

# Regulations of the Republic of China Concerning Rule Over Tibet

Compiled by China National Center for Tibetan Studies  
China No.2 History Archives  
China Intercontinental Press

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Concerning Rule Over Tibet  
(1912 — 1949)**

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**General Outline on the Organization of the State**

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## Preface

This book is the sister book of the *Regulations of the Qing Dynasty Concerning Rule Over Tibet*. It encompasses the rules enacted during the period of the Republic of China (1912-1949), and related rules and regulations of a legal nature, in all 55 kinds, which represent the entire official documentation regarding the exercise of sovereignty and rule over Tibet exercised by the Central Government of the Republic of China.

Tibet was incorporated into the Chinese map in the 13th century, when the Yuan Dynasty (1271-1368) ruled China. It has remained an inseparable part of the country ever since, pressing ahead in parallel with the development of Chinese society at large. This was the case with the Yuan, Ming and Qing dynasties (1271-1911); it was also the case with the Republic of China.

During the latter period, China experienced great historic changes. From the Revolution of October 1911, which brought down the Qing Dynasty and led to the creation of the Republic of China, to the founding of the People's Republic of China on October 1, 1949, the country was transformed from a semi-feudal and semi-colonial society to a socialist one. During this time, China suffered from foreign invasions, and, at the same time, experienced revolution and a continuing struggle for democracy. Finally, a new China was born and a new epoch began. At the same time, the struggle against Tibetan separatists gained momentum. The Central Government of the Republic of China formulated policies for rule over Tibet in the light of the Tibetan situation, and also on the basis of experiences and lessons drawn from its predecessors of the Yuan, Ming and Qing dynasties.

Although the central power changed hands frequently during the period, and the Central Government's policies witnessed many changes, those related to Tibet remained unchanged in terms of upholding national unity and maintaining Chinese sovereignty over Tibet to safeguard territorial integrity. This book fully supports this assertion. For the convenience of our readers, we provide a concise explanation with regard to the Central Government's rule over Tibet.

## **I. Maintaining State Sovereignty Over Tibet**

The Central Government of the Republic of China did its best to enact laws and issue official documents for its strengthened rule over Tibet.

Cashing in on the change of power in China in the early days of the Republic of China, the foreign aggressor forces worked hard to tear Tibet away from China. At their instigation, an extremely small number of reactionary elements in the upper echelon of the ruling class in Tibet created a series of farces in the name of "Tibetan independence".

Dr. Sun Yat-sen, Interim President of the Republic of China, in his Declaration issued on January 1, 1912, when the Republic was established, stated: "The root of the country lies in people. Areas inhabited by the Han, Manchu, Mongolian, Hui, Tibetan and other peoples form the country, and peoples of the Han, Manchu, Mongolian, Hui, Tibetan and other ethnic groups form the Chinese people. This is what we call national unity. Wuhan was the first to revolt, and was followed by a dozen provinces. The so-called independence refers to separation from the Qing court, but also means a union of various provinces. This applies to Mongolia and Tibet. Absolutely unified actions on the order of the Central Government means the unification of the motherland."

When Yuan Shi-kai replaced Dr. Sun Yat-sen as Interim President through foul means, he continued to follow the established policy for rule over Tibet. In his Order From the Interim President issued on April 22, 1912, he reaffirmed: "All ethnic nationalities live in harmony now. Areas inhabited by peoples of the Mongolian, Tibetan, and other ethnic groups are Chinese territory. So, people of the Mongolian, Tibetan and Hui ethnic groups are part of the Chinese people".

Article 3 of the Provisional Constitution of the Republic of China stipulated: "The territory of the Republic of China is composed of 22 provinces, Inner and Outer Mongolia, Tibet and Qinghai". This legalized the rule of the Government of the Republic of China over Tibet.

Various generations of the Central Government of the Republic of China followed this policy in ruling Tibet in the ensuing decades. The Provincial Constitution of the Republic of China issued on May 1, 1914 stipulated: "The territory of the Republic of China continues to be the territory of the former empire (*referring to the Qing Dynasty—Ed.*)"; "People of the Republic of China, irrespective of race, class and religion, are equal in law."

The Constitution of the Republic of China issued on October 10, 1924 stipulated: "The territory of the Republic of China continues to be the traditional territory"; "No change shall be made in regard to the territory and its administrative division without legal ratification"; "Establishing provinces and counties in Inner and Outer Mongolia, Tibet and Qinghai in accordance with the will of people there applies to the stipulation of this Constitution (*referring to Article 12, Local System—Ed.*). Before provinces and counties were established, their administrative system was set according to law."

The Nanjing Nationalist Government stipulated in 1929 that

the Regulations Enforced by the Qing Dynasty Council for National Minority Affairs were taken as the special law for the Central Government to follow in handling Tibetan affairs.

The Provisional Regulations of the Republic of China in the Political Tutelage Stage issued on June 1, 1931 explicitly stipulated: "The territory of the Republic of China comprises various provinces, Mongolia and Tibet". "The local system of Mongolia and Tibet shall be determined in law according to local situation."

The Constitution of the Republic of China issued on January 1, 1937 reaffirmed: "The territory of the Republic of China continues to be the territory it owned in the past. It shall not be changed without a resolution from the National Assembly"; "the autonomous system of Tibet shall be guaranteed."

Legal stipulations concerning Tibet all stress that Tibet is an inseparable part of the Chinese territory, and the Central Government of China exercises sovereignty in Tibet.

## **II. Establishing the Bureau for Mongolian and Tibetan Affairs (Later Known as the Commission for Mongolian and Tibetan Affairs)**

When Tibet became a part of China in the 13th century, the Yuan Dynasty set up the Xuanzheng (Political) Council for the Central Government to administer it. The Central Government of the ensuing dynasties all set up central organs specialized in administering Tibet. This was also the case with the Republic of China, which set up the Bureau for Mongolian and Tibetan Affairs, later known as the Council for Mongolian and Tibetan Affairs and the Commission for Mongolian and Tibetan Affairs.

The Board of National Minority Affairs set up during the Qing Dynasty was disbanded in the early days of the Republic of China,

and the Ministry of Inner Affairs was put in charge of Tibetan affairs. However, the ministry was not in a position to cope with so many problems. As a result, the Central Government set up the Council for Mongolian and Tibetan Affairs directly under the State Council. It promulgated the Official System of the Bureau for Mongolian and Tibetan Affairs, which stipulated in explicit terms: "The Bureau for Mongolian and Tibetan Affairs is put directly under the Premier of the State Council to handle Mongolian and Tibetan affairs." According to the official document, the Council comprised a President, one Vice-President, two Council Members, two secretaries, eight workers, 12 senior workers and four executive officials. It had a General Affairs Office, with five subordinate departments in charge of civil administration, frontier defense, and religion respectively. Also under it was the Mongolian and Tibetan Affairs Research Society, which provided the research on which the Central Government could make decisions with regard to Mongolian and Tibetan affairs.

The Bureau for Mongolian and Tibetan Affairs expanded time and again to cope with the situation, and was renamed the Council for Mongolian and Tibetan Affairs in 1914. It issued the Official System of the Council for Mongolian and Tibetan Affairs on May 17, and the Working Rules of the Council for Mongolian and Tibetan Affairs on June 5. The Council was of the same nature, and exercised the same functions, as the Bureau for Mongolian and Tibetan Affairs. It comprised a President, one Vice-President and two senior workers. It contained a General Affairs Office, No. 2 Secretaries' Office, and the No. 1 and No. 2 Offices. Under the No. 1 Office were three departments respectively in charge of civil administration and frontier defense; under the No. 2 Office were three departments in charge of religion and ceremonial rituals.

On February 26, 1920, two more vice-presidents were appointed to the Council for Mongolian and Tibetan Affairs.

On January 20, 1924, the Kuomintang held its first national congress. This adopted the Motion on the Necessity of Organizing the National Government; issued the Program on the Founding of the Republic of China drafted by Dr. Sun Yat-sen which confirmed what he had proposed—reforming the country with the strength of the political parties”, “putting the party above the country”, “the party ruling the country” and the party founding “the country”. On July 1, 1925, the Organic Law of the National Government of the Republic of China was issued, stipulating: “The National Government accepts the guidance and supervision of the Chinese Kuomintang in managing the political and government affairs of the whole country”; the National Government adopts the system of the Congress of Members, composed of “some members from whom one is selected as chairman”; “State affairs are handled by the members”; and “five executive members are chosen to handle routine work”. In 1927, Nanjing was declared the capital. Before long, the Commission Government announced the establishment of the Commission for Mongolian and Tibetan Affairs. On March 30, 1928, the Organic Law of the Commission for Mongolian and Tibetan Affairs was promulgated, and the Organic Law was revised on June 8 for the Commission for Mongolian and Tibetan Affairs to operate directly under the National Government. It was charged with reviewing the administrative affairs in Mongolia and Tibet, and mapping out plans for social and economic development in the two regions. The Commission was staffed with seven to nine members, including three executive members and one who served as meeting chairman in rotation. Three departments handled the secretariat work, Mongolian affairs and Tibetan affairs.

In October 1928, the Commission for Mongolian and Tibetan Affairs was brought under the Executive Yuan. On February 7, 1929, the Organic Law of the Commission for Mongolian and Tibetan Affairs was issued, stipulating the appointment of a Chairman, one Vice-Chairman, 9-15 Members, two Senior Members, and 2-4 Secretaries. It comprised three offices respectively in charge of general affairs, Mongolian affairs and Tibetan affairs. The Revised Organic Law issued on July 25, 1932 stipulated that the Commission should be expanded to 15-21 members, including six executive members and 2-4 Senior Members. The Organic Law was further revised in 1942, 1944 and 1947, but the nature and functions of the Commission remained unchanged, namely to handle the administrative affairs in Mongolia and Tibet, and mapping out plans for social and economic development in the two regions. What changed was the addition of the Investigation Group and the Tibet Office stationed in Lhasa.

Establishment of the Bureau for Mongolian and Tibetan Affairs and the Commission for Mongolian and Tibetan Affairs organizationally guaranteed the Central Government's exercise of sovereignty over Tibet during the period of the Republic of China, and strengthened its hand in administering Tibet. The Mongolian and Tibetan Affairs Research Society under the Commission had attracted a group of Tibetan study workers, who provided the Central Government with materials of vital importance for decision-making—materials they derived through on-the-spot investigation and comprehensive study. What is more important is that the Commission members included people of great influence in the Mongolian and Tibetan areas, such as the 9th Panchen Erdeni, the 13th Dalai Lama and Tibetan government representatives stationed in Nanjing including Gongjor Zongnyi, Zhamgyia Hutogtu and Master Xeirab Gyamco, a

very famous Buddhist master who served as Vice-Chairman of the Commission. This played an important role in strengthening the relations between the Central Government and the local government of Tibet, and promoted the implementation of the Central Government's decisions there.

### **III. Dispatching Executive Officials to Tibet**

In order to strengthen its rule over Tibet, the National Government dispatched executive officials to Tibet just as it did to other Chinese provinces and regions. Given the fact that the Qing Government had stationed High Commissioners in Tibet to be in charge of government affairs, the Central Government of the Republic of China, soon after its founding, appointed Zhong Ying as the executive official handling Tibetan affairs in accordance with the administrative management system of the Republic of China. Zhong was commander of the field army who led his Sichuan army into Tibet toward the end of the Qing Dynasty.

Zhong, however, was forced by the Tibetan authorities to leave Tibet for the capital, and was later killed by Yuan Shi-kai. In April 1913, Yuan issued his Presidential Edict, appointing Lu Xingqi the executive official in Tibet. Due to obstruction from the British Indian Government, Lu failed to reach Tibet and had to stay in India for a prolonged period. In March 1916, when Lu resigned, the National Government appointed Li Jiaxi as acting executive official in Tibet. In September 1920, Lu was reconfirmed as the executive official in Tibet, but the post was still filled by Li until Lu reached Tibet.

In the early days of the Republic of China, the Central Government sent people into Tibet for geographic surveys and to oversee local government affairs. In the summer of 1912, Yang Feng, from the Bureau for Mongolian and Tibetan Affairs, was sent to Tibet for



a survey and to persuade the 13th Dalai Lama and the 9th Panchen Erdeni to restore the traditional relations with the Central Government. Though Yang failed to enter Tibet and had to stay in India due to obstruction from the British side, he managed to supply the National Government with considerable information concerning Tibet, and he made valuable contacts with the 13th Dalai Lama and the 9th Panchen Erdeni. This made it possible for the Central Government to restore ties with the local government of Tibet later.

The Central Government sent envoys to Tibet to grant official positions. In October 1912, Interim President Yuan Shi-kai announced the restoration of the honorific title of the Dalai Lama, and his decision of sending representatives to preside over the related ceremony according to set precedence in Tibet. In December, Ma Jifu and Yao Baolai, who used to work in Tibet, were officially charged with the mission. Due to British obstruction, however, they failed to enter Tibet.

In December 1912, the Central Government dispatched Wen Zongrao and Wang Renwen to mediate disputes plaguing Sichuan and Tibet in the capacity of Tibet Pacification Commissioners. When the British plotted the convocation of the Simla Conference, they refused to attend and resigned from their official position. In June 1913, Evan Chen and Hu Hanmin were appointed Pacification Commissioners and sent to attend the Simla Conference in the capacity of Chinese representatives.

Acting in response to a cable from the Central Government, the Governor of Gansu Province, Zhang Guangjian, sent a mission in August 1919 to talk directly with the 13th Dalai Lama in Tibet. Members of the mission included Li Zhonglian and Zhu Xiu (both with the military side), Gorlangcang (Red Sect Lama), and Larbo-gyan Gungcang (Lama charged of managing affairs of the 36 tribes