

Is Tibet a Nation State: The Sovereignty Debate

Tibet is a region in East Asia covering much of the Tibetan plateau. The highest region in the world, it is home to the Tibetan people and some ethnic groups like Monpa, Sherpa and Lhoba. The economy is characterized by subsistence farming and tourism is becoming a growing industry lately. The dominant religion is Tibetan Buddhism.

A Brief History:

Tibet was first unified in the 7th century AD under the rule of Songsten Gampo (604 -650 AD) and his successors. From the 7th to 9th century the kingdom was a significant power in Central Asia.

After a period of control by the Mongol Empire and Yuan dynasty, Tibet became effectively independent in the 14th century and was ruled by a succession of noble houses for the next 300 years. In the 17th century, the senior lama of the Gelug school, the Dalai Lama, became the head of state. In the 18th century, a Qing dynasty expeditionary force conquered Tibet, and it remained a Qing territory until the fall of the dynasty. In 1912, the 13th Dalai Lama declared Tibet's independence, and it remained independent until 1950, when the People's Republic of China (PRC) invaded and began to assert control. In 1959, the 14th Dalai Lama went into exile in India in response to hostilities with the PRC. The Chinese invasion and flight of the Dalai Lama created several waves of Tibetan refugees and led to the creation of Tibetan diasporas in India, the United States, and Europe.

What is a Nation State?

A nation-state is a political community in which the state claims legitimacy on the grounds that it represents all citizens, including those who may identify as a separate community or nation. It has four essential characteristics: a defined territory with established boundaries; a permanent population which identifies with a common identity as a result of maybe common descent, common culture, sometimes common language; a government and a sovereign entity. The sovereign state uses its representative nature to make laws internal to its borders, it has a monopoly over the legitimate use of force within its own borders through the police and the military. The state has supreme and absolute authority within its territorial boundaries. In theory, no state has the right to interfere with the internal affairs of another state. Every state has some form of government comprising the institution through which the state maintains social order, provides public services, and enforces decisions that are binding on all people living within the state. This representative of the state enters into inter state relations on behalf of the state entity.

What is self-determination?

Self-determination, the process by which a group of people, usually possessing a certain degree of national consciousness, form their own state and choose their own government. The UN Charter clarifies two meanings of the term self-determination. First, a state is said to have the right of self-determination in the sense of having the right to choose freely its political, economic, social, and cultural systems. Second, the right to self-determination is defined as the right of a people to constitute itself in a state or otherwise freely determine the form of its association with an existing state.

The case for Tibet's sovereignty and right to self determination

- In 1913, the XIII Dalai Lama proclaimed Tibet's independence and the last of Qing Emperor's troops were driven out. Tibetans acknowledge that they had a suzerain relationship with the Qing (Manchu) Empire. Suzerainty is a vague and legally undefined concept – the idea that Tibet existed as a protectorate of some kind in relation to the Qing Empire, but was not a legal part of the Manchu sovereign state. What existed between the Dalai Lamas and the Manchu emperors was a *cho-yon* (Patron-preist) relationship. However, within a few decades the Qing Emperors stopped providing protection that was their side of the *cho-yon*, effectively ending it.
- The original text of the Tibetan-Mongolian treaty acknowledging their status as independent states, which was doubted earlier, was discovered in 2007 lending credence to Tibet's independent status back in 1913.
- Tibet was able to enter into relations with other states prior to 1950. For example, it had a treaty with Ladakh in 1842, with Nepal in 1856. The irony lies in the fact that Nepal quoted this very treaty as evidence of its ability to enter into inter-state relations while applying for membership of the UN in 1949!
- In 1950, when the PRC entered Tibet, there already existed an effective governance of the Tibetan people. The Dalai Lama administered with the help of a Cabinet (Kashag) and an Assembly (Tsongdu).
- In 2003 a Tibetan passport was rediscovered in Nepal establishing that Tibetans were able to travel as recognized citizens of Tibet prior to Chinese invasion of 1950. The passport had been issued in 1947 by the Tibetan government to Tsepon Shakabpa, Tibet's then Finance Minister. The passport carries visas and entry stamps from countries, including India, the United States, the United Kingdom, France, Italy and Switzerland. Some of these visas acknowledge the passport bearer's status as an official of the

Government of Tibet, through wording such as “Service Visa”, “Diplomatic Visa”, and “For government official”

- The Chinese invaded Tibet in 1950. Tibet was an independent, sovereign nation when the armies of the People’s Republic of China (“PRC”) entered Tibet in 1950. Tibet at that time presented all the attributes of statehood. Even the PRC does not dispute that the Tibetans are a distinct people who in 1950 occupied a distinct territory. Tibet also had a fully functioning government headed by the Dalai Lama. That government, free from outside interference, administered the welfare of the Tibetan people through civil service, judicial and taxation systems, as well as through a postal and telegraph service, and a separate currency. The government controlled the borders and issued passports to its people, which were recognized internationally. It entered into treaties as a sovereign with other states, including Great Britain, Ladakh, Nepal and Mongolia. The Seventeen Point Agreement of 1951, which the PRC claims resolved Tibet’s status, was signed under duress when large parts of Tibet were still occupied by the PRC’s army.
- In March 1959, the various Tibetan resistance movements’ activities and the growing popular resentment to Chinese rule culminated in an open revolt in Lhasa and the surrounding areas. The PLA put down the revolt in a relatively short time, but casualties were high. Around 90,000 Tibetans were killed¹⁸¹ and as many fled the country, while tens of thousands were imprisoned. The Dalai Lama and most of his ministers managed to escape in the night of March 17, arriving in India two weeks later.
- The XIV Dalai Lama, Tibet’s political and spiritual leader since 1950, devolved his political authority in 2011 amending the 1991 Charter for Tibetans in Exile and vesting political authority in the Tibetan Government in Exile and its democratically elected representatives.

It is therefore established that Tibet was an independent, sovereign state till the PRC’s invasion in 1950. They were an identifiable people living within distinct boundaries, with a functional government headed by the Dalai Lama. Even if one questions its statehood in 1950, the right of the Tibetan people to self-determination cannot be taken away. Recognized by International law and codified in the UN Charter, they are entitled to choose their political status. The PRC’s claim of territorial integrity is not borne out by its conduct. A legitimate government is obliged to protect the fundamental rights of ALL of its people without discrimination. Their role on the other hand has been repressive and discriminatory.

The PRC claims that the Seventeen Point Agreement of 1951 resolved the question of Tibet’s status. However, this Agreement was signed when large parts of Tibet were still under occupation by PRC army personnel, there was the threat of increased aggression and Tibetan representatives

did not have a mandate to sign on behalf of the people. Its legal validity therefore is open to question.

While disputes exist over the territorial boundaries of Tibet, that is true of several nation states. India has disputed territories with Pakistan and China; Switzerland and Italy need to redraw borders as climate change melts glaciers in the Alps. This does not affect the legal status of the disputing states, if anything it acknowledges their statehood. Moreover, the existence of an exiled government only drives home the continuity of an occupied State. During WWII, governments of states occupied by German and Italian forces (Netherlands, Norway, Yugoslavia) carried on their activities in London.

The PRC has not been able to demonstrate that its sovereignty over Tibet was established through a consensual process.

There existed an earlier interpretation of international law, wherein prolonged exercise of authority over a region was equated to acquiring sovereignty over the region. However, the UN Charter by banning the use of force effectively removed the right to wage war and therefore the right to annexation. Claim to territories can no longer be defended if these territories were annexed by using force.

Conclusion:

In summary the evidence presented in the paper clearly checks the boxes required for an entity to be recognized as a nation state. Even though the Dalai Lama himself says that Tibet is a part of China, several Tibetans do not agree with him. Let's remember that the XIV Dalai Lama, Tibet's political and spiritual leader since 1950, devolved his political authority in 2011 amending the 1991 Charter for Tibetans in Exile and vesting political authority in the Tibetan Government in Exile and its democratically elected representatives. So while he may be a key opinion holder, he does not have the authority to represent the views of the people as he is not their democratically elected representative.

Reality however, is not as simple as this theoretical exercise. Today's Tibet is internationally recognized as part of China. It is not listed in the list of countries and territories to be decolonized published in 2008 by the UN, and China is not mentioned among the administering powers. No country has recognized the Tibetan government in exile as the legitimate government of Tibet.

The PRC's repressive presence, the building of a new railway link between Lhasa and the western Chinese province of Qinghai bringing with it the possibility of an influx of Chinese migrants who could overrun the indigenous Tibetan people; the pendulum like stand of world economies like the UK on its sovereignty all point towards the need for non-state actors to bend international will and swing political opinion in favour of Tibet's claim to sovereignty. One cannot forget and

of paramount importance, given the crisis in Tibet with 99 self-immolations since February 2009, and as a result of China's continuing repression of the Tibetan people, is that the Tibetan people's legitimate right to self-determination is more robust than ever.

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