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TIBET POLICY JOURNAL

Simla Convention After A Hundred Years

The Tibet Policy Institute

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Mission of the Tibet Policy Journal

Tibet Policy Journal of the Tibet Policy Institute comes out two times a year, alternately in English and Tibetan. The inaugural edition of the journal looks into the Simla Convention held a hundred years ago. Our contributors who were also participants at a lively one-day conference on the Simla Convention, organized jointly by the India International Centre and the Tibet Policy Institute on 3 July 2014 in New Delhi, examine the political climate of the time and the compulsions of British India, Tibet and Republican China to participate in the conference.

On a broader scale, Tibet Policy Journal hopes to evolve into a common discussion forum for all Tibet scholars to examine contemporary Tibet in all its aspects. The Journal invites scholars who have deep insights into the economy, development, politics, culture and environment of Tibet today to share their unique perspectives with a larger international audience.

Primarily, Tibet Policy Journal hopes to serve as a platform for the fellows and researchers of the Tibet Policy Institute and young Tibetan scholars around the world pursuing their higher studies on Tibet, China, South Asia and international relations to discuss the field of their research and contribute to a deeper understanding of Tibet.

Thubten Samphel
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Simla Convention After A Hundred Years

Sikyong Dr. Lobsang Sangay, 3 July 2014, India International Centre*

Honorable Chief Guest, Dr. Murli Manohar Joshi and Guest of Honor, Dr. KapilaVatsyayan, I thank you very much for giving personal and passionate accounts of history and for your friendship with Tibet and His Holiness the Dalai Lama. I would also like to thank Professor Siddiq Wahid for chairing this panel, and my friend Dr. Michael van Walt van Praag for coming all this way to participate in this conference.

Today, we mark the centennial of the Simla Convention. In this intervening century, much has changed and progressed in the world but the issue of Tibet, unfortunately, has not. In the last century, two world wars brought an end to colonialism, India achieved independence, and China became a People's Republic but Tibet still remains under occupation. The Berlin Wall collapsed, the Soviet Union imploded, the Cold War ended and along with it the third wave of democracy swept the world with the Colour Revolution in eastern Europe and the Arab spring in the Middle East and north Africa, but democracy is yet to touch the shores of China, the country with the

** Dr. Lobsang Sangay is the Sikyong (Political Leader) of the Central Tibetan Administration*

world's largest population.

Also in this century, many Nobel peace laureates have struggled and eventually experienced positive changes and successes. For example, Nobel Peace Laureate Nelson Mandela, after spending 27 years in prison, went on to become the president of South Africa where democracy was revived and equality was introduced. Similarly, Nobel Peace Laureate Jose` Ramos-Horta returned to independent East Timor after many years in exile; Nobel Laureate Betty Williams witnessed peace prevail in Northern Ireland with the Good Friday Agreement; and Aung Sung Sui Kyi, after many years of house arrest, now travels around the world and strives to revive democracy in Burma. Yet, one Nobel Peace Laureate, His Holiness the Dalai Lama of Tibet, remains in exile, unable to return to his rightful home in Tibet, even though he shares this aspiration with the six million Tibetans and their friends around the world.

Since 1959, when His Holiness the Dalai Lama arrived in India via Tawang in Arunachal Pradesh, there has been no shortage of studies on Tibet as scholars analyzed the question from all disciplines: legally, politically, environmentally and historically.

Today, our chief guest, Dr. Murli Manohar Joshi, shared with us a story of Tibetans coming to his backyard and front door in the 40s and 50s, just like Indian pilgrims en route to Mansarovar or Kailash. He also told me that he has tasted Tibetan tea but he did not say whether he liked it or not, remarking that it tasted more like salt in lassi. Another invited guest, Ram Madhav, authored the book *Uneasy Neighbors* on India-China relations and on the issue of Tibet. The scholar and author Michael van Walt will also be looking at the Tibet issue from the international legal perspective. These respected scholars, writers and experts from different disciplines have joined us at the conference to share their views and perspectives, and we are deeply grateful for their presence here.

Today, I will begin by addressing two issues: what lessons can be learned from the history of Tibet and what is the way forward for Tibet.

Since we have gathered here to mark the 100th anniversary of the Simla Convention, I want to remind the audience that Tibet and China co-existed geographically since time immemorial. Also, as Dr. Murli Manohar Joshi has said it is India and Tibet that shared borders, and never India and China. All these issues will be discussed today. Further, historical documents that pre-date and post-date the 1914 Simla Convention will be discussed. These documents range from the 821-822 Sino-Tibet Treaty to the 17-point agreement in 1951. Even a cursory glance at the 821 treaty reveals that Tibet and China were two sovereign nations. As the treaty declares, “All to the east is the country of Great China and all to the west is the country of Great Tibet.” It was the 17-point agreement that brought Tibet under the direct control of Beijing though this was accomplished under great duress. In between lies the whole complex mosaic of Sino-Tibet relations.

In the 13th century, Tibet stood at the junction of two competing empires: imperial China and the Mongol empire. During this time, the Priest-Patron relations came into existence, initiated by the Mongols and later adopted by Manchu China. This mutually expedient relationship broke down when Great Britain overran India and intruded into Tibet. By the early twentieth century, in the Great Game between the Tsarist Russian and British empires, Tibet became a strategic geopolitical prize and it was this competition over Tibet that rattled the traditional Sino-Tibet relations. In response to Britain’s 1904 Younghusband’s military expedition to Tibet, the Manchu dynasty in its last years embarked on an integrationist policy to bring Tibet under the direct control of *Zhōngguo* or the Middle Kingdom.

Scholars now conclude that after the collapse of Manchu dynasty in 1911, Tibet enjoyed effective independence. The reason that British India convened the Simla Convention in 1914 was to secure China’s recognition of and respect for autonomy for Tibet and to create Tibet as a buffer to prevent any hostile big power from hurting British interests in India. British India was able to convene the Simla Convention between representatives of independent Tibet, Republican China and British India because of China’s need for international diplomatic recognition of Yuan Shikai’s new government in Beijing. Earlier, on 7 October 1913, Yuan Shikai had in fact recognized Tibetan autonomy and on the same day, according to Jonathan Spence, author of *The*

Search for Modern China, Britain extended its diplomatic recognition to the new Chinese Republic.

With these diplomatic activities in the background, the Simla Convention was held from 13 October 1913 to 3 July 1914. The Tibetan plenipotentiary, Lonchen Shatra, came to the convention armed with hundreds of documents to say that Tibet consisted of the three traditional provinces of central, eastern and north-eastern Tibet, roughly corresponding to the Tibetan plateau and respectively called U-tsang, Kham and Amdo. While defining the boundary between Tibet and China, the Simla Convention also demarcated the border between Tibet and British India which came to be known as the McMohan line.

The Chinese representative or plenipotentiary, Ivan Chen, initialed the document but did not ratify the convention. His objection was not about the demarcation of the boundary between Tibet and India but with the boundary between Tibet and China. On 3 July 1914, the result of the convention was signed as a bilateral agreement between British India and sovereign Tibet.

Of the Simla Convention signed 100 years ago, I would like to make three clarifications.

First, each of the plenipotentiaries namely, Sir Henry McMahon, Lonchen Shatra and Ivan Chen presented their credentials and all three members accepted each participant as legitimate representative of their respective countries. As per international law, once credentials were accepted, China and British India accepted that Tibet had the capacity to enter into treaty agreement and accordingly the Simla Convention was held.

Second, on the sideline of the Simla Convention, an agreement had been signed demarcating the border between Tibet and India. As British India was represented by Sir McMahon, the border demarcation was called the McMahon Line. On 20 November 1950, Nehru had stated in Parliament that the McMahon Line “is our boundary – map or no map. That fact remains and we stand by that boundary and we will not allow anybody to come across that boundary.” I would like to emphasize that the demarcation of the border between Tibet and

India was done between two sovereign political entities. A sovereign Tibet legally ceded a part of its territory to British India.

Third, as an offshoot of the Simla Convention, a separate trade pact was also signed between Tibet and India, which was to be renewed every ten years between Tibet and British India, from 1914 to 1924, 1934 and 1944. But in 1954, independent India under the leadership of Pandit Jawaharlal Nehru, in place of Tibet, sent a delegation to Beijing to renew the trade agreement. In the same trade agreement, five principles were added in the preamble and a provision was added in the body recognizing Tibet as an autonomous region of the People's Republic of China while keeping all the provisions on the trade between Tibet and India. The trade agreement was called the Panch-sheel Agreement. At that time, India wanted the agreement to last for 25 years but China wanted it to last for five years. Finally, they agreed for eight years. Interestingly, after the expiry of the eight-year period, in April 1962, war broke out between India and China, six months later.

Another historical fact to note is that when Mao Zedong established the People's Republic of China on 1 October 1949 from the podium in the Tiananmen Square, Tibet was not part of the People's Republic of China. Only a year later, in October 1950, when the People's Liberation Army invaded Tibet followed by the 17- Point Agreement forced on Tibetans in 1951, did Tibet come under the direct control of the People's Republic of China.

The great weakness of both the 17-Point Agreement and the Simla Agreement was that they divided one people, the Tibetans, sharing a common language, culture and religion and way of life into two geographical entities. In addition to the protest against the Chinese invasion and occupation of Tibet, this division of Tibet into two was another major cause of armed resistance in eastern and northeastern Tibet which eventually engulfed the whole of Tibet and culminated in the Lhasa uprising in 1959. This event, in turn, forced His Holiness the Dalai Lama and thousands of Tibetans to seek refuge, mainly in India.

The Chinese Government questions the legality of the Simla Convention.

This is particularly ironic because if the Simla Convention is not valid, then the agreements on trade and border between the two sides should not be valid. However, on date, Chinese Foreign Minister Wang Yi wrote an opinion piece in a major Indian newspaper in celebration of the 60th anniversary of the Panchsheel Agreement and this was followed by the Vice President of India, Hamid Ansari's five-day visit to China from 26 June 2014 onwards.

If the Panchsheel Agreement is valid even after the 1962 War which violated each of the agreement's five principles, then it becomes evident that the Simla Convention is equally valid. In short, the Simla Convention is the mother, and the McMohan Line and the Panchsheel Agreement are its two loving children. If governments claim the legitimacy of the Panchsheel Agreement then they cannot escape the fact that it originated from its mother, the Simla Convention.

Most importantly, according to international law, when an agreement is drafted and ratified, each of the plenipotentiaries has to initially present their credentials, and other members involved in the agreement have to accept both the sanctity and the capacity of the representative to enter into an agreement. In case of the Simla Agreement, the Chinese plenipotentiary Ivan Chen and Sir Henry McMohan who was the British plenipotentiary accepted Lochen Shatra as the plenipotentiary of Tibet. The three parties entered into full negotiation and initialed the draft agreement. British India and China accepted Tibet's sovereign capacity to enter into treaty-making power.

To this very day, Tibetans living across the Tibetan plateau perceive themselves as a single nationality, and hold in common a deep resentment against Chinese repression. This resentment culminated in the 2008 uprising that erupted in 100 different counties across Tibet. Similarly, Tibetans' identity as a single nationality that shares the same deep resentment has been demonstrated by the 130 Tibetan self-immolations across Tibet, mainly in Amdo and Kham, of which sadly 112 have died.

Over the past five decades in Tibet, unflagging political repression, social discrimination, economic marginalization, environmental destruction and cultural assimilation, particularly due to the Chinese

immigration to Tibet, fuels intense resentment among the Tibetan people. Against this backdrop and in the hope of a future reconciliation, His Holiness the Dalai Lama proposed the Middle Way Policy as a win-win solution for both sides and the vehicle to reflect on old relations and look forward to the future.

The Middle Way Policy is not only for the Tibetan people but also for Asia as well. Tibet is of critical importance both environmentally and geopolitically for all of Asia, particularly India.

First, let me address the environmental significance of Tibet to the rest of Asia. These days global scientists including many leading Chinese environmentalists refer to Tibet as the Third Pole, the repository of the largest concentration of ice and glaciers outside of the Arctic and Antarctica. These glaciers feed the ten river systems in Asia including Indus, Sutlej, Brahmaputra, Irrawady, Salween and Mekong, which flow all the way to Laos, Cambodia, Vietnam and Thailand. The Yellow and Yangtse rivers which flow to China both originate in Tibet and bring fresh water to more than a billion people in China, South-East Asia, and South Asia.

Clearly, what happens to Tibet is not a problem of the Tibetan people alone. Tibet's fate will affect the existence of millions of people downstream whose livelihoods are dependent on agriculture and fishing. Scientists also predict that the global climate change impact on the Tibetan plateau will lead to millions of forced migrations in the downstream countries. On this score, I feel that it is in the self-interest of all Asian countries to persuade the leadership in Beijing to restore the Tibetan people's traditional guardianship of the Tibetan plateau which they have maintained for thousands of years.

Secondly, Tibet also holds significant reserves of more than 130 different types of minerals, worth trillions of dollars. The reserves, including uranium, gold, copper, borax and even petrol, are exploited by Chinese companies without consideration for the local environment and its inhabitants. Similarly Tibet's pristine forests are being cut down without regard for the environmental impact which causes landslides, silting of rivers and flooding in downstream countries.

Thirdly, Tibet is geopolitically significant because it sits at the heart of Asia. Geopolitical expert John McLaughlin, recently wrote “How 2014 is strikingly similar to 1914” when Europe stood on the brink of the WWI. As experts on Asia know today the Tibetan plateau is becoming highly militarized and many experts conclude that world’s fastest arms race is occurring in Asia. On top of this, the lack of proper demarcation of borders prompts frequent incursions: the Chinese map shows many areas of neighboring countries as part of China and understandably this creates nervousness in Asia as a whole. By resolving the Tibet issue, Beijing would send a positive message in the region. Furthermore, I strongly believe that India, Europe and the United States would begin to view China as a far more responsible power if it responsibly resolved the issue of Tibet.

Tibetan people welcome all improvements in relations between India and her neighbors, including China.

It is the hope of the Central Tibetan Administration that improved relations between these two countries will lead to China re-opening the Indian consulate in Lhasa. A friendly neighbor’s diplomatic presence in the capital city of Tibet will bolster the Tibetan people’s confidence in the benign intentions of Beijing. Then the true spirit of the Panchsheel agreement will be revived.

So what is the way forward, given this backdrop of historical, environmental and geopolitical complexity?

It is my conviction that there is a viable and effective solution to the issue of Tibet. This is the Middle-Way Approach envisioned by His Holiness the Dalai Lama, already supported by international leaders including US President Barack Obama and many Chinese intellectuals such as imprisoned Nobel Peace Laureate, Liu Xiaobo. The Middle Way refers to ‘the middle way’ between repression of Tibetans and separation from China.

In 2008, the Memorandum on Genuine Autonomy for the Tibetan People was presented by the envoys of His Holiness the Dalai Lama to the Chinese authorities. The document says, “The essence of Middle-Way Approach is to secure genuine autonomy for the Tibetan

people within the framework of the Constitution of People's Republic of China. This is of mutual benefit and based on long-term interest of both the Tibetan and Chinese peoples. ... The protection and development of the unique Tibetan identity in all its aspects serves the larger interest of humanity in general and those of Tibetan and Chinese people in particular."

There is growing support among scholars in mainland China for the Middle-Way Approach. Through petitions, open letters to the Chinese authorities and numerous articles, they urge the Chinese leadership to embrace this approach. I am confident that over time, these Chinese voices expressing their support for Tibetan peace overtures will grow louder.

The willingness to resolve the Tibet issue and the ability of the new Chinese leaders, led by President Xi Jinping, will lay a strong foundation for the president's vision for China as expressed in his China Dream. For the Tibetans to share in the China Dream they must be treated with respect and allowed to enhance and promote their respective national and cultural identities. If this is done, President Xi Jinping's China Dream will have real meaning and appeal.

So finally, I once again thank the participants and particularly, I take this opportunity to express our deepest gratitude to the government and the people of India for hosting His Holiness the Dalai Lama and the Tibetan community for these many years. India has shown immeasurable generosity for the Tibetan people and for that the Tibetan people are forever indebted.

Let me conclude by saying that 100 years ago, British India made efforts to solve the issue of Tibet through the Simla Agreement. However, this attempt failed. In 1951, China forced the 17- Point Agreement on Tibetans but they didn't implement both the spirit and letter of the Agreement and it too failed. Then the Panchsheel Agreement of 1954 also attempted to address the issue of Tibet but that also failed. Without addressing the issue of Tibet, the Indo-China issue cannot be resolved. Now what we need is a Tibetan- initiated solution supported by the great powers, and neighboring countries. Accepting this agreement is in China's own interest as a rising superpower and

certainly in the interest of Asia as a whole.

Finally, the 14th Kashag (the Central Tibetan Administration) dedicates this year of 2014 to His Holiness the Great 14th Dalai Lama. We are also aware that in 2014 Shri Narendra Modi takes over leadership of a shining India. So I hope that 2014 will not simply be remembered as the 100th anniversary of the First World War or the year when the Simla Convention was ratified between British India and Tibet, but rather that it be remembered as the catalyst year for a peaceful 21st century as envisioned by His Holiness the Dalai Lama. We fervently hope that such an outbreak of peace in Asia will realize the dream of millions of Tibetans who long for freedom, and like other Nobel Peace Laureates, the return of His Holiness the Dalai Lama to his rightful place in his homeland--Tibet.

Panchsheel Agreement: An Icing on the Cake India got the icing, China the cake

**Verbatim transcript of the speaker's extempore presentation on Tibet at the Simla Convention After A Hundred Years at the India International Centre on 3rd July, 2014*

Shri R.N.Ravi*

Thank you Chairman and distinguished persons here and friends. At the outset I would like to thank Tibet Policy Institute and the India International Centre for organizing this meet on the Simla Convention of 1914. I thank them because others are not talking about it. China is not talking about it; it is understandable as it is inconvenient for them. But what is intriguing is even India is not talking about it, as it should do. Simla convention, it was an attempt to modify the contemporary geopolitical realities of Tibet. It defined Tibet-China relations, Tibet-China boundaries; it acknowledged limits to China's intervention in Tibet. And it was also an attempt to secure peace and order to the northern frontiers of India. Now this convention being so crucial for India, so much at stake and still we don't talk about, is something that we need to, Indians need to think over.

** Shri R.N. Ravi is the former Intelligence Bureau Special Director and Chairman of the Joint Intelligence Committee*

Instead we celebrate Panchsheel, because Panchsheel was an attempt to undo to a great deal to what Simla Convention of 1914 did and that's the reason why China is very keen in celebrating it. They are doing it with fervor, with gusto. Recently our Vice President had been there and India had joined the chorus in a year-round celebration in the shape of friendly exchanges, exchange of cultural troupes and dignitaries. After all as I said, China has reasons to celebrate because with this Panchsheel Agreement India legitimized the military occupation of Tibet by China. It also accepted the militarily altered geopolitical scenario on India's northern frontiers, because instead of Tibet, it is China, which became our neighbour. Until then China was neighbour only in the remote western part, bordering Afghanistan to the Xinjiang province of China, not the rest. But by signing this agreement we accepted the altered geopolitical reality or calculus. It is good for China. Using the Panchsheel and quoting Panchsheel, China continued or even continues today intruding into the privileged sphere of India's neighbourhood. It gets into all the countries that are proximate to India and it engages with those countries in the way that undermines India's security.

After all, seventy percent of arms that China exports - China is the fifth largest arms exporter in the world today - comes to India's neighbourhood and they say well, "It's all in the principle of equality and respect of mutual sovereignty that we do". China stimulates fear of India being a hegemon and offering itself as a counter balance. So now China has multiple reasons to celebrate Panchsheel. I wonder what are the reasons for India to celebrate? Is it the loss of Tibet that we are celebrating? Or we accepted China as our neighbour? Or is it the continued hostile border, that we keep facing intermittent transgression and military face-offs.

You know Indians have been misled through generations. When I was a child at the time when Panchsheel agreement was signed, and in our primary schools, our teachers used to sing songs in praise of Panchsheel. It was touted as a gift given to us by our great leader, something imbued with mystical or magical qualities, a talisman that would bring peace in the world and ward off any evil for India. That is how it was touted and we all without knowing what exactly Panchsheel was, then the rude shock came a few years later in 1962.

If you look at Panchsheel as an agreement, its architecture is weird. It has a preamble like any treaty that is supposed to sum up the essence of the agreement and the operating parts where you have clauses obligating the contracting parties. If you look at the substantive part of it, it's the continuation of trade and travel, nothing new. This trade and travel has been going on between India and Tibet since long before, even before 1914. Indians have been going to Tibet: scholars, pilgrims, traders and Tibetans have been coming to India. So much so that we have a lot of Tibet in India...Tibet in India's psyche. So this kind of exchange that was taking place, it was re-formalized or renewed in 1954 but with a difference and the difference was that this time though we signed the treaty for travel and trade between India and Tibet, Tibet was not a party to it. It was done between India and China. It looks on the face of it absurd, because it is a departure from the historical context, because even in terms of the agreement it has been repeated, renewed, repeatedly after every ten years since 1914 with Tibet and suddenly Tibet was out. Now this otherwise mundane kind of agreement except for the fact, which is very seminal and very important, is that China took over the role of signing the agreement. The preamble is the formulation of very lofty principles. I mean on the face of it the two look incongruous, there is a disjoint between the two. The preamble sets out the principles, perhaps the larger universal principles of how the nations should engage with each other, respecting each other's territorial integrity and sovereignty, non-aggression, non-interference in internal affairs, working for mutual benefit and peaceful co-existence. Now how this preamble fits into this trade and travel pact, which has been a continuing affair, except for the fact that this time there was China which signed it. Who was seeking assurance or reassurance from whom? Was India afraid that perhaps China, having taken over Tibet, might try to extend its tentacles and wanted to contain China? Or was it China, which was insecure and wanted India to restrain itself? Now that's open to debate but the fact is that the whole agreement looks like a cake with an icing. It was a cake made by the Chinese according to their appetite, according to their taste and perhaps they allowed our great leader to do the icing on it by coming up with the universal principles of how the nations should engage with each other.

So they take away the cake, they swallowed it, and we kept touting the preamble and that's very absurd. You know I have as a student, as a working adult and later in charge of the Tibet desk in the Home Ministry, Intelligence Bureau for over twenty years, been struggling to seek meaning in it. Why did India go for this kind of agreement? I haven't got a sane answer as yet. Perhaps someday some psychoanalyst will do the analysis of the people, those who authored this and come up with an answer but as such I don't think we have a clear answer to that.

Panditji (Jalawal Nehru, India's first Prime Minister) had a very quaint notion of geopolitics and geography. When in 1949 communists took over China and they made their intention clear, that they were going to invade Tibet, concerns were expressed in India. Panditji sought to calm the concern by saying, "Why are you worried, China is not going to invade Tibet because Tibet was too weak". It is very original thinking that if you are weak, you are secure and China would not attack. I don't know whether that went into our India's defense policy that twelve years or thirteen years down when they invaded, how ill prepared we actually were. When one year later when they took over Tibet militarily and then again the concern was raised in India, Panditji again came up with his very unique sense of geography. He says, "Don't worry, Chinese cannot stay for long in Tibet because it's terrain is so expansive and arid, so harsh, they cannot, they will leave quickly". And here perhaps he could have been right except for the fact that he opened Calcutta Port to supply food for the Chinese military in Tibet. Now somehow the leadership at the time was such that they had a different understanding, understanding different from what others or any student of geopolitics would like to have. Soon after when China became aggressive and started intruding and looking toward India belligerently, we raised our concern our people raised concern and a fear that perhaps China might invade India. At the time Panditji said, "No, your fears are unfounded because we have Himalayas in between". And these are all on record. It's not that someone has manufactured it. It is there on record. "Himalayas as a protector", he further went on to say - he was a great visionary, he always thought in larger terms not in the small terms of India, Tibet and these things - that should China invade India, there would be world war.

In 1962 China invaded and India was alone. No country stood by India at the time. There was no world war. He further said that China would not invade India because that would jeopardize its prospect of getting membership to the UN, for which he had put in all the political and personal resources for getting Chinese membership to the UN. All these calculations went awry, didn't work. Now the result is that today while Tibet is suffering, its ecology, its culture are under threat, serious threat - serious existential threat, we do not have peace at the border. We keep worrying how to counter that Chinese menace, though we might be talking very nicely at the diplomatic front, at the official front, but yes there is a serious concern.

Last year 2013 in April when news leaked out that Chinese had moved in about 30 km inside, in the Depsang plain, while there was uproar all over the country, our then foreign minister again played it down, said it was just an acne or pimple. Again one fails to understand why these people tried to play it down, why we have to come up with such trivial metaphors to explain a serious problem. When I was intrigued at this use of acne and pimples, a friend of mine who is a psychoanalyst said, "Why are you intrigued? Because you know for a person who has a hammer every problem looks like a nail. If you talk to a soldier he will frame the issue in military terms. You have a foreign minister who spends a considerable amount of time everyday in front of a mirror and to such a person the problem that exists is one that affects the look. And perhaps the most, an insignificant and minor problem that can affect the look would be a pimple". I got some sense that yes, perhaps that could be true, that this is how they played down the serious development. Now we have, we know, what it is and how unfair it has been. Now the question is what is the way forward? How do we go from here? That's important. When we talk about way forward, some of my friends say are you talking about war? Should we have war with China to resolve this issue? No, certainly talking of war is insane. We cannot talk of war. China and India, they must be friends. India-China friendship is essential to peace and prosperity in this region and beyond. There is no doubt about it.

But at the same time we should also realize that a durable India-China friendship is not possible without satisfactory resolution of the

Tibet issue. The Tibet issue has to be resolved to the satisfaction of Tibetans and that would lead to a durable India-China relationship. Now this fact has to be understood by The Government of India. It has to be understood by the Indian people, and towards this end in our own way we should cajole, pressurize, persuade, whatever we can do to impress upon China that they must resolve the Tibet issue. And for resolution of the Tibet issue, for the satisfaction of Tibetans they must resume the dialogue with the Tibet government and when I say Tibet government, I am talking about the Central Tibetan Administration, which they have discontinued. It must be resumed.

Another issue is giving some content to the autonomy, the notion and the concept of autonomy. We have accepted that Tibet is an autonomous region of China but here autonomy is defined unilaterally by China. Let's not forget and let's remind China that Tibet is not an entirely internal issue of China. It affects India viscerally, it affects India organically, it affects India in many ways. It's not merely about 150,000 Tibetans, those who are in India but much more than that. So the autonomy, the nature of the autonomy cannot be unilaterally defined by China alone. They have to take into confidence the views of the Tibet government, and give it a legitimate character so that it becomes truly what His Holiness the Dalai Lama says, a genuine autonomy.

You know other speakers in the morning talked about our civilizational bonds and cultural bonds which are very deep and broad. We should do something to strengthen it. There is so much hidden which needs to be dusted off, which need to be taken out. We can take undertake several projects jointly to again make our people literate, make our people know. There is so much together that we have had and continue to have.

As China is celebrating and along with that the Government of India too has joined a year of Panchsheel celebration, can't we think of celebrating a centenary of the Simla Agreement? Let more and more discussion, more and more seminars, more and more talks to be held in Indian universities, India's think tanks, and by Indian people. When we talk more and more about Simla Convention, because in Simla Convention, British India was a party to it and it impacts on us so

critically.

So this year can be and should be declared as a centenary year for the Simla Convention. It's not just a centenary year as Kalon Tripa said, about His Holiness the 14th Dalai Lama, but it should be centenary year for Simla Convention. Let's talk more about it. No one says between war and peace there is a lot of gray area. Whenever we talk of being a little frank with China, people will say, "Why do you do this? Do you want to provoke China?" It's not the question of war. You know the thinking, the binary thinking which right from Panditji's time we have had, whenever issues were raised, Panditji used to say "Do you want us to go to war with China?". No! There is a lot of space in between. If I ask frankly are we fighting China, are we at war with China? Certainly not. But are we at peace with China? Equally not. So between war and peace there is a broad spectrum, which should be explored, which we should try and we should strengthen the cause of Tibet. Because through that we are strengthening our own cause, bringing peace and security on our own northern frontiers.

1914 Simla Convention - A Tibetan Perspective

By Dhundup Gyalpo*

On 13 October 1913, the plenipotentiaries of Great Britain, Tibet and China assembled in Simla in order to negotiate on terms of equality a solution to end the state of war that existed between Tibet and China and of defining the political status of Tibet. The Simla Convention as such features prominently in the popular Tibetan histories as one of the major historical facts that prove the *de facto* independence of Tibet in 1914. Irrespective of the eventual outcome, the Simla Convention was, at least from the Tibetan side, an effort to seek a *de jure* recognition of the *de facto* independent status that Tibet enjoyed at that time.

The larger Tibetan historical context behind the Simla convention cannot be conveyed without considering the Great 13th Dalai Lama's life-long quest for the independence of Tibet. The Tibetans always claim that historically Tibet and China existed as separate countries and there was no political relationship between the two. There was only a priest-patron relationship, which was first established between

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Mongol rulers and Tibet and later inherited by the rulers in China. In the priest-patron relationship, the priest provided the spiritual guidance and the patron provided protection of the priest's country. This protection did not make the priest a subordinate to the patron nor the patron the owner of the priest's domain or territories under his rule. According to Melvyn C. Goldstein, the author of *A History of Modern Tibet, 1913-1951*, the complex nature of the historic status quo between Tibet and China was dramatically altered by three events in the first eleven years of the 20th century:

1. The growth of British interest and relations with Tibet, culminating in the successful military invasion of Tibet and Lhasa by British in 1904;
2. The consequent efforts of the Chinese to reestablish control over Tibet, culminating in the military occupation of Lhasa in early 1910 by the Chinese general Chung Yin; and
3. The Chinese overthrow of the Manchu dynasty in 1911 and the mutiny of Chinese troops in Tibet.

The mutiny of Chinese troops provided an ideal opportunity for Tibetans to wage an armed uprising against the Chinese and by April 1912 the Tibetans had prevailed. All the Chinese troops were forcibly evicted from Tibet. The Dalai Lama, who had escaped to India in 1909, triumphantly returned to Lhasa free of Chinese troops and officials in January 1913.

Shortly after his return to Lhasa, the Dalai Lama issued a proclamation to all his officials and subjects that unilaterally reaffirmed his total rule in Tibet. Tibetans consider this proclamation, along with the 13th Dalai Lama's earlier response to China's strongman Yuan Shikai's telegraph in which he refused the Chinese government's offer of rank and cut even the symbolic tie with China, as a declaration of independence. About a month before this proclamation, Tibet entered into a treaty of mutual recognition of independence with Mongolia. The treaty was signed in Urga in January 1913 between the new Mongolian government and a representative of the Dalai Lama. The Dalai Lama's triumphant return to Lhasa did not however end his problems. The fall of Qing dynasty produced no change in Chinese position on Tibet. Despite the earlier recommendation of Chi-

na's great revolutionary, Sun Yat-sen, that non-Chinese should themselves decide whether they wanted to be united with China, Yuan Shi-kai's government not only proclaimed Tibet to be a part of China but began concrete steps to implement their position. In the summer of 1912, the Chinese forces in Eastern Tibet regrouped under General Yin Chang-heng and soon retook Batang, Chamdo, Drayab, Markham and other areas. The Tibetan government was extremely apprehensive that this new Chinese army under Yin, like Chao Erh-feng in 1909-10, will soon advance on Central Tibet and Lhasa.

After returning to Lhasa in 1913, the Dalai Lama tried to control both external and internal threats by improving his government's effectiveness and modernizing his army and also by trying to reach a political agreement with the Chinese. His negative experience with China however had convinced him that Tibet could have no real security unless an outside power guaranteed the terms of any such Sino-Tibetan agreement. And Britain appeared to be the obvious choice. The British government of India was also eager to resolve the Sino-Tibetan dispute. Its paramount aim was the creation of a buffer state along its northern borders. The Chinese incursions into the Assam borderlands in 1910-12 and their harassment of the British trade agents in Tibet had shown India all too clearly the dangers of direct Chinese control of Tibet.

Under considerable British pressure, China also agreed to join Britain and Tibet in a tripartite conference. The threat to withhold British recognition of the new Chinese Republic, as well as through the implied threat of negotiating directly with Tibet, just as Russia had negotiated with Mongolia, the British were able to convince the Chinese to attend the negotiations. The Chinese were also convinced that they stood to lose Tibet to British influence, much as Mongolia has been lost to Russia, if China did not exercise at least her rights to negotiate over Tibet.

The Simla conference was thus convened in October 1913. The Tibetans initially took a hard line position on both the political and territorial issue, demanding the reunification of all three traditional regions of Tibet (Utsang, Kham and Amdo) under the government of the Dalai Lama. They claimed independent political status with

Chinese officials and troops to be forbidden to enter Tibet. The Chinese, in their initial statement, also took an equally hard line. As the basis for the negotiation of the Tibet question, they demanded that Tibet forms an integral part of the territory of the Republic of China, that the Chinese would have the right to appoint a Resident in Lhasa with an escort of 2,600 Chinese soldiers, and that Tibet would be guided by China in foreign affairs and defense matters and enter into negotiations with other powers only through the intermediary of China. In addition, the Chinese claimed territory stretching as far west as KongpoGyamda, which was only a hundred miles from the capital of Tibet.

The Chinese claims however were only verbal and without any historical foundation. They had no records to prove Chinese administration of the territories in eastern Tibet. The Tibetans, on the other hand, went to the Simla conference well prepared. According to Shakabpa, the author of *Tibet: A Political History*, the Tibetans produced extensive documentary evidence to support their claims, which included fifty-six volumes of government documents, consisting of revenue records, lists of houses, officials and headmen in the disputed areas, bonds of allegiance, and others.

After studying the well-authenticated records presented for his arbitration by both sides, McMahon, the British plenipotentiary, “saw no alternative but to recognize the traditional and historical Tibetan frontier which coincided generally with the claim put forward by LonchenShatra.” At the same time, McMahon recognized that the Chinese had “succeeded to some extent in consolidating their position over considerable tract” of country in eastern Tibet.

In order to narrow the gap between irreconcilable claims to independence on the one hand and sovereignty on the other, McMahon put forward the concepts of autonomy and suzerainty. The problem, as Hugh Richardson has explained it, “was to ensure the reality of Tibetan autonomy but still to leave the Chinese with a position of sufficient dignity”.

The talks eventually culminated in the Simla Convention of 1914: It covered four main points. First, the division of Tibet into two zones:

Outer Tibet and Inner Tibet along the lines of Outer and Inner Mongolia. Outer Tibet, which roughly corresponds to the present-day “Tibet Autonomous Region”, was to retain effective autonomy under a nominal Chinese suzerainty. Regarding Inner Tibet, which included eastern and northeastern parts of Tibet, the Convention explicitly mentioned that nothing in the convention will prejudice the existing rights of the Tibetan government in Inner Tibet, including the power to select and appoint the high priests of monasteries and full control in all matters affecting religious institutions.

Second, China agreed not to convert Outer Tibet into a province or to interfere in its internal administration. China would send no troops or officials to Outer Tibet except for an amban and his escort of 300 men. Britain also agreed to station in Tibet only those troops agreed to in the Tibet-British Convention of 1904 (a small escort for the trade agents). The British trade agent at Gyantse could however visit Lhasa with his escort whenever necessary to consult with the Tibetan government.

Third, Tibet in turn was not to consider China to be a foreign country. And fourth, China and Great Britain agreed not to negotiate with each other, or with any other power, regarding Tibet.

After considerable pressure from the British, the Tibetans and Chinese initialed the draft accord. The Chinese government however prevented their representative from signing the final convention. Although China could accept the political status of Outer Tibet, they were totally unwilling to accept the demarcation of Sino-Tibetan border. This left Britain and Tibet the only players. Since China refused to ratify the convention, the powers granted to China under the convention were not recognized by Britain and Tibet. The Tibetans claim that China’s failure to ratify the convention by Great Britain and Tibet in effect eliminated Chinese claims of suzerainty over Tibet and reaffirmed Tibetan independence and treaty-making powers.

Subsequently, the British and Tibetans signed a new trade regulation to replace those regulations made in 1893 and 1908, which were cancelled under Article VII of the Simla Convention. The boundary demarcation between Tibet and India to the east of Bhutan, commonly

referred to as the McMahon Line, was also negotiated at the Simla Convention. The border was delimited on a detailed map which was signed by McMahon and LonchenShatra. By this agreement Tibet handed over Tawangto British India. According to historian Alastair Lamb, the Tibetan understanding of this agreement was that it was contingent upon the British finally securing Chinese recognition of Tibetan autonomy and a definite Tibetan frontier with China in eastern Tibet.

Although the eventual outcome of the Simla convention yielded satisfactory results only for British India, theywere of a temporary nature. Their bilateral border treaty with Tibet sufficed only so long as the Chinese were unable to make good on their claim to sovereignty over Tibet. As Warren Smith has explained in *Tibetan Nation: A History of Tibetan Nationalism and Sino-Indian Relations*, ultimately, the British failed to achieve any security for Tibet or for their own border agreements with Tibet. Tibet in the following years was restrained in claiming full independence, even when independence existed in fact, out of fear of losing British guarantee for Tibetan autonomy and their commitment to secure China's ratification of the Simla Convention. The British were similarly restrained in recognition of Tibet's *de facto* independence since they continued to recognize Chinese suzerainty.

Despite Tibet's reluctant acknowledgement of Chinese suzerainty (in exchange for a guarantee of autonomy), the position taken by the Tibetans at Simla was the clearest statement to date of Tibet's claim to independence. The Simla Convention also thrust the Tibet issue into the international arena. As Prof. DawaNorbu has written, "the dialects 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 fact that the Chinese did not sign the final Simla accord did not in any way invalidate the agreement signed by the British and the Tibetan representatives. Irrespective of the current political status of Tibet, the Tibetans still regard the Simla Convention and the McMahon Line as legal and valid since Tibet at that time enjoyed the right to sign treaties and to deal directly with its neighboring states. This is

proven by the formal note that the Government of China sent to India in November 1947, enquiring whether after the transfer of power the Government of India had assumed the treaty rights and obligations existing till then between India and Tibet. In their reply of February 1948, the Government of India formally informed the Chinese government that they had assumed these treaty rights and obligations. The reference in this exchange to the treaty rights and obligations between India and Tibet, as distinct from those between India and China, was the strongest possible proof of the validity of the Simla Convention and the McMahon Line.

The relevance of McMahon's solution of effective Tibetan autonomy to resolve the Sino-Tibetan conflict is to a great extent valid even today. In fact, after the Chinese communists came to power in China in 1949, they militarily invaded Tibet and signed with the Government of Tibet the so-called 17-Point Agreement for the Peaceful Liberation of Tibet. The 17-Point Agreement, which was signed by the Tibetan delegates under duress, embodied two major principles: First, China has sovereignty over Tibet and is responsible for Tibet's national defense and foreign affairs; second, China guarantees a high degree of autonomy in Tibet, and will not interfere with Tibet's political and social systems. Many view this agreement as the earliest formulation of the "one country, two systems" model practiced by China today in Hong Kong.

The 17-Point Agreement however was short-lived. It collapsed in 1959 after China's armed military aggression in Tibet caused a popular Tibetan uprising against Chinese rule. As a result, His Holiness the Dalai Lama and his followers were forced to escape into exile. The Tibetan government declared the Agreement as invalid, claiming that the Chinese government had systematically violated all the terms of the agreement.

Despite over half a century of absolute control over Tibet, China has not been able to resolve its Tibet problem. If the unending series of self-immolations that we have been witnessing across Tibet since 2009 are any indication, the deep sense of alienation and resentment among the Tibetan people against Chinese rule has now aggravated to a point of desperation. The Tibet issue however does

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not need to fester in a limbo. All that is required is a strong political will on the part of China to resolve its Tibet problem. Tibetans today are no longer seeking separation or independence. According to the Middle-Way Policy of His Holiness the Dalai Lama, the Tibetans today demand genuine autonomy for the Tibetan people under a single administration which is within the scope of the Constitution of the People's Republic of China.

As far as the role of India is concerned, the issue of Tibet will also continue to remain a key factor in the India-China relations. It is a historical fact that only after China's occupation of Tibet in 1950, India and China came to share a disputed common border. Furthermore, China's military buildup and infrastructure development in Tibet, along with the reported plans to divert the rivers that flow from Tibet into India, have considerably heightened India's anxieties. On the other hand, China's insecurity in Tibet continues to be a major factor in its approach toward India. In brief, a speedy resolution of the Tibet issue along the lines of the Middle-Way Approach will greatly improve the India-China relations.

The Simla Agreements in International Law

Dr. M.C. van Walt van Praag*

Introduction

Much has been said and written on the 1913-14 Simla tripartite conference and the documents that resulted from it¹. Yet notwithstanding the availability of considerable archival material - including detailed accounts of the negotiations that took place between the representatives of Great Britain, the Republic of China and Tibet² - and little controversy on what happened at the conference, analyses of the *outcomes* of the Simla conference have yielded varying opinions. The translation of those outcomes into political action has been and – one hundred years later - still is a source of conflict, as the situation in Tibet and the continuing tensions on the Himalayan border as well as between the governments of India and the PRC illustrate.

In this article I address the international legal validity of the three Anglo-Tibetan bilateral treaties that were concluded at Simla and analyze what they established. I also refer to the tripartite negotiations at Simla because even though no agreement that bound all three

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parties resulted from them, aspects of the process did have important international legal consequences and some established evidence of relevance to the substance of the bilateral agreements that emerged as well as to relations between the People's Republic of China, Tibet and India to this day.

What took place at Simla is best understood with an appreciation of the international political background against which the conference took place. It is here I will start.

International political background

The advent of European imperial power in Asia and the establishment of colonial regimes there brought about major changes that deeply affected the nature of Asian polities and of relations among them. For centuries the interactions and relationships between rulers of the Mongol, Tibetan Buddhist, Indic and Chinese civilizational worlds were shaped by uniquely Inner Asian, East Asian and Indic political, religious and legal conceptions and constructs. Notions such as exclusive territorial sovereignty that we are so used to today³ were not part of the conceptual framework of Asian rulers then. These foreign principles of international law were imposed by European powers in their relations with Asian rulers and —significantly— replaced Asian ones also in relations among Asian polities.⁴ These new political and legal principles and constructs were based on European concepts of statehood, exclusive territorial sovereignty, the fiction of sovereign equality and on treaty based relations.

These changes were already affecting relations between Tibet, British India, Nepal, Bhutan, Sikkim and the Manchu ruled Qing empire at least since the 19th century. Following the 1904 Younghusband expedition to Lhasa, they changed drastically. The British imposed trade concessions on Tibet, the Qing advanced militarily in eastern and eventually central Tibet, the Tibetan Buddhist *chö-yon* relationship between the Dalai Lama, the teacher, and the Manchu emperor, the benefactor and protector,⁵ broke down and Tibet sought protec-

tion elsewhere.⁶ In Mongolia, where it was the Russian empire that sought to expand its influence, the changes also led to tensions as the Qing pursued a forward policy to counter Russian moves.

We do well to remember in this context, that the Qing empire was not China. The empire was established by the Manchu (originally Jurchen *khans* of the Aisan Gioro clan who renamed their people and regime 'Manchu') by means of conquest and subjugation of diverse Asian polities, China being one of them. The empire was characterized by the remarkable ingenuity with which the Manchu rulers forged relationships with and exercised authority over rulers of different polities based on diverse legitimacy constructs indigenous to the latter. The Mongols and Chinese were thus ruled separately, through discrete systems of administration, on the basis of different principles and using different logics, languages, rituals, symbolisms.⁷

The Manchu forged alliances with Mongol *khans* while subjugating others, becoming their Great Khan and instituting various forms of overlordship and mostly indirect rule over them. The relationship between the Manchu rulers and the Chinese part of the empire was very different. It was one of conqueror and conquered and this part of the empire was ruled directly by the emperor. The Manchu emperors took on the mantle of *Tianzi*, the virtuous Son of Heaven exemplifying benevolence towards all peoples, the pinnacle of the Chinese world and the monarch of *Zhongguo*, the 'central kingdom'. In this capacity, Qing emperors ruled *Zhongguo* by means of the traditional Chinese system of territorial administration, using the vast Han bureaucracy taken over from the Ming.⁸

The relationship the Manchu emperors developed with leaders of the Tibetan Buddhist civilizational world was entirely different again. The founder of the Qing empire, Hong Taiji, and the Fifth Dalai Lama established a *chö-yon* relationship that shaped successive Manchu emperors' relations with the Gelugpa hierarchs and rulers of Tibet.⁹ Unlike the Manchu relationships with the Chinese and Mongol elites, this was not a relationship established by conquest or military alliance. Instead, the relationship was a complex religio-political one that changed over time as the interests of the Manchu court evolved and conditions in Tibet changed.

When the nationalist revolutionaries in China toppled the Qing imperial regime to throw off the yoke of foreign Manchu rule and proceeded to form a new Chinese republic, the empire ceased to exist and Mongol leaders as well as the Thirteenth Dalai Lama proceeded to reform their polities along independent lines. The polities that emerged strove to reconceive themselves to fit the modern international legal requirements of 'statehood', 'sovereignty', 'territory' and 'effective control', and to project their power as well as communicate their claims accordingly.

Chinese nationalist leaders set out to project a concept of China as a multi-racial nation-state that included the vast Inner Asian territories the Manchus had considered part of their empire, claiming to be successors to all the territories and rights of the Qing empire.¹⁰ They attempted to appropriate, transform and reinterpret age-old relationships forged by the Manchu emperors into the modern language of state and sovereignty, claiming that these regions had for centuries been "part of China."

The new Mongolian political leaders, in particular of Khalkha, declared their state to be independent and the Jetsundamba Lama to be their monarch.¹¹ In November 1912 Mongolia entered into a bilateral agreement with the Russian empire by which Mongolian statehood and independence (in the Mongolian text) or autonomy (in the Russian text) were recognized.¹²

The Thirteenth Dalai Lama asserted his country's independence in communications with foreign leaders¹³ and, just as the Jetsundamba Lama did,¹⁴ resolutely rejected the Chinese nationalist attempts to persuade Tibet to "join" or "accept" the new Chinese republic.¹⁵ All Qing imperial officials and troops that had served in Tibet surrendered to the Tibetan army. Under an agreement mediated in August 1912 by Lieutenant Lal Bahadur, the Nepalese *Vakil* (ambassador) in Lhasa, they were, after some further resistance, eventually expelled by the Tibetan government and sent to China by way of India.¹⁶ On 11 January 1913 Tibet and Mongolia concluded a bilateral treaty of mutual recognition of independence and friendship in Niislel Khuree (renamed Urga).¹⁷ Shortly thereafter, in February, the Dalai Lama is-

sued a proclamation to the people of Tibet in which the independence of the Tibetan state was expounded upon.¹⁸

The Chinese President Yuan Shikai had publicly proclaimed in April 1912 that Mongolia, East Turkestan (Xinjiang) and Tibet now became “part of the territory of the Republic of China” and would henceforth be treated on equal footing with Chinese provinces.¹⁹ Such claims, together with the Chinese military activity on the eastern part of the Tibetan plateau, heightened Tibetan fears that China would attempt to take the country by force. The Dalai Lama urged Britain to mediate between the two sides to end the fighting and to establish clear borders between Tibet and the assertive new Chinese republic.²⁰

Britain’s reluctance to play this role ended when they discovered in the summer of 1912 that the Chinese were making plans to invade Tibet.²¹ Fearing that a Chinese advance on Tibet would bring potentially hostile troops to the borders of India and destroy the buffer Tibet provided between the British Indian empire and the new China, the British government set about persuading and pressuring the leaders in Beijing to agree to a tripartite conference to end the Sino-Tibetan conflict and resolve both the issues of Tibet’s status and of the border separating it from China once and for all. Britain pointed out that its recognition of the Chinese republic would depend on that. It also communicated its willingness, as part of an outcome of such a conference, to recognize China’s suzerainty over Tibet in exchange for a firm recognition of the latter’s full autonomy.²²

After at first refusing on principle to enter into tripartite negotiations on an equal level with the Tibetan government, the Chinese government on 30 June 1913 revoked the previous year’s Presidential Order regarding the full incorporation of Tibet and agreed to the proposed tripartite conference.²³

Outcomes of the Simla conference

1. Recognition of Tibet’s independent treaty making capacity

When the delegations of the three parties did finally meet in the British Indian summer capital Simla, in October 1913, they entered the conference and negotiations on equal footing as plenipotentiaries of three distinct and independent states.

As is customary in such international negotiations, the credentials of each delegation were formally presented to the other delegations for examination, recognition and acceptance.²⁴ When the Tibetan plenipotentiary's credentials were recognized and accepted by Great Britain and China this had two effects under international law: the first was to *estop* (prohibit) those two governments from thereafter rejecting or questioning the treaty making capacity of the Tibetan state and government and the authority of its delegation to represent and bind the state.²⁵ Secondly, it can be validly argued, as it was done a few years later by the Arbitral Tribunal in the *Deutsche Continental Gas Gesellschaft v. Poland* case that the recognition of a state's and its delegation's power to conclude treaties concerning its status, borders and trade is also a *de-jure* recognition, albeit an implicit one, of that state's independence.²⁶

This analysis is supported both by the express revocation of the Chinese Presidential Order of 21 April 1912 incorporating Tibet into China²⁷ and by the wording of the preamble of the Simla Convention. Although China did not sign the Convention in the end, it was not on account of this portion of the treaty:²⁸

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Excellency the President of the Republic of China, and His Holiness the Dalai Lama of Tibet, being sincerely desirous to settle by mutual agreement various questions concerning the interests of their several States on the Continent of Asia, and further to regulate the relations of their several Governments, have resolved to conclude a Convention on this subject and have nominated for this purpose their respective Plenipotentiaries....

Of course the Chinese and British acts of recognition of Tibetan independent treaty making power at the start of the Simla conference did not create the independent Tibetan state.²⁹ This the Tibetans were already achieving by their own actions and assertions of independence, in particular the expulsion of Manchu and Chinese officials and troops from Tibetan territory and the exercise of effective control over most of it. The formal recognition of Tibet's international capacity by the two major powers most concerned with Tibet, however, provided the most significant *de jure* acknowledgement of that independence since the Mongolian recognition contained in the Treaty of Urga. It therefore also estopped those powers from legally denying Tibet's international personality later.

2. Recognition by Great Britain of the territorial integrity of Tibet

The second highly important outcome of the conference, which should be of great importance to Tibetans and the government of the PRC in any dialogue process they may engage in today, was the ample evidence it brought to light of the integrity of the Tibetan polity including eastern regions of Kham and most of Amdo. I wish to spend a moment on this here, because I believe it is insufficiently appreciated.

Tibet and China presented mutually exclusive territorial claims at the start of the Simla conference. Tibet claimed all of Kham up to Dartsedo (Tiachenlu or Kangding in Chinese) and much of Amdo (Qinghai in Chinese). China claimed all of Amdo and almost all of Kham up to Giamda, a little over 100 miles east of Lhasa.³⁰ When asked to substantiate their respective claims the Chinese delegate was unable to do so convincingly. He based his claim solely on a narrative of Tibet having been a part of Chinese territory since its annexation by the Qing emperor in the 18th century, and on the assertion that the Eastern parts of the Tibetan plateau had historic connections with China and had been brought under the effective control of the Qing empire following military campaigns some years earlier (in 1908-1910).³¹ The Tibetan side brought hundreds of pages of largely original documents to the meeting that showed centuries of religious and administrative institutional and political connections of the Eastern

regions with Lhasa. These included records of tax collections, monastic estate revenue flows, legal cases, appointments of local lay and monastic officials in Kham and parts of Amdo and correspondence.³²

An appreciation of the significance of these records requires an understanding of the nature of the Tibetan polity as it had existed in the past. As was true throughout Asia, the nature of the Tibetan polity did not fit neatly in the new concept of nationhood and statehood and neither its status nor its boundaries had been defined in modern political and legal terms. Instead of centrally determined boundaries with China there were borderlands characterized by overlapping sources of authority, open zones, and autonomous polities. The Tibetan state, to quote Carol McGranahan,

functioned under a set of rules that combined religious and secular authority, centralized and decentralized administration, ritual and performative aspects of allegiance, and allowed for high degrees of autonomy for certain areas within its sphere of influence.... Structures and dynamics of state-local relations were not consistent throughout Tibet, but varied in different areas as well as over time.³³

Much of Kham and Amdo consisted of autonomous kingdoms, chiefdoms, clans and nomadic communities ruled by their own traditional leaders and sensing little emotional connection to central Tibet other than religious allegiance to the spiritual leaders of their respective schools of Tibetan Buddhism and to related monastic institutions. In this distinctive form of political organization, the exercise of governmental functions and authority manifested as much, if not more, through religious institutional systems as it did through lay administrative institutions.³⁴ These, the evidence brought to Simla showed, were both present in different ways throughout Kham and much of Amdo, indeed in all areas inhabited by Tibetan communities on the Tibetan plateau. Those communities' monasteries were mostly tied to their parent monasteries in central Tibet; economic, administrative and taxation systems in addition to religious institutional ones connected those regions in various, not uniform, ways with central Tibet and the government in Lhasa.

The evidence brought to Simla by Lochen Shatra, together with the information the British obtained from other sources, including Chinese ones,³⁵ persuaded the British head of delegation, Henry McMahon, to recognize in the draft Simla agreement the territorial integrity of the whole of Tibet as claimed by the Tibetan side up to Dartsedo. McMahon concluded that “the whole country with both zones is still and has always been Tibetan. At the time of our treaty with Tibet in 1904, there was no Chinese administration in either Inner or Outer Tibet – this was admitted by [Imperial Commissioner] Fu Sung-mu.”³⁶ By signing the Joint Declaration on 3 July 1914 (see below), which bound Great Britain and Tibet to the terms of the Simla Convention as amended by that declaration, the British government legally recognized Tibet’s territorial integrity in Article 2, which, McMahon explained, meant the integrity of the whole country “as a geographical and political entity.”³⁷

The Simla Convention not only recognized the territorial integrity of the whole of Tibet. Had it been signed by China also, it would have conferred suzerainty over Tibet to the Republic of China and divided the country into ‘inner’ and ‘outer’ parts. ‘Inner’ Tibet counter-intuitively would have consisted of the area closest to China, that is the portion of Kham east of the Mekong-Yangtze divide, close to Batang, and much of Amdo.³⁸ The arrangement, inspired by the Joint Declaration that had just been announced between Russia and China regarding Mongolia,³⁹ was supposed to allow the Chinese government to exercise a degree of administrative authority in ‘inner’ Tibet without, as Article 9 of the Convention specified, prejudicing “the existing rights of the Tibetan Government in Inner Tibet, which include the power to select and appoint the high priests of monasteries and to retain full control in all matters affecting religious institutions.” It was presented by the British as a compromise between the Tibetan and Chinese claims and was primarily intended to serve British interests, namely to strengthen the buffer function of an autonomous Tibet by creating a new buffer between a fully autonomous ‘outer’ Tibet, the part of the country closest to India, and China proper.⁴⁰ Tibetans, who were for centuries accustomed to relying on protection by outside powers, were presumably prepared to agree to these concessions because they believed, on account of the representations made

by McMahon and his delegation, that doing so would secure British assistance in safeguarding Tibetan autonomy and resisting Chinese incursions.⁴¹

Curiously, the division would not, under the terms of the Simla Convention, affect the territorial integrity of Tibet as a whole, although in practice the delegates must have understood that—should the tripartite agreement be implemented—the arrangement would undermine the country's integrity. The proposed sharing of authority in 'inner' Tibet might have resulted in the maintenance of Tibetan religious authority there, but the Chinese government would in all likelihood not have tolerated Lhasa's exercise of any political or administrative power in that region close to its border. The Chinese delegation to the conference in fact insisted on the exercise of full sovereign rights in 'inner' Tibet.⁴²

The arrangement that was envisioned in the Simla Convention was a complicated compromise that purported to respond to some of the core claims of Tibet and China but would have left both dissatisfied. The recognition of the territorial integrity of Tibet it provided would have been undermined by the bifurcation of the country and the rights the agreement would have granted to China in the eastern part of it. In actual fact, China refused to sign the agreement on account of the delimitation of the boundary between 'inner' and 'outer' Tibet⁴³ and therefore the administrative division of Tibet was never effectuated, nor were Chinese suzerainty over it and special rights in 'inner' Tibet conceded. What remained at the end of the day, were those parts of the agreement that recognized Tibetan and British rights and privileges, including the recognition of Tibet's geographical and political integrity. In the years following the Simla conference, Tibetan troops established control over eastern parts of the country up to Dartsedo, driving out Chinese military and government officials and thereby establishing on the ground much of what had been expressed on paper in Simla.

3. Three bilateral treaties between Great Britain and Tibet

Great Britain and Tibet concluded three bilateral agreements in Simla:

(1) the Exchange of Notes between the British and Tibetan plenipotentiaries dated 24 and 25 March 1914; (2) the Anglo-Tibetan Declaration of 3 July 1914 in conjunction with its attachment consisting of the 'Convention Between Great Britain, China and Tibet' of the same date; and (3) the Anglo-Tibetan Trade Regulations of 3 July 1914.⁴⁴

The first agreement concerned the border between Tibet and British India to the east of Bhutan and it was negotiated and signed before the final decision of the Chinese government not to sign the Simla Convention was communicated to the conference. This treaty was drawn up in the form of an exchange of notes and a map showing the agreed border, signed and sealed by the plenipotentiaries.⁴⁵ This border came to be known as the McMahon Line.

The British wanted to increase the security of British India by obtaining a defined boundary that would follow the Himalayan crest. This meant acquiring territory that had hitherto been considered part of the Tibetan polity. Tawang and adjacent areas had been loosely administered by the government in Lhasa and Tawang Monastery, which dominated the area had its parent monastery in Lhasa also. The Tibetan government was at first not prepared to cede this territory to the British but was convinced to do so in exchange for unwritten assurances that the British government would guarantee Tibet's autonomy and provide diplomatic and limited military support in Tibet's struggle to prevent Chinese advances into Tibet.⁴⁶ Under the accord the British would not change or interfere in the Tibetan administration of the territory and the collection of taxes and other revenues there. Thus, Tibet in effect accepted a form of shared rule in exchange for the surrender of Tibetan ownership.

The second bilateral agreement was a joint declaration solemnly signed on 3 July 1914 in the presence of the Chinese delegation, to which the text of the Simla Convention was attached. The Joint Declaration stated:

We, the Plenipotentiaries of Great Britain and Thibet, hereby record the following declaration to the effect that we acknowledge the annexed convention as initialed to be binding on the Governments of Great Britain and Thibet, and we agree that so long as the Government of

China withholds signature to the aforesaid convention she will be debarred from the enjoyment of all privileges accruing therefrom.

The goal of this bilateral agreement was to provide to both parties the benefits the Simla Convention gave them and to preclude any of the rights it would have given China. Concretely, the effect was that –until such time as China would sign the agreement— neither China’s suzerainty nor its demands that Tibet be recognized as part of the territory of China, nor also the creation of a so-called ‘Inner Tibet’ and provisions for Chinese administration there were conceded. The Convention itself was not signed, on instructions from London,⁴⁷ and the agreement as it stood only bound Great Britain and Tibet to fulfill their obligations to one another, and did not create any rights or obligations for China.⁴⁸

The third bilateral agreement was on trade, also concluded on 3 July 1914.⁴⁹ This agreement, which made direct references to the Anglo-Tibetan Lhasa convention of 1904, confirmed and enhanced some of Great Britain’s trade privileges and some extraterritorial rights in Tibet, while hardly giving Tibet anything in return.

Taking stock

None of the parties to the Simla negotiations achieved their original objectives, the most immediate being to bring an end to the conflict on the Sino-Tibetan border and durably settle it. At the same time Great Britain and Tibet derived some important benefits from the outcomes.⁵⁰

China

From the records⁵¹ we can infer that the Chinese government set out to achieve a number of goals, none of which it achieved. It aimed to obtain acceptance for the Tibet-China border to be drawn close to Lhasa, at Giamda, which was unacceptable to the Tibetan government and also not supported by the British. The border that was final-

ly included in the draft Simla Convention was much further East at Dartsedo (Tachienlu) and largely corresponded to the Tibetan claims. Once the division of Tibet into 'inner' and 'outer' parts had been proposed, the Chinese government focused on negotiating a favorable boundary between those two parts, because it anticipated exercising sovereign powers in 'inner' Tibet, and perceived the critical border to be that with 'outer' Tibet. When the Chinese delegation failed to secure even *that* boundary close to Giamda and was pressured to accept instead a border not far west of Batang, which excluded the important town of Chamdo from its jurisdiction, the Chinese government revoked the initials its plenipotentiary had affixed to the Convention and refused to sign it.⁵²

Perhaps most importantly, the government had sought recognition of China's sovereignty over Tibet, which it claimed to be an integral part of the new Chinese republic.⁵³ By leaving the conference without any agreement, the Chinese government failed to secure the acknowledgement that Tibet formed part of the territory of China, the recognition of Chinese suzerainty over so-called Outer Tibet and the extensive rights it negotiated for itself in the eastern and northeastern portions of Tibet described as 'Inner Tibet.'

China's refusal to sign the treaty not only deprived it of these benefits but also resulted in Tibet's conclusion of separate agreements with Great Britain, thereby confirming and enhancing Tibet's international status as a treaty party. Chinese leaders must have felt they had damaged China's interests by agreeing to recognize Tibet as a full party to the negotiations and then not emerging with a treaty acknowledging the rights they claimed over Tibet and the borders they claimed for China proper. At the same time, by not signing the agreement, China remained free to pursue its objectives by other means without having bound itself to respect rights and privileges the agreement conceded to Tibet and Great Britain.

Tibet

Tibet had entered the Simla conference in the hope of settling the border wars with China, to secure a stable and safe border and prevent an invasion. The delegation left Simla with no such agreement

with China. On the contrary, the Chinese government refused to sign precisely because of its territorial claims well beyond the *de-facto* Sino-Tibetan border and fighting continued in the border regions.

The Tibetan government gained from the recognition of its independent status, which its equal status at the conference implied, and the confirmation of its international personality, which the bilateral agreements with Great Britain implied. It also benefited from the recognition in those bilateral agreements of the integrity of the whole of Tibet as a geographical and political unit, encompassing most of the Tibetan plateau. It lost territory in the south to Great Britain, albeit without losing its taxation and administrative authority there.

The British and Tibetan delegations left Simla with the intention of persuading the Chinese government to lift their objections and sign the Simla Convention in due course. For Tibet this entailed the prospect of losing some of the gains it had achieved in terms of the consolidation of its independent status and international personality. China's future signature of the Simla Convention would have entailed a Tibetan acceptance of the bifurcation of its territory and of sharing power in what would become Inner Tibet with China, knowing full well that China was intent on exercising sovereignty there. It would also have meant recognizing Chinese suzerainty even over 'Outer Tibet', albeit nominal only.

Great Britain

The British government failed to secure a settlement with China over the borders between Tibet and China, the limits of Chinese power and authority there and the recognition of British interests and trade benefits there. The buffer state that Great Britain had hoped to secure to the north of British India was only partly fulfilled, since as long as no agreement was reached with China, Tibet continued to face the threat of Chinese military attacks and political manipulation.

The records of the India Office in London reveal that the British government in London was not pleased with the separate conclusion with Tibet of the border agreement and the joint declaration. This apprehension was in part caused by the fear that Russia would accuse Britain of having violated provisions of the Russo-British agreement

of 1907, which precluded either party from entering into treaties directly with Tibet and from acquiring territory from that country.⁵⁴ It was apparently in order not to attract unwanted attention from both the Russian and the Chinese governments that the texts of the agreements were not officially published by the British government until 1938 when they were belatedly included the official volumes of Aitchenson's *Treaties*⁵⁵ (by then the Russian revolution had occurred and the 1907 treaty had been repudiated by Bolshevik Russia). The British government's worry was particularly that Russia would feel free to disregard its own obligations from the 1907 treaty as it concerned Afghanistan and Persia, which in turn could damage British interests there.

It is interesting to note the similarities in the terms proposed by Russia and Great Britain in their negotiations with China and with Mongolia and Tibet respectively. Shortly after the British, Chinese and Tibetan plenipotentiaries initiated their negotiations in Simla, the Russian government—without the participation of the Mongolian government—conceded Chinese demands to replace earlier Manchu authority over the northern Mongols with some form of Chinese suzerainty.⁵⁶ And a year after the British, Chinese and Tibetan delegations left Simla and returned to their respective homes, the Mongolian leaders were pressured to sign a tripartite agreement with Russia and China, by which Mongolia recognized Chinese suzerainty in exchange for a formal acknowledgement of Mongolia's autonomy. The Russo-Chinese Declaration and the subsequent tripartite treaty divided Mongolia in two parts in a manner similar to the division proposed in the Simla Convention: the territories closest to China (Inner Mongolia), which had been most integrated in the Qing empire, were to be considered as belonging to the new Chinese republic; Outer Mongolia, ruled by the Jetsundamba, on the other hand, was to be autonomous and subject only to a nominal suzerainty of China.⁵⁷

The legal validity of the three bilateral treaties concluded at Simla

Treaties by any name are legally valid if they are concluded between states with the capacity to conclude treaties and this is done by their duly empowered representatives. Under international law various names can be used to describe treaties, such as protocols, covenants, conventions, agreements, and even joint declarations and acts. The forms can also be many, so that a single formal text signed by the parties can have the same effect as a formal exchange of notes by government representatives.⁵⁸ Some treaties enter into force upon signature, others require a formal act of ratification after signature, and this depends on the terms of the agreements themselves.

In 1914 very few grounds existed for the invalidity of treaties⁵⁹ and none were present in respect of the treaties concluded between Great Britain and Tibet at Simla.⁶⁰ Moreover, under the law in existence at the time, a treaty would only have been voidable if the treaty party damaged by it had demanded its invalidation and the other party had agreed to it, or if the matter was resolved by a recognized dispute resolution mechanism.⁶¹ Unhappiness with the outcome of negotiations or with the behavior of negotiators did not affect the validity and enforceability of treaties. Neither the British nor the Tibetan government officially repudiated the actions of their plenipotentiaries in communications to the other treaty party, internal rumblings notwithstanding.

The conclusion of an agreement in contravention of one of the treaty party's obligations to another state (the latter not a party to the treaty) could under international law at the time lead to claims of damages by that other state or even to the repudiation of its bilateral agreement with the violating party.⁶² But this did not affect the validity of the properly concluded treaty. The fact that some provisions in the bilateral agreements Great Britain concluded with Tibet were violations of the terms of the 1907 Anglo-Russian Treaty did not therefore invalidate those agreements, but entitled Russia to seek damages or compensation in some form from Great Britain.

The fact that little international attention was drawn to the treaties by the parties and that at first they were not published⁶³ had no bearing on their validity either. It is worth noting in this regard that there existed no rule prohibiting the conclusion even of a secret treaty in 1914 and the practice was not uncommon.⁶⁴ Thus, if the parties had the intention to keep this agreement secret or quiet, such intent was entirely lawful.

The terms of the various agreements concluded in Simla provided or implied that they were to enter into force by means of signature and that no ratification process was envisioned or required. Thus all three agreements entered into force upon their signature.

Finally, evidence of the validity of the agreements concluded is also inferred from their invocation, implementation and enforcement. Both the British and the successor Indian governments reaffirmed the validity of the agreements concluded at Simla on numerous occasions.⁶⁵

When India achieved independence in 1947 it assumed Great Britain's treaty obligations including its treaty relations with Tibet.⁶⁶ Shortly after independence, the Indian government expressly confirmed this position in a letter to the Tibetan Foreign Office in response to the Tibetan government's proposal that India return the territory ceded to British India at Simla:

The Government of India would be glad to have an assurance that it is the intention of the Tibetan Government to continue relations on the existing basis until new agreements are reached on matters that either party may wish to take up. This is the procedure adopted by all other countries with which India has inherited treaty relations from His Majesty's Government.⁶⁷

The treaties concluded in Simla were again invoked and their validity reaffirmed by the Indian government years later, after the Chinese invasion of Tibet, in an official communication to the Government of the People's Republic of China in 1959. This time the Government of India referred specifically to the equal status of the Tibet at the

negotiations in Simla to argue the point, as I have done in this paper:

At the Simla Conference, the Tibetan and Chinese plenipotentiaries met on an equal footing. This position was explicitly and unequivocally accepted by the Chinese Government. The three plenipotentiaries exchanged copies of their credentials at the first session of the Conference on October 13, 1913. The credentials of the Tibetan representative issued by the Dalai Lama made it clear that Tibet was an equal party at the Conference with the right “to decide all matters that may be beneficial to Tibet,” and the Chinese representative accepted the credentials of the Tibetan representative as being in order. The credentials of the British Indian representative, which were also accepted by the Chinese representative, confirmed that all the three representatives were of equal status, and that the Conference was meeting “to regulate the relations between the several Governments.”⁶⁸

Finally, a word about China’s claim that the Simla agreements were invalid. China’s position is that Tibet could not enter into these treaties with Great Britain because Tibet was and had for centuries been a part of China and therefore could not on its own conclude international treaties.

Two things should be said about this: the first is, as we already noted earlier, that China’s formal recognition of the plenipotentiary powers of the Tibetan delegation and of their equal status at the negotiations in Simla estopped it from later alleging that the Tibetan government did not have the capacity to conclude treaties. This Chinese claim is therefore inadmissible under international law. The second is that Republican China’s and the PRC’s claim that Tibet was for centuries a part of China is groundless.

The question of Tibet’s status under international law is a complicated one that I have discussed elsewhere and that would take too much time to examine in detail here.⁶⁹ Different perceptions of the history of Tibet and of its relations with Mongol, Chinese and Man-

chu empires can legitimately exist and this is something I am currently exploring. But no evidence exists that demonstrates that Tibet ever formed part of China.

Whatever Tibet's relations with the Mongol *khans* and *khagans* and later with the Manchu emperors were, these never resulted in the incorporation of Tibet as a part of China. Moreover, despite claims to the contrary, no government of China ever exercised sovereignty or suzerainty, or indeed any other form of authority over Tibet until the People's Republic of China militarily invaded the country in the middle of the 20th century. Tibet and Mongolia asserted their independence once their ties to the Manchu court ceased to exist and never joined the Chinese republic created in 1912. The nationalist Chinese government declared that it was the successor state of the Qing empire and proceeded to claim territories that had tributary or dependency relationships with the Manchu court. Tibet and Mongolia rejected such claims as well as the many attempts by the Chinese president and government to persuade them to become part of China.

The Chinese government in 1914 had no legal basis to negotiate on behalf of Tibet nor to accept or reject boundary, trade or other bilateral agreements entered into by Tibet with other states. Thus we must conclude that not only were the Simla agreements valid and enforceable under international law as between the parties to those agreements, but China had and still has no legal basis to deny their validity.

Endnotes

1 See, e.g., A. Lamb, *The McMahon line: A Study in the Relations Between India, China and Tibet, 1904 to 1914* Vol 2 (London, 1966); T.W. D. Shakabpa, *One Hundred Thousand Moons, An Advanced Political History of Tibet* Vol 2, (transl. and annotated D.F. Maher, Leiden/Boston 2010); A.K. Jasbir Singh, *Himalayan Triangle: A historical survey of British India's Relations with Tibet, Sikkim and Bhutan 1765-1950* (London, 1988); W.F. van Eekelen, *Indian Foreign Policy and the Border Dispute with China* (the Hague, 1964); P. Mehra, *The McMahon Line and After: A study of the Triangular Contest on India's Notheast Frontier Between Britain, China, and Tibet, 1904-1947* (Delhi 1974).

2 Important sources include the India Office Records in London, especially the Political and Secret files of the India Office (hereinafter L/P&S/) and the Foreign Office files (hereinafter FO); the British head of delegation and president of the conference's report: *Tibet Conference: Final Memorandum*, 8 July 1914, L/P&S/ 10/138 ; the anonymous and detailed record of the negotiations contained in *The Boundary Question Between China and Tibet: A Valuable Record of the Tripartite Conference between China, Britain and Tibet, Held in India 1913-1914* (Beijing 1940); the Tibetan record 'The Mirror of Clear Reflection about the Simla Treaty between Britain, China and Tibet in the Wood Tiger Year' (*shing stag rgya gar 'phags pa 'Iyul du dbyin bod rgya gsum chings mol mdzd lugs kun gsal me long*) and T.W.D. Shakabpa's writing on the subject based on the Tibetan records (Shakabpa, *supra* note 1, pp. 766-781).

3 Characterized by Antonio Cassese as the "absolute nexus between territory and sovereignty." A. Cassese, *International Law* (2nd ed., Oxford/New York 2005) p. 83. In the 1928 *Island of Palmas* judgment, Max Huber held that "sovereignty in relation to a portion of the surface of the globe is the legal condition necessary for the inclusion of such portion in the territory of any particular State". *Island of Palmas* (United States v. The Netherlands) 4 April 1928, 2 RIAA, 831-871, p. 838.

4 This is the subject of the present author's current research and forthcoming book co-authored with Timothy Brook.

5 On *chö-yon* see note 9, below.

6 The Thirteenth Dalai Lama considered that the relationship ended when the Manchu emperor sent armies into Tibet in 1908 and advanced on Lhasa a year later. The Dalai Lama considered these actions to constitute a fundamental violation of the very purpose of the *chö-yon* relationship, which obligated the benefactor (the emperor) to protect his spiritual teacher (the Dalai Lama). Instead, the emperor had sent armies to attack and seize control of Tibet and had denounced the Dalai Lama, causing him to seek refuge in India. See Letter from the Dalai Lama to Lo Ti-t'ai (Wang Bu Phull), September 1910, quoted in T.W.D. Shakabpa, *Tibet: a Political History* (New Haven 1967), pp. 234-237. The consensual nature of the relationship was understood by Shen Zonglian, the Chinese government's representative in Lhasa and adviser to Chiang Kai-shek, who served in Tibet in the 1940's: "The patron-chaplain partnership lasted only as long as the patron was capable of

being patron and the chaplain was willing to remain a chaplain.” T. Shen and S. Liu, *Tibet and the Tibetans* (New York 1973), p. 46.

7 This is expounded by Pamela K. Crossley in *A Translucent Mirror* (Berkeley, 1999). Like the Mongols who ruled China as part of a much larger empire before them, the Manchu rulers distinguished between ‘China’ and ‘the whole Empire’ which they ruled. C. Beckwith, *Empires of the Silk Road: A History of Central Eurasia from the Bronze Age to the Present*, (Princeton 2009) p. 225. For detailed studies see also W. Rowe, *China’s Last Empire: the Great Qing* (Cambridge, Mass., 2009), E. Rawski, *The Last Emperors* (University of California Press□, Berkeley, 1998), and M. Elliott, *The Manchu Way; The Eight Banners and Ethnic Identity in Late Imperial China* (Stanford, 2001).

8 See Crossley, *supra* note 6; L. Liu, *The Clash of Empires; The Invention of China in Modern World Making* (Cambridge Mass., 2004).

9 The original formal relationship at the base of the ties Tibet had with the Qing empire was the *chö-yon* relationship established in 1639 between the Fifth Dalai Lama (1617-1682) and the Manchu emperor Hong Taji (1592-1643). *Chö-yon* was a mutually beneficial relationship established at the highest level between an accomplished Lama, as the spiritual teacher and root *guru*, and a lay ruler, be he an emperor, *khan*, king or chieftain, as his benefactor and protector. The Lama provided the latter with enhanced legitimacy among Buddhists and gave him coveted tantric empowerments and esoteric teachings. On his part the benefactor venerated and protected his spiritual master and gave him offerings. Although conceived as a personal relationship, *chö-yon* was implicitly also institutional, since the benefactor was expected to support religious institutions and protect –militarily if need be— not only the Lama personally but also his position, power and, where relevant, his realm. Some of the best writings on the *chö-yon* relationship are those of Y. Ishihama, D. Seyfort Rugg, and C. Sinha. See, Y. Ishihama, ‘The Notion of “Buddhist Government” (*chos srid*) Shared by Tibet, Mongol and Manchu in the Early 17th Century’ in Cüppers, ed., *The Relationship Between Religion and State* (*chos srid zung ‘brel*) in *Traditional Tibet*, (Lumbini International Research Institute, Lumbini 2004); D. Seyfort Rugg ‘*Mchod Yon, Yon Mchod and Mchod Gnas/ Yon Gnas*: On the Historiography and Semantics of A Tibetan Religio-Social and religio-Political Concept,’ in *Tibetan History and Language* (E. Steinkellner ed., G. Uray Festschrift, Vienna 1991); D. Seyfort Rugg, *Ordre Spirituel et ordre temporel dans la pensée bouddhique de l’Inde et du Tibet. Quatre conférences au Collège de France*, (Collège de France, Paris, Publications de l’Institut de civilisation

indienne, fasc. 64, Édition-Diffusion de Boccard, Paris 1995). D. Seyfort Ruegg, 'Introductory Remarks on the Spiritual and Temporal Orders' in *The Relationship Between Religion and State (Chos srid zung 'brel) in Traditional Tibet* (C. Cüppers ed., Lumbini International Research Institute, Lumbini, 2004); Nirmal C. Sinha, 'Chhos srid gnyis ldan', *Bulletin of Tibetology* Vol 5, No. 3 (1968).

It is also important to understand that Tibetans considered the emperor to be the incarnation of Manjushri, and therefore owed him great respect and reverence both as the lay benefactor and protector of the Dalai Lama, but also as the Buddhist deity of whom he was an emanation. See Y. Ishihama, 'The Image of Ch'ien-lung's Kingship as Seen from the World of Tibetan Buddhism,' *Acta Asiatica*, Vol. 88 (Tokyo 2005), p.61. See E. Sperling, 'Tibet's Foreign Relations during the Epoch of the Fifth Dalai Lama' in *Lhasa in the Seventeenth Century: The Capital of the Dalai Lamas* (F. Pommaret, ed., Leiden 2003), pp. 121-23.

10 P. Mehra, *Essays in Frontier History: India, China and the Disputed Border* (New Delhi, 2007) p. 64. The Manchu emperor Aisin Gioro Puyi was forced to announce his abdication on 12 February 1912 by decree. The decree announced the transfer of sovereignty "to the people" and stated that the five peoples (Manchus, Chinese, Mongolians, Mohammedans, and Tibetans) and their territories "jointly constitute the one great Republic of China [*Zhonghua Minguo*]." *China, Japan, and the Islands of the Pacific* Vol. I, *The World's Story: A History of the World in Story, Song, and Art* (E. M. Tappan, ed., Boston, 1914) p. 261. Text modernized by J. S. Arkenberg, Dept. of History, California State University, Fullerton. This was followed a month later by the adoption of a provisional constitution by delegates from 17 provinces of China proper only, under article 3 of which Inner and Outer Mongolia, Tibet and Qinghai (not included among the 17 provinces) were incorporated in the territory of the new republic. *Provisional Constitution of the Republic of China, 10 March 1912*, *AJIL*, Vol. 6, No. 3, Supplement: Official Documents (July 1912), pp. 149-154.

11 Proclamation of 1 December 1911. The text of the proclamation, translated in English in E. O. Batsaikhan, *Bogdo Jebtsundamba Khutuktu, the Last King of Mongolia* (Ulaanbaatar 2009) pp. p. 34-35. See also A.J.K. Sanders, *Historical Dictionary of Mongolia* (3rd e., Plymouth 2010) p. 349.

12 Agreement between Russia and Mongolia, signed at Urga 21 October/3 November 1912. For a discussion, see Kuzmin, 'The Treaty of 1913 between Mongolia and Tibet as a valid International Document' in *Lungta* 17, *The Centennial of the Tibeto-Mongol Treaty: 1913-2013* (Spring 2013) pp. 53-60. With respect to the

terminology used, Kuzmin writes: “Instead of ‘Outer Mongolia’, broader terms ‘Mongoliya’ (‘Mongolia’) in Russian version and ‘Mongol Uls’ (‘State of Mongolia’) in Mongolian version were used. ‘Geree’, the term used in Mongolian version, means ‘Treaty’ but not ‘Agreement’ (‘Soglashenie’, in Russian version). Russian version contains terms ‘avtonomnyi’ and ‘samobytnyi’, which may translated as ‘autonomous’ and ‘original’. Mongolian version contains for them terms ‘uurtuu ezerekh’ and ‘uurtuu togtnokh’ which mean ‘independence’ or ‘self-dependence’.”

13 Letter of the Dalai Lama to the Czar of Russia, February 1912, enclosure 2 in FO 535/15, No.39; Letter of the Dalai Lama to the British government, reported in FO 535/12, No. 228, enclosure 2, Government of India to India Office, 26 October 1912. See also FO/535/15, No. 284, enclosure 11, British Trade Agent, Gyantse, 19 Oct. 1912. In October the Chief Ministers of Tibet and the National Assembly also sent a letter to the Viceroy of India declaring the government’s resolve to separate entirely from China. The British government referred to the “Thibetan Declaration of Independence” in its internal government communications. See e.g. FO 535/16, No. 126, India Office to Foreign Office, 7 March 1913.

14 E. A. Belov, *Rossiia i Mongoliya, 1911 – 1919* (Moscow, 1999), pp. 60, 102-103.

15 M. C. van Walt van Praag, *The Status of Tibet; History, Rights and Prospects in International Law* (Boulder/London 1987), pp. 49-52, 136. See FO 535/15. No. 198, Incl. Government of India to India Office, 4 Sept. 1912; FO 535/16, No. 181, enclosure 3, letter from Haji Ghulam Muhammad, Lhasa, to British Trade Agent, Gyantse, 14 February 1913; extract of a telegram from the Dalai Lama to President Yuan Shikai, published in *Guomin Gongbao*, 6 January 1913 (quoted in Van Walt van Praag, p. 50). The Presidential Order was published in the Government Gazette on 28 Oct. 1912. See also W.W. Smith, *Tibetan Nation: A History of Tibetan Nationalism and Sino-Tibetan Relations* (Boulder 1996), p. 182. The Chinese Ministry of Information later acknowledged that Tibet declared independence in 1912. *China Handbook 1937-1945* (New York 1947), p. 30.

16 The troops that had marched into Tibet and eventually Lhasa from 1908 to 1910 were primarily Sichuan provincial troops carrying out the orders of the Qing court. They mutinied when news reached them of the revolution in China. They were expelled from Tibet shortly thereafter, in 1912. See for a discussion of events in Tibet following the 1911 revolution in China, M. C. Goldstein, *A History of Modern Tibet: The Demise of the Lamaist State* (Berkeley 1991), pp. 58-60.

See also, R. Rahul, 'The 1912 Agreement Between the Chinese and Tibetans,' *Tibetan Review* (February 1979), pp. 20-21. The text of the Agreement Between the Chinese and Tibetans, signed on 12 August 1912 is reproduced in that article. The subsequent agreement of 14 December 1912, which resulted in the final departure of the officials and troops, is found in [British] Foreign Office enclosure 6 in FO 535/15, No. 181. Both texts are reproduced in Van Walt van Praag, *supra* note 15, at pp. 314-318.

17 The author has discussed the validity of the 1913 Tibet-Mongolia treaty elsewhere. M.C. van Walt van Praag, 'A Legal Examination of the 1913 Mongolia-Tibet Treaty of Friendship and Alliance', 17 *Lungta*, special edition: *The Centennial of the Tibeto-Mongol Treaty: 1913-2013* (Spring 2013) p. 81-99. (Mongol version: M. van Walt van Praag, 'Mongol, Tuvdiin nairamdal, kholbootny 1913 gereenii erkh zuin sudalgaa' in "Mongol, Tuvdiin 1913 Ony Gere" – *Olon Ulsyn Erkh Zuin Barimt Bichig*, (Tuvshintugs A. & Zorigt D. eds., Ulaanbaatar 2011). The original document of the Mongolia-Tibet Treaty was displayed in Ulaanbaatar in October 2010 for the scholars participating in the International Symposium on 'The 1913 Treaty Between Mongolia and Tibet', including the author, to examine. The Tibetan and Mongolian texts and their most recent translations are contained in the special edition of *Lungta* referred to earlier in this note at pp. 101-109.

18 For the text of the proclamation see Shakabpa *supra* note 1, pp. 759 ff. This proclamation, together with the Tibet-Mongolia treaty concluded about a month earlier and the letters of the Dalai Lama to Russia, Great Britain and China, effectively constituted explicit affirmations of Tibetan independence.

19 Presidential Order issued by President Yuan Shikai on 21 April 1912. English translation contained in Enclosure to L/P&S/10/265, Jordan to Foreign Office, 27 April 1912.

20 See Shakabpa, *supra* note 1, p. 766-767; Mehra, *supra* note 10, pp. 62-65.

21 See C. McGranahan, 'From Simla to Rongbatsa: The British and the "Modern" Boundaries of Tibet', 28 *Tibet Journal* 4 (Winter 2003), p. 41.

22 Memorandum communicated to the Chinese Government by Sir H. Jordan on 17 August 1912, Inclosure 1 'Memorandum to Waijiao Bu' in L/P&S/10/147. For a detailed discussion of British considerations and engagement with the Chinese and Tibetan governments over the need for tripartite negotiations and the con-

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ditions thereof, including the equal participation of Tibet, *see* Lamb, *supra* note 1, pp. 440 – 476.

23 McGranahan, *supra* note 21 p. 41; R.S. Kalha, ‘The McMahon Line: A hundred years on’, *ISDA Comment* (Institute for Defence Studies and Analyses, 3 July 2014) on line: http://isda.in/idsacomments/TheMcMahonline_rskalha_030714.html.

24 See A. Cassese, *supra* note 3, p. 172. The presentation of credentials in Simla is reported in FO 535/16: No.381, Incl., GOI to IO, 3 Oct. 1913 and other IOR documents as well as in the preamble of the Simla Convention itself.

25 On estoppel, *see* Cassese, *supra* note 3 p. 74. For an earlier rendition, *see* G. Schwarzenberger, *International Law* (3rd ed., London 1957), p. 172.

26 The Tribunal in this case argued that Germany implicitly recognized Poland when the latter was admitted to the Peace Conference on 15 January 1919 and “the full powers of [its] delegation were, without reservation, recognized, admitted and accepted as being in order and valid by the delegation which negotiated in the name of Germany and represented that State.” *Tribunaux Arbitraux Mixtes* 9 (1930), p. 344.

27 R.S. Kalha, *supra* note 23.

28 The Chinese delegate did complain about this wording to which the British counterpart emphatically reminded him the Chinese government had accepted the equal status of Tibet at the conference. *See* A.K. Jasbir Singh, *supra* note 1, p. 73.

29 For a discussion of the constitutive versus the declaratory theories of recognition, *see* J. Crawford, *The Creation of States in International Law* (2nd Ed., Oxford 2006) pp. 19-28.

30 *See The Boundary Question*, *supra* note 2; Lamb, *supra* note 1, p.479-480.

31 *See Tibet Conference: Final Memorandum*, *supra* note 2, pp. 3-4 and Inclosure 2, pp. 4-5. *See also* McGranahan, *supra* note 21, pp. 42, 43 and Jasbir Singh, *supra* note 1, p. 195. At the very end of the Qing empire imperial armies

from Sichuan took control of large parts of Kham and marched to Lhasa, causing the Thirteenth Dalai Lama to flee to India in 1910. For a detailed discussion of the Qing and Republic of China forward policies in Kham see S. Relyea, 'Yokes of Gold and threads of Silk: Sino-Tibetan Competition for Authority in Early Twentieth Century Kham' in *Modern Asian Studies* (Cambridge, forthcoming 2015). At the time of the Simla Conference Chinese control of these eastern areas was fragile, as McGranahan points out citing British on-the-spot intelligence reports from Louis King (contained in L/P&S/10/432). McMahon nevertheless acknowledged a degree of Chinese control there. McGranahan, *supra* note 21, p. 43; *British Statement on the limits of Tibet* made by McMahon at the Simla Conference meeting on 17 February 1914, reproduced in *The Boundary Question*, *supra* note 2, pp. 88-90. See also for a detailed discussion Lamb, *supra* note 1, 477-481, 493.

32 See *Tibet Conference: Final Memorandum*, *supra* note 2; Jasbir Singh, *supra* note 1 pp. 71-73; Lamb, *supra* note 1, 493-494.

33 McGranahan, *supra* note 21, p. 39.

34 The Tibetan socio-political system is discussed in M. Goldstein, *A History of Modern Tibet, 1913-1951: The Demise of the Lamaist State* (Berkeley 1989). See also Y. Choedon, 'Review of Socio-Political Development in Tibet (600-1950)', *Bulletin of Tibetology* No. 1 (1996) pp. 21-29.

35 The British also had reports from British intelligence officer Louis King from the eastern Tibetan borderlands (as stated in note 30, above) and used a book written by the former Imperial Commissioner for Sichuan and Yunnan Frontier, Fi Sung Mu, entitled *The History of the Creation of Hsikang Province*. McGranahan, *supra* note 21 p. 44, 45.

36 'Verbal Statement by Sir Henry McMahon', 9 March 1914, L/P&S/10/343.

37 Lamb, *supra* note 1, p.495, quoting McMahon's proposal to the parties on 17 February 1914.

38 In drawing the boundary between Outer and Inner Tibet, McMahon made concessions to the Chinese despite the Tibetan government's evidence to favor a much larger area's inclusion in Outer Tibet. McGranahan, *supra* note 21 p. 45.

39 Joint Declaration of Russia and China and exchange of Notes in regard

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to Mongolia, 23 October / 5 November 1913. *Treaties and Agreements with and Concerning China 1894-1919* Vol. 2, (J. MacMurray ed., New York, 1921). See Lamb, *supra* note 1, p. 489-490.

40 Jasbir Singh, *supra* note 1, p.78.

41 See H.E. Richardson, *Tibet and its History* (2nd rev. ed. Boston/London 1984), p. 116. Only days after the conclusion of the Simla conference, the Tibetan government requested military weapons and assistance from Britain to resist Chinese advances in the eastern regions of Tibet. Shakabpa, *supra* note 1, pp. 774-775. See Jasbir Singh, *supra* note 1, p. 80 (in regard to the cession of territory to the British south of the McMahon Line) and Lamb, *supra* note 1, p. 518-519.

42 Lamb, *supra* note 1, p. 502. See Jasbir Singh, *supra* note 1, p. 72-3.

43 Lamb, *supra* note 1, p. 500-505; Mehra, *supra* note 10, p. 21.

44 The full text of the treaties are reproduced in Van Walt van Praag, *supra* note 15 at pp. 321-330.

45 For the full text of the Notes, see M.C. van Walt van Praag, *supra* note 15, pp. 329-30.

46 See A. Lamb, *Tibet, China & India 1914-1950: A History of Imperial Diplomacy* (Hertingfordbury 1989), p. 16, 20; Jasbir Singh, *supra* note 1, p.80-81. Years later the Tibetan government expressed the desire to renegotiate the matter. L/P&S/12 4197, U.K. High Commissioner, New Delhi, to Commonwealth Relations Office, 7 Nov. 1947.

47 Lamb, *supra* note 1, p. 518-519.

48 See Cassese, *supra* note 3, p. 170.

49 Anglo-Tibetan Trade Regulations, 3 July 1914, *supra* note 44.

50 For Hugh Richardson's assessment, see Richardson, *supra* note 41, pp. 115-118.

51 *The Boundary Question*, *supra* note 2, p. 7; *Tibet Conference: Final*

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Memorandum, *supra* note 2. Statements by the various parties in the negotiation contained in these reports and the Political and Secret files of the India Office.

52 See Jasbir Singh, *supra* note 1, pp. 199-200; *Tibet Conference: Final Memorandum*, *supra* note 2, p. 4; The Chinese government informed the British government in writing that it gave its adhesion to the major articles of the convention, but that it was “unable to agree to the boundary arrangement.” L/P&S/10/344, Jordan to FO, 30 June 1914.

53 In 1913, at the start of the Simla Conference China presented its position on Tibet’s status as an integral part of the Republic of China. *The Boundary Question*, *supra* note 2, p. 7.

54 See Jasbir Singh, *supra* note 1, p. 76; Lamb, *supra* note 46, p. 17. It should be noted that the British government held extensive discussions on the substance of the draft Simla Convention and Trade Regulations with the Russian government before anything was signed. They did not mention the Indo-Tibetan boundary agreement, however. See Lamb, *supra* note 1, pp. 507-516.

55 The three Simla agreements were published in Aitchison’s *Treaties* Vol. XIV, 1938. They had been omitted from the original 1929 edition of that volume. Lamb, *supra* note 46, p. 18. See Mehra, *supra* note 10, pp. 24-25.

56 Joint Declaration of Russia and China, 23 October / 5 November 1913.

57 Text published by E. O. Batsaikhan, *Bogdo Jebtsundamba Khutuktu, the Last King of Mongolia. Mongolia’s National Revolution of 1911*. (Admon, Ulaanbaatar, 2009), pp. 290-294.

58 See Cassese *supra* note 3, p. 171 -173.

59 Cassese *supra* note 3, p. 176.

60 Alistair Lamb poses several questions regarding the validity of the Tibet-British-India border agreement and the other treaties concluded at Simla. See A. Lamb, *supra* note 46, pp. 13-19.

61 Cassese *supra* note 3, p. 176

62 Cassese, *supra* note 3, p. 181.

63 The treaties, especially the boundary agreement, were not widely shared by the parties, and were, as noted above (note 55) first officially published by the British government in 1938.

64 The current requirement that treaties be submitted to the UN Secretariat for registration and publication was developed later to end the practice of secret treaties, because they were believed to have contributed to the outbreak of the First World War. M. N. Shaw, *International Law* (5th ed., Cambridge 2003), p. 832.

65 See e.g., Communication to the Government of China in FO535/17, No.229, Foreign Office to Lew Yuk Lin, 8 August 1914; British Embassy Washington, *Aide Memoire*, 19 April 1943 L/P&S/12/4194; Government of India to Political Officer Sikkim, 23 July 1947, L/P&S/ 12/ 4197; L/P&S/12/4195B, Commonwealth Relations Office to FO, 16 Nov. 1948; Letter from Prime Minister of India to the Prime Minister of China, 26 Sept. 1959, in Ministry of Foreign Affairs, India, *Notes, Memoranda and Letters Exchanged and Agreements Signed by the Government of India and China*, No. 2 (1959), p. 39. The subsequent correspondence between the British government in London and the Government of India, indicating that the former believed their plenipotentiary had gone too far in concluding the July 3 bilateral agreement on the demarcation of borders with Tibet, does not change the validity of these treaties, which came into force upon their signature. For different views, see Jasbir Singh, *supra* note 1, pp.70-83 and Smith, *supra* note 15, p. 201-203.

66 Shortly before the transfer of power, the British government formally communicated to the Tibetan government informing them that “After August 15th the close and cordial relations which have existed for so many years with [the British government] and the Government of India will continue with the successor Indian Governments upon whom alone rights and obligations arising from existing Treaty provisions will thereafter be devolved.” L/P&S/12/4197, Government of India to Political Officer Sikkim, 23 July 1947.

67 Quoted in ‘Letter from Prime Minister of India to the Prime Minister of China, 26 September 1959’, in Ministry of External Affairs, India, *Notes, Memoranda and Letters Exchanged and Agreements Signed by the Governments of India and China*, Vol. 2 (1959), p. 39.

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68 Note of the Government of India to the Government of the PRC, 12 February 1960, Ministry of Foreign Affairs, India, *Notes, Memoranda and Letters Exchanged and Agreements Signed by the Government of India and China*, Vol. 3 (1960), pp. 94-95.

69 See M.C. van Walt van Praag, *supra* note 15.

Chinese Perspective On The Simla Convention: From An Indian Lens

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Before arriving at any understanding on the Simla Convention, one needs to keep in mind that the Convention was mainly summoned by the British Raj to deliberate on the two major aspects of boundary settlement: one, the boundary between (the British) India and Tibet and two, the boundary between Tibet and China or the so called Inner and the Outer line. The Simla Convention, in effect, comprised of two separate border settlements. But the Chinese writings reflecting on the McMahon line do not make this distinction clear. Rather the Chinese position tends to collapse the two separate agreements into the broad question of Tibet. In their treatment of the Tibet issue they, however dwell on two, but integrated issues, one relates to the inner and outer zones and the other pertains to the status of Tibet. Significantly, if in the pre-1949, the boundary between Tibet and China acquired the primary focus, in the post-1949, the status of Tibet got the overwhelming attention. No more did the post-1949 Chinese perspective was concerned with Tibet's boundary with China after the former's occupation by the People's Liberation Army (PLA). The 1950 Chinese occupation of Tibet brought the reality of India sharing its

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border with China for the first time in history. From then on, Chinese legitimacy in Tibet loomed large in Chinese foreign and domestic policy and more specifically in India-China relations.

China's major contestation with the McMahon line has been that it depicted the status of Tibet as independent in history, and thereby, this has kept the question of China's legitimacy on Tibet unsettled. Quite inevitably, China stridently opposes the McMahon line. However, it may be argued that the McMahon line per se is not problematic for China. What riles the Chinese is the Tibet issue that is entangled with the McMahon line.

Chinese Views on the McMahon Line: The 1914 Position

The Simla Convention took place when the Manchu Government had fallen and was replaced by the unstable Republican government in Beijing. It was the Republican Government that appointed Chen Yifan as its representative to the Simla Convention. This is significant as it indicated China's interest in defining the status of Tibet and deliberating on the settlement of the boundary between Tibet and China. In this endeavour, two distinct positions emerged from the Chinese side, one on the status of Tibet and the other on the status of the two zones or Inner and Outer Tibet.

On the status of Tibet, during the deliberations, it was argued by the Chinese side that Tibet could not be considered independent and that the territorial limits of Tibet as was in the Tang dynasty could not be the basis of Tibetan claims to independence.[1] They pointed out that the reality had changed since the time Tibet was brought under the Manchu Government, particularly, the eastern part of Tibet (Eastern Kham) that saw direct Chinese control through the provincialization of the region as Xikang. The Central Tibet was also regarded as under Chinese control merely on the basis of the appointment of the Chinese Ambans in the Tibetan court. Therefore, the Chinese side averred that the Republican Government after 1911 that followed the

Qing precedence had “no right to alienate any part of the territory which it had inherited” from the Manchus. On the question of Inner and Outer zones, the Chinese side contended that the conceptualization of the two zones- inner and outer- could not be accepted as any public record supporting such divisions did not exist in Chinese history.

Subsequently, however, during the deliberations on the McMahon line, Chen Yifan came up with Five-Point proposal that queerly had accepted the two zones in the same pattern as was done in the case of Mongolia. However, the Chinese side reserved their objection on the status of equality that was accorded to Tibet under the Simla Convention with the mention of Tibet as under suzerainty of China. But the British side tried to impress upon the Chinese that until Tibet signed it, its status would be that of an independent nation recognizing no allegiance to China, thus, arguing for including Tibet as a party in the Convention. Chen reluctantly accepted the Article II of the McMahon draft that stated Tibet as being under the suzerainty, not sovereignty of China. Given the Chinese dissatisfaction on the suzerainty clause, they simply initialed the terms of the Convention in 27th April 1914. Not surprisingly, later China had declared it null and void as the demarcation between Tibet and China was not acceptable to it. Since China refused to ratify it, Simla Convention was ultimately signed by India and Tibet on 3rd July 1914.

What remains an ultimate truth and that which irks the Chinese is that the Simla Convention signed by the British and the Tibetans sealed the role of Tibet as an independent actor. It should also be indicated here that the Chinese objection was not on India and Tibet (the red line) but mainly on the Tibet-China boundary. This was simply because the Chinese could not have had any say on the India-Tibet boundary as it did not share a boundary with India. Further, the deliberations on the Simla Convention that went on for more than eight months suggest that the Chinese were not averse to discussion on Tibet-China border and were keen on reaching a solution. It was this eagerness that was evident in 1918-1919 when the Chinese side insisted to carry forward the talks with the British Raj but by which

time British interest abated owing to the changing geo-political situation in the event of the First World War.

Chinese Views on the McMahon Line: The post-1949 Position

The Chinese views on the McMahon line in the post-1949 no longer cared about inner and outer line as by 1950 the PLA had invaded Lhasa and brought Tibet under Chinese direct control. The views now increasingly dwelt upon the status of Tibet raising the validity of Tibet's role in the Simla Convention. The standard opposition to the McMahon line boiled down to the fact that Tibet was not independent and had no sovereign right to sign treaties. The McMahon line was therefore, illegal and that successive governments of China had never recognized it. Further, invoking Chinese nationalism, the People's Republic of China argued that the McMahon line "was the product of the British policy of aggression against the Tibet Region of China and aroused the great indignation of the Chinese people." Attention may be drawn to some analyses that indicate that till 2003 Chinese studies on the Simla Convention mainly focused on the McMahon's blue line or the border between inner and outer Tibet. The Chinese criticism mainly centered on the division of Tibet which in essence demonstrated foreign designs to split China by supporting Tibetan independence demands.

Chinese Views on the McMahon Line: The Post-2003

In the post-2003 period, a definite shift in China's position on the border is perceptible with its rising claim on Arunachal Pradesh as China's South Tibet. Evidently, this period also saw an increased attention in China on McMahon's Red line showing the Tibet-India boundary. An article in *China Tibetology* commented that "In the last one hundred years, hostile powers abroad and Tibetan separatists at home have continued to revisit the Simla Conference and the McMahon line, in order to pursue Tibetan independence and occupy Chinese territory and the Tibetan separatists with McMahon line as

basis, allowed the British to take away China's territory of 90000 Sq. Km step by step".

Arguably, this shift in China's position is consequent to Vajpayee's recognition of the 'Tibet Autonomous Region' (TAR) as part of China in 2003, a deviation from the earlier position of 'Tibet region of China'. The pre-2003 Indian position as 'Tibet region of China' essentially blurred the distinction between the geographic Tibet and ethnographic Tibet and sought to encompass both the TAR and the provinces of Qinghai, Sichuan Gansu and Yunnan in the notion of Tibet. This was in line with the historical notion of Tibet as well as in consonance with Dalai Lama's position. The 2003 India's recognition of the TAR corroborated an essentially Chinese position that of a truncated notion of Tibet. But more ominously the Chinese understanding of the TAR also included India's Arunachal Pradesh. India's recognition of the TAR, in effect, emboldened the Chinese to call Arunachal Pradesh as China's South Tibet. Of course, there is a difference between India and China on what comprises the TAR as for India Arunachal Pradesh is Indian Territory. Further, India recognized the TAR as part of China in return for China's recognition of Sikkim as part of India.

In fact, more than the 2003 India's recognition of the TAR, it was the 2005 Agreement on Political Parameters and Guiding Principles that actually emboldened the Chinese to heighten their claims, albeit unjustified. Attention may be drawn on the Article V and VII of the 2005 Agreement. The Article V stated "The two sides will take into account, inter alia, historical evidence, national sentiments, practical difficulties and reasonable concerns and sensitivities of both sides, and the actual state of border areas." And the Article VII stated "In reaching a boundary settlement, the two sides shall safeguard due interests of their settled populations in the border areas." If populated settlements are not to be disturbed then it signified that no territorial adjustments could go in favor of China. Further, since the historical evidence is to be taken into consideration, this again puts the Chinese in back foot as they had no historical presence in the region. Therefore, post-2005, China increasingly began to make new claims on Tawang on the ground of history that the Sixth Dalai Lama was

born there. They also argued that Tawang was important given deep Tibetan sentiments attached to the region. Here again, China's claim on Tawang becomes contentious as its claims are based on first ascertaining its claims on Tibet as part of China historically. Therefore, this makes China all the more sensitive on the issue of Tibet.

There is little wonder that the Chinese studies on the border have started to build a case for China's claim on Arunachal Pradesh and consequently the red line demarcating India-Tibet border has gained attention among the Chinese scholars. At the political level, the Chinese leadership has ratcheted up its claim on Arunachal Pradesh by calling the entire state as 'disputed'. Therefore, when Indian Prime Minister or Defence Minister visits Arunachal Pradesh, China does not leave any opportunity to show its displeasure and call it "irresponsibility" of the Indian government. This is a typical Chinese strategy to first pose the issue to the international audience as disputed and then make the issue a matter of contention for sovereignty between India and China. This strategy is similar to China's handling of the Senkaku Island dispute with the Japanese where the Chinese first incrementally posed the Island as disputed and once the Island was branded disputed, the Chinese moved to the next stage of questioning the Japanese sovereignty over the Island and increasingly lay its own claim there.

The Contradictions in the Chinese Perspective on the McMahon Line

There are several contradictions in Chinese views on the McMahon line that in reality reveal the hollowness of their claim on Arunachal Pradesh. First of all, the very fact that the Chinese side participated at the Simla Convention for more than eight months and had sent the Chinese representative, Chen Yifan to deliberate on the status of Tibet and demarcate the border between Tibet and China suggests that China did not regard the Simla Convention as illegal. In fact, Yuan Shih-kai was "sincerely anxious" to arrive at an amicable arrangement on the question of Tibet. In principle, China had no major objection on the terms of the agreement except on the exact divi-

sion marking the Tibet-China border. However, China repudiated the agreement soon after.

This sudden U-turn could be explained by the rationale of domestic political struggle between the northern Beijing government of Yuan Shih-Kai and the southern Nanjing government of Chiang Kai-shek. Though after the fall of the Manchus, Republican government was set up, in reality China was disunited with several Warlords ruling over different regions of the country. In Nanjing, Chiang Kai-shek condemned Beijing's acceptance of the Outer and Inner Tibet and began to build the rhetoric that China could be saved from dismemberment only under the leadership of the Nanjing government. Indeed as Hsiao Ting Lin's insightful study reveals that the Nationalist regime played "ethno-political games" by "utilizing the Tibetan agenda" to reinforce and legitimise Nanjing's role as the true unifier of China. In other words, Tibet emerged as a national issue owing to the competing claims for leadership among the divisive groups controlling China.

Further, China has settled the border with Burma based on the same McMahon line. This squarely validates the McMahon line and questions the Chinese logic of calling it an imperialistic relic. In this regard, Zhou Enlai, in his letter to Nehru (23 Jan 1959) acknowledged "one cannot, of course, fail to take cognizance of the great and encouraging changes: India and Burma, which are concerned in this line, have attained independence successively and become states friendly with China"...the Chinese government "finds it necessary to take a more or less realistic attitude towards the McMahon line." Again during his 1960 visit to China, Zhou Enlai, said that the territorial dispute was "an issue of a limited and temporary nature" connected to something else, that is, Tibet. He called for "an overall settlement." Also, in a letter (4 November 1962), Zhou conceded to Nehru that in the Eastern sector, the Line of Actual Control coincided in the main with the so-called McMahon line. In a meeting between Chen Yi (foreign minister) and Krishna Menon (defence minister) on the sidelines of the Geneva conference on Laos in July 1962, the Chinese side said that "they were not thinking of disturbing the McMahon line. What

was important to them was to gain clear title to the territory through which they had modernized the road to Xinjiang.”From this statement it becomes apparent that the Chinese had no real issue with the McMahon line but their principal concern squarely centered on Tibet.

The present Chinese dispensation argues that they had accepted McMahon line with Myanmar (Burma) as a gesture of benevolence to the smaller power. If that is so, then it could be argued that why such benevolence is not discerned in China’s disputes with Vietnam over the disputed Islands in the South China Sea.

Vulnerability of China’s Position on Tibet

The reasons for Chinese intransigence on the McMahon line are not unfathomable. Tibet declared itself independent in 1913. Sir Henry McMahon had involved Tibet in the Simla Convention based on this existing reality. Tibet was thus accorded treaty making powers and sovereignty rights. Further, the 1914 Convention also validated that India did not share a border with China but with Tibet and hence the Convention had two parts, one to demarcate the border between Tibet and China and the other between Tibet and British India. This also indicated why the British did not deem it necessary to involve Chen, Yifan on discussion of the India–Tibet border. Both the above facts expose the hollowness of Chinese claims on Tibet. This exposure lies at the root of China’s vulnerability on the Tibet occupation.

China’s position on Tibet is indeed vulnerable merely because Tibet was never a province of Imperial China. When under the rising threat of the imperialistic forces Xinjiang was turned into a province in 1884 and Taiwan in 1887 by the Manchu government, Tibet escaped such a fate thanks to the Great Game of the 19th century, and, more particularly, the British aim of using Tibet as a buffer between its domains and advancing czarist Russia. Inevitably, in the post-1949 era, Mao’s China had to invade Tibet to bring it under the People’s Republic of China (PRC). What this essentially meant was that China

had no legitimacy over Tibet. And it was primarily to remove the tag of an invader that China signed the 1954 Agreement with India. It was all the more necessary to gain India's approval on China's occupation as the Republic of China (ROC) in Taiwan was recognized in the United Nations, not the PRC.

China's vulnerability was further accentuated by the Cold War politics and the threat of the American forces using Pakistan as a base for operations against China. The role of the Central Intelligence Agency (CIA) in Tibet is well documented that was however, not intended to support Tibet's independence but mainly to use Tibet for creating tactical pressure on China. This spelt a formidable challenge for China as with the outbreak of the Korean War in 1950, the Cold War had reached its northeastern frontier.

However, by far the most important reason for China's vulnerability on Tibet was caused by the persistence of the Nationalist Guomindang challenge on China in the minority-frontier regions of Tibet and Xinjiang. This critical issue does not figure in any studies on India-China border so far. Hsiao-ting Lin's work on China's frontiers has thrown light on the role of the Nationalists in reviving former ties with ethnic minority communities to fight the Communist in the post-1949 era. The Nationalists not only collaborated with the CIA but also sought the help of Tibetan Buddhist prelates who had fled to Taiwan in 1949 with the Communist takeover of Tibet. This was the gravest challenge for the nascent Communist state.

Arguably, this vulnerability was specifically due to the strategic geopolitical location of Tibet. Right from the 1890s, the reformist writings of Qing China echoed the strategic location of Tibet, noting that Sichuan would be rendered defenseless if Tibet was lost. By identifying Sichuan as a "courtyard" and Tibet as a "screen" or a wall, the writings articulated the importance of the periphery in the defense of the core.

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This vulnerability drove the Chinese to construct an all-weather road through Aksai Chin region to consolidate its control over Western Tibet and Xinjiang. Notably, Xinjiang abutting Central Asia in the past had witnessed Soviet occupation of the Yili region. Arthur Lall notes that Xinjiang grew in importance by 1951 with the identification of the region as China's nuclear testing site at Lop Nor. Therefore, the construction of the 2,143-km road linking Yecheng County in Kashgarprefecture in Xinjiang to Lhatse in Western Tibet was mooted in 1951 to increase accessibility and connectivity.

As noted above by signing the 1954 agreement with Beijing recognizing Tibet as part of China, India sealed China's legitimacy over Tibet. This was a huge unilateral concession, made by India without a reciprocal recognition of the Indo-Tibetan border. Once India recognized Tibet as part of China, China then used that as a rationale to officially demarcate an Indo-Tibetan border. It was at this juncture that Tibet got entangled with the general India-China dispute over borders. More importantly, it suggested a Chinese belligerence that led to deterioration in Sino-Indian relations. The 1962 War happened because India had questioned China's intrusion in Aksai Chin which India regarded as its own region. But China interpreted this as India operating in collusion with the US to subvert Chinese sovereignty over Tibet. Nonetheless, China could not end its vulnerability in Tibet, despite defeating India in the 1962 War. This is merely because Tibet remained entangled with the differing perspectives of India and China on the border.

In 1988, India-China relations normalized only when India had agreed to keep aside the border issue. China, however, implied this normalization as India's acceptance of non-interference on the Tibet issue. But normalization meant keeping aside the contention, not resolving it. Any resolution of the border would also require resolution of the Tibet issue. Therefore, vulnerability for China on Tibet continues.

The internationalization of the Tibetan issue under the Dalai Lama further revived Chinese vulnerabilities. Due to the rising vulnerabil-

ity China entered into talks with the Tibetan envoys. But as is well known, the talks failed when the Dalai Lama refused to accept the Chinese position on Tibet as being historically part of China.

However, the 1959 revolt and the series of later revolts in 1987, 2008 and current Self Immolations have all invalidated China's sovereign claim on Tibet. In fact, the Tibet question is kept alive and threatens China in four principal ways:

- It poses China as an aggressor;
- It exposes the truth that Tibet has historically never been a province of China;
- It keeps China's periphery vulnerable;
- It demonstrates the failure of Chinese nationalism and the rhetoric of the unity of five races weaved to buttress China's claim on the non-Han regions and thereby threatens the legitimacy of the Chinese Communist Party.

Will China accept the McMahon line?

Sinologists like DawaNorbu contend that had it not been for the Tibetan revolt of 1959, the India-China border dispute could have been resolved through negotiations. The physical existence of the McMahon had never been problematic for China but its legal foundations were. For China Tibet is a strategic frontier. The security of the Chinese core is contingent on securing the periphery, so Tibet has to be part of China. The reason for China's present belligerence on the border with India is Tibet. Given the Tibet issue at the heart of the India-China bilateral relations, resolution on the border is contingent on the resolution of the Tibet issue. Neither the 1962 War nor the normalization of relations post -1988 has resolved the Tibet issue.

Rather the continued Tibetan unrest is testimony to the unresolved status of Tibet. In fact, from a purely religious and cultural identity until the 1950s, Tibet incrementally acquired a decisively political identity through its struggle against the PRC. The rise of Tibetan nationalism is incredibly rooted in Chinese minority policies. However, resolution of Tibet issue today is far more problematic than it had been earlier because of its enmeshment with Chinese nationalism, the bedrock of CCP's legitimacy and survival.

Post the disintegration of the Soviet Union, the Communist ideology lost popular appeal. More specifically, with the 1978 economic reform strategy, China ceased to be a socialist economy. With the economic base transformed the superstructure no longer could hold the communist ideology. In this context of the erosion of Communism, the Chinese leadership resurrected nationalism to legitimize the Communist Party rule. The crux of this new nationalism was to retrieve China's glorious past and catapult it to the rank of a super power status. To avenge the century of humiliation that the West had inflicted upon it, Chinese nationalism harped on retrieving lost land and protecting the sovereignty and territorial integrity of Chinese territories. The CCP became the vanguard of this new nationalism. Tibet thus became integral to the narrative of the CCP's new nationalism. Given the geopolitical location of Tibet and its significance to China's strategic frontiers, Tibet represents a national mission. When ideology is enmeshed with strategic interest, the combination is lethal and possibilities of resolutions are distant. In the context of Chinese nationalism pitted against Tibetan nationalism, the resolution of the Tibet issue is difficult. With the Tibet question unresolved, the fate of the McMahon line is left in a 'hopeless tangle'.

Tibet as an International Actor during the Simla Convention and its Disappearance

Dr Dibyesh Anand *

The rhetoric of ancient and historic Himalayan boundaries used by the Indian nationalist leaders in 1950s was partly a therapeutic balm for a people who had recently suffered the trauma of partition of the country into India and Pakistan and partly a bargaining ploy against the Chinese who had acquired control over Tibet. Interestingly, India did not invoke the language of 'traditional' or 'ancient' boundary when it was dealing with the independent Tibetan state until 1951. Even in February 1951 when Indian troops occupied Tawang and the Tibetans protested, India did not assert its rights in term of a forever existing boundary. Why was this the case? This was because India was aware that the Indo-Tibetan border is a legacy of British India's relation with Tibet, particularly of Simla Conference of 1913-1914, and not a product of a long- lasting intimate Indo-Tibetan relations.

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At the heart of British India's attitude toward Tibet lay a conscious and cultivated ambiguity, something I have elsewhere called 'strategic hypocrisy' (Anand 2008) -- recognising Chinese suzerainty over Tibet as well as Tibetan autonomy but being concerned only about British commercial interests in mainland China and strategic interests in Tibet as well as in the cis-Himalayan Buddhist kingdoms of Bhutan and Sikkim. So long as Tibet was not under absolute control of any power, British were relaxed about Indo-Tibetan boundary. As Lamb puts it, 'The post-imperialist Indian Republic and Chinese People's Republic are, in effect, trying to solve a problem which their imperialist predecessors found either insoluble or undesirable to solve' (Lamb 1964,5).

India and China went to war over the disputed borders in 1962. How did these imaginary lines become so important by early 1950s? To understand this transformation in India, one needs to appreciate the legacy of British imperial rule. The Simla Conference of 1913-1914 was an important episode in this. This conference was also one where British India, China and Tibet were treated as equals with treaty making powers.

Simla Conference

In addition to the tripartite negotiations during Simla Conference, there were two separate agreements between Britain and Tibet signed on 24-25 March 1914. One agreement allowed the British to establish trade marts, permitted British subjects to trade all over Tibet, and bound Tibet government to Article IV of Lhasa Convention of 1904 that prohibited it from levying tariff or dues without British permission. The second Agreement 'moved the frontier from the foothills of the Himalayas to its crests, ceding to India the large segment of Tibetan territory that was called Northeast Frontier Agency' (Goldstein 1989, 75-76). Henry McMahon, a key protagonist of the Conference later mentions the frontier thus 'Although our task was one of delimitation only, it took 11/4 years of polyglot negotiation to bring to conclusion' (McMahon 1935, 13) and yet it was a conclusion that

proved to be very contentious over the next century.

During the conference itself the ideal claim line that the British sought as Indo-Tibetan frontier keep shifting. The main discussion was over Tawang tract which had Bhutan on its west and the rest of Assam Himalayas in its east. British were aware that Tawang town was the seat of a large and powerful monastery that was under control of the Loseling college of Drepung monastery in Lhasa. Drepung, as Younghusband had found out during his expedition, was one of the 'big three' most powerful monasteries in Tibet. Tawang was part of Tsona district and significant revenue was paid to Tibetan religious and lay aristocracy from the region.

McMahon had three options and he explored all three in his discussion with other British Indian officials. One was to draw a strategically sound line along the Se la pass to the south of Tawang and thus leave the town within Tibet. Second was to draw a line further to the north incorporating Tsona town too. The third option for McMahon was to follow roughly the principle of highest mountain crest in this area and thus include Tawang but exclude Tsona. By February 1914 he had chosen the third option following on from Charles Bell's discussions with Tibetan plenipotentiary and survey reports of various expeditions in the region. Tawang was taken in. McMahon in his justification argues that Tawang 'secures to us a natural watershed frontier, access to the shortest trade route in Tibet, and control of the monastery of Tawang, which has blocked the trade by this route in the past by undue exaction and oppression' (IOR" L/PS/10/344:108).

There are two significant aspect of the Anglo-Tibetan agreement. One that it was secret and second that it was totally one-sided. The independent Indian government later argued that the Indo-Tibetan agreement signed on 24-25 March was not a secret but known to the Chinese representative. McMahon had clearly referred to the 'limits of Tibet in a comprehensive and general manner and not merely to the Sino-Tibetan boundary' and as Ivan Chen 'raised no objection to the proposals it meant that he agreed to a discussion of the Indo-

Tibetan boundary by the British and Tibetan representatives' (GOI MEA 1961, 112). Along the similar lines, a version of the official history of 1962 war argues that since Tibet was a 'sovereign independent country in fact' in 1914, China's role was as a mere 'witness' and a ratification by Beijing was not essential for the validity of the agreement; but Whitehall continued the myth of Chinese overlordship over Tibet for its own imperial reasons to prevent Tibet falling under the Czarist influence (Sinha and Athale 1992, 5).

At Simla, the Tibetans, with the use of numerous maps and documents, sought to prove that Tibet was independent. The Chinese argued that Tibet was part of China. The British pushed for what they saw a compromise -- divide Tibet into Outer Tibet and Inner Tibet where Outer Tibet would be under nominal Chinese suzerainty but have complete autonomy while Inner Tibet would be under Chinese control except that the Dalai Lama's religious supremacy over the monasteries in Inner Tibet would be respected. After months of negotiations and stonewalling on the part of the Chinese plenipotentiary, the talks collapsed as the Chinese government rejected the agreement initialed by the plenipotentiary. The main bone of contention was the boundary between Outer Tibet and Inner Tibet. A close attention to the discussions also show that the Chinese were reluctant to sign any agreement. They had been forced to come to the table at a time when the British had threatened to withhold recognition of the new Republic's government unless it sent a plenipotentiary to India and they had no intention of actually signing another 'unequal' treaty. The Chinese did not raise any objection to the Indo-Tibetan boundary because either they were not aware at all or they did not see it fit to raise it since the entire talks had collapsed in their view. Even if the Chinese had been aware and raised objections, they would have struggled in the dark for China had very limited knowledge about the Assam Himalayas.

It is useful to see how Charles Bell convinced Lonchen Shatra and then he and McMahon convinced their own Government to accept their stance. On 22 November 1913 Bell noted that there is not a 'strong case' for areas around Tawang and the 'best way would be

for us to show the Lonchen the frontier we want, ask him to agree to it and hear what he has to say about it' and states explicitly 'The Tawang country is clearly Tibetan. We must try to get the Tibetans to give us this up to the boundary line, which we want. We will tell them that it is necessary to have a straight boundary' (IOR: MSS EUR F80/178:4). On 17 January 1914 Lonchen, when shown the new map with proposed new frontier, expressed his reservations saying that Tibetans had various kinds of relations with areas to the south of the line but made it clear that he 'wished to avoid raising difficulties as far as possible' and Bell responded that 'the relations between the British Government and Tibet were friendly and it was desirable in the interests of continued friendship that a clear boundary should be arranged and friction thereby avoided' (IOR: MSS EUR F80/178: 9-10). On 23 January Bell wrote to McMahon that I must not omit to mention that we are to some extent committed by the telegram [No. 16, S- C, dated 21 Nov 1913] from the Government of India to the Secretary of State, in which Tawang is described as a Tibetan district and it is said that the frontier will follow the southern limit of Tawang. But we also said that we were without knowledge of this country. If the Tibetan Government agrees to a frontier along the Menlakathong range, we gain thereby a strong reason for claiming that the land south of this range does not belong to Tibet. We may refer to the Tibetan custom-house at Chukhang and we may point out that the inhabitants of the Tawang area are akin to the Bhutanese (IOR: MSS EUR F80/178:16).

On 24 March McMahon wrote to Shatra 'I am very glad that this question of the India- Tibet frontier is now definitely settled and I approve of the arrangements made by Mr Bell' (MSS EUR 80/193:21), initialed both copies of the new agreements and congratulated Bell 'heartily on the successful termination of this important branch of our negotiations' (IOR :MSS EUR F80/ 198:3). The Memorandum by McMahon dated 30 April stated clearly 'The mutual relations between Tibet and ourselves have been materially affected by the Convention in that it provides for (1) the freedom of direct negotiation; (2) the settlement of our mutual frontier; and (3) the freedom of commercial and industrial enterprises (IOR: L/PS/10/344: 105). He repeated this in his final memorandum of 8 July after the Simla Convention was over:

The living forces in Asia grow ever more relentless, the conflicting interests ever more strong, and we have learned by experience that, if we would secure our Imperial Asiatic interests, we must take part in the process of political evolution, not by importunities and aggressions, but by strengthening the weaker units on our borders and by using our imperial influence to stimulate and help them to a national consciousness (IOR: L/PS/11/80: 2842).

The crucial question is not why McMahon drew this line but why the Tibetans agreed to this loss of territory though a clearly lop-sided secret agreement. There is no detailed study of intra-Tibetan discussions over this and the archives of Tibetan government in Lhasa remain out of bounds for researchers. One has to surmise from what Tibetan historians later narrated and from what the British themselves wrote. A close attention to the deliberations show that they were led to believe that this surrender of territory was essential to retain British friendship. 'The bargain, unequal at the very least, meant that in return for India's strategic frontier, the Tibetans secured diplomatic and limited military support in their struggle with China' (Singh 1998, 253). British were far from acting like an honest broker; often they treated Tibetans as their 'ward' who needed to be rightly guided to maximize gains from the Chinese. British were offering promise of friendship of a strong world power and one can understand why Tibetans would find it tempting. British also offered to help Tibetans gain an agreement with the Chinese. While the British did not offer to intervene directly and support Tibetans in any future war with China, they did promise aid, assistance and expertise in modernizing Tibetan army.

Tibet had recently gained independence and the Dalai Lama was aware of the need for modernization if that independence had to be sustained. Bell conveyed to Lonchen Shatra 'an assurance to the effect that the Tibetan Government might rely on the diplomatic support of His Majesty's Government and on reasonable assistance in supplying munitions of war' (IOR: L/PS/10/344: 105). British friendship was therefore seen as crucial for this and Tibetans were assured that the acceptance of the Indo-Tibetan boundary on map would not lead to a serious and significant change on the ground. The formal

letter from Lonchen Shatra confirming Tibetan Government's agreement to sign the Indo-Tibetan Frontier deal on 24-25 March is instructive. Lonchen Shatra on 24 March used these words: 'As it was feared that there might be friction in future unless the boundary between India and Tibet is clearly defined, I submitted the map, which you sent to me in February last, to the Tibetan Government in Lhasa for orders' (PRO: FO 371/164932 1962). Why was Lonchen fearing a friction with the British if he did not agree to the one-sided frontier realignment?

Though we have access only to the written accounts of Charles Bell and note that of Lonchen, we can see that the persuasion was a result of bullying. Again, a detailed look at various stages of talks in February and March 1914 shows how Tibetans were led to believe that if only they show flexibility on frontier issue, they will secure British friendship. On 30 January 1914 Lonchen said to Bell that as he had not received any instructions as to the frontier between Tibet and India, when he left Lhasa, he would like to send the map and refer this question to the Lhasa Government. Otherwise he would probably get into trouble, if the Dalai Lama died soon. If the treaty being made, proved unsatisfactory, he would be blamed whether he gave up Tawang land to the British Government or not. In the former event he would be blamed for having given it up uselessly, in the latter even for having endeavoured to obtain too much and thereby having failed to arrange a satisfactory treaty (IOR: MSS EUR F80/ 178:26).

It is obvious that for first few months of the Simla conference, Tibetans had no inkling that they were expected to sign an Indo- Tibetan frontier deal. They were not prepared for it. Being told that this frontier agreement was essential to secure British friendship at a phase in the Conference when there was a severe deadlock between Chinese and Tibetans, Lonchen and the Tibet Government had little choice. On 30 January, Bell wrote in his official notes to McMahon:

I reminded him that he practically agreed to the boundary as at first proposed, and also that he told me that, though he should have to re-

fer to Lhasa for approval, yet he expected no difficulty in coming to a satisfactory settlement. I told him that I had reported accordingly to the British Plenipotentiary, who is now under the impression that the boundary question had been settled and that it is now only required to give him another copy of the maps with the modified boundary shown as above.

Shatra said he will report and get permission and the only assurance they needed was that the British would allow pilgrimage and continued ownership of private estates south (IOR" MSS EUR F80/178:28). On 6 February Bell handed to Lonchen a letter noting Bell's interpretation of what Lonchen Shatra's view were and insisted on getting the latter's seal on it. Left with little room to manoeuvre, Lonchen Shatra replied on 9 February 'As I had no accurate knowledge of the boundaries, besides having received no such instructions, I was unable to decide this question of the boundary, but I said that I would refer the matter to the Tibetan Government and that, in view of the kindly help rendered by the British Government, I expected no difficulty in settling the matter satisfactorily'. He assured that his representative had left for Lhasa on 2 February with the full instruction and a letter urging the Tibetan Government, that in view of the great help rendered by the British Government in this China- Tibet Conference for the present and for the future welfare of Tibet, the Tibetan Government should consider this question of boundary favorably' (IOR: MSS EUR F80/178:30). On 17 March Lonchen Shatra told Bell that the Dalai Lama, the ministers and the Lhasa Council 'decided this question without consulting the landed proprietors' because it would have taken a lot of time and the Tibetan Government had 'authorized the Lonchen to surrender the Tawang land to the British Government in consideration of the great kindness shown to the Tibetans by the British Government so long as the individual private estates of Tibetan aristocrats were protected and the sacred places of Tso Karpo and Tsari Sarpa kept within Tibet. On 21 March Bell notes with satisfaction 'The Tibetan Government have now definitely agreed to the whole of the frontier between India and Tibet as desired by us' (IOR: MSS EUR F80/178: 32). Shatra's discomfort with signing the agreement continued until the end. In a 26 March letter noting the discussion on 25 March where the Agreement had been signed, Bell

mentions to Henry McMahon that he had discussion with Shatra and the Lonchen tried as usual to shuffle out of a clear acceptance, saying that the Tibetan Government has sent mounted officers to the Eastern part of the boundary and that if their reports showed that the actual boundary differed greatly from the map, he would wish to represent matters afterwards to us. I said the matter had been definitely settled now on the lines of your Note and that his reply should be a brief acceptance of your Note I pointed out that his reply should not say that in consequences of the kindness of the British Government etc the Tibetan Government had made over any land to us, as this Exchange of Notes will be published later on and the Chinese would then say that the Tibetan Government had bribed the British Government with a grant of land and thus the negotiations of the Conference had been unfairly conducted (IOR: MSS EUR F80/178:38).

Lonchen Shatra was reluctant to sign on the grounds of 'the shakiness of his handwriting' and said eventually 'that he would sign in the morning, when his hand was steadier' but later signed that evening (IOR: MSS EUR F80/178: 39).

What the Tibetans didn't seem to have realized was that the interests of British Indian officials were not always that of London and it was London that was the more powerful actor. Even earlier before the conference when the Thirteenth Dalai lama was in exile in Kailimpong having escaped the Chinese troops, 'the British continued to suspect that he was still involved with the Russians' (Van Schaik 2012, 229). Britain had no interest in securing the independence of Tibet. Their primary aim was to keep Tibet isolated and backward because that would make it the ideal buffer. Charles Bell argued that Tibet was indeed an ideal buffer. 'We want Tibet as a buffer to India on the north. Now there are buffers and buffers; and some of them are of very little use. But Tibet is ideal in this respect' (Bell 1924:246).

An independent Tibet could imply an independent and enlightened foreign policy that could encourage Tibet to also look for recognition and support from Russia or Japan powers to help it modernize.

British feared foreign influence most in Tibet and they saw Tibetan independence as a threat rather than opportunity. It is common amongst Tibetan scholars to argue that while it was the British Indian officialdom that was pro-Tibet, they had to constantly struggle with British interests in China (McKay 1997). However, the situation is more complex than that. For instance, a proposal to encourage free trade in Tibet made by China office was rejected by Charles Bell, supposedly most pro-Tibet official because it was seen as opening Tibet to other foreign powers. When Eric Teichman and Beilby Alison, British diplomats in mainland China, suggested that 'by ending the network of restrictive treaties designed to insulate Tibet from the outside world Britain would be given free hand to establish a predominating position in Tibet, while Tibet itself would emerge as a genuinely independent state', British Indian Government supported by Charles Bell disagreed and made it clear that they preferred 'a continued policy of "sterilization" to the risk of Russian and possibly Japanese intrusion in Tibet that the "open door" policy' would entail' (Christine 1976,497).

In addition to the secret boundary agreement that was not implemented by the British in the following decades and only raised diplomatically with the Tibetans more than a quarter century after the talks, there was another agreement the British and Tibetans signed at Simla. This was a Trade Regulation. Trade marts were opened and the Tibetans agreed not to impose any duties on trade without British consent. This was again a one-sided deal. A letter dated 25 March 1914 from Bell says that 1908 article XII that had made it clear that the 'Tibetan subjects trading, travelling or residing in India shall receive equal advantages to those accorded by this Regulation to British subjects in Tibet' was cancelled in 1914 Regulations; for this was a 'condition which might subsequently have proved a fruitful source of embarrassment' (IOR: MSS EUR F/80/179:25,9).

This agreement too backfired against Tibetans in the long run. What was supposed to be a modernizing gesture turned out to be a move that hampered modernization. For instance, one of the main internal tensions in 1910s and 1920s Tibet was over the raising of modern

army. The traditional state could not muster resources to pay for this army. First option would have been to raise revenue through land but much of the fertile agricultural estates and trading privileges were under powerful monasteries and lay aristocracy and they resented having to pay for an army that could be used by the Dalai Lama to curb their influence. It was difficult to modernize the Tibetan state because there was no money to meet the expenses of regular troops: 'for large sums are spent on religious institutions; and large estates which might otherwise be yielding revenue are vested in the monasteries as well as in the nobility' (Bell 1924, 158). The second option was for the Tibetan state to increase duty on the rapidly increasing trade with India but they were bound by the 1914 Agreement not to do so. Trade Regulations allowed for export of Indian tea free of duty rather than 5 annas per pound as in the past (IOR: MSS EUR F80/200:3)

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The third option was for the British to assist in this. The assistance was mostly meagre and patchy. The promise of providing arms to Tibet was not fulfilled with sincerity. At times, British refused to not only provide arms themselves but also prevent Tibetans from buying it from elsewhere, thus going against the understanding of 1914 that Britain would be friendly. In 1919-1921, the excuse was that any selling of arms to Tibetans could go against the agreement amongst all major powers that they will not arm any one side during the Chinese civil war. Whenever the British would feel that Tibetans were losing faith, they would send a friendly mission to reassure Tibetans and profess friendship rather than offer something concrete to help in sustainable modernization. For instance, Bell, who was on a Mission to Lhasa in 1921, was praised since his trip had 'put new life into the Tibetan Government's waning belief in our goodwill and intentions by inspiring confidence generally, and by his long and personal connection with Tibet'. But Bell's advice on giving more arms to Tibetan Government was rejected. There were no moves to implement the boundary on map or on the ground.

Recuperating the McMahon Line and Sidelining the Tibetans

Then in the 1930s, things changed. In May 1937 Caroe and other officials agreed to publish new map and the Anglo- Tibetan agreements as a matter of urgency but were clear that 'we do not want the correct presentation of the facts to be "splashed", as the F.O and I.O are agreed as to the desirability of avoiding unnecessary publicity' (IOR: L/PS/12/4189 II: 248). However, the cartographical changes had no direct impact on the ground. There were a couple of expeditions sent by the Assam government to Tawang and other areas but they mostly failed to bring about a conspicuous change. They had no impact on translating Indian claim into any meaningful change in the region until 1943 and only after that Assam Rifles posts were gradually installed in different areas moving from south to the north.

In addition to making changes on the maps and on the ground, the British had to convince the Tibetans to accept the forward policy in the region. When Tibetans were asked about their attitude to Tawang in the first phase of forward policy (1938-1938), they pleaded ignorance. By May 1943, Ludlow wrote that Tibetans informed him that 'the Tibetan Government's copy of the Simla Convention together with other treaties were locked up in the Potala, and were not easy to get hold of without causing a lot of fuss and attracting undue attention' (IOR:L/PS/12/4200:111).

During 1944-45 forward policy in the region, there was a real fear within the Government of India that the Tibetan Government may denounce the entire Agreement of 1914 through which British had secured NEFA in principle and trade relations and trade agency in Tibet in practice. As the British continued their forward policy on the ground, on 17 May 1945, Tibetans protested through a letter that 'if forces are not withdrawn from Kalaktang and Walong it will look like big insect eating smaller one and thereby bad name of Government of India will spread out like the wind'; this letter reflected the Tibetan National Assembly resolution and it seems that the Assembly was not even aware of 1914 agreement and the Kashag did not tell them about

it (PRO: FO 371/127644 1945). Thus, it is clear from the Tibetan perspective, Simla was a regrettable mistake. Having failed to get Tibetan agreement, British policy continued the policy of incremental occupation of the Assam Himalayas and one important aspect of this war was the prevention of Tibetan tax collection in the region.

Rather than creating a diplomatic fuss by reminding the Tibetans of the 1914 agreement and protesting against their continuing activities south of the McMahon line, British decided to assert control and let the Tibetans protest. Basil Gould argued that 'the best method of dealing with the anomalous de facto position of Tawang will be by definite action on our part, backed by reiteration of oral explanation here of our indisputable rights rather than raising the question of reaffirmation' (Gupta 1971, 533).

Conclusion

Independent India followed this very same policy of occupying, consolidating control, and rejecting Tibetan and Chinese protests as surprising and unjustified. Therefore, five important legacies were inherited by independent India from the British imperial rule. First, trade privileges, trade marts and diplomatic representation in Lhasa allowed India to have unique relation with Tibet; in fact, the only foreign power to have a presence in Lhasa. Second, the Indo-Tibetan frontier in the Eastern sector was de jure agreed between Tibet and British during a conference of 1913-1914 but the Chinese had rejected the entire conference, Tibetans had ignored and protested it, and the British had mostly forgotten about it except during the later years when they highlighted it cartographically. Tibet was asking for territories it claimed British had taken away from it. India simply ignored the Tibetan requests and protests as it asserted physical control over NEFA. Third, was in terms of how Tibetans were sidelined. British since the early 1940s had given up all efforts, to coax China or Tibet into any agreement that clarify the situation; in fact, they adopted the policy of asserting control quietly, leaving the other side to raise protest and if they did protest, to respond by stating the legitimacy of

the action. British knew that Tibetan protests could not come to much because British were powerful. India inherited this policy of ignoring contentious issues in its negotiations with China over Tibet, calculating that letting the other side raise it would put the onus upon them to make their case. Since 1947, India filled in NEFA and asserted meaningful control over its claimed areas totally ignoring Tibetan protests. Tibetans who were facing the impending control by Chinese communists were in no position to alienate India in early 1951 and they had no option but to go quiet after some protests. This legacy of not raising contentious issues during diplomatic negotiation can also be seen later in 1954 during Sino- Indian talks in Beijing over Tibet where Indians decided not to bring up the topic of Indo-Tibet frontier. How these legacies shaped postcolonial nation-state building and Sino-Indian relations in 1950s and aided the erasure of Tibetan state are important questions to ponder over.

British India during the Simla Conference pursued its strategic, territorial, economic and geopolitical interests with minimal commitment, little cost and no responsibility to the partner. Tibet was treated as *de facto* independent but *de jure* as under Chinese suzerainty. Tibetans were bullied, fooled and manipulated and given the asymmetrical power relations, Tibetans had no option but to accept it. This legacy continued in postcolonial India.

Tibet, Wronged by Empires in the Great Game

Tenzin Norgay *

There is no shortage of studies on the historical relationship between Tibet and China due to wide international interest on the topic. While both Tibetan and Chinese scholars agree on the ledger of historical events, they differ sharply in their interpretations and the change in power dynamics. This paper examines the 1913-1914 Convention between Great Britain, China, and Tibet (hereinafter the Simla Convention) at the backdrop of a vexed Sino-Tibet history.

The numerous conventions texts relating to Tibet, China, and British India form the primary sources and a number of expert literatures as the secondary sources were employed in examining this relation. The late Professor Parshotam Mehra (1974) and Dr. Heather Spence (1993)'s diplomatic communications reproduced in their excellent research on British diplomacy on Tibet in the early to mid-20th century international politics in particular provided persuasive evidences lending much credence to the argument of this paper. The additional sources listed in the references for this paper were equally valuable in examining the relation.

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The Sino-Tibet relation is complex and the Simla Convention is inextricable from the historical relation complexities. To facilitate a nuanced understanding of such complexity, this paper is structured into five sections: (i) Tibet at the junction of competing empires, (ii) Tibet and China Relations (iii) Eastern Tibet, (iv) 1913-1914 Simla Convention (v) After Simla. Although it is well understood that culture and religion play a central role in any nation's history, this paper focuses on historical-political Sino-Tibet relations with an emphasis on China's statecraft.

Tibet at the junction of competing empires

Tibet had for long been at the junction of competing empires. Centuries before Britain discovered strategic importance of the territory, Tibet featured prominently in the central Asian imperial board game. Tibet's history is inextricably intertwined in the ebbs and flows of the Mongol and Chinese empires in medieval history.

After over four hundred years of absence of a central ruler in Tibet after the assassination of the 42nd Tibetan king Wudum Tsenpo in 842 AD, the Mongols established indirect administrative control in Tibet in 1267 following the Tibetan Abbot Sakya Pandita's – Sakya was then the dominant Buddhist sect in Tibet – submission to the emerging Mongol empire in 1247 AD (Goldstein 1997, 5). When the Mongol supreme khan Kublai Khan proclaimed the Yuan Dynasty in China in 1270, having conquered northern China by 1234 and campaigns in the south lasting till 1270, Tibet was administered separately from China although the Mongols' conquests included both Tibet and China (Smith [1996] 1997, 82-100). By the time of Kublai Khan's death in 1294, the Mongol empire had fractured into four separate Khanates or empires, each pursuing its own separate interests and objectives (Twitchett et al. 1994, 413). Later when the Mongols were overthrown and replaced by the indigenous Ming dynasty in 1368, the Mongol empire dissolved, however, competing Mongol forces continued to have influence in the Sino-Tibet politics. In the subsequent centuries, a fine balance evolved amongst the Tibetan,

Mongolian, and Chinese rulers wherein the Tibetan lama rulers leading a non-coercive regime sought military protections from both the Mongols and the Chinese and also against each other's excesses. China's rulers during its weaker points in history were able to maintain a delicate balance with the Mongolian rulers via the Tibetan lama rulers' interventions. In this context, the Sino-Tibet relation was one of interdependence and Tibetan self-rule functioned in this elastic and flexible relationship and both sides understood the relations as mutually expedient. Although political relations between Tibet and China went through ups and downs accordingly with the regime changes, this unique hierocratic relation stood the test of time until the arrival of imperial Britain in the Himalayas.

By the close of the 19th century, Great Britain, a sea power, and Russia, a land power, were almost extensively coming into direct contact with each other with limited spaces for the expansion of their empires. Although both powers competed fiercely, a mutual understanding was reached to accommodate the limits of their respective empires in order to avoid armed clash. Nations that fell in the fault lines were trapped in this great power competition. Tibet was one of them.

At the beginning of the 20th century British India, Russia, and China vied for influence over Tibet. Sir Halford Mackinder in his influential yet provocative *The Geopolitical Pivot of History* (1904) pointed that the Eurasian Heartland – Central Asia forming a significant part of it – was the pivot on which the fate of great world empires rest. Hence, Tibet, for its history and cultural influences extending right into the heart of Central Asia, became a prized possession between the two competing imperial powers, Russia and Great Britain. While Mackinder's theory received serious thoughts and recognition only after the First World War, Lord Curzon, Viceroy and Governor General of British India, in 1901 had expressed similar argument, "As a student of Russian aspirations and methods for over fifteen years, I assert with confidence...that her ultimate ambition is the dominion of Asia." (Cited in Flemming [1961] 2012, 5).

As a result of Russia's challenges to the British Empire in the Great Game, two conflicting imperatives characterized British policy toward Tibet vis-à-vis China. On the one hand, Great Britain recog-

nized Tibet as an important buffer against Russia (Curzon 1907) and on the other hand, felt the need to seek protection over its larger commercial interest in China. In order to harmonize the two imperatives, the British policy sought to limit Chinese power in Tibet and encourage Tibetan autonomy by recognizing Sino-Tibet relation as "suzerainty" (Norbu 2001, 149).

Tibet and China Relations

Tibet and China coexisted geographically since time immemorial. Sino-Tibet relation in history has been variously termed as "Uncle-Nephew", "Priest-Patron" and "Suzerainty". However, the power dynamics between the two steadily evolved into Tibet becoming a vassal state of China in the medieval history (van Walt van Praag, 1987). At the height of its imperialism, the powerful Tibetan king Songtsen Gampo received a bride from the Chinese imperial court and at one point Tibetan king Trisong Detsen captured Chang'an (Xian) – capital of the Tang dynasty – in the eighth century when the Chinese stopped paying tribute to Tibet (Bell [1924] 1969, 28). All early documents reveal the two countries as equal powers. The 821/822 Sino-Tibet treaty states, "All to east is the country of Great China; all the west is the country of Great Tibet" (Richardson 1952, 71).

On the other hand, rulers in China over the millennia had developed numerous strategies to deal with the problem of incessant tribal impingements from the Central Asian steppes to the agricultural plains of north China. While China's northern and northwestern nomadic tribes posed the primary threat to Chinese territory during its imperial ages, the large and expansionist imperial Tibet (before collapse in the mid 9th century) in the west secondarily posed significant threat between the 7th and 9th centuries (Swaine and Tellis 2000, 11). China's imperial statecraft generally aimed to contain external threats by subordinating and eventually incorporating its neighbors. Tibet was a target of such efforts but its remoteness and non-threatening nature during the lama rule – beginning from the 13th century – allowed Tibet its autonomy and did not fully assimilate into the Chinese em-

pire. By the end of the 16th century, Manchu rulers of China subtly joined the “priest-patron” relationship between Tibet and Mongolia was drawn together through the Tibetan Buddhist church. The renowned historian Professor Parshotam Mehra observes pointedly: “The Manchus although indifferent to Buddhism, were nonetheless resolved, on political grounds, to gain power with the Tibetan lamas in order to control, through them, the ever-troublesome Mongols” (Mehra 1989, 14).

In the Sino-centric worldview, China stood at the top of the hierarchical order in the cosmology of imperial interstate relations and other states or kingdoms were normally expected to acknowledge and validate the superior position of the emperor. Such a deference to the authority of the emperor with the “son of heaven” mandate affirmed proper ethical relations among states to ensure peace and tranquility by removing any ideological challenges to the superior position of the Chinese state (Swaine and Tellis 2000, 14). Nonetheless, when the nation-state system started to evolve through the European powers at the conclusion of the Peace Treaty of Westphalia in 1648, the Sino-Tibet relation had already started to take a complex form with Tibetan lama-rulers assuming the role of spiritual advisors to the Chinese emperors and the latter providing military protection to Tibetan lamas' rule. The Tibetans characterized this as a “Priest-Patron” relationship identical to the relation between Tibet and Mongolia (Shakabpa [1967] 2010, 84-99). For more than two centuries, the Tibetans recognized the Manchu emperor, rather than the Chinese government, as their political superior. Up to the last days of the Qing dynasty, a Manchu and not a Chinese, represented the Emperor in Lhasa (Shakabpa [1967] 2010, 198; Teichman [1922] 2000, 2).

Tibet, nonetheless, due to military dependence on China steadily came under the control of the Qing regime in a gradual process. As the non-coercive Tibetan Buddhist state ruled by religious leaders had structural contradiction of not being able to militarily defend externally and the creation of a highly decentralized polity internally, the frequency of external interventions gradually eroded Tibetan independence. In the eight crises Tibet faced from 1708 to 1904 – five external invasions and three internal power struggle crises between the pro-Mongol and pro-Manchu factions and Tibetan nationalists –

China provided military protection during two of the five invasions and intervened diplomatically in two internal crises and one militarily. These interventions fundamentally changed the nature of Sino-Tibet relation that resulted in Tibet's diminished independence (Norbu 1985, 186-188; Goldstein 1997, 13-22; Mehra 1989, 25).

In the late nineteenth and early twentieth century, the political turmoil in mainland China, Eastern Tibet's fragmented political loyalty, and a European power's arrival in Tibet in the form of British Colonel Younghusband's 1904 military expedition to Lhasa made the perfect recipe to destroy the traditional relationship. Indeed, the traditional mutually expedient relationship broke down with the collapse of the Manchu Qing dynasty in 1911 (Spence 1993, 1-30).

Eastern Tibet

Tibet emerged in the 7th century as a unified empire extending from territories in present day Sichuan, Qinghai, Gansu and Yunnan in the east to Ladakh, Sikkim, Northern Uttar Pradesh and Arunachal in the west and south. But in the subsequent centuries it became divided into a variety of territories. While most of western and central Tibet remained unified under a centralized Tibetan government under the fluctuating Mongol and Chinese military protections and political superiority, the eastern regions of traditional Kham and Amdo decentralized being divided among a number of small principalities (Goldstein 1994, 76-87). The scholarly British Foreign Service China expert, Eric Teichman, in his *Travels of a Consular Officer in Eastern Tibet* listed at least 26 principalities and rulers of eastern Tibet (Teichman [1922] 2000, 3-4; See Appendix 1).

Although more serious research on the history of Eastern Tibet (i.e. Amdowas and Khampas) is necessary, one may argue that from the 16th century onwards the frontier tract was subjected to both Tibetan and Chinese influences resulting in different places possessing different loyalties and attitudes (Lamb 1989, 192; Goldstein 1994, 80).

Unlike central Tibet where the ruling elites in Lhasa governed through

estates and labourers attached to it, such a system was nonexistent in the eastern Tibet Kham area. Governed by hereditary kings, chiefs and lamas, the rulers of Kham held allegiances to both Lhasa and China, nevertheless, the allegiance tilted more towards Lhasa than China. Elliot Sperling, a noted Tibetologist succinctly describes the then prevailing state of affairs in Kham as follows:

[...] the differences between Tibet and China are further accented by the independent nature of the K'am-pa(s) [Khampas]. In this [20th] century, they have risen up against both Peking and Lhasa. Their differences with Lhasa though are nowhere near as basic as those with China...In 1725 [*sic*], a few years after the first Ch'ing [Qing] military expedition to Lhasa, the boundary between Tibet and China was fixed between the towns of Ba-t'ang ('Ba'-thang)[Bathang] and Ch'ab-do (Chab-mdo) [Chamdo], with boundary markers having been erected along the Ning-ching mountains [Tib: Bum La]. This made approximately half of traditional K'am [Kham] a part of the Chinese province of Szechwan [Sichuan]... Located quite close to the traditional eastern border of K'am, Tachienlu [Kangding or Dartsedo] had come under Chinese rule early in the eighteenth century...The Chinese and Tibetan areas of K'am were both largely the domains of the various chieftains (Ch. t'u-ssu) and their subordinate headmen (Ch. t'ou-jen). These t'u-ssu owed only a very loose allegiance to the central governments of either China or Tibet, and some were out-rightly independent.... The policy of leaving most affairs in the hands of the indigenous rulers was considered satisfactory. The situation remained this way until the last years of the Ch'ing dynasty (Sperling 1976, 10).

In early 18th century, when the Dzungar Mongols invaded Tibet, the Tibetan government requested military assistance of the Manchu imperial government. Upon successfully expelling the Mongols, a pillar was erected in 1727 on the Bum La (Ch: Ning-ching Shan) to mark the boundary between China and Tibet. The Lhasa government's rule extended from the west of this point under the superiority of the Man-

chu Emperor, while the Tibetan Chiefs of the States and tribes to the east of it made semi-independent feudatories of China. Until Colonel Francis Younghusband's military expedition to Lhasa in 1904, this arrangement by and large thrived for nearly two centuries (Teichman [1922] 2000, 2), except for disturbances created by Nygarong Chief Gompo Namgyal's invasion of the neighbouring principalities including Derge and the five Hor principalities in 1860. Derge and the Hor states requested military assistance from both Lhasa and China, however, only Lhasa responded as the Qing regime was preoccupied in quashing the Taiping rebellion (1850-1864) in China. Lhasa's successful intervention in 1863 restored the order in eastern Tibet and a High Commissioner (Tib: Nyarong Chikyab) named Punrab was appointed to govern the country and also to superintend the affairs of Derge and the five Hor principalities (Bell [1924] 1969, 47). Since the loss of its peripheral territories with the decline of the Tibetan imperial regime in the 9th century, the Tibetan government's claim to Nyarong, Derge and the Hor principalities dates from 1865 (Teichman [1922] 2000, 5).

The traditional Amdo area in the east, while similar historically, culturally, and ethnically a Tibetan area, local rulers administration replaced the waning Lhasa government since the mid-18th century (Grunfeld 1996, 245). Corresponding to the Ming period in China, the area saw a series of Mongol settlement waves following the first settlers during the time of Genghis Khan (Huber 2002, xiii-xv). However, most Amdo Mongols became highly Tibetanized over the centuries. For over thousand years the Chinese expanded their empire culturally as well as politically and through military imperialism; in the words of the noted British historian, "The Tibetans were among the very few border peoples of the Middle Kingdom who could, given a chance, score cultural victories over the Chinese" (Lamb 1989, 193). Beginning from the 16th century and throughout 18th and 19th century, the eastern Tibet frontier tract was subject to several power foci competing to claim or reclaim the area. In the immediate decade preceding the Simla Convention, the situation in the traditional Tibetan Kham area was volatile as it bore the brunt of imperial commissioners, such as Manchu General Zhao Erfeng's (notoriously known as Butcher Zhao) brutal military expedition, which was particularly focused, in the traditional Kham area.

1913-1914 Simla Convention

Frontiers “constitutes an area of separation between two regions of more or less homogeneous, and usually denser, population” (Mehra 2007, 84). According to Sir Henry McMahon, “A frontier sometimes refers to a wide tract of border country, or to hinterlands or buffer states, undefined by any external boundary line.” (McMahon 1935, 3). Territorially British India and Tibet shared a long frontier with the Himalayas as the natural barrier. As various powers seek to either bring frontiers under their control or influence, it is a subject of violent armed conflicts. Hence, British India’s Viceroy and Governor General Lord Curzon described them as the razor’s edge on which hang the modern issues of war and peace, of life and death (Curzon 1907).

Although earlier British India's attempt to establish diplomatic relations with the 13th Dalai Lama proved unsuccessful both through the Qing court and the Lhasa government, the evolving Russian influence in Tibet propelled British policy vis-à-vis Tibet. Russian designs were first suspected when Curzon learned about the peculiarities of Agvan Dorjiev – a Buriat Mongolian debating partner of the 13th Dalai Lama – who was influential in forging ties between Tibet and Tsarist Russia. Media reports of Dorjiev leading an official mission to St. Petersburg alarmed the British in concluding establishment of diplomatic communications with the Tibetan ruler a high priority fearing the Russians steadily expanding their influence in Tibet. A frustrated Lord Curzon, upon failure to establish diplomatic communications with Lhasa, adopted a coercive approach by dispatching Colonel Younghusband to invade Tibet in 1904. Curzon's shrewd use of a frontier dispute between the Tibetan government and British India over Sikkim's border easily brought the Tibetan authorities under the diktats of British India. The ill equipped Tibetans were no match against Younghusband's modern troops and subsequently the Lhasa Convention of 1904 was forced upon Tibet - with the 13th Dalai Lama in exile in Mongolia - aiming to establish Tibet as a British protectorate. In contrast to British India’s policy, London had qualms

about making Tibet its dependency with the ramification of creating an international issue. Hence, London assessed that the Younghusband mission had exceeded its mandate and decided to water down the terms of the Lhasa Convention (Goldstein 2004, 189).

Nonetheless, the British invasion of Tibet and the diplomatic aftermath defined Sino-Tibet relations. The British assessed that the Tibetans run their own government and China's authority over Tibet was very weak; however, London decided to lend validation to Peking's claim of Tibet being subordinate to China. With no Tibetan participation or knowledge, London's keenness to secure Peking's adherence to the Lhasa Convention in 1906 affirmed the authority of China over Tibet while refraining from defining sovereignty in precise language. The 1907 Anglo-Russian Convention reaffirmed this position by concluding a mutual "hands off" Tibet policy between the two signatories in neutralizing the contested territory.

On the other hand, the Tibetan resistance to oblige the Qing court's earlier directives and the subsequent Younghusband-led British military expedition to Tibet triggered a response from the Qing regime (Bell [1924] 1969, 71). In the eyes of the Qing court, the Younghusband expedition created fears about the vulnerability of China's defensive outer layer in the twofold frontier system, as it was not unthinkable that the British could reach Sichuan via Kham. The lack of Chinese control over Tibet had been made obvious, and it was felt that immediate steps were needed to remedy the situation. For the Qing, in the words of Elliot Sperling, "it was now a question of shoring up defenses in the face of a powerful imperialist neighbor" in the southwest. The western and south-western borders had until then remained stable and peaceful although China faced over a hundred maritime powers attacks on the Chinese heartland through its eastern coast (Mehra 1974, 33; Zicheng 2011, 67). In China's western borderlands, it was no longer a question of keeping local and neighbouring 'barbarian' tribes quiet. Tibet was now seen in a different light and the age-old policy of non-active control shifted to bring Tibet under the centre's direct administration (Sperling 1976, 72; Goldstein 1997, 26).

The Qing court dispatched the imperial commissioners Zhang Ying-

tang and Zhao Erfeng to secure China's peripheral defense system by bringing Tibet under direct administrative control (van Walt van Praag 1987, 40). General Zhao quickly brought eastern Tibet areas east of the Yangtse River [Tib: Drichu, Ch: Tongtien/Jinsha for Yangtse headwater] with further advancement to the west of the river till Kongpo Gyamda - less than 350 kms east of Lhasa. When General Zhao dispatched his troops to Lhasa in 1909-1910 in implementation of the Qing integrationist policy, the 13th Dalai Lama once again fled to exile and this time to India.

Ironically, Zhao's brutal conquest of eastern Tibet between 1906-1911 in turn sparked British India's fear over its frontier exposure and also jeopardy of its policy to bring Tibet under its influence. Nonetheless, British India was caught in a dilemma to strike a deal over its frontier but found the political authority dynamics peculiar. While Tibet was poor and weak in its military defense, the 13th Dalai Lama led Tibetan government was strong in its authority over "political Tibet" or "outer Tibet"—territory under Lhasa government's control—with no sign of collapse. On the other hand, imperial China was at its weakest point in history with no strong government at the centre and eventually collapsed in 1911.

The Qing regime's new policy met a dead end when the Chinese nationalists overthrew the Manchus in 1911. Upon fall of the Qing regime, the 13th Dalai Lama returned from India and expelled all Chinese troops and officials and proclaimed complete self-rule in 1913. If not for the fall of the Manchu regime, the new integrationist policy would have likely converted Tibet into a directly administered part of China (Goldstein 2004, 190). Despite the fall of the Qing regime and the 13th Dalai Lama's proclamation of self-rule, issues in the conflict and Tibet's status didn't settle as Yuan Shikai's new republican government continued to claim Tibet as part of China. On 12 April 1912, Yuan Shikai in implementing Sun Yatsen's nationalistic goals of the Chinese revolution issued an edict that declared Tibet as an integral part of the republic and to be included in the National Assembly (Goldstein, 1997, 32). Hence, the 13th Dalai Lama's options were to either negotiate a new status with China, defend its *de facto* independence or seek a *de jure* recognition of its effective independence through the mediation of Great Britain as a 'friendly power'.

Both Tibet and British India saw an opportunity to craft an agreement with Peking on the foundation of political chaos in China since 1912. The top interest for Tibet was to preserve Tibetan self-rule with immediate priority to end armed hostilities in eastern Tibet. Concurrently British India's interests lay in sealing Tibet as a buffer zone and settle its frontier problems with Tibet. Competing with British India's frontier interest and London's interest to bring Tibet under the British sphere of influence was the British legation in China's commercial interest in Mainland China. London had to maintain a delicate balance between its competing British interests with an oversight on its Asia policy vis-à-vis Russia constrained by the 1907 Anglo-Russian Agreement.

Hence, London initially opted for a bilateral settlement between Tibet and China over their disputes but it later decided on a trilateral conference on the recommendation of the British legation in China. On the logic of the Chinese running over the Tibetans in either Lhasa or Peking, although armed hostilities had ceased by and large, British India's summer capital, Simla, was opted for the conference. While China would have never arrived at the negotiations table, British carrot of recognition to Yuan Shikai's newly formed government broke China's "no equal" role – China never looked upon Tibet as a political equal in the "priest-patron" relationship – cardinal rule to Tibet. Hence, Chen I'fen a.k.a Ivan Chen (Formerly Secretary Counselor at the Chinese Legation in London), Lonchen Shatra (Tibet's top minister) and Sir Henry McMahon (British India's Foreign Secretary) arrived in Simla to negotiate their respective government's interests with McMahon as the "honest peace broker". On 7 October 1913, Yuan Shikai's government recognized the autonomy of Tibet and on the morrow of the Simla conference, Great Britain, and ten other western powers recognized Yuan Shikai's republican government of China on 10 October 1913 (Chen cited in Mehra 1974, 171).

The negotiation process spread over eight formal sessions were held in Simla and Delhi and lasted almost nine months, from 13 October 1913 to 3 July 1914. The central question at the heart of this conference was the limits of Tibet and the extent of Tibet's frontier vis-à-vis China and Tibet's frontier with British India as a secondary issue.

During the conference, the Tibetan objective was to claim all within the boundary of all the regions inhabited by persons of Tibetan ethnicity whereas the Chinese objective was to recover as far as possible the position that they had held in Tibet at the time of General Zhao's conquests (Teichman [1922] 2000, 44). In the first three formal sessions at Simla, both Chen and Shatra put forward their arguments making their government's cases of control over the frontier tracts. While Shatra marshaled Lhasa government tax receipts as proof of legitimate claim to the frontiers inhabited by the Tibetans, Chen argued on the basis of international law doctrine of effective occupation on the frontier areas occupied by General Zhao. McMahon noted that Shatra outclassed Chen:

Mr. Chen relied entirely upon extracts from the pamphlet of General Fu Sung-mu...and on the published works of foreign authors...The Lonchen [Shatra] ...refused to accept as conclusive any statements which lacked the weight of an official seal. In support of the Tibetan claims he produced a large number of original archives from Lhasa, tomes of delicate manuscripts... For some days Mr. Chen showed evident signs of panic; he protested... and he stated that he relied on China's position in international law (Mehra 1989, 71).

With eastern Tibet or "inner Tibet" already brought under effective occupation by General Zhao and the traditional boundary in fact reset through sheer use of force, the doctrine of effective occupation trumped over document evidences marshaled by Shatra (See appendix 2 for changing boundaries).

McMahon as an "honest broker" to bring consensus between the two parties proposed the notion of "inner and outer Tibet" on the Russian model of "inner and outer Mongolia" as a *quid pro quo* over the latter's role in the division of Mongolia in 1913 with greater access to the outer region. Tibet objected to the exclusion of Derge and Nyarong from "Outer Tibet" and China objected to the inclusion of Bathang, Lithang and other districts regarded as part of Sichuan province in "Inner Tibet" (Bell [1922] 1969, 157). On the reasoning of effective occupation of "inner Tibet" and due to the Dalai Lama government's

historical religious role in that area, McMahon drew on a one-sheet map a blue line as boundary between Inner Tibet (nominal Tibetan control, *de facto* Chinese authority) and Outer Tibet (de facto Tibetan control, nominal Chinese authority) on 17 February 1914 (McMahon cited in Mehra 1974, 208). This blue line marking boundary between the two zones mainly followed “the old historical frontier line laid down by the Manchus in 1727 between the Dalai Lama’s realm and the semi-independent States of Eastern Tibet” (Teichman [1922] 2000, 45). Later, Shatra and Charles Bell, Political Officer of Sikkim, acting on behalf of McMahon made a pact in Delhi on 24 and 25 March, outside the formal sessions, to agree on Tibet and British India boundary under the provisional undertaking of Tawang tract as British India territory in return for British promise of diplomatic and military support in Tibet’s struggle against China (Spence 1993, v).

The three plenipotentiaries initialed the agreement document on 27 April 1914 making it a tripartite consensus. But two days later the Chinese Foreign Ministry repudiated Chen’s initials fearing loss of its authority over Tibet and ordered him not to sign the final draft. Peking protested strongly over Article IX that divided Tibet as “inner” and “outer” Tibet. With no agreement after seven months of negotiations, the British and Tibetan plenipotentiaries persuaded their counterpart to in turn persuade his Ministry to conclude the agreement. In response, the Foreign Ministry’s communication to the British Minister Sir John Jordan expressly pointed out the boundary question as dissatisfactory. The communication read, “This Government has several times stated that it gives its support to the majority of the articles of the Convention. The part which it is unable to agree to is that dealing with the question of the boundary” (Enclosure in Jordan dispatch no 250, 30 June 1914).

As a reassurance to the Chinese central government, a slightly modified agreement document was drafted with a seven-point note appended to it for consensus. Two points stand out in this revised document (See appendix 3) as well as in the note; Article X in the main document which earlier gave the British a mediator’s role - which was a counter point against the Russian’s arbitration role in Mongolia - was cancelled and replaced with a less controversial article declaring the English text to be authoritative in case of differences. Article

XI, which earlier read “As initialed on 27 April” was modified with a new initialing date and a qualifying clause reading “The present Convention will take effect from the date of signature.” In the appended note (See appendix 4), the first point read, “It is understood by the High Contracting Parties that Tibet forms part of Chinese territory” and point four as a balance read, “Outer Tibet shall not be represented in the Chinese Parliament or in any other similar body.”

After two months of persuasion, McMahon and Shatra finally gave up and concluded a bilateral agreement on 3 July 1914 with the revised convention document and the seven-point note appended to it (Mehra1974, 283-292). Since Peking's consensus would render the convention legal, London adopted a wait-and-watch policy strategizing for Peking's eventual consent. Although the Simla conference failed to bring a tripartite consensus, the conference effectively brought Tibet under the British sphere of influence and temporarily ended the armed hostilities between Tibetan troops and Chinese frontier forces. Over the next decade, London strived to get China on board in coordination with British India Foreign Office and British Legation in China.

After Simla

On 4 August 1914, a month after the Simla Convention, Britain entered the First World War. With London actively engaged in the war, China successfully evaded Britain's persistent efforts to get a consensus on the Simla document.

The ceasefire and truce in the eastern Tibet frontier tract brokered by the British on the eve of the Simla conference was disrupted three years later in 1917. Sichuan's General P'eng Jih-sheng toyed with the idea of breaking the truce on his own reconnaissance and advancing to Lhasa with the twin objectives of securing loot and supplies for his neglected troops and to obtain the post of Frontier Commissioner. When a high Tibetan officer was killed by the advancing Chinese troops from Riwoche, Tibet declared the truce at an end in 1918 (Teichman [1922] 2000, 53).

Four years after the Simla conference, the Tibetan position in inner Tibet strengthened through the British supply of arms and ammunitions for self-defense. After soundly defeating the Chinese troops and an effective one-year Rongbatsa truce brokered by Eric Teichman in October 1918, the Chamdo Agreement provided for a provisional boundary between China and Tibet. This provisional boundary yet again reset the traditional 1727-1910 boundary in Lhasa's favour in contrast to General Zhao's earlier reset in 1910 in China's favour. Through this new boundary, Tibet regained Chamdo, Draya and Markham (West of Drichu [Yangtse] River) and Derge (East of Drichu). However, many Khampa areas including Lithang, Bathang, Dartsedo, Nyarong, Kardze remained outside the territory of Lhasa government (Goldstein 1994, 85). Consistent British mediation coupled with several factors; seemingly a breakthrough in the Simla conference deadlock came through in the Chinese Foreign Office proposal of 30 May 1919. The proposal revealed an almost exclusive preoccupation with re-drawing the boundaries of Inner/Outer Tibet drawn during the Simla conference with the return of Dartsedo (Ch: Tachienlu), Lithang as well as Bathang to Sichuan Province, and a willingness to agree that Gyade, Chamdo, Markham and Draya to be incorporated in the autonomous Tibet (Bell [1924] 1969, 173). British Minister in China, Sir John Jordan, argued a settlement on the terms outlined would safeguard British interests and, at the same time, not endanger Tibet's interest. It was the closest an agreement could have reached. What undid the proposal, however, was Peking's own complete repudiation of them. The reason for the repudiation is an open question although Japan was suspected to have played a role in it (Bell [1924] 1969, 173; Mehra 1974, 330).

British supply of arms and ammunition to the Tibetan government conflicted with the former's commitment to International Arms Traffic Convention in 1919. Nevertheless, the government proportionately supplied arms in order to keep at bay other competing powers like Russia and Japan gaining influence in Tibet. Britain also dispatched Sir Charles Bell to Lhasa in 1922 as a bluff tactic to bring China into consensus (Spence 1993, 112-136).

Owing to China's persistent refusal to accept the Simla Convention

document, London finally dropped its active efforts and from 1922 the British India was forced to adopt a dormancy policy (Spence 1993, 211-231). A decade later, armed hostilities resumed and the Chinese forces yet again reset the 1918 boundary in its favour relatively.

Conclusion

Both Tibet and China were imperial powers in the 7th century but with the rise of the Mongols as the eminent power in Central Asia, the relation between Tibet and China turned interdependent in the following centuries in the form of a “priest-patron” relationship. Like most Asian concepts, the mutually expedient relation was “neither rigid nor legalistic, but elastic and flexible and subject to change” (Mehra 1974, 178). While rulers of Tibet rendered subordination in the higher interests of the states, they were held spiritually superior with a right to demand protection and China’s duty to render help when required. Such a mutually expedient traditional relation evolved in the chaos of competing Mongol and Chinese empires at the intersection of Tibetan and Chinese political cultures.

With massive maritime powers attacks on the Chinese heartland through the eastern coastline in the 19th century and the arrival of Great Britain in the Himalayas in the form of Colonel Younghusband’s 1904 Lhasa expedition, the traditional socio-cultural and political understanding was altered. The growth of Chinese nationalism in response to foreign powers domination exacerbated the alteration as the traditional Chinese Confucian-dominated polity transformed into a Republican China, which sought to imbibe the traditional relations in terms of modern nation-state paradigm (Shakya 1999, xxiii). And the British unwittingly helped both the Qing regime and the Republican Government to redefine and reformulate traditional Sino-Tibetan relations in western modern political vocabulary (Norbu 1990, 53). This essentially became the root cause of modern Sino-Tibetan conflict.

The 1914 Simla Convention essentially embodied this transition wherein Great Britain sought to make Tibet a buffer state and bring

the country under its influence during the Anglo-Russian struggle over Eurasia widely known as “The Great Game”. In order to harmonize its competing interests, Great Britain recognized Tibet’s *suigeneris* relation with China as “suzerainty” under China based essentially on European feudalism. In terming the Sino-Tibet relations as suzerainty, the British conceived the relations between Tibet and China as a feudal relationship that embodied something less than Chinese sovereignty and was accompanied by a high level of Tibetan autonomy under traditional governance (van Walt van Praag 1987, 105-106).

During the Simla conference, Britain as an “honest broker” tried to make an arrangement whereby China’s nominal authority over political Tibet and political Tibet in reverse to have nominal authority in ethnographic or “inner Tibet” was recognized. Following mainly the historical 1727 frontier line, this boundary making endeavor as manifested in Article IX of the Simla Convention draft became problematic to Republican China as it conflicted with China’s centuries old statecraft and policies. While the imperial rulers of China considered Tibet as an effective buffer to the Chinese heartland, the British arrangement would have undermined China’s security as the Chinese heartland would not only have to confront foreign powers on its eastern coast but also frontier incursions in the west with immediate impact on Sichuan; one of its most important provinces.

Long before Britain imagined Tibet as a buffer state against its competing Russian empire, Chinese statecraft for centuries held Tibet as a buffer to its heartland; especially in the wake of the rise of Mongols as the imminent Central Asian power. Irrespective of regime changes, China’s statecraft sought to maintain Tibet as a buffer to the Chinese state and territory. Hence, although Tibet and China’s relationship steadily evolved since the 16th century, Tibet was never brought within the Chinese empire or under the direct rule of the emperor. However, Younghusband’s military expedition torpedoed the status quo and the Qing regime in its last days began to integrate Tibet in China for direct administration. This transition was uneasy as the Republican Chinese officials began to articulate in modern state terms the character of their claims to Tibet with the usage of concepts like effective control and occupation, etc.

Lhasa's geopolitics operates on its "own mode of organization, one determined more by local models of jurisdiction and allegiance than by modern concepts of treaties and boundaries. In trying to resolve its protracted dispute over eastern Tibet, the Lhasa government's efforts to settle the eastern frontier adapted to modern state-making principles without giving up pre-modern religico-political arrangements. While certain areas were fought over aggressively in trying to resolve the boundary, the Lhasa government compromised on others (Mcgranahan 2003, 54-55).

Tibet as a nation and state was not coterminous. Hence, the limit of Tibet was the central question during the 1913-1914 Simla conference, which ultimately failed to settle the boundaries. Eastern Tibet – an area of dynamic agency in modern history forming an interface between the Tibetan and Chinese civilizations – or the traditional provinces of Kham and Amdo according to Tibetan historical memory became highly disputed between Lhasa and Republican China. Altogether the boundary moved four times—besides Gyamda and Dartsedo (Tachienlu) being claimed as their boundary by China and Tibet respectively during the Simla conference – from 1910 to 1950 in the dispute beginning from General Zhao Erfeng's alteration of the traditional 1727-1910 Sino-Tibetan boundary.

Although it is debatable whether the 13th Dalai Lama issued a "proclamation of independence" in 1913 as interpreted by a good number of scholars, it is unquestionable that the 13th Dalai Lama had a sharp grip on the political wisdom that in politics there are no long term friends or enemies, and what matters is the long term national interest (Mckay 2003, 3). Hence, he approached the great powers in safeguarding Tibet's interests in the early 20th century political flux where in Tibet encountered imperialism and modernity. While Britain was considered an adversary, especially after facing Colonel Younghusband's 1904 military expedition to Lhasa, a decade later Lhasa actively sought British support in ending armed hostilities in eastern Tibet and in establishing its status through the 1914 Simla conference. This is evident in the fact that Lhasa was willing to accept that "Tibet forms part of Chinese territory" as stated in point 1 of the seven-point note appended to the Convention document. Furthermore, the 13th

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Dalai Lama never repudiated the Simla Convention or the appended note in the 19 years he lived after the conference. While China persistently repudiated the Simla Convention especially in regard to Article IX, Lhasa by and large abided by its principles and understandings as evolved during the conference negotiations although neither an agreement was reached at the Simla Convention nor the Sino-Tibet boundary was settled in the following decades until 1951.

While Tibet keenly hoped for and relied upon British support in settling its status with China and in settling the boundaries (Bell [1924] 1969, 174), the British had its own larger interests in China and Asia to advance, which heavily restricted their “promise” to help Tibet. In the end, China became the ultimate beneficiary of Lord Curzon’s Tibetan policy, not India nor Tibet (Lamb 1986, 285).

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Appendix 1

Native States of East Tibet (Teichman [1922] 2000, 3-4)

Tibetan name Chinese name Rank of chief (in Tibetan)

States Under Chinese Protection

Chala Mingcheng Jyelbo (King)
(The most easterly of the States, with its capital at Tachienlu)

De-ge Teko Jyelbo
(The largest of the States, in the basin of the Upper Yangtze)

Nangchen Lungch'in Jyelbo
(Embraces the headwaters of the Upper Mekong in the Kokonor Territory)

Hlato Nat'o Jyelbo
(A small state between Nangchen and De-ge)

Lintsung Lintsung Jyelbo
(A small state on the Upper Yalung)

Ba	Batang	Deba
Lethang	Litang	Deba
HorKangsar	HuoerhK'ung-sa	Ponpo (Chief)
HorBeri	HuoerhPaili	Ponpo
HorDrango	HuoerhChangku	Ponpo
HorDriwo	HuoerchChuwo	Ponpo
Hor Mazur	Mashu	Ponpo

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(The above are the Five Hor States, in Tibetan Horsekanga, situated on the Upper Yalung; together with De-ge they were placed under the protection of Lhasa in 1865)

Ge-she	Keshih	Ponpo
Tongkor	Tungk'o	Ponpo
Tzako	Tsak'o	Ponpo
Yuko	Yuk'o	Ponpo
Seta	Set'a	Ponpo
(Small nomad States in the basin of the Upper Yalung.)		

Nyarong	Chantui	Ponpo
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(Comprises the valley of the Yalung below Kanze; ceded to Lhasa in 1865)

Sangen	Sangai	Ponpo
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(Comprises the valley of the Yalung above Batang)

Mili or Muli	Mili	Lama
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(A lama State on the borders of Yunan.)

Also: The Gyarong States, a number of petty principalities lying just west of the Chengtu plain in Szechuan.

States Under The Protection of Lhasa

Chamdo	Chamuto	Lama
Draya	Chaya	Lama
Riwoche	Leiwuch'i	Lama
(Lama principalities in the Mekong basin)		

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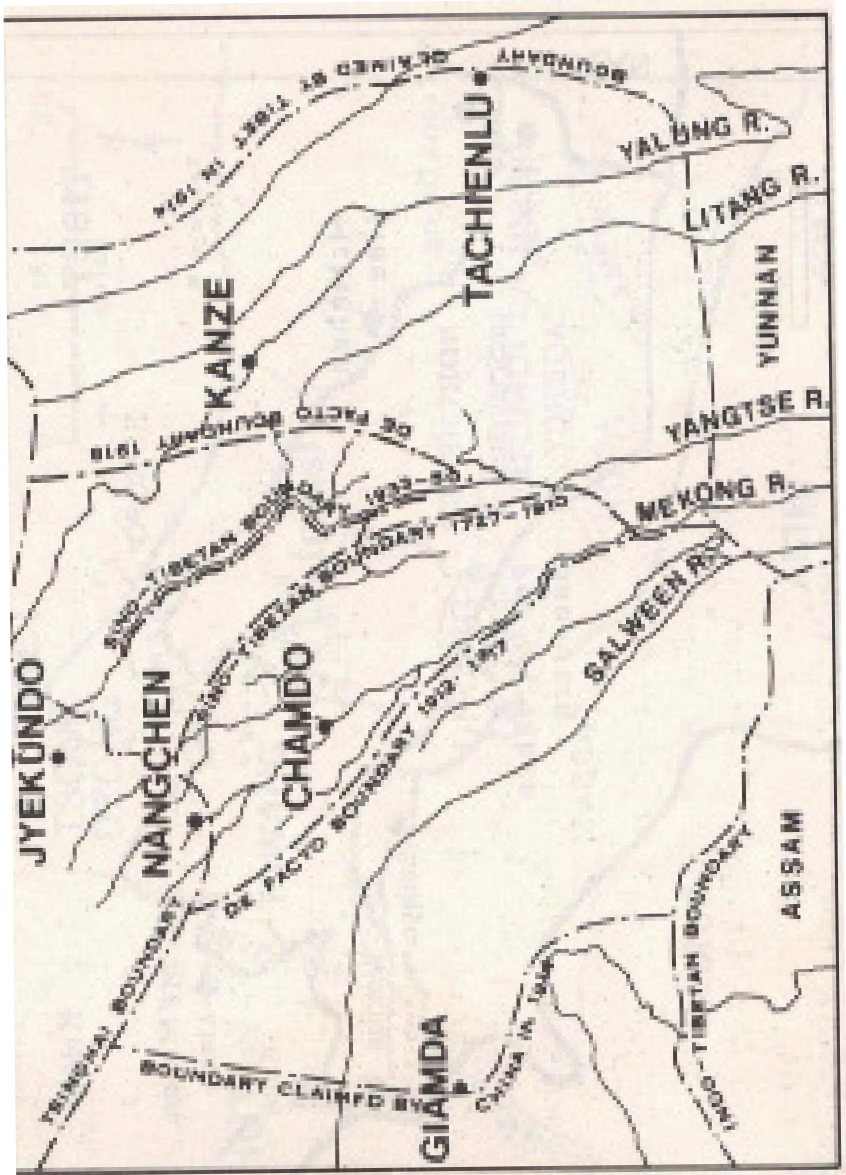
Markam Mangk'ang Te-ji (Governor)
(A Lhasa province in the Mekong basin below Draya.)

Gonjo Kungchueh Deba
(A dependency of Markam.)

Jyade San-shih-chiu-tsu Ponpo
(The Country of the Thirty-nine Tribes, lying in the basin of the Upper Salween, south of the Kokonor border.)

Also: Bashu, Tsawarong, Zayul, Bomed, and Gongbo, all Lhasa provinces in South-eastern Tibet.

Appendix 2 : The Simla Convention Boundaries
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Appendix 3

CONVENTION BETWEEN GREAT BRITAIN, CHINA, AND TIBET

SIMLA 1914

Attached to the Anglo-Tibetan Declaration of 3 July 1914

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Excellency the President of the Republic of China, and His Holiness the Dalai Lama of Tibet, being sincerely desirous to settle by mutual agreement various questions concerning the interests of their several States on the Continent of Asia, and further to regulate the relations of their several Governments, have resolved to conclude a Convention on this subject and have nominated for this purpose their respective Plenipotentiaries, that is to say:

His Majesty the King Of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir Arthur Henry McMahon, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Eminent Order of the Indian Empire, Companion of the Most Exalted Order of the Star of India, Secretary to the Government of India, Foreign and Political Department;

His Excellency the President of the Republic of China, Monsieur Ivan Chen, Officer of the Order of the Chia Ho;

His Holiness the Dalai Lama of Tibet, Lonchen Ga-den Shatra Pal-jor Dorje; who having communicated to each other their respective full powers and finding them to be in good and due form have agreed upon and concluded the following Convention in eleven Articles.

Article 1. The Conventions specified in the Schedule to the present Convention shall, except in so far as they may have been modified by, or may be inconsistent with or repugnant to, any of the provisions of the present Convention, continue to be binding upon the High Con-

tracting Parties.

Article 2. The Governments of Great Britain and China recognizing that Tibet is under the suzerainty of China, and recognizing also the autonomy of Outer Tibet, engage to respect the territorial integrity of the country, and to abstain from interference in the administration of Outer Tibet (including the selection and installation of the Dalai Lama), which shall remain in the hands of the Tibetan Government at Lhasa.

The Government of China engages not to convert Tibet into a Chinese province. The Government of Great Britain engages not to annex Tibet or any portion of it.

Article 3. 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, the Government of China engages, except as provided in Article 4 of this Convention, not to send troops into Outer Tibet, nor to station civil or military officers, nor to establish Chinese colonies in the country. Should any such troops or officials remain in Outer Tibet at the date of the signature of this Convention, they shall be withdrawn within a period not exceeding three months.

The Government of Great Britain engages not to station military or civil officers in Tibet (except as provided in the Convention of September 7, 1904, between Great Britain and Tibet) nor troops (except the Agents' escorts), nor to establish colonies in that country.

Article 4. The foregoing Article shall not be held to preclude the continuance of the arrangement by which, in the past, a Chinese high-official with suitable escort has been maintained at Lhasa, but it is hereby provided that the said escort shall in no circumstances exceed 300 men.

Article 5. The Governments of China and Tibet engage that they will not enter into any negotiations or agreements regarding Tibet with one another, or with any other Power, excepting such negotiations

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and agreements between Great Britain and Tibet as are provided for by the Convention of September 7, 1904, between Great Britain and Tibet and the Convention of April 27, 1906, between Great Britain and China.

Article 6. Article III of the Convention of April 27, 1906, between Great Britain and China is hereby cancelled, and it is understood that in Article IX(d) of the Convention of September 7, 1904, between Great Britain and Tibet the term 'Foreign Power' does not include China.

Not less favourable treatment shall be accorded to British commerce than to the commerce of China or the most favoured nation.

Article 7.a. The Tibet Trade Regulations of 1893 and 1908 are hereby cancelled.

b. The Tibetan Government engages to negotiate with the British Government new Trade Regulations for Outer Tibet to give effect to Articles II, IV and V of the Convention of September 7, 1904, between Great Britain and Tibet without delay; provided always that such Regulations shall in no way modify the present Convention except with the consent of the Chinese Government.

Article 8. The British Agent who resides at Gyantse may visit Lhasa with his escort whenever it is necessary to consult with the Tibetan Government regarding matters arising out of the Convention of September 7, 1904, between Great Britain and Tibet, which it has been found impossible to settle at Gyantse by correspondence or otherwise.

Article 9. For the purpose of the present Convention the borders of Tibet, and the boundary between Outer and Inner Tibet, shall be as shown in red and blue respectively on the map attached hereto.¹ Nothing in the present Convention shall be held to prejudice the existing rights of the Tibetan Government in Inner Tibet, which include the power to select and appoint the high priests of monasteries and to retain full control in all matters affecting religious institutions.

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Article 10. The English, Chinese and Tibetan texts of the present Convention have been carefully examined and found to correspond, but in the event of there being any difference of meaning between them the English text shall be authoritative.

Article 11. The present Convention will take effect from the date of signature.

In token whereof the respective Plenipotentiaries have signed and sealed this Convention, three copies in English, three in Chinese and three in Tibetan.

Done at Simla this third day of July, A.D., one thousand nine hundred and fourteen, corresponding with the Chinese date, the third day of the seventh month of the third year of the Republic, and the Tibetan date, the tenth day of the fifth month of the Wood-Tiger year.

Initial of the Lonchen Shatra A.H.M.

Seal of the Lonchen Shatra Seal of the British Plenipotentiary

Schedule

1. Convention between Great Britain and China relating to Sikkim and Tibet, signed at Calcutta the 17th March 1890.
2. Convention between Great Britain and Tibet, signed at Lhasa the 7th September 1904.
3. Convention between Great Britain and China respecting Tibet, signed at Peking the 27th April 1906.

Appendix 4

The notes exchanged are to the following effect:

1. It is understood by the High Contracting Parties that Tibet forms part of Chinese territory.
2. After the selection and installation of the Dalai Lama by the Tibetan Government, the latter will notify the installation to the Chinese Government whose representative at Lhasa will then formally communicate to His Holiness the titles consistent with his dignity, which have been conferred by the Chinese Government.
3. It is also understood that the selection and appointment of all officers in Outer Tibet will rest with the Tibetan Government.
4. Outer Tibet shall not be represented in the Chinese Parliament or in any other similar body.
5. It is understood that the escorts attached to the British Trade Agencies in Tibet shall not exceed seventy- five per centum of the escort of the Chinese Representative at Lhasa.
6. The Government of China is hereby released from its engagements under Article III of the Convention of March 17, 1890, between Great Britain and China to prevent acts of aggression from the Tibetan side of the Tibet-Sikkim frontier.
7. The Chinese high official referred to in Article 4 will be free to enter Tibet as soon as the terms of Article 3 have been fulfilled to the satisfaction of representatives of the three signatories to this Convention, who will investigate and report without delay.