

Translating Sovereignty: Early Twentieth-Century Tibet Conventions between Britain and China

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Introduction

n 2008, Britain formally recognized Tibet as a part of China, marking a luff from its earlier policy that had long described China's relationship with Tibet in terms of "suzerainty" rather than full sovereignty.¹ This shift reflects a complex historical trajectory of diplomatic negotiations and legal interpretations of sovereignty, particularly in the early 20th century, when Britain and Qing China (1644–1912) engaged in prolonged disputes over Tibet's political status. This article examines how the Qing government navigated these legal and diplomatic challenges, analyzing the role of cross-lingual legal transmission in treaty-making and these negotiation's broader implications for China's evolving claims over Tibet. By focusing on the interplay between Qing diplomatic strategies and British imperial policies, this study explores how sovereignty as a legal concept was debated, translated, and strategically resorted to in early 20th-century international law.

The historiography on China's sovereignty over Tibet has experienced significant advancements, with recent scholarship deepening our understanding of how sovereignty, legitimacy, and territorial authority evolved within the broader framework of Asian international relations. These studies increasingly emphasize the intersection of international law, diplomatic negotiations, and the transformation of China's territorial authority, shedding light on the complex processes that shaped modern China's claims over Tibet. The long-term perspectives in Chinese and Tibetan history have highlighted how sovereignty and legitimacy were conceptualized, not only in the context of Sino-Tibetan relations but also within broader patterns of historical interaction in the region. Recent work connects the Sino-Tibetan case to these

¹ The House of Commons Foreign Affairs Committee 2009: 79.

global dynamics, showing how sovereignty was negotiated in terms of both traditional and modern practices.²

Scholars such as Okamoto Takashi have contributed immensely to this topic by offering a detailed analysis of China's evolving diplomatic strategies, particularly during the late Qing and early Republic periods. Okamoto's focus on legal and ideological frameworks provides a crucial understanding of how China articulated its sovereignty, both through traditional means and adapted international norms.³ His edited volumes, which reevaluate the concept of suzerainty, are pivotal in framing it as a translation of indigenous practices into the vocabulary of modern international law, allowing for a more nuanced interpretation of East Asian political relations.⁴ Scott Relyea's work highlights the important role of frontier officials in the Sino-Tibetan borderlands in internalizing and indigenizing international legal concepts, such as territorial sovereignty. By emphasizing the role of these officials, Relyea's research underscores how localized practices influenced the broader statecraft of China, helping to shape the empire's legal and territorial boundaries.⁵ Kobayashi Ryosuke's examination of Tibet's political and diplomatic status during the Qing collapse focuses on the boundary-making processes, offering a critical lens through which to view the shifting territorial arrangements and diplomatic negotiations at the end of the Qing dynasty. This work adds to the growing literature that challenges simplistic narratives of Chinese territorial control, instead emphasizing the dynamic and often contested nature of borders and sovereignty in the region.⁶ Finally, Chang Chi-Hsiung explores the fundamental differences between the Sino-centric tributary system and the colonial order, which further contextualizes the Qing's interactions with Tibet and British India.⁷ Building on previous scholarship, this study provides a comprehensive foundation for understanding the Qing's assertion of sovereignty over Tibet within a broader framework of modernity and international relations. The present study seeks to further advance academic understanding of China's sovereignty over Tibet, illustrating how local, regional, and international factors converged to shape the political landscape in the late Qing and early Republican periods.

This article studies the formation and practice of the Tibet treaties between Britain and China at the beginning of the 20th century, especially the problem of sovereignty and their influences on the

² Brook *et al.* 2018; Ishihama *et al.* 2019.

³ Okamoto 2017.

⁴ Okamoto (ed.) 2019a, 2019b.

⁵ Relyea 2017.

⁶ Kobayashi 2024.

⁷ Chang 2013.

development of modernity in East and Inner Asia. Beginning in 1904, the Qing dynasty and later the Republic of China (1912–1949) continuously argued the Tibet issue with the British Empire. Before the tedious negotiations took place, notions of international law had been introduced to China and Tibet along with modern infrastructure, such as customs administrations, the telegraph, and a police system.⁸ By focusing on sovereignty controversies over Tibet, the present study discusses how international law interacted with China's traditional world order, which was more complicated than the "tributary system" generalized by previous scholarship.⁹

The encounters between modern international law and China's world order provide us with a significant perspective for understanding the British and the Qing imperial legacies in the making of modern Asia.¹⁰ In this context, the Tibet treaties served not only as legal instruments but also as sites of ideological negotiation, where competing visions of authority, governance, and territoriality were challenged and redefined. The Qing Empire sought to preserve its historical claims over Tibet by selectively adopting elements of international law, while Britain leveraged legal formalism to solidify its strategic interests in the region. Meanwhile, Tibetan elites navigated these diplomatic entanglements to assert their own political agency. By examining the legal rhetoric, treaty stipulations, and administrative measures that emerged from these negotiations, this article sheds light on the legal and political transformations that shaped the trajectory of East and Inner Asian modernity. Through this analysis, it becomes evident that the Tibet treaties were not merely diplomatic agreements but integral components of a shifting geopolitical landscape in which global legal norms intersected with indigenous political traditions. Based on the official archives of China's *Waiwubu* (Ch. 外務部, Ministry of Foreign Affairs, 1901), Britain's Foreign Office, and Tibet's customs house, along with personal records, this article discusses the adoption of international law in modern Tibet and China as well as the cross-lingual transmission of legal notions.

Tibet's Involvement in International Law

During the formation of global economic networks in 19th-century Asia, Tibet gradually emerged as a critical juncture between Qing China, British India, and Tsarist Russia. Following the transformation

⁸ Tuttle 2005: 43–56.

⁹ Fairbank *et al.* 1941: 135–246; Fairbank 1942: 129–149; Fairbank 1953; Fairbank (ed.) 1968.

¹⁰ Liu 1995.

of the British East India Company into “a company-state” and its decisive victory over the Mughal Empire in 1757,¹¹ the British started to shift their focus to India’s neighboring regions, such as Nepal, Kashmir, and Bhutan. The murder of Augustus R. Margary (1846–1875), a junior British diplomat traveling from upper Myanmar to southwestern China in 1875, further intensified British interest in the region. As a result, China and Britain signed *The Chefoo Convention*, which granted the British access to Tibet as compensation.¹² In their conquest of Myanmar during the 19th century, the British Raj increasingly turned its attention to Tibet, a mysterious and largely uncharted region. The British sought to explore potential tea markets in the Himalayan highlands, while simultaneously aiming to block Russian expansion into Inner Asia.¹³ Nevertheless, despite securing commercial privileges in southeastern China’s trading ports in 1843, Britain faced persistent challenges in Tibet. Religious tensions between British missionaries and Tibetan Buddhists, combined with strong Tibetan resistance, significantly hindered British ambitions and activities in the region.¹⁴

Although the British faced significant obstacles in Tibet, they did not abandon their goals. On the contrary, British India actively pursued strategies to connect trade routes to the region, recognizing Tibet’s strategic value as a gateway to expanding commercial networks across Inner Asia in the late 19th century. In October 1884, Colman Macaulay (1849–1890), a British colonial official and economist, convinced Randolph Churchill (1849–1895), the secretary of state for India, of the strategic necessity of initiating a mission to Tibet. This ambitious endeavor aimed to assess the feasibility of opening a trade route from British India into central Tibet. Macaulay envisioned a vibrant trade network in which Indian tea and British textiles would penetrate Tibetan markets in exchange for valuable commodities such as musk, gold, and wool.¹⁵ His proposal reflected Britain’s broader imperial interest in leveraging Tibet as a key node in Inner Asia’s commercial and geopolitical landscape.

In order to initiate Macaulay’s mission to Tibet, Churchill prepared a *note verbale* (diplomatic message) to Qing China regarding the opening of trade routes between India and Tibet. This note was delivered by Charles Bernard (1837–1901), a colonial administrator of British India and Burma, to Zeng Jize 曾紀澤 (1839–1890), the Qing Empire’s second ambassador to Britain. In August 1885, Zeng penned two

¹¹ Stern 2011.

¹² Wang 1940: 115.

¹³ Tuttle 2005: 34–38.

¹⁴ Younghusband [1910] 1998: 298–299.

¹⁵ Macaulay 1885: 82.

letters to Li Hongzhang 李鴻章 (1823–1901), the Beiyang minister and one of the Qing court's most influential statesmen, addressing British proposals to open the trade routes. In his letters, Zeng first paraphrased Churchill's note as an acknowledgment of China's sovereignty (Ch. *zhuquan* 主權) over Tibet.¹⁶ Furthermore, Zeng recounted the history of British-Tibetan relations and addressed the proposal, noting the previous unrealized communications between the Sixth Panchen Lama Lobzang Pelden Yeshe (Blo bzang dpal ldan ye shes, 1738–1780) and Warren Hastings (1732–1818), the first governor-general of India who had suggested Tibet be opened to British trade in 1780.¹⁷

Regarding Macaulay's mission in 1885, Zeng noted that the British expressed their interest in entering Tibet and conducting trade, while reiterating Tibet was an integral part of China, much like Mongolia, and could be treated as a separate entity. In his letter to Li, Zeng expressed his concern about China's sovereignty over Tibet in this context:

I suggest that, recently, Western powers have focused on invading and seizing Chinese client states (Ch. *shuguo* 屬國), referring to them as “non-true client states.” In contrast, China's approach to its client states is fundamentally different from that of the Western powers. China does not interfere with its client states' internal politics or external relations. Tibet, like Mongolia, is a dependency (Ch. *shudi* 屬地) of China and not a client state. However, our administration of Tibet is even more lenient than the constraints imposed by the West on their client states. In the West, Tibet is simply considered a Chinese client state and is regarded differently from China's internal provinces. If we fail to seize this opportunity to assert our authority over Tibet, there is a risk that our dependency could be misrepresented as a client state. This could lead to further mischaracterizations of client states as “non-true client states,” increasing the likelihood of encroachments.¹⁸

Here Zeng asserted the Qing Empire's sovereignty over Tibet by differentiating the idea of “client state” (Ch. *shuguo*) from “dependency” (Ch. *shudi*). Despite Zeng's well-reasoned arguments and policy

¹⁶ Zeng [1893] 1975: vol. 5, 16.

¹⁷ Zeng [1893] 1975: vol. 5, 17–18.

¹⁸ “竊思西洋各大國近者專以侵奪中華屬國為事，而以非真屬國為詞。蓋中國之於屬國，不問其國內之政，不問其境外之交，本與西洋各國之待屬國迥然不同。西藏與蒙古同，乃中國之屬地，非屬國也。然我之管轄西藏，較之西洋之約束屬國者猶為寬焉。西洋於該處亦只稱中華屬國而已，視內地省分固為有間。我不於此時總攬大權，明示天下，則將來稱屬地為屬國者，將復稱屬國為非真屬國，又有侵奪之虞矣。” Zeng [1893] 1975: vol. 5, 17–18.

proposals, the Qing court's ability to fully implement them was constrained by limited resources and internal challenges. Nevertheless, his advocacy highlighted the stakes involved in the British push into Tibet and underscored the importance of integrating Tibet more firmly into Qing administrative and diplomatic strategies. The interplay between British commercial ambitions and Qing assertions of sovereignty over Tibet would continue to shape East and Inner Asia's geopolitical landscape in the decades that followed.

Macaulay's mission was initially buoyed by *The Chefoo Convention*, which allowed British representatives to access Tibet with Qing approval. Nevertheless, the international situation changed promptly when the Third Anglo-Burmese War broke out in November 1885.¹⁹ After signing *The Convention Relative to Burma and Thibet between China and Great Britain* in 1886, the Qing Empire recognized Burma as a British territory. In return, Britain allowed Burma to continue paying tribute to China and agreed to delay the Macaulay mission's entry into Tibet.²⁰ This diplomatic compromise, however, did not prevent further tensions between the British Empire and Qing China over Tibet, which soon escalated into military action.

Turning economic liberalism into imperialist civilizing missions,²¹ the British army invaded Tibet in 1888 and 1904. Because of the British invasions, the Qing Dynasty signed a series of conventions and regulations with the British Empire from 1890 to 1908. In 1893, Britain and China made an agreement requiring the Qing to open an international market and customs house in Dromo County (Ch. *Yadong xian* 亞東縣) on the border between Tibet, Sikkim, and Bhutan. The customs system in Dromo County of southwestern Tibet was known as the Yadong Customs (Ch. *Yadong guan* 亞東關), which became one of the biggest entrepôts between China, India, and the Zomia highlands. Nevertheless, disputes over border affairs and the tea trade between Tibet and British India eventually caused the British invasion of Lhasa in 1904.²² After the British invasion, the Qing Dynasty successively sent two Chinese envoys, Tang Shaoyi 唐紹儀 (1862–1938) and Zhang Yintang 張蔭堂 (1860–1937), to negotiate with the British between 1904 and 1908 in an effort to reassert Qing authority over Tibet.²³ These negotiations brought to light significant challenges in translating and interpreting Western legal and political concepts. Tang, a Columbia University

¹⁹ Younghusband [1910] 1998: 46.

²⁰ National Palace Museum (NPM), Tibet Trade Regulations between China and Great Britain, 910000039-001.

²¹ Mantena 2010.

²² Steward 2009: 139–185.

²³ For more on Zhang Yintang, see Ma 2019.

alumnus, was particularly attuned to the difficulties in conveying terms like “sovereignty” and “suzerainty,” issues he had previously encountered in China’s dealings with Korea and Tibet in 1897 and 1905.²⁴

Following Tang’s step, Zhang sought to introduce modern legal reforms aimed at aligning Tibet’s judicial system with Western models.²⁵ However, he encountered similar problems turning China’s right of “administration” (Ch. *zhili quan* 治理權)²⁶ and Britain’s “extraterritoriality” (Ch. *zhiwai faquan* 治外法權)²⁷ into practice. Concurrently, the Tibetan mission led by Tsarong Wangchuk Gyelpo (Tsha rong Dbang phyug rgyal po, 1866–1912) faced the equally complex task of adapting international legal terminology to the Tibetan context during the 1908 convention in Calcutta. Tibetan translators involved in the convention, including Tashi Wangdi (Bkra shis dbang ’dus, n.d.), the Thirteenth Dalai Lama Tubten Gyatso (Thub bstan rgya mtsho, 1879–1933)’s English secretary, played a pivotal role in coining new terms that could encapsulate these concepts in Tibetan, shaping the evolving discourse on sovereignty and law within the framework of Sino-Tibetan-British diplomacy.²⁸ Accordingly, when Tibetan translators first translated *The Tibet Trade Regulations* from English and Chinese into Tibetan in 1908, they likewise created new terms. For instance, they translated Britain’s “extraterritoriality” as “foreign authority” (Tib. *phyi’i dbang cha*)²⁹. Consequently, a series of new ideas of international law, such as “sovereignty” and “suzerainty,” were recalibrated and reinterpreted during the negotiations between China and Britain on Tibetan issues. Following Zhang Yintang and Tsarong Wangchuk Gyelpo’s instructions, Tashi Wangdi published *Tibetan-English-Hindi Guide* to calibrate the meanings of new terms in different lingual contexts in 1909.³⁰

While Qing officials and British diplomats continued to argue about the issue of Tibet’s sovereignty after 1905, *The Convention between the United Kingdom and Russia relating to Persia, Afghanistan, and Thibet* was signed in Saint Petersburg in 1907. After long-standing competition in Inner Asia dating back to the early 19th century, Britain and Russia eventually reached the agreement that formed the basis of The Triple Entente jointly with France that set Tibet as a buffer zone under

²⁴ Wang 2018: 204–207; Cheney 2017: 769–783.

²⁵ NPM, Tibet Trade Regulations between China and Great Britain, 910000039-001: 4, Article V.

²⁶ Ibid., 910000039-004: 6–7, Article II-b.

²⁷ Ibid., 910000039-004: 13, Article V.

²⁸ Matin 2016: 101–102.

²⁹ NPM, Tibet Trade Regulations between China and Great Britain, 910000039-004: 39, Article V.

³⁰ Wangdi 1909: vii.

China's "suzerainty."³¹ As *The Anglo-Russian Convention of 1907* stated in Article II: "In conformity with the admitted principle of the suzerainty of China over Thibet, Great Britain and Russia engage not to enter into negotiations with Thibet except through the intermediary of the Chinese Government," the Qing court was regarded as the intermediary between Britain and Russia in terms of Tibetan affairs.³²

Being reluctant to recognize China's executive power in Tibet, Britain and Russia carefully used the term "suzerainty" instead of "sovereignty" to limit the nature of China's relationships with Tibet. The British initially proposed using the term "suzerainty," rather than "sovereignty," to define China's relationship with Tibet in order to establish Tibet as a buffer zone between British and Russian powers in Inner Asia. This strategic objective was also reflected in Article II of *The Anglo-Russian Convention of 1907*.³³ However, Britain's geopolitical strategy of setting Tibet as the buffer zone in Inner Asia conflicted with Qing China's claim of "sovereignty" and was consequently refused by Chinese representative Tang Shaoyi in 1906. That is to say, the debate over Tibet's legal status in 1906 not only closely related to China's border affairs and Britain's Indian policy but also became a significant precondition of the Triple Entente, whose competition with the Triple Alliance finally sparked World War I in 1914. The fate of modern Tibet has been inseparably connected with international law and global transformations since 1906.

Although the British first insisted that China merely had suzerainty instead of sovereignty over Tibet in the draft of the treaty, the terms "suzerainty" and "sovereignty" are never mentioned in the final version of *The Tibet Convention* signed in 1906. Why did the terms "suzerainty" and "sovereignty" eventually disappear from the convention? What happened in the process of the Sino-British negotiations from 1904 to 1906? What are the legacies of the debates over Tibet's sovereignty between the Qing and the British Empires in 1905? In order to discuss these questions, it is necessary to trace the origin of "sovereignty" in Chinese contexts.

Translating "Sovereignty" in Modern China and Tibet

The Chinese term *zhuquan*, corresponding to "sovereignty," underwent significant evolution during the late 19th and early 20th centuries, reflecting China's transition from a traditional empire to a modern nation-state. Historically, *zhuquan* appeared in ancient texts, denoting the

³¹ Klein 1971: 126–147.

³² Gooch and Temperley 1929: vol.4, 618–621; Bell [1924] 1968: 290.

³³ Lamb 1966: vol. 1, 227.

authority of monarchs or emperors. However, this classical usage differs from the modern concept of state sovereignty. The modern notion of *zhuquan* as state sovereignty began to permeate Chinese political thought in the mid-19th century, influenced by interactions with Western powers and the attendant need to engage with international law. This period marked China's exposure to the Westphalian system, which emphasized nation-states' sovereignty. Chinese intellectuals and officials started to grapple with these concepts, seeking appropriate translations and understandings within the Chinese context.³⁴

The idea of "sovereignty" was initially introduced to China in 1864, when American Presbyterian missionary William A. P. Martin (Ch. *Ding Weiliang* 丁韪良, 1827–1916) translated Henry Wheaton's *Elements of International Law* (Ch. *Wanguo gongfa* 萬國公法) into Chinese. Martin's Chinese translation was widely circulated in East Asian regions, including Japan (1865),³⁵ Korea (1877),³⁶ and Vietnam (1877).³⁷ The Chinese translation by Martin was further translated into Mongolian and had influences on the Mongols' understanding of international law in the early 20th century.³⁸ In the Chinese translation of *Elements of International Law*, the term "sovereignty" was translated as *zhuquan*³⁹ which can "be exercised either internally or externally."⁴⁰ Internal sovereignty can be understood as "fundamental laws" (Ch. *guofa* 國法, literally "state's law"), whereas external sovereignty "consists in the independence of one political society" (Ch. *benguo zizhu* 本國自主).⁴¹ The term *zhuquan* was coined in official Chinese sources in the late 19th century.⁴² In 1899, several foreign ambassadors asked to jointly establish a committee for renovating the roads near their embassies by themselves instead of asking Qing officials for help, but the Qing government refused their requests since "this issue relates to sovereignty" (Ch. *shiguan zhuquan* 事關主權).⁴³ In 1902, when an Italian company asked to have rights over contract coal mining in Wanping

³⁴ Jin, Liu, and Qiu 2019: 50–51.

³⁵ The Chinese version was first reprinted in Edo by Kaiseijo school in 1865. For the original copy, see National Archives of Japan, no. 311–0327. The Japanese translation was later published in 1868, see Tsutsumikoku 1868.

³⁶ Kim 1999: 27–44.

³⁷ Takeyama 2003: 217–240.

³⁸ Tachibana 2006: 85–96.

³⁹ *Zhuquan* literally means "the power of the sovereign" in Chinese.

⁴⁰ The Chinese translation is: "或行於內，或行於外。"

⁴¹ Wheaton 1866: part 1, 31–32. Martin trans. 1864: vol. 2, 17–b.

⁴² Svarverud 2007: 69–130.

⁴³ *Qing dezong shilu* 清德宗實錄 (Veritable Records of the Guangxu Emperor) (QDSL) 1986: vol. 439, 786.

County 宛平縣 near Beijing 北京, the Qing government claimed the Italians should follow China's regulations since "China's mineral rights are [related to] independence." Here *zhuquan* consists of two ideas in one term: "Independence" (Ch. *zizhu* 自主) and "rights" (Ch. *quanli* 權利).⁴⁴ It is highly possible the Chinese paraphrase of *zhuquan* was influenced by Wheaton's definition of "external sovereignty" in which "independence" is a keyword.

Notably, although the term *zhuquan* was first recorded in its modern sense in the 1860s, its usage remained sporadic until the late 19th century, reflecting the gradual introduction of Western political concepts to modern China. The term gained prominence in the aftermath of China's defeats in the First Sino-Japanese War (1894–1895) and the Boxer Rebellion (1899–1901), events that underscored the importance of national sovereignty and territorial integrity.⁴⁵ By the early 20th century, *zhuquan* had become a central concept in Chinese political discourse, symbolizing the country's struggle to redefine itself as a sovereign nation-state amidst internal upheavals and external pressures. This evolution of *zhuquan* reflects China's broader efforts to reconcile traditional governance structures with modern international norms, ultimately contributing to the nation's transformation into a modern state.

Although the words "sovereignty" and "suzerainty" were used loosely in China after the late 19th century, these Western ideas were not clearly defined in Chinese contexts and many Qing officials did not understand their meanings correctly until 1905, when the Qing and Britain started to debate over the issues of Tibet's legal status. Before 1905, Britain consistently used the term "suzerain" to refer to China's control over Tibet. In May 1903, the British Empire authorized the Government of India's mission to Tibet in order to discuss the frontier and commercial relations with the Tibetan government. According to a report sent by Colonel Francis Younghusband (1863–1942) to the Indian government in October 1903, China was first mentioned as Tibet's "suzerain," but he also pointed out that China "has openly acknowledged they were unable to keep the Tibetans to the Treaty engagement made on their behalf."⁴⁶ In the diary of Ernest C. Wilton (1870–1952), an Indian colonial officer of Tibetan affairs, he recorded the Tibetans "openly sneered at the representative of the Suzerain Power

⁴⁴ "其權利均係中國自主。" Academia Sinica, Institute of Modern History (AS). *Kuangwu dang* 礦物檔 (The Archives of Mineral Affairs), 01–11–009–03–028.

⁴⁵ Wang 2003: 21–23; Chen 2004: 65.

⁴⁶ British National Archives, Foreign Office (BNA), *Confidential Print, Tibet and Mongolia, 1903–1923*, class 535 (hereafter FO535): vol. 1, no. 35, p. 49.

(China)."⁴⁷ Here the colonial officers of the Government of India, such as Younghusband and Wilton, utilized the term "suzerain" to describe China's authority over Tibet in a passive way. In their writings, "suzerain" was used to demonstrate China's inadequate control over Tibet in order to justify British India's expedition to Tibet.

Based on the colonial officers' accounts on the Indo-Tibetan borderlands, the Government of India also used the term "suzerain" to describe the Sino-Tibetan relationship when they intended to win the mother country's support for the project of the expedition to Tibet. According to a report dated November 1903 sent from the Indian government to William St. John Fremantle Brodrick (1856–1942), the secretary of state for India, China was mentioned as "the suzerain power" that was unable to compel Tibetans to abide by the Sino-British treaty regulating the free trade between Tibet and India.⁴⁸

In the meantime, British diplomats in China were also engaging in the invention of suzerainty discourse and made it a powerful justification for the British expedition to Tibet. In February 1904, Ernest Mason Satow (1843–1929), the British plenipotentiary to China, sent the translation of a Chinese article entitled "How to Protect Tibet," published in *Shenbao* 申報, to George Nathaniel Curzon (1859–1925), the viceroy of India. According to Satow's English translation, this article suggested that the Chinese government should ally with Britain against Russia in terms of Tibetan issues, otherwise "the Dalai Lama will be hoodwinked by Russia into accepting her suzerainty."⁴⁹ Although Satow's translation highlighted the threat of Russia, which might seize China's suzerainty over Tibet, the original version in Chinese never mentioned the term "suzerainty."⁵⁰ No matter whether he made the mistake intentionally or not, Satow's translation out of a diplomatic purpose completely distorted the original meaning of the Chinese text and inserted the term "suzerainty" into his translation in order to emphasize the potential threat of Russia. As a result, China's weak "suzerainty" over Tibet was exploited as a political tool to justify British India's intervention in Tibet once again.

⁴⁷ BNA, FO535/1/42/79.

⁴⁸ BNA, FO535/1/29/36.

⁴⁹ BNA, FO535/3/27/62.

⁵⁰ The Chinese version was published in *Shenbao* (no. 11066) on February 6, 1904: "以達賴喇嘛之愚而無識，惑於俄必受其欺誑，倚於英亦不足圖存 [Due to the Dalai Lama's clumsiness and ignorance, he will be hoodwinked by Russia. Even though he tries to rely on Britain, he will not be able to strive for survival]."

The Qing's "Sovereignty Crisis" in Tibet

The discourse that portrayed China as an incapable "suzerain" created by the colonial officers eventually legitimized the British invasion of Tibet.⁵¹ When the British army led by Younghusband invaded Lhasa in 1904, the Thirteenth Dalai Lama, Tubten Gyatso had already escaped to Urga in Mongolia through Kokonor.⁵² Therefore, Younghusband urged other political and religious leaders, especially Tibetan regent Lhamoshar Lobzang Gyeltsen (Lha mo shar Blo bzang rgyal mtshan, 1840–?), to sign an armistice on behalf of the Dalai Lama.⁵³ In the meantime, Younghusband also tried to persuade You-tai 有泰 (?–1910), the Qing's amban (representative) in Lhasa,⁵⁴ to sign the treaty together with the Tibetans. According to his diary, You-tai was invited to the Potala Palace, and he witnessed the British and the Tibetan officials signing the treaty on September 7, 1904. At that time, he did not prevent the Tibetans from signing the treaty with the British, but he did not sign the treaty on behalf of the Qing Dynasty because he had to wait for the emperor's permission.⁵⁵

On the same day, the Qing Ministry of Foreign Affairs received a telegram, sent from You-tai along with a copy of *The Treaty of Lhasa*. According to his telegram, You-tai proved to be eager to immediately sign the treaty with the British to resolve the problem as soon as possible.⁵⁶ Nevertheless, the Qing Ministry of Foreign Affairs promptly ordered him not to proceed. On September 8, the Ministry informed You-tai, "The ten treaty articles enacted by the British will impair China's

⁵¹ Michael Carrington 2003: 81–109.

⁵² In a telegram dated September 3, 1904, the Government of India explained that the Dalai Lama decided to escape to Mongolia because of his inclination to seek Russia's protection. There was even a rumor circulated in Lhasa to the effect that the Russia Tsar had converted to Buddhism and would support the Tibetans against the British invaders: "The reason why [the] Dalai Lama has fled is in consequence of his having, without the knowledge or sanction of the Council or National Assembly, committed himself with Russia, and he is now afraid of binding himself by concluding a Treaty with us. Many Tibetans were inclining to turn towards Russia, owing to reports which had reached Lhasa, of the Czar's conversion to Buddhism." BNA, FO535/4/72/121. See I. Garri paper in this RET issue.

⁵³ BNA, FO535/4/76/132. Lhamoshar Lobzang Gyeltsen served as the 86th Ganden Tripa (Tib. *Dga' ldan khri pa*) from 1900 to 1907, and he was appointed as the regent of Tibet by the Thirteenth Dalai Lama in 1904. For his role in the convention of 1904, see Shakabpa 1984: 215–219; Shakabpa 2010: vol. 2, 678, 692, 1134.

⁵⁴ The Manchu term "amban," literally "your excellency" or "lord," is a Manchu title for Qing officials. This title was frequently used to name the Qing's representatives in Tibet.

⁵⁵ You-tai 1992: 115.

⁵⁶ AS, *Xizang dang* 西藏檔 (The Archives of Tibetan Affairs; hereafter AS, XZD), 02–16–001–05–023.

sovereignty (*zhuquan*) and you should not sign [the treaty].”⁵⁷ Two days later, the Ministry reiterated this directive to You-tai, emphasizing the necessity of protecting China’s sovereignty over Tibet.⁵⁸ This telegram, dated September 10, was intercepted by British authorities, as all communications between Tibet, India, and China relied on British-controlled telegraph lines. Given the nature of intelligence-gathering rather than diplomatic communication, the British intelligence agency aimed to literally translate the Qing government’s wording and pass it to the Foreign Office for internal reference. In this specific context reflecting its own internal understanding instead of advancing a specific diplomatic argument against China, the British translated the Qing government’s order to You-tai as: “Great Britain should not conclude a Treaty directly with Tibet as, in so doing, China loses its *suzerainty*.”⁵⁹ Namely, the British translator rendered the Chinese term *zhuquan* as “suzerainty” in English for intelligence analysis purposes in 1904.

It is important to note that, while the Qing employed the term “sovereignty” to assert its sovereignty over Tibet, the British, in the course of intelligence analysis, mistranslated it as “suzerainty.” This discrepancy in translation reflected not only linguistic differences but also the broader political divergence between the two powers over Tibet’s legal status. The mistranslation stemmed from the ambiguities surrounding the Chinese translations of “sovereignty” and “suzerainty” during the late 19th and early 20th centuries, highlighting the complexities of cross-cultural legal interpretation in a rapidly shifting geopolitical landscape.

While the concepts of “sovereignty” and “suzerainty” had circulated in China since the late 19th century, their Chinese translations remained unsettled during this period. In 1864, under the Qing court’s patronage, William A. P. Martin translated Henry Wheaton’s *Elements of International Law* into Chinese, rendering “sovereignty” as *zhuquan*. Subsequently, several Chinese and British dictionaries published in East Asia between the 1860s and 1890s adopted *zhuquan* as the standard translation for sovereignty.⁶⁰ However, the meaning of *zhuquan* remained ambiguous in Chinese discourse, even after the turn of the century. For instance, in *An English-Chinese Standard Dictionary* (Ch.

⁵⁷ “英員開送十條，有損中國主權，尊處切勿畫押。” AS, XZD, 02-16-001-05-024.

⁵⁸ AS, XZD, 02-16-001-05-026.

⁵⁹ BNA, *General Correspondence: Political, 1906-1966*, FO371/1751. The original Chinese counterpart is: “不應由英國與番眾徑行立約，致失主權。” AS, XZD, 02-16-001-05-026.

⁶⁰ Jin, Liu and Qiu 2019: 51.

Yinghua dacidian 英華大辭典) published by Yan Huiqing 顏惠慶 (1877–1950) in 1908, *zhuquan* was used to translate “suzerainty.”⁶¹ This indicates that, in the late 19th century, *zhuquan* could refer to either “sovereignty” or “suzerainty,” depending on context. These divergent interpretations of a single term contributed to the diplomatic impasse between Qing China and Britain over Tibet’s legal status.

On September 14, 1904, You-tai went to the British mission in Lhasa and met Younghusband and Wilton together with other British officers, including John Claude White (1853–1918) and William F. T. O’Connor (1870–1943). *You-tai’s Diary in Tibet* records that he had “a joyful talk” with the British officers and explained to the British why he could not sign the treaty. Here You-tai wrote, “The Ministry of Foreign Affairs did not let me sign [the treaty] for fear of losing *zhuquan* and the foreign officers strongly disagreed [with this point]. We asked each other to send telegrams to Beijing to ask [people there] what to do.”⁶² According to another telegram sent from You-tai to the Ministry of Foreign Affairs on September 19, You-tai once again asked them to authorize him to sign *The Convention of Lhasa*. In this telegram, You-tai wrote, “It seems that [*The Convention of Lhasa*] will not impair China’s rights. Although I am not familiar with the issues of treaties, I have done my best to mediate [between the Tibetans and the British] and straighten out [the problem].”⁶³ However, in a telegram dated on September 26, the Ministry of Foreign Affairs insisted that You-tai should not sign the treaty since, if the Qing Dynasty recognized Britain’s privileges regulated by *The Convention of Lhasa*, other foreign powers would also force the Qing to recognize their privileges in Tibet according to their most-favored-nation status. Also, the Ministry of Foreign Affairs specifically asked You-tai to negotiate with Younghusband to add a claim to the treaty that Britain “had no intention to infringe China’s *zhuquan* and annex Tibet’s territory.”⁶⁴ Satow immediately acquired the full content of this telegram in Beijing and sent its English translation to Foreign Secretary Henry Petty-Fitzmaurice (1845–1927) on the same day. According to Satow’s translation, the claim proposed by China mentioned above was translated as “No appropriation of Thibetan territory or infringement of Chinese *suzerainty* is intended.”⁶⁵ Here Satow again mistranslated the Chinese term *zhuquan* (sovereignty) as its

⁶¹ Yen 1908: 2282.

⁶² “外務部不令余畫押，恐失主權，洋官大不以為然。商酌彼此給北京打電，問如之何。” You-tai 1992: 116.

⁶³ “似無碍於中國之權，泰於條約一事，素未諳習，然此番調停開導，實已力盡精疲。” AS, XZD: 02–16–001–05–030.

⁶⁴ “不侵中國主權，不佔西藏土地。” AS, XZD, 02–16–001–05–032.

⁶⁵ BNA, FO535/4/110/193.

counterpart “suzerainty.” In order to respond to China’s proposal of claiming its *zhuquan* over Tibet, Brodrick sent a telegram to the Government of India in order to seek their opinions.⁶⁶ Although Satow mis-translated the term *zhuquan* into “suzerainty” instead of “sovereignty” and passed the wrong translation to Brodrick, it seems that the Indian government correctly realized China’s claim of sovereignty probably through direct communication between Younghusband and You-tai in Tibet. Therefore, the Indian government later took a very strong standpoint, refusing China’s sovereignty over Tibet as shown below in their September 29th reply to Brodrick:

We venture to think that both history and present experience prove that China does not possess full sovereignty in Thibet [...]. As to most-favoured-nation treatment, question cannot arise, since Treaties made with China alone are not valid in Thibet, as has been proved by our experience.⁶⁷

In this telegram, the Indian government merely recognized that China possessed “undefined suzerainty” instead of “full sovereignty” over Tibet.⁶⁸ As a result, the disagreement over sovereignty and suzerainty between Britain and China seriously obstructed the negotiation regarding the validity of *The Treaty of Lhasa*, which was drafted by Younghusband and Tibetan leaders without getting the signature of the Qing’s representative in 1904. Considering the stalemate in the negotiation, the Qing Dynasty realized it was impossible to solve the problem through You-tai, who was “not familiar with the issues of treaties.” Consequently, the Qing decided to rely on professional diplomats, who were more experienced in foreign affairs.

“Sovereignty” or “Suzerainty”: Translating International Law in 1905

After realizing You-tai, the Mongolian amban from a celebrated bannerman family, was incapable of solving the sovereignty crisis of Tibet, the Qing Dynasty immediately delegated Tang Shaoyi, who had studied abroad at Columbia University as a member of the Chinese Educational Mission, with a view of becoming the plenipotentiary of Tibetan affairs in October 1904. Tang had been an essential assistant to Yuan Shikai 袁世凱 (1859–1916) in Korea and Shandong 山東. He also became a close friend of Herbert Hoover’s (1874–1964) after 1899, when Hoover rode a train from Tianjin 天津 in China, as a mining engineer.

⁶⁶ BNA, FO535/4/118/199.

⁶⁷ BNA, FO535/4/119/200.

⁶⁸ BNA, FO535/4/119/200.

In his memoir, Hoover complimented Tang's abilities and character:

Tong [Shao-yi] courteously invited us to ride with him, and there began a firm friendship which was to have many curious developments in after years. He was an alumnus of Columbia University, a man of great abilities, fine integrity, and high ideals for the future of China.⁶⁹

Compared with You-tai, Tang Shaoyi was more familiar with Western cultures and could communicate very well with Westerners. As the Tibetan affairs' plenipotentiary, Tang did not go to Tibet directly. Instead, according to Tang's report to the Qing Court, he departed from Hong Kong (Ch. Xianggang 香港) on January 31, 1905, heading for Calcutta on the *Sui Hsiang*, a British steamship.⁷⁰ After arriving in Calcutta on February 16, Tang met British representative Stuart Mitford Fraser (1864–1963) and they decided to hold their first formal meeting on March 2, 1905.⁷¹ The Qing Dynasty also dispatched Vincent Carlile Henderson (1873–1910), the Chinese commissioner of customs at Dromo, who traveled from Lhasa to Calcutta in order to assist Tang Shaoyi's work.⁷²

Before Tang arrived in Calcutta in January 1905, Satow met with Hošoi Prince Qing Yi-kuang (Ch. Heshuo Qing qinwang Yi-kuang 和慶親王奕劻, 1838–1917), the leader of the Qing Ministry of Foreign Affairs, in Beijing and later submitted a memorandum of their conversation to Britain's Foreign Secretary in November 1904. According to his memorandum, Satow intended to clarify the power relation between the Qing and Tibet by asking Yi-kuang a fundamental question about the meaning of "suzerainty" in the Chinese context. He asked: What was the proper technical term in Chinese to express the relations of Thibet to China? In English China was described as the "suzerain" of Thibet. How was the idea expressed in Chinese?

This is what the Prince replied:

There was no proper word to express this. The Thibetans called the Emperor of China their "Huangshang," not "Ta Huangti," as a foreign nation would say. The word "suzerain" he (Prince Qing himself) supposed implied the "shang kuo," the "upper nation." The superiority of the Emperor over the Dalai Lama was demonstrated in his appointment by

⁶⁹ Hoover 1951: 39.

⁷⁰ AS, XZD, 02-16-001-06-002.

⁷¹ AS, XZD, 02-16-001-06-008; AS, XZD, 02-16-001-06-036.

⁷² AS, XZD, 02-16-001-06-009.

patent “chih shu” ([Ch. *chishu* 敕書] imperial edict).⁷³

The conversation between Satow and Yi-kuang profoundly reflected how the differences in languages brought about the various interpretations of the relations between China and Tibet. While Satow was using “suzerain” to describe the Sino-Tibetan relationship, Prince Qing could not find its exact counterpart in China. Yi-kuang supposed “suzerain” might mean “upper state” (*shangguo* 上國) in Chinese,⁷⁴ which could not fully describe China’s superiority over Tibet. According to Yi-kuang, Tibet was not a foreign nation outside of China. On the contrary, China had full power over Tibet, which was more likely “sovereign” than “suzerain,” because the Dalai Lama was appointed by the Qing emperors’ edicts. Being confused by Yi-kuang’s reply, Satow further made a detailed inquiry into whether the Chinese emperors issued imperial edicts to the Shōguns of Japan during the Ming period (1368–1644). Yi-kuang said he “believe[d] so, though in that case it did not imply any claim to sovereignty over Japan on the part of China, but was merely the act of a big Power to a small one.”⁷⁵ Although Satow and Yi-kuang failed to reach a consensus on the nature of Qing authority over Tibet, their exchange marked the beginning of the sovereignty/suzerainty dichotomy that would come to define British and Chinese diplomatic discourse in the early 20th century.

The dispute of “suzerainty/sovereignty” was immediately brought from the meeting in Beijing to the conference table in Calcutta after Tang Shaoyi arrived in India in February 1905. According to letters dated March 5, 1905, sent from Henderson to Robert Hart (1835–1911),⁷⁶ the British representative recognized that China was the suzerain of Tibet but did not have sovereignty over Tibet.⁷⁷ On the other hand, Tang refused to accept Britain’s claim that China only had suzerainty rather than sovereignty over Tibet and he intended to make a new proposal regarding the treaty between Britain and China respecting Tibet. According to telegrams sent from Tang to the Qing court on

⁷³ BNA, FO535/5/95/125.

⁷⁴ The origin of the Chinese term “shangguo” (upper state) is still unclear, but it was used to refer to “feudal lord” in Chinese texts by the 2nd century AD. It may have later been used to translate the English word “suzerain” in the late 19th century. “Suzerain” derived from middle French “souserain” and Latin “sursum,” which is composed of two roots: “sur” (up) and “versum” (towards). For the bibliography of the philologist discussions of “suzerain” and “sovereign,” see Liberman 2010: 829.

⁷⁵ BNA, FO535/5/95/125.

⁷⁶ Hart served as the inspector-general of China’s Imperial Maritime Customs Service between 1863–1911. His life has been well studied by historians of modern China, see Wright 1950; Bickers 2006: 691–723.

⁷⁷ *Zhongguo di'er lishi dang'anguan* (ed.) 2000: vol.2, 971–974.

May 14, 1905, "The State of Britain recognizes China as Tibet's 'shangguo' (upper state)⁷⁸ rather than its 'zhuguo' (Ch. 主國, sovereign state)."⁷⁹ Tang further explained that "shangguo" is the Chinese translation of "suzerainty" (Ch. *susuolunti* 蘇索倫梯), whereas the term "zhuguo" should translate as "sovereignty" (Ch. *saofulunti* 搔付倫梯).⁸⁰ Tang Shaoyi refused to accept the term *shangguo* (suzerainty) that was used by the British to describe the relations between China and Tibet. He gave an insightful explanation: "If we recognized ourselves as the suzerain [of Tibet], it was to relegate Tibet to a more alienated place, a status similar to what Korea, Vietnam, Ryuku, and Myanmar used to have."⁸¹ Here, Tang's previous experiences of Korean affairs led him to draw an analogy between the 1904 British invasion of Tibet and the 1894 Japanese invasion of Korea. He reckoned that, if the Qing acknowledged their "suzerainty" instead of "sovereignty" over Tibet, the British would get a chance to occupy Tibet, exactly as the Japanese and the French had respectively done over Korea and Vietnam.

Although Tang eventually clarified China's claim of "sovereignty" instead of "suzerainty," the British did not recognize it. As explained in a report sent from the Indian government to Brodrick:

A draft Convention stipulating for recognition of sovereignty, not suzerainty, of China over Thibet has now been formally submitted by Tang [...]. In these circumstances we are refusing to consider Tang's draft Convention, and are informing him that His Majesty's Government are unlikely to be willing to go beyond the terms of our draft.⁸²

The controversy over "sovereignty/suzerainty" eventually caused the negotiation in Calcutta to reach an impasse. When he met Natong 那桐 (1857–1925), the Qing's deputy minister of foreign affairs, in August in 1905, Satow asked why the negotiation in Calcutta could not move on:

I [Satow] then inquired what the points were on which the two Plenipotentiaries [Tang and Fraser] differed, and he [Natong] spoke of the dispute as to which of the two terms "sovereignty" or "suzerainty" was to be used. The other points he appeared not to remember; perhaps he

⁷⁸ AS, XZD, 02-16-001-06-037.

⁷⁹ AS, XZD, 02-16-001-06-045.

⁸⁰ AS, XZD, 02-16-001-06-041.

⁸¹ "若自認為上國，是將西藏推而遠之，等西藏於昔日之韓、越、球、緬也。"

AS, XZD, 02-16-001-06-061.

⁸² BNA, FO535/6/37/58.

thought them of little importance.⁸³

According to this paragraph, it is obvious that the difference between using "sovereignty" or "suzerainty" was the key to the debate between Tang and Fraser in 1905.

After a long deadlock, Tang proposed to remove the terms "sovereignty" or "suzerainty" in the treaty in order to lay aside the unsolvable debate.⁸⁴ As a result, the final version of *The Convention Between Great Britain and China Respecting Tibet* (Ch. *Zhong Ying xuzeng Zang Yin tiaoyue* 中英續增藏印條約) in 1906 does not contain the terms "sovereignty" or "suzerainty."⁸⁵

Now why did Tang Shaoyi propose to delete the term "sovereignty" in the treaty respecting Tibet? Tang suggested that the Qing should tentatively postpone the argument for sovereignty and wait for a proper opportunity to exploit Britain's internal conflicts. First, Tang clearly noticed the British government did not support British India's military activities. Tang explained that the viceroy was exactly the person who planned to invade Tibet and denied China's sovereignty over Tibet.⁸⁶ Since British representative Fraser was Curzon's subordinate, it was impossible for the treaty to clearly claim China's sovereignty over Tibet. However, Tang keenly pointed out that the Liberal Party (Ch. *kaizhi dang* 開智黨), which did not support India's military invasion of Tibet, would replace the Conservative Party to lead the British government in the coming spring of 1906. In the meantime, Curzon's five-year term would expire in the same year. Therefore, it would be beneficial to the Qing to delay the sovereignty controversy until the Liberal Party took over.⁸⁷ Tang's knowledge of British politics, such as the rotation of the ruling parties and the British liberals' political views, significantly influenced his negotiating strategy.

Compromising between the Qing and British Empires

Beginning in March 1905, the negotiation between the Qing and Britain came to a deadlock due to the controversy over the translation of "sovereignty."⁸⁸ Finally, in July 1905, Tang Shaoyi made two suggestions to the Qing Court. First, he requested that the Qing Ministry of Foreign

⁸³ BNA, FO535/6/67/83.

⁸⁴ BNA, FO535/6/93/112; AS XZD, 02-16-001-06-047 and 048.

⁸⁵ NPM, *The Convention Between Great Britain and China Respecting Tibet*, 910000035.

⁸⁶ AS, XZD, 02-16-001-06-066.

⁸⁷ AS, XZD, 02-16-001-06-066.

⁸⁸ *Zhongguo di'er lishi dang'anguan* (ed.) 2000: vol.2, 971-972.

Affairs should replace him with a new plenipotentiary and allow him to return to China. Tang suggested that substituting representatives was a common way to make a diplomatic compromise for Westerners. Tang quoted the British case of 1815, when the British government let Arthur Wellesley (1769–1852) substitute for Viscount Castlereagh (1769–1822) as the first Congress of Vienna plenipotentiary. Also, he thought that replacing representatives was a more reasonable solution than protesting against Britain.⁸⁹

Furthermore, Tang suggested deleting the first article of the treaty that claimed China enjoyed “sovereignty/suzerainty” over Tibet. While the Qing claimed that China was the “sovereign” (*zhuguo*) of Tibet, Britain insisted that China was merely Tibet’s “suzerain” (*shangguo*) in the negotiation. According to the letter sent by Fraser to Tang, the British firmly refused to recognize China’s sovereignty over Tibet, since the British were able to sign *The Treaty of Lhasa* directly with the Tibetans in 1904.⁹⁰ Based on Fraser’s argument, Tang proposed to the Qing Ministry of Foreign Affairs to omit the terms “sovereignty” or “suzerainty” in the treaty. Tang was clearly aware that the *Treaty of Lhasa of 1904* jointly made by the British and the Tibetans without China’s permission would be detrimental to China’s claim of sovereignty over Tibet. Based on his previous experiences of the Japanese invasion of Korea, Tang reported to the Ministry of Foreign Affairs as stated below:

A client state (*shuguo*) does not have the right of signing a treaty with another country; not to mention, Tibet is our dependency (*shudi*) that should be regarded as a country. Although our country did not sign [*The Treaty of Lhasa*] last year (1904), the minister You[-tai] did not prevent the Tibetans from signing the treaty beyond their authority. As a result, Britain took advantage fortuitously and utilized the event as the evidence that proves [China is Tibet’s] suzerain. The British viewing Tibet today share the same purpose with the Japanese who signed the treaty with Korea in the early Guangxu [Ch. 光緒, r. 1871–1908] period. They both harbor evil intents.⁹¹

Since You-tai’s relatively passive attitude to the conflict between the British and the Tibetans in 1904 provided Britain a good excuse to deny

⁸⁹ AS, XZD 02–16–001–06–066: The term “protest” was transliterated in Chinese “Pulutaisite” 噶嚕太司特.

⁹⁰ AS, XZD, 02–16–003–01–007.

⁹¹ “查屬國無逕與他國締約之權，況藏為我屬地，不能以一國視之。去歲我國雖未畫押，惟有大臣並未阻止藏人越權締約，故英得意外之便宜，即以此為上國之證據。英今日之視藏，即與光緒初年日本與韓立約之意相同，用心叵測。” AS, XZD, 02–16–003–01–007.

China's sovereignty over Tibet, Tang Shaoyi thought it might be more reasonable to tentatively postpone the controversy of sovereignty and suzerainty, otherwise the British might take advantage of the controversy as "the basis of supporting the independence of Tibet."⁹² Consequently, Tang was inclined to remove controversial terms from the treaty, such as sovereignty and suzerainty. According to Fraser's reply to Tang in June 1905, Tang proposed to use the terms "existing authority of China over Tibet."⁹³ Fraser refused Tang's proposal once again.

The turning point of the negotiation occurred in August 1905, when Curzon resigned as viceroy because of his conflicts with Herbert Kitchener (1850–1916), India's commander-in-chief, due to their disagreements about the military administration. As Stephen P. Cohen stressed, the civil-military quarrels between Curzon and Kitchener significantly influenced Britain's and India's politics.⁹⁴ In fact, Tang was aware of this important change and its effects on British India's frontier policy. In Tang's report to the Ministry of Foreign Affairs in August 1905, he wrote:

Last month, Viceroy Curzon strived for the military power with the commander-in-chief and they appealed to the British court. The government's decision did not support Curzon. Moreover, public opinion and newspapers in Britain and India criticized him simultaneously and asked him to resign. I think there may be a turning point for the treaty if Curzon resigns.⁹⁵

As Tang expected, Curzon resigned in August 1905 and his position was taken over by Lord Minto Gilbert Elliot-Murray-Kynynmound (1845–1914), who had previously served as the governor-general of Canada. Tang immediately passed this information to the Qing Court and suggested the Ministry of Foreign Affairs should contact Satow in Beijing in order to restart negotiations.⁹⁶ In September 1905, Satow replied on behalf of the Foreign Office to the Qing that the British government agreed to delete the first article by which Britain had intended to clarify China's "suzerainty" over Tibet, but Britain would not make any concessions in addition to this compromise.⁹⁷

⁹² “以為將來扶持西藏獨立之基礎。” Ibid.

⁹³ “中國在西藏原有及現時享受應得之權利。” Smith 1997: 161. The Chinese counterpart (AS, XZD 02-16-003-01-007).

⁹⁴ Cohen 1968: 337–355.

⁹⁵ “前月，寇督與陸軍省大臣互爭兵權，交訴英廷，部議不直寇督，英印輿論報章同詆寇督，諷其解任。私擬寇若解任，則約事似有轉機。” AS, XZD 02-16-003-01-007:

⁹⁶ AS, XZD, 02-16-003-01-008.

⁹⁷ AS, XZD, 02-16-003-01-015.

After the British agreed to shelve the controversy over sovereignty and suzerainty, Tang asked the Qing government to allow him to return to China on the pretext of treating a fungal infection in his feet.⁹⁸ As Tang said to the Qing government, "The Europeans always pay attention to hygiene. Seeking medical advice in different places is common in Western customs. Now, I would like to ask someone to take over my job during my sick leave. It seems it is not unacceptable to international [society]."⁹⁹ Tang skillfully utilized the Western idea of hygiene (Ch. *weisheng* 衛生)¹⁰⁰ as a diplomatic tool in order to persuade the British to accept the change of Chinese representatives. At the same time, Tang also recommended Zhang Yintang, who had served as a diplomat in Japan and the United States, to take over his work.¹⁰¹ After October 1905, Zhang officially took over Tang's responsibility to resume negotiations with the Indian government, which insisted that the Chinese representative should sign the treaty immediately, without any bargaining; otherwise, the negotiation would break down.¹⁰² After Curzon stepped down, British representative Ernest Wilton was substituted for Fraser to continue the negotiations. Henderson recorded the first official meeting between Zhang and Wilton and reported to Hart. According to Henderson, Wilton was very rude to Zhang and tried to force the Chinese embassy to sign the treaty as soon as possible. Moreover, Zhang was unable to conduct negotiations due to the intervention of the new viceroy, Lord Minto.¹⁰³ While encountering many difficulties during this process with British India, the Qing government started to realize the necessity of consolidating China's sovereignty over Tibet.

The Embodiment of Sovereignty: Money and Lamas

In addition to Britain's tough stance in the negotiation of the treaty of Tibet, the Qing Dynasty had to deal with two problematic issues

⁹⁸ Tang might have been suffering from *tinea pedis* (athlete's foot), which was an epidemic disease prevailing in the British colonies in Asia. It was first described by a British dermatologist at King's College Hospital named Arthur Whitfield in 1908. Whitfield 1908: 237; Homei 2013: 44.

⁹⁹ "洋人素重衛生，易地就醫，西俗通例，現因病請代，似於國際尚無窒碍。" AS, XZD, 02-16-003-01-016.

¹⁰⁰ The Chinese term "*weisheng*" literally means "guarding life." Before the late 19th century, this term was associated with the Daoist regimens of diet and medication. In the 1880s, this term was first used to translate the Western idea of "hygiene" in books and pamphlets published in China's treaty ports, such as Shanghai and Tianjin. Rogaski 2004: 104-135.

¹⁰¹ AS, XZD, 02-16-003-01-016

¹⁰² AS, XZD, 02-16-003-01-047.

¹⁰³ Zhongguo di'er lishi dang'anguan (ed.) 2000: vol.2, 977.

simultaneously. First, the British army led by Younghusband had imposed a £500,000 (7,500,000-rupee) indemnity on Tibet in *The 1904 Lhasa Treaty*.¹⁰⁴ Although the amount of the compensation was later reduced to £166,000 (2,500,000 rupees), it would still be a heavy burden on the Tibetans.¹⁰⁵ In fact, the Qing's consideration for the indemnity was more than the amount of money. If Tibetans paid the indemnity by themselves directly to the British, this might give Britain an excuse to refute China's sovereignty over Tibet. On the contrary, if the Qing government could pay off the indemnity on behalf of Tibet, it could demonstrate China's authority over Tibet. Therefore, the Qing Ministry of Foreign Affairs decided to "bail Tibet out of its difficulty in order to keep sovereignty."¹⁰⁶ In November 1905, the Ministry of Foreign Affairs sent a letter to Satow and informed him that the Qing government would pay off Tibet's indemnity in three annual installments through the Hongkong and Shanghai Bank (Ch. *Huifeng yinhang* 匯豐銀行) beginning in 1906.¹⁰⁷

However, while the Qing Dynasty intended to demonstrate its sovereignty by paying the indemnity on behalf of Tibet, another sovereignty crisis happened. While the Prince of Wales (later crowned as George V, 1865–1936) visited British India in November 1905, the Indian government planned to invite the Ninth Panchen Lama Tubten Chokyi Nyima (Thub bstan chos kyi nyi ma, 1883–1937) to India to meet the Prince. After the late 16th century, the Dalai Lama and the Panchen Lama became the most powerful Buddhist leaders in Tibet. According to Chinese sources, whereas the Dalai Lama ruled over the eastern part of Tibet, the Panchen Lama was the leader of western Tibet. Although the Dalai Lama and Panchen Lama belonged to the same religious tradition of Tibetan Buddhism and were each other's teachers, they also competed with each other for the sake of gaining political power, especially after the late 19th century.

Generally speaking, the Dalai Lama possessed more essential political status than the Panchen Lama, due to the importance of eastern Tibet's geopolitics. However, after the Thirteenth Dalai Lama Tubten Gyatso escaped from Lhasa to Kokonor and Mongolia due to the 1903 British invasion, the Ninth Panchen Lama became central Tibet's most powerful religious and political leader. Therefore, when the British army, led by William O'Connor, arrived in Tashilhunpo (Bkra shis lhun po) Monastery to invite the Panchen Lama to India without informing China beforehand, the Qing Dynasty was very worried about the

¹⁰⁴ BNA, FO 405/179.

¹⁰⁵ AS, XZD, 02-16-003-01-052; Mckay 1997: 40.

¹⁰⁶ “恤藏困而持主權。” AS, XZD, 02-16-003-01-048.

¹⁰⁷ AS, XZD, 02-16-003-01-050; 02-16-003-01-066; 02-16-003-02-006.

likelihood of the British kidnaping young Panchen Lama and exploiting him as a political tool against China.¹⁰⁸ Although the Panchen Lama eventually returned to western Tibet in January 1906, his visit to India caused a serious sovereignty crisis to the Qing Dynasty. According to Henderson's letter sent to Hart dated January 12, 1906, the Panchen Lama was treated kindly in India and frequently visited the vice-roy and other colonial officers, even though he claimed to the Qing that he did not have any political interactions with the Indian government. Henderson also suggested it was such a critical moment for the Chinese government to maintain its sovereignty over Tibet; nevertheless, Zhang Yintang was so inexperienced that he had done nothing to manage the sovereignty crisis until five days later.¹⁰⁹ Although Henderson criticized Zhang for his inefficiency, it seems that Zhang had his own plan to solidify China's authority over Tibet. According to Zhang's summary report to the Ministry of Foreign Affairs dated March 1906, Zhang comprehensively collected information on the Panchen Lama's activities in India. It was also reported that the British invited the Panchen Lama to India and tried to utilize his contradictions with the Dalai Lama as well as persuade him to pursue Tibet's independence and turn Tibet into a British protectorate. Therefore, Zhang suggested abolishing Tibet's longstanding tradition of the "combination of religion and politics" (Tib. *chos srid zung 'brel*) and separate religious power from Tibet's politics. In addition to diminishing the Dalai Lama and the Panchen Lama's political influence, Zhang also proposed to send the Chinese army to Lhasa from Sichuan and promote the New Policies (Ch. *xinzheng* 新政) in Tibet, such as establishing new-style schools and publishing newspapers in order to let the Tibetans have faith in China's "state power" (Ch. *guojia quanli* 國家權力).¹¹⁰ At the end of his report, Zhang once again emphasized the importance of sovereignty in Tibetan affairs:

The British do not recognize our sovereignty and lure the Panchen to seek asylum. Once the significant change happened, the British proclaimed [Tibet] was a British protectorate and they acted on behalf of [Tibet]. These are the issues we have to consider. If we can first establish sovereignty in Tibet now, then the British will have no excuse to wage war.¹¹¹

¹⁰⁸ AS, XZD, 02-16-003-01-050; 02-16-003-01-089.

¹⁰⁹ Zhongguo di'er lishi dang'anguan (ed.) 2000: vol. 2, 979.

¹¹⁰ AS, XZD, 02-16-002-01-010.

¹¹¹ “英既不認我主權，又誘班禪請英保護，一旦有變，英必有宣布歸英保護及代理政權等事，不可不慮。此時我能在藏先樹主權，英人萬無開釁之理。” AS, XZD, 02-16-002-01-010.

Whereas the British India government still adopted a tough stance in Tibetan affairs and intended to maintain its expansionist frontier policy, the new British government led by the Liberal Party thoroughly shifted the Empire's foreign policy toward China. After the Liberal Party led by Henry Campbell-Bannerman (1836–1908) won the United Kingdom general election in February 1906, the new British government finally decided to commission the British plenipotentiary to sign the treaty of Tibet with China in Beijing to solve the impasse of the negotiation in India, where the colonial officers discussed different opinions of Tibetan affairs with the new government. In his memorial to the Ministry of Foreign Affairs, Tang said:

Recently Britain has a new government that has a policy of maintaining peace and is reluctant to invade its neighbors. Therefore, [the new government] ordered the plenipotentiary Satow to continue negotiations in Beijing. Since they would like to give some leeway, we should try to finish the negotiation promptly in order to protect sovereignty.¹¹²

Consequently, the Ministry of Foreign Affairs requested the Guangxu Emperor to permit Tang Shaoyi to sign the treaty with the British on April 24, 1906.¹¹³ The Emperor issued a bilingual edict in Manchu and Chinese immediately on the next day to authorize Tang to sign the treaty of Tibet with the British as plenipotentiary.

In this edict, several new concepts were presented in both Manchu and Chinese. First, “Chinese and Britain” (Ma. *Dulimbai gurun ing gurun Iemgi*; Ch. *Zhongguo yu Yingguo* 中國與英國) was referred as two equal states. The official title of “plenipotentiary” (Ch. *quanquan dachen* 全權大臣) issued to Tang was paraphrased as “the minister conferred with power” (Ma. *toose be aliha amban*) in Manchu. Moreover, “the treaty of Tibet” (Ch. *Xizang tiaoyue* 西藏條約) was understood as “the contract of Tibet in itemized articles” in Manchu (Ma. *wargi dzang ni hacin meyen i boji bithe*).¹¹⁴ Guangxu's edict on the 1906 treaty offers critical insight into the Qing Empire's approach to international agreements. Notably, the Manchu version of the edict introduces distinct terminology that reflects the Qing court's nuanced understanding of its relationship with foreign powers. For instance, the Manchu term “hacin meyen i boji bithe,” which was used to interpret the idea of

¹¹² “近因英國新易政府，其宗旨在保守和平，不欲侵佔隣境，是以仍飭該使臣薩道義在京續商。彼既有意轉圜，我當早圖結束，以保主權。” AS, XZD, 02-16-002-01-008.

¹¹³ QDSL 1986: vol. 556, 389.

¹¹⁴ NPM, Tibet Trade Regulations between China and Great Britain, 910000039-002.

“treaty,” underscores a more contractual rather than sovereign understanding of the agreement. As a result, on April 27, 1906, Tang and Satow eventually signed the treaty known as *The Convention Respecting Tibet between China and Great Britain* in which the terms “sovereignty” or “suzerainty” are never mentioned.¹¹⁵

The Legacies of the Sovereignty Disputes

Although the treaty of 1906 between China and Britain does not even mention sovereignty or suzerainty, the debate behind the text left profound legacies for modern China and Tibet. First of all, during the argument over Tibet’s legal status from 1904 to 1906, the difference between sovereignty and suzerainty was clarified by the Chinese officials, such as Tang Shaoyi and Zhang Yintang. Moreover, Tibet’s conflict with British India and the dispute regarding China’s sovereignty over Tibet impelled the Qing Dynasty to rely on the new-style Chinese diplomats rather than on the traditional Manchu-Mongolian bannermen to manage Tibetan affairs. Third, *zhuquan* (sovereignty) eventually became a popular idea in China not only for intellectuals but also for commoners.

When the British army invaded Lhasa in 1904, You-tai, the Qing’s highest official in Tibet, did not even understand the exact meaning of *zhuquan*. However, after the 1905 debate over sovereignty, maintaining *zhuquan* became the Qing officials’ priority in Tibet. After You-tai was removed from office in 1906, a Manchu bannermen named Lian-yu 聯豫 (1858-?) took over his position as the Qing’s amban in Lhasa. When the Thirteenth Dalai Lama returned to the countryside near Lhasa in October 1909, Lian-yu sent a memorial to the Qing court and accused the Dalai Lama of conspiring with Tibetan officials against him. Lian-yu then criticized the Dalai Lama for “attempting to directly seize our sovereignty along with the British.”¹¹⁶ Additionally, when Lian-yu sent a request to the Qing Court to appropriate funds for constructing the telegraph system in Tibet in December 1910, he wrote:

When the British army entered Tibet in the 30th year of Guangxu (1904), they installed military telegraph lines wherever they arrived, from the Yadong [Tib. Dromo] Customs to Gyantse [Tib. Rgyal rtse]. Later on, confidential events in Tibet have relied on the communication of the British telegraph lines. This is reversing the positions of the host and the guest. Through the years, the telegram expenditures have caused a huge deficit

¹¹⁵ One set of the original treaties is preserved in Taiwan, see *The Convention Between Great Britain and China Respecting Tibet*, NPM, 910000035–003.

¹¹⁶ “欲與英直接奪我主權。” Lian-yu 1979: 92

[with Britain]. Since sovereignty has been lost, the economic rights have gone as well. What a shame!¹¹⁷

According to Lian-yu's memorials to the Qing court, it was obvious *zhuquan* had already become an international law concept that was well-known to the Qing officials in Tibet and the Beijing government. Unlike his predecessor You-tai, who had first come across the idea of sovereignty in 1904, Lian-yu was very familiar with the term *zhuquan* and even utilized it to request funding from the Qing government. As a British diplomat in China named Max Müller (1867–1945) observed in 1910, "The reference to the sovereign rights of China was inevitable, as it is now the stock phrase of every Chinese official no matter what the subject of discussion with the foreigner may be."¹¹⁸ It is obvious that "sovereignty" had become the foremost concern for most Chinese officials dealing with foreign affairs by 1910.

In addition to Qing officials, the sovereignty dispute from 1904 to 1906 was widely reported by newspapers and also promoted the circulation of the idea of sovereignty in Chinese society. For instance, according to *The Vernacular News of Anhui* (Ch. *Anhui suhua bao* 安徽俗話報) published in December 1904, "It is said that after the Chinese plenipotentiary in Britain negotiated with Britain's foreign secretary, Britain has already recognized China's *zhuquan* over Tibet."¹¹⁹ Meanwhile, the journal *Lujiang News* (Ch. *Lujiang bao* 鷺江報) published in Amoy (Ch. Xiamen 廈門) also mentioned the same story.¹²⁰ Moreover, in December 1905, a report in *The Diplomatic Review* (Ch. *Waijiao bao* 外交報) also said the British government "already recognized the Chinese government had full *zhuquan* for ruling over the Tibetan region."¹²¹ It is clear that the term *zhuquan* mentioned in these reports is not the counterpart of "sovereignty," since the British government never recognized China's sovereignty over Tibet. In fact, these Chinese newspapers wrongly used the term *zhuquan* to translate "suzerainty."

Nevertheless, along with the development of the debate over sovereignty issues between China and Britain, more and more reporters could correctly understand *zhuquan* as "sovereignty." As mentioned in a report published in the journal *Zhifu News* (Ch. *Zhifu bao* 之罟報) in

¹¹⁷ "光緒三十年英軍入藏，師行所至，即設行軍電線，侵越邊界，自亞東關至江孜。其後藏中機要事件，即賴英線傳遞，反客為主。數年以來，費報外溢，為數不貲。主權一失，則利權隨之，良可慨嘆。" Ibid., 158.

¹¹⁸ BNA, FO535/13/67/53.

¹¹⁹ "聽說駐英中國公使和英國外部大臣商議以後，英國已認中國在西藏的主權。"

¹²⁰ *Lujiang bao* 1904. *Anhui suhua bao* 1904: 2.

¹²¹ *Waijiao bao* 1905: 5.

March 1905, "In terms of the negotiation of Tibet nowadays, priority must be given to regaining sovereignty."¹²² Some newspapers even reported the debate over the translation problems raised by "sovereignty" and "suzerainty." For instance, *Mainland News* (Ch. *Dalu bao* 大陸報) published a report mentioning the problems posed by the translations of "sovereign" (*zhuguo*) and "suzerain" (*shangguo*) between Tang Shaoyi and the British representative in March 1905.¹²³ Briefly, the Chinese newspapers' publications provided a broad readership access to knowledge of "sovereignty" and international law in the early 20th century.

In addition to interactions between Britain and China, the debate over "sovereignty/ suzerainty" respecting Tibet profoundly influenced relationships between Britain and Russia in the early 20th century. After Britain and China both agreed to omit the controversial terms "sovereignty" and "suzerainty" in the Sino-British treaty respecting Tibet in 1905, Britain confirmed China's authority over Tibet, where other foreign powers should not intervene without China's intermediation, even though Britain never formally recognized China's sovereignty over Tibet. Consequently, Tibet was eventually set as a buffer zone between British India and Russian inner Asia after April 1906, when *The Convention Between Great Britain and China Respecting Tibet* was signed in Beijing. As a result, Britain was able to meet the power balance with Russia in Inner Asia and could further peace talks with Russia, whose ambitions over Tibet had been regarded as the greatest threat to British India. A proposal dated October 8, 1906, sent by Arthur Nicolson (1849–1928), British ambassador in St. Petersburg, to Foreign Secretary Edward Grey (1862–1933) stated, "If both Great Britain and Russia formally acknowledged China's suzerainty over Thibet, the issue of establishing a Protectorate was ipso facto excluded."¹²⁴

Consequently, Britain and Russia did not have to strive for Tibet as a protectorate and managed to end their longstanding rivalry in Inner Asia through drafting *The Anglo-Russian Convention in 1907*, which stated: "In conformity with the admitted principle of the suzerainty of China over Tibet, Great Britain and Russia engage not to enter into negotiations with Tibet except through the intermediary of the Chinese Government."¹²⁵

"China's suzerainty over Tibet" provided the premise of *The Anglo-*

¹²² "今日而論西藏之交涉，則必以收回主權為第一義。" Lu Sheng, "Xizang jiao she tiao yi." *Zhifu bao* 1905: 5.

¹²³ *Dalu bao* 1905: 7.

¹²⁴ BNA, FO535/8/69/57.

¹²⁵ BNA, FO535/10/49/38.

Russian Entente in 1907, which became the basis for the formation of the Triple Entente during World War I. Namely, Tibet's sovereignty not only affected the Sino-Britain relationship but also influenced the course of world history in the early 20th century.

Conclusion

The debate over the Qing's sovereignty over Tibet sheds light on several issues. First, in the process of translating the idea of "sovereignty," *zhuquan* gradually became a significant term in the Qing's diplomatic discourse after the late 19th century. However, when You-tai and Francis Younghusband intended to clarify Tibet's legal status in 1904, after the British invasion of Lhasa, the term *zhuquan* was not clearly defined in Chinese. Therefore, while the Qing Ministry of Foreign Affairs tried to claim China's "sovereignty" over Tibet by using the term *zhuquan*, the British interpreted the Chinese word differently, implying "suzerainty." After the Qing government replaced You-tai with Tang Shaoyi to liaise between China and Britain, the meaning of *zhuquan* was finally elucidated.

In addition, adopting the idea of "sovereignty" essentially shaped the Qing's foreign policy and provides us a remarkable angle to reexamine China's world order, especially its relations with other east Asian countries. When Tang Shaoyi suggested the Qing government should not use the term *shangguo* (suzerainty) to describe China's relations with Tibet, he argued, "If we recognized ourselves as the suzerain [of Tibet], it is to sideline Tibet to a more alienated place, which is equal to the status to which Korea, Vietnam, Ryuku, and Myanmar used to be relegated."¹²⁶ According to Tang's explanation, China undoubtedly had a closer relationship with Tibet compared with those "tributary states," such as Korea and Vietnam. This can explain why Tibetan lamas had higher seats than Korean envoys' when they simultaneously met the Qianlong Emperor 乾隆 (1711–1799) in 1780—and the Qing government even ordered the Koreans to kowtow to the Panchen Lama.¹²⁷ Briefly, the Qing's logic in its relations with Tibet is very different from the tributary system, and this is why controversies over Qing's "sovereignty" occurred in Tibet but not so in other tributary states when they were invaded by Westerners.

Moreover, the sovereignty disputes between China and Britain in 1905 made "sovereignty" become popular, not only mentioned in official documents but also in Chinese newspapers. Through the newspapers' information networks, "sovereignty" was no longer an exotic

¹²⁶ AS, XZD, 02–16–001–06–061.

¹²⁷ Park 1997: 179–186.

legal term. Instead, the meaning of *zhuquan* was finally aligned with “sovereignty” after Tibet’s sovereignty issue in 1905 and it further affected China’s worldview. That is to say, through the sovereignty and suzerainty arguments, China profoundly reexamined its relations with its neighbors during the transformation from the Heavenly Dynasty to a modern nation in the early 20th century.

Finally, the debate of China’s “sovereignty/suzerainty” over Tibet profoundly shaped the formation of international law and international politics. In addition to establishing *The Anglo-Russian Entente*, the “sovereignty” and “suzerainty” concepts were clarified not only in regards to China, but also Britain during the 1905 debate, which eventually became set as a pair of ideas. As Antony Anghie argues, the formation of “sovereignty” was closely related to colonial confrontations between Westerners and non-Westerners.¹²⁸ While Britain’s colonial power intended to make use of the “suzerainty” discourse to weaken China’s legitimacy over Tibet through promoting international law as “the standard of civilization,”¹²⁹ it is worth noting that China did not passively accept Britain’s colonial discourse. Instead, China actively formed the new discourse of *zhuquan* and further exploited internal conflicts within the British Empire, such as the contradiction between the Conservative and Liberal Parties, against the colonial power.

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¹²⁸ Anghie 2007: 1–12.

¹²⁹ Gong 1984: 3–23.

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