



INTERNATIONAL CAMPAIGN FOR TIBET

Written testimony by the International Campaign for Tibet for the Congressional-
Executive Commission on China Hearing

Tibet: Barriers to Settling an Unresolved Conflict

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Summary

To date, more than a decade has passed since the last round of negotiations between the Chinese and Tibetan sides despite efforts by successive administrations to fulfil America's stated policy objective of encouraging a peaceful resolution to the Tibet issue. The Tibetans have made it clear that they are ready to resume negotiations at any time; the Chinese side has not been willing to return to the table without preconditions.

The Chinese Communist Party's rule in Tibet has no legitimate historical, diplomatic, or popular basis, and so the CCP expend significant resources to manufacture legitimacy for Chinese rule in the Land of Snows. The international community has a responsibility to disarm these tactics and place greater prominence and force behind calls for negotiation.

A first step toward rekindling dialogue is for the United States to reiterate that the Tibet-China conflict remains unresolved. The second is to overtly clarify that the only pathway to legitimacy is earning it, instead of capturing it as a spoil of invasion and subsequent occupation.

Achieving this goal will require a reorientation and tactical shift in how the Administration expresses its consistent call for negotiations that can provide greater leverage. Specifically, the United States' government must recognize Tibet as occupied until the genuine, peaceful, and stable reconciliation it consistently demands is met.

Self-Determination: Tibetan loss of a fundamental human right

Over the last three decades, the People's Republic of China (PRC) has maneuvered itself from a pariah state following the Tiananmen Square Massacre to a global economic and political powerhouse. Particularly under the regime of President Xi Jinping (2012-present), the Chinese government has established clear ambitions to secure an alternative international order based on authoritarian Chinese Communist Party rule. This attempted remaking of the international order explicitly rejects American leadership and the values of democracy and rule of law while

seeking to place the People's Republic of China in the global driver's seat. Recognizing the Xi Jinping's expansionist agenda and human rights excesses as an inherent threat to global security and ethical standards, the United States and like-minded nations already are reorienting policies and strategies to confront this destabilizing agenda.

Summarized by Secretary of State Antony Blinken in his George Washington University on May 26, speech "China is the only country with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do it. Beijing's vision would move us away from the universal values that have sustained so much of the world's progress over the past 75 years."¹

Speaking specifically to human rights, Blinken went on to state "The United States stands with countries and people around the world against the genocide and crimes against humanity happening in the Xinjiang region... we stand together on Tibet, where the authorities continue to wage a brutal campaign against Tibetans... Beijing insists that these are somehow internal matters that others have no right to raise. That is wrong."²

These powerful words reassert the United States' staunch, decades-long, bipartisan support for Tibetan's struggle to sustain their unique identity, including awarding His Holiness the Dalai Lama the Congressional Medal in 2007, passage of the Tibetan Policy Act, the Tibetan Policy and Support Act, the Reciprocal Access to Tibet Act, a host of other resolutions and statements supporting dialogue as the path forward to a lasting, equitable resolution to the 70-year occupation of Tibet.³

However, as will be illustrated below, over time the United States has fallen victim to a pattern of inconsistent statements regarding Tibet's legal international status and ongoing occupation. Faced with such an opportunistic and increasingly belligerent Chinese government United States' statements that on the one hand call for a negotiated resolution to the Tibet-PRC conflict and on the other imply Tibet is "part of China" are both contradictory and undermine the United States' and His Holiness the Dalai Lama's pursuit of a peaceful way forward based on Tibetan consent, not subjugation.

In short, as the United States government and its global partners actively reconfigure their policies and strategies to counter the PRC's ever-growing push for hegemony Tibet belongs

¹ Quint Forgey & Phelim Kine, "Blinken calls China 'most serious long-term' threat to world order," *Politico*, May 26, 2022, <https://www.politico.com/news/2022/05/26/blinken-biden-china-policy-speech-00035385>.

² Anthony Blinken, "The Administration's Approach to the People's Republic of China," (speech, Washington, D.C., May 26, 2022), U.S. Embassy in El Salvador, <https://sv.usembassy.gov/the-administrations-approach-to-the-peoples-republic-of-china/>.

³ "US Government," *International Campaign for Tibet*, accessed June 21, 2022, <https://savetibet.org/advocacy/us-government-and-legislative-advocacy/>; "US passes key legislation supporting Tibetans' aspirations, rights," *International Campaign for Tibet*, December 21, 2020, <https://savetibet.org/congress-passes-key-legislation-supporting-tibetans-aspirations-rights/>; "Reciprocity," *International Campaign for Tibet*, accessed June 21, 2022, <https://savetibet.org/why-tibet/reciprocity/>.

squarely in this evaluation. There is a clear need and opportunity for the United States to advance the goal of dialogue while taking a strong moral stand against the Chinese government's disregard for the values of rule of law, self-determination, and human rights for which the United States always has been a beacon.

The Lie: Authenticating China's Claims to Legitimacy in Tibet

The Chinese Communist Party's rule in Tibet has no legitimate historical, diplomatic, or popular basis.

Historical: As a people, Tibetans have maintained a distinct ethnicity, nationality, religion, culture, and religious identity for over 2,000 years.⁴ Although the Mongol and Manchu empires (which ruled over China) both sought to exert significant influence on Tibet, Tibet has never been a part of China per se.⁵ The PRC's assertion that Mongol and Manchu influence over Tibet during times when their empires occupied China somehow establishes a Chinese claim to Tibet would upend any reasonable concept of sovereignty. For example, the reverse claim could be made that since the Mongol empire reached as far as the modern-day Ukraine, China should therefore be "a part" of Ukraine.

The actual historical record is clear. Stone pillars still standing to this day in Lhasa commemorate previous treaties between Tibet and China as equals, including the Sino-Tibetan Peace Treaty of 821, and the Chinese government is unable to point to any instance of Chinese rule over Tibet – until the PRC's invasion of Tibet, which gave rise to the current situation.

Diplomatic: The People's Republic of China's rule of Tibet is based exclusively on its violent military annexation. Soon after Communists assumed power in China in 1949, they invaded Tibet, overwhelming the Tibetan army. In 1951, the CCP forced the Tibetan government under duress to submit to an agreement stating that Tibet had become a part of China.⁶ This clearly violates international law, in which the use or threat of force to procure agreements is a corollary of Article 2 (4) of the UN Charter. Article 52 of the Vienna Convention on the Law of Treaties further provides that "a treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations."⁷

Importantly, the United States also has long opposed the use of force by one country against the sovereignty of another as a manner of acquiring territory, and condemned violations of

⁴ Smith, Warren W, *Tibetan Nation: A History of Tibetan Nationalism and Sino-Tibetan Relations*, Boulder, CO: Westview Press, 1996.

⁵ C., Van Walt van Praag, Michael, *The Status of Tibet: History, Rights, and Prospects in International Law*, London: Wisdom, 1987.

⁶ Department of Information and International Relations, Central Tibetan Administration, *Facts about the 17-Point "Agreement" Between Tibet and China*, May 22, 2001, 114-117, <https://tibet.net/wp-content/uploads/2014/10/FACTS-ABOUT-17-POINT-AGREEMENT..pdf>.

⁷ C., Van Walt van Praag, Michael and Boltjes, Miek, *Tibet Brief 20/20*, Outskirts Press, 2020, 134.

international law, including the illegal occupation of one country by another.⁸ By this standard, the Communist party's assertions of rightful dominion can be seen as nothing other than a direct contravention of U.S. policy.

Further, the 17 Point Agreement itself included provisions promising that Tibet would enjoy autonomy and that its cultural identity would be respected.⁹ These promises, among others, were quickly broken, removing any remaining doubt regarding the Communist Parties commitment to diplomatic resolution and fair treatment of the Tibetan people.

Instead, between 1951 and 1959 the Chinese government dismantled the existing Tibetan political and religious systems, particularly in the areas outside of the TAR, and began its systematic assault on the foundations of Tibetan identity. Throughout the 1950s, China waged a brutal campaign targeting Tibetan resistance. Chinese soldiers slaughtered civilians, desecrated religious monuments, raped, and performed public executions.¹⁰

In a last-ditch effort, the Tibetan people engaged in a National Uprising in 1959 which the CCP suppressed, leading to His Holiness the Dalai Lama's flight to India, along with a stream of brutalized refugees.

In the face of this blatant annexation, in 1961, Malaya and Ireland, sponsors of the 1959 United Nations General Assembly Resolution 1353 on Tibet, were joined by El Salvador and Thailand in their request to include "The Question of Tibet" once again for consideration by the United Nations. Speaking before the General Assembly, Ireland's representative asked, "how many benches would be empty here in this hall if it had always been agreed that when a small nation or a small people fell into the grip of a major Power, no one could ever raise their case here; that once they were a subject nation, they must always remain a subject nation."¹¹

Tibet's case was bolstered by the ICJ's second report Tibet and the Chinese People's Republic. Upon examining Tibet's legal status, and violations of human rights there, the report concluded that "acts of genocide had been committed", and that "Tibet was at the very least a de facto independent State" before its annexation by the Chinese government in 1951. With the support of 56 member states, Resolution 1723 (XVI) was passed in the General Assembly on December 20.¹²

⁸ See, most recently, the occupation of Crimea: Lewis Sanders IV, "US 'condemns Russian occupation of Crimea,'" *DW*, March 17, 2017, <https://www.dw.com/en/us-condemns-russian-occupation-of-crimea/a-37979485>.

⁹ Department of Information and International Relations, Central Tibetan Administration, *Facts about the 17-Point "Agreement" Between Tibet and China*, May 22, 2001, 114-117, <https://tibet.net/wp-content/uploads/2014/10/FACTS-ABOUT-17-POINT-AGREEMENT..pdf>.

¹⁰ Li, Jianglin, *When the Iron Bird Flies: China's Secret War in Tibet*. Stanford, CA: Stanford University Press, 2022.

¹¹ "Tibet at the UN General Assembly," *International Campaign for Tibet*, accessed June 21, 2022, <https://savetibet.org/advocacy/united-nations/un-general-assembly-resolutions/>.

¹² General Assembly resolution 1723 (XVI), *Question of Tibet*, A/RES/1723 (December 20, 1961), <https://www.savetibet.eu/un-general-assembly-resolution-1723-xvi-of-1961/>.

Over the course of the ensuing five decades, the United States has joined with His Holiness the Dalai Lama, the CTA, other nations, and world leaders including the Vatican, former President Carter, Nelson Mandela, Archbishop Desmond Tutu, and Kofi Annan in continuously calling for a negotiated resolution to the ongoing conflict.¹³

By definition, a negotiation means a matter is unsettled, further establishing the PRC's lack of diplomatic legitimacy in any claim over Tibet until an agreement is reached with the Tibetan people's rightful representatives.

Popular: Tibetans resist Chinese occupation to this day, utilizing whatever means are available to express opposition to both Chinese rule and China's relentless agenda to demolish Tibetan identity.

Throughout the 1950s, Tibetans across Tibet defied Chinese orders and rose up in attempts to free their lands. After the chaos and destruction of the Mao era ended Tibetans repeatedly participated in national uprisings centered on the Jokhang Temple and the Barkhor area of Lhasa in the 1980s.

Facing a rising tide of repression in the 1990s and 2000s, Tibetans used every tactic from demonstrations to songs to writings in order to express their opposition to Chinese rule.

In 2008 a Tibetan National Uprising, the most significant expression of Tibetan national sentiment since the 1959 Tibetan Uprising, started in Lhasa and quickly spread to every corner of Tibet. Hundreds of demonstrations and protests occurred, with ordinary Tibetans waving the Tibetan flag and displaying portraits of the Dalai Lama through the streets in defiance of Chinese police.

The brutal repression of the 2008 Tibetan Uprising and the ensuing suppression of Tibetan religious and cultural practice contributed to a series of self-immolation protests over the years that followed. More than 150 Tibetans have set themselves on fire to date, a mixture of monks, nuns, and laypeople of all ages who have called for freedom, the respect of their human rights, and the return of the Dalai Lama.

¹³ "China on the defensive as 11 countries challenge its politics in Tibet," *International Campaign for Tibet*, October 22, 2013, <https://savetibet.org/china-on-the-defensive-as-11-countries-challenge-its-policies-in-tibet/>; Adrian Croft, "UK faults China on rights and urges Dalai Lama talks," *Reuters*, March 25, 2008, <https://www.reuters.com/article/uk-china-tibet-britain/uk-faults-china-on-rights-and-urges-dalai-lama-talks-idUKL2570622620080325>; Steven Lee Myers and Katrin Bennhold, "Europe and U.S. Press China Over Tibet," *The New York Times*, March 27, 2008, <https://www.nytimes.com/2008/03/27/world/europe/27europe.html>; Philip Pullella, "Pope breaks silence on Tibet, wants end to suffering," *Reuters*, March 19, 2008, <https://www.reuters.com/article/us-tibet-pope/pope-breaks-silence-on-tibet-wants-end-to-suffering-idUSL1990247220080319>; "Veteran leaders urge China to talk to Dalai Lama," *Reuters*, April 2, 2008, <https://www.reuters.com/article/idUSL02863025>.

Tibetans continue to find ways to resist. Solo protests, songs, articles, and advocacy carry on to this day, despite the brutal punishments that China dispenses on those who dissent.¹⁴ As Tibet Action Institute Senior Researcher Tenzin Dorjee told this Commission during a hearing on human rights in Tibet two years ago:

“After all these years, the Chinese government has lost the battle for the hearts and minds of the Tibetan people. And its insecurity is making it increasingly bellicose. But the Tibetan people continue to resist with courage and patience. They know that freedom struggles take time. They also know that freedom often comes when it’s least expected. Tibetans have never given up on their struggle for freedom, and neither should we.”¹⁵

Spoils of Occupation: Exploitation and Cultural Assault

It must never be forgotten that under the guise of Communist ideology Mao Zedong’s annexation of Tibet was driven by military strategy and natural resource exploitation, as was its systematic plan to obliterate the Tibetan people’s identity as a way to suppress resistance. Little has changed since other than methodology.¹⁶

Situated about 4,000 meters above sea level Tibet is a geographical region spanning 2.5 million square kilometers. Its location and scale provide a commanding position over the entire Himalayan region, a fact certainly not lost on the Communist Party. Formerly a natural buffer between India and China, the CCPs occupation allowed not only an immediate enhanced regional sphere of influence, but also set it on a trajectory toward the hegemonic control it continues to strive for. Within a few years of incursion, the Chinese government began a build-up of infrastructure intended to advance its dominion over Tibet, but also laid the foundation for strategic military operations along the previously inaccessible Indian borders.

Tibet also boasts a host of natural resources the Chinese lack, specifically, water, large tracks of forests, and mineral wealth. One of the most illustrative examples of the Communist party’s transparent motivation for Tibet’s invasion is water. China is water poor. In contrast, the Tibetan Plateau is the source of the region’s major rivers, the healthy flow of which nearly 2 billion people rely on for food and economic development. In the ensuing decades, the PRC has erected numerous and massive damming projects, and proposed to continue along with water diversion projects. Once again, we see dual purposes at play. China’s occupation of Tibet provides much needed resources to China, while also facilitating infrastructure development that allows it to literally control the tap for South and Southeast Asia, it should not be ignored

¹⁴ “Brave solo protests show Tibetans’ remarkable courage and steadfast loyalty to the Dalai Lama,” *International Campaign for Tibet*, October 11, 2018, <https://savetibet.org/brave-solo-protests-show-tibetans-remarkable-courage-and-steadfast-loyalty-to-the-dalai-lama/>; “Self-Immolation Fact Sheet,” *International Campaign for Tibet*, last updated April 6, 2022, <https://savetibet.org/tibetan-self-immolations/>.

¹⁵ U.S. Congress, Congressional-Executive Commission on China, *The Human Rights Situation in Tibet and the International Response*, 116th Congress, 2nd session, September 30, 2020, <https://www.govinfo.gov/content/pkg/CHRG-116hrg43840/html/CHRG-116hrg43840.htm>.

¹⁶ International Campaign for Tibet, *60 Years of Chinese Misrule/Arguing Cultural Genocide in Tibet*, 2012, <https://savetibet.org/wp-content/uploads/2013/05/Cultural-Genocide-in-Tibet-single-pages-2-1.pdf>.

that control over water grants China literal and diplomatic might as well as infrastructure that in and of itself represents yet another potential military build-up along contested borders.¹⁷

Precious metals and minerals serve as another example of the CCPs motivations. Tibet's occupation "provides access to 126 different minerals". This includes copper, iron, uranium, zinc, gold, and lead. Increasingly relevant, Tibet also has large amounts of lithium, critical to powering modern technologies like cell phones, hybrid, and electric cars, and more.¹⁸

The Chinese government has shown no hesitation before plundering these natural resources without regard to environmental degradation or the devastating impacts on the Tibetan cultural of veneration for sentient beings and sacred landscapes¹⁹. In this way, the Chinese government's human rights abuses have gone hand in glove with a massive resource exploitation scheme that denies Tibetans access to their own resources and the self-determination of how they are used within the context of their own cultural identity and values.

As is often the case with persecuted peoples, resource exploitation on the Tibetan Plateau overlays the oppression of the Tibetan people who call it home. In parallel with its resource plunder—which diverts these resources outside Tibet, contrary to Chinese claims of fueling Tibetan economic growth—Tibetan culture and identity, so bound to its environment, continues to undergo a cultural genocide designed to supplant the Tibetan way of life and crush any resistance.

This is directly relevant to the critical question of Tibet's ultimate relationship with the Chinese government. Any statement—either explicit or tacit—that accepts the CCPs occupation of Tibet equates to an endorsement that "sovereignty" can be secured as a spoil of occupation just as much as a natural forest or a mine. Acceptance of this stance is dangerous and directly countermands both international and U.S. law.²⁰

The Middle Way: A Path Forward

In their efforts to safeguard Tibet's culture, religion, and language, the Dalai Lama and the Central Tibetan Administration, Tibet's government in exile, advocate for 'the Middle Way approach.' Instead of pursuing independence on the one hand or accepting China's authoritarian status quo on the other, under the Middle Way approach Tibet would remain within the framework the People's Republic of China, but Tibetans would possess meaningful

¹⁷ Chellaney, Brahma, *Water: Asia's New Battle Ground*; Georgetown University Press, 2011, see chapter 3

¹⁸ Ibid. pg. 116-117

¹⁹ International Campaign for Tibet, *China's Plunder of the Tibetan Plateau: Tool of Oppression*, Written testimony for the Congressional-Executive Commission on China Hearing China's Environmental Challenges and U.S. Responses, September 21, 2021.

²⁰ C., Van Walt van Praag, Michael and Boltjes, Miek, *Tibet Brief 20/20*, Outskirts Press, 2020.

autonomy over their own affairs. This approach is consistent with China's constitution, which allows for regional autonomy.²¹

The Middle Way approach also is consistent with the stated position of China's leadership; in 1979, then-Chinese leader Deng Xiaoping told the Dalai Lama that "except independence, all other issues can be resolved through negotiations."²² By rejecting the idea of zero-sum positions and embracing the idea that both the Chinese authorities and Tibet can safeguard their interests and gain from a negotiated solution, the Central Tibetan Administration is putting forward a reasonable and moderate compromise that has won the support of many around the globe.

Broken Promises: Refusing Negotiations

Instead of negotiating, the Chinese side has slandered the Dalai Lama, ridiculed other countries for supporting the Tibetans, and instituted ever more brutal methods of keeping Tibet under control.

After a decade of repeated contacts with the Tibetan side, including ten rounds of negotiations from 2000 to 2010, the Chinese side broke off the process and has not resumed direct contact with the Tibetans.

While Deng stated that the Tibet-China conflict could be resolved through negotiations, the actions of the current leadership of the PRC indicates that they do not feel a need to resume dialogue. Poison pill conditions, such as requiring the Dalai Lama to state that Tibet was historically a part of China – a statement that is categorically false – or that Taiwan should be a part of the PRC are designed to make it impossible for the Tibetan side to meet China's conditions without violating their principles or, indeed, their own negotiation position.

In parallel, the Chinese government has cracked down severely on Tibetans' religious freedom, freedom of expression, and other basic human rights. China's abuses in Tibet have reached such a magnitude that Freedom House recently declared Tibet tied for the least-free country on Earth.²³

The abuses are diverse and wide-ranging; they include the imprisonment of hundreds of prisoners of conscience, who are often subject to poor treatment and torture. Among them are monks and nuns who wrote about Tibet's history or called for freedom, a group of laypeople who celebrated the Dalai Lama's birthday in a small ceremony and received sentences of up to 14 years in prison, and a six-year-old child who was the youngest political prisoner when he was

²¹ "Memorandum on Genuine Autonomy for the Tibetan people," Central Tibetan Administration, accessed June 21, 2022, <https://tibet.net/important-issues/sino-tibetan-dialogue/memorandum-on-genuine-autonomy-for-the-tibetan-people/>.

²² "His Holiness's Middle Way Approach for Resolving the Issue of Tibet," His Holiness the 14th Dalai Lama, accessed June 21, 2022, <https://www.dalailama.com/messages/tibet/middle-way-approach>.

²³ "Freedom in the World 2021: Tibet," Freedom House, accessed June 21, 2022, <https://freedomhouse.org/country/tibet/freedom-world/2021>.

kidnapped in 1995. Still subject to an enforced disappearance to this day, that prisoner – the 11th Panchen Lama – is now one of the longest-held Tibetan political prisoners of all time.

Monasteries have been ransacked and subjected to constant abuses of religious freedom, while Tibetan-language schools have been forced to close. Religious gatherings and horse-racing festivals have been cancelled, Tibetan students are increasingly taught in Mandarin Chinese rather than their mother tongue, and nomads have been forced off the grassland and into poorly built housing with few prospects for finding a better way of life. Across Tibet, a campaign of Sinicization – or forced cultural assimilation – is being imposed on Tibetans, with armed Chinese police and bleak Chinese prisons awaiting those who resist.

A negotiated solution remains the best option for resolving the Tibet issue other countries must help press China to change course from its strategy of repression and confrontation to one of dialogue and compromise.

Chinese Propaganda: Facts Matter

The summary below articulates the historical record of past U.S. statement regarding Tibet's status, as well as the unfortunate contradictions that enable the Chinese government to cherry pick statements that serve its agenda of justification, embarrassing the United States, and coercion of other nations. In 1919, the American technical advisers to the Paris Peace Treaty included Tibet as a country, as did US Secretary of State Joseph C. Grew in 1944. In 1951, Acting Secretary of State James Webb stated that "Tibet is not considered a part of China [...] except to the extent that it is occupied by the Chinese Communist forces. In 1959, after China forced the Dalai Lama to flee Tibet and then dissolved the Tibetan government, a joint Congressional resolution lists Tibet as a country whose national independence has been impinged. Tibet is listed as a separate country from the PRC in an amendment to the Export-Import Bank Act of 1986. As well, the 1992 Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (P.L. 102-138) declare that Congress considers Tibet "an occupied country."

Unfortunately, contradictory messages also have been deployed. In 2003, the Chinese Ministry of Foreign Affairs website ran a state media article seeking to discredit the Dalai Lama and the dialogue process, noting that the United States "has recognized that the Tibet Autonomous Region is part of the People's Republic of China" and specifically citing statements by presidents Bill Clinton and George Bush saying that Tibet is a part of China. The 2004 State Department report on Sino-Tibetan negotiations produced per the requirements of the Tibetan Policy Act included the statement that the United States "recognizes the Tibet Autonomous Region (TAR) and Tibetan Autonomous prefectures and counties in other provinces to be a part of the People's Republic of China."

Illustrating the PRC's propaganda machines use of any opportunity to discredit Tibetan autonomy and [word] the United States on the international stage, spokesman Qin Gang demanded in 2005 that the United States honor its "repeated commitment that Tibet is a part

of China" by desisting from making calls for dialogue between China and the Tibetans. In yet another example, in 2014 Qin Gang portrayed President Obama's meeting with the Dalai Lama as a form of reneging on "America's commitment of recognizing Tibet to be a part of China," using this 'commitment' as the basis to demand that America cease supporting the Dalai Lama and the Central Tibetan Administration.

Further illustrating this vacillation, in 2021 the State Department Human Right Report on Tibet is published without referring to Tibet as a part of China. In 2021, a group of over 60 members of Congress wrote to Under Secretary of State Uzra Zeya noting this change and urging "the continued exclusion of this phrase from future reports and statements, both as a means to promote renewed negotiations between the Chinese government and the Dalai Lama or his representatives." Earlier in 2021 Sens. Patrick Leahy, D-Vt., and Marco Rubio, R-Fla., applauded the removal of this language, describing it as "gratuitous."

"We should not allow the CCP to define the terms of our interactions with them, or with the people living in the PRC, nor should we uncritically accept how the CCP characterizes the facts on the ground, past or present," the senators wrote at the time.

Confirming the solidifying Congressional stance regarding Tibet's status, the 2022 Omnibus Appropriations bill includes stipulations against the State Department producing maps or statements which portray Tibet as a part of China.²⁴

United States Leadership: Demanding Self-Determination

As articulated above, the People's Republic of China has yet to garner any legitimacy regarding its relationship with Tibet. It is undeniable that it currently exerts effective control on the ground. It is equally undeniable that this control is maintained only via brutality, surveillance, and isolation from the rest of the world. Validating this as legitimate flies in the face of the right to self-determination provided for in the international human rights covenants, the United States policies to oppose human rights violations wherever they occur, as well as the acquisition of territory by violent overthrow, and basic ethics.

The Chinese government knows this. It expends enormous resources pressuring and coercing other nations to accept its pervasive propaganda. Its reactivity to even the mildest forms of outreach to His Holiness by other national leaders, especially the United States, confirms a hypersensitivity that can only indicate an equally robust insecurity. At times this insecurity reaches an almost absurd degree. For example, a mere statement of protest by then Celtics player Enes Kanter motivated the PRC to block all broadcasts of the team.

However, this behavior is dangerous in its scale and pervasiveness. But it does present an opportunity.

²⁴ U.S. Congress, House, "Division K – Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022," accessed June 21, 2022, <https://docs.house.gov/billsthisweek/20220307/BILLS-117RCP35-JES-DIVISION-K.pdf>.

Certainly, without a change in tactics, the PRC will continue to view the status quo as acceptable. It sees little pain or gain from entering negotiations. This dynamic must be changed such that the Chinese government perceives negotiations as a path forward to garnering what it so obviously covets—legitimacy in the eyes of the international community.

A first step toward rekindling dialogue is for the United States to reiterate that the Tibet-China conflict remains unresolved. The second is to overtly clarify that the only pathway to legitimacy is earning it, instead of capturing it as a spoil of occupation and subsequent occupation.

Achieving this goal will require a reorientation and tactical shift in how the Administration expresses its consistent call for negotiations that can provide greater leverage. Specifically, the Administration must recognize Tibet as occupied until the genuine, peaceful, and stable reconciliation it itself demands is met.

It must be reinforced that such a solidification of policy and strategy is fully consistent with the TPA and TPSA legal mandate to pursue negotiations. After all, it is difficult to justify employing the identical strategy for decades without results as full implantation. In contrast, launching a newly formulated approach would more meaningfully fulfill the mandate and stands a greater degree of success.

Lastly, such a shift also mirrors the comprehensive reevaluation of the United States' relationship with the People's Republic of China as it seeks to simultaneously neutralize global metastization of the Xi Jinping regime's authoritarianism while identifying areas of potential progress. Tibet is emblematic of that need and opportunity.

Recommendations

- Congress must pass legislation clarifying America's position on Tibet and stating that the United States views the conclusion of the Tibet-China conflict as unresolved, and that dialogue remains the only path to legitimacy for the Chinese government.
- The White House and the State Department must clarify that the United States will not consider Chinese control over Tibet to be legitimate until the Tibetan-Chinese government dialogue is successfully implemented.
- The United States must cease issuing statements and reports which refer to Tibet as a part of China rather than an occupied territory.
- Congress and the White House should work together to ensure that the provisions of the Tibetan Policy and Support Act and the Reciprocal Access to Tibet Act are fully implemented and proactively utilized to achieve the greatest possible impact on the situation in Tibet.
- U.S. agencies must actively counter People's Republic of China disinformation regarding Tibet's history, status as a people with a distinct nationality, culture, religion.

- The United States must work with like-minded countries to establish this framework on a broader scale as well in order to exert maximum leverage on the PRC.