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Simla Convention After a Hundred Years

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## Simla Convention After a Hundred Years\*

July 3rd marks 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 world's largest population.

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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 San Suu 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

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\*Lecture delivered at the India International Centre by Sikyong Dr. Lobsang Sangay on July 3, 2014

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 analysed the question from all disciplines: legally, politically, environmentally and historically.

Dr. Murli Manohar Joshi shared with us a story of Tibetans coming to his backyard and front door in the 1940s and 1950s, 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 Neighbours: India and China after Fifty Years of the War*. The scholar and author Michael Van Walt will also be looking at the Tibet issue from the international legal perspective.

Two issues need to be addressed: what lessons can be learned from the history of Tibet and what is the way forward for Tibet?

Tibet and China coexisted 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. Further, historical documents that pre-date and post-

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date the 1914 Simla Convention need to 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 the 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 7th October 1913, Yuan Shikai had in fact recognised 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 13th October 1913 to 3rd 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 McMahon line.

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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 3rd 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, there are 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 a 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 20th 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.' It needs to be emphasised 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 recognising 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 Panchsheel 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 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 borders 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 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.

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.

Over the past five decades in Tibet, unflagging political repression, social discrimination, economic marginalisation, environmental destruction and cultural assimilation, particularly due to the Chinese immigration to Tibet, fuels intense resentment among the Tibetan people.

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 the 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 whom sadly 112 have died.

Over the past five decades in Tibet, unflagging political repression, social discrimination, economic marginalisation, 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 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 Yangtze 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 impact of global climate change on the Tibetan plateau will lead to millions of forced migrations in the downstream countries. On this score, 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 militarised and many experts conclude that the 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 neighbouring 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, 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.

The Tibetan people welcome all improvements in relations between India and her neighbours, 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 neighbour'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?

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 the repression of Tibetans and separation from China.

In 2008, the Memorandum on Genuine Autonomy for the Tibetan People was presented by the envoys of 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. It is hoped 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 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.

In conclusion, 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 neighbouring countries. Accepting this Agreement is in China’s own interest as a rising super power 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. In 2014, Shri Narendra Modi took over leadership of a shining India. So the hope is 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. The hope is that such an outbreak of

peace in Asia will realise 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.

In 1995, Sikyong Dr. Lobsang Sangay was selected as a Fulbright scholar and obtained his Masters Degree at Harvard Law School, where his thesis focused on contemporary Buddhism and its links with human rights. In 2004, he received his Doctorate in Law from Harvard Law School, becoming the first Tibetan to receive this degree. In 2007, he was selected as one of the 24 Young Leaders of Asia by the Asia Society, the New York-based global organisation which promotes mutual understanding between North America and Asia. Since August 8, 2011, he has served as the democratically elected head of the Tibetan people and the political successor to His Holiness the Dalai Lama.



The India International Centre was founded with a vision for India, and its place in the world: to initiate dialogue in a new climate of amity, understanding and the sharing of human values. It is a non-government institution, designed, in the words of its founder president, Dr. C.D. Deshmukh, to be a place where various currents of intellectual, political and economic thought could meet freely. 'In its objectives, the Centre declares its purpose as being that of society to 'promote understanding and amity between the different communities of the world by undertaking or supporting the study of their past and present cultures, by disseminating or exchanging knowledge thereof, and by providing such other facilities as would lead to their universal appreciation.'

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