CONCLUSION

The changed scenario of the post Cold-War world has opened new opportunities for Tibetans to present their case to the United Nations. Renewed demonstrations in Tibet since 1987, the shocking repression of non-violent dissent at the Tiananmin square in June 1989, and the changes in the political structure of Eastern Europe have renewed interest in the problem of Tibet and rekindled hope for the possibility of its peaceful solution.

China’s Record of Human Rights Abuse in Tibet

Four decades of military occupation by the People’s Republic of China (PRC) bear witness to numerous human rights abuses in Tibet. The gravest among them is the deprivation of the Tibetan people’s right to self-determination. A true and final implementation of the right of self-determination occurs when a people exercises that right by pursuing its political, economic, social, and cultural destiny in freedom from foreign dictates. However, this concept is not free from problem because, as Professor Richard Falk writes:

The application of self-determination raises questions of morality and politics in a very pronounced way. Recent history seems to be illuminating both the emancipatory role of self-determination, as well as its potentially destructive impacts as a whole for ultra-nationalism. To validate a claim of self-determination, it is increasingly
helpful to demonstrate that its realization will not have disruptive effects but, on the country, will help resolve outstanding conflicts and create favourable economic and political conditions for the people affected. The Tibetan struggle has renounced violence and is therefore very much dependent on waging a symbolic war on the terrain of legitimacy.

The question of the Tibetan people's right to self-determination is one that can be resolved apart from and irrespective of the past and present status of Tibet, although that status does, to some extent, affect the outcome of any discussion on the subject.

For one thing, the Tibetans' right to resume sovereignty over their territory or to exercise self-determination, implies, *a fortiori*, their right to determine their own future. President Wilson declared in 1917: "No peace can last or ought to last, which does not accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about sovereignty to sovereignty as if they were property." In addition, Lenin held that the forcible retention of one nation within the state frontiers of another was a form of political oppression. He considered the right to self-determination to be as applicable in a socialist society as in any other society: "It would be a betrayal of socialism not to implement the self-determination of nations under socialism". These statements of
policy became an important principle of action which statesmen would henceforth ignore at their peril.

In the early years of the revolution in China, the ideals of Chinese unification and national self-determination were important slogans of the Communist Party, which expected the "autonomous states" of Mangolia, Tibet, and Turkestan to voluntarily unite with China in a federal arrangement. The "constitution of the [Chinese] Soviet Republic", adopted in 1931, for example, categorically and unconditionally recognized the right to self-determination of national minorities. This recognition clearly implied the right of these national minorities to secede from China and to the formation of an independent state. It implied that the Mangolians, Tibetans, Miao, Yao, Koreans, and the many other nationalities, living on the territory of China, would enjoy the full right to self-determination.

However, the importance of the right to self-determination is underscored by the fact that it is considered a preparatory, _jus cogens_ norm. Under the international law, _jus cogens_ norms have a binding, mandatory nature that cannot be ignored or denied. The operation of _jus cogens_ voids any conflicting treaty, international instrument, law, or act.

In the meanwhile, the violation of the Tibetan people's right to self-determination goes on. Although noted in the various United
Nations resolutions beginning in 1959, the violation might be said to have begun a decade earlier, when Chinese troops entered Tibetan territory with the intent to remain there. Whatever the beginning point, there can be no question that the PRC today denies the Tibetans their right to self-determination. The PRC has curved up Tibet, rendering less than half its territory into a so-called autonomous region and appending the rest to historically Chinese provinces. The PRC has imposed its own political and economic system on Tibet, suppressing resistance with an estimated quarter of a million troops that were permanently placed there. It has exploited and exported Tibet's natural resources. It has restricted and in some cases exterminated the indigenous practice of Buddhism, which has become a national characteristic of Tibet. In short, virtually in every aspect of their lives, the Tibetans have been denied the right to "freely determine, without external interference, their political status and freely pursue their economic, social, and cultural development." Perhaps the cruelest mark of this denial of self-determination has been the deliberate policy of Chinese population transfer into the Tibetan Territory.

For the citizens of any country, self-determination is a prerequisite to the enjoyment of their fundamental rights. Linked to the denial of self-determination, is a wide array of other reported human rights violations, such as a systematic pattern of discrimination in housing, employment, health care and education;
denial of freedom of expression, assembly and association; denial of freedom to freely practice one's religion; and denial of freedom to travel. On the other hand, the reports of unrest, which continue to emerge despite the PRC's clampdown, indicate that the situation continues to deteriorate.

The claim of the Tibetan people and the recognition by the international community

Between 1959 and 1965, the UN General Assembly passed resolutions expressing "grave concern" at the "violation of fundamental human rights of the Tibetan people", the suppression of their distinctive culture and religious life, and "the autonomy which the Tibetans had traditionally enjoyed". The most comprehensive of these resolutions, Resolution 1723 (XVI), recognized the right to self-determination for the Tibetan people. From the debates leading up to its adoption, it is evident that the resolution was primarily founded upon Article 1 and 55 of the United Nations Charter, on the Universal Declaration of Human Rights, and on the Declaration on Granting Independence to Colonized Countries and Peoples.

In the course of discussing Resolution 1723(XVI), many 'member states' considered it to be "the minimum pronouncement" that the United Nations should make. Moreover, between 1959 and 1965, the member states debated whether it was even appropriate to discuss Tibet when the PRC was not even a member of the UN. On
each occasion, they overwhelmingly voted to have the item on the agenda, concluding that violation of the fundamental rights and freedom of peoples is an urgent matter, and that it was the obligation of the UN to address the problem facing Tibet. The delegate from Malaysia stressed that passing Resolution 1723 (XVI) was:

Consistent with the spirit of the resolutions which the Assembly has passed on the elimination of colonialism, such as resolution 1514 (XV). As stated in that resolution, the subjection of people to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights and is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation.

Ireland, a co-sponsor of the resolution, stated that the terms of the UN Declaration on Granting of Independence to Colonized Countries and Peoples were “as applicable to Tibet as to any other territory”, and reminded the UN members that the Belgrade Conference of 1961, which endorsed the Declaration, had called for the eradication of colonialism in “all its manifestations.” The United States expressed its position in a statement by the Secretary of State, Mr. Christian Herter, on February 20, 1960, as follows:

While it has been the historical position of the United States to consider Tibetan an autonomous country under the suzerainty of China, the American people have also traditionally stood for the principle of self-determination. It is the belief of the United States Government that this
principle should apply to the people of Tibet and that they should have the determining voice in their own political destiny.

The United States confirmed this position in the General Assembly debates on 19 December 1961 when it added "the United States believes that [our] objectives must include the restoration of human rights of the Tibetan people and their national right of self-determination."

The Republic of China (Taiwan), in arguing for the passage of Resolution 1723 (XVI), said that it represented "the minimum that the General Assembly can do for the Tibetan people." Thailand, who also sponsored the Resolution, asserted that if any state did not support the right of the Tibetans to self-determination it "would be tantamount to denying to the Tibetan people the very right that has been advocated for all".

After the debates on Resolution 1723 (XVI), Tibet was not mentioned again at the United Nations until 1985. A number of factors contributed to the silence. Perhaps the most important among them was the pressure by the PRC, which gained admission to the United Nations in 1971. During those years of silence at the UN, the Tibetan people struggled with the urgent demands of establishing an exile community. But at no time did they act in any way to abandon their
non-alienable right to self-determination, or cease resistance to the PRC occupation. It was only at the forty first session of the Commission on Human Rights in 1985 that the representatives of the International Fellowship of Reconciliation, non-governmental organizations (NGOs), expressed concern over the inability of PRC officials to implement the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. Government delegations did not follow the NGO lead. While expressing some interest in the plight of Tibet, they seemed to feel that the overall situation was stable. No one wished to risk accusation of meddling in the PRC's jealously guarded "internal affairs", nor jeopardize the western access to the region. This attitude changed after the 1987 demonstrations.

The United Nations provides an opportunity for the Tibetans to put pressure on the PRC. At the United Nations, the PRC has shown a greater willingness to subject its human rights record to international scrutiny. The PRC has ratified or signed at least eight international human rights conventions. Although it has not ratified the international covenants, the PRC has agreed to their human rights violations and has supported the appointment of special rapporteurs to investigate human rights situation in Afghanistan and Chile. Those international instruments to which it is a party, and has stopped objecting to external inquiries in its internal affairs to the same extent
that it engages in criticism of other states bind the PRC. The UN is among the most effective forums for integrating fundamental human rights into the PRC’s agenda. Efforts should continue to draw China from behind the veil of “internal affairs” into a position of a responsible member of the international human rights community.

I. the Tibetans must lead the UN effort. While the support of non-Tibetans is essential to the process, the Tibetans, and only the Tibetans, must lead the UN effort. This requires a year round visibility at the United Nations headquarters and an active participation in the meetings of the United Nations bodies. To meet this objective, the Tibetan Government-in-Exile has recently created the Tibet Bureau of United Nations Affairs with offices in Geneva and New York headed by Kasur Lodi Gyari. While the non-Tibetans can be useful in preparing background documents and assistance and in encouraging various NGOs to raise the issue of Tibet, the attention of the international community will turn more sympathetically towards the victims of human rights violations of those living under the Chinese regime than to the refugees living in other countries. Moreover, participation of the Tibetans at meetings of the UN will open up the possibility of forging ties with developing countries, whose role in the UN is becoming increasingly important.

II. The right of self-determination should be emphasized. Should the focus be diverted from self-determination, the Tibetan people risk
an attempt by the PRC to appease the international community by addressing a few individual cases, and thereby effectively sidestepping the issue of its illegal occupation. The Tibetan leadership is well aware of the need to give priority to efforts at achieving self-determination. The non-Tibetans should also adhere to this strategic decision.

III. Efforts at the United Nations require grassroots pressure back home. Concern about Tibet raised by citizens to their own governments will have the two-fold effect of influencing both domestic legislation and foreign policy decisions at the UN.

IV. In a very important sense, NGOs are the "eyes and ears" of the United Nations Human Rights bodies. The increased efforts on the part of the NGOs to provide accurate and credible information on Tibetan issue would be crucial.

V. Human Rights are by definition an expression of the right of different people to live with their cultural differences. It is accurate and philosophically appropriate to present the Tibetan situation as one of universal import. Success will, in part, depend on the willingness of Tibet supporters to become knowledgeable about the human rights situation facing other people across the globe.

VI. While maintaining the foothold gained at the UN human rights arenas, advocacy of the Tibetan position can be extended to other UN bodies. Skilled representatives should attend meetings of international
organizations such as UNESCO, the International Labour Organization, and the United Nations Conference on Environment and Development started in 1997.

The greatest potential of the UN lies in the opportunity it provides to educate the international community about the current situation in Tibet. Despite its lofty mandate, the UN remains dependent on its members for funding and is thus susceptible to public pressures. Nonetheless, work at the United Nations is an area not to be undermined. Tibet should be raised as a topic of debate before the United Nations to be considered a legitimate international issue. As the last several years have clearly shown, work at the United Nations is only one of the various possible avenues, albeit an important one, where the claims of the Tibetan people can be raised.

**TIBET'S POLITICAL OPTIONS**

The Government of India, by stifling discussion of Tibet in the General Assembly of the United Nations in 1950, swung the political pendulum away from any serious resistance to Chinese encroachment and expansionism. New Delhi's opposition to adding the Tibetan issue to the agenda of the General Assembly was a short sighted and opportunistic posture, which, under the guise of seeking a peaceful solution, strengthened the inclination to sweep the matter under the carpet. India's abdication of its role, as a country with strategic
interests intimately connected to Tibet, was highly anachronistic. The British, who had a greater understanding of Tibetan history and culture than any other western country, lacked the leverage to accomplish anything meaningful once they had decided to downplay the hegemonic tendencies of Communist China.

While both New Delhi and London prevented each other from adopting more assertive policies on Tibet, the distinctive characteristics of their respective political opportunisms fused into a common thesis that Tibet was a lost cause. The Indo-British policy of backing China in denigrating Tibetan freedom had serious international consequences. It effectively prevented the rest of the world from seeing Beijing’s policy towards Tibet as imperialist. It prevented the Tibetans from finding other countries that could reject and the misnomer “liberation” that the Chinese had given to their imperialist actions in Tibet.

Apart from the abdication of responsibility by India and Britain, other trends in international politics kept the Tibetans from achieving their political goals in the international community. Some of them are:

a. The illusion of the success of the Chinese Revolution: The flaws in the revolutionary strategies of the Chinese communists are only beginning to be understood. It is becoming clear that there were different, deep-seated perspectives about regional and minority
problems, and the Maoist regime did not enjoy more than a fragile policy consensus. The inherent contradictions of the Chinese Revolution, however, were generally ignored by the world. There was little debate on the consequences for immediate victims of Chinese Communist aggression and violence. The incentive to ignore Tibet was strong.

b. **Interventionism of the super powers**: During the cold war, when the worst case scenarios prevailed and both the Soviets and the Americans had renewed their geopolitical interest in interventionism, there was a reluctance to focus sharply on Chinese misconduct in Tibet.

c. **Underestimation of the strategic significance of Tibet**: With the new approach to co-existence through disagreement, Tibet's significance for arms control and disarmament becomes crucial, but it was not a core issue in the maintenance of global equilibrium among the superpowers under confrontationist pressures.

d. **The erosion of human rights in Asia**: The worsening of the human rights situation in the Soviet Union, Eastern Europe, and South Africa led the international community to propose radical measures to cope with the situation. The contribution of the international community to the maintenance of human rights in Asia, however, remained modest. The Chinese version of 'apartheid' in Tibet
has been ignored by governments more confident in dealing with Moscow or Pretoria.

e. **The normative connotation of Tibetan non-violent resistance:** The lack of a violent strategy by the Tibetan leadership in exile was misinterpreted as a political vacuum by the international community, which is accustomed to dealing with violence and military preparations by organizations like the PLO. Unless a new international mentality favouring non-violence arises, the Dalai Lama, with his persistent desire to practice Buddhist non-violence, is at a disadvantage.

**Renewed interest of the international community in the Tibet issue**

From its inception, the Dalai Lama's diplomacy in exile has stressed the interdependence of national interests and universal human goals in accordance with a Buddhist rejection of military conflict. His non-acceptance of the wisdom of the nuclearized bipolar world identified Tibetan ethos with improvements in global and regional security through a demilitarized and de-nuclearized status for Tibet. His readiness to seek for solutions even with China, which had indulged in horrendous, repressive and destructive acts against the Tibetans, signifies the rare intellectual awareness of the need to improve the world political climate in the larger interest of human survival.
With the two superpowers now moving away from confrontation to a normalization of relations, their proposals for global cooperation provide Tibet with a unique opportunity to become an unalienable component of an interdependent world. The Tibetan leadership in exile was among the first in the world to reject a zero-sum concept of international relations. It is not unreasonable to hope that Tibet will play a major part in environmental and humanitarian issues that now need urgent attention of the UN.

Many scholars have argued that Tibet would provide diminishing returns to any imperialism. Coercive power has been applied to maintain some semblance of political stability in the Tibetan Plateau. The Tibetans have continued stubbornly to resist Chinese overlordship, and apart from a handful of collaborators, the vast majority of the Tibetan people regard themselves as implacable enemies of the Han Chinese. This mentality is not likely to change in near future. In the process, due to continued frustration and suffering, they have become ever more loyal to the Dalai Lama and shown no receptivity whatsoever to Chinese indoctrination. Even a stance of moderation will not lead to a sophisticated political policy in the absence of a *modus vivendi* between the Chinese and the Dalai Lama.

The Chinese thesis of “national liberation” has prevented Beijing from developing enough political imagination to achieve or even define
its realistic objectives in Tibet. They have brought neither freedom nor economic prosperity to the Tibetans, and have failed to convince the outside world that the People's Liberation Army did not use "national liberation" as a pretext to enslave another nation. The denial of political participation to the Tibetans shows that Chinese policy is oriented towards colonialism, and lacks genuine peaceful and just goals.

However, much of the conventional analysis of international law is inapplicable to the Tibetan situation. The idea that Tibet can no longer realistically sever its ties with the Chinese is not supported by the facts. There are new constraints on Chinese policy that need to be carefully analyzed. A gradual shift is occurring in the perceptions and interests of other countries in response to the criticism of Chinese behaviour in Tibet by legislators and concerned citizens. A new development is that India's increasing realisation that its strategic interests cannot be served by risks involved in the continued military occupation of Tibet by China. In the absence of confidence building measures which would actively involve the Tibetans, India is not prepared to freeze the status quo, which the Chinese would like to do. A South Asian détente could produce options favourable to Tibet on the part of most of the SAARC countries.

The US Congressional initiatives, on the other hand, have laid the groundwork for a changed US attitude to Tibet. The Chinese,
however, have driven themselves into a rigid position from which they oppose Tibetan autonomy, and have refused to recognize the internal causes of social and political changes in China. The Chinese expansionism has not only come up against the interests of the people of Tibet, but also has sought to preserve a hegemonic role, which is inconsistent with the rules of the international game. Tibetan interests can be pursued more energetically in the current changing phase of the political organization of the international system.

The proposal of the Dalai Lama’s peace strategy is harmonious with other efforts to stabilize international relations. The proposal, which cannot be described as “utopian”, and which challenges the role of China’s hegemonic power calls for a joint effort of the international community in a multilateral diplomatic process. The Dalai Lama has provided a coherent concept for real measures towards a more independent Tibetan position at a time when the hegemonic position of the two superpowers is in decline and the conflict potential in the Chinese system needs to be contained. While the Chinese continue to violate the rules of détente with their domestic and foreign policy actions, the Dalai Lama has used his international experience and Buddhist insights to address the central problems of international relations with a new vision of world peace.