

COMMENT

IS TIBET CHINA'S COLONY?: THE CLAIM OF DEMOGRAPHIC CATASTROPHE

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I.	INTRODUCTION.....	82
II.	DEMOGRAPHIC CATASTROPHE IN THE CLASSIC COLONIES.....	83
III.	TIBET AND CLASSIC COLONIALISM.....	89
IV.	“DEMOGRAPHIC ANNIHILATION”.....	90
	A. FAMINE DEATHS.....	93
	B. OTHER “EXCESS DEATHS”	99
V.	“DEMOGRAPHIC AGGRESSION”.....	103
	A. POPULATION TRANSFER.....	103
	B. THE “OUTNUMBERED” TIBETANS.....	111
	C. FAMILY-PLANNING AND “DEMOGRAPHIC AGGRESSION”	120
VI.	CONCLUSION: POPULATION, COLONIALISM, & TIBET.....	129

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I. INTRODUCTION

Although the world's states universally recognize that Tibet is part of China, the discourse on Tibet in the West and parts of Asia has largely been one of Tibet as a colony. Tibetan émigrés in India and grassroots foreign supporters have expectedly played a key role in positioning the discourse as anti-colonial.¹ Based on the authority of the Dalai Lama, antagonism towards the Chinese Communist Party (CCP) regime and other factors, they have succeeded in eliciting support for the Tibet-as-colony position from politicians,² journalists³ and a few scholars.⁴

The Tibet-as-colony position is not the metaphorical use of colonialism that many scholars deplore as a turning away from the specific historical realities of colonialism.⁵ Rather, proponents of the concept aim to establish that Tibet is as much a colony as were the lands held by European powers, the US and Japan from the 16th to late 20th centuries. Tibet, they argue, thereby takes on a right to self-determination, including independence.⁶ Indeed, proposals for association, federation and "genuine autonomy" for Tibet, successively advanced by the émigrés since 1987, have

¹. See INTERNATIONAL CAMPAIGN FOR TIBET, TIBET "TRANSFORMED": A PICTORIAL ESSAY DOCUMENTING CHINA'S COLONIZATION OF TIBET (1994); UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION [UNPO], CHINA'S TIBET: THE WORLD'S LARGEST REMAINING COLONY (1997); Paljor Tsarong, *Understanding Decolonization and Its Implications for the Tibetan Movement*, TIBETAN REV., Nov. 1997, at 14; Dawa Tsering, *Dui Xizang De Zhimin Yu Zangren de Shengcun Weiji [The Colonization of Tibet and Tibetan Survival Crisis]*, 173 CHINA SPRING 63 (1998).

². See Eric Cleven & Chungdak Koren, *The Correct Route to Independence*, TIBETAN REV., June 1995, at 17; EU MP Olivier Supuis's *Letter to the President of the EU Re: Remarks on Tibet*, WORLD TIBET NETWORK NEWS, Dec. 1, 2000 at http://www.tibet.ca/wtnarchive/2000/12/1_3.html; Vijay Kranti, *Pilgrim's Progress*, PIONEER DAILY (New Delhi), Dec. 21, 2000, in WORLD TIBET NETWORK NEWS, available at http://www.tibet.ca/wtnarchive/2001/1/17_2.html (Jan. 17, 2001).

³. See Philip Bruno, *Ombre Chinoises au Pay des Neiges [Chinese Shadows in the Land of Snows]*, LE MONDE (Paris), Mar. 1, 1999; Mary McGroy, *Not What the Founders Had in Mind*, WASH. POST, July. 4, 1999, at B1; William Safire, *The Biggest Vote*, N.Y. TIMES, May 18, 2000, at A31.

⁴. See David Goodman, *Guizhou and the People's Republic of China: The Development of an Internal Colony*, in INTERNAL COLONIALISM: ESSAYS AROUND A THEME 107-123 (D. W. Drakakis-Smith & Stephen Wyn Williams eds., 1983); Peter Bishop, *Caught in the Cross-Fire Tibet, Media, and Promotional Culture*, 22 MEDIA, CULTURE & SOC'Y 645 (2000); Ronald Horvath, *A Definition of Colonialism*, 13 CURRENT ANTHROPOLOGY 45-51 (1972); Carmen Leccardi, *Ethnic Conflict and Prejudice in a Colonial Context: The Case of Tibet*, 23 INT'L J. GROUP TENSIONS 193-224 (1993); Ian Johnson, *How a Chinese City Tortured and Killed to Curb Falun Dafa*, ASIAN WALL ST. J., Dec. 28, 2000, at 1.

⁵. See Chandra Mohanty, *Under Western Eyes: Feminist Scholarship and Colonial Discourse*, in THIRD WORLD WOMEN AND THE POLITICS OF FEMINISM 51-80 (Chandra Mohanty et al. eds., 1991) (1984); Sara Suleri, *Woman Skin Deep: Feminism and the Post-colonial Condition*, 18 (No. 4) CRITICAL INQUIRY 756 (1992); George Landow, *The Metaphorical Use of Colonialism and Related Terms*, at www.thecore.nus.edu.sg/landow/post/poldiscourse/colony2.html (2001).

⁶. See Andrew Dulaney, *RESOLVING CLAIMS OF SELF-DETERMINATION: A PROPOSAL FOR INTEGRATING PRINCIPLES OF INTERNATIONAL LAW WITH SPECIFIC APPLICATION TO THE TIBETAN PEOPLE* (1993); Robert McCorquodale & Nicholas Orosz, *TIBET: THE POSITION IN INTERNATIONAL LAW* (1994); Warren Smith, *History Is Not Complete Answer to Tibet's Future: A Reply to Michael van Walt*, TIBETAN REV., Feb. 1999, at 19-20.

incorporated the right to self-determine Tibet's territorial status or mode of governance.⁷ If, *per contra*, Tibet is not a colony, self-determination is not required and a compromise must then be forged. It would likely involve retaining Tibet's status as part of China and much of its governance system, but with power shared by the CCP and the Dalai Lama's forces, a solution that is now within the contemplation of some Tibet specialists in the People's Republic of China (PRC).⁸

An assessment of whether Tibet is a colony requires delineation of the contours of classic, modern, external colonialism and explication of the theory of internal colonialism.⁹ Here we note only that colonialism has several prominent features. First, many colonized regions experienced population depletion so severe that one can speak of demographic catastrophe. Second, a panoply of legal inequalities privileged citizens of the metropolises (including settlers) over colonial subjects, especially as to political power and cultural hegemony. Third, the exploitation of colonies in many cases led to economic decline, not only in relation to the metropolises, but even in absolute terms.

In the present paper, we consider one feature of classic modern colonialism in examining the claim advanced by Tibetan émigrés and their Western supporters that Tibet has suffered a demographic catastrophe comparable to that experienced by the victims of European colonialism. It is determined that there is no basis for the claim of a colonial-style cataclysm of the Tibetan population. Rather, the overall increase in the number of PRC Tibetans after 1949 markedly contrasts with the population disasters that befell colonized peoples over decades and sometime even centuries.

II. DEMOGRAPHIC CATASTROPHE IN THE CLASSIC COLONIES

In a well-known lyrical passage of *Das Kapital*, Karl Marx observed that Europe's "primitive accumulation" was based on

[T]he discovery of gold and silver in America, the extirpation and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies [and] the turning of Africa

⁷ See Barry Sautman, *Association, Federation and "Genuine Autonomy": The Dalai Lama's Proposals and Tibet Independence*, 14:2 CHINA INFO. 31 (2000).

⁸ See Barry Sautman, *Resolving the Tibet Question*, 11 J. CONTEMP. CHINA 77-107 (2001); Lixiung Wang, *Zhu Ceng Di Xuan Zhi Yu Minzhu Zhi: Jiejue Xizang Wenti de Fangfa Bijiao* [Level-by-level Successive Choice or Democratic System: A Comparison of Methods for Resolving the Tibet Question], 9:1 ZHONGGUO SHEHUI KEXUE JIKAN [CHINA SOCIAL SCIENCE QUARTERLY] (2000).

⁹ See Michael Hechter, *INTERNAL COLONIALISM: THE CELTIC FRINGE IN BRITISH NATIONAL DEVELOPMENT* (Transaction Books 1973) (1975).

into a warren for the commercial hunting of black skins.¹⁰

The most elemental effect of these depredations was the extinction of a significant part of the native population in the colonies of the Americas, Africa and other regions.

Most colonies were created by invasion, without a prior history of contact that could give rise to a colorable claim of sovereignty. Wars of subjugation were perpetually waged in the colonial empires; indeed the British army was engaged in a colonial war during every year of Queen Victoria's 64-year reign.¹¹ Britain's 19th-century architect of colonialism, Prime Minister Joseph Chamberlain, alluding to a Roman practice of keeping a certain place of worship open round-the-clock for prayers in wartime, stated: "In the wide dominions of the Queen, the doors of the temple of Janus are never closed."¹²

Gutto has summed up the effects of continuous wars of subjugation waged by the European colonialists against Africans:

[N]umerous cases of massacre and genocide of African people could be established against Britain, Holland, France, Germany, Belgium, Italy, Spain and Portugal. Colonialists routinely practiced torture, cruel and inhuman treatment on the African people. They committed crimes against humanity such as sexual assault on African women. They plundered wealth, expropriated and privatized African land and domestic animals; they decimated African wildlife and plants; and they destroyed and looted Africa's cultural property. A large proportion of African cultural heritage is to be found in private and public collections in Europe and North America.¹³

Wars, diseases, enslavement and economic ruin brought by the colonialists had a devastating demographic effect. The populations of the post-colonial Americas and late-colonial Africa and Asia did eventually stabilize and then rapidly increased, not surprisingly as it was in the interests of colonialists to have an adequate labor force for their exploitation of land, minerals and other resources. Indeed, the population increase in late colonialism may have played a role in ending colonialism, as it boosted the potential return to the "subversive activity" of extralegal appropriation of the profits of colonial companies.¹⁴ In the early and middle stages of

10. Karl Marx, 1 CAPITAL 751 (1954) (1867)

11. See Byron Farwell, QUEEN VICTORIA'S LITTLE WARS (1972).

12. H.L. Wesseling, IMPERIALISM AND COLONIALISM: ESSAYS ON THE HISTORY OF EUROPEAN EXPANSION 9 (1997).

13. Shadrack Gutto, HUMAN AND PEOPLES' RIGHTS FOR THE OPPRESSED: CRITICAL ESSAYS ON THEORY AND PRACTICE FROM SOCIOLOGY OF LAW PERSPECTIVE 58-59 (1993).

14. Hershel Grossman & Murat Iyigun, *Population Increase and the End of Colonialism*, 64

colonialism, however, demographic catastrophe affected many colonies.

The New World indigenous population of 75 million to 145 million declined by three-fourths in the 16th century and by 95% if a longer time frame is used. This occurred not only because of Old World diseases, but also through repression and forced labor for the colonialists.¹⁵ Jackson¹⁶ and Jackson & Castillo,¹⁷ for example, analyzed the demographic collapse of indigenous populations in the Spanish colonial missions of northwest New Spain and found that it resulted mainly from epidemics in some areas and mainly from working and living conditions in others. The number of indigenous dead due to colonialism in the Americas about equaled the total population of China in 1500 or Europe (excluding Russia) in 1750.¹⁸

There were population losses in Australia and Oceania as well. The 300,000 indigenous people in Australia in the 1700s, declined to 60,000 by 1900. Native Hawaiians who numbered 300,000-800,000 in 1778 were 48,000-70,000 in 1900, despite Hawaii's nominal independence until 1898. The Chamorro people of Guam and other islands were 80,000 in 1668, but only 1,500 by 1783.¹⁹ By no means can these losses be mainly attributed to disease; wars of extermination were waged against the peoples of these regions.²⁰

Some 18 million African slaves were traded from 1600-1800. More than nine million were exported, 3.5 million in British ships and 5.8 million by non-British slavers. An additional 5.6 million slaves were exported in the 19th century.²¹ Millions of Africans died in the slave trade and Africa's share of the world people fell from 18-20% in 1500 to 12% in 1800.²² Demographic decline also accompanied the last wave of colonization, in Africa in the late 19th and early 20th centuries, when Africa's total

ECONOMICA 483-93 (1997).

15. See J.M. BLAUT, *THE COLONIZER'S MODEL OF THE WORLD: GEOGRAPHICAL DIFFERENTIALISM AND EUROCENTRIC HISTORY* 124, 194 (1992); Sherburne Cook & Woodrow Borah, *ESSAYS IN POPULATION HISTORY: MEXICO AND THE CARIBBEAN* (1971); Jared Diamond, *GUNS, GERMS AND STEEL: A SHORT HISTORY OF EVERYBODY FOR THE LAST 13,000 YEARS* 78 (1998); David Stannard, *AMERICAN HOLOCAUST: COLUMBUS AND THE CONQUEST OF THE NEW WORLD* 268 (1992).

16. See Robert Jackson, *INDIAN POPULATION DECLINE: THE MISSIONS OF NORTHWESTERN NEW SPAIN, 1687-1840* (1994).

17. See Robert Jackson & Edward Castillo, *INDIANS, FRANCISCANS AND SPANISH COLONIZATION: THE IMPACT OF THE MISSION SYSTEM ON CALIFORNIA INDIANS* (1995).

18. John Durand, *Historical Estimates of World Population: An Evaluation*, 3 *POPULATION & DEV. REV.* 259 (1977).

19. *CULTURAL SURVIVAL, STATE OF THE PEOPLES: A GLOBAL HUMAN RIGHTS REPORT ON SOCIETIES IN DANGER* 74 (1993).

20. See Bruce Elder, *BLOOD ON THE WHATTLE: MASSACRES AND MALTREATMENT OF AUSTRALIAN ABORIGINES SINCE 1783* (1996); Linda Latham, *Revolt Re-examined: The 1878 Insurrection in New Caledonia*, 10 *J. PAC. HIST.* 49-62 (1975).

21. Paul Lovejoy, *TRANSFORMATIONS IN SLAVERY: A HISTORY OF SLAVERY IN AFRICA* 65-66, 142 (2d ed. 2000); Steven Marshall, *SUPPLEMENTING DISSENT: HOSTILE ELEMENTS II - POLITICAL IMPRISONMENT IN TIBET 1957-2000* 443 (Tibet Information Network 2001); Patrick O'Brien, *European Industrialization: From the Voyages of Discovery to the Industrial Revolution*, in *THE EUROPEAN DISCOVERY OF THE WORLD AND ITS ECONOMIC EFFECTS ON PRE-INDUSTRIAL SOCIETY 1500-1800* 165 (Hans Pöhl ed., 1990).

22. BLAUT, *supra* note 16, at 112.

population was no more than 120 million, with 80-90 million in the sub-Saharan.²³ The population of the Belgian Congo under King Leopold's regime of slave labor-like rubber production declined by half over several decades. The net loss of ten million people was partly caused by disease, but mainly by murder, starvation and an attendant plummeting birth rate.²⁴ The roots of the poverty in central and southern Africa that persists today can be traced to colonial population and economic disasters.²⁵

In what is now Namibia, German troops exterminated 80% of the indigenous Hereros and half the Namas in 1904-1907. The entire tribal property, including land and stock, of the scattered survivors was confiscated and Africans could thereafter acquire neither without permission of the colonial governor. The military commander von Trotha stated that "the [Herero] nation must be annihilated as such."²⁶ Speaking of the survivors, Germany's Commissioner for Settlement averred that "[o]ur job is to strip the Herero of his heritage and national characteristics and gradually to submerge him, along with other natives into a single colored working class."²⁷ In what is now Tanzania, up to half a million Africans died as a result of Germany's scorched earth policy in suppressing the 1905-1906 Maji Rebellion.²⁸

Three-fourths of British imperial subjects resided in India, where colonialism also produced huge population losses, in the first instance through repression. The 18th-century Scottish writer James Callender stated:

In Bengal only, we destroyed or expelled within the short period of six years, no less than five millions of industrious and harmless people; and as we have been sovereigns in that country for about thirty-five years, it may be reasonably computed that we have strewn the plains of Indostan with fifteen or twenty millions of carcasses . . . The persons positively destroyed must, in whole, have exceeded twenty millions. These victims have been sacrificed to the balance of power, and the balance of trade, the honour of the British flag.²⁹

²³. See J.C. Caldwell, *The Social Repercussions of Colonial Rule: Demographic Aspects*, in 7 GENERAL HISTORY OF AFRICA 486 (1985); Durand, *supra* note 19, at 259

²⁴. Adam Hochschild, KING LEOPOLD'S GHOST: A STORY OF GREED, TERROR AND HEROISM IN COLONIAL AFRICA 233 (1998).

²⁵. See Neil Parsons & Robin Palmer, *Introduction: Historical Background*, in THE ROOTS OF RURAL POVERTY IN CENTRAL AND SOUTHERN AFRICA 1-32 (Robin Palmer & Neil Parsons eds., 1977).

²⁶. Tilman Dederig, *A Certain Rigorous Treatment of All Parts of the Nation: The Annihilation of the Herero in German South West Africa, 1904*, in THE MASSACRE IN HISTORY 211 (Mark Levene and Penny Roberts eds., 1999).

²⁷. Horst Dreschler, "LET US DIE FIGHTING": THE STRUGGLE OF HERERO AND NAMA AGAINST GERMAN IMPERIALISM (1884-1915) 213-14 (1980); Albert Wirz, *The German Colonies in Africa*, in VON ALBERTINI 388-417 (1982).

²⁸. See C.J. Martin, *Population Census Estimates and Methods in British East Africa*, in ESSAYS ON AFRICAN POPULATION 49-62 (Kenneth Barbour and R. Mansell Prothero eds., 1961).

²⁹ Neil Davidson, THE ORIGINS OF SCOTTISH NATIONHOOD 110 (2000).

Economic decline wrought by British colonialism, especially after the Raj was established in 1813, also contributed to population loss. The destruction of indigenous industry, especially textile production, through colonial laws designed to create a monopoly for British goods and an administrative neglect of infrastructure never witnessed in pre-colonial India, increased dependence on agriculture while reducing the size of peasant holdings. In the period from 1700 to 1890, India's share of world GDP was halved, from 22.6% to 11% and fell to 3.8% by 1952.³⁰ India's share of world manufacturing output fell from 24.5% in 1750 to 2.8% in 1880 and 1.7% in 1900.³¹ Poverty in India has in large measure been a proximate result of colonialism. Laborers in 18th-century South India had higher earnings and greater financial security than their British counterparts³² and the mean standard of food consumption was higher in pre-Raj India than in the India of the 1960s.³³

The economic decline fostered famines, during which colonialist Malthusian policies led to the death of millions. Estimates of mortality from the famines of 1876-1879 and 1896-1902 alone range from 12.2 million to 29.3 million. Population growth was negative during several decades before the 1920s.³⁴ Life expectancy for ordinary Indians during the height of the Raj, from 1872 to 1921, fell by 20 percent.³⁵ Famines were not endemic to India. Walford³⁶ showed that there were thirty-one serious famines in 120 years of British rule, but only seventeen recorded famines in the previous two millennia. G.V. Joshi estimated in 1890 that half of the net savings of India was confiscated as revenue.³⁷ Military and police expenditures amounted to one-third of colonial India's budget;³⁸ public works expenditures of all kinds were only 4% of the budget.³⁹ The tax burden for colonial administration caused a shift from subsistence to commercial crops exported to feed Britain's industrial revolution and an increase in the frequency and severity of famines. These grew dramatically worse after the

30. Angus Maddison, *CHINESE ECONOMIC PERFORMANCE IN THE LONG RUN* 40 (1995).

31. Mike Davis, *LATE VICTORIAN HOLOCAUST: EL NINO FAMINES AND THE MAKING OF THE THIRD WORLD* 294 (2001).

32. Prasannan Parthasarathi, *Rethinking Wages and Competitiveness in Eighteenth Century Britain and South India*, PAST & PRESENT, Feb. 1998, at 82-87, 105-06.

33. Ashok Desai, *Population and Standards of Living in Akbar's Time*, 9:1 INT'L ECON. & SOC. HIST. REV. 40-52 (1972).

34. See Davis, *supra* note 32, at 7.

35. *Id.* at 8.

36. C. Walford, *The Famines of the World: Past And Present*, 41:3 J. STAT. SOC'Y 433 (1878).

37. Bipan Chandra, *Colonial India: British Versus Indian Views of Development*, 14:1 REVIEW 102 (1991).

38. John Hobson, *The Military Extravaganza and the Wary Titan. The Fiscal Sociology of British Defence Policy, 1870-1913*, 22 J. EUR. ECON. HIST. 461-506 (1993).

39. Burton Stein, *A HISTORY OF INDIA* 263 (1998).

Suez Canal opening in 1869 cut sailing time from India to Britain by half. Nothing was done by the Raj to curtail exports during famines and commercial interests were encouraged to profit from famine prices.⁴⁰

Ireland, Britain's closest colony, also experienced colonial-induced demographic catastrophe. Potatoes became an Irish staple in the 17th century when landlords found that they yielded more calories per acre than wheat and could thus reduce the land needed for tenant sustenance. In 1740, when Ireland's population was some three million, there was a devastating famine after the potato crop failed, but over the next century the losses were more than recouped as demand for labor to produce grain for the British market swelled. The population reached 8.2 million in 1841. At the same time, Ireland's economy came more completely under British domination. About a thousand people, all British or Anglo-Irish, owned half the land, Irish Catholics having long been forbidden from purchasing the land. Absentee landlords resident in Britain controlled one-fourth of Ireland's territory. By 1840, the landlords had turned half of Ireland's land to cattle and pig breeding for the British upscale and military markets; about 10% was used to produce potatoes for animal fodder and 20% was planted in potatoes for human consumption. Remaining land was devoted to flax and wheat for export to Britain. To force this shift from a subsistence- to a colonial-commercial economy, the landlords, backed by the state, drastically decreased the size of tenant plots and increased rents.

A potato blight hit Ireland in 1845. Over the ensuing decade landlords, including Prime Minister Russell and Foreign Minister Palmerston, forced almost two million people to emigrate, with vast numbers dying at sea or in quarantine abroad, while about 1.5 million in Ireland died of starvation or famine-related diseases. Meanwhile, the British government passed legislation expediting the process of land concentration and eviction.

Exports of food to Britain actually increased during the Great Famine because the price of Irish grain fell when Britain repealed the Corn Laws in 1846, forcing tenants to sell more foodstuffs to make their rents. After the Famine, the threat of starvation did not abate; in the western province of Connacht, which lost 29% of its population between 1841 and 1851 and had a declining population over the next three decades, a famine hit between 1879 and 1880. Between 1855 and 1914, another 3.5 million emigrants left Ireland.⁴¹

40. See B.M. Bhatia, *FAMINES IN INDIA: A STUDY OF SOME ASPECTS OF ECONOMIC HISTORY OF INDIA* (1967); Marvin Harris & Eric Ross, *DEATH, SEX AND FERTILITY: POPULATION REGULATION IN PREINDUSTRIAL AND DEVELOPING SOCIETIES* 138-43 (1987); Michelle McAlpin, *Famines, Epidemics and Population Growth: The Case of India*, 14 J. INTERDISC. HIST. 351-66 (1983).

41. See Joseph Lee, *THE MODERNISATION OF IRISH SOCIETY, 1848-1918* 6 (1973); Eric Ross, *Potatoes, Population and the Irish Famine: The Political Economy of Demographic Change, in CULTURE AND REPRODUCTION: AN ANTHROPOLOGICAL CRITIQUE OF DEMOGRAPHIC TRANSITION*

Demographic catastrophe for native peoples was thus a signal characteristic of colonialism. Population calamity attendant to conquest occurred in the pre-colonial world as well, for example in the depredations of the great medieval Central Asian leaders Timur and Genghis Khan. The scale of demographic catastrophe caused by colonialism was however historically unique and came to be matched only by the genocidal ethnic slaughters of the 20th century.

III. TIBET AND CLASSIC COLONIALISM

None of the main contours of classic colonialism are found in the Tibet case. In some respects – the limited, but significant industrialization in Tibet is an example – an outcome opposed to archetypal colonial practice (de-industrialization) is present. Other aspects of the Tibet case superficially resemble colonial practice, but are in fact distinct. There is repression in Tibet, but in contrast to colonialist practice, where native people who opposed the state were treated more harshly than metropolitan political opponents, the PRC state represses potential opponents even among apolitical Han Chinese with as much vigor as it does Tibet independence activists.

The campaign against Falun Gong, with its public police beatings and torture, is the latest example of harsh repression of an overwhelmingly Han group.⁴² Tibetan émigrés stated that in greater Tibet in late 2000, an area with 5 million Tibetans, there were 451 known political prisoners, two of whom died during the year.⁴³ The Tibet Information Network (TIN), however, put the number of political prisoners in January 2001 at 266, 74% of whom are monks and nuns (the longstanding social base for separatism among Tibetans) and one-third of whom are from outside the Tibet Autonomous Region (the TAR or the central-western ethnic Tibetan areas).⁴⁴ TIN reckons that in the preceding five years, about 1,855 Tibetans have been political prisoners and 37 have died as a result of abuse in prison.⁴⁵ This death rate (0.4% per annum) incidentally appears to be lower than the rate of

THEORY 196-220 (W. Penn Handwerker ed., 1986); E.D. Steele, *IRISH LAND AND BRITISH POLITICS: TENANT-RIGHT AND NATIONALITY 1865-1870* 3 (1974); Denise Silvester-Carr, *Ireland's Famine Museum*, HIST. TODAY, Dec. 1996, at 20-32.

⁴² Danny Schechter, *FALUN GONG'S CHALLENGE TO CHINA: SPIRITUAL PRACTICE OR "EVIL CULT"?* (2000); Francesco Sisci, *Falungong*, ASIAN TIMES, Jan. 27, 30, 31, 2001 at <http://atimes.com/china/CA27Ad01.html>, <http://atimes.com/china/CA30Ad01.html>, <http://atimes.com/china/CA31Ad01.html>.

⁴³ See TIBETAN CENTER FOR HUMAN RIGHTS AND DEMOCRACY, *ENFORCING LOYALTY: ANNUAL REPORT 2000* (2001).

⁴⁴ Marshall, *supra* note 22, at 48-54.

⁴⁵ *Id.* at 45-95.

death among prisoners, not to speak of Russian prisoners.⁴⁶ Falun Gong asserted some 16 months after the start of the campaign against it, that 50,000 followers had been arrested, more than 5,000 were imprisoned and over 100 had been “persecuted to death.”⁴⁷ Western sources estimate that as of late 2000 “tens of thousands” of Falun Gong followers had been arrested, more than 10,000 were in custody and 77 had died.⁴⁸ The repression of Tibetan separatists and Han Falun Gong adherents is thus of roughly the same order.

Tibet’s alleged demographic catastrophe is based on oft-repeated claims of the “demographic annihilation” of Tibetans and “demographic aggression” against them, and these are the elements of émigré ideology most widely and unquestioningly repeated in the West. Evidence of a population cataclysm is lacking however, calling into question the representation of Tibet as a colony.

IV. “DEMOGRAPHIC ANNIHILATION”

A fall in the indigenous population of many colonies and the arrival of a substantial number of settlers in some of them were the main demographic consequences of colonialism. We will first consider émigré assertions that “the Chinese” have killed a significant part of the Tibetan population and then take up the claim that non-Tibetans now outnumber Tibetans in the ethnic Tibetan areas of the PRC.

Emigré leaders and supporters speak of “demographic annihilation” of Tibetans and a policy that “aims at the extermination of the Tibetan race.”⁴⁹ The Dalai Lama has invoked visions of the Holocaust by speaking of the “extermination of the Tibetan race” and a “final solution” being plotted by China,⁵⁰ an irony given the émigré defense of the unrepentant Nazi Heinrich Harrer, whose tale of seven years in Tibet became

⁴⁶ Jon Auerbach, *Amid Reports of Abuses, Russia’s Jails Aren’t Improving*, BOSTON GLOBE, Jan. 11, 1994, at 2; Rama Lakshmi, *Reading, ‘Riting, Rehabilitating: Inmate School Becomes a Model for India’s Prison Reform Efforts*, WASH. POST, Aug. 7, 2000, at 4.

⁴⁷ *Falun Gong Followers Take Part in Peaceful Street March in Taipei*, CENTRAL NEWS AGENCY (Taiwan), Dec. 24, 2000; James Kynge, *Beijing Gets Tougher on Falun Gong*, FIN. TIMES, Oct. 11, 2000, at 10.

⁴⁸ Elliot Abrams, *Don’t Allow China to Smash Religion*, INT’L HERALD TRIB., Jan. 6, 2001, at 8; *Chinese Police Detain Falun Gong*, UPI NEWS, July 22, 2000; Johnson, *supra* note 4, at 1; Michelle Malkin, *Cover for PRC’s Record*, WASH. TIMES, May 12, 2000, at A20.

⁴⁹ See TIBETAN YOUTH CONGRESS, *STRANGERS IN THEIR OWN COUNTRY: CHINESE POPULATION TRANSFER IN TIBET AND ITS IMPACT 4* (1994); Pema Thinley, *Editorial: Who Says Colonialism Has Ended?*, TIBETAN REV., Jan. 2000, at 3.

⁵⁰ Ginja Saklani, *THE UPROOTED TIBETANS IN INDIA: A SOCIOLOGICAL STUDY OF CONTINUITY AND CHANGE* 265 (1984); *China Most-Favored-Nation (MFN) Status Hearing Before the Senate Comm on Finance*, 104TH CONG. 81 (1997) (Statement by His Holiness the Dalai Lama to the Foreign Affairs Committee of the Folketingets Udennsudalg, Denmark in statement of Lodi G. Gyari, President, International Campaign for Tibet); Dalai Lama, *Five Point Peace Plan for Tibet* (1987), at <http://www.tibet.com/Proposal/5point.html>.

Hollywood's contribution to the "Free Tibet" campaign.⁵¹

The Dalai Lama's claims are echoed by supporters, who assert that "[w]hat we are seeing is genocide," that 1.2 million Tibetans were "killed by the Chinese" before 1979, and that "since then, the death toll is believed to have reached 1.5 million."⁵² The claim of 1.2 million unnaturally dead Tibetans is repeated in many Western media reports⁵³ and linked to colonialism.⁵⁴ The émigrés and their supporters further allege that as a result of "population transfer," 7.5 million "Chinese," not including troops, outnumber 6 million Tibetans in greater Tibet.⁵⁵

The claim that 1.2 million Tibetans "died of unnatural causes during the years of Chinese occupation" was first made by the Tibet Government-in-exile (TGIE) in 1984. It is based on a seemingly precise breakdown of deaths arising from six causes in three ethnic Tibetan areas of the Tibet Plateau: U-Tsang (central-west), Kham (east) and Amdo (northeast). This breakdown is provided in Table 1.⁵⁶

Table 1: Deaths Attributed by Tibetan Émigrés to PRC Actions in Tibet, 1949-1979, by Former Ethnic Tibetan Regions.

Cause	U-Tsang	Kham	Amdo	Total
Prisons & Camps	93,477	64,977	14,784	174,138
Execution	28,267	32,266	96,225	156,758
Battle	143,255	240,410	49,042	432,607
Starvation	131,253	89,916	121,982	413,151
Torture	27,951	48,840	15,940	92,931
Suicide	3,375	3,952	1,675	9,002
Total	427,478	480,261	299,648	1,278,387

⁵¹ See Orville Schell, *VIRTUAL TIBET: SEARCHING FOR SHANGRI-LA FROM THE HIMALAYAS TO HOLLYWOOD* (2000); M. Brown, *His Holiness – My Brother*, *DAILY TELEGRAPH* (London), Nov. 7, 1997, at 23.

⁵² John Billington, *Power Before Prayer*, *INDEPENDENT* (London), Oct. 12, 1997, at 5; Damien McElroy, *Tibet's Cultures and Vultures Clash*, *SUNDAY TELEGRAPH* (London), Nov. 19, 2000, at 37.

⁵³ John Crace, *Forbidden Territory: The Dalai Lama Has Been in Exile for Forty Years*, *GUARDIAN* (London), Mar. 9, 1999, at 10; Teresa Watanabe, *Dalai Lama Urges Local Unity Against China*, *L.A. TIMES*, June 26, 2000, at 1.

⁵⁴ Fox Butterfield, *Tibet's Days of Despair and China's Harsh Response*, *N.Y. TIMES*, Mar. 12, 1989, at 3.

⁵⁵ Brown, *supra* note 52, at 23; Michael Hoffman, *Chinese Bluster Hides History of Butchery*, *MAINICHI DAILY NEWS*, Nov. 25, 1999, at 9; Tsering Sandup, *Murdoch Should Listen to Tibetans*, *CANBERRA TIMES*, Sept. 21, 1999, at 8.

⁵⁶ Sue Baker, *Exiled Tibetans Say 1.2 Million Killed During Chinese Rule*, *UNITED PRESS INTERNATIONAL*, Sept. 17, 1984; Tseten Samdup, *Chinese Population – Threat to Tibetan Identity* 3 (1993) at [www.tibet.com/Human rights/poptrans.html](http://www.tibet.com/Human%20rights/poptrans.html).

Figures at this level of specificity are meant to impress, but the émigré approach to numbers is quite elastic. In a 1990 book widely circulated by the TGIE, the number of famine victims is given as 343,000, not 413,000.⁵⁷ In 1991, the Dalai Lama stated that 200,000 Tibetans had died from starvation,⁵⁸ less than half of what had originally been claimed. These discrepancies are not surprising; some of the statistics are based on citation to documents that do not contain the figure at all⁵⁹ or have not been made public by the émigrés.

Other figures employed in the claim of “demographic annihilation” derive from interviews with Tibetan refugees in India.⁶⁰ Such informants are not likely to be reliable. Lois Lang-Sims, a leader of the pro-TGIE Tibet Society of the UK, wrote that statements of refugees examined in the years after the Dalai Lama arrived in India have “an extreme and inevitable unreliability,” which she contrasts with the “ring of authenticity” she encountered in Jewish refugee accounts of Nazi atrocities.⁶¹ The US anthropologists Melvyn Goldstein and Cynthia Beall, who have done years of fieldwork in Tibetan areas, also state that refugee reports are often exaggerations designed to show support for the émigré cause.⁶² Another US anthropologist reports that her informants in the Tibetan community in India imparted “information” that reflected their goal of promoting the émigré political cause.⁶³ Hyperbole pervades the responses of Tibetans interviewed in the early 1970s by an Indian scholar sympathetic to the émigré cause:

The Tibetan respondents reported that soon after the Chinese occupation, they had been deprived of all basic freedom and rights, in their own country, such as freedom of profession, marriage, religion, property, thought and action. It was expressed that China took away their land, property, religion and teacher.⁶⁴

The proportion of unnaturally dead Tibetans to the total Tibetan population was initially said to be one-seventh, but was later raised to one-

⁵⁷ Paul Ingram, *TIBET: THE FACTS* 297 (1990).

⁵⁸ *McLaughlin's One-on-one: Interview with the Dalai Lama*, FED. NEWS SERVICE, Apr. 19, 1991.

⁵⁹ See Hao Yan, *Tibetan Population in China: Myths and Facts Re-examined*, 1 *ASIAN ETHNICITY* 20 (2000).

⁶⁰ See Samdup, *supra* note 57, at 3.

⁶¹ Lois Lang-Sims, *THE PRESENCE OF TIBET* 132-33 (1963).

⁶² Melvyn Goldstein & Cynthia Beall, *China's Birth Control Policy in the Tibet Autonomous Region: Myths and Realities*, 31 *ASIAN SURV.* 301 (1991).

⁶³ Amy Mountcastle, *Tibetans in Exile: The Construction of Global Identities* 121 (1997) (unpublished Ph.D. dissertation, RUTGERS UNIVERSITY).

⁶⁴ See SAKLANI, *supra* note 51, at 265.

fifth.⁶⁵ In 1994, the same émigré official who used 1.207 million in the 1993 TGIE official report cited above, spoke of 1.5 million Tibetan deaths, which amounted to a fifth of the Tibetan population.⁶⁶ No explanation was given for the additional 293,000 deaths or for how 1.5 million can be one-fifth of a Tibetan population that the émigrés always peg at 6 million. In any case, the 1.5 million figure was picked up by politicians; 200 members of the French parliament used it in demanding that China withdraw from Tibet⁶⁷ and the ultra-nationalist governor of Tokyo Ishihara Shintaro employs it in his fulminations on the "China threat."⁶⁸

A. Famine Deaths

Both the émigrés and Western journalists claim that there were hundreds of thousands of famine deaths among Tibetans. Some assert that 500,000 Tibetans starved to death in the early 1960s because their crops were seized and transported to China proper to alleviate the famine there.⁶⁹ This scenario is highly improbable given the few roads in Tibet and the PRC petrol shortage in those years. Others proclaim that Tibet was the region worst hit by China's famine of 1959-1962.⁷⁰ These claims, however, are not based on statistics gathered in Tibetan areas, but on anonymous refugee reports that lack numerical specificity.

The British journalist Jasper Becker devotes a chapter to Tibetan famine deaths in his work on the PRC famine of 1959-1962.⁷¹ Becker provides only one local statistic about Tibetan famine deaths, based on an interview with an official in the Dalai Lama's birthplace, Pingan County, Haidong Prefecture, Qinghai, an ethnically-mixed area on the edge of the Tibet Plateau where Han greatly outnumber Tibetans.⁷² He asserts that there "at least 50 percent of the population starved to death" and "as many

⁶⁵. John Avedon, *China's Tibet Problem*, N.Y. TIMES, June 23, 1984, at 23; *McLaughlin's One-on-one: Interview with the Dalai Lama*, *supra* note 59.

⁶⁶. *Communism in the Land of the Gods* (CNN television broadcast, Dec. 26, 1994).

⁶⁷. *The China Trap*, TIMES (London), June 26, 1996.

⁶⁸. *See Tokyo Governor Meets Tibetan Foreign Minister-in-exile*, KYODO, Oct. 15, 1999.

⁶⁹. *See Robert Adams, Tibet: Brutal Chinese Policies Crush Local Buddhist Culture*, INTER PRESS SERVICE, May 12, 1993.

⁷⁰. *See Secret Panchen Lama Report Confirms Chinese Atrocities?*, AGENCE FRANCE PRESS ENGLISH WIRE, Oct. 5, 1996.

⁷¹. Jasper Becker, *HUNGRY GHOSTS: MAO'S SECRET FAMINE* (1996).

⁷². *See Elizabeth Zingg, Dalai Lama Remains Taboo Subject in Home Region*, AGENCE FRANCE PRESSE ENGLISH WIRE, Aug. 10, 1999.

Chinese as Tibetans died of hunger.”⁷³ Pingan had 110,000 residents in 1999⁷⁴ and, given Qinghai’s overall growth rate, likely had half as many four decades earlier. Even if the famine in Pingan were as devastating as Becker claims, some 15,000 famine-dead Pingan Tibetans would account for only 3% of the Tibetans that he asserts perished from starvation in the PRC. Becker writes that the Tibetan “population may have declined by 500,000 and that one in six may have perished” through starvation.⁷⁵ This claim is based on a very rough estimate of 3 million Tibetans in China made in 1962 by the Panchen Lama.⁷⁶ The Panchen Lama, however, made no estimate of the number of Tibetans *before* the famine and even had the PRC Tibetan population declined by 500,000, it does not mean that most of the decline resulted from famine deaths. More to the point, however, Becker provides no data about the other 97% of the supposed 500,000 dead.

There are in fact no reliable direct estimates of the number of Tibetans who died in the famine because there was no accurate tally of Tibetans before the PRC’s 1990 census. The Chinese government averred in 1907 that there were 6.43 million Tibetans; 15 years later it said there were 1.5 million.⁷⁷ Richardson, a British diplomat posted to Tibet from 1946 to 1950, could be no more exact about the Tibetan population than to say that it was 2 million to 3 million.⁷⁸ Other speculative figures about the number of Tibetans before and at mid-century are discussed later in this essay.

The PRC 1953 and 1964 censuses, the national population estimates closest in time to the famine years, were not direct surveys, i.e., an enumeration of individuals. In Tibet as elsewhere in China, they were “a product of an ‘administrative estimate,’”⁷⁹ a rough estimate made rougher in infrastructure-poor areas like the Tibetan Plateau. The early censuses thus had something of the character of the surveys described by Chen and Murray: “A rural Third World survey is the careful collection, tabulation and analysis of wild guesses, half truths and outright lies meticulously recorded by gullible outsiders during interviews with suspicious, intimidated but outwardly compliant villagers.”⁸⁰ Even the same government agency may make different retrospective estimates at different times of the number of

⁷³ Becker, *supra* note 72, at 166-67.

⁷⁴ QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] 37 (2000).

⁷⁵ See Becker, *supra* note 72, at 181.

⁷⁶ Panchen Lama, A POISONED ARROW: THE SECRET REPORT OF THE 10TH PANCHEN LAMA (1998) (1962).

⁷⁷ Parshotam Mehra, THE YOUNG HUSBAND EXPEDITION 22 (1968).

⁷⁸ Hugh Richardson, A SHORT HISTORY OF TIBET 6 (1962).

⁷⁹ Leo Orleans, *A Note on Tibet's Population*, 27 CHINA Q. 120-22 (1966).

⁸⁰ K.H. Chen & G.F. Murray, *Truths and Untruths in Village Haiti: An Experiment in Third World Survey Research*, in CULTURE, NATALITY AND FAMILY PLANNING 241 (John Marshall and S. Polgar eds., Carolina Population Center 1976).

Tibetans in an area in the 1950s. The 1993 Qinghai province statistical yearbook, for example, states that in 1957 there were 513,415 Qinghai Tibetans, while the 1996 Qinghai yearbook puts the number in 1957 at 486,269.⁸¹

The estimate of PRC Tibetans in 1953 was 2.753 million and in 1964 it was 2.501 million, a decline of 250,000 or 9.2%.⁸² The 1953 estimate of Tibetans in the future TAR, 1.274 million, has been described however as only an approximation "not meant for close scrutiny."⁸³ It was later revised to 1.05 million.⁸⁴ If that revised estimate is accepted, then the 1953 estimate for all PRC Tibetans is 2.529 million and the decline by 1964 is 28,000 or 1.1%. There is moreover no reason to believe that estimates of the number of Tibetans elsewhere in China were other than rough approximations.

The immediate famine-era (1959-1962) decline in the number of PRC Tibetans would have been greater than the Tibetan population loss between the 1953 and 1964 estimates, as the Tibetan population grew both before and after the famine. Whatever the decline that did occur had several causes, however, and we cannot know with any precision the degree of decline or even the share of the decline caused by famine. Starvation was nevertheless likely to have been less common among Tibetans than non-Tibetans. The population of Qinghai, the area on which most discussion of famine deaths among Tibetans has centered, was one-quarter Tibetan in 1957 and Qinghai had the third highest increase in mortality among PRC provinces in 1959-1962.⁸⁵ Its population dropped an estimated 352,000, from 2.425 million in 1959 to 2.073 million in 1963 (19.2%).⁸⁶ The death rate rose from 1.3% in 1958 to 4.0% in 1960 and dropped to 1.2% in 1961; the concomitant fall in the birth rate (delayed by a year) was from 2.8% in 1958 to 1.14% in 1961, rising to 3.57% in 1962. The numbers of deaths and births per year indicate about 100,000 more deaths in Qinghai than would have been expected had there been no famine and roughly 60,000 less births.⁸⁷ The remaining half of the population decline had other causes; some were related to the famine, but were not famine deaths, such as migration

⁸¹ QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] 75 (1993); QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] 48 (1996).

⁸² ZHONGGUO MINGZU TONGJI NIANJIAN 1949-1994 [CHINA ETHNIC STATISTICS YEARBOOK 1949-1994] 155 (1995).

⁸³ Orleans, *supra* note 80, at 121.

⁸⁴ *State Council White Paper on Human Rights*, XINHUA (China), Nov. 2, 1991.

⁸⁵ QINGHAI SHENG SHEHUI JINGJI TONGJI NIANJIAN [QINGHAI PROVINCIAL SOCIAL AND ECONOMIC STATISTICAL YEARBOOK] 129 (1989); QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] 75 (1993); DALI YANG, CALAMITY AND REFORM IN CHINA: STATE, RURAL SOCIETY AND INSTITUTIONAL CHANGE SINCE THE GREAT LEAP FORWARD 57 (1996).

⁸⁶ QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] 74 (1993).

⁸⁷ QINGHAI SHENG SHEHUI JINGJI TONGJI NIANJIAN [QINGHAI PROVINCIAL SOCIAL AND ECONOMIC STATISTICAL YEARBOOK], *supra* note 86, at 129.

from the hard-hit province.

As for Qinghai Tibetans, their numbers declined from an estimated 477,994 in 1959 to 408,132 in 1963.⁸⁸ The decline of almost 70,000 (14.6%) was due not only to famine and reduced births, but also to non-famine factors found especially among Tibetans. Battle and imprisonment played some role, but transnational migration by Tibetans was likely the most important Tibetan-specific factor, and not only in the case of Qinghai. Some 30,000 Amdowas and Khampas, from the northeastern and eastern Tibet Plateau, were among the 70,000 Tibetans who left China during or soon after the Dalai Lama's departure in 1959;⁸⁹ 30,000 more left in the next few years.⁹⁰ Amdowas (from Qinghai and south Gansu) accounted for about 20,000 of the émigrés and eastern Tibetans continued to migrate to what became the TAR even after the suppression of the Lhasa revolt.⁹¹ Even if famine deaths had the same influence in a population decline among Qinghai Tibetans as they did in the decline in the number of all Qinghai people (less than three-tenths), that would mean that some 20,000 Qinghai Tibetans died of famine or one-fifth the number the émigrés claim for Amdo.

There is reason, however, to surmise that the death rate from famine among Qinghai Tibetans was lower than for Qinghai as a whole. The increased morbidity in the part of Qinghai with the lowest percentage of Tibetans, Xining, was even higher than the increase in the province as a whole. Xining is the only large urban area in Qinghai and has a city and six rural counties. Its 1958 population was 25% of Qinghai's total.⁹² Because Xining's death rate was so high and because urbanites fared better than peasants during the famine, it is not surprising that it was Xining's rural counties (including the present Haidong Prefecture), where few Tibetans lived, that were the areas of Qinghai most deeply affected by the famine.⁹³ The hyper-development schemes that caused the famine could more easily be applied in these densely populated, largely non-Tibetan areas than in the scattered Tibetan settlements high on the Plateau.

⁸⁸ QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK], *supra* note 87, at 75.

⁸⁹ Warren W. Smith, Jr., *TIBETAN NATION: A HISTORY OF TIBETAN NATIONALISM AND SINO-TIBETAN RELATIONS* 600 n.8 (1996).

⁹⁰ Huayang Sun & Xiru Li, *Zhongguo Zangzu Renkou de Yanbian he Xianzhuang* [Evolution and Situation of China's Tibetan Population], 51 *ZHONGGUO RENKOU KEXUE* [CHINA POPULATION SCIENCE] 36 (1995).

⁹¹ Saklani, *supra* note 51, at 46. Saklani cites "20%" from which the number 20,000 is derived by taking 20% of 100,000 – the total number of people estimated to have emigrated from Tibet from 1959 to the late 1970s when Saklani did his survey.

⁹² See QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] 129 (1989); RENMIN XINING 50 NIAN [FIFTY YEARS OF PEOPLE'S XINING] 277-78 (1999).

⁹³ Tibet Information Network, *THE POLITICS OF POPULATION TRANSFER: AN ETHNOGRAPHIC AND HISTORICAL SURVEY OF HAIDONG AND HAIXI* 5 (1999) available at www.tibetinfo.net/news-updates/nu281099.html.

In this respect it is worth noting that the Panchen Lama, upon whose writings the charges of a massive famine among Tibetans mainly rest, is said to have only visited three counties in "Tibet" prior to writing his report in 1962. These were Pingan, Hualong and Xunhua and his comments on the famine pertain to his home county, Xunhua.⁹⁴ All three counties are in Haidong Prefecture, an area whose population is 90% non-Tibetan and not in "cultural" Tibet. A former TAR leader, moreover, disputes that the Panchen Lama visited any Tibetan areas during the famine.⁹⁵

While there is no accurate direct method to estimate the total famine deaths among Tibetans, Hao Yan⁹⁶ has used indirect methods. Preliminarily, he notes that émigré claims would, if accurate, mean that Tibetans died in the famine at a rate four times above the national rate. This is counter-intuitive, as Tibetans in the future TAR were not exposed to the policies that induced the famine, but were recent beneficiaries of a land-to-the-tiller program and tax exemptions that increased their production. There is thus no indication of a famine in U-Tsang (the central-western Tibetan area) in this period.⁹⁷ Many Tibetans elsewhere on the Plateau, moreover, were peasants or pastoralists in very remote areas, where Great Leap Forward policies could hardly be applied.

Yan examined the Tibetan age-sex cohorts in the 1990 census and determined that there is an extraordinarily low male-to-female sex ratio among Tibetans who were 20-34 years of age in 1960. The ratio indicates a sharper decline during the famine years among young males than among other Tibetans, which is more compatible with emigration or death in prison or battle than with famine, as famine tends to equally impact men and women and especially harms the very young and old. Yan also shows that the birth decline among Tibetans in the famine period was 11.5%, while among Han it was 40%.⁹⁸ The decline in Han births was solely because of the famine, while there were additional reasons that account for the smaller decline among Tibetans, including the political turmoil in the Tibetan areas. Yan estimates the national excess death rate during the famine period as 1.2% of the PRC population per year. Even if it were assumed that famine had the same degree of causality in the decline in Tibetan births, because the Tibet birth decline was proportionately one-quarter of the decline in Han births, the Tibetan excess death rate would have been 0.3%. If there were 3

94. Jasper Becker, *China's Northern Nomads Face a Bleak Future*, S. CHINA MORNING POST, Sept. 28, 1995, at 18; Panchen Lama, *supra* note 77, at 112-13.

95. Jasper Becker, *Tibet Elder Scorns "Fantasy" Film*, S. CHINA MORNING POST, Mar. 30, 1993, at 1.

96. See Yan, *supra* note 60, at 22-26.

97. Robbie Barnett, *Preface*, in PANCHEN LAMA at xvi (1997) (1962).

98. Yan, *supra* note 60, at 26.

million PRC Tibetans at the outset of the famine -- and there were likely less -- fewer than 30,000 Tibetans would have died of starvation in the famine years, a number one-fourteenth that claimed by the émigrés.

The most serious history of modern Tibet by an émigré scholar advances a much smaller estimate of famine deaths than the TGIE. Shakya states that in Qinghai, Sichuan and Gansu, "thousands of Tibetans . . . were either killed in the suppression of the revolt or died as the result of economic disaster."⁹⁹ The pro-independence Tibetan Youth Congress, in a work on development in Tibet, fails to mention a famine associated with Great Leap Forward. It does claim that during the late Cultural Revolution period in U-Tsang "tens of thousands of Tibetans" died as a result of over-cultivation of land sown with wheat.¹⁰⁰ Shakya, however, states only that "economic setbacks" resulted from the failed wheat cultivation,¹⁰¹ while Zhang, in a study of wheat cultivation in Nyemo County, in the TAR, during this period states that the population increased.¹⁰² In short, a number of scholarly sources diverge from the TGIE's inflated famine death claims.

Finally, it should be pointed out that even had famine deaths been on the scale claimed by the TGIE, this would not amount to an association with colonialism. The demographic catastrophes in classic colonies had no counterpart in Europe. Colonized peoples died by the tens of millions from starvation and epidemics, but Westerners did not. Indeed, Harris & Ross speak of the "demographic rewards of colonialism" for Britain.¹⁰³ Wealth flowing in from the colonies sped the reduction of mortality, while the sharp rise in the English population from the late 18th century was based on growing demand for child labor occasioned by the expansion of exports to the colonies. In the Chinese case, however, the Han were the principal victims of the famine and very likely to a much greater extent than Tibetans. The worst-hit province by far was Anhui, with a 99% Han population.

Far from being subject to massive population depletions from diseases moreover, the life expectancies of Tibetans were rapidly raised through the development of a system of medical care that wiped out the worst communicable diseases and sharply lowered infant mortality, beginning as early as the 1950s. The average TAR Tibetan life expectancy, which was about 35 years in 1950, has according to PRC statements,

⁹⁹. Tsering Shakya, *DRAGON IN THE LAND OF SNOWS: A HISTORY OF MODERN TIBET SINCE 1947* 504 n.91 (1999).

¹⁰⁰. Tibetan Youth Congress, *DEVELOPMENT FOR WHOM? A REPORT ON THE CHINESE DEVELOPMENT STRATEGIES IN TIBET AND THEIR IMPACTS 18-19* (1995).

¹⁰¹. See Shakya, *supra* note 100, at 356.

¹⁰². Rongzu Zhang [Chang Jung-tsu], *CASE STUDY ON MOUNTAIN ENVIRONMENT MANAGEMENT: NYEMO COUNTY 21* (1989).

¹⁰³. See HARRIS & ROSS, *supra* note 41, at 105-09.

increased to 68 years, three years lower than the PRC national average.¹⁰⁴ Given the health disadvantages of life on a high plateau¹⁰⁵ that means that, *ceteris paribus*, TAR Tibetans have the same longevity opportunities as Han, despite Tibet's relative poverty. If this is so, it is most likely because health care is provided free to rural TAR Tibetans,¹⁰⁶ while the population of China proper must pay for it. The ratio of health care providers in Tibet moreover exceeds the national average.¹⁰⁷ While official estimates of present-day life expectancies have yet to be independently confirmed, even if expectancies were somewhat lower, they would still stand in marked contrast to the predicament of indigenous peoples elsewhere. The average life expectancy of Australian aborigines has been reduced since the mid-1990s and at 56 years for men and 63 years for women, it is 20 years less than the average for white Australians.¹⁰⁸

B. Other "Excess Deaths"

Accurate direct estimates of Tibetan deaths from causes other than famine are not available, as data on such matters is a state secret in the PRC and émigré witnesses have only localized, problematic knowledge. The testimony of witnesses as to executions, for example, has been found to be contradictory and incredible.¹⁰⁹ Many estimates were made of battle deaths after 1959, but not of deaths in prison-settings, which include most executions, torture deaths and suicides.

China has asserted that 5,600 Tibetans were killed, wounded or captured in the Lhasa revolt of March 1959.¹¹⁰ The Dalai Lama and the Trikamdas, the head of the International Commission of Jurists (ICJ) (a CIA-funded organization at the time) both claimed in June 1959 that there were 65,000 Tibetan battle deaths. The number was not repeated in the ICJ's subsequent reports on Tibet however and the figures on Tibetan deaths in the Lhasa revolt provided by the émigrés and their supporters range from the hundreds to 15,000.¹¹¹ The other source of battle deaths was fighting on the eastern Plateau between 1956 and 1959. Emigré leaders maintain that most

¹⁰⁴. ZHONGGUO RENKOU TONGJI NIANJIAN [CHINA POPULATION STATISTICAL YEARBOOK] 335 (1998).

¹⁰⁵. TIANLU ZHANG, POPULATION DEVELOPMENT IN TIBET AND RELATED ISSUES ii-iii (1997).

¹⁰⁶. See generally *Chinese Government's Tibet Policy*, XINHUA (China), Feb. 28, 1999.

¹⁰⁷. Barry Sautman & Irene Eng, *Tibet: Development for Whom?*, 15:2 CHINA INFO. 1-42 (2001).

¹⁰⁸. Rosemary Neill, *Where Reconciliation Becomes a Cruel Joke*, AUSTRALIAN, Feb. 23, 2001, at 15; Siobhain Ryan, *Statistics Highlight Aboriginal Tragedy*, COURIER MAIL (Australia), Aug. 31, 2001, at 2.

¹⁰⁹. Stephen Shalom, DEATHS IN CHINA DUE TO COMMUNISM: PROPAGANDA VERSUS REALITY 74-75 (1984).

¹¹⁰. Anna Louise Strong, WHEN SERFS STOOD UP 75-76 (1976) (1959).

¹¹¹. See Shalom, *supra* note 110, at 160 n.149-50.

of the “anti-China” struggle took place in Amdo and Kham¹¹² and it was migrant Amdowas and Khampas who led the Lhasa revolt.¹¹³ Andrugtsang, the Khampa guerrilla leader whose memoirs¹¹⁴ are credited by the émigré scholar Dawa Norbu, states that his units suffered 204 casualties (both killed and wounded) from August 1958 to April 1959, the peak of the struggle in Amdo.¹¹⁵ There thus seems to be no basis for a claim of 65,000 battle deaths.

From the mid-1960s, however, the Dalai Lama upped his claim of the number of battle deaths. He is quoted by Bradsher as stating that based on “secret documents,” 87,000 died in the Lhasa Revolt;¹¹⁶ Bradsher himself states that 3,000 or more died.¹¹⁷ The Dalai Lama’s source is a 1960 PLA document, *Xizang Xingshi he Renwu Jiaoyu de Jiben* (Basic Teaching Materials on Education About Tibet’s Situation and Tasks), said by the TGIE to have been captured by Tibetan guerrillas in 1966. It states that “87,000 enemies were eliminated” in central Tibet from March 1959 to October 1960.¹¹⁸ The Chinese term *xiaomie*, however, is as ambiguous as its English equivalent, “eliminated.” Elsewhere, moreover, the TGIE and its supporters do not cite the PLA document, but state that the figure of 87,000 dead was heard on an unverifiable Radio Lhasa broadcast of October 1, 1960.¹¹⁹ The TGIE has also stated that 5,000-10,000 people died in the Lhasa revolt,¹²⁰ itself a questionable figure, given that Lhasa then had only about 40,000 inhabitants and Tibetans who were there at the time do not attest to the loss of a large part of the city’s population.¹²¹ In any event, the émigré leaders continue to publicize the figure of 87,000 dead,¹²² a “fact” frequently repeated by Western media.¹²³ The TGIE claim of more than 432,000 battle deaths thus comes out of nowhere and cannot be taken seriously.

¹¹² Tokyo Governor Meets Tibetan Foreign Minister-in-exile, *supra* note 69.

¹¹³ Diane Wolff, *The Pitiless Measurement of History: China and Tibet, Past, Present and Future*, at http://www.geocities.com/CapitolHill/1730/pmh_5.html.

¹¹⁴ Compo Tashi Andrugtsang, FOUR RIVERS, SIX RANGES: REMINISCENCES OF THE RESISTANCE MOVEMENT IN TIBET 89 (1973).

¹¹⁵ Dawa Norbu, *The 1959 Tibetan Rebellion: An Interpretation*, 77 CHINA Q. 93 (1979).

¹¹⁶ Henry Bradsher, *Tibet Struggles to Survive*, FOREIGN AFF., June-July 1969, 763.

¹¹⁷ *Id.* at 755.

¹¹⁸ Department of Information and International Relations (Central Tibetan Administration-in-exile), TIBET: PROVING TRUTH FROM FACTS 37 (1993); GOVERNMENT OF TIBET-IN-EXILE, HUMAN RIGHTS, at www.tibet.com/White Paper/white5.html; Ingram, *supra* note 58, at 356-57.

¹¹⁹ Samdup, *supra* note 57.

¹²⁰ Central Tibetan Secretariat, TIBET UNDER CHINESE COMMUNIST RULE: A COMPILATION OF REFUGEE STATEMENTS, 1958-1975 (1976).

¹²¹ Barbara Erickson, TIBET: ABODE OF THE GODS, PEARL OF THE MOTHERLAND 197 (1997).

¹²² Phinjo Gombu, *A 966-km March to Save Tibet*, TORONTO STAR, Mar. 11, 1997, at A3; *China Most-Favored-Nation (MFN) Status: Hearing Before the Senate Comm. on Finance*, *supra* note 51.

¹²³ *China’s Tibet Policy Reminiscent of Cultural Revolution: Dalai Lama*, AGENCE FRANCE PRESS ENGLISH WIRE, Mar. 10, 2000; Julian Schvindlerman, *The Coddling of Arafat*, JERUSALEM POST, Jan. 1, 2001, at 55; *Tibetans Confident of Change – at Last*, INTER PRESS SERVICE, Mar. 10, 1998.

We cannot surmise how many Tibetans died in prison settings, but we can discount unreasonably high figures. The claims of 175,000 Tibetan prison/labor camp deaths and 866,000 deaths from all non-famine causes, most of which would have happened in confinement, are untenable. Shalom examines the welter of assertions made about the number of such deaths in China generally.¹²⁴ He concludes that even making "assumptions that are likely to err in the direction of overestimating the number of deaths," perhaps one million died in China's prisons and labor camps from 1950 to 1970.¹²⁵ If this estimate and émigré figures are both accepted, then Tibetans would account for a very high proportion – anywhere from 17% to 85% – of PRC prison deaths. Tibetans, however, amount to less than one-half of one percent of the PRC population and there is no evidence that they were disproportionately imprisoned or subjected to harsher conditions of imprisonment than non-Tibetans.

The vituperatively anti-Communist writers Domenach¹²⁶ and Courtois¹²⁷ have made the highest claims of mortality among Mao-era prisoners: 5% of 10 million detainees each year, for a total of 20 million, including 4 million from the 1959-1962 famine. Even applying an analogous estimate, the TGIE figures on Tibetan deaths are implausible. To achieve the same death rate as for all PRC prisoners, based on the claimed 174,000 Tibetan prison deaths, no less than 116,000 Tibetans would have had to be imprisoned during every year from 1950 to 1979; that is, about 3-4% of the Tibetan population. If one assumes that more than 50% of all executions, deaths through torture, and suicides of Tibetans from 1950-1979 also took place in prison settings, then about 450,000 people or some 10% of all Tibetans would have had to be imprisoned during every one of those years.

Domenach and Courtois claim, however, that 1-2% of Chinese were in some form of imprisonment at any given time in the Mao era.¹²⁸ Although the "anti-China" struggle in Tibetan areas surely resulted in thousands of Tibetans being imprisoned, major PRC political campaigns that led to imprisonments and deaths generally touched Tibetan areas more lightly than China proper. Tibet is remote and most campaigns mainly affected urban

¹²⁴ See Shalom, *supra* note 110.

¹²⁵ *Id.* at 109-10.

¹²⁶ Jean-Luc Domenach, CHINA: L'ARCHIPEL OUBLIÉ [CHINA: THE FORGOTTEN ARCHIPELAGO] 242 (1992).

¹²⁷ Stephane Courtois, et al., THE BLACK BOOK OF COMMUNISM: CRIMES, TERROR, REPRESSION 498 (1999).

¹²⁸ The figure one percent to two percent is based on the claim of Domenach and Courtois (see preceding paragraph in the text) that 10 million Chinese were imprisoned in any given year of the Mao era. Since the Chinese population was 540 million in 1949 and about 930 million in 1976, the imprisoned population would be roughly 1-2%.

areas, while nine-tenths of Tibetans lived in the countryside. China's violent land reform and the Great Leap Forward were rural phenomena, but Shakya¹²⁹ and other scholars report no executions or imprisonment of Tibetan landlords for past oppression of peasants, in contrast to the policy in China proper, while the Great Leap produced famine, not executions and imprisonments. The campaigns attended by large-scale imprisonments, such as the Anti-Rightist Movement of the late 1950s or mass executions, e.g., the Purifying of Class Ranks and anti-May 16th Movement campaigns of 1968-1970, are not reported to have impacted Tibetan areas.

If Tibetans died in imprisonment at the same rate as prisoners in China proper, then based on Domenach's and Curtois' claimed rate of PRC prison death rates – 5% each year of 1-2% of the total population – Tibetan prison deaths would have been 75,000-100,000. It is unlikely however that the highest estimates are an accurate gauge of prison deaths in China or that Tibetans were imprisoned at the same rate as Chinese generally, or that émigré claims of Tibetan prison deaths do not involve double counting deaths from execution, torture and suicide.¹³⁰ It should also be borne in mind that “excess” deaths are those above normal mortality in the general population, so that a portion of prison deaths are necessarily not “excess.”

There is thus no evidence of special repression of Tibetans, let alone “demographic annihilation,” but only of a harsh state response to any political challenge to CCP-rule in any part of China. State organs involved in suppressing separatism have often violated the rights of those seeking independence through beatings and torture, but the suppression of separatism is not per se illegitimate under international law. The consensus of international organizations, states and scholars is that states are allowed to use military and police measures to prevent secessionist activities, except in the special circumstance where to do so would endanger international peace and security.¹³¹ The suppression of Tibetan separatism has been no more brutal than the repression that accompanied many political campaigns waged during the PRC's first four decades and no more egregiously violent than more recent actions against dissident Han organizations. The lack of a sharp dichotomy in the degree of repression against majority and minority people distinctly contrasts with the practices of the colonial era.

¹²⁹. See Shakya, *supra* note 100.

¹³⁰. See Shalom, *supra* note 110, at 108.

¹³¹. See generally Jerri Duursma, FRAGMENTATION AND THE INTERNATIONAL RELATIONS OF MICRO-STATES 427-28 (1996); Jonathan Charney & J.R.V. Prescott, *Resolving Cross-strait Relations Between China and Taiwan*, 94 AM. J. INT'L L. 453-75 (2000); Anne Hsiu-an Hsiao, *Is China's Policy to Use Force Against Taiwan a Violation of the Principle of Non-use of Force Under International Law*, 32 NEW ENG. L. REV. 715-42 (1998); Marc Weller, *The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia*, 86 AM. J. INT'L L. 572 (1992).

V. "DEMOGRAPHIC AGGRESSION"

The Dalai Lama often refers to "demographic aggression."¹³² It is said to be carried out as part of China's "deliberate policy of cultural genocide in Tibet" and efforts to "destroy the integral core of Tibetan civilization and identity" in order to bring about the "complete subjugation of the Tibetans."¹³³ The claim is based on an asserted state-sponsored population transfer that has caused "Chinese" to outnumber Tibetans in greater Tibet and family-planning limitations on the growth of the Tibetan population. These two aspects are coupled in a charge that China seeks to extinguish the Tibetan ethnic group, with émigrés and their supporters employing the formula: population transfers + coercive birth control = cultural genocide.¹³⁴

A. *Population Transfer*

The émigré use of the appellation "population transfer" is misleading because the form that migration to Tibet takes is not within that international law term of art. In 1993, the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities issued a *Preliminary Report* on the human rights dimensions of population transfer.¹³⁵ Not coincidentally, the Unrepresented Nations and People's Organization (UNPO), an NGO of separatist and other ethnic organizations headed by the Dalai Lama's legal counsel Michael Van Walt, had held a conference on the same subject the year before.¹³⁶ Van Walt had long argued that population transfer threatens the survival of Tibetan identity.¹³⁷ Sub-Commission members who attended

¹³² *Dalai Lama Condemns China for "Excessive Use of Force,"* UPI NEWS, May 25, 1993; *Dalai Lama: Will Seek Return to Tibet to Urge Patience,* ASSOCIATED PRESS, Oct. 9, 1991; A.S. Padmanabhan, *Tibet, China and India*, HINDU, Apr. 4, 2000.

¹³³ *China's Tibet Policy Reminiscent of Cultural Revolution: Dalai Lama,* *supra* note 124; *European Parliamentarians Meeting on Human Rights in Tibet*, WORLD TIBET NETWORK NEWS, Jan. 16, 2001 at http://www.tibet.ca/vtnarchive/2001/1/16_2.html; *Tibetan Women Stage Protest in India*, AGENCE FRANCE PRESS ENGLISH WIRE, Mar. 12, 1998.

¹³⁴ See Ingram, *supra* note 58; *Berkeley Waves a Flag for Tibetan Freedom – Only U.S. City to Do So*, S.F. CHRON., Mar. 9, 1996, at A11.

¹³⁵ Awn Shawhat Al-Khasawneh & R. Hatano, *Preliminary Report on the Human Rights Dimensions of Population Transfer, Including the Implantation of Settlers*, UN ECSCOR, Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, 45th Sess., U.N. Doc. E/CN.4/Sub.2/1993/17 (1993).

¹³⁶ David Goldberg, HUMAN RIGHTS DIMENSIONS OF POPULATION TRANSFER: CONFERENCE REPORT ON UNPO INTERNATIONAL CONFERENCE HELD IN TALLINN, ESTONIA, JANUARY 11-13, 1992 (UNPO 1992).

¹³⁷ See Michael Van Walt van Praag, POPULATION TRANSFER AND THE SURVIVAL OF THE TIBET IDENTITY (1986).

the UNPO meeting later sponsored a resolution on which the *Preliminary Report* was based. One member has stated that the UNPO had formed a coalition in 1990 which succeeded in "reawaken[ing] the UN Sub-commission's interest in [population transfer] issues."¹³⁸

The *Preliminary Report* states that population transfer "involv[es] the movement of people as a consequence of political and/or economic processes in which the State Government or State-authorized agencies participate."¹³⁹ The Tibet Support Group of the UK (TSGUK)¹⁴⁰ and the Tibet Youth Congress,¹⁴¹ pro-Tibet independence organizations, emphasize a passage of the *Preliminary Report* that declares that in moving a population:

The State's role . . . may be active or passive, but nonetheless contributes to the systematic, coercive and deliberate nature of the movement of population into or out of an area . . . the State's role may involve financial subsidies, planning, public information, military action, recruitment of settlers, legislation or other judicial action, and even the administration of justice.¹⁴²

The émigrés and their supporters thus seek to have it deemed that a state engages in population transfer if, even without sponsorship, it allows a movement of population opposed by a host population, because the movement may be "coercive" of the latter.¹⁴³ International law does not, however, require states to seal off parts of their territory from migration merely because a host population objects to the influx. In fact, as Palley notes, "no international standard specifically addresses and outlaws the act of population transfer itself and its various forms."¹⁴⁴

Because the case for forbidding states to passively permit migration over the objection of a host population is weak, the émigrés and supporters also infuse the law of military and colonial occupation into the discourse of population transfer.¹⁴⁵ The *Preliminary Report* suggests that "population transfer" is used generically for deportation and forced relocation.¹⁴⁶ It also

¹³⁸ Claire Palley, *Population Transfers*, in BROADENING THE FRONTIERS OF HUMAN RIGHTS: ESSAYS IN HONOUR OF ASBJORN EIDE 222 n.6 (Donna Gomien ed., 1993).

¹³⁹ Al-Khasawneh & Hatano, *supra* note 136, at 6.

¹⁴⁰ Tibet Support Group U.K., NEW MAJORITY: CHINESE POPULATION TRANSFER INTO TIBET 8 (1995).

¹⁴¹ Tibetan Youth Congress, *supra* note 50, at 6.

¹⁴² Al-Khasawneh & Hatano, *supra* note 136, ¶ 15, at 6.

¹⁴³ See generally Palley, *supra* note 139, at 226.

¹⁴⁴ *Id.* at 231.

¹⁴⁵ See generally Tibetan Youth Congress, *supra* note 50, at 6-7; TIBET SUPPORT GROUP U.K., *supra* note 141, at 9-13.

¹⁴⁶ Al-Khasawneh & Hatano, *supra* note 136, ¶ 17, at 6.

may involve movements carried out to assuage ethnic tension, such as the population "exchanges" of Greece and Turkey after World War I and India and Pakistan in 1947, movements that are permitted even where they contain a coercive component.¹⁴⁷ Scholarly treatment of population transfer thus mostly concerns deportations and forcible transfers, with Nazi actions and the post-war expulsions of Germans serving as early examples. International law now disapproves such actions, even if it did not when they occurred.¹⁴⁸

Since 1949 Article 49 of the Fourth Geneva Convention has forbidden an occupying power to deport or forcibly transfer civilians from occupied territories or transfer parts of its own civilian population into such territories. Protocol I to the Fourth Geneva Convention¹⁴⁹ extends its prohibitions to any "armed conflict in which people are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination." Protocol II, however, sets out a different standard where population movements occur during non-international armed conflict. The TSGUK recognizes that under Protocol II states may organize population movements during internal wars, provided persons are treated "humanely, without any adverse distinctions founded on race, color, religion or faith."¹⁵⁰ It claims however that "the conflict in Tibet" is an international armed conflict because Tibet was supposedly independent from 1911-1950.¹⁵¹

The Sub-Commission *Progress Report* includes under the rubric of population transfer the "implantation of settlers" or "settler infusion,"¹⁵² but these are in most cases lawful. Settler implantations are banned under the Fourth Geneva Convention and Protocol I – and will be criminal if an International Law Commission draft code is adopted – only if they feature in occupation arising from an international war or colonial domination.¹⁵³ The "occupation" must be clearly established, as it is in the Palestinian case.¹⁵⁴ There are many cases in which claims of "occupation" are problematic. For

¹⁴⁷ Graham Fuller, *Redrawing the World's Borders*, 14 WORLD POLICY J. 11-30 (1997); Chaim Kaufman, *Possible and Impossible Solutions to Ethnic Civil Wars*, 20 INT'L SECURITY Spring 1996, at 136.

¹⁴⁸ See Alfred De Zayas, *The Right to One's Own Homeland: Ethnic Cleansing and the International Right to One's Homeland*, 6 CRIM. L.F. 257 (1995).

¹⁴⁹ *Geneva Convention Relative to the Protection of Civilians in Times of War*, Aug. 12, 1949, 75 U.N.T.S., 207.

¹⁵⁰ Tibet Support Group U.K., *supra* note 141, at 13.

¹⁵¹ *Id.*

¹⁵² Elio Kolodner, *Population Transfer: The Effects of Settler Infusion Policies on a Host Population's Right to Self-Determination*, 27 N.Y.U. INT'L L. & POL. 159 (1994).

¹⁵³ *Report of the International Law Commission on the Work of the Forty-third Session*, U.N. GAOR, 46th Sess., Supp. No. 10, at 250, U.N. Doc. A/46/10 (1992).

¹⁵⁴ See John Quigley, *State Responsibility for Ethnic Cleansing*, 32 U.C. DAVIS L. REV. 341 (1998).

example, Palley concludes that it is not clear that Russians were unlawfully settled in the Baltic states after their 1940 annexation by the Soviet Union, even though Baltic independence had been widely recognized and some key states continued their recognition thereafter.¹⁵⁵

A resettlement program not carried out under occupation may be undertaken with an illegitimate goal in mind, such as ethnic homogenization directed against minorities.¹⁵⁶ Human rights instruments, e.g., the International Convention on the Elimination of All Forms of Racial Discrimination or the Convention Against Genocide, may then be invoked.¹⁵⁷ Absent occupation or a clear illegitimate aim, settler implantation does not violate international law no matter how objectionable the host population finds it to be. The transmigration program funded by the Suharto-era Indonesian government and the World Bank, which intended to permanently resettle Javanese peasants in outlying parts of the archipelago, is an example of settler implantation.¹⁵⁸ It was considered objectionable because of the inadequate preparations for resettlement, but was not condemned in international law, except as to East Timor, whose occupation by Indonesia the UN condemned as interfering with de-colonization.

Tibetans have not been deported or forcibly relocated on account of their ethnicity. There is no occupation of Tibet arising from international conflict because it was not a state during the period of "independence" claimed by the émigrés. States did not recognize it as independent before or after Tibet's reintegration with China. It was long debated whether state recognition constituted a community as a state or merely declared that the community had attained the criteria of statehood. Until the 1990s, the declaratory view generally prevailed over the constitutive approach. State practice changed when the USSR and Yugoslavia dissolved. The recognition of the former Yugoslav states and non-recognition of Chechnya evidence the constitutive doctrine in operation.¹⁵⁹

¹⁵⁵ See Palley, *supra* note 139, at 240.

¹⁵⁶ See Susan Martin, *Development and Politically Generated Migration*, in 1 UNAUTHORIZED MIGRATION: ADDRESSING THE ROOT CAUSES 301-26 (Commission for the Study of International Migration and Cooperative Economic Development 1990).

¹⁵⁷ Nicole Procida, *Ethnic Cleansing in Bosnia-Herzegovina, a Case Study: Employing United Nations Mechanisms to Enforce the Convention on the Prevention and Punishment of the Crime of Genocide*, 18 SUFFOLK TRANSNAT'L L. REV. 655-66 (1995); Quigley, *supra* note 155.

¹⁵⁸ See Margot Cohen, *Losing Ground*, 163 FAR E. ECON. REV., Mar. 30, 2000, at 36; ^{Rebecca} Elmhirst, *A Javanese Diaspora? Gender and Identity Politics in Indonesia's Transmigration Resettlement Program*, 23 WOMEN'S STUD. INT'L F. 487-500 (2000).

¹⁵⁹ See generally DUURSMA, *supra* note 132, at 111, 175; Thomas Grant, *Between Diversity and Disorder: A Review of Jerri C. Duursma, Fragmentation and the International Relations of Micro-states: Self-determination and Statehood*, 12 AM. U. J. INT'L L. & PRAC. 647 (1997); Duncan Hollis, *Accountability in Chechnya: Addressing Internal Matters with Legal and Political International Norms*, 36 B.C. L. REV. 793 (1995); Trent Tappe, *Chechnya and the State of Self-determination in a Breakaway Region of the Former Soviet Union: Evaluating the Legitimacy of Secessionist Claims*, 34 COLUM. J.

Even if the declaratory doctrine were hegemonic and recognition not necessary to constitute a state, Tibet did not fulfill any of the four international law criteria for statehood: a permanent population, a defined territory, a government and the capacity to conduct its own foreign relations.¹⁶⁰ A permanent population is construed by scholars as requiring that the claimed state's residents first live together as one people and form a national community, i.e., that the permanent population identify itself as a single cohesive unit.¹⁶¹ Before the 1950s, most of the people who now term themselves Tibetans only had regional (Khampas, Amdowas, etc.) or sub-regional (Lhasans, Goloks, etc.) identities. Indeed, the Tibetan word now used for Tibetans, *bod-pa*, was originally applied by Khampas and Amdowas to U-Tsang people and not themselves.¹⁶²

Tibet also did not have a territory in the sense required for statehood because the Republic of China had a conflicting claim over all Tibetan areas. James Crawford, the leading specialist on the creation of states in international law, observes that for an applicant to be admitted to the UN as a state, it must be free of claims over its entire territory by existing states.¹⁶³

Tibet had no government in the sense of the criterion for statehood. The Dalai Lama's bureaucracy administered political Tibet, while various Tibetan, Han, and Hui rulers controlled cultural Tibet in the period before 1950, albeit through formations not sufficiently centralized for some scholars to be convinced that a "state" in the accepted sense existed.¹⁶⁴ These rulers had no legal authority to govern their areas as anything other than parts of China, any more than did "last emperor" Pu Yi and his Manchukuo minions have authority to administer Manchuria in 1931-1945 as anything other than a part of China, no matter how much "de facto independence" from China existed. That Manchukuo was recognized by few states¹⁶⁵ and Tibet by none, shows that the world's states were cognizant of this lack of authority for independence. That China reasserted its control as soon as it could over Tibet and other territories lost to its administration during four decades of civil and international war demonstrates that China never retained its claim to these areas.

Finally, old Tibet had no legal capacity to enter into foreign

TRANSNAT'L L. 255 (1995).

¹⁶⁰ See Convention on Rights and Duties of States (Montevideo Convention), Dec. 26, 1933, 165 L.N.T.S. 19.

¹⁶¹ See Robert Jennings & Arthur Watts, *Oppenheim's International Law* 121 (8th ed. 1992).

¹⁶² Tara Corry, et al., *Tibetans in Exile* (Oxford University study), at http://brookland.mech.uwa.edu.au/barney/tibet/write_up/write_up.html.

¹⁶³ JAMES CRAWFORD, *THE CREATION OF STATES IN INTERNATIONAL LAW* 37-38 (1979).

¹⁶⁴ See Geoffrey Samuel, *Tibet as a Stateless Society and Some Islamic Parallels*, 61 J. ASIAN STUD. 215 (1982).

¹⁶⁵ PHILIP JESSUP, *THE BIRTH OF NATIONS* 334 (1974).

relations. Anziloti, the legal scholar and judge of the Permanent Court of International Justice, pointed out that by the sovereignty required of an independent state "is meant that the State has over it no authority other than that of international law."¹⁶⁶ Scholars underscore that the Montevideo Convention, in requiring the capacity to enter into relations with other states as a criterion of statehood, refers to independence in the same manner as Anziloti.¹⁶⁷ The classic international law treatise *Oppenheim's* states that sovereignty on the international plane means "legal authority which is not in law dependent on any other earthly authority."¹⁶⁸ Tibet was thus by no means sovereign. Even Britain, which tried to gain an advantage in Tibet by terming China's sovereignty "suzerainty," sought to negotiate with the Dalai Lama through the Chinese government.¹⁶⁹ As Crawford¹⁷⁰ argues, if a state is subject to the sovereignty of another entity, then it is incapable of entering into independent foreign relations and thereby cannot meet the criteria for statehood. Tibet was in precisely that situation.

If Tibet was not a state, it could not have been occupied in an international conflict; thus the Fourth Geneva Protocol does not apply. Tibet is not recognized as a colony either by the UN Committee of 24 or any state;¹⁷¹ Protocol I therefore does not apply. There has been no internal *armed* conflict in Tibet for a generation, so Protocol II does not apply. The characteristics of migrants to Tibet moreover are radically different from those of "settlers." Scholars, including some who support the émigré cause, as well as the US government, have concluded that the vast majority of migrants to Tibet come at their own initiative. The minority of migrants with state employment receive the same benefits as similarly-placed Tibetans, while those who come as "temporary migrants" are second-class citizens in terms of social welfare.¹⁷² Even the "*lao Xizang*" (long-resident non-Tibetans) have not fared well as "settlers." In the late 1990s, hundreds of them staged a sit-in in Lhasa to protest the erosion of their pensions by inflation. At the same time, ethnic Tibetans are entitled to certain preferential policies. Tibetans must, by law, occupy the highest state positions in the TAR. They are exempt from the "one-child policy" (see

¹⁶⁶ CRAWFORD, *supra* note 164, at 51.

¹⁶⁷ See HARRIS & ROSS, *supra* note 41, at 106-07.

¹⁶⁸ JENNINGS & WATTS, *supra* note 162, at 122.

¹⁶⁹ See MELVYN GOLDSTEIN, A HISTORY OF MODERN TIBET: THE DECLINE OF THE LAMAIST STATE 45 (1989).

¹⁷⁰ CRAWFORD, *supra* note 164, at 52.

¹⁷¹ See Barbara Crossette, *As It Seeks New Status, Island Helps a U.N. Panel*, N.Y. TIMES, June 8, 1997, at 19.

¹⁷² See ERICKSON, *supra* note 122, at 206-09; Melvyn Goldstein, *Outside Instigation and the Disturbances in Tibet: A Rejoinder to Sharlo*, 2 J. CONTEMP. CHINA 94 (1993); Office of the President of the United States, *Report to Congress of Extension of Waiver Authority for the People's Republic of China*, 10 INT'L TRADE REP. (BNA) 919 (June 2, 1993).

below) and can be admitted to university with lower test scores than Han.¹⁷³

The population flow to Tibet is not sharply different from that to other PRC regions: most migrants enter urban areas, while the countryside remains populated mainly by local people.¹⁷⁴ The Tibetan areas are more rural than China proper and thus stay largely Tibetan, and in these areas, unlike in China proper, few migrants plan to become long-term residents, although some may stay on due to lack of opportunity in their place of origin. The Tibet case can thus be distinguished from Indonesia's transmigration program: most migration is not state-sponsored and most migrants do not intend to stay. Nor do Tibetans universally dislike the "Chinese presence" or object to all changes that it has brought; many Tibetans are reconciled to a multi-ethnic society and some benefit from it.¹⁷⁵

Western leaders often invoke the émigré idea of "population transfer" and argue that it threatens Tibetan ethnic continuity. US Secretary of State Colin Powell has stated that "the Chinese sending more and more Chinese in to settle Tibet . . . seems to be a policy that might well destroy that society";¹⁷⁶ yet many new practices in Tibet that the émigrés decry as culturally corrosive¹⁷⁷ enter through China proper but originate elsewhere. Billiards, a diversion for male unemployed Tibetans, is a Western invention. Karaoke, which many urban Tibetans enjoy, was born in Japan. Prostitution and drugs are universals. Some of these "vices" are also found in Dharamsala, the Tibetan émigré capital, and even among Buddhist monks elsewhere,¹⁷⁸ while politicians in Tibet order the same ineffective anti-vice sweeps that occur elsewhere.¹⁷⁹ "Cultural erosion," such as the adoption of words of foreign origin, is a phenomenon in Dharamsala as much as is it in

¹⁷³. See JAN WONG, JAN WONG'S CHINA: REPORTS FROM A NOT-SO-FOREIGN CORRESPONDENT 98, 175 (2000).

¹⁷⁴. See TIBET SUPPORT GROUP U.K., *supra* note 141, at 153.

¹⁷⁵. See *Id.* at 154; WENYU QIN, SHENMI XUEYU: XIZANG SAN LISHI SHIJIAN [MYSTERIOUS SNOWLAND: THREE TIBETAN HISTORICAL EVENTS] 219 (1993); ZHEN YU & ZHENLIN GUO, ZHONGGUO ZANGZHUQU XIANDAIHUA: LILUN, SHIJIAN, ZHENGCE [MODERNIZATION OF CHINA'S TIBETAN AREAS: THEORY, PRACTICE, AND POLICY] 81 (1998); Nicholas Kristof, *In Corner of Tibet, Chinese Now Predominate*, N.Y. TIMES, Sept. 9, 1991, at A1; Maggie O'Kane, *Sacred and Profane*, GUARDIAN (London), Mar. 14, 1998, at 33; John Pomfret, *In Tibet a Struggle of the Soul*, WASH. POST, July 16, 1999, at 1; Lisa Keary, *Terrain of Struggle: the Tibetan Nation and the Chinese State* 159 (1999) (unpublished Ph.D. dissertation, Columbia University).

¹⁷⁶. Senate Foreign Relations Committee Questions Secretary of State Designee Colin Powell (CNN television broadcast, Jan. 17, 2001).

¹⁷⁷. See *China's Tibet Policy Reminiscent of Cultural Revolution: Dalai Lama*, *supra* note 124.

¹⁷⁸. See Ajay Singh, *Letter from Little Lhasa*, AM. SPECTATOR, Apr. 1999, at 60-63; *Thailand to Host World Buddhism Summit Without Dalai Lama*, AGENCE FRANCE PRESS ENGLISH WIRE, Nov. 2, 2000; Julian West, *Tibetans Accuse Dalai Lama of Spiritual Betrayal*, SUNDAY TELEGRAPH (London), Apr. 26, 1998, at 32.

¹⁷⁹. Regional Government Chairman Raidi Interviewed by Austrian Reporter (BBC television broadcast, Sept. 5, 1997).

Lhasa¹⁸⁰ and is not necessarily negative. Interestingly, while émigré and Western leaders object to Han cultural influence in Tibet, they are not concerned about the effect of Western influences on traditional culture there.¹⁸¹

Western analysts also do not consider that, alongside legitimate concern about Han chauvinism in Tibet, the complaints of some Tibetans about an “alien presence” may evince ethnocentrism, as do such complaints in many parts of the world affected by migration. Many objections to the erosion of Tibetan ethnic identity by migration seem akin to nativist discourse in developed countries.¹⁸² Both Jean-Marie Le Pen, leader of France’s ultra-right Front National, and the Dalai Lama refer to “cultural genocide” in epitomizing the effects of migration on their native lands.¹⁸³ The émigrés’ talk of the impending obliteration through migration of “the rich traditions, centuries in the making, which have contributed to the Tibet culture”¹⁸⁴ evokes a condemnation by a conservative Oxford University don of the “ethnic displacement” of native Britons by migrants:

The ordinary population [of native Britons], having lost its hegemony, might find it difficult to preserve much continuity or faith in its own values or future. A long national tradition developed over many centuries, could diminish for no better reason than its inability to control its own borders.¹⁸⁵

Ethnocentrism in Tibetan settlements in India moreover is a source of tension with Indians and mirrors key aspects of Han chauvinism in Tibet, as the “entrepreneurial” Tibetans disdain their “lazy” native Indian neighbors.¹⁸⁶

The characterization of the flow of migrants to Tibetan areas as “population transfer” is thus inapt and politically-motivated. Like other charges leveled in the discourse of Tibet-as-colony, it contributes nothing to our understanding of the Tibet Question and is detrimental to its solution.

¹⁸⁰ See Mountcastle, *supra* note 64, at 190.

¹⁸¹ See *Dalai Lama in Slovakia Says Tibetans Facing Cultural Genocide* (BBC television broadcast, Oct. 18, 2000).

¹⁸² See, e.g., SAMUEL HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* (1996).

¹⁸³ Allison Tarmann, *The Flap Over Replacement Migration*, 28:4 *POPULATION TODAY* 1 (2000).

¹⁸⁴ See *TIBETAN YOUTH CONGRESS*, *supra* note 50, at 20.

¹⁸⁵ David Coleman, *Identity Crisis*, *SPECTATOR*, Jan. 6, 2001, at 11.

¹⁸⁶ See Mountcastle, *supra* note 64, at 177, 202.

B. The "Outnumbered" Tibetans

More than 93% of all PRC Tibetans in 1990 lived either in the TAR or one of ten Tibetan autonomous prefectures and two Tibetan autonomous counties in Qinghai, Sichuan, Gansu and Yunnan provinces. Less than one-half of one percent of Tibetans lived outside the TAR or these provinces.¹⁸⁷ The non-TAR Tibetan areas are regarded as "ethnographic" (cultural) Tibet, as opposed to political Tibet, because they have not been ruled from Lhasa for one to two centuries.¹⁸⁸

The US government has termed Tibetan émigré claims about "Chinese" migration into Tibet "inaccurate, incomplete and misleading."¹⁸⁹ The TGIE assertion that "Chinese" outnumber Tibetans in greater Tibet is based on statistical sleight-of-hand in which the northeastern part of Qinghai is included in Tibet in order to show that 7.5 million "Chinese" there outnumber 6 million Tibetans. The TSGUK does the same in order to claim that 5 million to 5.5 million "Chinese" in greater Tibet in 1990 outnumbered the 4.6 million Tibetans and thus constituted a "new majority" in the Tibetan areas.¹⁹⁰ The TSGUK does so despite acknowledging that northeast Qinghai "has had a substantial Chinese population for centuries." In fact, the Han and Hui (Muslim Chinese) are an "old majority" in northeast Qinghai, which is not part of political or cultural Tibet.

The historic Tibetan area of Amdo corresponds to much, but not all of Qinghai and came under the jurisdiction of the Chinese city of Xining in 1724. Xining, at the edge of the Tibet Plateau, was "a true Chinese frontier outpost for the centuries it has served as the last major Chinese stronghold on the route to Tibet."¹⁹¹ Tibetans last ruled the city and its environs a thousand years ago. Under the Qing dynasty, northeast Qinghai was part of Gansu province, until Qinghai became a separate province in 1929. Most of Qinghai was ruled by imperial representatives (*ambans*), imperially-designated local chiefs (*tusi*) or Muslim warlords. Its northeast part was diverse; in fact, a leading Tibet scholar and supporter of the émigré cause, noting that the Dalai Lama was born in this area, has stated that "the Dalai Lama himself [came] from an area and a family that were not Tibetan-speaking."¹⁹² There was a Han and Hui majority in the Xining area, in what

¹⁸⁷. See Zhang, *supra* note 103, at 13-15.

¹⁸⁸. See Melvyn Goldstein, *THE SNOW LION AND THE DRAGON: CHINA, TIBET AND THE DALAI LAMA* 16 (1997).

¹⁸⁹. *Beijing Is Backed by Administration on Unrest in Tibet*, N.Y. TIMES, Oct. 7, 1987, at A1.

¹⁹⁰. See Tibet Support Group U.K., *supra* note 141, at 159.

¹⁹¹. Piper Rae Gaubatz, *BEYOND THE GREAT WALL: URBAN FORM AND TRANSFORMATION ON THE CHINESE FRONTIERS* 55 (1996).

¹⁹². Elliot Sperling, *EXILE AND DISSENT: THE HISTORICAL AND CULTURAL CONTEXT* 34 (2000).

is now Haidong (a prefecture detached from Xining in 1987) and in parts of Haibei Prefecture, well before the CCP took power.¹⁹³ Only one Xining county became an (Hui and Tu) ethnic autonomous area; the Dalai Lama's birthplace, Pingan County, did not. Xunhua, the 10th Panchen Lama's birthplace, became a Salar minority autonomous county. Three other Haidong areas became Hui and/or Tu minority autonomous counties.

Despite the long absence of Tibetan rule or demographic preponderance in Xining and Haidong, the émigrés claim these areas for Tibet because they contain 65% of the Qinghai population. Their incorporation into "Tibet" by émigré leaders thus bolsters their argument that "China hopes to drown Tibetans in a sea of Chinese."¹⁹⁴ Xining in 1990 had 1.087 million people, only 2.76% of whom were Tibetan. Haidong had 1.908 million, 8.6% of whom were Tibetan.¹⁹⁵ The two jurisdictions thus have about 194,000 Tibetans and 2.8 million non-Tibetans. That they are not part of Tibet is recognized even by some Western "Tibet activists"¹⁹⁶ whose maps of Tibet include the TAR and all other Tibetan autonomous areas, but neither Xining nor Haidong.

What of other prefectures in Qinghai? Han came to Haixi in the 1950s to develop the industrial city of Golmud, famed for its potash production. They migrated to Haibei, an ethnically-mixed hinterland of Xining with a Tibetan majority before 1949, to work on state farms. These two jurisdictions, unlike the four other Qinghai Tibetan autonomous prefectures, thus have a relatively low percentage of Tibetans. Table 2 shows the relative populations in the six autonomous prefectures.¹⁹⁷

Table 2: Population of the Six Tibetan Autonomous Prefectures in Qinghai, 1990

Jurisdiction	Total Pop.	% Tibetans	Tibetan Pop.	% Han	% Other minorities
Qinghai Auto.	1,460,000	49.19	circa 718,542	36.4	14.41
Haixi	312,000	9.94	circa	75.96	14.10

¹⁹³ See Gaubatz, *supra* note 192, at 57-62; Jonathan Lipman, *FAMILIAR STRANGERS, A HISTORY OF MUSLIMS IN NORTHWEST CHINA* 160 (1998); Tibet Information Network, *supra* note 94, at 2.

¹⁹⁴ Douglas Wade, *Tibet Beginning to Drown in Sea of Chinese Migrants*, *S. CHINA MORNING POST*, Jan. 30, 1994, at 7.

¹⁹⁵ QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] 175-76 (1991).

¹⁹⁶ See Katia Buffrettille & Charles Ramble, *TIBETAINS 1959-1999: 40 ANS DE COLONISATION [TIBETANS 1959-1999: 40 YEARS OF COLONIZATION]* 18 (1998); *TIBET SINCE 1950: SILENCE, PRISON OR EXILE* (Melissa Harris & Sidney Jones eds., 2000).

¹⁹⁷ Zhang, *supra* note 106, at 14; Sun & Li, *supra* note 91, at 37; Yan, *supra* note 60, at 30.

			31,013		
Haibei	258,000	20.16	52,336	46.12	33.72
Huangnan	182,000	63.74	115,813	10.99	25.27
Hainan	361,000	53.74	194,399	37.67	8.59
Guoluo	120,000	88.33	105,645	10.00	1.67
Yushu	227,000	96.48	219,336	3.08	0.44

Tibetans in Qinghai were almost 20% of all Tibetans in the PRC and about half the population of the six Qinghai autonomous prefectures in 1990.¹⁹⁸ Tibetans and other minorities were 58.4% of Qinghai autonomous area populations in 1997.¹⁹⁹ The proportion of Tibetans in Qinghai as a whole diminished sharply from 1952 to 1978. Their numbers however rose by over 48% in that period and by 102% from 1952-1999 or on average 2.85% per annum, slightly higher than the 2.77% average annual increase in the TAR from 1953 to 1999. Since 1978, the proportion of Tibetans in the Qinghai population has slightly increased, as shown in Table 3.²⁰⁰

Table 3: Number of Tibetans and the Percentage of Total Population of Qinghai

1949	1952	1978	1982	1990	1999	1933
circa 438,500	454,510	673,790	753,897	915,900	1,064,000	circa 400,000
—	27.5%	18.5%	19.4%	20.4%	20.87%	—

Table 4 shows that about 35% of PRC Tibetans live in the Tibetan autonomous prefectures of Sichuan (Aba and Ganze), Yunnan (Degen) and Gansu (Gannan) and two Tibetan autonomous counties (Muli in Sichuan and Tianzhu in Gansu).²⁰¹

Table 4: Populations of Tibetan Autonomous Areas of Sichuan, Yunnan and Gansu, 1990

Jurisdiction	Total Pop.	% Tibetan	Tibetan Pop.	% Han	% Other min.
Sichuan Auto.	1,708,700	60.30	circa 1,084,980	26.42	13.28

¹⁹⁸ Zhang, *supra* note 103, at 12.

¹⁹⁹ Zhongguo Renmin Gongheguo Ziliao Shouce [Handbook of Data of the People's Republic of China] 63 (1999).

²⁰⁰ QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] *supra* note 75, at 37; XUEYUAN TIAN, et al., ZHONGGUO GESHENG QU SHAOSHU MINZU RENKOU [THE ETHNIC MINORITY POPULATION OF EVERY PROVINCE AND REGION OF CHINA] 539 (1998).

²⁰¹ QINGHAI TONGJI NIANJIAN [QINGHAI STATISTICAL YEARBOOK] *supra* note 196, at 426; YU & GUO *supra* note 176, at 38; ZHANG, *supra* note 106, at 14; Sun & Li, *supra* note 91, at 37; Yan, *supra* note 60, at 30.

Aba	765,000	48.41	375,551	28.60	22.99
Ganze	831,000	75.68	627,034	19.50	4.82
Muli	112,700	73.11	circa 82,395		
Yunnan Degen	315,000	33.10	104,366	16.20	50.70
Gansu Auto.	791,800	41.96	332,184	50.80	7.24
Gannan	582,400	47.67	276,645	45.90	6.40
Tianzhu	209,400	26.52	55,539	66.67	6.80

In the four Tibetan autonomous prefectures outside Qinghai in 1990, Tibetans comprised 51.2% of the total population. Han were 27.6% and other ethnic groups were 21.2%.²⁰² As in Qinghai, the Han in these prefectures concentrate at the edge of the Tibet plateau where they have been present since dynastic times. For example, about half the Han in Garze Tibetan Autonomous Prefecture in Sichuan live in Luding County, the eastern part of the prefecture that borders on Han areas of Sichuan.²⁰³ As in Qinghai, the TGIE claims as part of Tibet ethnically-diverse areas in Sichuan and Yunnan outside the Tibetan autonomous areas,²⁰⁴ which further inflate the number of "Chinese settlers" in Tibet.

As in Qinghai, the Sichuan, Yunnan and Gansu Tibetan populations grew greatly from the 1950s to 1990s. Average per annum rates were Sichuan, 2.19%, Gansu, 2.14% and Yunnan, 1.79%. See Table 5.²⁰⁵

Table 5: Tibetan Populations in Sichuan, Gansu and Yunnan

Province	Early 1950s	1964	1982	1990	1999
Sichuan	580,000 (1950)	605,537	921,984	1,087,758	
Gansu	204,630 (1953)	192,494	304,573	366,718	
Yunnan	66,890 (1953)	65,258	95,925	111,335	120,700

Tibetans were about half the census population in Tibetan areas outside the TAR in 1990, while in the TAR the figure was almost 97%. Han Chinese were 26.9% of the population of "greater Tibet" and numbered about 1.52 million.²⁰⁶ Tibetans outside the TAR totalled 2,374,362 in 1990 (52.1% of autonomous area Tibetans); TAR Tibetans numbered 2,096,700

²⁰². Yan, *supra* note 60, at 31.

²⁰³. Karl Ryavec, Research Note: *Regional Dynamics of Tibetan Population Change in Eastern Tibet, ca. 1940-1982*, 20 POPULATION & ENV'T 248 (1999).

²⁰⁴. See Tibetan Youth Congress, *supra* note 50, at 14.

²⁰⁵. SICHUAN SHENG RENKOU PUCHA BANGONGSHI [SICHUAN PROVINCE CENSUS OFFICE], SICHUAN ZANGZU RENKOU 22 [SICHUAN'S TIBETAN POPULATION] (1994); TIAN, *supra* note 201, at 420, 462, 521; YUNNAN TONGJI NIANJIAN 2000 [YUNNAN STATISTICAL YEARBOOK 2000] (2000).

²⁰⁶. Lixiong Wang, *Xizang: Ershiyi Shiji Zhongguo de Ruanlei* [Tibet: China's Twenty-first Century Soft Spot], 1 ZHANLUE YU GUANLI [STRATEGY AND MANAGEMENT] 21 (1999).

(46.9% of Tibetans).²⁰⁷ With 4,275,500 persons of all ethnic groups in Tibetan areas outside the TAR and a total TAR population of 2,180,520, the 4,471,062 Tibetans in the Tibetan autonomous areas were therefore 69.3% of these areas' 6,456,020 people.

These figures have two drawbacks. First, they are based on the 1990 census, and thus are dated; 2000 census figures may be available in late 2001. The Dalai Lama first made the claim that 7.5 million "Chinese" (excluding soldiers) outnumber 6 million Tibetans in Tibet in his Five Point Peace Plan in 1987, however.²⁰⁸ He did so even though the émigrés had just claimed that in 1985-1986 there were only 6.2 million "Chinese" civilians in greater Tibet.²⁰⁹ However, since the claim of 7.5 million non-Tibetans in Tibet was already made before the 1990 census, it is appropriate to answer it with data from the first census held after the claim was initially advanced.

The second drawback of the 1990 census statistics about the number of Tibetans in the Tibetan autonomous areas is that these figures include only those persons whose household registrations (*hukou*) are in the Tibetan areas or who had lived there for at least one year prior to July 1, 1990. Statements about migration to the Tibetan areas based mainly on those who transfer their *hukou* may be misleading; for example, the conclusion that 70% of the 98,500 migrants to the TAR in 1964-1994 were ethnic Tibetans from outside the TAR²¹⁰ does not account for "temporary migrants." Most migrants who do not transfer their *hukou* are apt to be non-Tibetans. Temporary migrants should thus be taken into account, although with the recognition that they do not impact Tibetan society to the same extent as fully-resident migrants.

The number of "Chinese" who émigré leaders and supporters claim "China has settled" in Tibet, 7.5 million, has not changed since 1987²¹¹ and is based on a conjecture of "at least one unregistered Chinese against every two registered ones."²¹² There are no scholarly estimates of the unregistered-to-registered "Chinese" ratio in Tibetan areas, although the TSGUK has stated that "the ratio of Chinese who work in the TAR on a short-term basis is much higher than in the other autonomous areas."²¹³ If the ratio claimed by the TGIE is applied, however, to the 1990 count of non-Tibetans with *hukou* in Tibetan areas, there would have been a total of 2.98 million

²⁰⁷ Yu & Guo *supra* note 176, at 38; Yan, *supra* note 60, at 30.

²⁰⁸ Dalai Lama, *supra* note 51.

²⁰⁹ See DEPARTMENT OF INFORMATION AND INTERNATIONAL RELATIONS, *supra* note 119; John Elliot, *An Appeal to the West From a Culture in Exile*, FIN. TIMES, Oct. 9, 1987, at 6.

²¹⁰ Ma Rong, XIZANG DE RENKOU YU SHEHUI [TIBET'S POPULATION AND SOCIETY] 65 (1996).

²¹¹ See Michael Hoffman, *Tibet Impaled on Its Own History*, MAINICHI DAILY NEWS, June 1, 2000, at 9; *Tibetans Confident of Change*, *supra* note 124.

²¹² DEPARTMENT OF INFORMATION AND INTERNATIONAL RELATIONS, *supra* note 119.

²¹³ Tibet Support Group U.K., *supra* note 141, at 154.

registered and non-registered non-Tibetans. That number, however, includes 465,000 people with *hukou* in Tibetan areas who are neither Han nor Tibetan and who émigré leaders may or may not regard as "Chinese." It also takes in double-counted people. These persons' *hukou* are elsewhere, but they were included in the 1990 census because they had lived in a Tibetan area for a year or more and are thus part of the "registered" population to which the ratio is applied. Because their *hukou* is not in a Tibetan area, they may also be counted as among the "unregistered" group, however. The number of such people is considerable: 17.5% of Han counted in the TAR in 1990 fell into this category.²¹⁴

Assuming the TGIE's ratio to apply, the number of Han with and without *hukou* in the Tibetan areas in 1990 was thus likely no more than 2.2 million and other non-Tibetans no more than 600,000. Indeed, the TSGUK puts the number of Han and Hui in all Tibetan autonomous areas at 2.5 million to 3 million.²¹⁵ Their conclusion accords with that of the human rights organization Asia Watch that the number of non-Tibetans in Tibetans areas is much lower than 7.5 million.²¹⁶ Not only is the émigré claim exaggerated, but it is also reasonable to regard migrants who keep their *hukou* elsewhere as having less impact on local society than long-term residents. This group is not entitled to social benefits, such as low-cost education and health care. Most do not bring their children to Tibet, they do not intend to stay long and they remain in Tibetan areas on official sufferance.²¹⁷

Studies of the number of migrants in all Tibetan autonomous areas are few and even estimates of non-Tibetans in the TAR or in Lhasa differ widely and are often vague.²¹⁸ A US official has spoken of "hundred of thousands of non-Tibetans [who] have come to Tibet in recent years."²¹⁹ "Independent experts" are cited as asserting that "several hundred thousand Chinese migrant workers, professionals, soldiers and small entrepreneurs live in Tibet."²²⁰ The TSGUK states that in the late 1980s there were 60,000-140,000 migrants in the TAR and in the mid-1990s 250,000-300,000

²¹⁴. See Wang, *supra* note 207.

²¹⁵. See Tibet Support Group U.K., *supra* note 141, at 158.

²¹⁶. Asia Watch, *MERCILESS REPRESSION: HUMAN RIGHTS ABUSES IN TIBET 73-74* (1990).

²¹⁷. See Goldstein, *supra* note 189, at 94; Tianlu Zhang & Rongqing Huang, *ZHONGHUO SHAOSHU MINZU RENKOU DIAOCHA YANJIU* [INVESTIGATIVE STUDY OF CHINA'S ETHNIC MINORITY POPULATION] (1996); *Tibet People's Broadcasting Station* (BBC radio broadcast, June 6, 1992).

²¹⁸. See Erickson, *supra* note 122, at 200-03; Yan, *supra* note 60, at 31-32; Sautman & Eng, *supra* note 108.

²¹⁹. *The Situation of Tibet and Its People: Hearing Before the Senate Comm. on Foreign Relations*, 105th Cong. 13 (1997) (statement of Jeffrey A. Bader, Deputy Assistant Secretary of State, Bureau of East Asian and Pacific Affairs).

²²⁰. Reese Erlich, *Freedom to Worship, Not to Support Dalai Lama*, INTER PRESS SERVICE, Nov. 26, 1996.

"Chinese" in the TAR, *including* soldiers.²²¹ US scholars who visited the TAR in 1991 received an official "guess" of 100,000 migrants.²²² Chan reports unofficial figures that show that non-Tibetans in the TAR number about 150,000.²²³ Gittings states that "Chinese" in the TAR, *including the army*, "may number two or three hundred thousand."²²⁴ The US official's estimate of the Lhasa prefecture population – a registered population of 400,000 (including 52,000 Han) and a "floating population" of about 200,000,²²⁵ would yield only a quarter million non-Tibetans, assuming that all "floaters" are non-Tibetan, which of course they are not. Emigré sources, however, have claimed 1.7 million or even 2 million "Chinese" in the TAR, with 638,000 in Lhasa alone.²²⁶

Emigré leaders often assert that the PRC authorities are dispatching ever-increasing numbers of non-Tibetans to "settle" Tibet.²²⁷ More than 100,000 Han went to Tibet as administrators and service professionals from the 1950s to 1970s. From 1980 until at least the early 1990s, however, net transfers of cadres and net migration of "permanent" residents to Tibet have been negative.²²⁸ The total number of Han and Hui with *hukou* in the TAR at the end of the 1990s was much lower than in 1980 and the same as in the mid-1980s, i.e., some 72,000. Table 6 shows the number of Han and Hui in Tibet during this period.²²⁹

Table 6: Number of Han and Hui in Tibet, by Year

Year	Han	Hui
1980	122,400	
1982	91,720	
1985	70,932	1,529

²²¹ Tibet Support Group U.K., *supra* note 141, at 96, 106, 153.

²²² Harold Saunders, et al., TIBET: ISSUES FOR AMERICANS 9-11 (1992).

²²³ Vivien Chan, *Tibet Fears Sparked by China Flood of Workers*, S. CHINA MORNING POST, Apr. 2, 1996, at 1.

²²⁴ John Gittings, *Analysis Tibet: One Country, Two Systems – Mark II?*, GUARDIAN (London), Apr. 14, 1998, at 15.

²²⁵ See *The Situation of Tibet and Its People: Hearing Before the Senate Comm. on Foreign Relations*, *supra* note 220.

²²⁶ Tsering, *supra* note 2, at 64.

²²⁷ See John Pomfret, *A Wave of Chinese Job-seekers Threatens to Swamp Tibet's Culture*, INT'L HERALD TRIBUNE, Nov. 2, 1999, at 5.

²²⁸ Judith Banister, *Impacts of Migration to China's Border Regions*, in MOVING TARGETS: DEMOGRAPHY AND SECURITY (forthcoming 2001); Shangzhi Sun, XIZANG ZIZHIQU JINGJI DILI [ECONOMIC GEOGRAPHY OF THE TIBET AUTONOMOUS REGION] 36-37 (1994); Yasheng Huang, *China's Cadre Transfer Policy Toward Tibet in the 1980s*, 21 MODERN CHINA 198 (1995); Wang, *supra* note 207, at 27.

²²⁹ See XIZANG TONGJI NIANJIAN 1999 [TIBET STATISTICAL YEARBOOK 1999] 36 (1999); XIZANG TONGJI NIANJIAN 2000 [TIBET STATISTICAL YEARBOOK 2000] 33 (2000); Wang, *supra* note 207, at 28.

1990	67,407	2.269
1993	64,890	
1995	67,772	2,357
1996	68,725	
1997	69,205	1,933
1998	73,841	1,848
1999	70,145	2,098

The "registered" Han and Hui are highly concentrated in Lhasa. In 1990, two-thirds of Han with their *hukou* in the TAR (44,939) resided in the Lhasa "prefecture" (technically Lhasa is a municipality, with a city and counties) and half lived in Lhasa City. Of those living in Lhasa prefecture, 90% (40,400) lived within the city limits and were 29% of the city population.²³⁰ The congregation of non-Tibetans in the cities creates a misleading impression of a Tibet overwhelmed by outsiders.

Troops in Tibetan areas should also be taken into account, although their impact on Tibetan society is less than that of more socially-integrated migrants. The estimates are again wide-ranging. In his Five Point Peace Plan, the Dalai Lama²³¹ asserted that China had 300,000-500,000 troops in greater Tibet, 250,000 of them in the TAR, while "Western estimates put the number at tens of thousands."²³² June Dreyer, a specialist on Chinese minorities and the PLA, stated in the late 1980s that there were about 30,000 troops in the TAR,²³³ while journalists have written of 40,000 troops.²³⁴ The head of TIN, Robbie Barnett, has reported estimates of 40,000-50,000 troops in the TAR and himself estimates the number at 80,000-100,000.²³⁵ Other figures for troops in "Tibet" are 40,000-60,000 soldiers and paramilitary police [*wu jing*],²³⁶ 50,000,²³⁷ 250,000,²³⁸ 300,000 soldiers and *wu jing*,²³⁹ and 250,000-500,000.²⁴⁰ In 1997, a TAR official denied that the PLA had 300,000 troops in Tibet and stated that "the number was under 200,000."²⁴¹

²³⁰ See Zhang, *supra* note 106, at 17; Zhang & Huang, *supra* note 218, at 37; Pomfret, *supra* note 176, at 1; Wang, *supra* note 207, at 28.

²³¹ Dalai Lama, *supra* note 51.

²³² Dalai Lama Urges China to Share Power with Tibet, ASSOCIATED PRESS, June 15, 1988.

²³³ Kerry Dumaugh, TIBET: DISPUTED FACTS AND THE SITUATION IN TIBET 23-24 (1988).

²³⁴ See Wong, *supra* note 174, at 177; O'Kane, *supra* note 176, at 33.

²³⁵ Robbie Barnett, *Testimony on Tibet to the Federal Republic of Germany's Bundestag*, S. CHINA MORNING POST, June 19, 1995.

²³⁶ Lena Sun, *Ethnic Animosity Reborn as Chinese Traders Flood Tibet*, WASH. POST, Sept. 15, 1994, at A27.

²³⁷ *Speaking Our Language*, ECONOMIST, Aug. 8, 1987, at 26.

²³⁸ Jim Mann, *Tibetans Begin to Fear that Peking May Never Let Dalai Lama Return*, L.A. TIMES, June 22, 1986, at 8.

²³⁹ *Authorities in Tibet Brace for Renewed Violence*, UPI NEWS, Mar. 3, 1990.

²⁴⁰ *Tibetan Statistics Often Contradictory*, DEUTSCHE PRESSE-AGENTUR, Nov. 2, 1994.

²⁴¹ Mark O'Neill, *Official Denies Army Puts Burden on Tibet*, S. CHINA MORNING POST, Sept. 8, 1997, at 8.

A higher official termed the claim of 250,000 troops in Tibet "sheer lies and rumour-mongering."²⁴² It is not clear whether the questioners and officials were referring to the TAR or greater Tibet. Expectedly, the émigrés and their supporters provide the highest estimates. The TYC, citing a 1985 TGIE document, claims that there are 500,000 troops in greater Tibet.²⁴³ Jane Bay puts the number at 400,000²⁴⁴ and a work by an émigré-US group states that there are 500,000 troops in the TAR alone.²⁴⁵

Even if there were a quarter-million troops in "Tibet," this would hardly be evidence of an "occupation" directed against Tibetans. Greater Tibet amounts to about one-fourth of all PRC territory, so it would not be unusual to find one-tenth of China's army of 2.5 million²⁴⁶ stationed there. India, with the world's fourth largest army, has serious border disputes with China along a 4,000 km Tibetan frontier and has an "anti-China" defense minister.²⁴⁷ As many as 300,000 Indian soldiers are on the Tibetan frontier in times of crisis,²⁴⁸ and at least 150,000 are there in less tense times.²⁴⁹

While there are more non-Tibetans in Tibetan areas than before internal migration in China accelerated in the mid-1980s, the assertion that most migration is officially-sponsored and has a malicious intent is not proven. Tibetans are far from being singled out by being overwhelmed by migrants. The proportion of "registered" Han in the population of the Tibetan areas is only half the proportion of Han in PRC minority areas generally (54.6% in 1997).²⁵⁰ The outsider presence in Tibetan areas is comparable to that in Beijing, where 3.3 million "temporary migrants" live in a city of 12 million²⁵¹ and are resented by many native Beijing people. Officials and experts sent to Tibet hardly go there to make their fortune: they now generally are posted for only three-year terms – with half that time often spent on home leave – rather than the previous eight-year terms. Most other Han and Hui migrants to Tibetan areas are plebian and bent on returning

²⁴² Regional Government Chairman Raidi Interviewed by Austrian Reporter, *supra* note 180.

²⁴³ Tibetan Youth Congress, *supra* note 51.

²⁴⁴ Jane Bay, *PRECIOUS JEWELS OF TIBET: A JOURNEY TO THE ROOF OF THE WORLD* 103 (1998).

²⁴⁵ Tibetan Nyingma Relief Foundation, *FROM THE ROOF OF THE WORLD: REFUGEES OF TIBET* 50 (1992).

²⁴⁶ Holger Jensen, *China Overplaying Taiwan Cards*, WASH. TIMES, Mar. 1, 2000, at A14.

²⁴⁷ See *China Bigger Threat to India than Pakistan: Defense Minister*, AGENCE FRANCE PRESS ENGLISH WIRE, May 3, 1998.

²⁴⁸ Brahma Chellaney, *India Moves to Defuse Tensions with China*, CHRISTIAN SCI. MONITOR, June 12, 1987, at 10.

²⁴⁹ *Hands Across the Himalayas*, ECONOMIST, Sept. 11, 1993, at 31; Teresa Poole, *China: Draconian Family Planning Has Desired Effect*, INDEPENDENT (London), Jan. 12, 1998, at 11.

²⁵⁰ See ZHONGGUO RENMIN GONGHEGUO ZILIAO SHOUCE [HANDBOOK OF DATA OF THE PEOPLE'S REPUBLIC OF CHINA], *supra* note 200, at 63.

²⁵¹ See Leila Abboud, *Schools Keep Migrants' Education Hopes Afloat*, HONG KONG MAIL, Jan. 18, 2001, at 5.

home when they have some savings.²⁵² The social profile and impermanence of these migrants thus greatly contrasts with that of classic colonists.

C. Family-planning and "Demographic Aggression"

Apart from Han migration, family-planning also figures in the charge of "demographic aggression" in Tibet. Some émigrés or supporters who have spent time in Tibet and seen the many large families do not agree that the number of Tibetans is diminishing or is even being involuntarily retarded. Barbara Erickson concludes:

Tibetans are more numerous today than at any time in recent history. Population growth has been rapid and continuous and there is no sign that China wants to wipe out the Tibetan race.²⁵³

Those who do not concede that the Tibetan population has grown claim that there were as many Tibetans in 1950 as there are today. They argue that "demographic annihilation" and family planning have prevented growth despite the overall decline in mortality. Thus, Yangcheng Kikhang asserts that:

[China's family-planning] policy [is] imposed by a colonial power through the act of military occupation. The resulting birth control programme has had a devastating impact on the Tibetan population which, it is widely agreed, was around six million before China's invasion in 1950.²⁵⁴

It is, however, *not* "widely agreed" that the ethnic Tibetan population of the PRC in 1950 was around 6 million. An atlas edited by Sun Yat-sen in 1899 gave this figure, but the basis for the estimate is now thought to have involved all Tibetans in the world.²⁵⁵ Several years later, Britain's secret agent Sarat Chandra Das came up with roughly the same figure, based on projections from the number of monks listed in the Lhasa archives.²⁵⁶ The American Tibetologist William Rockhill, however, estimated that there were 3 million Tibetans.²⁵⁷ As we have seen, the Panchen Lama estimated the

²⁵². See Lixiung Wang, TIAN ZANG: XIZANG DE MINGYUN [SKY BURIAL: THE TIBET FATE] (1998); Sautman & Eng, *supra* note 108; Wang, *supra* note 207.

²⁵³. Erickson, *supra* note 122, at 194.

²⁵⁴. Yangchen Kikhang, *Women Face Cultural Genocide on the Roof of the World*, in GENDER AND CATASTROPHE 110-116 (Ronit Lentin ed., 1997).

²⁵⁵. See Zhang, *supra* note 106, at 4.

²⁵⁶. Sarat Chandra Das, *Monasteries of Tibet*, 1 J. ASIATIC SOC'Y OF BENGAL 105-16 (1905).

²⁵⁷. William W. Rockhill, *The Ethnology of Tibet*, U.S. NATIONAL MUSEUM REPORT, Part 2

number of PRC Tibetans to be 3 million in 1962, as did Richardson.²⁵⁸ Karan, writing in the mid-1970s, states that "a population of three million [Tibetans] may not be far from correct for the present."²⁵⁹ Meanwhile, estimates of the population of what is now the TAR by the Lhasa government or by foreign visitors generally ranged from 1 to 1.5 million.²⁶⁰

While retrospectively doubling the number of Tibetans in 1950, the émigrés claim that there are presently also 6 million Tibetans, a figure used by the Dalai Lama for two decades or more.²⁶¹ The implication is that the population level has stagnated. Viewed in historical perspective, however, population increases in the last half-century depart from traditional Tibet's low rate of natural growth caused by a sharply differentiated society, a low level of technology, reliance solely on local medicines, pervasive monasticism and polyandric practices. See Table 7.²⁶²

Table 7: Estimated Number of Tibetans (in Millions) in Areas Now the PRC and TAR

Year	All PRC Ethnic Tibetans	TAR Tibetans
1268	1.0	--
1737	--	1.0 (.316 monks; .127 lay families)
1900	1.0	
1935	--	.7-1.0
1953	2.552	1.05
1957		1.270
1960		1.197
1964	2.501	1.251

(1895).

²⁵⁸ Richardson, *supra* note 79, at 6.

²⁵⁹ Pradyumna Karan, *THE CHANGING FACE OF TIBET: THE IMPACT OF CHINESE COMMUNIST IDEOLOGY ON THE LANDSCAPE* 52 (1976).

²⁶⁰ See Orleans, *supra* note 80, at 120.

²⁶¹ Bill Corbett, [Untitled], UPI NEWS, Oct. 22, 1980; *Dalai Lama Celebrates Golden Jubilee as Tibetan Head of State*, AGENCE FRANCE PRESS ENGLISH WIRE, Dec. 3, 2000; Michael Keats, *Letter from Lhasa: Hello and Bye-Bye*, UPI NEWS, Oct. 13, 1980.

²⁶² Judith Benister, *CHINA'S CHANGING POPULATION* 322-23 (1987); Karan, *supra* note 260, at 53; Orleans, *supra* note 80, at 120; Colin McEvedy & Richard Jones, *THE ATLAS OF WORLD POPULATION HISTORY* 165-69 (1976); *XIZANG TONGJIANIANJIAN 2000* [TIBET STATISTICAL YEARBOOK 2000], note 230, at 33; ZHONGGUO RENKOU XIZANG FENCE [CHINA'S POPULATION: TIBET VOLUME] 52-53 (1988);

Melvyn Goldstein, *New Perspectives on Tibetan Fertility and Population Decline*, 8 AM. ETHNOLOGIST 721-29 (1981); William W. Rockhill, *Tibet from Chinese Sources*, J. OF THE ROYAL ASIATIC SOCIETY OF GREAT BRITAIN & IRELAND (1891); *Tibet Background* (14): Population, XINHUA, Feb. 26, 1991; Zhang, *supra* note 106, at 3-4.

1982	3.870	1.787
1990	4.593	2.096
1995	--	2.269
1999	--	2.388

The claims of "demographic aggression" usually imply that China is engaged in forced intermarriage and imposes on Tibetans a regime of birth control more onerous than that among the Han in order to marginalize Tibetans demographically. The Dalai Lama has stated that "Chinese, especially ex-servicemen, are being settled in Tibet and encouraged to marry locally. The aim is to make us a minority in our own land. At the same time they are forcing strict family planning rules on my people."²⁶³ The likely sources of the first part of this claim are two 1970s refugee accounts, one published by the Dalai Lama's Office and the other individually.²⁶⁴ These assert that Tibetan women have been pressured into marrying Han men, while marriages between Han women and Tibetan men are prohibited. One Western writer has alleged a policy of "diluting Tibetan racial stock through forced intermarriages that amount to 'ethnic cleansing,'"²⁶⁵ while even the US scholar Warren Smith repeats the charge of coerced intermarriages.²⁶⁶

Assertions of coerced or encouraged Han-Tibetan marriages are fanciful. From the 1950s to the 1970s, Han CCP members and soldiers were forbidden to marry Tibetans because of fear that this might create ethnic tension. Some Han-Tibetan marriages formed anyway.²⁶⁷ Necessarily, most such marriages involved Han men and Tibetan women because the vast majority of the Han in Tibet were men, owing to the conception in China proper that women would have great difficulty in adjusting to the rigors of life in impoverished Tibet. There were few "mixed" marriages, however: a reporter who visited Tibet at the end of this period could aver that "there is almost no intermarriage."²⁶⁸ PRC officials have insisted that the state does not encourage intermarriage between Han and minorities. At least into the 1980s intermarriage was discouraged in Xinjiang.²⁶⁹ The generally *laissez faire* policy toward intermarriage in China today contrasts with the situation in Tibetan émigré communities, where women and, in some places, both sexes are admonished to maintain "racial purity" by not marrying or even

²⁶³ *Tibet Issue Is "Alive and Kicking," Says Dalai Lama*, ASSOCIATED PRESS, Sept. 13, 1987.

²⁶⁴ See Paljor Choeden, *LIFE IN RED FLAG PEOPLE'S COMMUNE* 21 (1978); Kunsang Paljor, *TIBET, THE UNDYING FLAME* 44 (1971).

²⁶⁵ Pico Iyer, *China's Buddha Complex*, N.Y. TIMES, Dec. 3, 1995, § 4, at 15.

²⁶⁶ Smith, Jr., *supra* note 90, at 560.

²⁶⁷ See Lena Sun, *Tibet Family Lives in Two Worlds*, WASH. POST, Sept. 17, 1994, at A8.

²⁶⁸ Michael Keats, *Letter from Lhasa: Hello and Bye-bye*, UPI NEWS, Oct. 13, 1980.

²⁶⁹ Graham Earnshaw, *Relations with Minority in Northwest China Still Not Ideal*, REUTERS, June 4, 1986; *Intermarriage Between Ethnic Groups Are on Increase*, XINHUA (China), Feb. 15, 1989.

dating non-Tibetans.²⁷⁰

It is also asserted that in order to encourage Han to move to Tibet, urban Han who marry Tibetans are allowed two children.²⁷¹ This liberality can hardly induce Han migration. China's natal program is inaccurately termed a one child-policy,²⁷² but officially the average outcome is a 1.8-child-per-family policy²⁷³ and it actually is anywhere from a 2.1- to 2.6-child policy. A PRC official has been quoted as stating that 90% of rural families have two children and others have more.²⁷⁴ Only six of China's 31 provinces limit most rural families to one child; in 19 provinces a rural couple is allowed a second child if the first is a girl and the remaining six permit rural households two children regardless of the first-born's gender.²⁷⁵ Peasants primarily seek to have a son, and ultra-sound and sex-selective abortions now guarantee that 80% of rural births are male.²⁷⁶ If they have additional children, their land will have to be further divided among those offspring who decide to farm. Many peasants no longer work the land, moreover, but are employed by township and village enterprises and have a diminished need for more children than they are allowed. Some peasants can avoid registering an out-of-quota birth; others are too poor to be fined for having one. Many rural officials no longer discourage couples from having additional children because they profit from fines while faking family planning reports.²⁷⁷

There is no strict one-child policy in urban China. Among urban families, 30% have more than one child. For the remaining 70% of urban families, which have only one child, the children of those families would be allowed to have two children under an exception to the policy which allows them to do so if they marry another only child.²⁷⁸ Many urban couples ineligible for this exception can afford to pay the fine for having a second

²⁷⁰. See *Religious Beliefs Unite Tibetans*, TORONTO STAR, Mar. 9, 1990, at C4; Mountcastle, *supra* note 64, at 202.

²⁷¹. See Tibet Information Network, SURVEY OF BIRTH CONTROL POLICIES IN TIBET 12 (1994); Robert Barnett, *Birth Control Rule Revealed*, S. CHINA MORNING POST, Oct. 7, 1992, at 11.

²⁷². A. John Jowett, *China: The One, Two, Three, Four and More Child Policy*, FOCUS, Feb.-Mar. 1991, at 32-33.

²⁷³. Gwynne Dyer, *Battle Against Overpopulation Is Being Won*, GAZETTE (Montreal), Mar. 20, 1999, at B5.

²⁷⁴. Elisabeth Rosenthal, *Rural Flouting of One-child Policy Undercuts China's Census*, N.Y. TIMES, Apr. 14, 2000, at A6.

²⁷⁵. See Poole, *supra* note 250.

²⁷⁶. Mary Kwang, *67% of One-child Families in China Have Son*, STRAITS TIMES (Singapore), Feb. 1, 2000.

²⁷⁷. See M. Giovanna Merli & Adrian Rafferty, *Are Births Underreported in Rural China? Manipulation of Statistical Records in Response to China's Population Policies*, 37 DEMOGRAPHY 109-26 (2000); John Pomfret, *Chinese Search for New Values*, WASH. POST, Sept. 26, 1999, at A1; Rosenthal, *supra* note 275.

²⁷⁸. See *China Relaxes One-Child Policy: Official*, AGENCE FRANCE PRESS ENGLISH WIRE, Jan. 31, 2000.

child.²⁷⁹ The reduced birthrate in China is increasingly based not on coercive power, but on acceptance of population control or agreement with the state that *shao sheng, kuai fu* (fewer births means getting rich faster).²⁸⁰

There is thus little incentive for a Han to move to a Tibetan area to intermarry and have multiple children. In fact, most Han in Tibetan areas live at urban sites where they face more strictly-enforced family planning policies than in their places of origin. Under TAR birth-planning rules, Han members of the "floating population" who have an out-of-quota birth are to be fined 8,000 yuan, a sum which, at the time of enactment, was the equivalent of about two years of an average wage.²⁸¹

Even if the PRC encouraged intermarriage, that would not tip the demographic balance in favor of the Han. The vast majority of offspring of Han-Tibetan marriages – said to be 10% of marriages in some Tibetan areas – are officially registered as Tibetans and are so regarded by other Tibetans.²⁸² Incidentally, there has been one scheme that *did* encourage intermarriage involving Tibetans, but it was not "the Chinese" attempting to absorb Tibetans. Instead, the ethnic Tibetan majority government of neighboring Bhutan offered the Nepalese minority financial inducements to intermarry, while mandating that all minorities speak Tibetan and wear Tibetan dress.²⁸³

Émigré leaders also allude to forced abortions and "discriminatory birth control practices" affecting Tibetans.²⁸⁴ A former U.S. Special Coordinator for Tibetan Issues, Julia Taft, has noted however that Tibetans "receive preferential treatment along with 54 other minority ethnic groups in marriage and family planning policies."²⁸⁵ TIN has stated that "Chinese who work in the Tibet Autonomous Region face much stricter limits than Tibetans on family size."²⁸⁶

The TAR was the last PRC region to establish a birth-planning regime. Family planning was first advocated for Han cadres, workers and

²⁷⁹ Seth Faison, *Chinese Happily Break the "One Child" Rule*, N.Y. TIMES, Aug. 17, 1997, at 1.

²⁸⁰ Cecilia Milwertz, ACCEPTING POPULATION CONTROL: URBAN CHINESE WOMEN AND THE ONE-CHILD FAMILY POLICY (1997).

²⁸¹ Tibet Autonomous Region, *Tibet Provisional Procedures for Birth-Planning Management (For Trial Use)*, CHINESE SOC. & ANTHROPOLOGY, Summer 2000, at 82.

²⁸² See Erickson, *supra* note 122, at 235; Wong, *supra* note 174, at 173-75; Kristof, *supra* note 176, at A1.

²⁸³ See Christopher Thomas, *Buddhist Bhutan Fights to Stem Nepalese Cultural Tide*, TIMES (London), Apr. 2, 1994.

²⁸⁴ *Human Rights Group Claims Increased Repression in Tibet*, ASSOCIATED PRESS, Jan. 6, 2001.

²⁸⁵ U.S. Policy Considerations on the 40th Anniversary of the Tibetan Uprising and the Dalai Lama's Flight into Exile: Hearing Before the House Comm. on International Relations, 106th Cong. 6 (1999) (statement of Julia V. Taft, Special Coordinator for Tibetan Issues, U.S. Department of State).

²⁸⁶ Tibet Information Network, *supra* note 272, at 12.

staff in 1975 and enforced among them from 1980 as a one-child policy.²⁸⁷ It was first advocated among Tibetan cadres, workers and staff in 1983 and enforced from 1985 as a two-child policy.²⁸⁸ The 1985 regulations allowed urban residents other than cadres, workers and staff to have two children and a third child under certain circumstances.²⁸⁹ Under the 1983 directive, urban Tibetans were permitted two children, peasants and herdsmen three children, or four under certain circumstances. Tibetans living in border regions or sparsely settled areas or who were members of small minorities had no restrictions. Documents issued several years later specified however that there are no birth limits for rural Tibetans, but only "propaganda and education."²⁹⁰ The TAR issued procedures for birth-planning management in 1992 that carried on the 1986 regulations, but no longer entitled any Han urban residents to two children.²⁹¹ Article 10 continued the policy of not advocating rural birth quotas.

TAR Committee for Family Planning head Punbur Zhoima has stated that sterilization is available only for Tibetans with three or more children and abortion not at all.²⁹² Rural women are urged to have "no-more-than-three," but there is no mechanism to impose this ideal and a TAR official has stated that in rural areas "there are no specific restrictions – people can have 10 children if they want."²⁹³ Erickson confirmed that peasants and nomads she interviewed were unaware of any restraints on family size and related that "[t]he Tibetans I met never spoke of birth control as a Chinese plot to exterminate their race. Many of them, in fact, supported family planning."²⁹⁴

The number of high parity Tibetan women is decreasing, but still high. In 1989, 53% of all births among PRC Tibetans were to women who, as a result, had three or more children, compared to 14.2% for Han in China

²⁸⁷. See Tibet Autonomous Region Party Committee, *Circular on Grasping Birth Control*, CHINESE SOC. & ANTHROPOLOGY, Summer 2000, at 57; Tibet Autonomous Region People's Government, *Provisional Birth Planning Rules for Han-Chinese Cadres, Workers, and Staff Working in Tibet* (Tibet Government Document No. 39/1979), CHINESE SOC. & ANTHROPOLOGY, Summer 2000, at 58.

²⁸⁸. See GUANYU XIZANG ZIZHUQU DE RENKOU YU JIHUA SHENGYU GONGZUO [ON THE TIBET AUTONOMOUS REGION AND FAMILY PLANNING WORK] 3 (1998); Thomas Scharping, *Guest Editor's Introduction*, CHINESE SOC. & ANTHROPOLOGY, Spring 2000, at 5, 8; TIBET AUTONOMOUS REGION PARTY COMMITTEE, *Directive on Unfolding Birth Planning Throughout the Region*, CHINESE SOC. & ANTHROPOLOGY, Summer 2000, at 59.

²⁸⁹. See Tibet Autonomous Region Leading Group for Birth Planning, *Views on the Revision of Tibet Government No. 39/1979 (Tibet Birth-planning Document No. 1/1986)*, CHINESE SOC. & ANTHROPOLOGY, Summer 2000, at 64.

²⁹⁰. See *Id.*; Tibet Autonomous Region People's Government, *supra* note 288, at 59.

²⁹¹. See Tibet Autonomous Region, *Tibet Provisional Procedures for Birth-Planning Management* (Tibet Birth-planning Document No. 6/1992), CHINESE SOC. & ANTHROPOLOGY, Summer 2000, at 82 (Art. 11).

²⁹². *Tibetans Seek Family Planning*, CHINA DAILY, June 29, 1999, at 4.

²⁹³. Conor O'Clery, *A Week Inside Tibet*, IRISH TIMES, June 27, 1988, at 62.

²⁹⁴. See Erickson, *supra* note 122, at 195-96.

as whole.²⁹⁵ In 1998, the figure for Tibetans was 36.3%.²⁹⁶ TIN alleged in 2000 that official figures show that overall TAR net population growth dropped by over half from 1.82% per annum in 1990-1994, to only 0.73% in 1994-1998, less than the 1.02% per annum growth for the PRC as a whole. The official statistical yearbook states otherwise: it records a natural growth rate in 1994-1998 of 1.14%.²⁹⁷ The birth rate and family size in the TAR (23.20 and 5.25 in 1999) remain far above the national averages (15.23 and 3.63) and the average for all other regions in China.²⁹⁸

Less is known about family planning in Amdo. Qinghai's temporary provisions of 1982 applied only to Han, who were allowed one child in urban areas, but sometimes two in the countryside.²⁹⁹ Each autonomous prefecture was to work out its own measures and submit these to the provincial government.³⁰⁰ Evidently this occurred in some Tibetan prefectures because at a 1988 demonstration in Huangnan Tibetan Autonomous Prefecture by a few monks and hundreds of high school students, some protesters demanded an end to family planning practices.³⁰¹ In 1992, Qinghai promulgated family-planning regulations under which Tibetans in cities and agricultural areas are permitted two children or three in pastoral areas.³⁰²

Where one spouse is Han, the rule applicable to the minority side or local regulation applies.³⁰³ These are general Qinghai rules and autonomous prefectures are entitled to enact their own regulations with provincial-level approval. In Gansu's Tibetan prefecture and Tibetan county, urban Tibetans may have two children, but those in the "semi-agricultural, semi-pastoral areas" are allowed three.³⁰⁴

Regulations issued in 1978 in part of Kham – Ganze Prefecture, Sichuan – allowed urban Tibetans three children and rural Tibetans four.³⁰⁵ This changed in 1989. The Ganze Tibetan birth rate (20.65) was lower in 1990 than in the TAR (27.60), but household size (5.12) was still much

²⁹⁵ ZHONGGUO RENKOU TONGJI NIANJIAN [CHINA POPULATION STATISTICAL YEARBOOK] 199, 204 (1996).

²⁹⁶ *Official Says No Mandate for Sterilization in Tibet*, XINHUA (China), Feb. 29, 2000.

²⁹⁷ XIZANG TONGJI NIANJIAN 2000 [TIBET STATISTICAL YEARBOOK 2000], *supra* note 230, at 30.

²⁹⁸ *Id.* at 461, 473.

²⁹⁹ See Kristof, *supra* note 176.

³⁰⁰ Temporary Qinghai Provisions on Birth Control (Qinghai Radio broadcast, June 4, 1982, translated in BBC/SWB, June 10, 1982).

³⁰¹ Jane McCartney, [Untitled], UPI NEWS, Mar. 11, 1988.

³⁰² Jingxin Sun, ZHONGGUO ZANGZU RENKOU [CHINA'S TIBETAN POPULATION] 147 (1994).

³⁰³ Hongbi Deng, ZHONGGUO SHAOSHU MINZU RENKOU ZHENGCE YANJIU [A STUDY OF CHINA'S ETHNIC MINORITY POPULATION POLICIES] (1998).

³⁰⁴ See Sun, *supra* note 303, at 147.

³⁰⁵ *Id.* at 147-48.

higher than among Ganze Han (2.76).³⁰⁶ Thereafter, Ganze allowed the same number of children for Han and Tibetans as in the TAR, except that rural Han are allowed two in Ganze, but only one in the TAR, and rural Tibetans are limited to three in Ganze, but are without restriction in the TAR.³⁰⁷ Ganze's People's Congress submitted a bill to the Sichuan People's Congress in 1999 to change the prefecture's family planning regulations, presumably to reduce the number of children allowed,³⁰⁸ but it is not clear what reduction was contemplated or whether the bill was adopted. Elsewhere in Kham, in Yunnan's Deqing Tibetan Autonomous Prefecture, urban Tibetan couples or couples with one Tibetan spouse may have two children and rural Tibetans may have three.³⁰⁹

Whatever the regulations in the non-TAR Tibetan autonomous areas, Qinghai Tibetans appear to have increased from the 1950s to 1990s at a somewhat faster rate than TAR Tibetans, with rates in Sichuan, Gansu and Yunnan slower. See Table 8.³¹⁰ The accuracy of estimates from the 1950s remains problematic and many factors apart from family planning policies could account for the difference in rates.

Table 8: Ethnic Tibetan and PRC Percentage and Per Annum Percentage Population Increases from the 1950s to 1990s

Period	Population	% pop. increase	% p.a. pop increase
1953-1999	Yunnan Tibetans	80.4	1.75
1953-1990	Gansu Tibetans	79.2	2.14
1950-1990	Sichuan Tibetans	87.5	2.19
1952-1999	Qinghai Tibetans	134.0	2.85
1953-1999	TAR Tibetans	127.5	2.77
1952-1999	PRC all <i>ethnicities</i>	117.5	2.50

Differences in the rate of increase of Tibetans in the TAR and various provinces from 1982 to 1990 cover a period in which family planning programs of one sort or another were being set in place in Tibetan

³⁰⁶ Xianmin Cheng & Yi Yi, *Sichuan Zangzu Renkou Zhuangkuang Chuxi* [Initial Analysis of the Situation of Sichuan's Tibetan Population], in DANGDAI ZHONGGUO XIZANG RENKOU [CONTEMPORARY CHINA'S TIBET POPULATION] of the BUOWU YUAN RENKOU PUCHA BANGONGSHI [STATE COUNCIL POPULATION GENERAL RESEARCH OFFICE] 396-413 (1992).

³⁰⁷ See Tibet Information Network, DOCUMENTS ON BIRTH CONTROL 31 (1994).

³⁰⁸ *Tibetans in Southwest China Having Fewer Children*, XINHUA (China), June 23, 1999.

³⁰⁹ See Sun, *supra* note 303, at 148.

³¹⁰ See tables above; ZHONGGUO RENKOU TONGJI NIANJIAN [CHINA POPULATION STATISTICAL YEARBOOK], *supra* note 294, at 351.

areas. See Table 9.³¹¹

Table 9: Tibetan and All-China Population Increases from 1982 to 1990

Area	% population increase	% p.a. pop. increase
Yunnan	16.1	2.00
Gansu	20.4	2.55
Sichuan	18.0	2.25
Qinghai	21.5	2.69
TAR	17.3	2.17
All PRC Tibetans	19.4	2.42
PRC (<i>all ethnies</i>)	11.6	1.44

It is not clear what factors varied the rate among Tibetans or why the TAR rate was lower than in Amdo (Qinghai and Gansu). That the Amdo and Kham rates equalled or exceeded those in U-Tsang does however make it unlikely that Amdowas and Khampas were *in practice* subject to more stringent control than TAR Tibetans.

In sum, among the rural 85% of Tibetans, three-child families are in practice permitted in cultural Tibet, and families of unlimited size are allowed in the TAR, while in cities in Tibetan areas, Tibetan or mixed couples may have two children. Local policies and birth rates vary greatly, however. Interviews in 1998 in three TAR prefectures, as part of a joint project of Tibet University and the author, revealed that in Shannan, urban Tibetan cadres are allowed three children, while in Linzhi they are only permitted two. Fines for Tibetan violators in Linzhi are Y500 (Y300 if one parent was unemployed); fines for Han are Y3,000. A 1998 TAR document describes fines for Tibetans as “symbolic economic penalties”³¹² and few cannot afford the penalty, although a violation might also affect job promotion. In 1995, 96.3% of Linzhi Han households had one-child certificates, while only about 15.7% of Tibetans had one. Nagchu officials stated that in 1990 the prefecture’s overall rural and urban birth rates were 3.17 and 3.27; in 1995, the rates were 2.98 and 2.67 (the overall TAR rate was 2.49).³¹³ The still high Ngachu rates are again a function of low fines for Tibetans: Y500 for “double cadre” couples and Y300 for a couple where only one spouse is a cadre.

311. See tables above; XIZANG ZANGZU RENKOU [TIBET’S ETHNIC TIBETAN POPULATION] 27 (1997); ZHONGGUO MINZU TONGJI NIANJIAN 1998 [CHINA ETHNIC STATISTICAL YEARBOOK 1998] 369 (1998).

312. GUANYU XIZANG ZIZHUQU DE RENKOU YU JIHUA SHENGYU GONGZUO [ON THE TIBET AUTONOMOUS REGION AND FAMILY PLANNING WORK], *supra* note 289.

313. ZHONGGUO RENKOU TONGJI NIANJIAN [CHINA POPULATION STATISTICAL YEARBOOK], *supra* note 296.

Tibetans are among the fastest growing ethnic groups in China. Their 1994 birth rate was about the same as the PRC national average in 1973. The age dependency ratio of Tibetans – at 76 non-working people (i.e., aged 0-14 or 65-plus) to 100 working people in 1990 – was the highest of any ethnic group in the country. The result of this high population growth is not wholly positive, however: in the TAR it offset about two-thirds of the increase in grain production from 1952 to 1992.³¹⁴ A TAR family-planning document states that the average landholding per capita was 2.5 mu “in the early years after liberation,” but had been reduced to 1.5 mu per capita due to population growth.³¹⁵ The increase in the population of nomads and their herds also contributes to over-grazing.

VI. CONCLUSION: POPULATION, COLONIALISM & TIBET

The discourse on Tibet is often based on polemical hyperbole writ large. Some hyperbole is easily seen as such, e.g., the Dalai Lama's claim that “[e]ven the majority of the Chinese people [are] in favor of Tibet's independence.”³¹⁶ Both sides encase distortions in statistics however and Western media often reproduce those provided by émigré sources. The claim of demographic catastrophe should be considered in the context of this politically-driven penchant for distortion.

Supporters of the émigré cause claim, for example, that one in every 100 Tibetans is in prison.³¹⁷ The implication is that this very high incarceration rate is a function of state racial discrimination. The PRC puts the all-China incarceration rate at just under one per thousand,³¹⁸ while Western specialists say that it may actually be 1.66, higher than the world average of 1.05 per 1,000, but not hugely so.³¹⁹ The US is said to have the world's highest rate: in 2000 it had 7.12 inmates per 1,000,³²⁰ almost seven times the world average. The next contender, Russia, had 9.6 inmates per thousand until it began a large-scale amnesty program in 1999.³²¹ The US

³¹⁴. See Zhang, *supra* note 106, at 7, 53-60, 70.

³¹⁵. GUANYU XIZANG ZIZHUQU DE RENKOU YU JIHUA SHENGYU GONGZUO [ON THE TIBET AUTONOMOUS REGION AND FAMILY PLANNING WORK], *supra* note 289.

³¹⁶. *China Cannot But Address Tibet Issue, Says Dalai Lama*, HINDU, Jan. 26, 2001.

³¹⁷. Jude Barlow, *Strangers in Their Land*, CHRISTCHURCH PRESS (New Zealand), Sept. 17, 1999, at 11.

³¹⁸. *State Council White Paper on Human Rights*, *supra* note 85.

³¹⁹. James Seymour, *Inflating Prisoner Statistics Counter-productive*, S. CHINA MORNING POST, Mar. 30, 1998, at 18.

³²⁰. *Nation's Prison Population Climbs to over 2 Million*, WASH. POST, Aug. 10, 2000, at A04; *U.S. System Is Not a Perfect Model for Canada*, GAZETTE (Montreal), Apr. 24, 2000, at B2.

³²¹. John Dillin, *The Incredible Shrinking Russia*, CHRISTIAN SCI. MONITOR, Feb. 22, 2001, at 15; Yuri Senatorov, *94,000 Convicts to Be Set Free*, KOMMERSANT DAILY, Jan. 29, 1999, at 3.

rate was nevertheless lower than the incredible rate of 10 per 1,000 claimed for Tibetans by the émigrés and their supporters.

The incarceration rate for TAR Tibetans, according to the PRC, is about 0.7 per 1,000,³²² seven-tenths of the official all-China rate. In the US, black males are incarcerated at eight times the rate for white males,³²³ i.e., 80 times the TAR Tibetan rate. Qinghai has 1,200-1,500 Tibetan prisoners under any form of detention, with most in local jails³²⁴ and over 1 million Tibetans. Qinghai Tibetans are thus incarcerated at 0.12-0.15 per 1,000 or one-seventh to one-eighth of the all-China rate and one four-hundredth the rate for black Americans. Tibetans are mainly rural people, while African-Americans are mainly urban, so a significant difference in incarceration rates is expected. The gap between the rates is so enormous, however, that it indicates that racial discrimination is much more likely to be a factor in the latter than in the former case.

Some émigré claims reach fantastic proportions. A Japanese magazine, responding to Chinese criticisms of the Japanese government for not being forthright about World War II atrocities, published an article by Tibetan émigré researcher Pema Gyalpo in which he claimed that there are 2 million political prisoners in Qinghai.³²⁵ "Tibet activists" have asserted that there are more than 100,000 Tibetan political prisoners.³²⁶ Human rights groups quote much lower numbers. Asia Watch has stated that there were 1,710 people of all PRC ethnic groups known to be imprisoned due to political, ethnic, or religious activities.³²⁷ Amnesty International pegged the number at 2,000,³²⁸ as have more recent Western estimates.³²⁹ Others claim that the number may be as high as 10,000.³³⁰ Tibetans are a disproportionate percentage of PRC political prisoners, but this is a function of the existence of the émigré-supported separatist movement and does not betoken any special repression against Tibetans per se.

In contrast to the fate of many colonized peoples, Tibetans have not diminished in number during the first half-century of Communist rule, but

³²² *What Is Going on in Tibet's Prison*, XINHUA (China), Apr. 17, 2000.

³²³ *A Land of Bondage*, ECONOMIST, Feb. 13, 1999, at 33.

³²⁴ James Seymour & Richard Anderson, *NEW GHOST, OLD GHOSTS: PRISONS AND LABOR REFORM CAMPS IN CHINA* 168 (1998).

³²⁵ See Hoffman, *supra* note 56, at 9.

³²⁶ See Avedon, *supra* note 66.

³²⁷ Asia Watch, *DETAINED IN CHINA AND TIBET: A DIRECTORY OF POLITICAL AND RELIGIOUS PRISONERS* (1994).

³²⁸ Amnesty International, *CHINA: NO ONE IS SAFE – POLITICAL REPRESSION AND THE ABUSE OF POWER IN THE 1990s* (1996).

³²⁹ *Please Shout Quietly*, GUARDIAN (London), Oct. 19, 1999, at 19.

³³⁰ *China's Communist Regime Crushes Dissent with Iron Fist 50 Years on*, AGENCE FRANCE PRESS ENGLISH WIRE, Sept. 26, 1999.

have proliferated, as shown in Table 10.³³¹

Table 10: Number of Tibetans in the PRC by Census Date

1953	1964	1982	1990
2,753,081	2,501,174	3,847,875	4,593,072

It is inaccurate then to claim, as does Chalmers Johnson,³³² that demographic catastrophe comparable to what befell indigenous Americans with the arrival of the Europeans has affected Tibetans. The latter increased by about 150%, from some 1 million in 1268 to about 2.5 million in 1950, a period of almost seven centuries; they have likely more than doubled to over 5 million since then. Despite the large and growing economic and social gap between Tibetans and Han, the proliferation of the Tibetan *ethnie* evidences a key distinction from one of the main contours of colonialism.

³³¹. ZHONGGUO MINZU TONGJI NIANJIAN 2000 [CHINA ETHNIC STATISTICAL YEARBOOK 2000] 431 (2000).

³³². Chalmers Johnson, BLOWBACK: THE COSTS AND CONSEQUENCES OF AMERICAN EMPIRE 166 (2000).

