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Uradyn E. Bulag

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The Mongolian declaration of independence on 29 December 1911 was a monumental event in the modern history not only of Inner Asia, but also of East Asia; it not only contributed to the fall of the Qing Empire, but more importantly it led to the formation of two separate national states on the debris of the Empire: China and Mongolia. In 2011 both China and Mongolia commemorated the centennial, but the moods were more contemplative than celebratory, for neither thought that their nation has been consummated: China lost Outer Mongolia and (Outer) Mongolia lost Inner Mongolia.

It is notable that in their centennial commemorations, many Chinese scholars emphasized not revolution and independence *per se*, but the legal reconstitution of the multi-ethnic Manchu-Qing dynasty, this time as a Han-Chinese centred multi-ethnic national state. This was the meaning ascribed to the imperial edict of abdication by the Qing Emperor on 12 February 1912 that putatively transferred Qing sovereignty to the Republic of China.[1] A century later, Gao Quanxi would go so far as to call the Imperial Edict of Abdication the Chinese version of the 'Glorious Revolution'.[2] The parts of the edict that caught their attention are the following:

> I, the Empress Dowager, therefore, together with the Emperor, hereby hand over sovereignty to the possession of the whole People, and declare that the constitution shall henceforth be Republican…
>
> …peace may be assured to the People whilst the complete integrity of the territories of the five races, Chinese, Manchus, Mongols, Muslims and Tibetans, is at the same time maintained, making together a great state under the title the Republic of China.[3]

This is to say that the legitimacy of the Republic of China (and its successor state, the People's Republic of China) is no longer based on its revolutionary bona fides but is derived from a blessing from the Qing imperial household with a gun to its head. The political implication of such scholarship is profound, and it goes beyond the confines of the current territory of the People's Republic. 'Legally' reconstituted as a successor state to the Qing dynasty, the Republic of China is surreptitiously endowed with the status of the 'parent state' (*mubang*)[4] to Mongolia, thereby attaining a renewed right to deny recognition to Mongolia's independence. The question then becomes whether the Republic of China was Mongolia's 'parent state', whether Mongolia's independence was valid without parental recognition, and finally, how the Mongols have addressed this issue. This is intriguing not least because the Mongolian declaration of independence preceded the formation of the Republic of China.

There are two theories concerning creation of a new state in international law: constitutive and declaratory. The constitutive theory holds that a state cannot become a state before it is recognized by other states. By contrast, the declaratory theory contends that a state becomes a state by virtue of declaring itself to be a state, independent of the recognition by others.[5] Applying the declaratory theory, the Mongolian scholar D. Mönkh-Ochir[6] made a study of the international status of Mongolia in 1911 and the process of Mongolia's eventual *de jure* independence. His emphasis on the declaratory dimension of a state's independence is in line with Jacques Derrida's[7] study of the American Declaration of Independence, in which he assesses the Declaration as a political and performative speech act.

The declaratory doctrine is also the spirit of the Montevideo Convention on Rights and Duties of States, a widely accepted authoritative customary international law, which stipulates explicitly that 'the political existence of the state is independent of recognition by the other states.'[8] However, whatever the legal disposition, the position of a powerful opposing or non-recognizing state, in this case China, cannot be disregarded, for its opposition may pose a critical obstacle to the aspiring nation, here Mongolia, en route to independence.[9] The key issue is whether the opposition of the non-recognizing 'parent state' has the final say on the status of a state which declares itself independent. Neither the constitutive nor the declaratory doctrines state that recognition must come from the 'parent state'.[10] What complicates the matter is that Mongolia has never accepted the Republic of China as its 'parent state', even though international powers such as Britain and Russia insisted on China's 'suzerain' status over Tibet and Mongolia.[11]

This is a complex issue that deserves more sustained analysis than can be attempted here. My aim in this short paper is to compare the Chinese and the Mongolian conceptions of independence and reflect on the broader implications. For this purpose, I do this by putting the Mongolian declaration of independence in dialogue with Chinese notions of independence. In this light, I analyse an interesting but much neglected fact, i.e. both China and Mongolia declared independence from the Qing dynasty in 1911, but in 1912 the Republic of China responded to the Mongolian declaration of independence on the basis of a claim to be the successor state to the Qing. Exchanges that raged in 1912-1913 between the Jebtsundamba Khutagt, the Holy Khaan or emperor of Mongolia and spiritual leader of Mongolia's Tibetan-style (or Tibetan-rite) Buddhism, who was enthroned at the time of independence, and Yuan Shikai, the new president of the Republic of China, reveal foundational performative visions of the two new nations, which are still relevant today.

The Chinese Declaration of Independence

The Chinese rebels started out as independence fighters whose most important slogan was *quzhu dalu huifu zhonghua* – 'drive out the barbarians and restore China', culminating in the Wuchang revolt on 10 October 1911. The slogan perhaps implies a limited conception of Chinese territory, one confined to the eighteen provinces of China proper, excluding Manchuria, Mongolia, Tibet, and Xinjiang, which were integral parts of the Qing Empire. Although the revolutionaries later repudiated this ethno-spatial imagination by founding the Republic of China as a republic of five nationalities (*wuzu gonghe*),[12] and indeed, it is the explicit aim of Chinese legal scholars today to project the Republic of China as a 'successor state' of the Qing Empire to write away historical rupture, I argue that the Chinese term *huifu* (restoration or recovering) deserves closer scrutiny. For not only is it the key term to understand the Chinese conceptualization of independence, but it also implies that the original aim of Chinese independence was not to build a new nation from scratch, but to 'restore' an old territorial entity which had been 'independent' prior to the Manchu conquest of 1644.

If this is correct, then, we have an interesting situation. It is generally agreed that the United States was the first nation in the world that came into being by declaring independence, viz. from Britain in 1776. The American Declaration of Independence was not just another articulation of the breakaway of a region from a larger polity, but was a landmark event ushering in a new national principle. Interestingly, the Chinese slogan of 'restoring' China that had been lost to the Manchus points to a putative 'nation' existing prior to the Manchu conquest of 1644, and by extension, preceding the foundation of the first nation in the world – the USA. The question is, of course, not whether China was 'independent' of the Manchus before 1644, but whether the relationship was then conceptualized as 'independence' in the specific sense of the term. Although Ming China set itself apart from the Manchus and the Mongols by building a new Great Wall, there is no evidence to suggest that the notion of 'independence' in terms of sovereign equality and freedom as embodied by the American (and modern) notion of independence existed in China prior to 1776 or any time soon after until the late 19th century.

According to David Armitage,[13] the American Declaration of Independence had a tremendous influence on subsequent declarations globally, and I suggest that the Chinese conception and declaration of independence was no exception. It does not mean, however, that the Chinese conception of independence as 'restoration' in 1911 had no discursive importance; it did lead the revolutionaries to take specific actions to that effect. For the moment, however, without going into detail, I want to explore two sets of American influences on the Chinese: first, legitimization of independence, and second, the organisational dimension of independence.

The Taiwanese historian Pan Kuang-che[14] has written that Chinese revolutionaries were informed by the American Declaration of Independence in terms of how to legitimize and articulate the causes of their revolution. The American Declaration became their 'intellectual resource'. Examining Zou Rong's *The Revolutionary Army* written in 1903, and Sun Yat-sen's address to the American people in 1904 entitled 'The True Solution of the Chinese Problem', Pan noted that the American concepts of 'life', 'liberty', and 'pursuit of happiness' deployed against British oppression found faithful echo among Chinese revolutionaries, and became the conceptual basis for their anti-Manchu racial rhetoric. Like Americans who had listed grievances against the British, Zou Rong and Sun Yat-sen also enumerated Manchu crimes. Pan scrutinized the Chinese interpretations of the American Declaration, finding that the key concepts had been translated to conform to Chinese popular ideas of rebellion against injustice. What transpired was an American inspired anti-Manchu Chinese racial nationalism.

According to the Chinese legal historian Zhang Yongle,[15] the Chinese process of independence followed a model of moving from 'separation' to 'alliance', i.e. for each provincial unit to separate from the empire first and then ally to form a new state. And this was said to be an American model, i.e. thirteen colonies declared independence, and then formed a federation of 'United States'. After a revolutionary government was set up in Wuchang in October 1911, 14 of 18 Chinese provinces declared independence from the Qing government. On 1 January 1912, representatives from 17 provinces joined to establish the provisional government of the Republic of China. In his inaugural speech, Sun Yat-sen, the provisional president of the Republic of China, proclaimed the new republic as a union of five nationalities (*wuzu gonghe*) of Han, Manchu, Mongols, Muslims and Tibetans, abandoning the earlier position of 'driving out the barbarians':

> The foundation of a state is the People, integrating the lands of the Han, Manchus, Mongols, Muslims and Tibetans into a state, uniting the nationalities of the Han, Manchus, Mongols, Muslims and Tibetans as one person. This is what I call the unity of our nationalities.

He then spelt out how to unify China territorially:

> Since the uprising at Wuhan commenced, over a dozen provinces have proclaimed independence. By independence has been meant secession from the Qing court; but it has also been meant to make the provinces join hands; the same has also been true for Mongolia and Tibet. ... This is what I call the unity of our territories.[16]

Interestingly, Sun regarded Mongolia's independence, and that of Tibet, from the Qing as similar to the provincial independences in nature, and were therefore just. He was then persuaded by his own logic to expect Mongolia and Tibet to join his Republic of China just like Chinese provinces.

The change of Sun's position from expelling barbarians to embracing them as nationals of the new Republic has been the subject of recent Chinese scholarly writings. This did not, it is said, come automatically; it was a result of negotiation between the revolutionaries and Yuan Shikai who controlled the Qing court. According to Zhang Yongle and Wang Hui, it was thanks to Yuan's effort that Empress Dowager Longyu transferred Qing sovereignty to the Republic of China in her edict of abdication, and that a 'great compromise' (*da tuoxie*) was reached whereby the revolutionaries accepted the 'barbarians' as good enough to join a Chinese nation.[17] Gao Quanxi argued that the Imperial Edict of Abdication ushered in a new pluralist concept of *zhonghua renmin* (Chinese people).[18] These writings now celebrate Yuan Shikai as the real father of a multi-ethnic China.

While these are important insights, one wonders whether these progressive scholars expect the descendants of the former 'barbarians' to be grateful for the magnanimous Chinese offer of acceptance. One may wonder whether 'China' or 'Chinese' (*zhongguo*, *zhonghua*) was then a neutral and public identity and the Mongols and the Tibetans were eager to be accepted as part of it. The validity of the new Chinese theorizing is predicated on the assumption that the Mongols and the Tibetans shared the same interest as the Chinese in overthrowing the Qing dynasty in their fight for independence, an independence in common with the Chinese.

The Mongolian Declaration of Independence

How then did the Mongols conceptualize independence?[19] The answer may be found in the 21 point petition Mongolian representatives sent by the Jebtsundamba Khutagt made to the Russian government asking for its support for Mongolia's independence in July 1911.[20] It is notable that this secret Mongol diplomatic mission for external assistance preceded the Chinese October 1911 Wuchang revolt. In this document, and indeed in subsequent documents, the Mongols claimed that they had been an independent *ulus* (nation) prior to submitting to the Manchu emperors in 1691, and that their acceptance of a place within the Manchu empire was predicated on the latter's respect for Buddhism. The Mongol-Manchu relationship was conceptualized as an alliance rather than conquest. Interestingly, the important military and political role played by the Mongols in helping the Manchus to conquer and rule China was carefully eschewed.

The 21 point petition contained a long list of grievances, starting with an allegation that 'Chinese officials have taken over the power of our Manchu state' (*hyatad tüshmed manai Manj ulsyn erhiig ezlej*).[21] It indicted Chinese massacres of large numbers of Mongols in Inner Mongolia, rampant exploitation of Mongols by Chinese traders, Chinese settler farming and the brutality of corrupt Qing frontier officials, and so on, all said to have inflicted tremendous suffering on the Mongols. The impossibility for the Mongols to secure self-esteem in relation to the Manchus was attributed to the loss of shared interests and values between them. The Mongols appealed to Russian feelings of sympathy[22] in the hope of attaining support from and solidarity with Russia, 'in the manner of a small state supporting a big state' (*ih uls dor shütej baga ulsyn yosoor hariltsan tuslaltsvaas*).[23] The document points to the dissolution of the Manchu-Mongol alliance, the formation of a new Manchu-Chinese league, and the necessity for a Mongol-Russian alliance.

There is no single document in Mongolian that has the character of an official Mongolian Declaration of Independence. The most sacred and foundational text that Mongols accept as initiating a new Mongolian state is the royal decree issued by the Jebtsundamba Khutagt on 29 December 1911 at his inauguration as the Bogd [Holy] Khaan of Mongolia, assuming the reign title of 'Elevated by All', a decree on distributing favours and titles to meritorious persons who had contributed to the founding of Mongolia.[24]

The last Bogd Khaan

In my view, there are three documents that could lay claim to being called Mongolia's Declaration of Independence. The first was issued on 1 December 1911 by a Provisional Government of Mongolia (called General Provisional Administrative Office for the Affairs of Khalkha Khuree). Entitled 'A Proclamation to the Mongols, Russians, Tibetans, Chinese and all Ecclesiastical and Secular Commoners', it was issued in the name of the Khans of the four Khalkha Aimags, and Vans, Beises, Guns, Zasags, Khamba, 28 Shanzuda and Da Lamas. The proclamation begins:

> At present we often hear that in the southern land [China], the Manchus and Chinese are creating disturbances and are about to precipitate the fall of the Manchu state. Because our Mongolia originally had been an independent nation [*ug dagan tusgai nigen ulus*], after consultations, we have now decided to establish a new state [*törü*], based on our old tradition, without the interference of others in our own rights. Our Mongolia should not be ruled by Manchu-Chinese officials. After taking away their rights and powers, an ultimatum for their extradition to their original homeland has finally put an end to their power, although by sending them back we do not intend that ordinary honest Chinese traders should suffer.[25]

The day after the founding of the new Mongolian state, on 30 December 1911, a telegramme was sent by the Mongolian parliament to the Foreign Affairs, Internal and Advisory ministries of the Qing government, which may be construed as Mongolia's formal Declaration of Independence.

> For over 200 years since Mongols submitted to the Qing dynasty we have been enjoying the blessing of the Holy Khaans and worshipping them as Gods. It is only proper for us to serve them well and to share all happiness and suffering with unwavering loyalty. But during the last few decades, the government has lost its high principles, the ministers in charge of frontier affairs and high-ranking officials of the ministries have violated laws and regulations.

Morally condemning the Manchus for failing to fulfil the original pact of alliance, and vowing not to be dragged into the mess the Manchus created for themselves, the Mongols said that there was no other recourse than to 'having kowtowed to the direction of the golden palace [in Beijing] and performed a ritual of cutting off relations from the celestial majesty, we all elevated the Bogd [Jebtsundamba] as the Lord and called [the state (or dynasty)] by the name of Mongolia' – *altan ordnony zug handaj tengeriin gegeenees hagatsahyn yosoor mörgööd bügdeer Bogdyg örgömjlön ezen bolgoj ulsyn tsolyg Mongol hemeen.*

Following this ritual, then, Mongol independence was a severance of the two-century-long relationship with the Manchus, a step taken in order to protect themselves. In 'severing' the relationship, the Mongols announced 'the confirmation that the northern land has been returned to the rightful original owner' – *umar zügiin delhii dahiny oron gazryg uul ezen n' huraan avch buren bolgon batlavai.*[26]

The third document pertains to a proclamation sent by the Mongolian Ministry of Foreign Affairs to the ministries of foreign affairs of France, Belgium, England, Japan, Germany, the United States, Denmark, Holland, and Russia in autumn 1912. Informing them of Mongolia's new status as a nation-state (*uls tür*) already separated from the Qing dynasty and of the elevation of the Jebtsundamba Khutagt as the Khaan of Mongolia, the document proposed signing treaties and encouraging trade so as to 'deepen inter-state friendship' (*ulsyn nairamdlyg zuzaatgamoi*).[27]

First flag of independent Mongolia

All these documents constitutive of a Mongolian Declaration of Independence show that, like the Chinese, the Mongols imagined themselves to be independent prior to the Qing alliance. However, there is little evidence that the Mongol independence fighters shared the same goal as their Chinese counterparts, as Sun Yat-sen claimed, i.e. to unify with Chinese provinces. Note that in their declaration to the Qing government, the Mongols did not vow to bring down the Manchu state, but expressed a wish to establish diplomatic relations with it after order in the Chinese provinces had been restored. They concluded by saying: 'In writing these words, the Mongolian Parliament bows with awe and trepidation wishing the Manchu state a long existence'.[28] In other words, whereas Chinese rhetoric was premised on an unequal relationship and yearning for equality, freedom, and happiness, which could only be obtained by destroying the Qing dynasty and establishing Han Chinese domination, for the Mongols, the original relationship had been an equitable one in which Mongols enjoyed Manchu support and protection. Increasingly, however, they found that the relationship no longer served Mongol interests, as the Manchu had not only been weakened but also been taken in by the Chinese who meant harm to the Mongols. Hence the justification of severing the original relationship, 'restoring' independence, and forming a new alliance with yet another power – Russia – which shared Mongolia's concerns about the Manchu empire and which could protect Mongolia. This new relationship was envisaged as one of 'Russian-Mongolian friendship' (*Oros Mongol hoyoryn nairamdah*), to be cemented by a treaty.[29] The 21 point petition to Russia held that seeking protection from a powerful state by a small and weak state conformed to the established international law.[30]

The Mongol position in these documents confirms the point made by Nakami Tatsuo who once famously wrote that the Mongols protested the Chinese monopoly of the Middle Kingdom.[31] One may add that Mongol independence from or severance of relations with the Qing was also a protest against the 'Manchu-Chinese' alliance. And it challenges the Taiwanese scholar Chang Chi-hsiung's revisionist theory of tree and monkeys, that is, once the Manchu tree fell, the Chinese and Mongolian monkeys on the tree dispersed.[32] In other words, in Chang's eyes, the fall of the Qing dynasty dissolved any relationship between Mongolia and China, which had been linked only through the Manchus. Surely this misses the key point that the Mongols fled before the Qing demise.

Although the Chinese and the Mongols did not share the same goal in their independence movements, there are certain similarities in the procedures of independence: like the Chinese revolutionaries who followed the American procedure of union upon separation, the Mongols in Khalkha (Outer Mongolia) launched independence first with the assistance of a few Inner Mongolian leaders such as Haishan, and then called on Inner Mongolian princes to join the new Mongolian state.[33] And like the Chinese revolutionaries who failed to convince the Mongols to rally behind them, the Mongol independence fighters also failed to gain unanimous support from all Inner Mongolian princes. To be sure, the causes of failure in the two cases were different: whereas the Mongols did share the goal of independence with the Chinese, the Mongols were not interested in supporting a Chinese takeover of the Qing. On the other hand, the goals of the disparate Mongol groups were largely the same, i.e. unification between Inner and Outer Mongolia. The Mongol failure of unification was as much due to their geographical proximity to the Chinese political centre as to the Russian and Japanese partitioning of Mongolia into their separate spheres of influence and their disagreement over the fate of the Mongols. Indeed, whereas the Chinese would often blame the Russians for 'luring' Outer Mongolia away from China, Russia never actually supported Outer Mongolia's outright independence from either the Qing or Republic of China until as late as 1945 in the Yalta Agreement in anticipation of Japan's imminent defeat. These two sets of failure to achieve union or unification after independence remain the grievances of the two

nationalisms, and they constitute one of the most important legacies of the 1911 independence movements for both China and Mongolia.

The Jebtsundamba – Yuan Debate and the Vision of Mongolian Independence

As noted above, the Qing imperial edict of abdication on 12 February 1912 has become the focus of efforts by contemporary Chinese legal historians both to legitimize the current multi-ethnic composition of the Chinese state and to render Mongolian independence illegal. What Chinese scholars have missed or chosen to ignore is that Mongolia declared independence from the Qing prior to the imperial edict transferring sovereignty to the Republic of China. It is nevertheless important to note that the Mongolians sent their declaration of independence to the Qing government at its deathbed as it were, but it was not until early 1912 after abdication that a reply came, and then it was from the Ministry of Internal Affairs of the Republic of China. After a few exchanges between the two ministries of internal affairs, with the Mongols not bowing to Chinese threats, the 'Great President' (*Da Zongtong*), Yuan Shikai, the new sovereign of the Republic of China, stepped in. Writing directly to the 'Living Buddha of Urga' (*Kulun Huofo*), he ordered 'the honourable lama (*gui lama*) to give up Mongolian independence, promising simultaneously that 'everything can be discussed as long as independence is renounced.'[34] There were three rounds of telegramme exchanges between them.

Yuan started his first telegramme (dated the 28th of the first lunar month 1912, or 16 March 1912), with the premise that 'Outer Mongolia is part of the Chinese nation [*zhonghua minzu*], having become a family over the past several hundred years' and that Mongolia should join the Republic by renouncing independence.[35] Yuan scorned Outer Mongolia for being too small and weak to become a viable state. Listing a number of fatal weaknesses of Outer Mongolia, including its poverty and lack of military prowess, Yuan ridiculed 'the honourable lama' for having power only among 'three tribes', and for failing to compel various Mongol groups to submit to him. If Outer Mongolia declared independence, he warned that it would die like Korea and Taiwan, which had been annexed by Japan.[36]

How did the Mongols defend their position? In a previous response to a letter from the Minister of Internal Affairs of the Provisional Government of the Republic of China, the Mongolian counterpart expressed his pleasure that the Qing had fallen, and his admiration for China becoming a republic of five races. But he emphasized the difference between the two nations, insisting that the Mongols were really so distinct from the Chinese in terms of religion, language, and customs that a union would not lead to harmony.[37] The Jebtsundamba, in his reply telegramme to Yuan nine days later, repeated this particularistic claim, but he also addressed Yuan's threat.

Yuan's arrogant tone was not lost on his counterpart. The Jebtsundamba replied by stating that Mongolia had already declared independence and that he had been elevated by all as the sovereign of the state of Mongolia (*xuangao duli, gongtui ben Zhebuzundanba lama, wei Mengguguo junwang*). The mention of his status as being 'elevated by all' was an implicit jibe at Yuan's ascension to power through treachery, a jibe which would become explicit later.

The Jebtsundamba readily admitted that Mongolia's population was small and the people were poor and defenseless, but he argued that Mongolia had already declared independence to China and the world (*bugao zhongwai*), and Mongolia's only desire was to defend its own religion, race and territory (*baozhong, baojiao, baoquan lingtu*). He acknowledged that Mongolia was indeed located near a strong power, and it might be in danger of becoming another Taiwan or Korea. Pandering to Yuan's desire to protect Mongolia against threats from Russia, the Jebtsundamba noted, however, that China was too far away to be of any help. He warned that Mongolia's existence depended on Yuan's action; if he acted too hastily, he might bring disaster to both the Chinese and the Mongols:

> We are indebted to Your Excellency for your desire to help us, and the future of Mongolia will depend to a great extent on China's action. If China is able to radically reform her administration, put her own house in order, reorganize her relations with foreign countries and consolidate her frontiers, then Mongolia's existence will be assured and China herself will not have to fear an invasion from the north.[38]

This was a reminder that Yuan was no better off than the Jebtsundamba in terms of his own consolidation of power.

In his second telegramme dated 6 April 1912, Yuan addressed Bogd Khaan's complaints about the oppression of Qing frontier officials in class-nation terms, insisting that the Chinese provinces in inland China equally suffered under the Qing, which was why they declared independence. Now that the source of oppression and exploitation was removed, he argued that Mongols should join the Chinese to build the new Republic of Five Nationalities, just as the Chinese provinces renounced their independence.

Insisting that 'if united, both China and Mongolia would benefit, and if separated, both would suffer', Yuan reminded the Bogd Khaan of China's favourable policy to the four non-Chinese nationalities as negotiated in the Qing imperial abdication, but not without threat:

> I sincerely hope that you will correctly judge the world situation, renounce independence immediately, and join inland China as a single state. Only then will the crisis be over, and will the state be consolidated. If so, the people will be profoundly grateful to your Excellency the lama, and we will definitely treat you with favour. The same favourable treatment will be extended to various princes and dukes, and other relevant personnel. Henceforth, all politics will be conducted based on comprehensive investigation of situations, and concrete regulations will be adopted in order to satisfy the hope of security of the Mongolian nationality (*mengzu*), paving the way for full integration to enjoy boundless peace and happiness. Failure to do so will bring disaster to the whole nation, making everyone languish as slaves. I am sure that as a man of sagacity and benevolence, the honourable lama will not go down that route.

He ended his telegramme by saying that he had dispatched a special emissary to discuss details of a settlement. The Jebtsundamba's reply to this telegramme was very short. He simply expressed his acknowledgement of China's announcement to the world as a republic of five nationalities, and he told Yuan not to bother sending a special envoy but to discuss everything through the ambassador of a neighbouring country, without explicitly mentioning Russia.[39]

In what appears to have been his last telegramme to the Jebtsundamba, Yuan sternly stated that the Republic of China was the successor state of the Qing, that it had sovereign rights over Mongolia, and that Mongolia must not sign any international treaty:

> Honorable Lama, I have repeatedly explained that Urga has no right to separate itself from China. The preceding Ts'ing [Qing] Dynasty has ceded all rights of administration to the Chinese people, and the people have entrusted them to me, the President. Since Khalkha constituted one of the border-areas of the Ts'ing [Qing] Empire and the great duties of the Presidency have been entrusted to me by the people, I must extend my power over Urga, also. As the Ts'ing [Qing] Empire did not recognize the independence of Mongolia, so China cannot do so. Urga is an area under the control of China.[40]

In his rebuttal, the Jebtsundamba Khutagt referred Yuan to the example of the United States:

> Is it then not known to you that England and America once were under the rule of a single monarch and that later America, after it became independent, concluded a treaty which even today has not been repealed? This has not hindered either of them from becoming powerful

> States, and history does not record that England recognized the independence of America out of sympathy for it.[41]

This debate shows that Yuan used the constitutive theory to deny recognition to Mongolia's independence, whereas the Jebtsundamba used the declaratory doctrine, i.e. Mongolia declared itself an independent state, and it was an independent state regardless of China's recognition.

The Jebtsundamba Khutagt wrote:

> We have already announced our independence to the Powers, and it is unnecessary to repeat it. As to the claim that the Manchu Dynasty surrendered its suzerain rights over Mongolia to the Chinese people, who in turn confided them to you, it is also known to all that the widow and the orphan [the Emperor's widow, Lung-yu, and the minor Emperor, Suan-tung] have lost the throne through Yuan Shih-k'ai's fraud. History will set this question straight. You would have acted more honourably had you refrained from provocatory action toward others and worried more about the internal situation, in order to preserve the Chinese people from new misfortunes.[42]

These exchanges clearly demonstrate that the Qing edict of abdication was at the centre of the contention between China and Mongolia. Unlike the Chinese legal historians who seem to celebrate the legality of regime change from the Qing to the Republic, the Mongols were aware of Yuan's usurpation of power from the powerless emperor, and they rejected the Chinese claim to be a successor state of the Qing. More importantly, while the Chinese understood the Manchus to have 'sovereign rights' over the Mongols, the Mongols reckoned the relationship to have been one of alliance, but an alliance that the Manchus had betrayed. Since both China and Mongolia had declared independence from the Qing by 'restoring' their pre-Qing status, from the Mongolian perspective, the Chinese claim of the Manchu imperial transfer of sovereignty over Mongolia to China was nonsensical.

What is also interesting about these exchanges is that there was a third party, Russia, whose presence materially affected the outcome. It shows that the political battle determining the outcome of independence and its recognition is often not fought in a world of binary opposites, but in a world involving more than two states. Thus, the success of the non-recognizing self-claimed 'parent-state' in achieving its goal lies not in whether it simply denies recognition, but more importantly in whether it can persuade other state(s) to accept its standpoint. To be sure, state recognition or non-recognition is often fought out on the battlefield, which in turn, depending on the outcome, determines whether other nations support national independence.

Conclusion: Collaborative Independence

A brief comment on the Mongol experience of achieving independence through alliance or relying on another state is in order. This experience was predicated on conceptualizing Mongolia as a weak state. As noted, China portrayed Mongolia as a small and weak nation, whose independence was not viable, with the result that it would be annexed by a powerful state, such as Russia, or later, Japan. Thus, to save itself, Mongolia must join China for protection. In this logic, China presented itself as a good and just state, having a moral responsibility to protect Mongolia. Mongolia, on the other hand, also acknowledged that it was a small and weak nation, and that China was a 'civilized great nation' (Chinese: *wenming daguo*; Mongolian: *utga gegeen ih uls*), but it saw China's desire to extend protection that denied independence as a threat. The Jebtsundamba warned that if China behaved rashly, it might push Mongolia into the Russian fold. In other words, he asserted that Mongolia's independence from China was in the best interest of China, for an independent Mongolia would not desire to surrender its independence to Russia. One could infer that Mongolian independence was not a Russian plot against China, but a Mongol exercise of subjectivity, and Mongolia had promised that an independent Mongolia, though aligned with Russia, would not help Russia to attack China. Or, conversely, if China extended the arm of friendship by recognizing Mongolia's independence, Mongolia would not align with Russia. However, Chinese failure to protect Mongolian independence by minding its own business risked losing Mongolia to Russia.

This sounds like strange logic, but a comparison with the 1930s situation of Inner Mongolia might illuminate the situation. In 1933 Prince Demchugdonrub launched a movement for Inner Mongolian autonomy in the wake of the founding of Manchukuo supported by Japan. The eastern part of Inner Mongolia was incorporated into Manchukuo. The Mongols argued that Inner Mongolia's autonomy would benefit both China and Inner Mongolia, because the Mongols would be defending their homeland against Japanese encroachment. This would save China from having to send an army to Inner Mongolia. But China resolutely opposed Inner Mongolian autonomy, insisting that autonomy meant Inner Mongolia's annexation to the Japanese Empire, that is, strengthening the enemy. Thus, the only road for Inner Mongolia, in the eyes of Chinese Nationalists, was relinquishing its autonomous status and thoroughly integrating into China. China's subsequent attempts to seize control of Inner Mongolia pushed many Inner Mongolian princes to seek support from Japan. Even so, however, the Inner Mongols did not help Japan to invade China proper. The Mongol vision was an independent alliance with Japan for self-protection, not to aid Japan to attack China.[43]

Mongolian independence, as it transpired in the Jebtsundamba Khutagt's debates with Yuan Shikai, was a collaborative independence, predicated on an alliance with a friend (Russia) to ward off the threat of an enemy (China). However, this collaboration departed from the classical model of pitting one against another. In the old model, an alliance posed a threat to the enemy. But in the Mongolian collaborative independence, the Mongols sought Russian assistance in defense against Chinese aggression; they did not serve the interests of Russia against China. In international geopolitical realism, Mongolian independence may have constituted a loss to China, one that strengthened Russia's leverage vis-à-vis China (and Japan). But it is worthwhile to take heed of Mongolia's subjective rationalization of its independence and to assess the actual record of its actions. This applies not only to the 1930s, but even to the period of Mongolia's maximum reliance on the Soviet Union during the period of Mongol-Chinese clash from the early 1960s to the late 1980s. It is this spirit of collaborative independence that saved Mongolia a century ago, and the vision set by the Jebtsundamba Khutagt, the Holy Khaan of Mongolia, has now become the principle guiding Mongolia's new foreign policy – the Third Neighbour Policy – as it seeks to retain its independence and initiative at the border of two powerful states in the twenty-first century.

Uradyn E. Bulag is reader in social anthropology, University of Cambridge. His interests broadly span East Asia and Inner Asia, especially China and Mongolia, nationalism and ethnic conflict, diplomacy, and statecraft. He is the author of *Nationalism and Hybridity in Mongolia* (1998), Oxford: Clarendon Press, *The Mongols at China's Edge: History and the Politics of National Unity* (2002), Lanham: Rowman and Littlefield, and *Collaborative Nationalism: the Politics of Friendship on China's Mongolian Frontier* (2010), Lanham: Rowman and Littlefield, which received the International Convention of Asian Scholars 2011 book prize in social sciences. E-mail: ueb10@cam.ac.uk

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Notes

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[1] Some representative publications on the anniversary are: Gao Quanxi 2011. *Lixian Shike: Lun 'Qingdi xunwei zhaoshu'* (The Constitutional Moment: On 'The Qing Imperial Edict of Abdication'). Guilin: Guangxi Shifan Daxue Chubanshe. Zhang Yongle 2011. *Jiubang Xinzao: 1911 – 1917* (Remaking the Old Empire: 1911 – 1917). Beijing: Beijing Daxue Chubanshe. The September 2011 issue of *Huanqiu Falü Pinglun* (Global Law Review) is a special issue devoted to the theme of 'The Jurisprudential Significance of the Imperial Edict of Abdication Issued by the Qing Emperor'.

[2] Gao 2011, pp. 83-104.

[3] In Rev. G.H. Bondfield (ed.) 1912. *The China Mission Year Book: Being "The Christian Movement in China" (Third Year of Issue)*. Shanghai: Christian Literature Society for China, Appendixes, p.17.

[4] This was a status emphasized by the Republic of China. The first use of the term appeared in Chen Congzu 1922. *Wai Menggu Jinshi Shi* (Recent History of Outer Mongolia), Shanghai: Shangwu Yinshuguan, p. 17. 'Mongols are as cowardly as mice, fearing the Russians very much. They would rather offend their parent state [*mubang*, lit. mother state] than dare to break their agreement with Russia'.

[5] James Crawford 2006. *The Creation of States in International Law*. Oxford: Oxford University Press, pp. 26-28.

[6] D. Mönkh-Ochir 2007. 'Bogd Haant Mongol Ulsyn Olon Ulsyn Status, Töriin Baiguulal' (The International Status and the State Institutions of the Bogd Khaan Mongolia). In B. Punsaldulam & L. Altanzayaa (eds.) *Mongolyn Ündesnii Huv'sgal – 95*. Ulaanbaatar: Tsomorligtöv, pp. 74-94.

[7] Jacques Derrida 1986. 'Declarations of Independence'. *New Political Science* 15: 7-15.

[8] Link (accessed 31 October 2012)

[9] An interesting parallel may be drawn here with unrecognized independencies in the world today, such as Northern Cyprus, South Ossetia, Abkhazia, or Somaliland.

[10] The vagueness of international law on this issue can clearly be seen in the quintessential 'tough case' of Kosovo, which does not enjoy *de jure* independence despite international recognition of its *de facto* independence. Christopher Borgen 2008. 'Kosovo's Declaration of Independence: Self-determination, Secession and Recognition'. *American Society of International Law* vol.12, issue 2. Link (accessed 2 November 2012)

[11] Until 1945, one may suggest that the Soviet Union recognized the 'suzerainty' of the Republic of China over the Mongolian People's Republic, thereby tacitly recognizing China's 'parent-state' status over Mongolia. Interestingly, the British government continued to use the concept to characterize Tibet's relationship with China until 2008 when Foreign Minister David Miliband called the word an 'anachronism' and recognized China's 'sovereignty' over Tibet. Richard Spencer (2008-11-05). 'UK recognizes China's direct rule over Tibet'. *The Daily Telegraph*. Link (accessed 2 November 2012)

[12] Cf. Duara's suggestion that the Republic of China was the world's first modern multi-national state, anticipating the model established by the Soviet Union. Prasenjit Duara 2011. 'The Multi-National State in Modern World History: The Chinese Experiment'. *Frontiers of History in China* 6 (2): 285–295.

[13] David Armitage 2007. *Declaration of Independence: A Global History*. Cambridge, MA: Harvard University Press.

[14] Pan Kuang-che 2007. 'Meiguo "Duli Xuanyan" zai Wanqing Zhongguo' (The American Declaration of Independence in Late Qing China). *Jindaishi Yanjiusuo Jikan*. No. 57 (9): 1-55.

[15] Zhang Yongle 2011. '"Da Tuoxie": Qing Wangchao yu Zhonghua Minguo de Zhuquan Lianxuxing' (The Great Compromise: The Continuity of Sovereignty from the Qing Dynasty to the Republic of China). *Renwen yu Shehui.* 04 October.

[16] Sun Zhongshan 1912. *Zhonghua Minguo Linshi Da Zongtong Xuanyan Shu* (The Declaration of the Provisional President of the Republic of China) My translation.

[17] Zhang Yongle 2011. '"Da Tuoxie": Qing Wangchao yu Zhonghua Minguo de Zhuquan Lianxuxing' (The Great Compromise: The Continuity of Sovereignty from the Qing Dynasty to the Republic of China). *Renwen yu Shehui.* 04 October. *Link*; Wang Hui 2011. 'Geming, Tuoxie, yu Lianxuxing de Chuangzhi (Revolution, Compromise, and the Invention of Continuity) Link

[18] Gao Quanxi 2011. *Lixian Shike: Lun 'Qingdi xunwei zhaoshu'* (The Constitutional Moment: On 'The Qing Imperial Edict of Abdication') Guilin: Guangxi Shifan Daxue Chubanshe.

[19] For recent studies of the 1911 Mongolian independence movements, see Urgungge Onon and Derrick Pritchatt 1989. *Asia's First Modern Revolution: Mongolia Proclaims Its Independence in 1911*. Leiden: E.J. Brill. Chang Chi-hsiung 1995. *Wai Meng Zhuquan Guishu Jiaoshe: 1911-1916* (Disputes and Negotiations over Outer Mongolia's Sovereignty, 1911 – 1916). Taipei: Institute of Modern History, Academia Sinica. Ürgedei Tayibung 2006. *Üher Jil-un Üimegen-u Gerel ba Següder: Horidugar Jagun-u ehin-u Öbör Monggol-un Ulus Törö-yin Hubisulta-yin Teühe* (The Light and Shadow of the Disturbance in the Year of the Ox: The History of Political Change in Inner Mongolia at the Beginning of the Twentieth Century). Höhehota: Öbör Monggol-un Surgan Hümüjil-un Heblel-un Horiy-a. Tachibana Makato 2011, *Mongolyn Martagdsan Tüüh: Bogd Haant Zasgiin Gazar (1911-1921)* (The Forgotten History of Mongolia: The Bogd Khaan Government (1911-1921). Ulaanbaatar: MN Tehnologi.

[20] '1911 ony zun tsag Halhyn Javzandamba Hutagt ba Dörvön haadaas büh Mongol Ündesten n' Manj Hyatdyn darlal dor tesesh ügüi bolson uchryg gargaj, tusgaar uls baiguulahad tuslamjyg güij Oros ulsyn hand örgösön bichig'. Lhamsürengiin Dendev (ed.) 2003. *XX zuuny Mongolyn tüühiin eh survalj*. Ulaanbaatar: Mongol Ulsyn Shinjleh Uhaany Akademi, Olon Uls Sudlalyn Hüreelen, pp. 112 – 117 (hereafter Petition 1911)

[21] Petition 1911, p. 113.

[22] Cf. Charles Taylor 1992. 'The Politics of Recognition', in Amy Gutmann (ed.) *Multiculturalism and 'The Politics of Recognition'*. Princeton: Princeton University Press.

[23] Petition 1911, p. 112.

[24] See Onon and Pritchatt 1989, pp 143-144.

[25] Onon and Pritchatt 1989: 126-129. My modification of Onon and Pritchatt's translation. There were some errors in their translation, missing the difference between *ulus* nation] and *törü* (state), for instance.

[26] '1911 ony övöl tsag Gadaad Mongolyn büh nairalyn hurlaas Manjiin zasgiin gazraas Mongolchuud tusgaar uls bolson uchiryg medegdsen tsahilgaan medee'. Lhamsürengiin Dendev (ed.) 2003. *XX zuuny Mongolyn tüühiin eh survalj*. Ulaanbaatar: Mongol Ulsyn Shinjleh Uhaany Akademi, Olon Uls Sudlalyn Hüreelen, p. 128. My translation. See Onon and Pritchatt's translation in Onon and Pritchatt 1989, p. 59.

[27] 1912 ond Mongol Ulsyg baiguulsan uchryg gadaad ulsuudad zarlasan bichig'. Lhamsürengiin Dendev (ed.) 2003. *XX zuuny Mongolyn tüühiin eh survalj*.

Ulaanbaatar: Mongol Ulsyn Shinjleh Uhaany Akademi, Olon Uls Sudlalyn Hüreelen, p. 131

[28] '1911 ony övöl tsag Gadaad Mongolyn büh nairalyn hurlaas Manjiin zasgiin gazraas Mongolchuud tusgaar uls bolson uchiryg medegdsen tsahilgaan medee'. Lhamsürengiin Dendev (ed.) 2003. *XX zuuny Mongolyn tüühiin eh survalj*. Ulaanbaatar: Mongol Ulsyn Shinjleh Uhaany Akademi, Olon Uls Sudlalyn Hüreelen, p. 129.

[29] A Russo-Mongolian Treaty of Friendship was signed on 21 October 1912.

[30] '1911 ony zun tsag Halhyn Javzandamba Hutagt ba Dörvön haadaas büh Mongol Ündesten n' Manj Hyatdyn darlal dor tesesh ügüi bolson uchryg gargaj, tusgaar uls baiguulahad tuslamjyg güij Oros ulsyn hand örgösön bichig'. Lhamsürengiin Dendev (ed.) 2003. *XX zuuny Mongolyn tüühiin eh survalj*. Ulaanbaatar: Mongol Ulsyn Shinjleh Uhaany Akademi, Olon Uls Sudlalyn Hüreelen, p. 113.

[31] Nakami Tatsuo 1984. 'A Protest against the Concept of the "Middle Kingdom": The Mongols and the 1911 Revolution'. In E. Shinkichi and H. Z. Schiffrin (eds.). *The 1911 Revolution in China: Interpretive Essays*. Tokyo: University of Tokyo Press, pp. 129-149.

[32] Chang Chi-hsiung 1995. *Wai Meng Zhuquan Guishu Jiaoshe: 1911-1916* (Disputes and Negotiations over Outer Mongolia's Sovereignty, 1911 – 1916). Taipei: Institute of Modern History, Academia Sinica, p. 41.

[33] Urgunge Onon and Derrick Pritchatt 1989. *Asia's First Modern Revolution: Mongolia Proclaims Its Independence in 1911*. Leiden: E. J. Brill.

[34] Yuan Shikai 1912. 'Zhi Kulun Huofo' (To the Living Buddha of Khuree). In Liu Xuwei (ed.) *Minguo Yilai Menggu Shiliao Huibian*. Taipei: Jinlan Wenhua Chubanshe, p. 167.

[35] Ibid.

[36] Yuan Shikai 1912. 'Zhi Kulun Huofo' (To the Living Buddha of Khuree). In Liu Xuwei (ed.) *Minguo Yilai Menggu Shiliao Huibian*. Taipei: Jinlan Wenhua Chubanshe, p. 167.

[37] 'Mongol ulsyn Dotood yamny saidaas Hyatad ulsyn Dotood hergiin yamny bügdiin tergüün dor tus Mongolchuud tusgaar uls bolson uchiryg medegden yavuulsan tsahilgaan medeenii huulbar'. Lhamsürengiin Dendev (ed.) 2003. *XX zuuny Mongolyn tüühiin eh survalj*. Ulaanbaatar: Mongol Ulsyn Shinjleh Uhaany Akademi, Olon Uls Sudlalyn Hüreelen, p. 136.

[38] Robert A. Rupen 1964. *Mongols of the Twentieth Century*. Part I. Bloomington: Indiana University, p. 62.

[39] Lhamsürengiin Dendev (ed.) 2003. *XX zuuny Mongolyn tüühiin eh survalj*. Ulaanbaatar: Mongol Ulsyn Shinjleh Uhaany Akademi, Olon Uls Sudlalyn Hüreelen, p. 145.

[40] Robert A. Rupen 1964. *Mongols of the Twentieth Century*. Part I. Bloomington: Indiana University. p. 62

[41] Ibid. p. 63.

[42] Ibid. pp. 63-64.

[43] Uradyn E. Bulag 2010. *Collaborative Nationalism: The Politics of Friendship on China's Mongolian Frontier*. Lanham: Rowman and Littlefield.