

## Historical Areas

The historic territory of Tibet consists of 2.5 million km<sup>2</sup> of land corresponding to the geological plateau that China calls the Tibetan-Qinghai Plateau. The high plateau traditionally consisted of three provinces: Ü-Tsang in the west, Amdo in the northeast, and Kham in the southeast.

### The Trick...

Immediately following the invasion and occupation of the land of Tibet, the Chinese Communist Party redrew the map of the Tibetan plateau. Between 1950 and 1957, Kham and Amdo were progressively divided into a series of Tibetan Autonomous Prefectures (TAPs) and Tibetan Autonomous Counties (TACs), before *de facto* being annexed to the Chinese provinces of Qinghai, Sichuan, Yunan and Gansu.

What China now calls Tibet is the Tibetan Autonomous Region (TAR) that it artificially created in 1965. Loosely covering Ü-Tsang, this area represents only half of the original Tibetan territory. This administrative trick has become a political challenge, since China has managed to garner international recognition of the TAR as Tibet, which the Tibetans legitimately dispute. It is worth noting that Kham and Amdo contain most of the fertile land, forests and water resources of the Tibetan Plateau, and still contains the majority of the Tibetan population.

## Coercing Tools and Ideology

The Chinese authorities have preferred administrative manipulation to law as a means to confiscate Tibetan lands, though the Chinese Constitution includes a provision on land confiscation. Article 10 of its first Chapter (General Principles) delineates the issues of ownership and control of land. Land in the cities is owned by the state, which can expropriate it in the "public interest for its use in accordance with the law". The full regime of land ownership and use rights is actually set out in the 1998 Law of Land Administration (LAL) of the People's Republic of China (PRC). The State Council owns all land in urban areas or land occupied by state departments, while land in rural areas is owned by the village collective. The ambiguity in the definition of "village collectives" permits bureaucrats to appropriate the property rights associated with the lands.

In the first decades of the occupation, China used violence to control Tibetan areas. Between 1959 and 1965, Lhasa was fully taken over by Chinese forces. Violence and coercion can be seen as part of the Chinese ideology, which has negated Tibetan traditions and ways of life. Historically, China has viewed pastoral land as wasteland, and pastoralists as primitive. Following these concepts, Central authorities have consistently sought to sedentarise the nomads as part of a project to "civilize" the pastoralists. The PRC claims that it will protect the land from overgrazing and will increase efficiency. In 1985 the Grassland Law came into effect, signaling a renewed attempt by the PRC to settle nomads through allocating fixed portions of land.

## "Development"

Today, the most common pretext for land confiscation and population transfer is "development."

Since Chinese forces took over Lhasa, the methods of "development" and settler implantation have been completing the process of confiscation and dispossession. Today the area covered by old Tibetan Lhasa represents less than 2% of the city. Observers and visitors report that most of it is made of Chinese buildings. In 1949, Lhasa city was no more than 3 km<sup>2</sup> in area, and had a population of 30,000 people. By 2001, Lhasa was 53 km<sup>2</sup> with an estimated population of up to 400,000. The Chinese Communist Party's long-term plan for Lhasa envisages its urban area to expand to 272 km<sup>2</sup> by 2015, constituting half of the entire municipality.

In addition to urbanization, China has also embarked on a series of "development" projects to serve its various water, hydropower and infrastructure needs. These projects serve to dispossess the Tibetans of their resources, lands, and cultural heritage. The Qinghai-Tibet Railway, intended to boost the economy through tourism, is one such project. While China holds that the Railway will not increase migration of Han Chinese, nor negatively impact the environment, the Railway has been viewed by many Tibetans as a "second invasion." 1,956-kilometers-long, Qinghai-Tibet is the first railway connecting the TAR with other parts of China, making possible the exploitation of Tibet's vast mineral wealth and the privatization of its pristine water sources.

## Land Rights in International Law

Land can be considered as belonging to the resources that every human being has the right to access. This right to access to environmental goods and services is recognized in international law as one of the components of the right to adequate housing [General Comment 4 on Art. 11(1) of the Covenant on Economic, Social and Cultural Rights].

Yet, especially in the Kurdish, Palestinian, Tibetan and Western Sahara cases, and generally for all indigenous peoples, land represents much more than a resource. It is the basis of their existence as a people, and the space on which they should enjoy and practice their right to self-determination.

Besides in the texts related to Indigenous Peoples, land rights are directly referred to in many international declarations and treaties. Most recently, the 1998 *Rome Statute of the International Criminal Court* recognized the appropriation of property carried out unlawfully and wantonly as a war crime.

Tibet's "*lcag-stag zhib-gzhung*," or Iron Tiger land decree, named after the Tibetan calendar Iron Tiger year of 1830 in which it was compiled, established administrative seats for estates in 56 of 58 districts in Central Tibet, plus the Potala Palace in Lhasa, the 59th.

The Chinese occupiers confiscated most lands from noblemen and monasteries and redistributed them. A rebellion subsequently broke out in Amdo and eastern Kham in June 1956. The insurrection, supported by the U.S. (CIA), eventually spread to Lhasa, but the Chinese forces crushed it by 1959. The counterinsurgency killed tens of thousands of Tibetans. The 14th Dalai Lama and other government principals fled to exile in India, but isolated resistance continued in Tibet until 1972 when the CIA abruptly withdrew support. After the Lhasa rebellion in 1959, the Chinese government reduced the level of autonomy of Central Tibet, and implemented full-scale land redistribution in all areas of Tibet.



This map reflects the land-use system established in the Iron Tiger Decree. *Source:* Karl E. Ryavec, "Regional Patterns of Land Use/Cover Change in Central Tibet, ca. 1830-1990: Devising a GIS Methodology to Study a Historical Tibetan Land Decree" unpublished Ph.D. thesis, University of Minnesota, 2002.