indian opposition, was essential to get the success of any appeal to the UN. In addition, the Dalai Lama, as a refugee in India, was dependent upon Indian good will, which it was thought would probably not be jeopardized by the Dalai Lama's appeal "so long as he avoided insisting on the concept of Tibetan independence" 10

To represent Tibet at the UN, on 4 September, the Dalai Lama met with the American Charge de affairs Winthrop Brown, who told the Dalai Lama that he did not think it would be a good idea for a non-Asian country to sponsor the resolution. If the Americans were to raise the issue, they would be accused of Cold War machination and would face opposition from many neutral countries. However, Brown assured the Dalai Lama that the US was keen to support the hearing of the

Tibetan issue in the UN and that 'his government were prepared to use their influence with other countries in an effort to elicit their support'.\textsuperscript{11} It also appears that the Americans were prepared to accept the Dalai Lama's making a personal appearance at the General Assembly in New York, but this depended on whether he could obtain an assurance from the GOI that he would be allowed to return to India.\textsuperscript{12} The Americans told the Indians that they gave their fullest support to the Tibetans' appeal and required that if they were unable to sponsor the resolution, they should refrain from opposing it. S Dutt, then an External Affairs Minister, made it clear that the Indian view depended on the wordings and that they would oppose a strongly worded resolution. He added that the people of India would have 'to be friends with a country with whom they share a border of 2680 miles.\textsuperscript{13}

On 13 September, the Dalai Lama wrote to the British asking for their support for his appeal to the UN. In his letter, the Dalai Lama stressed that the UK had recognized 'the sovereign status of Tibet'. The British stance had always been that she would follow India's wishes on


\textsuperscript{12} An Account of Nehru's discussion with the Dalai Lama was given to the British High Commissioner by S Dutt, the Indian External Affairs Minister., FO 371-141597.

\textsuperscript{13} FO371-141600. Cited in Tsering Shakya, op. cit., p. 227.
the question of Tibet and many of the Commonwealth countries were worried that if they were to vote in favour of the Tibetan issue being discussed at the UN, while the GOI voted against, it would be seen as opposition to India. The Commonwealth countries first sought Indian opinion and reaffirmed that they were willing to follow the advice of GOI. As already noted, India was confronted with a very delicate situation, having accepted Tibet as 'a region of China' in the 1954 agreement, and it would therefore be contravening Article 2 (7) of the UN Charter. India feared that it would be setting a precedent, which would make it unable to prevent countries from bringing Nagaland and other domestic problems to the UN in the future. India's signal that she would not lobby against the question being raised at the United Nations gave more freedom to many western and Commonwealth countries who were sympathetic to the Tibetan but were unwilling to jeopardize their relationship with New Delhi. On 18 September, a meeting took place between the US Secretary of State, Christian Herter, the French Minister for Foreign Affairs, Couve de Muruville, and the British representative at the UN, Sir Pierce Dixon. Herter told them that the US was keen to have a debate in the General Assembly but they were pinning their hopes on the issue being raised by an Asian country. Herter also told them that most had declined because of fear of China. He reported that the Irish were prepared to bring up the question and that Malaya and the Philippines might support the
Irish. The Irish Foreign Secretary told Herter that he would make his final decision only after he had spoken to the Chinese Nationalist representatives.14

The Americans tried to persuade the British and the French to vote in favour of the resolution. However, both these countries made it clear that they could not support any resolution to debate the Tibetan issue at the General Assembly, citing the legal grounds that the discussion would be contrary to the Article 2(7) of the UN charter. The British also pointed out that if the issue was discussed, it would set a precedent allowing issues like Northern Ireland and even segregation in the United States to be brought before the General Assembly. The French brought before the General Assembly. The French too conceded that there were parallels with Algeria and so they could not support the resolution.15 Three members of the Security Council were opposed to the question being debated in the General Assembly. This left the Americans doubtful whether they could obtain the necessary two-thirds majority to get the issue put on the agenda. They nevertheless told the British and other western countries that they had given an assurance to the Dalai lama that they would do their

14 Ibid., p. 227. The Chinese Nationalists would have undoubtedly told the Irish that they would not accept any resolution based on the legal status of Tibet.

15 Ibid., p.228. This is based on the British records of the meeting. FO 371-141600.
best to get the case before the UN and they therefore just wanted to see a passing reference made at the General Assembly. At the end of September, Gyalo Dhundup, Shakabpa and Ringchen Sandutsang (who was a member of the Tibetan delegation that had signed the Seventeen-Point Agreement) arrived in London to lobby the British. Gyalo Dhundup tried unsuccessfully to point out that Britain was one of the very few countries who had engaged in treaty relations with Tibet and that the Tibetans were seeking political support and not merely humanitarian aid.

While representing Tibet at the UN, Gyalo Thondup immediately encountered the insistence of the Irish and Malaya delegation that the issue be confined to human rights violations in order to gain sufficient support to be heard at the UN. Thondup was reportedly "distressed" at the lack of Asian support for Tibet and at the "political facts of life at the UN", which prevented the political issue of Tibet being discussed, but finally was "reconciled to the" importance of Tibetans avoiding any action which might jeopardize the Irish-Malaysian initiative."16

While agreeing to downplay all but the human rights aspects of the Tibetan appeal, Thondup repeatedly questioned US representatives, including Henry Cabot Lodge, Head of the US mission

16 USUN to Secretary of State, 6 October 1959, National Archives, 793B. 00/10-659.
whether "action on human rights basis would in some way affect adversely cause of Tibetan independence". Thondup was assured that only on those grounds would the Tibetan issue be considered at all, but that even a resolution so moderately warded could be used by the Tibetans as "evidence of UN interest and support for people of Tibet" and as an entrance for the Tibetan issue into the UN, which could conceivably be expanded at some later date. Tibetan insistence that the UN consider the issue of Tibet's international political status, on the other hand, might close the door to any UN consideration of the Tibet issue at all. 17

The "Tibet Question" was proposed for inclusion on the General Assembly's agenda on 28 September by Ireland and the Federation of Malaya. 18 This sparked off a debate over the relationship between violations of fundamental human rights and Article 2(7) of the United Nations Charter, which prohibits intervention in matters that are

17 USUN to Secretary of State, 8 October 1959, National Archives, 793B. 00/10-859.

essentially within the domestic jurisdiction of states, some states demurred on the Tibet issue for fear of interfering in China's internal affairs, since Tibet's status seemed to be something less than full independence. Others believed that consideration by the United Nations was legally possible without violation of Article 2(7) because Tibet's status was sufficiently established as "enjoying some characteristics of a separate international personality" in an autonomous relationship with China. Some states took the now prevailing view that human rights were a legitimate international issue. They also believed that considering the situation in Tibet was inappropriate because the People's Republic of China was not represented in the UN.

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19 This debate has now largely settled in favour of the principles that human rights are a matter of universal, not domestic, concern. The 1993 World Conference on Human Rights in Vienna declared that "the promotion and protection of all human rights is a legitimate concern of the international community.", Vienna Declaration and Programme of Action, Part 1, para 4. According to Reisman, "No serious scholar still supports the jurisdiction of any state and hence insulated from international law", Reisman, "Sovereignty and human rights in contemporary international law", 84 AM.J. Int. L 866 (1990).

20 GAOR, Fourteenth session, 826th meeting, UN DOC. A/PV 826, para 36.

21 Ibid, para 32 (New Zealand), 66-69 (El Salvador); 91-94 (Thailand).

22 Ibid., para 44 (Indonesia). The Republic of China (Taiwan) held the Chinese seat at the UN until 1971.
The Soviet Union and Romania vehemently opposed any inclusion in the UN agenda of the "so-called Tibet question", claiming that Tibet was an integral part of China and therefore beyond UN jurisdiction.\(^\text{23}\) In the end, a majority of states voted to include the Tibet question as an item for General Assembly debate.\(^\text{24}\)

In the General Assembly debate itself, Malaya maintained that "any problem which involves a violation of the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and which might have far-reaching effects of increasing international tension cannot be regarded as exclusively an internal problem."\(^\text{25}\) Emphasizing Tibet's status as a separate entity, Ireland held that article 2 paragraph 7 did not debar the General Assembly from discussing "wholesale violations of human rights wherever they arise", Tibet being a case in point.\(^\text{26}\)

\(^{23}\) Ibid, paras 75-90, 95-118.

\(^{24}\) Ibid, paras 29 et. seq. The vote to include the item in the General Assembly debate was 43 votes in favour, 11 against with 25 abstentions. General Assembly Fourteenth session, 12 October 1959, UNDOC. A4237. Those opposed were the communist states and Indonesia.

\(^{25}\) UNDOC. A/PV. 831, 20 October 1959, para 7.

\(^{26}\) Ibid, para 31. In the same vein, Cuba, paras. 114-130; Pakistan, UNDOC. A/PV. 832, para 2, Ecuador, The Netherlands and Venezuela, UN DOC. A/PV 833, 21 October 1959, paras 23-64; UN DOC. A/PV. 834, paras. 98-108, paras. 142-151.
Several countries, including New Zealand, believed that Tibet's national identity or traditional autonomy was sufficiently well established to transcend the UN prohibition on interference in a state's internal affairs.\textsuperscript{27} While others held that the UN was not competent to examine whether autonomy was being observed.\textsuperscript{28} El Salvador held that even a less than totally independent state, under some form of suzerainty or protection by another state, was still a state under international law.\textsuperscript{29}

The Soviet bloc countries argued that Tibet was an integral part of China that a discussion of the question in the UN constituted a "blatant attempt at intervention in the domestic affairs" of the PRC and would bring back cold war tensions.\textsuperscript{30} To Malaya, "the official statements of Dalai Lama and the reports of the International Commission of Jurists were sufficient to establish \textit{prime facie} evidence of an attempt to destroy the distinctive religious and cultural heritage and autonomy of the Tibetan people and of a systematic violation of

\begin{itemize}
\item \textsuperscript{27} UNDOC. A/PV. 832, 20 October 1959, paras 117-118.
\item \textsuperscript{28} UN DOC. A/PV. 833, 21 October 1959, para 152 (Ethiopia).
\item \textsuperscript{29} UNDOC A/PV 833, para 9.
\end{itemize}
the human rights and fundamental freedoms as set out in the Universal Declaration of Human Rights.\textsuperscript{31}

The Ukraine SSR asserted that the ICJ has "descended to the lowest levels of absurdity". They have stated...that the Chinese Government is forcibly compelling the Tibetan monks to marry. And these lawyers, those innocent and virginal bachelors, seize on wild statements of this type in the hope of foisting them on world public opinion....\textsuperscript{32} The Soviet Union and its allies, while objecting to the debate, lauded China’s progress in Tibet.

After not participating in the vote to include the Tibet question for debate, India entered the debate itself. India questioned the purpose of debating the situation in Tibet in the United Nations since "nobody is going to send an army to Tibet or China", and any expression of opinion would probably produce "reactions on the Chinese government which are more adverse to Tibet and the Tibetan

\textsuperscript{31} UN DOC A/PV. 831, 20 Oct. 1959, para 13. Several other countries, including El Salvador, New Zealand, US and Venezuela, cited the ICJ report. The USSR, on the other hand attacked the "so-called International Commission of Jurists" as a group "brought into being to serve the aims of the Cold War" whose activity "has consisted solely in fabrication and dissemination of lies about the socialist countries. Ibid., para 92

\textsuperscript{32} UN DOC. A/PV. 834, 21 Oct. 1959, para 55.
people than ever now"33 India maintained that the "path of reconciliation was the constructive path"34

In the General Assembly debate, Malaya and Ireland refuted charges that they were acting at the behest of other states. Ireland responded to Soviet allegations that support for Tibet was equivalent to support for a feudal system and American imperialistic schemes by pointing out the incongruity between Soviet Union's call for peaceful coexistence and China's use of force in Tibet. The UN's function was to oppose colonialism worldwide, while China was perpetuating an act with all the features of "old-fashioned imperialism" against Tibet. China's "civilizing mission" in Tibet was compared with the usual justification employed by nineteenth century imperialism. The Irish delegate wondered whether the delegations of former colonies now represented at the United Nations would "put to themselves the question whether if they ignore or brush aside the questions of what is happening in Tibet they would not be condoning in the case of that hapless people precisely the same type of action against which they have so often vigorously protested here in this Assembly and elsewhere"35

33 UN DOC A/PV. 834, 21 Oct, 1959, para 89.
34 Ibid, para 92
Ireland was of the view that the Tibetans “were a distinct people by race, by language, by culture and by religious organization”, and that their welfare was a legitimate issue for the United Nations to debate. As the Irish representative said: that "I cannot conceive how any nations which have undergone foreign rule, whether for long or short periods, can regard the past period of the Chinese imperial hegemony over Tibet as depriving Tibet of a claim on our attention now..."

The Irish representative further stated that, "We repudiate the contention advanced by the Soviet representative that, as the people of Tibet have not always since the beginning of time been able to resist being treated as subjects by a stronger power, the case of Tibet is dead, never to be revived. Indeed to admit that contention would be to destroy the basis upon which most of our member nations have established the right to live in freedom and to govern themselves in accordance with the wishes of their own peoples."36

Malaya pointed out that small states were dependent upon the United Nations for support against large states and therefore they should support the principles of United Nations intervention on behalf of the rights of a small nation such as Tibet, “since once the barrier of

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36 General Assembly Fourteenth session, 20 October 1959, UN DOC. A/4237, in Tibet in the United Nation, Bureau of his Holiness, New Delhi, p. 96,100,101.
world public opinion, freely expressed in this Assembly, is down, it will only make future violations overly much easier. This advice might have been taken by Nepal, but Nepal submitted an opinion that avoided any challenge to China's status or its actions in Tibet, echoing Chinese propaganda, "If one speaks human rights and their suppression in Tibet, we should first try to find out what human rights the Tibetan people have enjoyed through the centuries and which of these human rights have been denied to the people of Tibet today. Even Tibet has to be viewed in the context of the new, changing, revolutionary Asia". Nepal voted against the inclusion of the Tibet issue.

After abstaining on the question of inclusion of the Tibet question for United Nations debate, India entered the debate in the General Assembly. The Indian delegate pointed out that the Dalai Lama's letter to the Secretary General "seeks to establish the Tibetan's status and seeks recognition of their sovereignty as a result of our discussion", whereas the draft resolution of Malaya and Ireland dealt only with the human rights issue: "therefore, in what the Assembly is seized of now there are no political issues, therefore it is unnecessary

37 General Assembly Fourteenth Session, 20 October 1959, UN DOC A/4237, in Tibet in the United Nation, op.cit. ibid., p. 93.

38 Ibid, p. 103.
for my government to argue this question at all.\textsuperscript{39} India (represented by Krishna Menon) further argued that "India inherited the British position in Tibet in 1947 - that is to say, that Tibet was under Chinese suzerainty. In 1954 we entered into an agreement which was not a political agreement in regard to the political status of Tibet as such, but was an agreement relating to trade matters."\textsuperscript{40} Despite this contention, Menon cited the 1954 treaty as indicative of India's position on the political status of Tibet.\textsuperscript{41}

Menon also repeated Chinese propaganda that the Tibetan revolt was begun by Khampa who "are not in Tibet proper, they are in the Chinese province. They are Chinese themselves. However, the Tibetans joined them, and a very considerable revolt appears to have taken place."\textsuperscript{42} Mr. Barco (United States of America)-supporting the request of the delegations of Ireland and the Federation of Malaya that the item, 'the question of Tibet', be inscribed on the agenda as an important and urgent matter and that it be allocated to the plenary body of the Assembly. Upholding the source and nature of these grave

\textsuperscript{39} Fourteenth Session General Assembly, Provisional Verbatim Record of the Eight Hundred and Thirty-fourth Plenary Meeting, 21 October 1959, UNDOC. A/PV 834, Tibet in the United Nation

\textsuperscript{40} Ibid, p. 201.

\textsuperscript{41} Ibid, p. 205.

\textsuperscript{42} Ibid., p. 202.
charges is in itself sufficient to justify inscription of this item and further purported that one of the declared purposes of the United Nations is to promote and to encourage respect for human rights and for all without discrimination on the basis of race, sex, language or religion. In these circumstances the United Nations did not fail to heed the Dalai Lama’s appeal. It was declared in the fourteenth session of the UN General Assembly: "it is entirely clear to the unbiased observers that large scale violations of fundamental human rights have taken place in Tibet and ignoring the shocking events that are taking place there, would be inconsistent with the purpose and principles of this organisation and would expose the United Nations to the charge of indifference to wrongs of a magnitude which strikes at the core of human decency."43

The delegation of the USSR (Union of Soviet Socialist Republic) objected to the inclusion of the so called 'Tibetan question' in the agenda of the fourteenth session stating that raising this question in the United Nations was utterly illegal and was in variance with the explicit provisions of the Charter, Article 2(7) of which reads: "Nothing contained in the present charter shall authorize the United Nations to

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intervene in matters to submit such matters to settlement under the present Charter."

The Soviet Delegation further emphasized that:

"The references are made to the "dirty fabrication" of a "non-existent Tibetan situation", and the base slander spread about by the inspirers provocation in Tibet and even the statements made by the Dalai Lama on which the initiators of this question are trying to base their case were prepared inside the offices of the State Department of that country which has been foremost in pushing the inclusion of the question, and whose representative preceded before him... This was done for aggressive purpose, designed to worsen the international atmosphere, poison the United Nations and perpetuate the notorious Cold War."

The Soviet representative also conceded that "there is hardly any need to prove that the so called 'question of Tibet is being pushed in the interest of those quarters that wish to besmirch the Chinese People's Republic and sow the seeds of hostility and discord between Asian States, undermine the spirit of Bandung and the solidarity of the peoples of Asia in their common struggle for national independence, for the strengthening of their state sovereignty, There is hardly any need to prove that the so called question of Tibet is being pushed in the interests of those quarters wish to hermit the Chinese people's Republic and saw the seeds of hostility and discord between
Asian States, undermine the spirit of Bandung and the solidarity of the peoples of Asia in their common struggle for national independence, for the strengthening of their state sovereignty, for a lasting peace throughout the world......For these quarters which are inspires of the prevocational plot in Tibet, today's introduction of lasting struggle against freedom in Asia and elsewhere. They are the ones who foster the internal affairs of many countries in Asia and elsewhere. The anti-peoples cliques in South Korea, Taiwan and South Vietnam, and after the attempted liquidation of the Geneva Agreement, in Laos, the attempts to institute subservice actions in Cambodia etc., all of these are eloquent evidence of the objectives pursued by this policy.44

It was interesting that when the debate opened, the Chinese Nationalist insisted that Tibet was a part of China but nevertheless voted in favour of the issue being discussed at the General Assembly. The South Africans said that since the states of Tibet was uncertain and it has thus unclear whether Article 2(7) applied in the case, they would abstain. The British voted for the inclusion of the issue on the agenda but they proposed it should be discussed at the plenary session, which would have reduced the significance of the debate. Although it was clear that the overwhelming countries voted in favour

44 Tibet in United Nation: 1950-61. Ibid., 26
of inclusion of the item on the agenda of the 14th session of the UN General Assembly. Five countries voted against and four abstained. After the vote was cast, the Czeioslovakians moved to support the British proposal that the item should be discussed at plenary sessions, and this motion was carried by twelve votes.

Although it was clear that the overwhelming majority were in favour of a discussion, there was considerable argument over what form it should take. The Swedish delegation had earlier proposed that no resolution should be passed and that the General Assembly should merely take cognizance of events in Tibet. The British supported this argument. The foreign secretary, Selwyn Llyod, told the General Assembly that since the status of Tibet was unclear and there was also uncertainty as to whether Article 2(7) applied, 'the Assembly's opinion of the events in Tibet might be more firmly and effectively expressed through a consensus of speeches from this rostrum than through a resolution'. The British further stated that a distinction should be made between the UN 'taking cognizance and taking action'. 45

The British were of the opinion that the vote for inscription of the issue on the agenda and a general discussions would not contravene Article 2(7), while a resolution would constitute an

45 Selwyn Lloyd's speech to the UN on 17 September 1959. CT: Tsering Shakya, The Dragon in the Land of Snow: op.cit. p. 229.
intervention in the internal affairs of a state. The Soviet Bloc advocated that even a discussion was a contravention of Article 2(7).

The American urged that because of the serious violation of human rights involved, Article 10 and 55 were applicable in the case of Tibet and a resolution therefore did not infringe Article 2(7), making the General Assembly competent to deal with Tibet's case. The British proposal did not succeed and, on 13 October, the Malaya and Irish delegation's tabled a resolution on human rights in Tibet. The resolution asked the UN to condemn the Chinese for increasing international tension and to (1) affirm its belief that respect for the principles of the Charter and of the universal declaration of human rights is essential for the evolution of a peaceful world order based on the Rule of law.

(2) Call for the respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life. Predictably, the general debate fell into acrimonious Cold War accusations. The communists bloc argued that Tibet was being used to increase international tension and that no proper debate could ever take place without the proper representation of Communist China. Palph Enckell of Finland said his delegation shared the doubts

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expressed about the competence of the UN in this case. They also felt that a discussion in the absence of the PRC would be 'one-sided and purposeless'. Finland would therefore abstain in the vote on the draft resolution.

The supporters of the resolution argued that the situation in Tibet warranted the attention and condemnation of the United Nations. While most western countries expressed their support and sympathy for the Tibetans, they voted against the resolution or abstained on judicial grounds. Walter Loridon of Belgium said that, while it seemed there was authentic information to back up charges that human rights had been violated in Tibet, Article 2(7) of the UN Charter, 'couched in mandatory terms, had to be kept in mind. This article, Loridan declared, took precedence over the human rights provisions of the charter. Armand Benard of France stressed that events in Tibet had provoked 'deep emotion' in France. However, the provision of Article 2 (7) of the charter was of paramount importance and could not be violated without weakening the very foundations of the UN. Therefore, France would also abstain. The reservation expressed by Western countries was motivated by the desire to prevent a precedent being set. The French were sensitive about UN intervention in Algeria, Belgium was sensitive to criticism of its policies in the Congo and it also announced that it would abstain. The Irish Foreign Minister, Frank Aiken, made a desperate appeal to the
Assembly. The draft resolution represented, he said, 'the minimum assertion of international morality, which the assembly cannot fall below without being untrue to the principles to which we are pledged'. Fors Shanahan of New Zealand supported the joint draft resolution. It would be 'an abdication of responsibility' for the General Assembly to decline to take action on the Tibetan question 'on illusory arguments of expediency'.

When the vote was called, 45 countries, 9 against and 26 abstention approved the resolution. The resolution received two-third majority needed for effective adoption. The Indian delegation did not vote, because it felt that their voting might influence other countries. The adoption of the resolution was a major propaganda victory for the Tibetans. It ensured that the Tibetan question remained in the forefront of international politics of the day. The keen interest shown by Malaya and Ireland to sponsor the resolution was seen with

47 Those states voting for the resolution were: Argentina, Australia, Austria, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Luba, Denmark, Ecuador, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Jordan, Laso, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Tunisia, Turkey, United States, Uruguay, Venezuela. Those against were Albania, Bulgaria, Bye Lorussia, Czechoslovakia, Hungary, Poland, Romania, Ukraine, and Soviet Union. Those abstaining were Afghanistan, Belgium, Burma, Cambodia, Ceylon, Dominican Republic, Ethiopia, Finland, France, Ghana, India, Indonesia, Iraq, Lebanon, Libya, Morocco, Nepal, Portugal, Saudi Arabia, Spain, Sudan, South Africa, United Arab Republic, United Kingdom, Yewer, Yugoslavia
distrust. Malaya's motivation was governed by the complex internal and external political situation in South-East Asia. In the 1950s Malaya was confronted with the twin problems of Communist revolt and ethnic clashes between.\textsuperscript{48} Between the Malaya's and the Chinese. The Malaya's were convinced that both these problems were fuelled by Communist China.\textsuperscript{49} The Irish may have been genuinely concerned at what they saw as the defence of smaller nations.

"Those who also have struggled here in the cause of any oppressed people or victimized minority should think very carefully before they decide...to ignore the call of the Tibetan people. By ignoring that call they would be weakening the very source to which they look for redress the moral force of this Assembly - and weakening also the moral force of their own appeals. The question of Tibet is a test case, a challenge to this Assembly. If, despite the charter, a powerful country may force its will, with impunity and without protest, upon a distinctive people one-hundredth part its size, by what principle could it be

\textsuperscript{48} Fourteenth Sessions General Assembly, Provisional Liberation Republic and of the Eight Hundred and Thirty-fourth Plenary Meeting, 21 October 1959, UN DOC. A/PV 834, in Tibet in the United Nations, 1950-61s Bureau of His Holiness, New Delhi, p.224.

\textsuperscript{49} In 1959 Chinese in Malaya constituted 37 per cent of the population. The Ethnic Chinese population in South-east Asia was staunchly pro-PRC and looked with pride at the emergence of the new China. Ethnic Chinese also dominated the communist parties and they received support from the PRC. The Malaya saw the strong affinity between the PRC and the Chinese population in their country as a potential danger.
denied the right to impose its will by force upon a nation one-tenth or one-half its size.\textsuperscript{50}

The outcome of the resolution of 1959 is that:

1) Affirms its belief that respect for the principles of the charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law.

2) Calls for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life.\textsuperscript{51}

The Americans had lobbied for support and, without tacit backing from them, many of the South American countries would not have voted in favour of the resolution. Apparently, everyone knew that the resolution would not have any effect on the Chinese. Moreover, as long as the neighboring countries, which were most directly affected by the situation, remained unmoved by the resolution, there was very little the UN could do. The resolution was couched in mild diplomatic terms merely to condemning the abuse of human rights. It called

\textsuperscript{50} Fourteenth Session General Assembly, Provisional Verboten Record of the Eight Hundred and Thirty-fourth Plenary Meeting, 21 October 1959, UN DOC. A/Pr. 834, in Tibet in the United Nations, 1950-61, op.cit. p. 223.

\textsuperscript{51} "Text of Resolution adopted by the General Assembly at the 14\textsuperscript{th} Session on the Question of Tibet", in Tibet in the United Nations 1950-1961, op.cit. p. 230.
neither for Chinese to withdraw nor to negotiate with the Dalai Lama. In New York, the Tibetan delegation had a meeting with officials from the state department. The US had so far maintained a dual policy towards Tibet. While the CIA spearheaded covert support, at the official level the US was reluctant to speak on the status of Tibet. The US was constrained by its friendship with the Nationalist Chinese, who had always argued that Tibet was a part of China. The Nationalists had been under pressure from the Americans to modify their stance on Tibet. Earlier, in March 1959, Chiang Kai-Shek declared that as soon as the puppet communist regime on the Mainland is overthrown the people of Tibet will be free to express their desire and the government will assist them to realize their aspirations in accordance with the principles of self-determination. The Americans without mentioning the Nationalist statement, told Gyalo Dhundup that US policy would be based on the principle of the right to self-determination and went on to say they would be making a public declaration after they had delivered a formal statement to the Dalai Lama\textsuperscript{52}.

The US Embassy in London informed the British Foreign Office of their decision, but added that their statement would be carefully drafted to avoid implicit recognition of the Dalai Lama's government in

\textsuperscript{52} FO 371-141605. Cited in Tsering Shakya, op.cit. p. 231.
exile. The British were inclined to view this as a 'moral encouragement to offset the disappointment caused (presumably) by the inability of the UN to take any practical steps to help Tibet'. They told the Americans that the statement would not alter the British position, and that they would continue their traditional policy of recognizing Chinese suzerainty, on the condition that Tibet enjoyed autonomy. The Americans wanted to encourage other western countries to make a similar declaration in favour of Tibetan self-decentralization. While this did not pose any internal problems for Washington, for other western countries, faced with their colonies' demands for independence, it was a major threat. If they were to adhere to the principal of self-determination, they would have to grant self-determination to their own colonies. This was noted by the legal department of the foreign office, who feared that the American statement ought to draw comparisons between Tibet and western colonies. Despite objections from some western countries, the Americans made public their correspondence with the Dalai Lama, confirming what they had already told Gyalo Dhundup.

In many ways, the American statement had an adverse effect on the Tibetan situation. Many countries concluded that the US was trying to use Tibet for Cold war propaganda. The US announcement was not only rebuffed by the communists; the Nationalists also issued a statement that Tibet was a part of the Republic of China. Beijing
accused the Americans of attempting to 'severe' Tibet from other parts of China' under the pretext of self-determination.\(^{53}\)

The Indians also did not welcome the US announcement, saying that it misled the Tibetan without any practical results. India was finding itself on an inextricable collision course with China over the border issue and therefore did not want the added complication of the question not to establish any formal contact with the Dalai Lama, and advised the Foreign Office not to respond to any approach from the Tibetans in writing. The Indian argued that any contacts with foreign governments would increase the Tibetan’s illusion that something could be done to help them. The British were inclined to follow India’s advice on the grounds that it would do neither Dalai Lama nor his cause any good to upset the Indians and so not only refused to support the Tibetan’s appeal but also wanted to terminate any formal contact with the Dalai Lama. \(^{54}\)

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\(^{54}\) In 1960 the Dalai Lama sent New Year's greetings cards to the British Prime Minister and Foreign Secretary, causing a great deal of confusion and debate in the FO. The FO instructed the High commissioner in Delhi to inform the Dalai Lama of the receipt of the cards. The high commissioner, ever mindful of diplomacy, wrote back to the FO saying that he could not reply to the Dalai Lama's card because it would be seen as establishing formal contact with the Tibetan government in exile. He advised that the Prime Minister's office and the FO should send a direct reply by ordinary mail. The FO, mindful of their position, immediately objected to the suggestion, claiming that since the offices of the Prime Minister and FO were higher than the high commissioner in Delhi, a direct letter would mean that they had given higher recognition.