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International status of Tibet

Uroš Pinterič*

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Abstract:

Tibet represents one of the most controversial situations in world's political situation. On one hand all objective criteria such as different conventions adopted by United Nations Organization (UN) shows violence of fundamental Human Rights and Freedoms. On the other hand international community does not react. In article we will discuss a development of »Tibetan case« and potential reasons of such inactivity of international community, UN Organization and other reasons allowing Peoples Republic of China to violate basic principles accepted by international community represented in UN Organization. In the first part of the article there is a short overview of Tibetan history. In the second part relations between Tibet and Peoples Republic of China are represented. In the last part there is an international dimension included. Hidden idea of this article is that international law is not enough powerful and that relations of power between states still prevail.

Key Words: Tibet, Peoples Republic of China, UN Organization, Human Rights, International community, International law

Introduction

Struggle for autonomy of 2,5 square kilometers of »desert« on average 4500 meters above sea level is now more than fifty years old. In this article we will discuss about (inter/intra-) national dimensions of Tibetan² case.

Difficulty of Tibetan situation can be perceived in more dimensions. The first one can be called the national one and it is composed of natural conditions of area and historical development. The second one is intranational and incorporates relations between Tibet and Peoples Republic of China (PR China). Last dimension can be logically called

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² In this article Tibet is defined as area of historical Tibet and not Tibetan autonomous region which does PR China usually use.

international and beside before mentioned actors, which also incorporates international community.

In discussions national and intranational dimensions are usually not pointed out enough. Standpoint that status of Tibet is an intranational problem is too often accepted and that mean that inappropriate or insufficient international measures are undertaken. The role of international community in this case is also not defined clearly enough as a consequence of understanding status of Tibet as a problem on Tibet – PR China relations. According to abovementioned, we will try to point out some critical ideas on unsolving Tibetan case.

Article consists of three parts, according to three already mentioned perceived dimensions of Tibetan case. In the first part Tibetan historical development, their tradition and its' inconsistency with Chinese one will be discussed. In the second part we will try to define why this area is so important for PR China to control it (strategic role, human rights, etc.) and in the last part of the article some reasons why international community is quiet in this case will be exposed.

Development of Tibet and its case – historical development and cultural- economic differences with PR China

First evidences of human existence on territory of today's Tibet are dated in Neolithic and Paleolithic. Tibetan tribes were joined with force under Bo dynasty in the 6th century. Resistance from unification was suppressed after 628 when sovereign became Srong-btsan Sgam-po who also continued to conquer new tribes. Consequence of this process was a geographical unification of area today known as Tibet and a creation of common Tibetan nationality. Srong-btsan Sgam-po created also new institutions in military, political, legal, cultural and religious field as a consequence of developing Tibetan nationality (Heyu, 1988: 7-16). With his work Srong-btsan Sgam-po »created« Tibetans as one of Chinese nations of that time and became an important creator of Tibetan history. His successor started spreading Buddhism, and Tibetans became one of the most influent nations of that time in today's PR China territory. Dar-ma (841-845) was the last emperor that governed the unified Tibetan tribes. He opposed Buddhism and so in year 841 he burnt all Buddhist books and banished Buddhism from Tibet for 137 years. After his death successors disputed among themselves for succession and as a consequence there were more than 300 years of

anarchy in Tibet. Permanent war and divided Tibetans disabled bringing Buddhism back in until 10th century. Buddhist religion divided into different sects creating their own temples and suppressed people, not only ideologically but also economical, politically and even military. Because of this fact some Buddhist sects soon became even more influential than official government (Heyu, 1988: 17).

A conflict among Tibetan tribes continued but for the history of Tibet the next important step was the appearance of Dalai Lama. It all began in 1409 when Tsong-kha-pa started to build temple of Yellow monks east from Lhasa, from where they were supposed to spread Buddhist ideas over the country from. As first Dalai Lama was posthumous recognized as one of the most influential yellow monks after the death of Tsong-kha-po, Dge-'dun- grub (1391- 1474) (Heyu, 1988: 24). Also in that time disputes among sects were going on. In 1652 emperor Shung Zhi (Quing dynasty) was finally able to reunify territory of Tibetan tribes and reestablished central government. He also invited fifth Dalai Lama to join him ruling the country and confirmed him the title: "Dalai Lama, Overseer of the Buddish Faith on the Earth Under the Great Benevolent Self-subsisting Buddha of West Paradise" (Heyu, 1988: 24). Since that time all Dalai Lamas were named by the central government of Tibet. After the death of fifth Dalai Lama new riots in Tibet appeared (Heyu, 1988: 24).

In 1751 Tibet or better - Tibetan kingdom - became protectorate of Quing³ dynasty and consequently a part of former China. However until 1950 Tibet was more or less autonomous (Goldstein, 1998: 84; National Geographic, 1991; Heyu, 1988: 27). The next important turning point in Tibetan history was the invasion of British troops in the middle of the 19th century and especially in 1888 when Britains broke in Tibet from India. In 1890 Quing dynasty allowed Britain to conquer that area. The next time British broke in between 1903 and 1904. Thirteenth Dalai Lama resisted and searched support against colonialists. The lack of Quing dynasty's help forced him to escape into exile in Sikkim (Heyu, 1988: 28-29).

After the Chinese revolution in 1911, Republic of China was established and existed until communist took over the governance. In 1912 thirteenth Dalai Lama came back to Tibet. That time was the time of disputes and instability. On one hand Great Britain wanted to took

³ Today this dynasty is present as Manchu minority living in Manchuria autonomous region on northeast part of PR China (Heyu, 1988: 27-28).

over the Tibet and for that reason supported the idea of independent Tibet, but on the other hand China was opposing. The final result of this situation was quite an independent and autonomous Tibet between 1911-1950. In 1933 Dalai Lama XIII. died and in 1938 his reincarnation Dalai Lama XIV. was found. He took over government in Tibet in 1950 (Dalai Lama XIV., 1990: 65,67 ; Goldstein, 1998: 84).

In 1950 the central government of PR China, established on 1.October 1949, under its leader Mao Zedong occupied Tibet and begun with systematically so-called red terror. Chinese army occupied Lhasa, the capital of Tibet, on October 26. 1951 (Dalai Lama XIV., 1990: 74). Goldstein (1998: 84-85) exposes "that Tibet with subscription of so called seventeen points program" for the very first time in history accepted foreign supremacy. After eight years of apparent coexistence in 1959 there was inviolate resistance of Tibetans. Chinese army suppression was quick and violent. Dalai Lama had to escape to Dharamasala, where Indian government offered the asylum to him and 80.000 refugees and the possibility to create Tibetan government in exile.

Tibetans are well adapted to live and work high above sea level. Traditionally they run agriculture and especially cattle-breeding. Their culture has foundations in Buddhism and it is significant different from Chinese, which is based on Taoism and belongs to Han tradition. In Juznic (1983: 334) language classification, Tibetan language as well as mandarin Chinese belong to the common Sino-Tibetan language group and that they are only two branches of it. However it is important to notice that it is one of the most branching out language group in the world with numbers of accents that with their differences make communications among citizens of PR China even harder. One branch of Sino-Tibetan language group is Chinese (Han) one and the second one is Tibeto-Burman language branch. In the second group we can find also Tibetan language, which is spoken in part of PR China (Tibet), Kingdom of Nepal and Kingdom of Buthan. Even though Tibet was often under Chinese "protectorate" its culture remained because of the influence of Buddhism and strong religious, political and national authority concentrated in every Dalai Lama.

According to this short overview of Tibet's development one can say that despite of Chinese supremacy, Tibet lived and still lives its own different life. Its life is based on different cultural development based on Buddhism and different living conditions. Traditional economic system is

adapted to geographic conditions as well. The main source of their economy is agriculture, especially breeding. Central PR China's government forced industrialization of Tibetan area. On the basis of this short description and according to today's situation when after fifty years PR China is still not able to assimilate Tibetans, one can say that Tibet and PR China are two absolutely different worlds which can and should not be equalized – especially not by physical force.

Tibet and PR China

In this chapter, we will continue with the already described historical development of Tibetan case. First we have to stress that PR China understands Tibet as belonging under its own sovereignty and that Tibetans do not agree with this. Good proof for this situation is the web site of Tibetan government in exile, where political situation in Tibet is described as following: "Government in exile: parliamentarian, Government: communist, Relations with PR China: colonial, Legal status: occupied."⁴ On the other hand PR China is exposing its opposite truth, shortly presented on one of PR China's foreign ministry web site where states that Tibet has never been an independent country⁵. As described we can clearly see the difference between Tibetan and official opinion of PR China.

Violations of Human Rights in Tibet by PR China are clearly described in autobiography of Dalai Lama XIV (Dalai Lama XIV., 1990: 224-253). The official version exposed by the government in Peking is that they maintained development, progress and freedom from imperialism (colonial pretensions of Great Britain in the beginning of XX. century). Recent violations of human rights and freedoms are still present as in jails with torture, and imprisonment of the underage persons (who might even be important religious figures in Tibet despite their youth)⁶. According to data of Tibetan government in exile in 1999 there were about 615 political prisoners in Tibet. About 79% of them were monks and nuns⁷. Compulsory settlement of Hans and birth restriction for Tibetans caused supremacy of Han population over Tibetans (7,5 Mio.:

⁴ Source: <http://www.tibet.com/glance.html> (17. 11.2001)

⁵ Source: <http://www.fmprc.gov.cn/eng/4576.html> (7.12.2001)

⁶ The youngest political prisoner was six-year-old Panchen Lama, kidnapped by PR China's police in year 1995, just few days after recognition of his religious status.

⁷ Source: <http://www.tchrd.org/hrupdate/2001/200108.shtml> (2.12.2001)

6 Mio.)⁸ (See also Megla, 2001: 4). Such strategy of "chinazation" is defined as one of forms of the genocide in 2(d) article of UN Organization Convention on the Prevention and Punishment of the Crime of Genocide; adopted in year 1948, and as such it is defined also as a crime in international law. According to the data of UN Development Program, Tibet is placed somewhere between 131 and 153 position, among 160 countries taking in account, by index of Human development⁹ (This is a good indicator of development that PR China brought to Tibet). The sight of Lhasa map is also interesting, where one can see the presence of police, military forces and prisons area (Schwartz, 1992: XV). After year 1987 a new wave of peaceful protests occurred, which accelerated new wave of mass torture and imprisonment of Tibetan freedom fighters (Schwartz, 1994). Despite of three leaders of PR China who have changed since the occupation ("liberation") of Tibet, protection human rights in Tibet have not improved (Anderson, 1992: 181-192). Violations of human rights can be seen in data on human rights violence in Tibet (forced labor, limited freedom of movement, imprisonment) collected by TCHRD¹⁰ in august 2001¹¹.

Situation in Tibet is from PR China's standpoint totally clear. In their manner Tibet has been a part of China from the very first beginning. After two invasions of British troops in Tibetan area situation was turbulent¹². Britains were recognized as enemies who wanted to occupy this "Chinese" area, and both, Chines and Tibetans had to rebel. Tibet has never been an independent state recognized in diplomatic way by any other state. Tibet has also never diverged from "sovereign jurisdiction of central government and become independent"¹³. The last standpoint is also exposed in constitution of PR China adopted in 1982 and amended in years 1988 and 1993, which does not provide the right to self-determination. Article 52 even exposes the idea that protection of unified state and uniformity of different nationalities living in that area is duty of every citizen of PR China¹⁴.

⁸ Source: <http://www.tibet.com/glance.html> (17.11.2001)

⁹ Source: <http://www.tibet.com/Humanrights/hratglance.html> (2.12.2001)

¹⁰ TCHRD (Tibetan Center for Human Rights and Democracy) is Tibetan non-governmental organization collecting data on human rights violation in Tibet.

¹¹ Source: <http://www.tchrd.org/hrupdate/2001/200108.shtml> (2.12.2001)

¹² Source: <http://www.fmprc.gov.cn/eng/4576.html> (7.12.2001)

¹³ Source: <http://www.fmprc.gov.cn/eng/4576.html> (7.12.2001)

¹⁴ Constitution of PR China, adopted on 4. December 1982, amended in years 1988 and 1993, see also Goldstein, 1998: 83.

Why PR China insists on centralist government and supremacy over Tibet? Tibetan area has at least three important functions. There are some important natural resources (including uranium and gold), the area can partly solve the problem of overpeopled lowland China and the third important function is strategic (Arpi, 1999: 268). According to some data even 90% of Chinese nuclear missiles are kept there (Megla, 2001: 4). Taking in account relatively still unpopulated mowed away area Tibet can be seen as an almost perfect area for nuclear tests. One simple calculation can show its importance. In average there are 117 citizens/km² in PR China, from this in Tibet there are 6 citizens/km². If Tibet became independent PR China would lose 35% of its area and only 1,2% of population. In this case there would be 157 citizens/km² in new PR China. In this simple calculation that shows the importance of Tibet as an area for settlement of Hans, we did not took into account the potential immigration of Hans. On one hand this shows importance for settlement, but on the other hand this calculation shows us, how unexploited Tibetan area is. Talking about this, we are not allowed to forget about its geographical conditions, which undoubtedly relativize earlier mentioned demographic importance.

However it is important to expose the relevance of this area for nuclear ban tests. Let us presume that PR China has about 350 nuclear missiles (Grizold, Ferfila, 2000: 358). And about 50 of them are placed in Tibet area (Megla, 2001: 4). That means there is about 25,7% of Chinese nuclear weapons. Another data is that on the border with Russia there is no more nuclear weapon (Grizold, Ferfila, 2000: 358). It is quite doubtful that this weapons was destructed so it must be moved anywhere from populated areas. In this sense, Himalayas area is the almost ideal place to store nuclear weapon. Taking in account that nuclear weapon is undoubtedly state secret we can relativize these data, but there is still the fact that there is about 1/3 of Chinese nuclear weapons, placed on Tibet area. From this standpoint Tibet is the area of strategic meaning and it is logical that PR China is not ready to give it up.

On this point it is good to start thinking about relations between PR China and international community that will be presented in the next part of the article. According to what we have exposed until now it seems that PR China does not care too much about opinion of the international community. Different states and international governmental organizations (UN Organization, European Parliament) in different

resolutions, reports and other documents already opposed Chinese policy affecting Tibet¹⁵. They reacted upon common situation in Tibet as well as upon events like shooting of peaceful demonstrators by Chinese soldiers in 1989 or disappearance of a six-year-old Panchen Lama in year 1995. There were no important changes in the last fifty-year long occupation of Tibet, but on the other hand there are some indicators that PR China is taking into account the opinion of international community and some states, important especially for its economy and political status in the world.

PR China is, without any reason, “afraid” of losing its respect in the world. It seems more logic that giving *de facto* autonomy to 36% of its own territory is the act that would increase respect rather than a permanent violation of human rights and military repression over Tibet. However PR China with its population and nuclear weapons is state that cannot be (or there is no political will in international community) easily stopped by international community in its ongoing process of human rights violation.

One of the most evident cases, showing Chinese power is when PR China prevented participation of Dalai Lama XIV on conference of religious leaders of the world (Megla, 2001: 4). On the other hand this act can be also understood as fear of PR China from authority and reputation of Dalai Lama in the world.

As it was presented in this part of article one can say that PR China with its treatment of Tibet maintain more or less its internal prestige and fulfills its own strategic interests – especially a possibility to exploit its own uranium resources. This area can also serve as a possible nuclear ban polygon or place that could mitigate its demographic problem.

Tibetan case and International Community¹⁶

International Community and Human Rights in Tibet

In the previous part of the article we have already mentioned relations between PR China and international community affecting Tibetan case¹⁷. Now we will do this more systematic and glance through relations

¹⁵ Source: <http://www.tibet.com/Resolution/index.html> (2.12.2001)

¹⁶ Talking about international community we have to be aware of different interpretations of it; sociological, institutional, and one who see only states (see Benko, 1997: 22-27).

¹⁷ More about this topic in Arpi, 1999: 330-347.

between PR China and other national states and PR China and international community as a whole.

The interest of international community in Tibetan case can be seen from two sides. First, there is an interest of international community as a whole (represented in UN Organization). The only legitimate interest of this so represented international community, based on sociological interpretation, is establishment and protection of human rights, defined in different international documents as Declaration on human rights (adopted in 1948 by UN Organization) is, in the area of Tibet and the whole PR China. The problem is that it disables taking effective measures to achieve these goals. PR China is a permanent member of UN Security Council (it can block any action against itself) and nuclear power (if we define USA as a superpower) and these are two reasons why UN Organization cannot effectively act against PR China.

The second group of interests can be defined as national interests of different states. Taking in account their acting, one can say that there is no special need among the states to free or range Tibetan area into its own interest sphere, as USA did it in the case of South American continent or Middle East¹⁸, since the imperialistic pretensions of Great Britain in turn of XIX. and XX. century. In economic context it is good to expose the fact that PR China with its slowly opening market is a potential source of profit for capitalist states. According to this no capitalist state wants to have dispute with China and lose its market as a consequence of warning on its relations to Tibet (Megla, 2001: 4).

Now we have to place out some more characteristics of UN Organization that are one of the reasons for ineffective acts against PR China and are important for our further argumentation. There are some limitations already in the first chapter of the UN Charter, on which PR China calls upon when international community or national states protests against its activities in Tibet. In the second article of UN Charter in the 1st and 7th paragraph there is an expressed sovereignty of national states and incompetence of UN Organization to interfere with internal relations of every sovereign state. On the other hand, international law took a position that human rights protection prevails over sovereignty of national states (Degan, 2000: 475 – 477).

¹⁸ Case of so called strategic relationship between USA and Israel (see Benko, 1997: 244).

In this context Petric (1977: 139 – 145) warns about the concept of limited sovereignty of states when we talk about human rights, especially the right of self-determination (which is universal and permanent). According to Petric, international law protects national states and not violently joined multinational formations. In this sense, international law protects every nation and the right to self-determination (despite of indistinctness about supremacy of state sovereignty over the right to self-determination).

At this point, it is meaningful to take excursion to international law and find out the possibilities existing in international law that can influence on Tibetan case. Petric (1984: 6) points out two basic conditions for the right to self-determination of nation (in fact there are two basic conditions to call a group of people a nation). The first one is the right to physical and national existence and the second one is the right to its own fatherland. Without these two conditions the right to self-determination is pointless. Here we will not expose dispute about if it is enough that this right is only declared or it should also be maintained in reality. Talking about self-determination we have to distinct between internal and external self-determination (in both cases both before mentioned conditions have to be fulfilled). External self-determination results in secession and creating of a new state. On the other hand the internal self-determination does not result in the new state but only in more or less autonomous (on the national or international law based) situation in the framework of existing state (Petric, 1984: 76-96). PR China does recognize the status of autonomous region and also “all” rights of minority to Tibet region on the base of its situation and according to PR China’s Constitution, but only formally and in theory. We have already mentioned real situation in Tibet (violation of human rights) and according to this we can recognize legitimate Tibetan demands to external self-determination and separation from PR China. We can assume that until one nation can enjoy their basic human rights and autonomy (right to internal self-determination), it has no right to ask for external self-determination and separation. However, if pre-mentioned rights are violated then every nation fulfilling basic two conditions has right to ask for external self-determination (Petric, 1984: 95-96).

According to Dalai Lama statements, Tibetans want to achieve autonomy and not their own state (Goldstein, 1998: 87). This makes statement about Tibet as an internal affair of PR China invalid. At the same time, such position makes demands of international community

asking for effective measures to protect human rights and establishment of real autonomy of Tibet much more legitimate. However, praxis in the world is too often opposite to good ideas of international law. Sum of permanent membership of PR China in UN Security Council, its power to effectively prevent any actions on its area and the absence of interests of other states (world powers) on Tibetan area results in opinion that there is no possibility for effective action for protection of human rights in Tibet. The most common excuse is that Tibet is the internal affair of PR China, which is just the opposite to the standpoint of international law. Here we can expose difference between what it should be (standpoint of international law) and what it is (reality – standpoint of balance of power between states). It is absolutely unreal to expect that any kind of classic military action will be taken. Humanitarian intervention as the only possible solution is questionable as well. The last possibility still has no indisputable status in international law as a normal and allowed measure for prevention of human rights violation. Further on it is not possible to start with it if UN Security Council does not confirm it¹⁹ and PR China is also military too strong to use military force against it without any serious danger for interventionist forces. Other kinds of sanctions, as economic and political, are unacceptable because of national economic interests of other states as it was mentioned before. Referring to the abovementioned, we can say that nowadays the situation in Tibet is acceptable also for other states, because if international community takes action in Tibet then should do the same in other similar cases (Chechnya, Kurds, etc.). In the period between 1950 and 2000 there were about 50 resolutions and other documents adopted in different organizations, as a sign of principal opposition to actions of PR China in Tibet. First three resolutions were adopted by UN Assembly General (res. AG 1353 (XIV), res. AG 1723 (XVI), res. AG 2079 (XX)) in years 1959, 1961 and 1965²⁰. Resolutions of UN Assembly General are demanding respect of all human rights in Tibet, including the right to self-determination.

The fact that international community cares about situation in Tibet can be also evident in help, especially in the help of India (Dalai Lama XIV., 1990: 139). Soon after the Indian help, other states joined (Nepal,

¹⁹ PR China can use its veto power according to article 27(3) of UN Charter.

²⁰ Source: <http://www.tibet.com/Resolutions/index.html> (2.12.2001)

Bhutan, Switzerland, Canada and USA²¹) and offered exile to Tibetans. With the help of civil society and as a sign of a good will of other states, Tibetans were able to open their embassies in Budapest, Canberra, Paris, Geneva, Kathmandu, London, Moscow, New Delhi, New York, Tokyo and Zurich²². These facts prove us that the Tibetan case became a problem of the whole international community and at least sometimes made us feel uncomfortable, what does not suit to international community (or better to the great powers inside it). As a next evidence of consciousness that things in Tibet are against basic human principles is Nobel's prize for peace, which Dalai Lama got in 1989 (van Walt van Praag, 1992: 271-281). Dalai Lama started a new campaign for peace in Tibet (after unsuccessful negotiations with PR China) in 1987. He demanded autonomy of the "Great Tibet", not only so called Tibetan autonomous region which is only the part of historical Tibet (look Schwartz, 1994). Dalai Lama in this situation changed from religious leader also into statesman – according to his appearance before west states public (Goldstein, 1998. 87).

It makes sense to say that international community is worried about the situation in Tibet and is trying to help in different ways, but still in limited extend. On one hand with the lack of interests of the world's great powers and internationally recognized status of Tibet as a part of sovereign PR China and on the other hand with the fear from Chinese reaction on any action for protection of human rights in Tibet. According to the literature we can say that the main work of informing and help to Tibet belongs to voluntary support of international and national NGOs and individuals. They also exert a pressure on national governments to act in favor of Tibetans.

Review of International Community actions for Human Rights protection in Tibet.

Long history of Tibetans proves that they are able to survive in one of the hardest situations in the world. They went through a long time of tribal conflicts, abolishment of their religion, but they kept their religiosity, which is today, the most interesting one even for the west world. Their way of thinking and adoption to extreme climate and geographical

²¹ Source: <http://www.tibet.com/exileglance.html> (2.12.2001)

²² Source: <http://www.tibet.com/exileglance.html> (2.12.2001)

conditions prevented PR China to completely erase them from their “roof of the world”. International community, which shows their power on special occasions, in the case of Tibet did not do anything very useful. Only individual states and NGOs more effectively helped to Tibetans and tried to mitigate the consequences of Chinese policy in Tibet. Trial of application of universal human rights in a case of Tibet gives us catastrophic results that cannot be in pride of anyone and at least in pride of international community as such.

We can expose the thesis, which is present in the world in the last time. Human rights are universal and can be protected with all resources and measures available (even with the use of military force if necessary). Only existing limitation in reality is if maintenance of universal human rights is in interest of world’s great powers (especially USA). When we look upon Tibetan case, we can see that something is very wrong with the universality of human rights. For comparison (to see how little has changed in the last fifty years in Tibet) we can make excursion in today’s situation of global war against international terrorism and international criminal in the name of universal human rights. In one such action in the name of universal human rights, in Afghanistan USA army killed about 100 innocent civilians in one bomb attack²³. According to UN Charter, we cannot accept excuse about self-defense²⁴. On the other hand no one wants to take such actions to protect human rights in Tibet. Legitimate question arising here is, if human rights are more universal for USA and the rich world than for Tibet and the third world states. International community does even hardly speak about human rights protection in Tibet (Megla, 2001: 4). The USA were able to legitimate their attack on Afghanistan in a few days, on the other hand UN Security Council was not able to take any effective measure to stop permanent violation of human rights in Tibet for fifty years. It is more realistic to expect economic and political sanctions via international organizations (WTO), but even this possibility is limited and ineffective because of the fear from returned actions of PR China. It could close its market from foreign products. We can say that in the process of maintenance of world peace and security and human rights protection the main role play narrow interests of states and capital and not

²³ Dnevnik [TV News: Television Slovenia 1st program] (31.12.2001; 1.1.2002)

²⁴ It is at least strange to recognize military action as self-defense if it is going on other states area, just like humanitarian intervention without UN Security Council approval.

international law. In this recognition we can see symbolic win of PR China and *de facto* approval of ongoing violation of “universal” human rights in Tibet even if they are recognized in Constitution of PR China itself.

Conclusion

According to all arguments mentioned above we can conclude that Tibet has its own tradition of life separated from Han for more than 1500 years. In that time Tibet developed rich cultural and economic tradition based on a hard climate and geographic conditions and Buddhist religion (which came to Tibet from Indian subcontinent over Himalayan passes). Upon these data we can say that Tibet is culturally different and incompatible with Chinese one.

Different sources assume that PR China permanently violates human rights in Tibet. With planned settlement of Hans and birth restriction of Tibetans PR China obviously violates UN Convention on the Prevention and Punishment of the Crime of Genocide (article 2) adopted in 1948. Importance of Tibetan area for PR China is not only as a potential place for reduction of overpopulation of lowland China, but also as a military strategic area. Permanent violation of human rights in the last half of the century with insufficient response of international community shows that PR China is not very afraid of other states. Situation in Tibet is also not too frustrating for other states that are keener on Chinese market than on universality of human rights and its violation in Tibet. On the other hand, it is interesting that Peking is “afraid” of Dalai Lama and his authority of statesman and religious leader in the world. PR China is trying to prevent his appearances in front of world public, which could demand more effective measures for human rights protection in Tibet. When we think about the meaning of Tibetan area for PR China we can say that there is not only prestige but also strategic interest of legal government in Peking. Thinking only about international prestige of PR China it is more desirable to give Tibet autonomy, than repression and human rights violation.

According to interests of individual states and international community as a special quality one can say that they have no specific interest in this area and treat Tibet as a part of sovereign PR China in which internal affairs do not want to interfere. Such position suited to states (just as PR

China), because they do not need to act in similar cases (Curds, Xinjiang). At the same time they are aware of the need for Chinese market, that could close again if they interfere in Sino-Tibetan relations. Because of the narrow economic interests of states, they are ignoring afore mentioned UN Convention on the Prevention and Punishment of the Crime of Genocide. PR China genocide over Tibetans, restricted by international law, is ongoing for fifty years without serious action of international community.

We can summarize that PR China with military force occupied area with nation that is (because of differences and dogmatism of PR China) not able to live in democratic coexistence with Hans. In the last fifty years Tibetan area was changed from place for spreading communist ideology into strategic area of PR China. PR China is opposing to any tendencies to more autonomy for Tibet and even weak pressure of international community does not change situation. The reason is in a quite powerful Chinese army and already before mentioned importance of Chinese market that is very important for transnational corporations. The only positive sign can be seen in individuals and NGOs trying to help Tibetans in different ways, also with persuading governments to change their position to Tibetan case.

At the end of this article we can stress that this short analysis showed us quite an unpleasant picture of Tibetan case. We should pay more attention to every aspect of this problem, but we can conclude that we have to take effective actions for maintenance of human rights in Tibet if we want to call ourselves civilized and human.

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