CHAPTER – III

CHINESE NATIONALISM CHALLENGED:
TIBET AND THE HUMAN RIGHTS DEBATE

Tibetans, represent a minority nationality and a marginalized group in Chinese society. They exhibit strong secessionist tendencies, and have long intended to establish an independent state by virtue of their possession of all the characteristics of a nation. However, the Chinese State that calls for submerging all minority identities within the dominant Chinese identity, to the ends of national cohesion and nationalism, effectively precludes the possibility of the assertion of Tibetan nationalism. In the process Tibetan nationalism has become deeply mired in the wider human rights and nationalism debate. Interestingly, since the Tibet issue has been intrinsically linked to the global human rights discourse, a discourse which is in its dominant form the product of Western modernity and which supports the right to the self-determination of minority groups, the Tibetan question has been further complicated.

The Tibetan issue has been complicated mainly in two ways. The propensity of the West, under the aegis of the UN’s Universal Declaration of Human Rights, to view Tibet within a Human Rights framework was fiercely contested by the PRC. The human rights issue as it emerged in the West is central to the notion of nationalism and national self-determination. It came to the forefront as a consequence to the experience of the Jewish holocaust driving the Second World War and with the rise of de-colonized States. On the contrary, the

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1 Dawa Norbu argues that Tibet represents a civilization than simply an ethnic group or a tribe and therefore rightfully claims to form a nation. See Dawa Norbu, *China’s Tibet Policy* (Surrey: Curzon Press, 2001).
Chinese notion of human rights began to take shape in the wake of its post-Tiananmen experience. Though, the discussion on rights began with the Western intrusion and China’s late 19th century goal of national salvation, the human rights issue in China took center stage only with the emergent nationalism in the post-Tiananmen era where human rights not only became a tool for asserting Chinese nationalism but also a weapon to fight Western hegemonism. Tibetan nationalism, having latched on to the Western human rights debate, came into conflict with the Chinese definition of human rights and nationalism shaped by Marxist ideology and the conceptualization of Chinese notions of nationality and minority rights. It defines minority nationalities as part of the Chinese State and, thus, does not recognize their demand for self-determination. Therefore, the Tibetan issue is marginalized in the wider Chinese notion of nationalism.

This chapter first seeks to explore how in post 1950 the definition and development of Chinese nationalism complicated the views on minorities, their rights to secession and their assimilation with the Chinese State. It explains how the minority issue became further complicated within the ideological context of Sun Yatsen’s liberalism, Guomindang’s survivalism, Marxism-Leninism and Mao Zedong thought. The chapter then goes on to explore how the Tibet question got enmeshed with the wider human rights debate and the notions of self-determination in the post-Second World War era. By exploring the interaction between nationalism and the Western human rights tradition, the chapter enables a view of the concept of Western human rights as different from Chinese human rights concept. The chapter then places the Chinese notion of human rights within the development of Chinese nationalism and discusses the way in which a specific understanding of human right impacted on the Tibetan’s demands for self-
determination. The chapter finally establishes how Chinese nationalism changed as a consequence of its contest with Tibetan nationalism and the discourse on human rights and the manner in which this affected the PRC's policies towards Tibet.

Political Context of Chinese Nationalism

With the decisive defeat of China in the Opium War, the post 1842 era saw the gradual erosion of the Chinese Imperial government with substantial concessions given to foreigners in trade, tariff, right of residence, extraterritoriality, most favoured nation states and redress for damages. These disastrous results of foreign intrusion created an urgency both among the Chinese imperial government and the Chinese literati for reform and to save China from decay. This quest to save the nation and achieve freedom brought the Chinese reformists and revolutionaries to solve the vital question of defining the Chinese nation. To define the Chinese nation meant two things: one, to define the 'people' of China and the other, to delineate the state of China. These two definitions underscored Chinese nationalism.

The question of defining the 'people' opened China to the problem of locating the minority populations within the larger Chinese context. This task was complicated by the fact that the reformists and revolutionaries of China came to view the last ruling Manchu dynasty- a minority non-Han dynasty- as responsible for China's fall. Therefore, the initial response to Western imperialism took the form of opposition to anti-Han forces, specifically the Manchus. However, fall of the Manchus and the establishment of the Chinese Republic in 1911 did not drive away foreign forces and solve the problem of survival of China. The literati, the

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Chinese revolutionaries, and the reformists soon realized that to confront the imperialist forces, the need of the hour was to build a united front of all the Chinese people. While creating a united force of all people, the problem of defining the various non-Han Chinese people inhabiting the border provinces for centuries came to the forefront. Linked to this arose the need to delineate the boundaries of the Chinese State. Therefore, the Chinese Republic in 1911 came to incorporate all those areas that were under the Qing Empire. This delineation also meant the incorporation of all non-Han populations. This in turn evolved a new discourse on nation and nationality in order to justify the incorporation of non-Han areas and define the non-Chinese as Chinese. Frank Dikotter argues that “in order to legitimize control over the territories which was part of the imperial realm until 1911, the political leaders of the Republic until 1949 and the Republic after 1949 have reinvented subject people in border areas as mere sub-branches of the Han”.

I ideological context of Chinese nationalism

The ideological context of Chinese nationalism came to be reflected in Sun Yatsen’s notion of racial nationalism. Sun Yatsen saw the salvation of China in the end of the Manchu race. In his Sanmin Zhuyi Sun Yatsen emphatically pointed out:

The greatest force is common blood. Chinese belong to the yellow race because they come from the bloodstock of the yellow race. The blood of ancestors is transmitted by heredity down through the race, making blood kinship a powerful force.

Therefore, the ‘Yellow race’ of the Han Chinese actually became a handy tool around which forces of nationalism could coalesce. It served as a unifying ideology

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4 Frank Dikotter, “Race in China”, http://cio.ceu.hu/courses /CIO/modules/Module08Dikoetter/print.html
against anti-national forces, that is the Manchus. But with the overthrow of the Manchus, anti-Manchuism or the race factor lost its appeal. More than that, the period also coincided with separatist tendencies in Tibet and Mongolia. By 1913, Tibet was enjoying de-facto independence and this brought forth the question of self-determination of ethnic minorities. Revolutionaries like Sun Yatsen realized that a focus on racial divisions threatened the unity of the nation. The Tibetans already enjoyed de facto independence by 1913 and Woodrow Wilson’s emphasis of the principle of self-determination, while in China’s favour when used against the colonial power, threatened its unity where it emerged from groups within China itself. Therefore, Sun Yatsen argued that a united force of all races was necessary to repel foreign forces. Therefore, the slogan anti-Manchuism was redundant and was replaced by anti-imperialism.

Thus Sun Yatsen came to view China as being composed of “one race” and outlined the need to create a united force of all nationalities of China or the five main races- Han, Mongols, Manchus, Tibetans and Tartars - to attain freedom from the foreign rulers. The “five races” ideology was symbolized as well by the five stripes of the flag of the Chinese republic. In 1924, Sun Yatsen, under the influence of Woodrow Wilson’s Fourteen Points first used the term self-determination with regard to the five races of China. But Sun Yatsen, like other nationalists, interpreted the right to self-determination only in the context of China’s right to freedom from foreign interference, not as a right of any of China’s

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7 See ibid.
nationalities to independence".\textsuperscript{10} He meant as only right to "free alliance" in a "free united Republic of China".\textsuperscript{11} The declaration of the Guomindang programme stated,

\begin{quote}
We have over and over insisted upon the common interest of all peoples within China and their necessity of their consolidation in the people's revolution and in solving all interracial problems. We hereby repeat solemnly that we recognize the right of self-determination for all peoples in China, and that a free united Republic of China based on the principles of free alliance of the different peoples will be established after the downfall of imperialism and militarism.\textsuperscript{12}
\end{quote}

In this framework the independence of Tibet or any other minority areas was ruled out. The incipient notions of autonomy can thus be traced from Sun Yatsen's writings which was later appropriated by the Communist in the post 1949 era. The nationalist discourse that emerged facilitated incorporation of all territories of the Qing Empire into the new republic and included all the five races into one Chinese nation. This line of thinking got further support in Jiang Jieshi's \textit{China's Destiny}. His writings drew a sketch of the geographical configuration of the Chinese State and pointed out that if alien forces occupied any part of the Chinese State, it would affect the "natural bulwark" of the entire state. Tibet, Taiwan, Inner and Outer Mongolia, Xinjiang and the rest of China, hence, were all essential areas constituting the defence of the Chinese state.\textsuperscript{13} Highlighting the unity of all the five main races he wrote,

\begin{quote}
That there are five peoples designated in China ...is not due to difference in race or blood, but to religion and geographic environment. In short the
\end{quote}

\textsuperscript{11} Ibid.
\textsuperscript{12} Quoted from Warren W. Smith, \textit{Tibetan Nation}, p. 326.
differentiation among China’s five peoples is due to regional and religious factors, and not race or blood". 14

From the writings of the political leaders of the Republican period it appears that all of them undermined ethnicity. In fact, their racial discourse was based on evolutionary theories of Spencer and Darwin that enabled them to view race as 'lineage'. They appealed to patrilineal culture in order to represent all inhabitants of China as the descendants of the Yellow Emperor. 15 Since they viewed all Chinese from the same lineage, they perceived the nation as unified under one race.

This theme of building a unified nation was appropriated by the CPC under Mao Zedong. However, Mao’s nationality policy was the combination of his own revolutionary experience and the influence of Marxist Leninist theory. George Moseley in fact, identified two phases in the minority policy of the CPC: the first was during the CPC’s development prior to 1935 and the second extended from the ‘liberation’ of the national minority areas, that was completed by the end of 1952, to the transitional stage-1956 to 1958. 16

The earliest CCP resolution on nationality policy shows the influence of Marxist-Leninist doctrine. Marx did not encourage self-determination of smaller nations for they were economically non-viable. So the smaller nations were to assimilate with the larger nations. 17 Lenin adopted this Marxist line but modified it to the prevailing strong current of nationalism in the 19th century. He conceded the right to secede as an ideological and tactical step to self-determination. He thought

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14 Chiang Kai-Shek, China’s Destiny, p.165.
15 Frank Dikotter, “Race in China”, http://cio.ceu.hu/courses/CIO/modules/Module08Dikoetter/print.html
that the right to secession would give freedom of choice to the nationality and they would rather choose to unite with the larger unit for it would economically benefit them.\(^{18}\) Following Marxist-Leninist theory, the Chinese Communist Party under Mao adopted the right to self-determination. The CPC came out with the significant November 1931 Jiangsi report called the "Resolution of the First All-China Congress of Soviets on the Question of National Minorities in China". It clearly laid down the right to self-determination for the minorities.

The Chinese workers, peasants, soldiers, and all the toiling masses shall fight determinedly against the oppression of national minorities, and strive for their complete emancipation. In view of this, the First All-China Congress of Soviets of Workers', Peasants', and Soldiers' Deputies declares that the Chinese Soviet Republic categorically and unconditionally recognizes the right of national minorities to self-determination. This means that in districts like Mongolia, Tibet, Sinkiang, Yunnan, Kweichow, and others, where the majority of the population belongs to non-Chinese nationalities, the toiling masses of these nationalities shall have the right to determine for themselves whether they wish to leave the Chinese Soviet Republic and create their own independent state, or whether they wish to join the Union of Soviet Republics, or form an autonomous area inside the Chinese Soviet Republic.\(^{19}\)

Dawa Norbu mentions two reasons for the CPC for adopting the stand of self-determination for the minorities.\(^{20}\) He says that the CPC was dictated partly by the ideological requirement to follow the Soviet model. Second, it had to compete with the Guomindang for mass support and appear more democratic. At the same time the document while affirming the right to self-determination for the minorities also urged the minorities to unite with all Chinese against the common oppressors. Therefore, the minorities were offered the choice between oppression

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\(^{18}\) Ibid., p. 332.


and national self-determination. This argument of oppression was later appropriated by Mao Zedong in 1935 in order to deny the right to self-determination to the minorities and instead argue that the CCP was liberating them from oppression and incorporating them into the Chinese state. The Jiangsi document stated that:

At the same time the toiling masses of the national minorities are oppressed and exploited not only by the imperialist and Chinese militarists, landlords, and the bourgeoisie but also by their own ruling classes: in Mongolia, by the princes and “Living Buddhas”; in Tibet, by the Lamas; in Korea, by the gentry; while the Miao, the Yao, and other nationalities are exploited by their own t'u-ssu and so on. Consequently the First All-China Congress of Soviets of Workers', Peasants', and Soldiers' Deputies calls upon the toiling masses of the national minorities to unite with the Chinese masses of workers and peasants in a joint struggle against their common oppressors and exploiters, against imperialism and the rule of native landlords and bourgeoisie, and for the creation of a Workers', and Peasants’ Soviet Government.21

In its struggle against the Japanese, the CPC realized the necessity of minority cooperation in the national revolution. The nationalist policy of the CPC, thus, abandoned the right of the minority to secession. Further, during August-November 1935, when the Communist forces marched across the northwest region, they found that some Mongols were sympathetic to Japanese sponsored autonomy.22 To mobilize the Mongols against the Japanese, the nationality policy incorporated an incipient notion of regional autonomy. On May 25 1936, the CPC issued a statement repeating this notion in order to garner Hui support for the anti-Japanese struggle. The statement declared:

Our fundamental policy of national self-determination extends to the local affairs of the Hui people. In all Hui areas, free and independent political authority established by the Hui people themselves will decide all matters relating to politics, economics, religion, customs and habits,

morals, education, and so forth. Wherever the Hui people are in a minority, whether in large regions or in the villages and districts, they shall, on the basis of the principle of the equality of nationalities, establish the Hui people’s autonomy governments and manage their own affairs.\textsuperscript{23}

Dawa Norbu thus contends that this wartime policy remains the cornerstone of the CCP’s policy towards the minority nationalities even to this day.

From an investigation of the discourse of nation and nationality in China, it is clear that the notion of self-determination for minorities was sacrificed to the greater cause of unity of the nation. The CCP’s concept of human rights, instead of following the Western concept of the right to self-determination, was linked to liberating the minorities from the ‘double oppression’ of foreign imperialism and domestic reaction.\textsuperscript{24} This thinking was underscored by Mao Zedong’s Marxist analysis where he applied class analysis to the national question. More than associating the concept of class with the classical Marxian sense who does or does not control the means of production, Mao associated class with exploitation and oppression not necessarily of one class by another but of one group by another.\textsuperscript{25} In general, “the national question was the result of the dominant nation’s oppression of the national minorities.”\textsuperscript{26} This understanding enabled him to view the minorities as oppressed and argued that their liberation from oppression and equality among all Chinese would solve the national question. In line with this sentiment, the Chinese blurred the distinctions between nation and nationality and treated all nationalities as equal within a single Chinese state.\textsuperscript{27} This harked back to

\textsuperscript{23} Quoted from Dawa Norbu, China’s Policy towards its Minority Nationalities in the Nineties, p. 225.
\textsuperscript{24} Ibid., p. 222.
\textsuperscript{25} Ibid., p. 227-228.
\textsuperscript{26} Ibid., p. 228.
\textsuperscript{27} Ibid., p. 228.
the civilizational state concept underscored by the policy of assimilation of all people within Confucian culture. Under this 'principle of nation-nationality equality' the Han were viewed as one of the nationalities, while the minorities came to be indicated by prefixing “small” to the term nationality (shaoshu minzu= small nationality). This was an attempt to indicate only a technical difference within the diverse groups in China, implying no differentiation in ethnicity or race. Interestingly, therefore, the term in Chinese for nation and nationality is the same: minzu means both nation and nationality.

After 1949, based on the idea of ‘liberation’ of minorities from the “double oppression” of the foreigners and reactionary feudal powers, the PLA marched toward Tibet and liberated the Tibetans from the ‘oppressive’ rule of the lamas and their serfdom. After liberation the CPC under Mao argued for the notion of national regional autonomy to integrate the minority-populated areas and solve the nationality question. The Common Program entitled “Policy Toward Nationalities” thus laid down the principles on which the regional autonomy system was to be evolved.

Article 51 stated, “Regional autonomy shall be exercised in areas where national minorities are concentrated, and various kinds of autonomy organizations of the different nationalities shall be set up according to the size of the respective populations and regions. In places where different nationalities live together and in the autonomous areas of the national minorities, the different nationalities shall each have an appropriate number of representatives in the local organs of political power”.

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28 Discussed by Dawa Norbu in ibid.
Again, Article 53 read out “All nationalities shall have freedom to develop their dialects and languages, to preserve or reform their traditions, customs and religious beliefs. The People’s Government shall assist the masses of the people of all national minorities to develop their political, economic, cultural, and educational construction work”.

Since the Mao Zedong theory of regional autonomy was derived from Marxist-Leninist principles, Mao maintained that the national question was by nature a question of class and that nationality and ethnicity would wither away in the wake of the end of class conflict. The post Cultural Revolution era, however, witnessed an era of chaos and anarchy and the failure of Mao’s class approach in solving the national question. While Deng Xiaoping did not repudiate the regional autonomy perspective in solving the national question, he moved away from the view that the solution lay in class conflict and emphasized economic development in solving the nationality question. In effect, it meant emphasizing the notion of developmentalism in the Chinese theory of human rights. The development of minorities would quell their resistance to Han Chinese and preclude them from secessionism.

Without economic development, Deng argued, autonomy was an empty word. He stressed the importance of economic development of the minorities. For Deng economic development was the way to prosperity of the minorities and prosperity would solve the national question. Moreover, according to Deng, since Tibet is a big area with little population, developing Tibet only by the Tibetans would not be possible. The Han Chinese, therefore, should help the economic

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31 Ibid., p. 153.
development of Tibet. Accordingly, Deng justified the influx of Han population into Tibet as a necessary step to promote economic development. Therefore, Deng provided an economic model to solve the Tibetan question.

**Impact of human rights debate on Chinese nationalism and Tibet**

In the post Second World War era, the question of Tibet became enmeshed with the wider human rights debate and notions of self-determination. Tibet nationalism was further complicated by differential definitions of human rights in the West and in China. As the Tibet question began to be linked to the Western human rights position it came into conflict with the Chinese definition of human rights and nationalism. An understanding of the Western human rights debate and the Chinese position indicates how the Tibetan problem of self-determination was eclipsed in this wider debate on human rights and Chinese nationalism.

**Western human rights tradition**

The human rights issue is central to the notion of nationalism. Its origin is directly traceable to the emergence of nation states in the West. The new nation state emerged with the dissolution of the federal system and erosion of the authority of the Church and this unleashed new forces of individualism that demanded greater freedom for the individual. While the Magna Carta (1215) is seen as the beginning of the origins of the liberties for English citizens, it was the Bill of Rights (1689) that guaranteed the protection of individual rights. Though the notion of human rights was not spelt out, the Bill did seek to protect the individual from the coercive power of the state. Thus the Bill indicates that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and
unusual punishment inflicted.\textsuperscript{32} Similarly, the 1791 US Bill of Rights contained a list of guaranteed individual rights. These rights were effected with ten original Amendments to the Constitution of the USA.\textsuperscript{33} The most famous amongst these were the first that provided freedom of speech, freedom of the press or the rights of the people peaceably to assemble and to petition the government for a redress of grievances; the fourth, recognized people’s right to protest against unreasonable searches and seizures; the fifth, forbade the person to answer for a capital or infamous crime; the sixth, gave the right to speedy and public trial by an impartial jury of the state. The French Revolution advanced the notion of individual rights further. The articles of the Declaration of the Rights of Man and of the Citizen guaranteed freedom and equality as a natural right for all men. Article 2 outlined that the aim of every political association is the preservation of the natural and inalienable rights of man. In essence the French Declaration of Rights upheld the individual rights of liberty, equality and fraternity. What the English, French and American revolutions contributed to essentially was the development of liberal democracy “in which certain rights were regarded as paramount in protecting individuals from the state’s inbuilt tendency to authoritarianism.”\textsuperscript{34}

A whole genre of philosophical thought also developed to uphold the centrality of individualism in modern development. Clearly the philosophical tradition of human rights was rooted in the Greco-Roman concept of natural law.\textsuperscript{35}


\textsuperscript{33} See David Robertson, \textit{A Dictionary of Human Rights}.

\textsuperscript{34} Ibid.

The Greeks distinguished man from beast on the basis of the former's possession of rationality. They established on this the theory of natural law that enshrined the equality of all men on the basis of justice. The Roman stoics further formulated the concept of natural law by stating that rules of natural law were devised by god to regulate the power of the state. However, the Greek and Roman understanding of natural law did not encompass any notion of rights themselves.\(^{36}\) It was left to the Renaissance and post-Renaissance scholars to not only give primacy to the individuals as the possessor of rights but also to protect those rights from encroachment of the state. Therefore, individual rights came into existence only when the authority of the state was sought to be limited, or when individuals and groups demanded a positive role of the state. It was the John Locke who propounded the theory of natural rights in 17\(^{th}\) century wherein he outlined that men surrendered only some of his natural rights to the state on the condition that his fundamental natural right— the rights to life, liberty and property are protected by the state.\(^{37}\) If the state failed to maintain those rights, man had the right to overthrow the government.

Though the theory of natural rights was attacked by later theorists like T.H. Green, Harold Laski, and Jeremy Bentham and Edmund Burke, its importance lay, first, in its assertion of individualism, and second, in the idea that certain rights belonged to the individual by virtue of being an individual. This idea actually


\(^{37}\) Ibid.
resonated in the 20th century notion of humanists who stated that every member of the human race has a set of basic claims simply by virtue of his humanness. 38

The second aspect of human rights that flows from the aspect of individualism is universalism. Since human rights are possessed by virtue of being human, it logically applies to all human beings and is, thus, universal. Therefore, Article 2 of the 1948 Universal Declaration of Human Rights (UDHR) states, “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social organization, property, birth or other status”. 39 Since human rights came to the limelight during the post World War II order the principle of universal human rights attempted to restore the values that Nazism and Fascism had destroyed. Human rights also came to be associated in their universalism with yet another development in world politics, the anti-colonial revolution. This anti-colonial revolution was based on the principle that every individual had the right to determine his own political affiliation. As a result the principle of national self-determination became one of the more sacrosanct principle in the UN Charter.

The third aspect of human rights is that it is enforceable. This involves the need to protect human rights. Therefore, the general approach is to give human rights a legal status by incorporating them into an international charter or national Constitution, thereby making them justiciable. 40 In the aftermath of the barbarous

38 See J.L. Macfarlane, The Theory and Practice of Human Rights (London: Maurice Temple Smith, 1985), p. 3-5. According to Macfarlane, human rights are those moral rights which are owned to each man and women solely by reason of being a human being”.


excesses of the Second World War, there was a revival of the natural rights movement that led to the drafting of major international human rights instruments.

In essence the growth of human rights in Western philosophy severed the link between politics and religion, thereby creating a secular national political state where notions of rights could be governed.

**Question of the right to self-determination**

The principle of self-determination is associated with Woodrow Wilson, who in 1918 as President of the US contended that "national aspirations must be respected, peoples may now be dominated and governed only by their own consent".\(^41\) This principle was, however, not incorporated in the League of Nations and was limited to the entitlement of self-determination to only people under colonial regime. Nevertheless in 1976 the two UN covenants on human rights: Civil and Political Rights and Economic, Social and Cultural Rights- that came into force, contained in their first article a guarantee of the right of self-determination.\(^42\) However, the covenants did not mention the procedure for realization of self-determination. The right of self-determination had little practical validity for in technical terms this principle did not qualify as a human right for human rights are rights of the individual, not of collectives.\(^43\) Secondly, while adopting the Declaration on the granting of independence to colonial countries and peoples in 1960, the UN General Assembly in the same resolution also recognized the principle of national unity that conflicted with the principles of self-

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\(^{42}\) David Robertson, *A Dictionary of Human Rights*.

It stated, "any attempt aimed at the partial or total disruption of national unity and the territorial integrity of a country is incompatible with the purposes and principles of the charter of the United Nations." Therefore, though the Tibetans demand for the right of self-determination on the basis of the 1960 UN General Assembly and the two covenants stands, the principle of national unity nullifies their demand. In effect, a kind of ambiguity remains between the notions of individual and collective human rights. This ambiguity lies at the heart of the Tibetan question.

**Eastern human rights debate and China**

As against the Western human rights debate, a counter debate emerged in the East around the dictum of Asian values. It was in fact, in the World Conference of Human Rights in Vienna that "East-West tension" arose on the concept of human rights. The debate was triggered off by the divergent conception on human rights between the East and the West. The Vienna Declaration while affirming that all human rights are universal, qualified this by stating that "the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind". The basic idea behind the Asian values debate was that the West had imposed its human rights standards on Asia without regard for Asia's particular history and culture. Therefore, the East

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came up with the notion of Cultural Relativism to challenge the Western notion of
human rights.

Broadly, the Asian values debate was triggered off by significant changes
in world politics. The collapse of the Soviet Union and the demolition of the Berlin
Wall heralded the triumph of the Western liberal democratic tradition and the
consequent universal validity of the human rights values. But the newly resurgent
economic powers in Asia, particularly Singapore, challenged the Western position
by advocating the dictum of ‘Asian values’. This debate questioned the Western
concept of human rights from three aspects. First, whether human rights are
universal as considered in the West or they are relative to a particular region. Second,
whether civil and political rights acquire primacy in developing countries
as they do in the developed countries or do economic and social rights deserve
greater priority. Third, whether individual rights are primary rights as in the West
or whether collective rights are important.

The Asian values debate, in fact, contained three tenets- cultural relativism,
developmentalism, collectivism- that contrasted it from the Western notion of
human rights. Cultural relativism entailed three features. As R.J. Vincent puts it:
first, it “asserts that rules about morality vary from place to place. Secondly, it
asserts that the way to understand this variety is to place it in the cultural context.

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49 Kishore Mahbubani, “‘Live and Let Live’: Allow Asians to Choose Their Own Course”, For
50 See Michael Jacobson and Ole Bruun (eds.), Human Rights and Asian Values (Surrey: Curzon
Press, 2000). Also see Bauer R. Joanne and Daniel A. Bell (eds.), The East Asian Challenge
For Human Rights (Cambridge: Cambridge University Press, 1999). See Daniel A. Bell, East
meets West: Human Rights And Democracy in East Asia (Princeton: Princeton University
Press, 2000).
Thirdly, it asserts that moral claims derive from and are enmeshed in, a cultural context which is itself the source of validity.”\(^{51}\)

**Cultural Relativism**

China, in order to confront the Western notion of universalism, has taken recourse to the rhetoric of the Asian values debate with its emphasis on cultural relativism. Therefore, in the Vienna Declaration of the UN World Conference on human rights the Chinese representatives put the Asian values debate in the following way:

The concept of human rights is a product of historical development. It is closely associated with specific, social, political, and economic conditions and the specific history, culture and values of a particular country. Different historical development stages have different development human rights requirements. Countries at different development stages or with different historical traditions and cultural backgrounds also have different understandings and practices of human rights. Thus one should not and cannot think the human rights standards and model of certain countries as the only proper ones and demand all other countries to comply with them.\(^{52}\)

In essence, human rights in China are considered as culturally relative rather than universal. References to culture and to national conditions, thus, have acquired prominence in Chinese human rights discourse since the 1990s. However, as a socialist country, China has placed less emphasis on cultural arguments and instead has harped upon different economic systems and levels of economic development that influence the realization of human rights.\(^{53}\) The Chinese argument “that different level of economic development give rise to different conceptions of

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human rights" indicate that developmentalism has increasingly characterized the PRC's human rights policies in China, particularly in the 1990s.

**Developmentalism**

The concept of developmentalism emerged in the wake of the tension that arose out of two contradictory situations in China: existing socialist tenets and the growing market economy. Market reforms have provided a space for individualism in China and created a demand for political and individual rights. To preserve the ethos of socialism which has underpinned Chinese culture, the political elite and human rights scholars in China emphasize that an "authoritarian development model would establish a market-oriented economy at the expense of political liberties." China being a developing country needs to promote economic welfare and give priority to subsistence rights like the right to food, shelter and clothing. Development, they argue, therefore, is based on certain rights because it provides the basic socio-economic conditions for people to make proper use of these rights. China's political elite argues that this discourse ensures high economic growth rates under conditions of political stability as demonstrated in the four Asian Tiger economies. Order and stability are central objectives of development discourse and the espousal of the right to development as a political

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57 Ibid., p.32


59 Ibid., p. 34
tool serves to deflect international criticism on the PRC’s human rights violation. In addition, the argument goes, since the right to development is conditioned by a national situation, sovereign rights preclude foreign powers from interfering in a country’s domestic policies. Therefore, the right to development, in effect, promotes the cause of national sovereignty.

The incipience of this development discourse can be traced in the Chinese Confucian –Mencian theory of benevolent government. Mencian philosophy laid down that “the principle duty of the government was to safeguard and protect the material needs of the subjects”. Though Mencius did not suggest that individuals should possess welfare rights as such, the supreme importance he attached to material well being had a considerable influence on the current prioritization of subsistence rights in China. Similarly, Marxist theory also spells out this concern for human material welfare. Though Marx did not mention welfare rights, he attached “considerable importance to the fulfillment of material needs in the post-revolutionary society that he envisaged as enshrined in the famous dictum “from each according to his labour to each according to his needs”. The current thinking on human rights in China with preference given to subsistence rights over civil-political rights suggests the influence of past traditions on the present. It also suggests how the Chinese State has appropriated these traditions to justify its present policies.

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62 Ibid.
63 Ibid.
64 Ibid., p., 122.
Therefore, present day China prioritizes subsistence rights over political and civil rights. The Chinese Constitutional guarantees of these rights incorporated every major category of the international covenant on economic, social and cultural rights, like granting remuneration, safeguarding conditions of rest, assuring the rights to social welfare and social insurance, granting the right of everyone to an adequate standard of living, physical and mental care and education. Thus, the concept of citizenship in post 1949 China was defined not by access to civil and political rights, as in Western societies but in terms of access to the economic right to work. 65

However, the post reform Constitution of 1982 intended to usher in changes was not a liberal document. An even greater restriction on civil freedoms was imposed in the Preamble by stating that no exercise of democracy could contradict the ‘Four Basic principles’ (the socialist road, the people’s democratic dictatorship, the Communist Party leadership and Marxist-Leninist-Maoist thought) coined by Deng Xiaoping in response to the Democracy Wall Movement of 1978-1981. 66 Where the 1982 Constitution diverged from the previous Constitution was in the extension of socio-security rights from the ‘working people’ to all the ‘citizens’. This did mark a significant shift for earlier the full enjoyment of rights in China was restricted only to those defined as the ‘people’. The ‘people’ were Constitutionally defined as ‘based on an alliance of workers and peasants’, while the non-people, namely the bourgeoisie, have had their political rights rescinded. 67 Thus, Article 45 of the 1982 Constitution stated that all the citizens of the PRC have the right to material assistance from the state and society.

65 Ibid.
66 Ibid.
67 Robert Weatherly, The Discourse of Human Rights in China, p. 120
Therefore, right from the Confucian period to the Marxist-Maoist phase down to the reform era, China has laid paramount importance to socio-economic rights.

Collectivism

The third aspect of the Chinese notion of human rights is the priority it accords to collective rights. This notion of collective rights is built upon earlier Chinese ideas about rights. In an elaborate discussion of the influence of Mencian thoughts and Marxism in shaping the Chinese notion of collective rights Robert Weatherly argues that the Chinese notion of collectivism was grounded "in the ancient Mencian belief that the people were a vital resource of the state." 68 The Confucian notion of five basic social relationships: father-son, husband-wife, elder brother-younger brother, ruler-ruled, and friend-friend essentially reflects the notion of collectivism where the role of the individual is subsumed within the family and the society. Similar notions of collectivism found resonance in Chinese Marxism in the Maoist period. Marx saw right-holders as individuals set in opposition to other individuals, groups and the community as a whole. According to Marx, "the so called rights of man...are nothing but...the rights of egoistic man, of man separated from other men from the community." 69 Toeing the Confucian idea of individual as a 'social being' Mao Zedong also talked about the 'social nature' of man and stated that man's rights could only be upheld in the social context. The process of modernization and reform in China in the post-Mao era, however, brought a new focus on the individual and on the benefits to the community of tapping individual resources. Therefore, the 1982 Constitution of the PRC granted more rights to citizens than previous Constitutions. However, it was

68 Ibid., p.102
stipulated that the rights granted were not to conflict with collective rights. Robert Weatherly study of the recent Chinese literature on human rights provides evidence for the continued emphasis of collective rights in China. He pointed out that Chinese theorists Pang Sen and Lin Jia suggest that collective national rights qualify as human rights because they lay the necessary foundations for the guarantee of individual human rights.

Controversy however, prevails over whether only individual rights be treated as human rights or whether collective rights be treated as human rights as well. Jack Donnelly insists that since human rights are the rights of human beings and only individual persons are human beings, it is reasonable to conclude that human rights are exclusively the rights of individuals. But other liberal theorists like Vernon Van Dyke suggest that human rights can also be ascribed to groups or collectives, such as ethnic minorities or peoples because under certain circumstances the guarantee of these collective human rights is a precondition for the protection of individual human rights. Yet a third group of writers like E Ghosa E. Osaghae believe that human rights should comprise both the notions of individual rights and collective rights which together is called human rights approach. The Chinese government in general adheres to the collective notion of human rights.

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Growth of Chinese human rights tradition

What is striking about the Chinese notion of human rights is that the whole idea of human rights, and rights in particular, emerged as a challenge to mid 19th century imperialism. In fact, the translators of Western political philosophy found it difficult to arrive at a Chinese equivalent of the term 'right'.\textsuperscript{75} The term right (Chuan Li) used in the Chinese language is an import from Japan which literally means power and interest and which was first coined by a Japanese writer on Western public law in 1868.\textsuperscript{76} This new discourse on rights emerged to confront the West and to find new avenues and efficient means to save China from foreign onslaughts.

A survey of the writings of the Chinese literati on the new vocabulary on rights not only highlights the general understanding of the meaning of rights in China in the 19th and 20th century but also reflects the concerns of the literati in building a Chinese nation based on the new vocabulary. Further, in this whole new discourse on rights in China, it would also help to reveal how China views minority rights including the right to self-determination.

Liang Qichao, (1873-1929) a leading political thinker in the late Qing period, began writing about rights as early as 1896.\textsuperscript{77} His essay "On Rights Consciousness" (Lun Quanli Sixiang) written in 1902, portrayed rights as belonging to all humans. The claim to rights, according to him, distinguished human beings from animals. Human beings, like animals, needed to preserve their lives but, unlike animals, in addition to preserving their lives they needed to also

\textsuperscript{75} Chung-Shu Lo, "Human Rights in the Chinese Tradition", The Universal Declaration of Human Rights, Articles reprinted from Human rights Comments and Interpretation, a symposium edited by UNESCO, 1949, p. 16.

\textsuperscript{76} Ibid.

protect their rights.\textsuperscript{78} Only strong individuals could safeguard these rights. Liang argued that a citizenry was a collection of individuals and this group of individuals, who possessed rights by virtue of their strength, could only think in terms of the collective. Thus, the nation’s rights were formed from the rights of the individuals. Liang, thus, advocated rights as a necessary condition for the creation of a strong nation.

In an anonymous essay published in 1903, entitled, "On Rights", the writer made an interesting observation on definition, function and substance of rights. He noted that "rights lie in the completion of human beings."\textsuperscript{79} Lamenting that the Chinese having been groomed in Confucian philosophy, had become submissive and have so easily succumbed to the Western pressure without making an effort to restore their rights, he argued that instead of the Confucian idea of ‘rites’, the Chinese people should adopt the notion of ‘rights’. He noted that the English saw rights as ‘interest’, the Germans saw rights as ‘power’ and the French saw it as ‘natural lot’. Choosing to support the French concept of rights, the author wrote that human beings possessed rights as part of their natural lot. This guided them on what to do and what not to do. It was the natural lot of human beings not to be controlled by others and have the right to freedom, he concluded.\textsuperscript{80}

"Revolutionary Army", written by Zou Rong (1885-1905) in 1903 portrayed strong anti-Manchu racist idea and advocated revolution to destroy the non-Han Qing rulers. He stated that revolution was necessary to restore the natural rights of the people. Thereby, freedom of the individuals would be ensured and self-rule could be established.

\textsuperscript{78} Stephen C. Angle and Marina Svensson (eds.), \textit{The Chinese Human Rights Reader}, p. 6  
\textsuperscript{79} Stephen C. Angle and Marina Svensson (eds.), \textit{The Chinese Human Rights Reader}, p. 19  
\textsuperscript{80} Stephen C. Angle and Marina Svensson (eds.), \textit{The Chinese Human Rights Reader}, p.22.
Hailing the China for the Chinese, he says, "we compatriots should identify ourselves with the China of the Han Chinese. No alien race shall be allowed to trample on the slightest rights of the country... All the obligation of the Manchus should be abolished."\(^{81}\) Zou Rong's "Revolutionary Army" is particularly important for it suggested how the notion of rights germinated in opposition to the rule of a non-Han dynasty.

Talking about rights, Sun Yatsen (1866-1925) in his *Minquan Zhuyi* argued that people's freedom is not so important for China as the freedom of the nation. He considered that the Chinese people had become "a sheet of loose sand" because they had excessive liberty and consequently they were invaded by the foreign powers.\(^{82}\) Opposed to individual freedom, he advocated liberty for the nation for only this could ensure a strong nation. "If we apply it (liberty) to a person, we shall become a sheet of loose sand" he said. "On no account must we give more liberty to the individual; let us secure liberty instead for the nation".\(^{83}\) So he called for 'people's right' (*minquan*) over individual rights since people's power represented the power of the nation. Sun Yatsen therefore, viewed individual rights as an obstruction to the nation's unity.

Luo Longji (1898-1965) a political scientist, published a number of articles on human rights in the magazine *Xinyue* in 1929 and 1930.\(^{84}\) In Luo's conception of human rights, "clothing, food and shelter; the protection of bodily safety; and conditions for attaining the goals of an individual becoming the best person he or

\(^{81}\) Stephen C. Angle and Marina Svensson (eds.), *The Chinese Human Rights Reader*, p.34.
\(^{83}\) Ibid., p. 76
\(^{84}\) Stephen C. Angle and Marina Svensson (eds.), *The Chinese Human Rights Reader*, p.138
she can be, are necessary qualifications for human beings and this comprise human rights.”

Therefore, in the mid 19th century and early 20th century the Chinese scholars and the literati under the influence of the Western notion of rights redefined their notions of rights. However, in their attempt at nation building the Chinese embarked not on the formulation of a new model or replicating the Western model of rights. Instead, the Chinese by drawing upon the traditional doctrine of Confucianism, formulated the notion of rights giving it an essentially Chinese character. In fact, Confucian tradition was so heavily dominant in Chinese psyche that Sun Yatsen could not but think that individual rights could exist along with collective rights and hence he considered individual liberty a hurdle to nation’s liberty. As Robert Weatherly aptly suggests, the Chinese “favoured the more instrumentalist view of rights as a means to the nation building goals of the Chinese state.” Therefore, the notion of collectivism instead of individualism became the hallmark of the Chinese notion of human rights.

While, as Marina Svensson insists it is “ahistorical...to try to discover proto-human rights ideas within Confucianism”. The Chinese have attempted to create a framework of human rights debate drawing from past tradition and inextricably linking it to the question of nationalism. To proclaim the Chinese origins of human rights is to deflect the criticism of wholesale Westernization. In other words, China’s attempt at building Chinese notions of human rights harks back to its ti-yong dilemma. By keeping the spirit of Chineseness intact, China

sought to portray that it is modern, yet not Western. The combination of modernity and anti-Westernism was the basis for Chinese nationalism. This, in turn, gave legitimacy to the Chinese notion of human rights as well. China's present stand on upholding the strand of developmentalism in the Asian values debate reflects the same preoccupation with defining the distinctiveness of China. At the same time, it effectively spreads the message that human rights is not the domain of the Western world alone. By defining human rights in its own terms, the East appropriates its right to formulate its own norms in an otherwise West-dominated world order. By following an indigenous definition of human rights East, particularly China, also shuts out foreign interference and upholds the sovereign rights of the nation. In general, China regarded Western human rights preoccupations as neo-imperialistic. It essentially views Western human rights criticism as a Western strategy of peaceful evolution (he ping bianyan) that "attempts to subvert the socialist system of China, suppress its economic development and establish Western hegemonism (baquan Zhuyi)." Therefore, it is not surprising that the question of human rights has become a battle between Chinese nationalism and American hegemonism. As a response to what it saw as American onslaughts on its sovereign rights the Chinese came up with the White Paper criticizing US human rights condition. Therefore, the Asian values debate has become an effective tool in the Chinese hands to promote Chinese nationalism rather than the cause of human rights per se. The human rights issue, in fact, acts like a double-edged sword. It promotes the cause

of national dignity and sustains China’s cultural identity while enabling China to oppose hegemonism and domination by the West and promote the sovereignty of the nation. Within this context China views the growth of Tibetan nationalism with apprehension and as a Western conspiracy to dismember the Chinese State. The Tibetan question is therefore, sandwiched not only between opposing definitions of human rights but also between China’s own notions of nationalism and Tibetan nationalism.

Impact of Chinese nationalism on Tibet

The impact of Chinese nationalism on Tibet can be understood at two levels: the rhetorical and the practical.

The Rhetorical Level

Tibetan concerns over human rights and self-determination have largely come from the Dalai Lama as well as from various diasporic scholars working for the self-determination of Tibet. In his address at Yale University the Dalai Lama in October 9, 1991, said that the fundamental differences highlighted between the Asian view of human rights and Western notions of human rights are incorrect. He pointed out are not the internal affairs of any country but are fundamental concerns of all people. The Dalai Lama’s stand on Tibet is encapsulated in his Five Point Peace Plan of September 21, 1987 that is still relevant today. The basic elements of the Five Point Peace Plan were.

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91 The Dalai Lama, "Embracing the enemy", Address to Yale University, New Haven, Conn., USA: October 9, 1991, in Dharamsala And Beijing: Initiatives and Correspondence, 1981-1993, The Department of Information and International Relations, Dharamsala: India, p.57

92 Memorandum to Deng Xiaoping and Jiang Zemin from His holiness the Dalai Lama, Dharamsala, India: September 1, 1992 (Translated from Tibetan), published in Dharamsala And Beijing: Initiatives and Correspondence, 1981-1993, The Department of Information and International Relations, Dharamsala: India, p. 71-72.
• Transformation of the whole of Tibet into a zone of ahimsa (peace and non-violence);
• Abandonment of China's population transfer policy which threatens the very existence of the Tibetans as a people;
• Respect for the Tibetans people's fundamental human rights and democratic freedom;
• Restoration and protection of Tibet's natural environment and the abandonment of China's use of Tibet for the production of nuclear weapons and dumping of nuclear waste;
• Commencement of earnest negotiations on the future status and relations between the Tibetan and the Chinese peoples.

Apart from the Dalai Lama, the Tibetan human rights position and self-determination is discussed among a wide range of Tibetan and Western scholars. A three-day meeting of intellectuals of the exile community in Dharamsala took place in January 21-23. During the discussion four approaches to the Tibet question were adopted: continuing the Dalai Lama's middle path policy of genuine autonomy; launching a Gandhian civil disobedience movement inside Tibet; asking for self-determination or fighting for independence.93

Tibetan scholar Dawa Norbu categorically pointed out that an objective reading of UN General Assembly resolutions of 1959, 1961, and 1965 reveal that human rights is inseparable from freedom. Therefore, he advocated the right to

internal self-determination for the Tibetans. Further, Norbu pointed out that the Communist’s claim that the right to self-determination is untenable under a Communist regime since there is no economic and political oppression, is invalid for under communism there is widespread political and economic oppression in Tibet. Norbu also pointed out that a strong ground for Tibetan demand for self-determination is its qualification as a “distinct people”. Elaborating on this qualification, he enumerated seven factors that contribute to the formation of Tibetan as a “distinct people”. The Tibetans have

- A rich common history and a richer religious history
- Commonality of race
- Common culture
- Linguistic unity
- Religious or ideological affinity
- Territorial distribution in a specific region
- Economic affinity.

Based on these elements Dawa Norbu claimed that Tibet possesses all the characteristics of a nation and it “fulfils all the qualifications as a distinct people, be it from the viewpoint of international law or in communist parlance.”

The other aspect of human rights is the economic, political and social condition of the Tibetan population. On these several concerns have been raised by Chinese dissident voices, represented by Wei Jingsheng and Fang Lizhi and by

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several Tibet support groups\textsuperscript{96} besides international associations working for the Tibet cause. These Tibetan and Western human rights activists point to indicators of human rights violation perpetrated by the Chinese government in Tibet. The Country Report on Human Rights Practice- 2000 released by the Bureau of Democracy, Human Rights and Labour, the US State Department, February 2001 enumerated the gross Chinese violation of human rights in Tibet in the following way by pointing to the fact that,\textsuperscript{97}

- Large-scale transfer of Han population in the Tibet Autonomous Region (TAR) has sidelined Tibet’s traditional dominance.
- Ethnic Han Chinese hold many positions of real power and they make most key decisions in Tibet.
- Discrimination in employment is rampant with ethnic Han hired preferentially for many jobs and receiving higher pay for the same work.
- Tibetan language is neglected and Chinese language is used in most commercial and official communications.
- Severe restrictions have been imposed on many traditional practices of the Tibetans and public manifestations of religious belief in the TAR’s urban areas have been restricted. The government has moved to curb the proliferation of monasteries- as it regards them as the den of subversive activities.
- Government commits serious human rights abuses by torture, arbitrary arrest, and detention without public trial and imposes lengthy detention of

\textsuperscript{96} There are as many as twenty support groups around the world who are directly or indirectly involved in the Tibet support movements.

Tibetan nationalists for peacefully expressing their political or religious views.

- The government has turned Tibet into a dumping ground for radioactive waste from nuclear power stations. In addition, large-scale deforestation in Tibet to meet China's increasing need of timber has caused widespread ecological damage.

In effect, the impact of China's minority policy and regional autonomy practices has greatly affected Tibetan nationalism. Dawa Norbu contends that 'Han majoritarianism' has been catastrophic for Tibet. It essentially implied that the Han being in the majority had the right to rule over the minority. The logical corollary to this was that Han culture became the cultural model legitimizing national integration and assimilation of the minorities. Therefore, Han nationalism threatened the "cultural identity and political autonomy of the Tibetan people". Norbu further argued that the denial of self-determination and adoption of regional autonomy in Tibet was meant to promote Han hegemonism and Han expansionism in non-Han regions.

**The Practical level**

The Han policies led to two major riots in Tibet, one in 1959 and the other in 1987. Both indicate the longstanding simmering discontent of the Tibetans over Han atrocities against Tibetan culture and identity. It is significant that there was a revolt in Tibet in 1959 when "overall policy towards political Tibet (TAR) was undoubtedly realistic." However, the rebellion of 1959 started in the Eastern

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Tibet (Kham and Amdo) which lay outside the jurisdiction of Lhasa.\textsuperscript{101} This region was annexed and incorporated and had been the part of the imperial Chinese administration for centuries.\textsuperscript{102} Yet the Eastern Tibetans were at a distance from Lhasa, they behaved and acted like any other Tibetan. Eastern part of Tibet enjoyed independence from both Beijing and Lhasa. However, as Norbu argued, the loyalty of the Tibetans in the East to the Dalai Lama a “pan-Tibetan symbol” was unquestionable. Yet CCP policy treated the two areas differently. The 1951 treaty between China and Tibet signed in Beijing guaranteed that a) the existing political system, including the power and the position of the traditional ruling elite would function as before; b) neither the power nor income of the “church” would be reduced and religious freedom would be protected; c) with regard to the “various reforms” there would be no compulsion on the part of the central authorities.\textsuperscript{103} However, the clauses of this treaty were applicable to only that part of Tibet, which was ruled by the Dalai Lama while two-thirds of the Tibetan speaking population which lived outside Lhasa was subjected to a radical policy similar to the one pursued in the rest of China.\textsuperscript{104} The introduction of reforms in Eastern Tibet came in 1952-53. In Western Tibet they were introduced only six years later. The changes that the reforms brought in the eastern part caused tremendous upheaval not only in property relations but in value system as well. Therefore, the Tibetan revolt of 1959 was caused by the “inevitable clash of two diametrically opposed value systems”.\textsuperscript{105} Norbu traces the cause of the rebellion in the Chinese policy with regard to the ethnic Tibetans of the Eastern region that was

\begin{itemize}
\item \textsuperscript{101} Tom Grunfeld, \textit{The Making of Modern Tibet} (London: M.E. Sharpe), 1996, p. 132.
\item \textsuperscript{103} Ibid., p. 214.
\item \textsuperscript{104} Ibid., p. 215.
\item \textsuperscript{105} Ibid., p. 216.
\end{itemize}
based "on rigid legality and lack of realism". The fundamental flaw of the Chinese government lay in treating the Eastern Tibet as both de jure and de facto Chinese. But Beijing did not consider this.

The 1987 revolt was also caused by similar reasons. Deng Xiaoping’s reform policies ushered in considerable liberalization and reform in Tibet. The Tibetans were exempted from paying taxes. Central funds to the TAR were increased. Restrictions on religious practices were removed. Yet, there was revolt. Dawa Norbu generalizing on the pattern of revolts, concludes:

It seems to have more to do with ethnicity than with economics. Ethnicity, ethnic identity and ethnic nationalism—these are the etiology and dynamics of the conflict between the Han state and Tibetan ethnicity during the past 50 years. The common people of Tibet may not know the latest political vocabulary to describe Han domination...but they realize that they are under non-Tibetan rule...According to the logic of ethnicity, a regime is legitimate if the ruling class and the ruled share the same culture, language, tradition, historical memories, etc. This logic makes Han domination in Tibet illegitimate.

Assessment

From the study of human rights traditions in China, it emerges that individual human rights notions took shape primarily in China’s encounter with the West. In Confucian ideology, there was no place for the rights of the individual, rather Confucianism outlined duties for the individual towards the society, the family and the ruler. By performing these duties, social harmony and order could be maintained in society. The central idea as embodied in the concept of human rights—namely, that every individual has legitimate claims upon his own society for

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107 Ibid., p. 349.
certain freedoms and benefits by virtue of being human--was alien to the Chinese concept of rights.\textsuperscript{108}

With the Western intrusion a new vocabulary of rights emerged in China. However, interestingly, the new vocabulary was heavily dominated by Confucian tradition. Thus, for instance Sun Yatsen's idea of minquan did not imply civil-political rights but power due to the people to determine the freedom of China.\textsuperscript{109}

In the post 1949 era, combining the Confucian-Mencian philosophy of subsistence rights with the Marxian emphasis on social and economic rights China announced its own definition of human rights where social-economic rights were prioritized over civil-political rights and collective rights gained predominance over individual rights. Resonating Sun Yatsen's idea of human rights, the 1991 White Paper on Human Rights in China while granting civil-political rights, immediately mentioned that “the fundamental rights and duties of the citizens are to support the leadership of the Chinese Communist Party, support the socialist system”.\textsuperscript{110} Zhu Muzhi, chairman of the China Society for Human Rights Studies, states that “The right to subsistence and development is the right of prime importance for developing countries like China. There cannot be any other human rights without the right to subsistence and development.”\textsuperscript{111}

The Chinese notions of human rights, however, have been largely internationalized with the Tiananmen Movement of 1989. Even before this many dissident writings on human rights emerged from China, particularly during the 1979 Democracy Wall Movement when Wei Jingsheng was sharply critical of the

\textsuperscript{109} Ibid.  
\textsuperscript{110} Ibid., p. 186.  
Chinese government’s position on human rights. In his ‘Prison Letter’ written in 1991, he refuted the Chinese government’s stand that human rights is an internal affair, that different cultures and societies have different human rights conceptions, and that economic rights supersede all other rights. 112 Similarly, Zhang Wenxian, a legal scholar at Jilin University wrote in 1992 in an essay “On the Subject of Human Rights and the Human Rights of Subjects” that individuals were the proper subjects of human rights. Also criticizing the Chinese government’s stand on human rights, Hu Ping, a Chinese intellectual in exile, strongly defended the idea that human rights are universal. 113 These Chinese dissident writings had a definitive impact on the conception of human rights in China. These writings raised doubts about China’s human rights commitment. The Tibet Information Network (TIN) report states that in 1999 there were as many as 500 political prisoners in Tibet. Reportedly 80% of female detainees were nuns and approximately 66% of male prisoners were monks.

In the background of Chinese nationalism and human rights position, Tibetan nationalism failed to achieve its goal of self-determination. It may be argued that the failure of Tibetan nationalism is also attributable to the international factor that intervened in Sino-Tibet relations and created more complications. While Tibet gained a lot of international attention, none of the foreign powers was ever genuinely concerned with Tibetan independence. This reality of the Tibetan question existed in the 19th century and this prevails in the present era as well. In the 19th century, Tibet managed to preserve its de facto independence from 1912 to 1950 but failed to get international recognition. This

113 Ibid., p.424.
was because of the British influence on Sino-Tibet relations. In fact, Tibet became a victim of British imperialism in the 19th century. The British imperative to keep Tibet as a buffer state in the wider question of security requirement in India and commercial interest in China led to the recognition of Chinese ‘suzerainty’ on Tibet.  

Therefore, the 1904 Younghusband Expedition, the 1904 Lhasa Convention and 1914 Simla Convention may all be seen as a British attempt to define the legal status of Tibet to suit its purpose.  

Warren Smith, thus, said “had Britain regarded Tibetan independence in 1912 as Russia recognised Mongolia, Tibet might be an independent country today.” In a similar fashion, the contemporary US concerns about Tibet are primarily confined to the rhetoric of human rights abuses in China. In fact, the first official international support for the Tibetan political cause came in 1987 when members of the US Congress attached a resolution to a State Department authorization bill deploring human rights violations in Tibet.  

However, at the US House of Representatives Committee on Foreign Affairs hearings on human rights in Tibet in October 1987, the Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Stapleton Roy, complained that “when he (the Dalai Lama) assumes a political status and advances a political program for Tibet, which we consider to be part of China, the US government cannot support him”.  

Though the US uses human rights as a tool for manoeuvring its relation with China, it does not use it far enough to include Tibet’s right to freedom and jeopardize its own economic relations with China. Moreover, China’s growing national and economic power has enabled it to silence

114 Dawa Norbu, China's Tibet Policy.  
115 Warren W. Smith, Tibetan Nation, p. 662.  
116 Ibid.  
117 Ibid., p. 598.  
the voice of the Western powers. In fact, China uses the "human rights card" to further its national and foreign policy interests.\textsuperscript{119} It uses human rights commitments as bargaining chips with the US. For instance, the timing of the endorsement of the two UN human rights covenants and the release of Wei Jinsheng are evidence of China's playing the human rights card.\textsuperscript{120}

In this background Tibetan nationalism that mainly draws its strength from the human rights debate, loses its significance. The weakness of the Tibetan movement in fact, lies in its heavy insistence on the human rights debate rather than on the notion of independence. As one Tibetan writer stated, the human rights discourse has obscured the true goal of the Tibetan people which is the restoration of Tibetan independence.\textsuperscript{121} This reliance on human rights was mainly due to the easy availability of international attention to the cause of Tibet on those grounds.

The second reason for the weakness of the Tibetan movement may be sought in the fact that human rights criticism both from the West and the Tibetan diaspora poses no military threat to the Chinese government. The criticism is mainly at the rhetorical level and at best only linked to the grant of MFN status with the human rights issue prior to China's accession to the WTO. Further, though the exiled Tibetan government in India causes embarrassment to the Chinese government, it lacks logistical support to determine any military threat to the Chinese government, unlike Taiwan.

On the contrary the Chinese government has appropriated Western human rights criticism in mobilizing nationalistic voices in China. The earlier linking of MFN status to the human rights issue in China fuelled nationalistic opinion in

\textsuperscript{119} Yongjin Zhang, China in International Society since 1949, p.191.
\textsuperscript{120} Ibid.
China. Similarly not allowing China to stage the 2000 Olympic Games on the
ground of poor human rights standard churned nationalistic feelings among the
Chinese. This nationalistic voice has enabled the Chinese leadership to stifle
dissenting voices and this has further diluted the Tibetan influence in domestic
spheres as well as in the international arena. The Chinese leadership has viewed
criticism of human rights in China as a strategy of “peaceful evolution” by the
West that aims to erode the legitimacy of the Communist Party and the sovereignty
of China. In particular, the Tibetan question was viewed as a Western conspiracy
to subvert the power of China. This Western criticism has enabled the leadership to
mobilize the voices of Chinese to oppose Western hegemonism. At the same time
it has given the Chinese State leeway to apply stringent polices in Tibet like that of
the ‘Strike Hard’ campaign of April 1996. By effectively portraying the Western
criticism of human rights in China as a conspiracy to contain and dismember China
reminiscent of the post-Opium War era, China not only deflected international
criticism of human rights abuses in China but also helped to isolate the voice of the
minority Tibetan nationalism. The confusion and ambiguity about the question of
the right to self-determination in international law with the priority given to
territorial integrity over secession has further weakened the Tibetan nationalist
voice. Hence, Tibetan nationalism remains a victim of the wider Chinese
nationalism.

However, the persistence of Tibetan nationalism as reflective of sub-
nationalist voice is a constant challenge to Chinese nationalism. Chinese
nationalism, therefore, took shape under the influence of these sub-nationalistic
forces. Further, the Tibetan issue being associated with the human rights debate
impacted on the Chinese definition of human rights. The Chinese definition of
human rights harked back to a culturalist view of the state where concepts of culture stand as a marker of particularity. Further "since norms and values- which include notions of rights and duties- are derived primarily from 'culture' and are not inherent in a universal human psyche, it follows that different cultural communities will have different notions of right and wrong, good and evil". By appropriating this culturalist view of human rights, China not only deflected Western infringement on its sovereign rights but also effectively laid out its own discourse of nationalism where sub-nationalist voices could integrate. The economic development and prosperity of the minority were, thus, viewed as important steps towards improving the human rights of the Tibetans. This notion of the economic development of the backward minority regions was an argument that aimed to solve the national question and the regional autonomy system implemented by the Chinese government was, thus, in conformity with the Chinese definition of nationality and nationalism. The autonomy system was meant to function under the concept of China as a unitary state. As Heberer comments,

The relationship between the central and lower levels (of the government) is defined by the principle of democratic centralism. According to party statutes, this means subordination of the individual to the organization, subordination of minority to the majority, subordination of lower levels to the higher levels, and finally subordination of the whole party to the central committee. Because of this, autonomous regions have to adopt to this overall union and are not allowed to declare their withdrawal, although the various nationalities do formally enjoy equality of status. In this scheme, autonomy is subject to the interest of both the state and the Communist Party of China.

The Chinese autonomy system, thus, avoided the concept of a federated union, adopted under the erstwhile Soviet Union, for it contained the seeds of disintegration. Chinese regional autonomy was based on pragmatism and a

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combination of Marxism and culturalism. Under this system Tibet enjoyed only limited autonomy and its autonomy rights were sacrificed at the altar of national unity. The Chinese leadership, thus, carefully intertwined the human rights issue with the minority development issue to meet the challenge of Tibetan nationalism. What actually happened was the imposition of Han nationalism on minority cultures. As the Han was the majority group in China, Han nationalism was presented as the leading cultural-political model for the minorities to follow. However, this Han nationalism did not address the question of cultural identity and political autonomy of the minorities. Therefore, the prevalence of dissident voices in China and the occurrence of Tibetan revolt from time to time signify the fragility of Chinese nationalism today.

124 Baogang He, “The Chinese Commitment to the Autonomy of Tibet”, p. 177.
125 See, Dawa Norbu, China’s Tibet Policy, p. 96.