



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/Sub.2/1989/NGO/2  
27 July 1989

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Forty-first session  
Item 6 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF  
APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL  
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-  
COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by Pax Christi International,  
a non-governmental organization in consultative status  
(Category II)

The Secretary-General has received the following communication which is  
circulated in accordance with Economic and Social Council  
resolution 1296 (XLIV).

[6 July 1989]

1. Under Agenda item 9 at the forty-fifth session of the United Nations Commission on Human Rights, the Ambassador of the People's Republic of China spoke forcefully about the need to respect the right to self-determination of people. The United Nations, in Resolution 1514 (XV), recognized the implementation of this right to be a prerequisite to the enjoyment of all other human rights, and in the United Nations Charter, as essential to the preservation of peace among nations. We urge the United Nations Human Rights Commission to address the question of self-determination of the Tibetan people, who have suffered under alien domination for the last 40 years. The right to self-determination of the Tibetan people, a right recognized by the General Assembly as belonging to the Tibetan people in Resolution 1723 (XVI), is imperative both to ensure the enjoyment by the Tibetan people of their fundamental human rights and for the promotion of peace among nations.

2. The Tibetan people are indisputably a separate and distinct people from the people of China and its neighbours. The Tibetans inhabit a defined territory, the Tibetan plateau, which is geographically and geologically distinct from China. On this plateau, the unique Tibetan culture has existed for centuries with only occasional influences of neighbouring peoples. The Tibetan people constitute a distinct racial or ethnic group, different from the Chinese. The Tibetan peoples possess their own language belonging to the Tibeto-Burmese group of languages and their own religion, a specialized development of Mahayana Buddhism. Most importantly, Tibet has a history of its own. These facts are acknowledged by the Chinese Government to be true.

3. Prior to China's occupation in 1949, Tibet existed as an independent State. Even if one were to accept China's argument that Tibet was in some way part of the Manchu Emperor's dominions until 1911, there is no question but that Tibetans governed themselves for centuries with only occasional and minimal foreign interference. From 1911 to 1949 Tibet conducted itself in every respect as an independent State. The occupation of Tibet in 1949 was undertaken by force and against the wishes of the Tibetan people and their Government. Forty thousand Chinese People's Liberation Army troops, marched into Tibet in 1949 and 1950 and defeated a Tibetan army of 8,000 men, killing half its soldiers. Tibet was forced to sign an unequal treaty in 1951, following the surrender of its army, allowing the occupation of the country by People's Liberation Army troops. The treaty was never valid and it was never honoured by the Chinese. The Dalai Lama denounced it upon his first opportunity to do so in freedom - upon his arrival in India in 1959.

4. The Tibetan people have repeatedly expressed their desire to be left to govern themselves free of foreign domination as they had governed themselves prior to 1949. In 1959, the Tibetans rose up in a massive revolt against Chinese rule, which was put down brutally by the Peoples' Liberation Army, resulting in the killing of 87,000 Tibetans in central Tibet alone. More recently, large numbers of Tibetans have been demonstrating for freedom from Chinese rule in Lhasa and other cities. In the most recent major demonstration in Lhasa, in March 1989, and in the aftermath thereof, an estimated 800 Tibetan civilians were killed by Chinese security forces.

5. The law is clear that the right to self-determination is a binding, enforceable right under international law extending to all peoples under colonial or any type of alien domination of the nature of jus cogens, a peremptory norm of international law. This is the unavoidable conclusion flowing from a plethora of United Nations instruments and resolutions,

international agreements, and from several important opinions of the International Court of Justice. Specifically, this conclusion derives most forcefully from the United Nations Charter, the two human rights covenants, Resolutions 1514 (XV), the Helsinki Accords, and the advisory opinion of the International Court of Justice in the Western Sahara case.

6. The United Nations has, on numerous occasions, acted in support of movements for self-determination of peoples, who, like the Tibetans, have expressed their desire for freedom. Since the Charter of the United Nations came into force in 1945, 88 countries have achieved independence with the support of the United Nations. Such support has not been limited to countries attempting to free themselves from colonial domination. Examples of United Nations activities in support of the right of self-determination is found in its activities with regard to struggles for independence in Palestine, Bangladesh, East Timor, Western Sahara, Namibia and Eritrea. The right of the Palestinians to self-determination has been repeatedly affirmed by United Nations resolutions. In 1983, under the auspices of the General Assembly, the international conference on the Question of Palestine was convened and adopted the Geneva Declaration on Palestine which affirmed the "inalienable rights of the Palestinian people ... to self-determination and the right to establishment of its own independent State in Palestine". This Declaration was subsequently supported by the General Assembly in Resolution 1985/4.

7. While criticized for its lack of attention to the matter prior to the commencement of armed clashes between India and Pakistan, the United Nations openly condemned West Pakistan's suppression of the people of East Pakistan (later known as Bangladesh) in Resolution 2790 (XXVI). United Nations recognition of the right of the people of Bangladesh to self-determination culminated in Bangladesh being admitted as a member of the United Nations in September 1974. East Pakistan had never been a colony of West Pakistan but rather differed historically from the West Pakistanis in race, language, culture, economic development and location.

8. Since 1975, United Nations support of the self-determination of the people of East Timor has been affirmed in numerous resolutions of the General Assembly and actions by United Nations entities. Upon the invasion of East Timor by Indonesia in December of 1975 after the military coup in Portugal (the colonial power) the Security Council passed Resolutions 384 and 385 calling upon Indonesia to withdraw its forces from East Timor to enable its people to freely decide their own future. In Resolution 37/30, the General Assembly expressed its concern that the people of East Timor be allowed to exercise their fundamental human rights. Finally, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have passed resolutions calling upon all interested parties to co-operate with the United Nations in guaranteeing the free and full exercise of the right to self-determination of the people of East Timor.

9. The United Nations repeated affirmation of the right of the people of Western Sahara to self-government since the withdrawal of Spain demonstrates the United Nations commitment to achieving self-determination. According to an International Court of Justice Advisory Opinion, upon Spain's withdrawal in

February 1976, Western Sahara was no longer a colony or subject to ties of sovereignty or allegiance to any other nation. The United Nations continues to affirm the right of the people of Western Sahara to self-determination during the region's present occupation by Morocco in Resolutions such as 42/78.

10. In its continual efforts to expel South Africa from Namibia (formerly South West Africa), through the International Court of Justice, in its advisory opinion on this presence, the United Nations affirms the viability of the right of self-determination for Namibia administered by South Africa since the end of the First World War under a League of Nations mandate.

11. The United Nations supported the self-determination of the people of Eritrea with respect to its relationship with Ethiopia and subsequent to its liberation from Italian colonial rule. In 1950, the General Assembly passed Resolution 390 (v) proposing Eritrea be constituted as an autonomous unit to be federated with Ethiopia under the sovereignty of the Ethiopian Crown. This resolution clearly demonstrated the United Nations determination that the population of Eritrea constituted a "people" distinct from the people of Ethiopia, with a territory of their own and not simply as an ethnic minority within Ethiopia.

12. The Tibetans are a people under occupation or alien domination. Yet in many ways, Chinese rule in Tibet resembles that of a colonial power. The colonial relationship is marked by economic exploitation; ethnic, linguistic and cultural differences between the Chinese and Tibetans; continued Chinese occupation of Tibetan territory by force; the use of excessive military force to stifle dissent, deprivation of human rights to a majority of the people including freedom of speech, freedom of assembly, and freedom of religion; administration of the occupied territory by the colonial power; and systematic discrimination against the Tibetan people.

13. Within nine months of the Chinese occupation, the People's Liberation Army appropriated thousands of tons of barley and other foodstuffs from Lhasa, pushing the region to the verge of famine. With the subsequent establishment of the People's Bank of China and the Sino-Tibetan syndicate under its authority, the Tibetan economy was made dependent upon China soon thereafter. The Tibetans are distinct ethnically, linguistically, and culturally from the Chinese. The Chinese military has consistently used excessive force to suppress the Tibetan uprisings against the Chinese authorities. The Chinese have denied Tibetans equal political rights, freedom of expression and freedom to travel. The Chinese have exercised widespread religious persecution, to the extent of being characterized by the International Commission of Jurists in a 1960 study as "religious genocide".

14. Finally the Chinese have repeatedly jailed and executed Tibetans for alleged anti-Chinese activities.

15. The alleged "autonomy" granted by the Chinese to the Tibetans does not constitute self-determination. First, the "autonomy" was not instituted at the will of the Tibetan people; autonomy was imposed and not established as a result of an expression of free choice. Second, the "autonomy" of Tibet is autonomy in name only, as it gives the Tibetan people no meaningful role in the administration of their own country. Creation of the Tibetan Autonomous Region has simply masked China's attempt to fully integrate Tibet into the

political structure of China. The new centralized Government of Tibet is led by Chinese or Chinese-educated Tibetans. Tibet's defence is under the central authority of Beijing which maintains 250,000 troops within the borders of the Autonomous Region. While the Chinese Government alleges that the army is stationed in Tibet solely for the purpose of protecting against foreign invasion, a clear purpose of the army's presence is to quell rebellion amongst the Tibetan people.

#### Conclusion

16. It is the right of the Tibetan people to decide, free from foreign interference, by whom and how they wish to be governed. Regardless of whether Tibet was de jure independent prior to 1949, the Tibetan people have the right to self-determination under international law. This right of choice, has been recognized as extending to all people. The United Nations should now act to promote the implementation of that right, in accordance with United Nations resolution 1723 (XVI).

-----