Tibet’s Status Before the Communist Takeover

An analysis of the developments of the decade preceding the Shimla conference (1914), with the Younghusband expedition prompting Chinese forward movement, imperial security competition is fundamental to the understanding of the pre-1950 status of Tibet and its relationship with the British, the Chinese and the Russians. In real terms, it was carved out of British strategic and commercial negotiations with Imperial China. When the Chinese armies first marched into Tibet in 1949, soon after the Maoist revolution in China, the Marxist Leninist regime claimed the right to incorporate the ‘roof of the world’ on the grounds that Tibet was and had been for centuries an integral part of China without any historical basis as I’ve attempted to explain in the previous chapter.

The Communist Chinese official claim, ‘Tibet—a region of China,’ is largely based on a misrepresentation of a pre-modern code of interstate relations in inner Asia which inevitably confronts the problem of finding legal categories and terms in the lexicon of modern international law. And therefore exposing the vulnerability of the Chinese claims over Tibet legal questioning.

Historically, Tibet’s pre-1950 status emerges out of dynamics of the politics of British imperialism in South and East Asia, which,
sought to reshape politically more manipulable, resilient, flexible and informal inter-state diplomacy into a competitive, and hierarchised one induced with power politics and militarism - a hallmark of imperialism.

This chapter is concerned with the comprehensive analysis of the legal questions thrown up by the Tibetan claim to self-determination emanating from the PRC's military take over of Tibet in 1950. The period covered here is from early twentieth century to 1950.

**Politics of Suzerainty and Autonomy: Imperial Strategic Requirements and Status of Tibet:**

The decade preceding the Shimla agreement, the British and Chinese 'forward policy' in Tibet, the Chinese revolution of 1911, the British fear of Russian intrigue are some of the crucial events fundamental to the understanding of the pre-1950 status of Tibet. In real terms, it was carved out of British strategic and commercial diplomacy with imperial China.

By the middle of the nineteenth century the existence and protection of the Indian Empire became the central concern of the British foreign policy and nothing demonstrated this more clearly than the role the British played in securing India's north-east frontier. In this context, Tibet came to acquire a vital strategic space in the imperial security calculations. Understandably, Lord Curzon, an imperialist to the core, who was also the architect and firm advocate of
British forward policy in Central Asia, elaborated his view on the strategic importance of Tibet in 1901:

"It would be madness for us to cross the Himalayas and occupy it (Tibet). But it is important that no one else should seize it; and it should be turned into a sort of buffer between Indian and Russian Empires. If Russia were to come down to the big mountains she would at once begin intriguing with Nepal; and we should have a second Afghanistan on the north. I've not put this very clearly. What I mean is that Tibet should act as a buffer state. That we must endeavour to create".\(^1\) Thus, the status of Tibet, was conceived as a buffer between India Russia and China for the first time by the British for their its own strategic purposes. However, a threat of Russian incursions into Tibet was far less imminent than that of Chinese, given the history of Sino-Tibetan relations and their geographical contiguity. A simple fact from history underscores the above point. Between 1890 and 1914, six out of seven treaties and agreements signed by Great Britain involving the 'Tibetan Question' were with China, while only one with Russia. They key, therefore, to an agreement over the status of Tibet between Great Britain and China, consisted in the British definition of complex Sino-Tibetan relations as well as in its the over all strategic and trading requirements. And, British India's chief interest in Tibet was in "the preservation of peace along its borders and this to its own unhappy experiences, it had concluded by a regime in Lhasa that was

free from Chinese control, or hegemony”. Such a design, the British declared, made their own interest coincide with the Tibetan desire. “The frontier between India and Tibet is 1800 miles long. It should never be forgotten that a peaceful and contented Tibet is the cheapest and most efficient safeguard to India's north-east frontier.” This succinctly sums up the British concern to create Tibet as a buffer state because other options viz. outright colonization of Tibet or establishment of British protectorate over it were rejected on grounds of economic and military cost-profit analysis.

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3 Ibid., p. 78
4 After preliminary exploration, the British found out that Tibet was not worth colonizing. Eminent Tibetologist, Dawa Norbu argues that there is indeed a rational element in what Lenin called capitalist imperialism as it bases its decision to colonize a certain country on a cost-profit analysis. British rightly calculated from early on that Tibet is a case, which brings diminishing returns to imperialism.

K. Warikoo and Dawa Norbu (ed.), *Ethnicity in Politics in central Asia*, (New Delhi, South Asian Publishers Pvt. Ltd., 1992) pp. 33. Hugh E. Richardson further reinforces the above argument. He writes. "The most optimistic imperialist would have shrunk from assuming responsibility for another 2000 miles or so of frontier enclosing over 500,000 square miles of country, mostly high, severe and unpopulated and totally lacking in communication. It seemed therefore, the best solution to patch things up between Tibet and China in a way which would restore formal connection between them, saving Chinese full but restricting Chinese control.”


As late as 1921 Charles Bell described the inability of Great Britain to establish its protectorate over Tibet in following terms: “Even now there are several influential Tibetans who desire a British protectorate over their country. But it was recognized on our side from the first that this would have devolved far too heavy on burden upon us, the responsibility of protecting the distant and different expanses of Tibet”

The British attempts to create Tibet as a buffer state oscillated between “conflicting imperatives in British policy toward Tibet”[^5]. On the one hand was its trade with China, and on the other the concern for security of India’s north-eastern frontier. “Throughout their period of imperial power in Asia, the British tended to be anxious lest their diplomacy towards both China and the states considered as falling within the Chinese sphere might produce an adverse effect on the British commercial interest in China. In 1814-16, for example, when Britain was at war with Nepal (a country thought to be in some way tributary to the Chinese Emperor), the Indian government endeavoured to minimize the risk of Chinese reprisals against the East India company’s trade at Canton, the main source of its profit at that time”[^6]. Hence, the cost-profit analysis of British commercial interests in China and national security imperative to create Tibet as a buffer state favoured the continued recognition of some degree of Manchu responsibility for Tibet by the British. At any rate, the British were most insistent that China couldn’t be replaced in Tibet. Strategically, it can be argued that even the semblance of Chinese presence in Tibet would keep the so called Russian intrigue away from the British boarders. This is also a major concern in the policy paper prepared by


then Indian Political Officer, Sir Olaf Caroe: “I cannot afford to admit any power in super session of China to obtain control of Lhasa and second that she must attach to herself in indissoluble union of interest all those parts of what I have called the Mongolian Fringe which look to her protection and whose disintegration would throw open her own defences”.7

The recognition of Chinese ‘suzerainty’, despite describing it as ‘constitutional fiction’, by the British ‘rational imperialists’ was a well thought out strategy to “allow Tibet to continue with the fiction of Chinese suzerainty over her. This concession to Peking was not out of any British love for the Manchu rule but for their understanding that Tibet under the suzerainty of weak Chinese would not be a source of danger to the safety and security of British India”.8 In other words, Tibetan Autonomy as a necessary precondition to the security of India’s northern borders suited the British plan.

Earlier, British rulers had gauged the limits of Manchu ability to make the terms of the treaties or agreements of 1890 and 1893 enforceable in Tibet. A British political officer, J.C. White concluded in 1884 that the Manchus had no authority whatsoever there (Tibet):

7 Parshotam Mehra, op.cit., p.124
8 Bidya Nath, British Indian and Tibet, (New Delhi; Oxford University Press and IBH, 1975) p. 3.
“Though rulers in name, (they) have no power and can enforce no order”. In military-strategic terms, a weak Chinese authority for the British meant non-militarized India’s non-militarized North-East frontiers and Tibetan autonomy simultaneously, without hurting the Chinese sentiments in Tibet and their own commercial interests in China.

Article III of the Shimla conference (1914), despite it being a big compromise with China at the cost of Tibetan interests clearly spells out the British strategic diplomacy in the following terms: Recognizing 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.10

It is with this concern that the British rushed in with the Younghusband expedition of 1904 as part of their forward policy to keep the Russians out of the Tibetan strategic space because of the power vacuum created in Tibet on account of the absence of even their nominal presence there. Nevertheless, Article 1 of the Lhasa Convention signed on 7 September 1904 between Great Britain and

10 Ibid., p. 323.
Tibet obligated Tibet "to respect the Anglo-Chinese convention of 1904 and to recognize the frontier between Sikkim and Tibet."¹¹ It indicated an unfair recognition of Chinese suzerainty by the British in a strictly bilateral convention. It also forced the Tibetans to agree to the status of Sikkim-Tibet border over which they had never agreed in the past. Even then, the British included provisions in Article IX¹² of the Lhasa Convention of 1904 to secure Tibetan autonomy, which was a precondition to its territorial integrity, and of autonomy of its government at Lhasa. The British always emphasized non-interference in the internal affairs of Tibet as well as maintenance of its territorial integrity by all foreign powers including China. The Anglo-Russian agreement of 1907 over Tibet called upon both the powers "to respect the territorial integrity of Tibet and to abstain from all interference in the internal administration".¹³ The agreement finalized the British design to create a buffer between the three empires. The agreement not only secured Tibetan autonomy and territorial integrity from any threat of Russian incursions but also explicitly recognized Chinese suzerainty and British extra-territorial rights. In this way, the 1907 agreement is nothing but a Russian guarantee of non-interference in British engagements of China over Tibet. The Russian recognition of

¹¹ See appendix for the full text of the Treaty of 1904 between Tibet and China.

¹² Michael C. Van Walt Van praag, op.cit., p.302

¹³ Ibid., p.307
the Sino-British adhesion agreement of 1906 and the Anglo-Russian agreement of 1907 made them accept the British position agreed upon in the Lhasa agreement of 1904. After all, the 1906 agreement was only an adhesion to the 1904 Lhasa Convention, which the Chinese did not sign. The Anglo-Russian agreement of 1907 was the masterstroke of diplomacy 'in order to ensure the existence of a friendly, stable and autonomous Tibet. At the same time, British refusal to contemplate the extension of any form of protectorate over Tibet made it inevitable that the settlement of Tibet's status that was regarded as essential could only be achieved through agreement with China. It is for this simple reason China was found an 'ideal suzerain in Tibet'.

However, as far as the British government was concerned, China's suzerain right meant essentially the Chinese right to advice Tibet in its foreign affairs, and this right was scrupulously recognized. This is evident in the Younghusband mission to Lhasa in particular and in other treaties in general. Younghusband made every effort to associate the Amban with every stage of the proceedings, and although he did not sign it, he was present at the signing of the 1907 treaty. Thus the formulae which the British worked out in inner Asia for the twentieth century was an autonomous Tibet, subject to a weak Chinese suzerainty and guaranteed by Anglo-Russian treaty. The British government made their recognition of Chinese suzerainty
conditional to Chinese recognition of Tibetan autonomy. British recognized Chinese suzerainty over Tibet but “only on the understanding that Tibet was regarded as autonomous”\textsuperscript{14} The British declared that they “wished to avoid interference in Tibet; at the same time (we) held that though (we) recognized Chinese Suzerainty over Tibet, Tibet ought to remain and autonomous state between India and China; and this view (we) should press diplomatically in Peking as strongly as the need may be”.\textsuperscript{15} The essential negative core of Britain’s policy towards Tibet could not be more clearly recognized. In order to avert the danger of Russian influence in Tibet as it would constitute “a positive source of danger to the Indian Empire”\textsuperscript{16} as well as to protect its commercial interests in China. The Britain accepted Chinese

\textsuperscript{14} Parshotam Mehra, op.cit., p. XXXVIII


Chinese foreign affairs before the Republican revolution of 1911 were conducted on the principle of China’s tributary system. The Manchu inherited the tributary system from Ming. Broadly speaking, the Chinese system was always one of the tribute states “never colonizing and where or planting forts and people”. On occasion the Chinese were capable of extraordinary military expeditions notably one across Tibet in the 18\textsuperscript{th} Century to induce Nepal to continue paying tribute, which it successfully did, but these were the exception rather than the rule however, the nation of tributary relations in insufficient to explain Manchu intervention in Tibetan affairs. In this connection, see the declaration of war made by the Qing Emperor against Japan in 1894. In it the emperor states that “although we have a habit of assisting our tributaries we have never interfered with the internal government.” See H. F. Menair, Modern Chinese History, Shanghai, 1927. pp. 532-34 also Nepal and Burma for instance, contained regularly to sent tributes missions to the Emperor into the 20\textsuperscript{th} Century, although the Emperor had no influence over either country.
suzerainty over Tibet—a relationship, which in the whole history of both nations had never been contemplated.

To the British, Chinese suzerain rights implied “the integrity of Tibet as a part of the integrity of China, while at the same time safeguarding the interests of Tibet, a country with which His Majesty’s government had intimate treaty relations.”17 Hence, Chinese suzerainty also guaranteed a predominant position of Britain in Tibet. For the British, if Tibet “was included in China, proper foreign powers could claim most favoured nation treatment in Tibet, and the British government would lose the predominant position which she held in that country.”18

In the British strategic scheme, to recognize Chinese suzerainty in Tibet assumed importance as China was unable to control its own internal territory, much less Tibet. For the Tibetans, such a policy could only mean absorption into “China proper”19 as it was proved in 1950. China bolstered by international recognition of its rights in Tibet, however loosely defined and fearful of losing Tibet altogether,

17 Parshotam Mehra, op.cit., p.81.
18 Ibid., p.107
began to take steps to assert its authority because this was an area of
their greatest weakness in terms of ethnic unity: "It was in China’s
outlying dependencies, sparsely populated and inhabited largely by
‘non-Chinese subjects, where her authority was most vulnerable. It
was here, therefore, that she faced the greatest need to assert her,
sovereign rights, and have them recognized by the international
community, even if the administrative control normally associated with
such claims had to await a more favorable hour". 20

The shortcomings of British policy of recognition of Chinese
suzerainty in Tibet emerged soon. The doors of Tibet were forced open
by the Younghusband Expedition with the express purpose of
establishing British influence on the high plateau. At the same time it
also opened the way for China to rethink her policy towards Tibet and
between 1906 and 1910, the pattern of this policy became increasingly
clear. The Younghusband expedition prompted a final spasm of energy
on part of the Manchus, and from 1905 to 1911, Cho Erfeng, first as a
frontier commissioner for Tibet, and finally, as the viceroy of
Szechuan, supervised a thorough. Chinese military intervention in
Tibet designed to absorb the border areas between Tibet and China
proper, and to place Lhasa in a strictly subordinate status ‘under

20 Eric Teichman, Travels of a consular officer in Eastern Tibet,
China.\textsuperscript{21} This Chinese forward movement (which was characterized by much Chinese brutality),\textsuperscript{22} disintegrated with the out break of the 1911 revolution in China.\textsuperscript{23} Max Muller, a British Minister in Peking, interpreted China's forward policy as a "determination to affirm the shadowy rights she has always possessed in theory over her outlying provinces, Mongolia, Tibet, and even distant Turkistan."\textsuperscript{24}

Chinese forward movement disestablished the whole region threatening the status of Tibet as buffer between India and China.

\textsuperscript{21} See for example, F. M. Bailey, "No Passport to Tibet", London 1957, pp. 75-76.

"In fact, while Younghusband expedition was on his way to Lhasa, a new post was created, the Assistant Amban of Cnamdo. The task was entrusted to Feng Ch'Uan in 1904. Feng Ch'Uan began by issuing decrees to reduce the number of Monks residing in the monasteries of eastern Tibet and by forbidding the recruitment of new monks for a period of 20 years. Various other measures proved equally unpalatable to the Tibetan monasteries. It was therefore not surprising the serious disturbances began in the region of Batang in eastern Tibet and Tibetan tribesman finally managed to kill Feng Ch'Uan. The Szechuan viceroy acted promptly and appointed a replacement for the murdered Amban. The man entrusted to supervise the 'Pacification of Tibetan Marches' was Chao Erh-feng. He set about his task with ruthless efficiency and enacted reprisals of great severity from the Tibetans. Although it served to increase Tibetan hostility and resistance, it did not stop Chao from eventually reducing the Marches to computer subjugation. By December 1909, Chao was preparing to attack Chamdo, the last stronghold before Lhasa.”


\textsuperscript{22} No. 21, p. 33.


\textsuperscript{24} Ibid., p. 30.
conceived by the British. Charles Bell, a British political officer in Sikkim, commenting on the Sino-British policy over Tibet since Younghusband mission summed up in 1910: The states quo, and the promises of China, went by the board. The Tibetans were abandoned to Chinese aggression for which the British military expedition to Lhasa, and subsequent withdrawal, were primarily responsible".25

The 1911 Republican revolution, with the collapse of Chinese authority in Tibet made President Yuan Shih-K'ai to come to terms with unpleasant reality of Chinese inability in converting its nominal suzerainty over Tibet into something closely akin to sovereignty. The attainment of this objective was part of Yuan Shin-Kai's Republican programme. It was stimulated by the fear that an autonomous Tibet on the Indian frontier might serve as a suitable offset to an independent Mongolia on the Russian border, thus leaving the frontiers of China vulnerable to both Britain and Russia.26 Strategically, Tibet became a classic case of security dilemma for China. The Governor of Sichuan saw Tibet as "a buttress on (China's) national frontiers—the hand, as it were, which protects the face."27 Another Chinese official expressed a similar view". "Lhasa is the capital of all Tibet, the home of the cult of Lamaism, the abode of

25 Ibid., p. 62.
26 No. 9, p. 51.
27 Michael. C. Van Walt Van Praag, op.cit., p 51
imperial resident, the seat of numberless Buddhist shrines, the rendezvous of all the tribes; it has long been coveted by the British. Tibet again is the door, which shuts off Yunan and Sichuan, and should be proved remiss; the teeth will feel cold when the lips have gone. Any disturbance of her present status would bequeath to us a legacy of deep seated injury."\(^{28}\) Only this strategic understanding of organic importance of Tibet led Ivan Chen, the Chinese negotiator at Shimla conference of 1914, to make the somewhat sombre forecast that Chinese would have to "resort to ruinous military expenditure in the hope of retrieving their position in Tibet."\(^{29}\)

However, with the collapse of Chinese influence in Tibet, the Indian government saw an opportunity of bringing the Dalai Lama within the sphere of British diplomacy. For instance, on the eve of the Dalai Lama’s departure for Lhasa after his exile in India in the wake of Chinese aggression, Lord Harding, the Viceroy of India, assured him that it was the British wish to see “internal autonomy preserved in Tibet, subject to suzerainty of China, but without interference on part of Chinese... and that friendly letters from the Dalai Lama will always be gladly received and answered by the Viceroy”\(^{30}\). The new Republic of China badly needed international recognition, and to secure British

\(^{28}\) Premen addy, op.cit., p. 156  
\(^{29}\) Amar Kaur Jasbir Singh, p. 40  
\(^{30}\) Ibid., p. 64.
recognition a Chinese settlement of the Tibetan question was conditional. Realizing the opportunity to settle the status of Tibet in relation to China, Sir John Jordan, the British Minister in Peking to the Chinese government made a proposal on 17 August 1912, containing following points which clearly articulate the British conception of Chinese suzerainty and Tibetan autonomy:

"His Majesty's government, while recognizing Chinese suzerainty in Tibet, denied that this status conferred on the Chinese Republic any right to intervene in Tibet's internal administration beyond the specification of Article of the Anglo-Chinese convention of 1906. Chinese actions in Tibet since 1910, when they began to take over internal administration of the country, and the declared policy of Yuan Shih-K'ai's presidential order of 21 April 1912, that Tibet was to be 'regarded as on an equal footing with the provinces of China proper', should be repudiated by the Chinese Government. The Chinese could have an Amban at Lhasa, with suitable escort, and with the right to advise the Tibetans on their foreign relations, but they could not have in Tibet an unlimited number of Chinese troops. His Majesty's Government would require a written declaration along the lines of point 1-3 before they would be prepared to recognize the Chinese Republic".\(^\text{31}\)

\(^\text{31}\) Ibid, pp. 65-66.
When the Chinese failed to reply, Sir John Jordan in Peking threatened the Chinese that: "HMG will regard the Anglo-Chinese convention of 1906 as no longer holding good, and will hold themselves free to enter into direct negotiations with Tibet. Moreover, should Chinese troops enter Tibet, they will be prepared to give active assistance to the Tibetans in resisting their advance and maintaining Tibetan independence". Precisely at this time Wai-Chiao-Pu handed him a written reply: "According to which the 1906 Anglo-Chinese convention recognized China's exclusive right to intervene in the internal affairs of Tibet and there was no need for a new agreement. Jordan rejecting the reply warned China that its "Policy of aggression, which impaired the integrity of a country which had independent treaty relations with the Great Britain could no longer be tolerated". Jordan noted that on the one hand the Chinese were protesting that they had no intrusion of converting Tibet into a province, on the other they were proposing "to give effect to the unanimous desire of a nation and complete the Union of the five races in one family".

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33 The Wai-Chiao-pu was the Chinese Republican foreign office. Under the imperial government the ministry had been known as the Wai-Wu-pu, but was recognized along more western lines and became the Wai-Chiao-pu. It survived until the end of Kuomintang era.


35 Amar Kaur Jasbir Singh, p. 68.
While the Anglo-Chinese discussions were taking place, the Dalai Lama sought the recognition of his country's independence, and the establishment of Tibet's frontiers so as to include all people of Tibetan race. The formal statement of Tibetan claims included a refusal to have a Chinese Amban or any other Chinese officials in Tibet. The Tibetans maintained that the presence of an Amban in Lhasa would provide the Chinese with an excuse to attempt to return in strength and, moreover, claim that his presence in the capital was an evidence of China's sovereign position in Tibet.

Chinese forward movement in central Tibet raised two fundamental questions involving the status of Tibet and security of Indian’s North-East frontier for the British. The answer was to be found in two distinct issues. Firstly, the relationship between Tibet and China and the delimitation of border between them, free of Chinese control in the East. Secondly, a new alignment of Indo-Tibetan borders. To keep the two issues separate, it was to essential

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36 *As to the definition of the term Tibet*, the treaties and agreements of 1876, 1886, 1890, 1904 and 1906, all of which concerned Tibet, had not considered or defined the limits of Tibet itself. Russian and Britain understood that certain territories occupied by Tibetans were under Chinese rule; yet the political limits of Tibetan jurisdiction, whether in the northeast towards Tsaidam and Koko Nor, or in the eastern provinces of Szechuan and Yunan or in Kham, had never been clearly stated. In February 1907 the Chinese, were asked to define the geographical limits of Tibet, volunteered the information that no map of Tibet, later than the 18th century was in possession of the Chinese Government, on British demand to conclude Anglo-Russian agreement of 1907.
to ensure that the territory under the Chinese control was not in direct
closest with the border of British India. All these issues working at
cross-purposes were attempted to be resolved through the Shimla
Conference of 1914.

The British realization that the Tibetans would resent the
conclusion, of any agreement that did not include them favoured (as
did the Tibetans) tripartite negotiations. The Chinese, however,
opposed the idea. Their strategy was to settle the issue of Tibet
separately with Tibet and then with Britain, and they opposed the
notion that the parties to the negotiations would have equal status. At
the same time, they feared separate Anglo-Tibetan negotiations; thus,
the Chinese Government ultimately agreed to take part and accepted
the equal status of all plenipotentiaries.37

Although, the fundamental issue at the Shimla Conference was
the question of satisfactory re-definition of Tibet’s political status,
discussions at the Conference were diverted by a complicated
territorial scheme put forward by British India in which a new political
entity, Inner Tibet, was proposed as a buffer zone between

37 The Chinese had already lost influence in Mongolia to the Russians
and feared losing Tibet to Britain. When the Chinese plenipotentiary
to the conference again objected to the equal status of the Tibetan
delegate he was told by the British that “the status of Tibet was that of
an independent nation recognising the allegiance to China”,
Parshotam Mehra See The Boundary question between China and
Tibet, Peking, 1940, p. 102.
autonomous Tibet and China proper.\textsuperscript{38} The clear design behind this proposal was to create a network of buffers behind which British India could rest secure: Inner Tibet would provide a barrier for autonomous Tibet against Chinese influence and would at the same time reduce, while an autonomous outer Tibet would provide a wide barrier for India against Chinese influence.\textsuperscript{39} Ultimately, the talks foundered on the details of the territorial delimitation of Inner Tibet, a conception that neither Chinese nor the Tibetans favoured in any case, and China at the last moment refused to sign the agreement. The terms of the Shimla Convention were nevertheless accepted as binding by the British and Tibetan representatives.

Tibet, after the Shimla Conference became for all intents and purposes a neutral state, enjoying a \textit{de facto} independent status. The status of Tibet would have changed had the draft of Shimla Conference been initiated by all three governments, as would have been the full autonomy of outer Tibet. Tibet agreed to acknowledge Chinese suzerainty on the condition that China guaranteed her autonomy. Although, the failure of China to Sign the 1914\textsuperscript{39} convention released Tibet from surrendering her sovereignty, yet it also released China

\textsuperscript{38} Tich Tseng-li, \textit{Tibet, Today and Yesterday}, New York: 1960, p. 136. The territory of Inner Tibet was to be placed under Chinese administration but not absorbed within China proper.

from guaranteeing Tibetan autonomy and agreeing to a defined joint frontier.

The argument has since been made that China's failure to ratify the draft resulted in the loss of China's suzerainty over Tibet. This argument, which assumes that China's status in Tibet depended on international recognition, has been refuted by Alfred P. Rubin: "Since, in the actual case, the Chinese rights in Tibet were never thought by any of the parties, with the possible exception of the Britain (Who had more political than legal reason for seeming to incline to this position), to depend to any degree on Britain recognition, it is difficult to see any Substance to this argument. The facts open which the recognition of "suzerainty" depended did not change because express recognition of that "suzerainty" was withheld...

In any event the British, regardless of their unwillingness to "recognize' it, continued to assert that China had in fact an undefined "Suzerainty" over Tibet."}

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41 Alfred P. Rubin, “The position of Tibet in International Law,” *The China Quarterly*, 1968, p. 125. However, Tibetan acceptance of Chinese suzerainty was contingent upon Chinese ratification; therefore China's failure to ratify may be held to constitute Tibetan repudiation of China's suzerainty over Tibet.
Tibet, in the years following Shimla Conference, was restrained in claiming full independence, even when independence existed in fact, out of fear of loosing British guarantee for Tibetan autonomy and their commitment to secure China’s ratification of the Shimla convention. The British were similarly restrained in recognition of Tibet’s de facto independence since they continued to recognize Chinese suzerainty. However, the position taken by the Tibetans at Shimla was the clearest statement to date of Tibet’s claim to independence from China. The Conference also thrust the issue of Tibet’s status into the international arena. As Dawa Norbu argues, “the dialectics of Anglo-Chinese negotiations on Tibet provided not only the catalyst but the crucible within which the further international status of Tibet was shaped.”

The Government of Kuomintang and the Status of Tibet

When the Republic of China was founded in 1911, its authority in Tibet was virtually non-existent. One of the primary objectives of the Kuomintang was to restore its influence, and a number of missions were dispatched to Lhasa to re-establish relations with the Tibetans. The loss of Chinese influence was seen by the emerging Chinese nationalists as a proof of western imperialist attempt to undermine the

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Chinese nation. After the collapse of dynastic rule in 1911, China was internally divided and militarily weak. The Chinese nationalists, therefore, could not put into practice their claim that China was a nation based on the 'unity of five races'. Tibet remained outside the control of the Kuomintang government. However, the Kuomintang started emphasizing more on the bilateral nature of Sino-Tibetan dispute and sought to keep the British out of it.

By the end of 1917, it had become clear that the Chinese would never willingly accept the provisions of the Shimla Convention. That year, tension on the Sino-Tibetan border was high and the newly appointed military commander on the western border, General P'eng Jih-Sheng, decided to advance to Lhasa in 1918. Unfortunately for P'eng, the Tibetans were now better armed and trained, and were not overawed by P'eng's imperious manner. The Tibetans were prepared to retake all of Kham when the British Consular Officer stationed at Tachieale, Eric Teichman, stepped in and negotiated a truce at Rongbatsa in 1918,\(^{43}\) which the Chinese did not ratify. Moreover, a "local armistice can provide no permanent solution of this question unless the agreement is fully endorsed by the central Chinese

\(^{43}\) Teichman claimed that his mediation was requested by "local Chinese leaders on the frontier". Teichman, "Travels of a consular officer", pp. 58. Lamb, however, thinks that Teichman acted on his own initiative. Charles Lamb, op.cit., p. 53.
government," wrote Jordan. But would that work? For, as he saw it, the "real stumbling block to any agreement with Great Britain regarding Tibet (was) the hopeless infatuation of the Chinese for any thing they consider to come under the heading of 'sovereign rights'." As to persuading Peking to settle the Sino-Tibetan border issue, Jordan wrote:

"To come to a reasonable settlement I have already gone so far as I safely could, but, so far all my overtures have met with no genuine response though politely received. The Tibetan encroachments which they very well know can be checked easily as soon as some measure of order is restored in Szechuan, are not regarded by them in a serious light... I fear that an eventual settlement here (Peking) will not be facilitated by the conclusion of a local agreement with a subordinate official against wishes of superior officer of his own Government. As long as it suits them, China will respect agreement and not longer".

Lhasa being aware of this threat as well as the weakness of China, saw an opportunity for a 'permanent settlement' of Sino-Tibetan border and noted with urgency that if "the British and Chinese government cannot appoint their representatives to arrange the terms

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44 The truce of Rongbatsa was signed in October 1918 accepting the historic frontier of Manchu period as provisional Sino-Tibetan boarder.

45 Premen Addy, op.cit., p. 328.

of peace in Kham until settled conditions are restored, the Chinese will dispatch troops, and, if hostilities occur when both parties have recovered their strength, the greater power will encounter the less and we have great fear of losing territory."

Therefore, the crux of the matter was ratification. For its part, Peking was far too occupied with domestic squabbles, and started buying time to negotiate from a position of strength. Further, Peking argued, in this (Tibet) Question, Great Britain 'must yield some thing', before progress can be made and, like other states 'of the present day', China regarded the preservation of reserve space as vital.

However, the active participation of Tibet to settle the unstable Sino-Tibetan border mediated by the British demonstrates the Tibetan Government's resolve to protect its territorial integrity from encroachments by a foreign power—an important function with regard to maintenance of statehood against a constant Chinese military invasion or incorporation into China as a province. Also the wordings of Clause II of the Treaty of Rongbatsa, however, temporary in nature, make clear references to the Government of China, Tibet, and Great Britain in the agreements, and the fact that China had to appeal

47 Ibid.,

48 Ibid., p. 321.

49 Ibid, p. 320, Communication of Tibet's Chief Minister to Political officer in 1918.
to the British, as mentioned earlier, to mediate, should be evidence enough of Tibet’s independence in the face of Chinese claim.

The 1918 agreement also exposed the ‘duplicity and Chicanery’ of the Chinese as evidenced by the conduct of Frontier Commissioner. In his double game, he received Teichman with ‘effusive friendliness’ as well as reported to Chinese foreign office that “Agreements made by General Lin unauthorisedly with Mr. Teichman and not recognized” 50

Modernization and Independence of Tibet

The astute Chinese diplomacy played a clear double game of making peace with Tibet as well as making it an integral part of China. Charles Bell summed it up in following terms: “The whole history of the Chinese on Tibet and on the Tibetan boarder has been one of alternate bullying, Chicanery, and intrigue”. 51

The Chinese also tried to persuade the Tibetans to isolate the British from Sino-Tibetan relations. The Nationalist minded the Dalai Lama, having sufficient experience of Chinese reluctance to enter into any serious and tripartite agreement between Great Britain, Tibet and

50 Ibid., p. 329.

51 Ibid., p. 323, “This agreement is of a temporary nature only, but it is to remain in force until such time as the Governments of China, Tibet and Great Britain shall have come to final settlement of the boundary and other questions at issue, or until such time as the contracting parties shall agree to its modifications”. 
China, as well as having realized severe limits of British diplomacy to save Tibet's independence, tried to modernize Tibet.

The thirteenth Dalai Lama centralized the Tibetan administration, and with British assistance attempted to strengthen Tibetan ability to defend itself by raising taxes to support the army. New troops were levied and officers were sent to India for training. Shakabpa writes “By the 1920s, the Tibetan army had become very strong. The older Generals, who had served the country well and loyally in the past, were still campaigning in Kham. The new generals in Lhasa were young men, some of whom had been trained in Gyantse and India.”52

For internal security, the Dalai Lama invited London to train Tibetans in policing. Later, he was appointed as Superintendent of Police in Lhasa. The Dalai Lama also realized the importance of English education for his people. With British help, an English school was started at Gyantse in 1923 but only three years later; the school was closed because of objections from the monastic groups, who felt that it would prove harmful to the religion.53

A necessary concomitant to Dalai Lama’s modernization effort to maintain the independence of Tibet was an adequate financial

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52 Ibid., p. 329.
53 Amar Kaur Jasbir Sing, op.cit., p. 88.
provision to sustain them, and this entailed an enormous burden for the ‘Non-Coercive Regime’ in Tibet. The die hard, conservative, no-changers of the Tibetan ecclesiastical establishment, which was opposed to paying taxes to support the Tibetan army, forced the Dalai Lama to bid good-bye to modernization, not to mention its implications. Thus, the (London) observer noted on 23Nov. 1924 that the “attempts to organize an army and a police has synchronized with these other efforts to introduce ‘improvements’. Unfortunately neither the feudal nobility, the clergy, nor the peasants appreciate this policy”. 54

The roll-back on reforms proved to be disastrous. The first military encounter between the Chinese and the Tibetans close to the 1918 truce line gave Chinese an upper hand. As a result, the Chinese began to question the British locus standi in Sino-Tibetan dispute and considered it of purely domestic character. The current Chinese thinking on Tibet only reflected the efforts of Gansu Mission, 55 however, this time, from the position of strength.

Nationalist China’s stern refusal to accept the British as mediators in its dispute with Dalai Lama’s Tibet marked an important stage in the evolution of its policy on the question of tripartite

54 Tsepson. W.D. Shakabpa op.cit., p. 264.
negotiations and status of Tibet. It also coincided with the emergence of nationalist China under the leadership of Chiang Kai Shek in 1928. In the same year, the KMT Government of Chiang Kai Shek established a ‘Mongolian and Tibetan affairs commission’. Under its aegis, the Chinese government sent Liu Man-Ching to Tibet to convey the wish of Chiang Kai Shek that Tibetans should “rejoin the family of the Republic as brothers”.56 Similarly General Hung’s,57 as the head of the “Mongolian and Tibetan Affairs Commission” to Lhasa in 1934, initiated political negotiations with Tibet on the basis of KMT’s “five races” policy, and explained the concept of Chinese Republic, to which the Tibetans were invited to join as equals (i.e., as one of the five races)58. The Policy was derived from the 1923 Kuomintang recognition of China’s “races” right to “self-determination”, the first time that principle had been involved, but self-determination was interpreted as the right to ‘equality’ within the Chinese state, not the right to


57 China attempted to reestablish its influence in Tibet in 1920 by means of a mission sent by the provincial authorities of Kausu, whose purpose was reported to have been to persuade Tibet to make an accommodation with China excluding British.

58 Cited in Warren W. Smith, Jr., “Tibetan Nation: A History of Tibetan Nationalism and Sino-Tibetan Relations”, (Harper Collins, New Delhi, 1996) p. 219. Shakabpa maintains that despite Miss Liu’s ‘several informal approaches to impress on her hosts the urgency for closer ties with China was given no encouragement by the Tibetan government, no. 40, pp. 266-67.
The real political significance of Huang’s mission was the Kuomintang attempt to woo Tibet back into the Chinese fold. Huang came to Lhasa with a specific policy objective, and presented a three point proposal: (1) that Tibet must form a part of China (2) that the Chinese would assume responsibility for Tibet’s defense (3) the office of the Amban would be re-established in Lhasa. According to the Chinese sources, Huang’s mission was successful, and he obtained Tibetans’ willingness to hand over the conduct of foreign affairs to China as long as Tibet was not incorporated as a province of China. But the Tibetan sources record a different response to the Huang’s proposals: Shakabpa writes, “the Tibetan government referred to the terms of the Shimla convention of 1914 and agreed to accept the Chinese suzerainty it stipulated if the Chinese government would ratify the convention. It was also stressed that the British government should be a party to any agreement reached between Tibet and China”

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59 Apparently, a mission of condolence for the Death of the XIII Dalai Lama, in April 1934 General Huang Mu-Sung, Chiang Kai-Shek’s, Vice Chief of General staff, arrived Lhasa, with a political mission with China’s terms for settlement with Tibet.


Moreover, while the Chinese were eager to discard the British as mediator, the Tibetans insisted that any negotiation must involve their southern neighbour, British India. British participation would have provided a form of international guarantee but it was in China's interest to deny the negotiations any international or legal character. Huang's mission achieved little success except that the Chinese did succeed in negotiating directly with Tibet without the mediation of the British, for the first time since Shimla. Nevertheless, Huang's mission got the permission to set up an office in Lhasa, and was a major stop towards resurrecting Chinese presence in Tibet.

The British intention to counter the reassertion of Chinese influence in Tibet led to visit of Basil Gould, the political officer in Sikkim, in 1936 and the eventual "establishment of a British mission in Lhasa, housed at Dekiji Ling Ka".63

The Tibetans never accepted that the presence of the Chinese mission in Lhasa meant that they had acknowledged Chinese sovereignty. At the same time the establishment of the British mission in Lhasa did not mean that the Tibetans were prepared to surrender to the British. The decision to allow both countries a mission can be understood as a means to demonstrate Tibet's independence and maintain some kind of international visibility.

In 1937, the reincarnation of the Dalai Lama was discovered in Amdo, and in 1939 was brought to Lhasa and installed as the fourteenth Dalai Lama. Official announcements of the Dalai Lama's recognition and invitation to the enthronement ceremony were sent to the King of Nepal, the Maharaja of Bhutan and Sikkim and the governments of India and China. In response, representatives from all of these countries were deputed to attend the installation and to pay respect to the young ruler. The Chinese were represented by Wu Chung-Hsin, Chairman of the 'Tibetan and Mongolian Affairs Commission'. The Chinese claim that Wu Chung-Hsin, was sent to Tibet to officiate at the installation of the Dalai Lama\(^{64}\), but in reality, Wu Chung-Hsin's presence at the ceremony was of no greater significance than the presence of the representatives from other countries. The reports of the installation proceedings, and even of the discovery of the Dalai Lama, written by the Chinese representative, Wu Chung-Hsin were misleading in their effort to present events in such a way as to substantiate the Chinese claim to supremacy over Tibet. Consequently, official Chinese accounts based on Wu's report contain misrepresentations of the events and especially Wu's own participation in the ceremonies. The entire episode was reported to the British Government in the following terms: As to Mr. Wu Chung Hsin's alleged participation in the installation ceremony of the 22\(^{nd}\) February, (it is

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clear) that the Chinese put out an advance account of events which were not likely to take place and did not take place".65

The Chinese description of the participation of its representatives in the installation, as its official recognition, of the installation has been contradicted by Tibetans and other participants.66

The Tibetans' stance against Chinese encroachments upon their independence was maintained throughout the 1930's and 1940's. In neutrality was maintained by them during the Second World War as well. This position occasioned the first Tibetan diplomatic contacts with the United States when Tibet refused permission to transport war supplies across Tibet from India to China. In 1942, the Tibetan Government established a Foreign Affairs Bureau. The British readily agreed to deal with this new bureau; the Nepalese asked that their relations be continued through the special office established for that purpose, the Chinese refused to deal with the new office, as that would imply that China was a foreign country in relation to Tibet. China's refusal to deal with the new Tibetan Foreign Affairs Bureau virtually eliminated official Chinese contact with the Tibetan Government.

65 No. 38, pp. 180-85.
66 For accounts of the installation by Basil J. Gould, who was present as a British representative.
The absence of any Chinese control over Tibet, or even of any official Chinese representation at Lhasa, was revealed shortly thereafter by an American plan to transport war supplies from India to China via Tibet. The scheme had the approval of the Chinese, but the Tibetans refused permission, since they regarded themselves as a neutral country.

The fact that since 1911 Tibet had enjoyed de facto independence, that it had refused to compromise its neutrality in a global war, in which China was directly threatened, and that had refused to be intimidated or browbeaten, (despite Chung King's threats, which for a time, in 1943 assumed serious proportions) considerable support to this thesis.67

After the end of the war in 1945, Chiang Kai-Shek made another 'solemn' declaration to woo the Tibetans back to the Chinese fold, while addressing a joint session of his country's National Defence Council and the Central Executive Committee of the KMT. In Chungking he mentioned that: if the Tibetans should at this time express a wish for self-government, our government would, in conformity with our sincere traditions, accord it a very high degree of autonomy. If in the future they fulfil economic requirements for

67 The fourteenth Dalai Lama was chosen, confirmed and installed by traditional Tibetan method without reference to the Chinese government.
independence, the nation's government will, as in the case of Outer Mongolia, help them to attain that status.\textsuperscript{68}

However, it may be recalled that in the Sino-Soviet Treaty of Friendship and Alliance, signed in 1945, China was forced to recognize the independence of Mongolia.\textsuperscript{69} Chiang's statement in this context appears in all likelihood, have been issued to mollify uneasy public opinion at home and abroad and, more importantly, to avoid the repetition of the Mongolian situation in Tibet.

The Chinese made another effort to trick Lhasa by persuading the Tibetans to send an official delegation to China. Ostensibly, the aim was to negotiate the boundary and other outstanding questions, even though, in reality the Chinese wanted the Tibetans to participate in a meeting of the National Assembly which had then been convened and stood charged with the responsibility of framing a new constitution for Republican China. Despite their lack of initiation in higher ways of diplomacy, the Tibetans did not fall into the trap and


\textsuperscript{69} Richardson affirms that in April 1943, Ch'iang Kai-Shek directed the governors of Chingai, Yunnan and Sikang to move their troops to the Tibetan border. His intention was probably to overawe the Tibetans... In 1943, when the threat of Chinese aggression against Tibet was brought to their notice, the United States embassy in Chungking appeared to consider that the danger was exaggerated, but its seems probable that they exerted some pressure on the Chinese government to prevent a blatant misuse of military supplies, for most of which the Chinese had to rely on its allies. H.E. Richardson, \textit{Tibet and its History}, (Boulder, Shambhala, 1984) pp. 161-64.
refused to be party to any resolutions adopted by the Assembly. It appears that Lhasa had instructed them ‘not to sign any sort of document’, and accordingly, they not only declined but ‘made a public demonstration’ of their refusal.\textsuperscript{70}

It would seem from the above that over the years, and despite persistent Chinese endeavours, Tibet had refused to be coaxed or cajoled into accepting the former’s hegemony. An instance in point was the 1947 non-official Asian Relations Conference in New Delhi to which, among others, the Tibetan government had been invited.

The conference was convened in 1947, and in spite of the Chinese row over the map showing Tibet as a separate entity, which served as an eye-opener and took Nehru wasn’t died yet. Mr. Nehru completely by surprise, Lhasa’s delegates functioned as a distinct group, separate from the Chinese and with their own independent flag.\textsuperscript{71}

The British quit India in August 1947. Following closely on the heels of emergence of India as an independent nation state, a

\textsuperscript{70} Premen, Addy, op.cit., p. 328.

\textsuperscript{71} China was forced to recognise Mongolian independence as part of the Yalta agreements (at which China was not represented), which secured the entry of the Soviet Union into the war against Japan. At Yalta, the Soviet Union secured secret agreements as to the Kurile island, Outer Mongolia, and special privileges in Manchuria, while Soviet claims to privileges in Sinkiang were abandoned. Gerard M. Friters, “Outer Mongolia and its International position”, Johns Hopkins Press, Baltimore, 1949, p. 209.
revolution of gigantic proportions brought the Communist Party to power in Peking.

The emergence of two new independent the word nationalist has overtones, which make to its use here problematic. Above all the Chinese communist party was opposed to the nationalist kuomintang nationalist regimes in New Delhi and Peking caused considerable stresses and strains in the latter's approach toward Tibet. Not unlike the Kuomintang before them, the Chinese communist viewed the country as an integral part of the mainland where all that needed to be done was to 'liberate' it 'from imperialist oppression'.\textsuperscript{72} The story of the events preceding 'Tibet's liberation' in October 1950 is off-repeated but, relevant to the narrative a few salient points need to be underlined.

To begin with, it may be noted that, until, 1949, before the communists completed the establishment of an apparently stable government over mainland China, the Lhasa government did not regard itself subordinate to Peking. And yet, before long, it was ready, and indeed prepared, to negotiate with the communist regime, a new treaty arrangement that would be mutually acceptable. But before the Tibetan delegation could reach Peking, history had taken a different

\textsuperscript{72} Melvyin, C. Goldstein, op.cit., pp. 166-67.
turn—for the People’s Liberation Army had marched into Tibet with a declared purpose of ‘Liberation’.73

For India, however the maximum, that Tibet’s ‘liberation’ produced was a sharp, wordy duel between New Delhi and Peking, which, other things apart, underlined a remarkable divergence in their respective outlooks vis-a-vis the Tibetan question. The New Delhi government deplored ‘military action’, and remained throughout a powerful advocate of ‘Peaceful Negotiations’. As to Tibet’s status, India was fairly eloquent in 1950, underlining as it did the legitimate Tibetan claim to autonomy within the frame work of Chinese suzerainty... Tibetan autonomy is a fact which... the Chinese government were themselves willing to recognize and foster.74

To Peking, both the tone and content of India’s position regarding Tibet’s status were unwelcome. The Chinese response stated that Tibet is an integral part of Chinese territory and the problem of Tibet is entirely a domestic problem of China. The Chinese People’s Liberation Army must enter Tibet, liberate the Tibetan people, and defend the frontiers of China.75

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73 Ibid., p. 168.
74 Premen, Addy, op. cit., p. 464
75 Ibid., p. 464
After this, one needs hardly waste any breath on Tibet’s status, as viewed, from Peking’s point of view. However, humanitarian grounds of ‘liberation’ would scarcely be sufficient to justify a ‘forward’ policy as similar grounds could be urged for the occupation of other areas. Tibet was militarily taken-over by the PLA in the overall context of Han nationalism and communist strategy. The declared intention of Chinese communists to ‘liberate Tibet from foreign imperialism’ can better be understood in terms of Han humiliation during previous one hundred years of Chinese history to which they refer as the ‘hundred years of imperialist domination’.

Imperialist threats to the traditional Sino-Tibetan relations stimulated China to transform its range of authority in inner Asia into a more definite terms compatible with the modern western concepts of International Law such as sovereignty.

“The pattern at work as the Chinese modernized their conduct of foreign relations under the pressures of having western concepts of sovereignty and international law imposed upon them ironically enough can be interpreted as favouring the Chinese in several ways...The imposed definition of sovereignty and international law as the norm for interstate relations drew firm boundaries of political rights enclosing the territory of China, where the Chinese themselves had been content with more ambiguous demarcations that were no longer enforceable; moreover, the new boundaries by and large
secured an empire for China at a time when the builders of that empire were no longer capable of maintaining it... Despite the West’s assault on China’s territorial integrity in the 19th century, western concepts of sovereignty which then prevailed internationally served to acknowledge and guarantee China’s Inner Asian Empire as a continuing part of the Chinese State".76

By “Europeanization” of traditional Sino-Tibetan relations, Dawa Norbu suggests that “the British opened a Pandora’s Box in demanding that China expresses her historical status in Tibet in modern western language of nationalism... the British negotiators unwittingly helped late imperial China and the early Republican government to redefine and reformulate their conception of China’s status in Tibet in enacting modern political vocabulary”77 even “though there was no appropriate English equivalent for Shih-Cher in Chinese and Chos-Yon-Sbyin-bdag (Patron-Priest relations) in Tibetan”.78

Conclusions:-

One of the dominant features of Tibet’s recent history has been the question of its legal status and the nature its relationship with


78 Ibid.,
China. For the Chinese to acknowledge that Tibet had a recent history and a personality would amount to an acceptance of Tibet's separations from China.

In this chapter, I've attempted to analyse the historical relationship between Tibet and China in terms of two overlapping circles. This historical relationship between Tibet and China was set within the political culture of Sino-Tibet world, where the meaning of the relationship was well understood by the participants. When this socio-cultural and political environment was altered first by the arrival of Western colonial power in Asia; and then by the transformation of the traditional Chinese Confucius-dominated polity towards a more occidental type of political system which produced a Republican China and the Chinese nationalism, making the traditional framework of relationship problematic.

British involvement in Tibetan affairs imposed their own terminology in accordance with the traditions of Western social or political theory on the traditional pattern of Sino-Tibetan relations, resulting in the Europeanization of the relationship, which far from clarifying the matter, made it more obscure. The Tibetan people, however, at least from 1913 onwards regarded themselves as independent of China and declared themselves to be an independent state. In international legal terms, prior to the Chinese invasion in 1950, Tibet had achieved de facto independence, and all of the
requirements of *de jure* independence except formal recognition. In a report presented in 1960, the ICJ found that: “Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law. In 1950 there was a people and a territory, and a government which functioned in that territory, conducting its own domestic affairs free from any outside authority. From 1913-1950 foreign relations of Tibet were conducted exclusively by the Government of Tibet and countries with whom Tibet had foreign relations are shown by official documents to have treated Tibet in practice as an independent state.”

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