

Samsāra to Nirvāna: What Would It Mean to Actually Free Tibet?

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TABLE OF CONTENTS

I.	INTRODUCTION	335
II.	TIBET'S PAST & PRESENT	336
III.	ANALYSIS UNDER CURRENT INTERNATIONAL LAW	344
IV.	HOW WOULD JUSTICE ACTUALLY BE ADMINISTERED FOR TIBET WITHIN THE SCOPE OF CURRENT INTERNATIONAL LAW?	349
V.	WHAT COULD BE DONE FOR TIBET OUTSIDE THE SCOPE OF CURRENT INTERNATIONAL LAW?	352

I. INTRODUCTION

For Mahāyāna Buddhists, *samsāra* literally means “wandering-on,”¹ but in theory, it refers to the cyclical nature of birth and re-birth characterized² by suffering that a Buddhist must break out of in order to achieve nirvāna, a state free of suffering.³ Since the occupation and incorporation of Tibet into the People’s Republic of China (“China”) in the late 1940s

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1. THANISSARO BHIKKHU, *SAMSARA, THE KARMA OF QUESTIONS: ESSAYS ON THE BUDDHIST PATH* (2002), available at <http://www.accesstoinsight.org/lib/authors/thanissaro/samsara.html>.

2. *Id.*

3. *Samsara in Buddhism*, BUDDHIST.ORG, <http://buddhists.org/buddhist-symbols/samsara-in-buddhism/>; MARY PAT FISHER, *LIVING RELIGIONS* 138–42 (6th ed. 2005).

and early 1950s, the Tibetan people have experienced a far more intense form of metaphorical *samsāra* at the hands of the Chinese administration.

The term “genocide,” coined by Raphael Lemkin in the wake of the Holocaust, combines the ancient Greek word “genos” meaning race or tribe, and “cide,” derived from the Latin infinitive “to kill.”⁴ He defined it as the execution of a plan with the objective of disintegrating political and social institutions, *culture*, language, national feelings, religion, and the destruction of personal security, liberty, health, dignity and even the lives of the individuals belonging to the target group.⁵ The term genocide was intended to describe what Nazi Germany had done to the Jewish people; however, scholars have since used the term to describe an array of different atrocities intended to destroy a people or a culture.

Since the incorporation of Tibet, many have been claimed that China has been systematically attempting to destroy Tibetan culture, and the Dalai Lama stated in no uncertain terms that Tibet is the victim of *cultural* genocide.⁶ The oppression of the Tibetan people by China has led to protests, violence, and even self-immolation.⁷ The Chinese oppression of the Tibetan people entreats the questions: does the law offer Tibet a remedy for the destruction of its culture? Can justice be brought to the Tibetan people through the channels of current international law? How can the cycle be stopped?

II. TIBET’S PAST & PRESENT

In Tibetan Buddhism, a “lama” is a Tibetan teacher of the Dharma.⁸ For Buddhists, the Dharma generally refers to the teachings of the Buddha.⁹ The Dalai Lama is traditionally believed to be the latest reincarnation of a series of spiritual leaders who opted to postpone their search for nirvāna and be reborn to serve humanity through their teachings.¹⁰ The phrase “Dalai Lama” was first used by the Mongol Altan Khan to describe Sonam Gyatso, the 3rd Dalai Lama, as an “ocean of wisdom” (“Dalai Lama”).

4. RAPHAEL LEMKIN, *AXIS RULE IN OCCUPIED EUROPE: LAWS OF OCCUPATION—ANALYSIS OF GOVERNMENT—PROPOSALS FOR REDRESS* 79 (1944).

5. *Id.*

6. David Eimer, *Dalai Lama Condemns China’s ‘Cultural Genocide’ of Tibet*, THE TELEGRAPH (Mar. 16, 2008, 11:05 AM), <http://www.telegraph.co.uk/news/worldnews/1581875/Dalai-Lama-condemns-Chinas-cultural-genocide-of-Tibet.html>.

7. See Emily Lodish, *Tibet: What Does a Trend of Self-Immolations Tell Us?*, GLOBAL POST (Oct. 7, 2011, 11:33 AM), <http://www.globalpost.com/dispatches/global-post-blogs/the-rice-bowl/tibet-what-does-trend-self-immolations-tell-us>.

8. FISHER, *supra* note 3, 155.

9. *Id.*

10. *Brief Biography*, HIS HOLINESS THE 14TH DALAI LAMA OF TIBET, <http://www.dalailama.com/biography/a-brief-biography> (last visited Apr. 3, 2014).

The first Dalai Lama, Gedun Drupa was born in 1391;¹¹ there have been fourteen Dalai Lamas in total. The current Dalai Lama retired from his position as the head of state, but is still the tense relationship between Tibet and China.

Tibet's rich culture of philosophy, art, literature, and music was and continues to be strongly influenced by its adoption of Buddhism as the official state religion by King Trisong Detsen in the 8th century.¹² The cuisine is quite distinct from that of its surrounding areas, due to the high altitude, at which not even rice will grow. Thus, the staples of the Tibetan diet are barley, yak meat, butter, yogurt, milk, cheese,¹³ and butter tea. Butter tea is a rich beverage made from tea leaves, yak butter, and salt that the Tibetan people claim purportedly helps keep lips from getting chapped in the extreme weather and provides necessary caloric content.¹⁴

Tibet also features its own common language as distinct from Chinese.¹⁵ It also has a unique common system of law, which is based on Buddhism and administered in Tibetan courts by Tibetan officials.¹⁶ The Tibetan people share a common sense of history and a common race, both of which are also distinct from the Chinese.¹⁷ Tibet is unique because its existence as a nation is dedicated entirely to Buddhism, opting to neglect material development in favor of spiritual development.¹⁸ The largest budget item for Tibet has been the support of monasteries and the study and practice of monks and nuns.¹⁹

Scholars like Robert Thurman, the President of the American Institute of Buddhist Studies at Columbia University, argue that Tibet developed a unique personality of "inner modernity" focused on bettering the self,

11. *The Dalai Lamas*, HIS HOLINESS THE 14TH DALAI LAMA OF TIBET, <http://www.dalailama.com/biography/the-dalai-lamas> (last visited Apr. 3, 2014).

12. C.I. BECKWITH, THE REVOLT OF 755 IN TIBET, in *THE HISTORY OF TIBET*, VOL. 1, 273–85 (Alex McKay ed., 2003). See also *Society, Culture and Religion*, FREETIBET.ORG, <http://www.freetibet.org/about/society-culture-and-religion> (last visited Apr. 3, 2014).

13. Food & Drink in Tibet, TRAVELCHINAGUIDE.COM, <http://www.travelchinaguide.com/essential/tibet/food-drink.htm> (last visited Apr. 3, 2014).

14. Judith Krall-Russo, *Tibetan Tea and Tsampa*, http://www.teafoodhistory.com/tibetan_tea.html (last visited Apr. 3, 2014).

15. Robert Thurman, *An Outline of Tibetan Culture*, 12 CULTURAL SURVIVAL Q. (Spring 1988), available at <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/china/outline-tibetan-culture>.

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.*

as opposed to the “outer modernity” of Western society focused on bettering surroundings. According to Thurman, “outer modernity” is the only view of modernity in the Western world,²⁰ and the “inner modernity” of Tibetan culture is a necessary balance to the “extreme materialism” seen in Western culture.²¹

Tibet’s status as an independent nation has been a hotly debated issue for decades. The Chinese argue that Tibet has always been and will continue to be part of China.²² Tibet maintains that it was an independent nation during the Qing Dynasty, from 1644–1922, and had *de facto* independence from either 1911–1949 or 1913–1951.²³ The truth itself is perhaps difficult to discern, but the basic facts from 1912 to the present are as follows:²⁴

1912	April - Chinese garrison surrenders to Tibetan authorities after the Chinese Republic is declared. Independence is declared. The 13th Dalai Lama returns from India and Chinese troops leave.
1913	Tibet reasserts their independence after decades of attempts by Britain and China to establish control.
1935	The 14th Dalai Lama is born.
1937	The Dalai Lama is declared to be the reincarnation of the 13 previous Dalai Lamas.
1949	Mao Zedong founds the People’s Republic of China, and threatens to “liberate” Tibet.
1950	The Dalai Lama becomes the Tibetan head of state at 15. China begins to enforce their claim to Tibet.

20. *Id.*

21. *Id.*

22. Barry Sautman, *Tibet’s Putative Statehood and International Law*, CHINESE J. OF INT’L L. 127, 130 (2010), available at chinesejil.oxfordjournals.org/content/9/1/127.full.pdf.

23. *Id.* at 127–29.

24. *Tibet Profile*, BBC NEWS (Aug. 13, 2013, 7:39 AM), <http://www.bbc.co.uk/news/world-asia-pacific-17046222>.

1951	Tibetan leaders sign the Seventeen Point Agreement dictated by China. The agreement guarantees Tibetan autonomy and respect to the Buddhist religion and allows the establishment of Chinese administrative and military headquarters in Lhasa.
Mid-1950s	Building resentment against Chinese rule leads to outbreaks of armed resistance and violent protests.
1954	The Dalai Lama visits Beijing to meet with Mao. China fails to honor the Seventeen Point Agreement.
1959	Full uprising break out in Lhasa. It is claimed that thousands died in the suppression of the revolt. The Dalai Lama flees to India followed by approximately 80,000 Tibetans. A government in exile is set up in Dharamsala.
1963	Foreign visitors are banned from Tibet.
1965	China establishes the Tibet Autonomous Region.
1966	Cultural Revolution reaches Tibet. A large number of monasteries and cultural artifacts are destroyed.
1971	Foreign visitors are allowed again.
Late 1970s	The end of the Cultural Revolution eases some of the repression. However, there is still a large scale relocation of Han Chinese into Tibet.
1987	The Dalai Lama calls for Tibet to be established as a zone of peace and continues to attempt dialogue with China in hopes of achieving actual autonomy for Tibet within China.
1988	China imposes martial law after riots break out.
1993	Talks between China and the Dalai Lama break down.

1995	The Dalai Lama names a six year old boy as the true reincarnation of the Panchen Lama, the second most important lama in Tibetan Buddhism. Chinese authorities place the boy under house arrest and select their own six year old as an officially sanctioned Panchen Lama.
2002	Talks between China and the Dalai Lama resume.
2006	A new railway opens linking Lhasa to the Chinese city Goldmud. China claims it is a feat of engineering. Critics claim it will only accelerate the relocation of more Han Chinese into Tibet.
2007	Tourism in Tibet hits a record high according to the Chinese state media.
2008	Five months prior to the Olympic Games in Beijing, anti-China protests escalate to the worst violence seen in Tibet in the last 20 years. Pro-Tibetan activists attempt to force world attention on Tibet through the disruption of the Olympic torch relay. The Dalai Lama stated he lost hope in negotiations with China. Meanwhile, the British government recognized China's rule over Tibet for the first time and undermined the Dalai Lama's attempted negotiations with Beijing. China claims negotiations failed because of the Tibetan exiles' failure to support them. However, a meeting of the exiles reaffirms support for autonomy rather than independence. China then suspends ties with France after President Sarkozy met with the Dalai Lama.
2009	Tibet is placed under <i>de facto</i> martial law in hopes of preventing a repeat of the 2008 uprising. ²⁵ The precaution fails and over one thousand Tibetans peacefully protest anyway. The 2009 protest marks 50 years of peaceful resistance to Chinese rule. ²⁶

25. *Tibet's History*, FREE TIBET, <http://www.freetibet.org/about/key-dates> (last visited Apr. 3, 2014). See also Edward Wong, *50 Years After Revolt, Clampdown on Tibetans*, N.Y. TIMES (Mar. 5, 2009), http://www.nytimes.com/2009/03/05/world/asia/05tibet.html?pagewanted=all&_r=0; Clifford Coonan & Andrew Buncombe, *Tibet in Grip of Chinese 'Martial Law' 50 Years After Rising*, THE GUARDIAN (Mar. 10, 1009), <http://www.independent.co.uk/news/world/asia/tibet-in-grip-of-chinese-martial-law-50-years-after-rising-1641028.html>.

26. *Id.*

Thus, from 1912 until the 1949 founding of the People's Republic of China and the subsequent occupation of Tibet, the Chinese government did not exercise control over, what China now refers to as, the Tibet Autonomous Region.²⁷ The Dalai Lama alone governed Tibet until 1951 when the delegates of the 14th Dalai Lama and recently established People's Republic of China signed the Seventeen-Point Plan for the Peaceful Liberation of Tibet ("The Agreement").²⁸ The Agreement stipulated, *inter alia*, the following:

1. The Tibetan people shall be united and drive out the imperialist aggressive forces from Tibet; that the Tibetan people shall return to the big family of the motherland—the People's Republic of China.
...
3. In accordance with the policy towards nationalities laid down in the Common Programme of the Chinese People's Political Consultative Conference, the Tibetan people have the right of exercising national regional autonomy under the unified leadership of the Central People's Government.
4. The Central Authorities will not alter the existing political system in Tibet. The Central Authorities also will not alter the established status, functions and powers of the Dalai Lama. Officials of various ranks shall hold office as usual.
...
7. The policy of freedom of religious belief laid down in the Common Programme of the Chinese People's Political Consultative Conference will be protected. The Central Authorities will not affect any change in the income of the monasteries.
...
9. The spoken and written language and school education of the Tibetan nationality will be developed step by step in accordance with the actual conditions in Tibet.

27. Sautman, *supra* note 22 at 129; *see also*, Elliot Sperling, *Don't Know Much About Tibetan History*, N.Y. TIMES (Apr. 13, 2008), <http://www.nytimes.com/2008/04/13/opinion/13sperling.html>.

28. Sperling, *supra* note 27; *see also* JOHN POWERS, HISTORY AS PROPAGANDA, TIBETAN EXILES VERSUS THE PEOPLE'S REPUBLIC OF CHINA 116–17 (2004).

10. Tibetan agriculture, livestock, industry and commerce will be developed step by step, and the people's livelihood shall be improved step by step in accordance with the actual conditions in Tibet.
11. In matters related to various reforms in Tibet, there will be no compulsion on the part of the Central Authorities. The Local Government of Tibet should carry out reforms of its own accord, and when the people raise demands for reform, they must be settled through consultation with the leading personnel of Tibet.
- ...
13. The People's Liberation Army entering Tibet will abide by the above-mentioned policies and will also be fair in all buying and selling and will not arbitrarily take even a needle or a thread from the people.
14. The Central People's Government will handle all external affairs of the area of Tibet; and there will be peaceful co-existence with neighboring countries and the establishment and development of fair commercial and trading relations with them on the basis of equality, mutual benefit and mutual respect for territory and sovereignty.²⁹

The Dalai Lama claims the Agreement was signed under duress;³⁰ however, for purposes of international law, the threat of military force if an agreement is not concluded does not itself invalidate an agreement.³¹ Ironically, the Chinese, by having Tibetan leaders sign the Agreement, managed to verify Tibetan authority in the same moment that they stripped it away.

The next logical question is whether or not China actually honored the Agreement. A visit to Tibet by John Graham in 2011 revealed weighty evidence it was not.³² Graham poignantly stated, "China is obliterating

29. Seventeen-Point Plan for the Peaceful Liberation of Tibet, China-Tibet (May 23, 1951), <http://www.tibetjustice.org/materials/china/china3.html> [hereinafter *The Agreement*].

30. See THE DALAI LAMA, *MY LAND AND MY PEOPLE* 95 (1962) (mentioning that Lukhangwa spoke out to say that "[i]t was absurd to refer to the terms of the Seventeen-Point Agreement. Our people did not accept the agreement and the Chinese themselves had repeatedly broken the terms of it. Their army was still in occupation of eastern Tibet; the area had not been returned to the government of Tibet, as it should have been"); see also POWERS, *supra* note 28, at 115.

31. MELVYN C. GOLDSTEIN, *A HISTORY OF MODERN TIBET, VOLUME 2: THE CALM BEFORE THE STORM: 1951–1959* 107 (2007).

32. See John Graham, *Goodbye Tibet?*, THE HUFFINGTON POST (Nov. 14, 2011, 6:12 PM), http://www.huffingtonpost.com/john-graham/goodbye-tibet_b_1093665.html.

the ideas, traditions and habits of the Tibetan people.”³³ Graham notes the construction of a modern airport and a superhighway into Lhasa.³⁴ He witnessed small units of Chinese soldiers in riot gear stationed every hundred yards and foot patrols as “high-stepping reminders to the Tibetans of the iron fist that rules their lives.”³⁵ Tibetans can be jailed for downloading a photograph of the Dalai Lama.³⁶ Chinese is taught as the “mother tongue” in schools, and traditional Tibetan houses are bulldozed as their residents are moved into high rise apartments as quickly as possible.³⁷ Chinese law mandates that the Chinese flag must fly from the roof of all dwellings; however, two-thirds of the households in Tibet risk the heavy fine for their refusal to comply.³⁸ Additionally, the Chinese restrict where the Tibetans can travel and where they can live.³⁹ According to Graham, the Chinese intend “to lead Tibetans, especially young Tibetans, to forget who they are.”⁴⁰

Graham noticed that the Chinese have withdrawn control from the monasteries stating that most of them have been rebuilt, some with Chinese help, and that no Chinese soldiers or police are stationed near the holy places, which were crowded with locals who seemed to be freely exercising their faith.⁴¹ Graham suggested that Beijing “may have finally realized that Tibetan Buddhism is the only element in the country stronger than the Chinese presence;” however, he suspiciously noted that typing “Dalai Lama” into an email correlated with the sudden disappearance of his internet connection.⁴² To maintain secrecy Graham kept his notes handwritten in a personal code on food wrappers, mixed in with his dirty socks.⁴³ Graham is not the first person to make these observations about China’s control over Tibet, but simply one of the most recent of many witnesses to the tight Communist control over the region.⁴⁴

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.*

44. See Maureen Fan, *China Tightening Control Over Tibet*, WASH. POST. (Aug. 5, 2006), <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/04/AR200608>

Thus, according to at least one eyewitness, China has not honored the Agreement. It would appear, at least for now, that China has upheld Point 7 of the Agreement, allowing for the free exercise of religion. But Tibet is far from true autonomy. It is a criminal act to possess a photograph of the Dalai Lama⁴⁵ despite the language in the Agreement mandating autonomy and religious freedom. Chinese language policies in Tibetan schools threaten the livelihood of the Tibetan language and internal reforms to address these issues are impossible because of the exile of the Tibetan government. The persecution of Tibetan Buddhists, ongoing since 1949, ebbs and flows with the perceived threat to the Chinese authorities.⁴⁶

The Chinese Communist Party recognizes Buddhism, Islam, Daoism, Catholicism, and Protestantism as legal religions.⁴⁷ Other religions are illegal and considered “evil cults,” a term left ambiguous to permit Chinese officials to arrest religious practitioners perceived as threats.⁴⁸ Further, the five legal religions in China are controlled by the Religious Affairs Bureau, promulgated by the Chinese Communist Party (“CCP”).⁴⁹ Any religious institutions found to be in opposition to the CCP risk being declared illegal.⁵⁰

Consequently, while it may seem Tibetans currently enjoy *de facto* and *de jure* freedom of religion, at any given moment that freedom could change at the hands of the CCP regime. Thus, Point 7 of the Agreement is arguably in a state of constant flux.

III. ANALYSIS UNDER CURRENT INTERNATIONAL LAW

While Lemkin provided a broad definition of genocide, the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide narrowed its scope substantially.⁵¹ Article 2 of the Convention defines genocide as:

0401471.html; Julie Gilgoff, *China's Control Over Tibet*, THE EXAMINER.COM (Nov. 25, 2009), <http://www.examiner.com/article/china-s-control-over-tibet>

45. *China Detains, Expels Visiting Tibetan for Carrying the Dalai Lama's Photos*, PHAYUL.COM (Aug. 1, 2013, 10:26 AM), <http://www.phayul.com/news/article.aspx?id=33811>.

46. Anonymous, *Religious Persecution in China*, LAOGAI RESEARCH FOUNDATION (Oct. 14, 2011, 3:24 PM), <http://www.laogai.org/news/religious-persecution-china>.

47. *Id.*

48. *See id.*

49. *Id.*

50. *Id.*

51. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosn. and Herz. v. Serb. and Montenegro*), Judgment, 2007, I.C.J. 43 (Feb. 26) (holding that the 1948 UN Convention represents the current international law on this issue).

. . . [A]ny of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.⁵²

Article 3 of the Convention enumerates the acts punishable by the Convention, including genocide itself, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, and complicity in genocide.⁵³ With that in mind, the ultimate question is whether or not there is sufficient evidence that China has intentionally destroyed, in whole or in part, the Tibetan people through the enumerated actions in Section 2.

The International Commission of Jurists (“ICJ”)⁵⁴ report on Tibet and China found that China had indeed committed acts of genocide against the Tibetan people as a religious group.⁵⁵ The ICJ did not find sufficient proof of the destruction of Tibetans as a race, nation, or ethnic group to be regarded as genocide under international law.⁵⁶ The ICJ made four principal findings of fact in support of the genocide allegations:

- 1) that the Chinese will not permit adherence to and practice of Buddhism in Tibet;
- 2) that they have systematically set out to eradicate this religious belief in Tibet;
- 3) that in pursuit of this design they have killed religious figures because their religious belief and practice was an encouragement and example to others; and
- 4) that they have forcibly transferred large numbers of Tibetan children to a Chinese materialist environment in order to prevent them from having a religious upbringing.⁵⁷

52. Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 1951 U.N.T.S. 278, available at <http://www.hrweb.org/legal/genocide.html>.

53. *Id.*

54. Not to be confused with the International Court of Justice.

55. International Commission of Jurists, *Report on Tibet and Chinese People's Republic (Excerpt)*, (1960), TIBET JUSTICE CENTER (last visited Mar. 13, 2014), <http://www.tibetjustice.org/materials/govngo/govngo2.html>.

56. *Id.*

57. *Id.*

In addition to findings of religious genocide, the ICJ also found Chinese authorities had committed numerous human rights violations.⁵⁸ The allegations included, *inter alia*: the right to life, liberty, and security of person was violated; torture and cruel, inhuman, and degrading treatment were inflicted on the Tibetans on a large scale; rights of privacy and of home and family life were violated by the forcible transfer of family members; freedom of movement within, to, and from Tibet was denied by large-scale deportations; the voluntary nature of marriage was denied by forcing monks and lamas to marry; private property was arbitrarily denied; freedom of thought, conscience, and religion were denied; the right to democratic government was denied; economic and cultural rights indispensable for the dignity and free development of the personality of man were denied; the right to liberal education was denied; and Tibetans were not allowed to participate in the cultural life of their own community, a culture which the Chinese have set out to destroy.⁵⁹

Further, the ICJ found the Chinese allegations that the Tibetans enjoyed no human rights before the occupation of the Chinese were based on distorted and exaggerated accounts of life in Tibet, and that accusations against Tibetan rebels were deliberately fabricated and unworthy of belief.⁶⁰ The ICJ also found that Tibet was, at the least, a *de facto* independent State when the Agreement was signed, and that the repudiation of the Agreement by the Tibetan government in March 1959 was fully justified.⁶¹

However, the ICJ lacks jurisdiction to actually hear these alleged violations.⁶² While the ICJ is an esteemed non-governmental organization renowned for its advocacy and the recipient of awards such as the United Nations Prize in the Field of Human Rights,⁶³ and the European Human Rights Prize for its “exceptional contribution to the cause of human rights in accordance with the principles of individual freedom, political liberty and the rule of law,”⁶⁴ the ICJ mainly provides the United Nations Human Rights Council with information relating to human rights violations, conducts rule of law examinations in countries like Tibet, and

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.*

62. See *Part Three: From the 1990's into the 21st Century*, INTERNATIONAL COMMISSION OF JURISTS, <http://www.icj.org/history/part-three-from-the-1990s-into-the-21st-century/> (Explaining the current activities of the ICJ). (last visited Apr. 3, 2014).

63. *The United Nations Prize in the Field of Human Rights*, United Nations Office of the High Comm'r for Human Rights, <http://www.ohchr.org/EN/NewsEvents/Pages/HRPrizeListofpreviousrecipients.aspx> (last visited Apr. 26, 2014).

64. See *About the International Commission of Jurists, Awards*, INTERNATIONAL COMMISSION OF JURISTS, <http://www.icj.org/about/awards/european-human-rights-prize/> (last visited Apr. 27, 2014).

assists in establishing other human rights non-governmental organizations.⁶⁵ So while the ICJ findings were persuasive to the violations in Tibet, the ICJ could only go as far as to recommend action the United Nations Human Rights Council could take, and no further.

The United Nations General Assembly urged respect for the rights of Tibetans in three separate resolutions in 1959, 1961, and 1965.⁶⁶ China joined the United Nations in 1971 and the issue of Tibet was not raised by another State member until March 1989, when Canada and the Netherlands both expressed concern about China's grip on Tibet.⁶⁷

In 1991, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted Resolution 1991/10, which expressed concern at "continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people," and called on the Chinese government "to fully respect the fundamental rights and freedoms of the Tibetan people."⁶⁸ The resolution passed 9–7, with four abstentions.⁶⁹

The following year, China managed to avoid censure by one vote on its human rights record at the annual Human Rights Commission of the United Nations meeting in Geneva.⁷⁰ The resolution included specific references to the abuses in Tibet and marked the first time the resolution had actually been debated.⁷¹

During the various General Assembly debates, United Nations members passionately denounced China's aggression against Tibet and stated China

65. See *United Nations Programme*, INTERNATIONAL COMMISSION OF JURISTS, <http://www.icj.org/themes/united-nations-programme> (last visited Apr. 22, 2012). See also *Part Three: From the 1990's into the 21st Century*, INTERNATIONAL COMMISSION OF JURISTS, <http://www.icj.org/history/part-three-from-the-1990s-into-the-21st-century/> (Explaining the current activities of the ICJ). (last visited Apr. 3, 2014).

66. *Background*, ACT FOR TIBET, <http://www.actfortibet.com/home-page/background/> (last visited Apr. 3, 2014).

67. *Id.*

68. United Nations, Econ. & Soc. Council, Comm. on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its Forty-Third Session, Resolution 1991/10 Situation in Tibet, U.N. Doc. E/CN.4/Sub.2/1991/L.19 (Otc. 24, 1991), at 37.

69. *Id.*

70. *Id.*

71. *Id.*

violated Tibet's independence.⁷² However, all three resolutions avoided the issue of Tibet's status under international law and focused on the human rights violations instead.⁷³ To date, critics consider the United Nations' avoidance of the question of Tibet one of the United Nations' "most notable and longstanding acts of omission."⁷⁴ A discussion of the practical powers of the United Nations General Assembly and their limitations reaches far beyond the scope of this paper;⁷⁵ however, it should be noted that in the event of a resolution confirming Tibet's status under international law, China's veto power as a permanent member of the Security Council could singlehandedly cripple any United Nation's sanctioned response aside from censure.⁷⁶

China rebutted the allegations with the idea that "too much freedom is dangerous."⁷⁷ The Chinese logic is that an excess of individual freedom results in religious and racial segregation, family breakdown, industrial action, vandalism, and political extremism as seen in Western societies.⁷⁸ Thus, China argued these occurrences in the Western world are all violations of human rights as well, and should be accounted for when assessing human rights records.⁷⁹ In essence, China's rebuttal consists of "*tu quoque*," Latin for "you also," or colloquially, "the pot calling the kettle black." Additionally, China argued that human rights can be manifested differently and the idea of a "one size fits all" definition of human rights is simply not workable.⁸⁰

Perhaps China has a point. Heather Horn noted in *The Atlantic*, "Maybe China's expansion into Tibet has some similarities to the U.S. westward expansion into Native Americans' territory. It's tricky to balance out competing perspectives. But the parallels are tough to miss."⁸¹

72. *UN General Assembly Resolutions*, INTERNATIONAL CAMPAIGN FOR TIBET, <http://www.savetibet.org/policy-center/un-general-assembly-resolutions> (last visited Apr. 22, 2012).

73. *Id.*

74. *Id.*

75. See generally Claudia Rosett, *Does the U.N. Really Matter?*, FORBES (Mar. 19, 2009), <http://www.forbes.com/2009/03/18/united-nations-descoto-iran-opinions-columnists-obama.html> (discussing the current relevance of the UN).

76. *How the UN Security Council Works*, BBC NEWS, (Oct. 3, 2002), http://news.bbc.co.uk/2/hi/europe/country_profiles/2293441.stm.

77. Takashi Inoguchi and Edward Newman, *Introduction: "Asian Values" and Democracy in Asia*, First Shizuoka Asia-Pacific Forum: The Future of the Asia-Pacific Region (Mar. 28, 1997), available at <http://archive.unu.edu/unupress/asian-values.html>.

78. *Id.*

79. *Id.*

80. *Human Rights can be Manifested Differently*, CHINA VIEW (Dec. 12, 2005, 9:15 AM), http://news.xinhuanet.com/english/2005-12/12/content_3908887.htm.

81. Heather Horn, *Imperial Britain to Communist China: Why Do Rising Powers Misbehave?*, THE ATLANTIC (Apr. 23, 2012, 7:26 AM), <http://www.theatlantic.com/>

Consequently, the situation between China and Tibet seems locked in stalemate. China argues it has done no wrong and hotly disputes allegations about its actions in Tibet. ICJ reports submitted to the United Nations have found religious genocide had occurred in four different ways against the Tibetan people,⁸² and called for resolutions demanding change in Tibet, however, the reports focused solely on human rights and skirted the issue of Tibetan statehood.⁸³ It appears no State desires to directly engage the world's newest superpower in order to actually enforce any of the United Nations resolutions.⁸⁴ Despite support from international law, Tibet remains stuck in *samsāra* as long as the world remains hesitant to step in and compel China to actually conform to their promises. Indeed, one critic of the United Nations cautioned that, because five superpowers, including Russia and China, have the power to veto Security Council resolutions, it is naïve to consider the United Nations as a world organization, since it is too political and “undemocratic.”⁸⁵

IV. HOW WOULD JUSTICE ACTUALLY BE ADMINISTERED FOR TIBET WITHIN THE SCOPE OF CURRENT INTERNATIONAL LAW?

Graham claims, “China will never willingly cede political control to the restive Tibetans. Nor are they likely to change a basic strategy of assimilating Tibet into 21st century China, until Tibetan culture is nothing more than a colorful artifact.”⁸⁶ Graham is likely correct. China has not shown any plans to relinquish control of Tibet and other nations

international/archive/2012/04/imperial-britain-to-communist-china-why-do-rising-powers-misbehave/256105/.

82. INTERNATIONAL COMMISSION OF JURISTS, REPORT TO THE INTERNATIONAL COMMISSION OF JURISTS BY THE LEGAL INQUIRY COMMITTEE ON TIBET, REPORT BY THE COMMITTEE TO THE SECRETARY-GENERAL (1960), *available at* <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/1960/07/Tibet-China-thematic-report-1960-eng.pdf>.

83. *UN General Assembly Resolutions*, INTERNATIONAL CAMPAIGN FOR TIBET, <https://www.savetibet.org/policy-center/united-nations/un-general-assembly-resolutions/> (last visited Apr. 3, 2014).

84. Shaun Rein, *Yes, China Has Fully Arrived As A Superpower*, FORBES (Dec. 15, 2009, 4:22 PM), <http://www.forbes.com/2009/12/15/china-superpower-status-leadership-citizenship-trends.html>.

85. Denzi Yishey, *UN Support for Tibet: Are Tibetans Unrealistically Optimistic?*, TIBETAN POLITICAL REVIEW (Mar. 3, 2012, 6:05 PM), <http://sites.google.com/site/tibetanpoliticalreview/articles/unsupportfortibetaretibetansunrealisticallyoptimistic>.

86. *See* Graham, *supra* note 32.

and non-governmental organizations such as the United Nations are understandably hesitant to get directly involved with the situation.

While the UN Member States are reluctant to dive into the fray with China, individual states approach the situation with varying levels of ferocity. For example, Spain is attempting to put China on trial for its crimes against Tibet, but their jurisdiction to try the case is at issue.⁸⁷ The most comprehensive legislation regarding Tibet in the United States is the Tibetan Policy Act of 2002, which encourages honest and fair speech about the status of Tibet, but in an attempt to foster negotiations for a resolution between China and Tibet, avoids rhetoric that would unnecessarily provoke China.⁸⁸ On April 3, 2009, the Vermont State Senate passed a resolution condemning the repression of the Tibetan people and urging the U.S. Congress to take forceful action to end it.⁸⁹ The United States, along with other nations, touts the importance of freedom in Tibet in policy, it continues its support solely in the form of political rhetoric.

Meanwhile, the Dalai Lama has employed his own approach to remedy the situation in Tibet. According to the Dalai Lama, justice may still be possible for the Tibetan people. But with the current state of disarray among international actors and their widespread disagreement about how to achieve Tibetan independence, a unified approach seems unlikely.⁹⁰

In the Dalai Lama's address to the U.S. Congressional Human Rights Caucus on September 21, 1987, the Dalai Lama proposed the Five Point Peace Plan ("Peace Plan").⁹¹ The Peace Plan's basic components call for the following: 1) the transformation of the whole of Tibet into a zone of peace; 2) abandonment of China's population transfer policy; 3) respect for the Tibetan peoples' fundamental human rights and democratic freedoms; 4) restoration and protection of Tibet's natural environment and the abandonment of China's use of Tibet for the production of nuclear weapons and dumping nuclear waste; and 5) commencement of earnest

87. *Spain seeks arrest of former Chinese president over Tibet*, REUTERS (Feb. 10, 2014, 12:46 PM), <http://www.reuters.com/article/2014/02/10/us-china-spain-idUSBREA191J520140210>.

88. See Kerry Dumbaugh, *The Tibetan Policy Act of 2002: Background and Implementation*, CONGRESSIONAL RESEARCH SERVICE (Mar. 17, 2009), available at <http://www.fas.org/sgp/crs/row/R40453.pdf>.

89. Minz, *Vermont State Senate Passed a Resolution on Tibet*, TIBETAN ASSOCIATION OF VERMONT (Sept. 22, 2009), <http://www.vermonttibet.org/?p=13>.

90. See generally GARY. D. SOLIS, *THE LAW OF ARMED CONFLICT* (2010), for an excellent discussion on the principles in international law governing aggression, occupation, armed revolt, and individual battlefield status.

91. *Five Point Peace Plan*, HIS HOLINESS THE 14TH DALAI LAMA OF TIBET (Sept. 21, 1987), <http://www.dalailama.com/messages/tibet/five-point-peace-plan>.

negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples.⁹²

The Dalai Lama explained that historically, relations between China and India were not strained until China invaded Tibet.⁹³ Thus, rebuilding trust between the Chinese and the Tibetan people would be pivotal to the execution of the Peace Plan and could be accomplished by establishing Tibet as a zone of peace, to create a large, friendly buffer region between China and India.⁹⁴ Additionally, the Dalai Lama noted that the population transfer of Han Chinese into Tibet must cease; at the time of the speech, 7.5 million Chinese settlers had been sent into Tibet, outnumbering the native population of 6 million.⁹⁵ The Dalai Lama expressed the wish for Tibetans to practice Buddhism free from persecution.⁹⁶ He also noted that cultural differences between China and Tibet must be recognized and respected and that an agreement would mutually benefit both people.⁹⁷ The Five Point Peace Plan does not call for independence for Tibet as a country; rather, it simply aims to achieve autonomy for Tibetans living in the three traditional provinces of Tibet within the People's Republic of China.⁹⁸

While the Dalai Lama has not shown support for Tibetan independence, plenty of other Tibetans and supporters favor a movement for complete independence. Some of these groups are the Free Tibet Campaign, the Tibetan Independence Movement, the Tibetan Youth Congress, the International Tibetan Aid Organization, and the International Tibet Support Network. Celebrities have opined on the situation over the years as well; Sharon Stone became a subject of criticism for stating the 2008 Sichuan Earthquake was a result of China's "bad karma" for its actions in Tibet.⁹⁹

Rhetoric aside, an actual remedy for Tibet is far easier in theory than in execution. Since China believes no punishable violations have taken place, a change in its policy is far-fetched. While the United Nations could deploy peacekeepers into Tibet to maintain peace and security and

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. *Id.*

98. *His Holiness's Middle Way Approach for Resolving the Issues of Tibet*, HIS HOLINESS THE 14TH DALAI LAMA OF TIBET, <http://www.dalailama.com/messages/middle-way-approach> (last visited Apr. 4, 2014).

99. *China Angry Over Sharon Stone Quake Karma Remark*, REUTERS (May 28, 2008), <http://www.reuters.com/article/2008/05/30/us-china-sharonstone-idUSPEK16294020080530>.

enforce the rights of the Tibetan people, a United Nations Peacekeeping mission requires the consent of both parties, along with impartiality and restriction of force to that in self-defense and defense of the mandate.¹⁰⁰ Since China has refused to admit to any wrongdoing, the chance of China consenting to United Nations peacekeeping in Tibet is slim, despite the flexibility of possible peacekeeping configurations. Impartiality would also be an issue since the United Nations has abstained from taking a stance on the status of Tibetan independence. Mandating a Peacekeeping mission could be considered a bias toward China's actions in Tibet, which could lead to major internal upheaval at the UN since China is a permanent member of the Security Council.

Theoretically Tibet could have a "Tibetan Spring,"¹⁰¹ but, the chance of success would be low, since the Chinese population in Tibet far outnumbers the Tibetans.¹⁰² Further, Buddhism, the dominant Tibetan religion despite Chinese persecution, encourages peaceful conflict resolution over violence, if at all possible.¹⁰³ Even if Tibetans were willing to attempt a violent revolution, it is difficult to imagine how they would arm themselves without confronting the occupying Chinese authorities. Perhaps the more realistic hope is a "Chinese Spring," in which a new Chinese government would be willing to improve human rights and grant Tibet independence, or at least respect Tibetan autonomy.

V. WHAT COULD BE DONE FOR TIBET OUTSIDE THE SCOPE OF CURRENT INTERNATIONAL LAW?

While the Dalai Lama, relying on Lemkin's proposed definition of genocide,¹⁰⁴ refers to what has occurred in Tibet as cultural genocide. So far the United Nations has not adopted that phrase. However, the term was considered in Article 7 of a 1994 draft of the 2007 United Nations Declaration on the Rights of Indigenous Peoples.¹⁰⁵ Article 7 originally read as follows:

100. *What is Peacekeeping?*, UNITED NATIONS, <http://www.un.org/en/peacekeeping/operations/peacekeeping.shtml> (last visited Apr. 4, 2013).

101. The Arab Spring was a series of violent and non-violent riots, protests, and demonstrations taking place in the Arab world starting in December 2010.

102. *See Five Point Peace Plan*, *supra* note 91.

103. *Buddhist Ethics*, BUDDHA NET, <http://www.buddhanet.net/e-learning/budethics.htm> (last visited Apr. 3, 2014).

104. *See infra* Introduction.

105. *See Prosecutor v. Krstic*, Case No. IT-98-33-T, ¶ 576, (Int'l Crim. Trib. for the Former Yugoslavia Aug. 2, 2001).

Indigenous peoples have the collective and individual right not to be subjected to ethnocide and cultural genocide, including prevention of and redress for:

- (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- (c) Any form of population transfer which has the aim or effect of violating or undermining any of their rights;
- (d) Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;
- (e) Any form of propaganda directed against them.¹⁰⁶

The final version adopted by the United Nations General Assembly included only “genocide,” and not “cultural genocide,” which suggests that the type of genocide the Declaration addresses is the narrowly defined genocide seen in Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide as opposed to the broader version Lemkin proposed where cultural genocide was included.¹⁰⁷

Would adding “cultural genocide” to Article 7 help Tibet? The Dalai Lama has used the term as recently as 2008 to describe China’s actions, describing them as both “cultural genocide” and a “rule of terror.”¹⁰⁸ Broadening the scope of “genocide” by adding “cultural genocide” to the Declaration of the Rights on Indigenous Peoples would make it easier to attribute additional violations against the Tibetan people to Chinese. Including cultural genocide would allow international actors to consider the totality of China’s actions in Tibet. For example, a comparison of the number of monasteries were in Tibet prior to Chinese occupation and the number that presently remain could indicate the Chinese’s destruction of religious places in Tibet. If the question of cultural genocide revolves depends on a totality analysis, it would be fairly easy to find numerous instances of cultural genocide in Tibet.

106. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Draft United Nations Declaration on the Rights of Indigenous Peoples*, U.N. Doc. E/cn.4/Sub.2/1994 (Aug. 26, 1994) (presented to the Commission on Human Rights and the Economic and Social Council at 36th meeting 26 August 1994 and adopted without a vote).

107. United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007), 46 I.L.M. 1013 (2007).

108. ‘Eighty Killed’ in Tibetan Unrest, BBC NEWS (Mar. 16, 2008, 11:11 AM), <http://news.bbc.co.uk/2/hi/asia-pacific/7299212.stm>.

However, the recognition would be symbolic at best. Despite findings of genocide and numerous human rights violations, the United Nations lacks the enforcement mechanisms necessary to do anything other than simply find a violation. As illustrated by the 1960 ICJ report, even though the United Nations has military and police forces, these peacekeeping forces are used to advise, report, mentor, and train and are not meant to engage in actual combat.¹⁰⁹ Further, official recognition of a Tibetan genocide on the world stage could provoke China to subject Tibet to a more totalitarian occupation if China perceived the pressure from the United Nation. China would likely view any perceived expansion of the bargaining power as a threat of independence of the Tibetan people.

Moreover, adding cultural genocide to the United Nations Declaration is not a realistic expectation since it may be contrary to the interests of other member states. If added, findings of cultural genocide on behalf of the Native Americans in the United States, Aboriginal tribes in Australia, and numerous other indigenous groups would be a distinct possibility. Thus, it is unlikely the measure would even pass since it would depend on votes from nations risking their own reputations.

Another possibility would be for nations to recognize Tibet as an independent nation and work towards freedom for Tibet from that angle. Tibet's government-in-exile, the Central Tibetan Administration ("CTA"), purports to be Tibet's legitimate governing body.¹¹⁰ The question of Tibet's status as a country is fundamentally a legal question, although one of political relevance.¹¹¹

States created international law primarily for their own protection.¹¹² Logically, therefore, international law protects states' independence from attempts to destroy it, and the presumption in international law favors the continuation of statehood.¹¹³ Consequently, where a state has been independent for centuries, as Tibet was, the state does not need to prove continued independence when challenged or occupied by another state.¹¹⁴ For example, when the United States invaded Afghanistan in 2001,

109. *UN Police*, UNITED NATIONS, <http://www.un.org/en/peacekeeping/issues/police.shtml> (last visited Apr. 3, 2014); *see also Military*, UNITED NATIONS, <http://www.un.org/en/peacekeeping/issues/military.shtml> (last visited Apr. 3, 2014).

110. Kelsang Gyaltzen, *The Legitimacy and Role of the Central Tibetan Administration*, TIBET-ENVOY.EU (June 20, 2011), <http://tibet.net/2011/06/21/the-legitimacy-and-role-of-the-central-tibetan-administration/>.

111. Michael C. van Walt, *The Legal Status of Tibet*, 12 CULTURAL SURVIVAL Q. 67, 67 (Spring 1988), available at <http://www.freetibet.org/about/legal-status>.

112. *Id.*

113. *Id.*

114. *Id.*

Afghanistan resumed statehood in 2004, with a new government.¹¹⁵ With the resumption of Afghan statehood, the American involvement simply became an armed presence bolstering the fight as opposed to an occupation permanently dissolving independence.¹¹⁶

Instead, China would have to prove sovereign rights over Tibet by showing at what moment and by what legal means it acquired those rights.¹¹⁷ Tibet's long history is at first glance a patchwork of conflicting facts; however, Tibetan history should be considered first and foremost from Tibet's point of view instead of from Chinese interpretations. After all, a study of United States history revolves around United States materials, not those of the United Kingdom, Spain, or France. That's not to say materials from other states are irrelevant, but they should be considered secondarily. This may seem obvious, but is necessary given that China's claim to Tibet is based on official histories supplied by and favorable to China, not Tibet.¹¹⁸

From a legal standpoint, the historical facts in Tibet's rich history support the contention that Tibet never lost its statehood and is an independent state under illegal occupation.¹¹⁹ However, given China's massive worldwide influence, it seems unlikely a nation or even non-governmental organization will risk its economic or political health¹²⁰ for the sake of Tibet and challenge Chinese occupation. While the argument for statehood favors Tibet's historical interpretation, the realistic application of its claim of independence does not translate into any concrete means of securing its freedom from Chinese rule.

115. SOLIS, *supra* note 90, at 211.

116. *See id.*; *see generally* Robert D. Sloane, *The Changing Face of Recognition in International Law: A Case Study of Tibet*, 16 EMORY INT'L L. REV. 107 (2002), for a thorough discussion of political, civil, and legal recognition as it pertains specifically to Tibet.

117. *Id.*

118. *Id.*

119. *Id.* at 69.

120. For examples of Chinese political and economic retaliation, *see* Keith Bradsher, *China Moves to Retaliate Against U.S. Tire Tariff*, N.Y. TIMES (Sept. 13, 2009), http://www.nytimes.com/2009/09/14/business/global/14trade.html?_r=0; *China Seizes Japanese Cargo Ship Over Pre-War Debt*, BBC NEWS (Apr. 21, 2014, 6:04AM), <http://www.bbc.com/news/world-asia-27068466>; *The Trouble With China's Trade Retaliation*, FORBES (Oct. 29, 2009, 9:00AM), <http://www.forbes.com/2009/10/29/china-america-auto-tariff-markets-economy-trade.html>.

Another option outside of international law is to use simple political pressure. As a rising superpower,¹²¹ there is more international attention on China than ever. With that increased attention naturally follows criticism of the Chinese government, alleged human rights violations, and its treatment of Tibet. The 2008 Summer Olympics in Beijing increased the focus on China, leading organizations such as Amnesty International to apply pressure to China to change their human rights legacy during and in the wake of the games.¹²² As China's influence and involvement in the international community increases, so does international awareness of China's policies and its treatment of the Chinese people.

A recent article about corruption within the Chinese Communist party warned that the party was "confronted with the danger of a slackened spirit, incompetence, divorced relations from the people, inactivity and corruption."¹²³ Shockingly, the comment was published on the front page of the *People's Daily*, the Communist Party's official mouthpiece in China.¹²⁴ China's growing influence comes at a price. The Chinese government is well aware the world is watching, and must monitor its reputation as a growing, if not a fully-fledged, superpower.

Thus, the international pressure for China to ease control over Tibet is strong and has not fallen on deaf ears in China. As Graham noted, the practice of Tibetan Buddhism appears to occur free of government intervention in Tibet right now.¹²⁵ With the resignation of the Dalai Lama in 2011, the most realistic hope for change in Tibet for politics and international relations to serve as a natural restraint on China's control over Tibet, so that years from now, China's treatment of Tibet will be a shameful scar in China's past.

Lastly, perhaps Tibet should serve as a warning to the rest of the world. Horn's article in *The Atlantic* provided powerful food for thought: "Colonialism is over, but there are still world powers, and they're still abusing their power. In fact, the exploitations are often similar precisely because the crimes of one superpower often provide the template, or even the impetus, for the abuses of the next powerful state."¹²⁶ Perhaps the process of freeing Tibet from its Chinese-driven cycle of *samsāra* in

121. Dan Lynch & Shen Dingli, *China as a Global Power*, UNIVERSITY OF SOUTHERN CALIFORNIA US-CHINA INSTITUTE (Nov. 13, 2007), <http://china.usc.edu/ShowArticle.aspx?articleID=848&AspxAutoDetectCookieSupport=1>.

122. Amnesty Int'l, *Annual Report: China* (2009) available at <https://www.amnesty.org/en/region/china/report-2009>.

123. Ananth Krishnan, *Bo Scandal Puts Spotlight on China's Corruption Challenge*, THE HINDU (Apr. 21, 2012), <http://www.thehindu.com/news/international/article3340135.ece>.

124. *Id.*

125. Graham, *supra* note 32.

126. Horn, *supra* note 81.

hopes of national *nirvāna* for the Tibetan people is not as selfless as it appears. Perhaps the motive behind protesting the treatment of Tibet and demanding freedom is one of karmic balance for the rest of the world just as much as it is for the Tibetan people.

