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THE SINO-INDIAN BORDER DISPUTE:
INDIA'S CURRENT OPTIONS

A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial fulfillment
of the requirements for the degree

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MASTER OF MILITARY ART AND SCIENCE

by

J.S. DALAL, LTC, INDIAN ARMY

MSc (Defence Studies), University of Madras, Madras, 1985

Fort Leavenworth, Kansas

1993

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ABSTRACT

THE SINO-INDIAN BORDER DISPUTE: INDIA'S CURRENT OPTIONS by
LTC J.S. Dalal, INDIA, 84 pages.

The Sino-Indian border dispute is the result of the failure of India and China to agree upon the exact delimitation of their boundary within the complexities of the Himalayas. India maintains that there were treaties between India and Tibet delimiting certain sections, while the rest of the boundary was well-known and established through custom and tradition. The Chinese question Tibet's past authority to conclude treaties, and insist that the Sino-Indian boundary still requires delimitation. At present in the West, China occupies the Aksai Chin plateau, which India disputes; in the East, China claims territory in the Indian state of Arunachal Pradesh.

This study traces the origin and genesis of this vexing issue which remains a major hurdle in attempts to improve bilateral relations. It analyzes the conflicting claims in context of their historical perspective, and more importantly, in light of emerging geo-political realities and changing imperatives. The growing U.S. strategic convergence with India has also been taken into account.

The study critically examines India's options to resolve the dispute. The option recommended takes into account the strategic compulsions of both sides and reflects the spirit of 'mutual understanding and accommodation.'

TABLE OF CONTENTS

APPROVAL PAGE	ii
ABSTACT	iii
LIST OF MAPS	v
CHAPTER	
1. INTRODUCTION	1
2. HISTORICAL BACKGROUND AND GENESIS OF THE BORDER DISPUTE	20
3. POST 1947 DEVELOPMENTS AND ANALYSIS OF CURRENT CLAIMS	41
4. INDIA'S CURRENT OPTIONS	58
5. CONCLUSIONS AND RECOMMENDATIONS	67
ENDNOTES	76
BIBLIOGRAPHY	80
INITIAL DISTRIBUTION LIST	84

LIST OF MAPS

1.	THE SINO-INDIAN BOUNDARY	7
2.	THE WESTERN AND MIDDLE SECTORS	9
3.	THE EASTERN SECTOR: MCMAHON LINE	11
4.	STAGES IN THE CREATION OF JAMMU AND KASHMIR STATE	25
5.	ETHNIC COMPOSTION OF JAMMU AND KASHMIR	26
6.	MACARTNEY-MACDONALD LINE, 1899	37

CHAPTER 1
INTRODUCTION

Section I: Overview

The Sino-Indian border dispute is essentially the outcome of the failure of India and China to mutually agree upon the exact alignment of their common boundary within the complexities of the great Himalayan ranges. The dispute first surfaced publicly in July 1958, when issue No. 95 of China Pictorial, carried a map showing large portions of Indian territory as Chinese. This was strongly objected to by the Indian government, to which the initial Chinese response was that the boundary had been drawn as per old maps and that the new Chinese government was yet to undertake new surveys. A flurry of diplomatic exchanges ensued and in his letter dated 8 September 1959, Premier Chou En Lai for the first time acknowledged that there indeed existed 'differences' between the two sides over the border question.

Ever since then, the border dispute has been a major irritant in attempts to improve bilateral relations between the two countries. Time and again the two sides have succeeded in narrowing their differences on other issues in a bid to de-escalate the situation: invariably, however, the border dispute has prevented any meaningful and long lasting agreement. So far both sides have,

perhaps due to their divergent national interests and peculiar overriding compulsions, maintained rigid and uncompromising stances. The Chinese have persisted in maintaining that the Sino-Indian border in its entirety had never been formally 'delimited' (actually implying demarcation), and that there was only a 'traditional customary line' between the two countries that still required 'delimitation'. The Indian position has been that there was obviously no single treaty between India and China delimiting the entire boundary, but there were treaties between India and Tibet delimiting certain sections, while the rest of the boundary was well-known and established through custom and tradition. This continuing divergence of views has precluded any settlement of the issue, leading to profound negative repercussions on the events and developments in the region in particular and the world as a whole. China for instance, for years found it convenient to counter Soviet influence in the area by merely keeping the issue alive. Additionally, "the India-Pakistan dispute over Kashmir is also inexorably connected with the India-China boundary dispute."¹ Therefore, in a bid to settle the former, the latter should be resolved as a prerequisite.

China and India are the world's most populous nations - in that order. Both possess large military forces: while China already has a nuclear capability, India has demonstrated that it could too in case the circumstances so merit. China represents one of the few last bastions of communism, India the largest democracy. These factors alone are perhaps reasons enough to focus world attention on the state of relations between the two, but there are other reasons,

too. The end of the Cold War, disintegration of the Soviet Union, and emerging new alliances have also impacted upon the geopolitics of the region. The establishment of predominantly Muslim republics on the southern fringes of Russia, emerging rapprochement efforts between Iraq and Iran, and the continuing internecine feudal struggle in Afghanistan have led to the formation of a potentially volatile and contiguous belt, prone to ignite and sustain Islamic fundamentalism. This is bound to bring about a convergence of Indo-US interests, leading to closer ties between the two nations. "The image of India as a 'basket case' of no importance to the United States is increasingly obsolete."² Having regard to the above, it is perhaps the most propitious moment to initiate fresh steps towards resolving the Sino-Indian border dispute. With positive U.S. contributions, resolution of the Sino-Indian border dispute may be possible in the near future. This study is therefore, also relevant, and of interest to audiences in the U.S.

This thesis will attempt to examine India's options to resolve the current impasse. As part of this process, it will be necessary to analyze the historical background to the dispute, its genesis, and past efforts to resolve the dispute. The failure of nearly four decades of efforts to resolve the dispute should not halt the search for new approaches.

Chapter 1 presents an overview of the border dispute. The areas of dispute have been described and classified in their geographical context. India's interests in resolving the dispute in an early time frame as well as interests of

other key players have been identified and addressed. In the end, it has been necessary to briefly explain the nuances in the interpretation of some important terms that are inextricably linked with the dispute. A clear understanding of these terms is a necessary prerequisite in understanding the nature of the dispute and more importantly, formulation of the various options to resolve it.

Chapter 2 focuses on the historical background and genesis of the dispute. Tibet, the state of Jammu and Kashmir as a whole, with its Ladakh province in particular, and Arunachal Pradesh (formerly known as the North East Frontier Agency or simply NEFA) have, because of their geographical locations, all played a crucial role in the early development of the boundary between India and China. It is therefore essential to briefly trace the history of these states. The British boundary policies towards border regions manifested themselves on how the frontier evolved into its present alignment - these will be discussed where necessary.

The border dispute has different characteristics in various segments along the entire length of the Sino-Indian border. Chapter 3 presents the claims and counter-claims made by the two sides in different sectors. The analysis of these claims have been confined to internationally accepted principles of boundary making - treaties, geographical principles like watershed, custom and tradition. It is not purported to pass judgement on the correctness of the claims made by either side.

Chapter 4 constitutes the main body of this thesis. Herein, India's options for resolution of the dispute in the circumstances obtaining will be discussed in detail. The Strategic Analysis Methodology (SAM) as taught at the Command and General Staff College (CGSC), Fort Leavenworth, Kansas, has been useful in formulating the various options. Having identified the problem, India's interests in resolving the same, as also interests of other players, options for resolving the issue have been developed based on a foreseeable scenario. The options listed have, to varying degrees, passed the feasibility, acceptability and suitability (FAS) test of the SAM. Those that did not, e.g. military option to regain territories occupied by China, have not been listed.

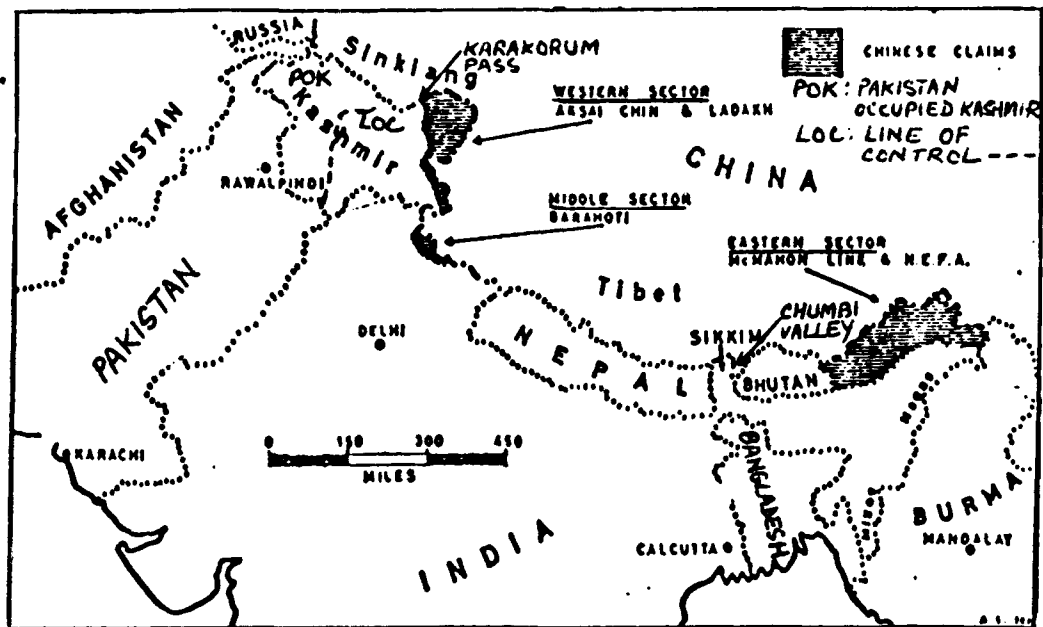
The last chapter sums up the main points and arguments of the border dispute and recommends the most suitable Indian option. In addition to the FAS test, this option has also been subject to relative evaluation based on cost, benefits and risks. In the final analysis, the recommended option does emerge as the most viable option. However, this option may necessarily not be the most popular from the viewpoint of a large Indian majority.

Section II: Classification of the Areas of Dispute

The entire length of the Sino-Indian boundary lies along the great Himalayan massif - virtually inaccessible mountains. For most of its length, the boundary follows the dividing watershed between Tibet to the North and five states of India to the West and South. The Indian states from West to East are - Jammu and Kashmir, Himachal Pradesh, Uttar Pradesh, Sikkim and Arunachal

Pradesh. The inhospitable terrain combined with nearly perpetual inclement weather had prevented any meaningful administrative control over the border areas by either side. In any case, the areas contiguous to the boundary were and continue to be very sparsely populated. When discussing the Sino-Indian border dispute the entire length of the boundary is subdivided into three sectors - Western, Middle and Eastern (Map 1). The dispute in each of these three sectors is different and unique.

The Western Sector pertains to the boundary between the Indian state of Jammu and Kashmir and the Chinese province of Sinkiang (Xinjiang) and Tibet (Xizang). Towards the North-East corner of Jammu and Kashmir (province of Ladakh) are two prominent and near parallel mountain ranges, both running in a North-West to South, South-Easterly direction. The Northern range is the Kuen Lun, while the Southern is called the Karakorum range. Between these two ranges is enclosed the area known as 'Aksai Chin' meaning 'a desert of white stones.' The Aksai Chin area is further subdivided into two geographically distinct subregions by a line of low lying hills running West to East. The Southern portion is the Lingzi Tang (salt) plains; the Northern portion is mountainous and through it runs the strategically important Aksai Chin highway linking the Sinkiang region to Tibet. In essence, the dispute is as to whether the boundary lies along the Kuen Lun range or the Karakorum range, South and East of the Karakorum Pass. The Sino-Indian boundary West of the Karakorum Pass is presently the de facto Sino-Pakistani boundary since Pakistan occupied the area in 1947-48, known

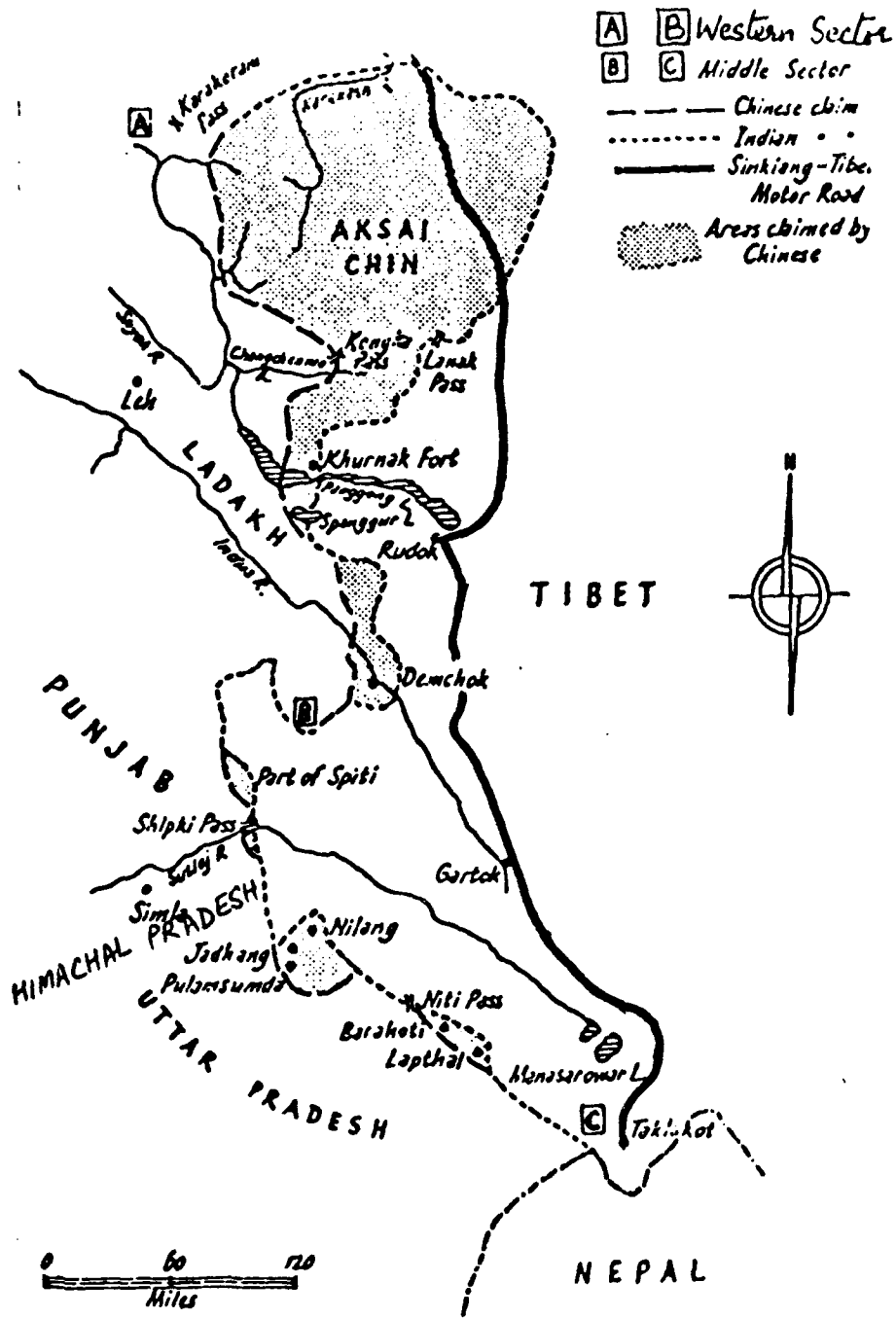


Map 1. The Sino-Indian Boundary. Source: Neville Maxwell, India's China War.

thereafter as 'Pakistan Occupied Kashmir' (POK) or 'Azad Kashmir.' Despite strong protests by India, this segment of the boundary (West of the Karakorum Pass) has been formally delimited and subsequently demarcated following the Sino-Pakistani boundary agreement signed in 1963. The implications of this agreement on the overall border issue will be addressed in detail at the appropriate stage.

The Middle Sector relates to the border in that part of the Himalayas through which the river Sutlej flows on its way from the Tibetan plateau to the Indus valley. The pilgrimage route to the Hindu places of worship in the vicinity of Mount Kailash and Lake Mansrover, both inside Tibet, as also the trans-border trade routes, lie within this sector of the boundary. As the border has been relatively in constant use by traders and pilgrims, the boundary has over the years been known on ground by both sides. As a result, the dispute in this sector is of a minor nature vis-a-vis the other two sectors. Geographically, this sector stretches from the Southern extremity of Kashmir to Nepal and encompasses the Indian states of Himachal Pradesh and Uttar Pradesh (Map 2).

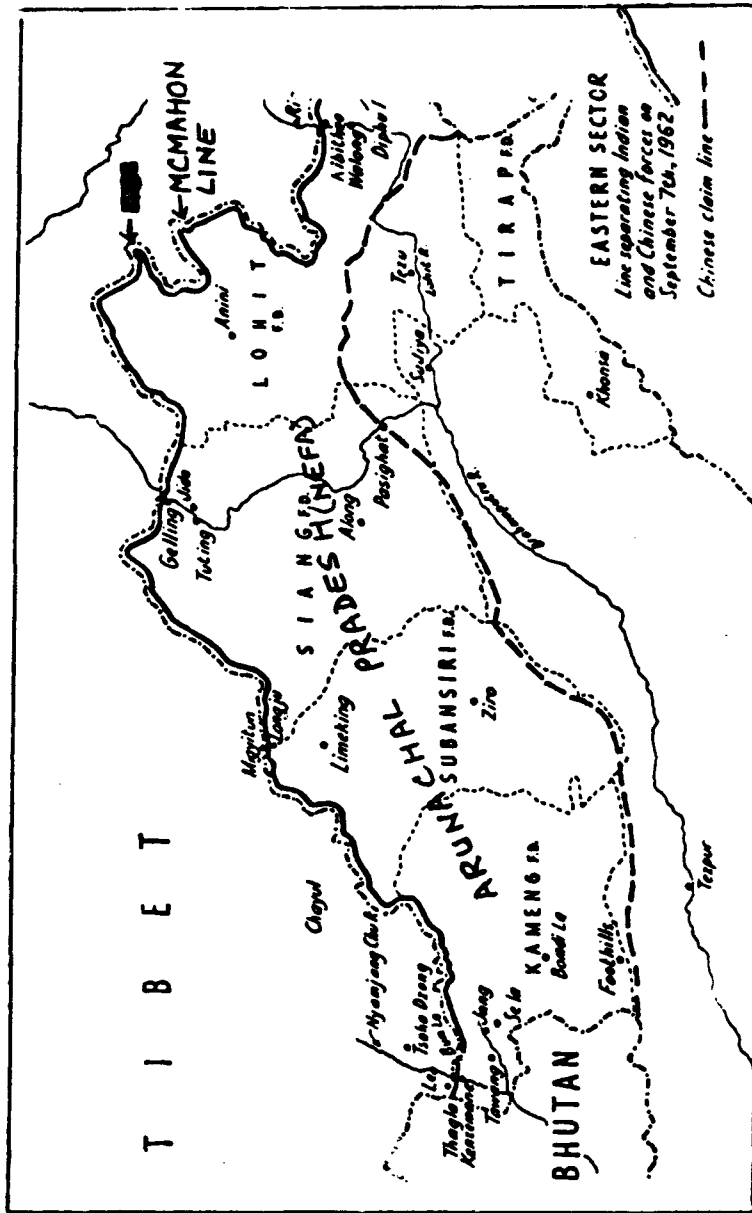
The Eastern Sector is the remaining portion of the Sino-Indian boundary from the Bhutan trijunction in the West to the Burmese (now Myanmar) trijunction in the East. The affected Indian state is Arunachal Pradesh. The segment of the Sino-Indian boundary in this sector, falling in the state of Sikkim has been kept outside the purview of this thesis as the same had been formalized and demarcated following the 1890 Anglo-Chinese treaty. The Tibetan



indentation known as the Chumbi Valley, bordering Sikkim, will, however, be discussed in the various options in Chapter 4. In a sense, the Sino-Indian boundary alignment in the Eastern Sector too, had been legally formalized at the tripartite (British-Tibet-Chinese) Simla Conference held in 1913-14 under the aegis of Sir Henry McMahon - the British foreign secretary. The boundary in this sector is frequently referred to as simply the 'McMahon line.' The present communist regime of China does not recognize the Simla treaty and hence terms the boundary as the so-called 'illegal McMahon line' (Map 3).

Section III: India's Interests in Early Settlement of the Dispute

Presently, China is in occupation of the Aksai Chin area in the Western Sector, which India claims, based on historical treaties and evidence. The Chinese have refuted the Indian claims and have deployed substantial forces in the area. In order to counter India's claim in the Western Sector, the Chinese have laid claims to the Indian state of Arunachal Pradesh in the Eastern Sector. As this situation has precluded any settlement, tensions continue along the entire border. The prevailing status quo has virtually tied India's hands preventing any fresh and meaningful diplomatic or economic ventures. The manifestations and ramifications of the ongoing dispute have been many and it is indeed axiomatic that it is in India's long term interests to bring about an early settlement of the boundary dispute. Renowned analysts sum up the Indian security perspective as thus.



Map 3. The Eastern Sector-McMahon Line. Source: Dorothy Woodman. Himalayan frontiers.

The Indian security perspective is dominated by the perceived threat of Chinese power, both conventional and nuclear, including alleged Chinese intermediate-range missile emplacements in Tibet and Sinkiang, and by a desire to maintain safe margin of military superiority over Pakistan.³

In the existing situation, India has no other option but to maintain a large standing army to guard its frontiers along the entire length of its northern borders. This has resulted in an enormous financial burden: to raise, equip, constantly modernize and more importantly maintain the forces deployed. "The divergence of scarce resources from economic development and social welfare needs to defense results primarily from Indo-Pakistan and Indo-Chinese tensions."⁴

There are two major strategic considerations that encourage India to seek an early settlement of the issue. The first is the 'two fronts' that Indian military planners have to contend with. This was, more than at any other time, highlighted during the 1965 Indo-Pakistan War, wherein just the threat in being along the Eastern Sector as a result of the Chinese ultimatum, tied down a large percentage of Indian forces and precluded a decisive stroke on the Western front.

Secondly, there is the strategic dilemma caused by the Chinese just being in the Chumbi Valley. The Chumbi Valley constitutes a deep indentation strategically located between Sikkim and Bhutan. In conjunction with Bangladesh to the South, it constricts Indian territory into a narrow land corridor linking the seven North-Eastern Indian states to the rest of the country. A quick preemptive strike by the Chinese through the Chumbi Valley could effectively block this

corridor thereby cutting off major Indian forces in the East. The Chinese have over the years developed an extensive network of roads and tracks in the Chumbi Valley right up to the borders. The extensive network of communications is far in excess of the requirements to sustain their peacetime deployment along the borders. It can be argued, however, that the Chinese themselves feel vulnerable due to the possibility of being encircled from Sikkim. This school of thought has perhaps emerged consequent to media reports and analysts' briefs that China may be willing to trade this area with India as a quid pro quo for India's acceptance of their claim to Aksai Chin. This will be analyzed while considering India's options.

The border states in North-East India are comprised of a multitude of tribes and sub-sects who are ethnically different from the heartland populace. The process of integrating them into the mainstream and bringing economic progress to their doorsteps has been slow and time-consuming. This has inevitably led to the growth of a number of insurgent movements. While it has been possible to counter some, others continue to cause concerns, in the main due to the covert support they enjoy from China. The Nationalist Social Council of Nagaland (NSCN), as a case in point, enjoys the benefits of safe sanctuaries inside China, as well as financial and material support. This has created instability in the region, hampered development and more importantly, has tied down a large number of security forces. An early resolution of the border dispute is bound to improve bilateral relations: hopefully, the covert supply line to the insurgents would dry up.

As a logical continuation of the British policies, India has had special relations with both Nepal and Bhutan. However, in recent times, some cracks have begun to appear, notwithstanding the treaties of Peace and Friendship with both countries. It is reasonable to infer that among other causes, Indian 'inability' to resolve the border issue with China and discreet Chinese overtures to step in to replace India as the main provider of economic assistance have encouraged these nations to periodically interject irritants. These have provided severe tests for Indian policy and diplomacy. It would be pertinent to mention here that China has already made significant inroads into Nepal by building the Kodari highway linking Tibet to the Nepalese capital, Kathmandu. Bhutan, too, has been subjected to growing communist propaganda. In the event of a major flare-up, the implications of these developments cannot be overlooked. It is, therefore, imperative that the border dispute be resolved expeditiously.

Last but not the least, during the British rule and up to the period when Sino-Indian relations became strained in the late 1950's, there was an ongoing flourishing trade between the contiguous regions along the Sino-Tibetan border. In fact, transborder trade was the source of livelihood for the populace and the end of this trade has caused great economic hardship. In the larger sense, the Indian economy has much to gain from resumption of this traditional practice.

Section IV: Interests of Other Countries

In the first instance it is essential to postulate as to China's desire to resolve the border dispute. Having firmly secured her vital strategic interests in

the Aksai Chin, China seems to be in no undue hurry to resolve the overall border issue. It has also achieved its political aim of securing India's acknowledgement of 'Tibet as a region of China' consequent to the 1954 Treaty on Trade and Intercourse. Therefore, China endeavors to create conditions to resolve the dispute on terms most beneficial to her interests. Additionally, the Indo-Soviet Treaty for Peace and Friendship had, in a sense, prompted China to keep the border issue with India unresolved so as to use it to counter Soviet pressure elsewhere. This has since changed. The emerging world scene may perhaps cause China to 'rethink' the issue. The noted American analyst, Stephen Philip Cohen, has observed, "--The strategic threat from China and Pakistan (to India) appears to have moderated; both states are preoccupied with domestic matters rather than foreign policy."⁵ The relevance of this observation must not go unnoticed: perhaps this may offer an ideal opportunity to bring about a settlement acceptable to both sides.

Notwithstanding the above, it is undoubtedly Pakistan that has drawn maximum mileage from non-settlement of the Sino-Indian border dispute. It has, in a sense, legalized its occupation of Kashmir by signing the Sino-Pakistani boundary agreement for the area of Kashmir West of the Karakorum Pass. The region has since been developed with the building of the all weather Karakorum Highway, over the Mintaka Pass, linking Sinkiang with POK. Pakistan has also stood to gain in terms of economic and military hardware assistance from China. Most importantly, it hopes to gain a qualitative and quantitative edge over the

Indian forces in the West, secure with the assurance that a large portion of the Indian forces would have to remain committed along the Chinese border. This has also enabled Pakistan to actively engage in providing support and assistance to the insurgency in Kashmir and the terrorists in Punjab. Pakistan would, therefore, be against an early settlement of the Sino-Indian border dispute.

For a long time India has inadvertently failed to view and appreciate American support to Pakistan in its proper perspective. The massive U.S. economic and military assistance to Pakistan to include modern and sophisticated arms, e.g., F-16 fighters, has been seen by India, as a deliberate attempt by the U.S. to encourage continued tension between India and Pakistan. The U.S. practice of overlooking Pakistan's propensity for creating trouble in the border states of India remained a major irritant in Indo-US relations. Additionally, so long as India enjoyed a special relationship with the Soviet Union and on the basis of the existing geo-political realities, it was unrealistic to expect any other form of response from the U.S. That is not to discount some genuine apprehensions regarding use of U.S. supplied arms by Pakistan against India. With the Soviet withdrawal from Afghanistan to begin with, the breakup of the Soviet Union itself, and rapprochement efforts between Iraq and Iran - the whole scene has changed dramatically. The establishment of extremist forms of Islamic fundamentalism, especially in Central Asia and Southwest Asia, could pose common security problems for both India and the U.S. In these circumstances, therefore, it is in the interest of both the U.S. and India to forge closer ties. In fact, the beginning

of the 1990's has witnessed a deterioration in U.S.-Pakistani relations and a concomitant improvement in Indo-American relations. The growing U.S. strategic convergence with India, and divergence from Pakistan has already been reflected in a series of developments both within the forum of the United Nations as well as outside - India's positive response to a U.S. request to support the U.S. in repealing the 1975 U.N. resolution equating Zionism with racism, India's support of the U.S. in the Security Council on the issue of the extradition of terrorists from Libya and many more. Once the Indo-US relationships improve further, the resolution of the Sino-Indian dispute may perhaps be one step closer.

Given the chequered history of Tibet, characterized by its continued resistance to imposition of Chinese authority, the aspirations of the Tibetans must also find its due place in this examination. Their spiritual head, the Dalai Lama, along with thousands of his followers escaped to India to seek political asylum in 1959 when Chinese armed forces entered Lhasa, ostensibly to put down the Kham rebellion. In fact, the Chinese action was aimed at effectively silencing any Tibetan hopes of regaining independence from China, as had happened on a number of occasions in the past. The Dalai Lama has so far turned down all Chinese offers to return to Tibet. Therefore, to the Dalai Lama and his followers in refuge all over the world, including the U.S, resolution of the dispute is of special interest in so much that it should not foreclose their future options - however remote they may seem at the moment.

Section V: Definitions and Terms

As a necessary and inescapable prerequisite to understanding the genesis of any boundary dispute, it is crucial to highlight certain nuances in the correct interpretation of a few key definitions and terms. Although most dictionaries give the words 'demarcate' and 'delimit' as synonyms, they indeed have distinct meanings. Sir A.H. McMahon had clarified that,

'Delimitation' that I have taken to comprise the determination of a boundary line by a treaty or otherwise and its definition in written, verbal terms; 'Demarcation,' to comprise the actual laying down of a boundary line on the ground, and its definition by boundary pillars or other physical means."⁶

The renowned Sinologist T.S. Murthy in his book, Paths of Peace, supports the above viewpoint and further clarifies that in certain instances the intermediate step of 'delineation' is interposed between the two. 'Delineation' implies the process of marking the boundary on a map, sketch or trace. "'Delimitation' and 'demarcation' are frequently confused or equated in Chinese statements on frontier questions."⁷ During the 1960 bilateral boundary talks, the Chinese persisted in confusing 'delimitation' of boundaries with 'demarcation' and using the two terms interchangeably.

To begin with, the British, and subsequently the Indian government had maintained that they accept and recognize China's 'suzerainty' over Tibet but not its 'sovereignty.' The difference between the two is a matter of the degree of dependency which needs to be correctly identified.

Suzerainty, a difficult word to give a precise juristic meaning was defined in 1923 by the Permanent Court in the following terms: 'The

extent of the powers of a protecting state in the territory of the protected state depends, first upon the treaties between the protecting state and the protected state establishing the protectorate, and, secondly, upon the conditions under which the protectorate has been recognized by third powers as against whom there is an intention to rely on the provision of these treaties ---.' On the other hand, sovereignty has been described as the situation when a state occupies a definite part of the surface of the earth, within which it normally exercises, subject to limitations imposed by international law, jurisdiction over persons and things to the exclusion of jurisdiction of other states.⁸

As will be seen subsequently, the large variance in the interpretation and application of these terms by the two sides, contributed in a large measure towards complicating the border dispute. India maintains that as China did not have sovereignty over Tibet, the treaties concluded by Tibet with neighboring states are legally valid.

CHAPTER 2

HISTORICAL BACKGROUND AND GENESIS OF THE BORDER DISPUTE

To understand the nature and complexity of the Sino-Indian border dispute it is necessary to examine the history of the region. The status of Tibet as a nation state or otherwise, its relations and treaties with the neighboring Indian states, and Chinese and British policies towards their border - all affected the evolution of the frontier into its present alignment. A study of these matters also provides an insight into the origin of the present day dispute and perhaps a rationale for the stance taken by both sides.

Section I: Tibet - A Sovereign State

The history and evolution of Tibet as a nation state is intimately linked with the basic disagreements on the border dispute between India and China. China maintains, without any historical evidence, that Tibet has always been a part of China. This claim is not substantiated by even the publicly available Chinese historical documents. "Tibet originally was not a part of China."¹ It became a nation state in the 7th century under Song-tsen Gampo, a tribal chief from Ladakh (province of the Indian state of Jammu and Kashmir). During 634 AD he undertook an invasion of Western China after his request to marry the Tang Emperor's daughter, Princess Wen-Cheng had been turned down. After seven

years of campaigning, Song-tsen Gampo was able to force the Chinese emperor to accede to his request. Though Buddhism had found its way into Tibet by this time, it was the Chinese princess who was largely instrumental in propagating the religion in a significant manner. Thus, a Buddhist state took its roots. Later, in the 9th century under the warrior king Ti-song De-tren, the fledgling nation became one of the great powers of Asia. Tibetan chronicles describe the 9th century empire as having common borders "with the Chinese king of astrology, the Indian king of religion and the Persian king of wealth."² Ti-song De-tren invited an Indian Buddhist teacher Padma Sambhava (called Urgyen by the Tibetans) to be his religious mentor and to purify and invigorate their religious beliefs and practices. Thus came into being the 'Red Hat' sect of Lamaism which enjoyed the ruler's patronage. This, however, had adverse affects and the Red Hats slowly turned more and more corrupt. This set the stage for a local chieftan Tsong Khapa, who with the backing and support of the Mongol chieftans to the north, seized power and established the 'Yellow Hat' sect of Lamaism which purported to follow a refined doctrine.

The fourth reincarnation of Tsong Khapa, a lama named Sonam Gyatso was declared the 'Dalai Lama' (meaning the all embracing Lama) by the Mongol chieftan Altan Khan, who also awarded this title to two predecessors believed to have been his pre-incarnations. "Thus Sonam Gyatso entered history as the Third Dalai Lama."³ The fifth Dalai Lama during the middle of the 17th century introduced the office of the 'Panchen Lama' in order to be able to exercise

ecclesiastical power in successive reincarnation. These developments had far reaching influences in Tibet as well as the neighborhood. "From the base provided by the priest-patron relationship, Buddhism spread throughout Mongolia despite opposition from the shamans."⁴ The patron in the above context was the Mongolian chieftan.

As Tibet matured into a nation it was inevitable that it would attempt to expand her frontiers. Between 1639 and 1684 Tibetan forces attempted to capture Ladakh, meeting with partial success. The entry of Moghul forces (Moghul Empire of India) into Ladakh - first to enforce tributary status and thereafter to help the Ladakhi ward off the Tibetans dramatically altered the scene. The Ladakhis now had an upper hand forcing the Tibetans to negotiate a peaceful settlement. Thus, the Treaty of Tingmosang was signed in 1684 between the two sides wherein among other provisions, the boundary between the two states was "fixed at the Lha-ri stream, which flows into the Indus five miles southeast of Demchok."⁵ This alignment corresponds to the boundary as claimed by India in the Western Sector. This document also provides the first documented basis for the Sino-Indian boundary alignment in this segment of the Western Sector. "In the present Sino-Indian dispute the Chinese question the validity of this Treaty, though it has been accepted by historians of international repute for nearly three hundred years."⁶ Undoubtedly, Tibet was a sovereign state and "even the most exuberant Chinese historians have never claimed that Tibet was part of China ---."⁷

Section II: Tibet Under Chinese Suzerainty

In 1707, Latsang Khan, a Qosot Mongol prince seized power in Tibet and was able to consolidate his position only with the strong support of Emperor K'ang Hsi of China (second Manchu Emperor). This suited the Chinese interests as well, as in the bargain, Tibet provided an ideal buffer against the hostile Dzungar Mongols of the area now known as Sinkiang. This marks the beginning of Chinese political influence in Tibet.

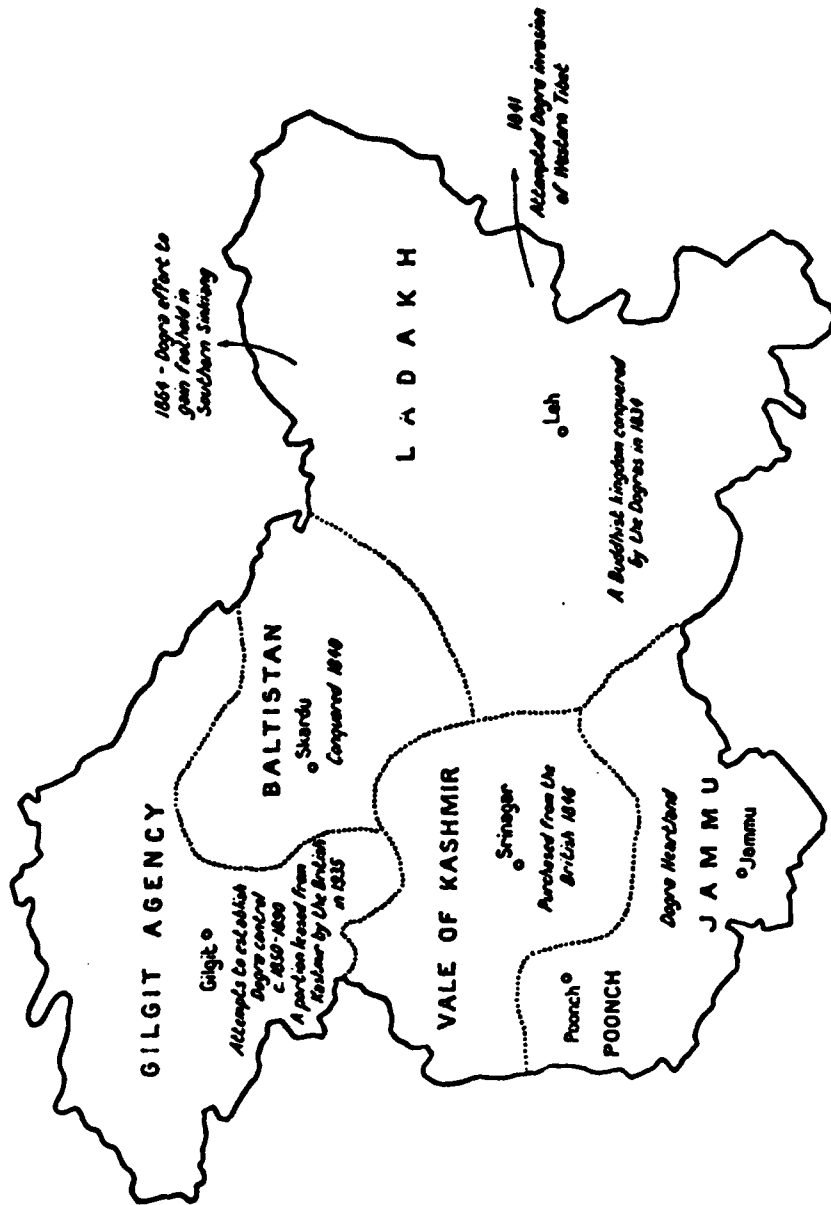
In a series of ploys and plots, Latsang Khan had the Dalai Lama murdered and Latsang Khan installed his own son as the puppet Dalai. Recognizing the severe implications of such a move, the Chinese Emperor delayed recognition of the new Dalai Lama, selected a new incarnation and assigned a high-ranking Chinese advisor to Lhasa. This Chinese advisor, known as the 'Amban' extracted tribute from Latsang Khan as the price for Chinese protection. This has been the Chinese basis for claiming suzerainty over Tibet. The Tibetans, however, maintain that "the acts of an alien and imposed Mongol king cannot be considered binding on the Tibetan nation."⁸ The Oelot-Dzungar invasion of Lhasa on request of the Yellow Hat sect to overthrow Latsang Khan and regain the 7th Dalai Lama from the custody of the Manchu emperor provided the ideal excuse for the Chinese army to first set their foot on Tibetan soil. The campaign was shrewdly advertised as a holy war and thousands of Tibetans welcomed the Chinese Army as the young Dalai Lama rode with them. After a bloody battle the Chinese Army was able to crush the Dzungars. "This victory (of 1720) is of

considerable historic significance to the Chinese since it provided the first real
b. for their claim to Tibet."⁹ In 1792, the Chinese troops were once again
called to assist the Tibetans - this time to defeat the Gurkha force from Nepal.
This opportunity was finally utilized by China to formalize their hold over Tibet.
Chinese residents were appointed to Lhasa and given equal status to that of the
Dalai and Panchen Lamas.

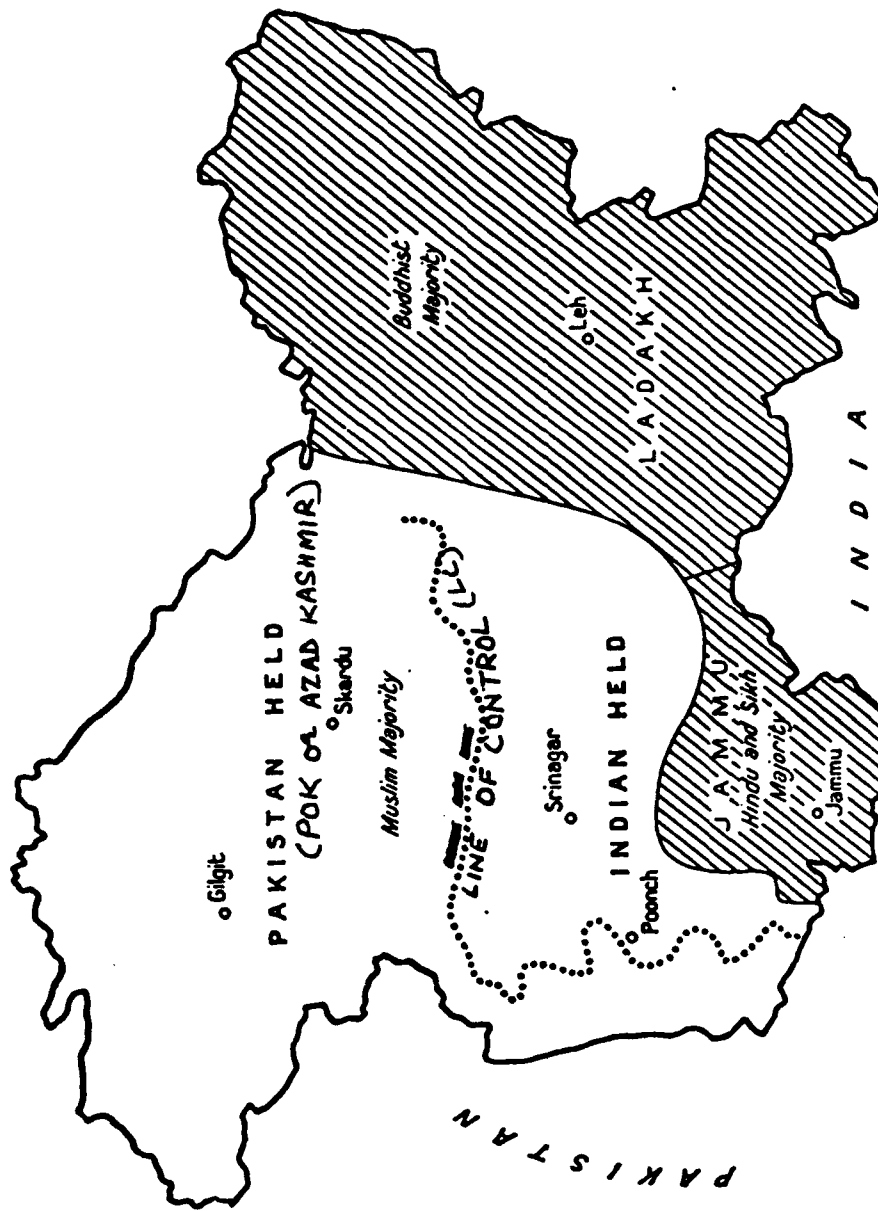
Section III: Jammu and Kashmir

The word Kashmir tends to be a misnomer as the state in fact
comprises of five distinct regions. First is the province of Jammu, the home of the
Dogra dynasty which brought about the creation of the Jammu and Kashmir state
in 1846. Jammu has a predominantly Hindu and Sikh population. Second is
Kashmir proper, commonly referred to as the 'Valley,' situated along the upper
reaches of the Jhelum River. The state capital, Srinagar, is located here. This has
a majority Muslim population as does the third region of Poonch. Fourth is the
large mountainous area of Ladakh and Baltistan. Ladakh with its provincial
capital at Leh is overwhelmingly Buddhist, while Baltistan province with its
administrative center at Skardu is predominantly Muslim. Finally, in the north-
west is the Gilgit region, comprising of smaller chiefdoms like Gilgit Agency,
Hunza and Nagar. These have been traditionally controlled by respective warlords
and continue to be so even in present times (Maps 4 and 5).

Of the five provinces, Ladakh's history is important in that its evolution
has a major relevance on that segment of the Sino-Indian boundary in the



Map 4. Stages in the Creation of Jammu and Kashmir State.
 Source: Alastair Lamb, The Kashmir Problem.



Map 5. Ethnic Composition of Jammu and Kashmir. Source: Alastair Lamb, The Kashmir Problem.

Western Sector which is now the main bone of contention - the Aksai Chin. The rise of the 'Khalsa' (Sikh confederation) under the great Sikh ruler Ranjit Singh marked the beginning of the attempts to unify the five provinces into a single entity. In 1819, Ranjit Singh captured the areas up to and including the Kashmir Valley. The British, to avoid a serious confrontation with the rising Sikh power refused the Ladakhi rulers proposal for an alliance. It was the Dogra feudatories, belonging to the Jammu province and dependent of the Sikh kingdom of Lahore, led by the redoubtable Gulab Singh that changed the course of history. By 1840 he completed the conquest of Ladakh and firmly established his authority. The Ladakhis with the help of Tibetan troops made one last attempt to defeat Gulab Singh, but were unsuccessful. The defeated Tibetans then signed an agreement with Gulab Singh in September 1842. The Dogras were accepted as the legitimate authority in Ladakh and in return Gulab Singh surrendered all claims to Western Tibet. More importantly, the old established frontiers were reaffirmed. This is very significant as subsequently this treaty was formalized between Gulab Singh, the Emperor of China, and the Lama Guru of Lhasa.

In 1846, following the defeat of the Sikh army by the British, the Treaty of Lahore (9 March 1846) was signed, wherein the British Indian government recognized Maharaja Gulab Singh of Jammu as the independent ruler of Jammu, Poonch, Ladakh, and Baltistan. A week later, the Treaty of Amritsar was signed whereby in return for accepting British paramountcy, Gulab Singh purchased the Kashmir Valley from the British. The Treaty of Lahore is

particularly significant as several of its articles have a direct relevance to the present dispute. Article 2 stated that the Eastern boundary (implying the Ladakh-Tibet and Kashmir-Tibet boundaries which now constitute the Western Sector) would be defined after a survey. Article 4 stated that the limits of the territories (of Gulab Singh) shall not be changed without concurrence of the British Government. In accordance with Article 2 of the treaty, the 1847 boundary commission was formed. Two officials, P.A. Vans Agnew and Captain Alexander Cunningham were tasked to ascertain the ancient Ladakh-Tibet boundaries. Therefore, the year 1846 marks the foundation of the present day state of Jammu and Kashmir (J & K) or simply referred to as Kashmir. In the line of succession, Raja Hari Singh became the ruler of the state in 1925. On the eve of independence in August 1947, the princely states were given the option of joining either India or Pakistan. Hari Singh opted to retain his separate identity, but was forced to change his mind after the Pakistani forces launched an all out offensive to seize the Kashmir Valley on the pretext that it had a predominant Muslim population. On 26 October 1947, Raja Hari Singh signed an 'Instrument of Accession' to India, but by then the Pakistani forces had occupied large areas of Kashmir. This situation still exists and the area under Pakistani occupation is called the POK. "It can be fairly said that in deciding to accede to India the Maharaja of Kashmir was well within his rights according to the 1947 Act (Indian Independence Act of July 1947), which had nothing to say about communal issues in this respect."¹⁰ The people of Kashmir, notwithstanding the fact that they

were Muslims, wholeheartedly supported the rulers decision. Sheikh Abdullah, who was the Prime Minister of the state was strongly opposed to Kashmirs union with Pakistan. For Pakistan, predicated as a nation on the concept of separate Hindu and Muslim nations, the legitimacy of this action by the Kashmiris is still hard to believe. In the context of the Sino-Indian border dispute, this historic decision had significant and manifold repercussions in the years to come.

Section IV: Arunachal Pradesh

Assam, including the Assam Himalayas was incorporated into the British Indian empire after the British victory in the first Anglo-Burmese War (1824-1826). Later the area was subdivided into two parts - the plains area comprising mainly of the alluvial plains of the river Brahmaputra and its tributaries continued to be called Assam; the mass of densely forested mountains to the North, extending up to the McMahon line was designated as the North East Frontier Agency (NEFA). (After independence NEFA was granted the status of a state within the Indian union and named Arunachal Pradesh.) The NEFA region at that point of time was inhabited by primitive tribal communities - Mishmis, Abors, Daflas, Miris, and Monpas to name the larger groups. "It was easier to leave them alone in their mountain fastness than to introduce them to the paraphernalia of imperial rule."¹¹ In addition, the ruggedness and inaccessibility of the terrain prevented effective British administration in the area. This factor has often been quoted by the Chinese in an attempt to prove that this area did not form part of British India (Map 5).

However, starting in 1875 when the provisions of the Bengal Eastern Frontier Regulations 1873 were made applicable to these tribes, the British administration made deep inroads along the prominent valleys. With the help of regular explorations and expeditions, the British were finally able to bring the entire area under their jurisdiction, except for a small region in the vicinity of Tawang. This area was controlled by the monks of Tawang, who took more than their fair share in goods and taxation: these monks in turn were subservient to the Drepung monastery in Lhasa. This too has been often cited by the Chinese in support of their claims to the whole of NEFA. Finally aware of this anomaly, the British launched the 'Aka Promenade' in 1913 under Captain Nevill in order to make their presence felt in the border regions in general and in Tawang in particular. Suffice it to say here that by the end of their colonial rule, the British were reasonably successful in integrating these remote tribal areas into the mainstream.

Section V: British Entry into Tibet and Subsequent Developments

The developments in Tibet did not go unnoticed by the British who were by the mid 18th century firmly established in India. In May 1774 they dispatched their first multipurpose expedition to Lhasa under George Bogle. Besides opening trading ties, the mission was also to make a comprehensive report on the state of communications and customs of the country. Hereafter "British and Chinese policy (related to Tibet) became more opportunist, equivocal, and invariably aimed at avoiding trouble while each took advantage of the other's

misfortunes or ambitions."¹² This is indeed a very significant observation as it helps to explain the rationale behind subsequent actions/activities of both sides.

Russia enters the scene at about this time in the form of Agvan Dorjiev, agent of the Czar to Lhasa. His presence and influence had a disturbing effect on the region's balance of power and eventually led to the entry of British forces into Lhasa. The Sepoy Mutiny of 1857 in India against the British rule also goaded the British into doing something to prevent its subjects in India from seeing nearby, a power comparable to their own. Frustrated with growing Russian influence in Tibet, the British decided to resort to direct action. A military force led by Captain Younghusband was thus sent to Lhasa in 1904. The Dalai Lama and Dorjiev fled to Mongolia. Younghusband exceeded his brief and executed a treaty with Lhasa without the connivance of the Chinese Amban, thereby implying that Britain no longer recognized China's suzerainty over Tibet. This was rectified by the 1906 Anglo-Chinese Treaty on Tibet whereby the British agreed to preserve Chinese suzerainty, though Peking had wanted recognition of their sovereignty over Tibet. Insofar as Russia was concerned, the 1907 Anglo-Russian treaty settled the competing interests: both sides agreed not to station representatives in Lhasa and to negotiate with Tibet only through China. The Tibetans refused to sign either of the above treaties as mark of their traditional disregard for Chinese suzerainty.

The Dalai Lama returned to Lhasa in December 1909, only to flee once again in February 1910; this time to India to avoid the Chinese expeditionary

force under General Chao-Erh-feng. This was the last effort of the Manchu (Qing) Empire to subjugate the Tibetans. With the demise of the Manchu empire and coming in being of the new Chinese Republic in 1911, the situation in Tibet remained largely unchanged. In 1912, the Chinese Republic sought to convert Mongolia and Tibet into Chinese provinces on the lines of the 'New Domain' declared in Sinkiang. While Russia prevented the merger of Outer Mongolia, the British did likewise to prevent the merger of Tibet. The British clarified that their recognition of Chinese suzerainty in Tibet was with the caveat that it did not include the right to intervene in internal matters or send forces. At the same time, the Dalai Lama on return "declared Tibet's independence by publicly refusing to acknowledge that he drew his authority from China's recognition of him."¹³

Neither of the above developments suited the British interests and they therefore, proposed to the new Chinese Republic that a tripartite conference be held to determine the status of Tibet. The Chinese not only agreed to negotiate Tibet's status with the British, but to also accept a representative of Lhasa as a co-equal plenipotentiary in the negotiations. This is significant to note. Thus the stage was set for the famous Simla Conference of 1913, the deliberations and outcome of which will be addressed at a later stage.

An important aspect that emerges from this very brief historical overview is that,

Tibet continued to exercise de facto and de jure independence from China, and with Britain and British India an agreed relationship which

was also basically independent. British influence in the area was withdrawn in 1947, her treaty-rights in Tibet being transferred to the independent government of India. A Tibetan delegation was on its way to China to negotiate a new relationship when in 1950 the Chinese Communist Government initiated the forced integration of Tibet with the Chinese People's Republic. This had direct consequences in both categories of frontier - question.¹⁴

The above observation by Francis Watson is significant while considering the validity and juridical acceptance of Anglo-Tibetan treaties in the context of the border dispute. In the matter of treaty evidence, the Chinese argue for invalidating all previous agreements. To discuss treaties in a historical sense is seen as endangering their assumption of legal sovereignty over Tibet. The communist government is, however, prepared to revive the territorial claims of their past empires. This dichotomy has in a large measure contributed towards failure of the bilateral border talks.

Section VI: British Initiatives to Formalize a Sino-Indian Boundary

As the British further consolidated their power in India, they realized the opportunity for extending trade beyond the Karakorum mountains. As a result, engineering experts were sent out to reconnoiter and map the northern frontiers. The Boundary Commission of 1847 (established consequent to the Treaty of Lahore, 1846) conducted extensive surveys and gathered local information regarding the customary and traditional boundary between Tibet and Ladakh. The British extended invitations to both the Chinese and Tibetans to participate in the survey expedition. While Tibet obliged, China opted to stay away. The Chinese authorities, well aware of their country's intrinsic weakness,

were unwilling to demarcate the border and thereby fix it for posterity. Lieutenant Henry Strachey, a member of the above commission followed the Chang Chenmo valley and his diary shows that the alignment depicted by the Indian side during the 1960 border talks was known and accepted nearly a century ago. The overall findings as translated on maps prepared by the members "confirm essentially with what is presently claimed by the Government of India as the boundary between Ladakh and Tibet from the Lanak Pass to the southernmost tip of the border."¹⁵ This constitutes the Southern segment of the Western Sector. Dr. Thomas Thomson undertook a pioneering journey to the Karakorum Pass in 1848 and his report lays out details of the topography and traditional boundary alignment in that region. In 1855, Lt. Montgomerie started the triangulation of Kashmir and by 1865 had mapped the whole area in sufficient detail. It must be noted here that these maps and topographical details were a relatively unknown commodity in those times and a novelty to the Chinese.

The British, therefore, had enough authentic maps and survey reports to accurately define and delineate boundary lines. The reports compiled by these commissions provided invaluable information and data.

These reports indicate two points which are highly significant within the context of the present Sino-Indian dispute. The first is that there existed plenty of evidence of a boundary line observed by custom and tradition, that is to say by the traders who looked on it purely from the point of view of when and where taxes had to be paid. The second is that instructions given to the Commission were emphatic that no risks whatsoever were to be incurred in challenging the Chinese.¹⁶

Based on the results of the above surveys, the British made a number of attempts to finalize a boundary with China. China for its part continued to evade the issue, not willing to negotiate from what it perceived as a position of weakness. The first British proposal has come to be known as the Johnson-Ardagh line of 1865. The boundary alignment north of the Pangong Lake up to the Karakorum Pass (predominantly the Aksai Chin region) was provided by W.H. Johnson of the Survey of India. He visited Khotan in 1865 and then trekked back across the Aksai Chin. Sir John Ardagh who had been Director of Military Intelligence supported the Johnson alignment in establishing an effective bulwark against any Russian advance into India. The Viceroy in India, Lord Curzon, also supported Ardagh's views. This alignment includes Aksai Chin in India and was so drawn in The Times Atlas and The Oxford Atlas. In fact, the editions of the Postal Atlas of China from 1917 to 1933 also showed this alignment as the Sino-Indian boundary and the Chinese never challenged it. After independence, the Indian maps continue to show this alignment as the Sino-Indian boundary. At the time this proposal was made, the Chinese offered no formal response stating that they were too preoccupied by internal events. The redoubtable Yaqub Beg had established an independent state of Kashgaria in Western China in 1866 which could ultimately be reclaimed by China only in 1877. This involvement prevented the Chinese authorities from considering the British proposal in detail.

The next proposal that was made by the British is known as the Macartney-MacDonald boundary, 1899. George Macartney was the British

representative in Kashgar and Sir Claude MacDonald the British Minister in Peking. Lord Elgin, the Indian viceroy at that point of time supported this alignment. This proposal was in fact an inducement to the Chinese to formalize a boundary settlement and contained a deliberate concession of territory to the Manchu Empire. Surprisingly, the offer produced no reply, nor even an acknowledgement from Peking, though the local Chinese authorities in Sinkiang whole-heartedly supported the proposal. Had the Chinese agreed, this would have "conceded to the Chinese most of the arid Aksai Chin plateau, which is today the crux of India's northwest boundary (Western Sector) dispute with China."¹⁷ In fact "this proposed concession covered the whole of the course to be taken half a century later by the road which the Chinese Communists considered to be strategically vital."¹⁸ (Map 6).

In the Middle Sector there were only minor differences between the British and Tibetans over jurisdiction in some areas along the Himalayan crest. These the British tended to ignore and did not consider it necessary to initiate any proposals to formalize a boundary in this sector. "The Chinese when they became the masters of Tibet in 1951, took over the established Tibetan view of the territorial limits along the Middle Sector."¹⁹

Insofar as the Eastern Sector is concerned, British efforts to negotiate Tibet's status based on the existing situation led to holding of the Simla Conference 1913-14. Sir Henry McMahon, Secretary to the Government of India, played the role of both the host and mediator. The Tibetan delegate was



Map 6. Macartney-MacDonald Line, 1899. Source: Francis Watson, The Frontiers of China.

Lonchen Shatra while Ivan Chen represented China. The plan put forward by McMahon was for creation of two zones in Tibet - Outer and Inner. Outer Tibet comprised of the area geographically and politically under more direct control from Lhasa. Lhasa would be master of its own internal affairs and could thus serve as a buffer between India and China. Inner Tibet would be an integral part of China and would serve as a buffer between Lhasa's Tibet and Russian dominated Outer Mongolia. "From British India's point of view this formula offered protection from both Russia and China and recognized at the same time that the farthest reaches of ethnic Tibet could not practically be controlled from Lhasa."²⁰ In light of the current Sino-Indian boundary dispute it is significant that Ivan Chen (Chinese representative) raised no objections to the Indo-Tibet boundary (i.e., between India and Outer Tibet) proposed by McMahon, and initialled the draft convention and the accompanying map, "a step which usually connotes informal acceptance."²¹ The Chinese refusal to subsequently ratify the treaty stemmed from the disagreement with Tibet over the boundary between Inner and Outer Tibet.

Section VII: Summary of Major Deductions

The above historical background, even in its present condensed form, is adequate to set forth a few deductions and observations that have a major bearing on resolving the problem today. These can be summarized as follows:

- Though Chinese suzerainty over Tibet can be traced back to 1720, at no point did it impinge upon Tibets' right to conclude treaties with

its neighbors. Therefore the 1684 Tibet-Ladakh treaty (Treaty of Tingmosang) delimiting the Tibet-Ladakh border is legally valid under international law.

- The 1842 treaty signed between Maharaja Gulab Singh and the Tibetans reaffirmed the 'old established frontiers further implying validity of the 1684 Treaty of Tingmosang.
- Tibetans have traditionally disregarded Chinese attempts to even exercise suzerainty. At the time of India's independence from the British, "the Tibetan Government was seeking to give legal status and international recognition to the de facto independence (from China) it had enjoyed since 1911."²² The Nationalist Government in China, on its last legs, was in no position to head off this attempt.
- In addition to the provisions of the 1684 Treaty of Tingmosang, the report of the 1847 joint boundary commission and findings of the Triangulation of Kashmir (1855-66) survey, conclusively establish the point that "in the early part of the 19th century the traditional boundary line between Tibet and India (in the Western and Middle Sectors) was known by custom."²³ It was neither properly delimited nor demarcated considering the resources available during the period, but "obvious geographical features could and did provide the basis of a satisfactory working arrangement."²⁴

- In the Eastern Sector, the Sino-Indian boundary was formalized at the Simla Conference (1913-14). The boundary known as the 'McMahon line' was accepted by the Chinese representative.
- The Chinese had been more interested in the inner limits of the frontier system vis-a-vis the outer boundary. Furthermore, the Chinese viewed their frontiers not fixed by either geography or history. Loss of territory had been viewed as a passing phase of weakness that ought to be recovered at the first opportunity. For the most part China was able to resist or evade British pressures for formally delimiting the entire length of the Sino-Indian boundary.
- The British colonial frontier policy was a product of great military and political strength and, therefore, it tended to ignore many purely local factors. Their objective remained constant - to keep Russia as far from the plains of India as possible. But the means to achieve their objective changed in consonance with their perception of the strength or weakness of the Chinese empire. This policy suited the times but greatly complicated the future. Perhaps at that time it was rather inconceivable that one day the colonies would seek their legitimate independence and would be faced with the consequences of an unsettled frontier.

CHAPTER 3

POST 1947 DEVELOPMENTS AND ANALYSIS OF CURRENT CLAIMS

Section I: New Regimes

India gained its freedom from the British Empire in August 1947, albeit after British India had been partitioned into two independent states - India and Pakistan. The Radcliff commission (appointed by the British to resolve the division of territory between the two new nations), delimited the Indo-Pakistani boundary solely on religious considerations with little regard to the prevailing situation in Kashmir, much less to the possible repercussions on the future status of the Northern borders. The British frontier policy had been unable to bring about a comprehensive definition and agreement of external boundaries along the Himalayan ranges. In the process they had failed to achieve the stated purpose of their varying frontier policies - the creation of a linear boundary all along the frontiers. Once sovereignty in the subcontinent had been transferred, territorial and boundary questions - both quasi resolved and unresolved, acquired new dimensions. Insofar as India's largest neighbor, China, was concerned, it soon became clear that there could be problems in store.

The People's Republic of China, on assuming power in October 1949, declared that it would re-examine treaties concluded by its predecessors with foreign powers, and either 'recognize, abrogate, revise or renegotiate them.' This was not in itself a repudiation of inherited

international commitments, but a notice of the intention to question their validity as and when the occasion should be judged appropriate in Peking.¹

True to form, and to their history, the Communist Chinese, as did the Nationalists, Warlords, and Emperors before them, did not view their frontiers fixed by either geography or history. Loss of territory had been viewed as a passing phase of weakness that ought to be recovered at the first opportunity. In fact, the Chinese had all along viewed frontier questions as political and ideological rather than juridical. In sum therefore, India upon independence was soon confronted with a neighbor "---under a communist system of government, of an archaic theory of vassalage which virtually overlooks frontiers and minimizes their effective meaning."²

Therefore, regarding its overall relations with China, the Indian leadership was faced with a fundamental problem - what should be its attitude, approach and policy towards China. India had inherited specific treaties governing its relationship and boundary with Tibet, but also a unique geopolitical situation which neither its independence nor the communist revolution in China could change. To begin with, Jawaharlal Nehru was genuinely convinced that the Chinese would clarify their relations with Tibet by peaceful means. Nehru had hoped that China would reciprocate the spirit underlying his enunciation of 'Panch Sheela' (Five Principles). "It was a romantic aspiration which overlooked both the rigidity and the ruthless expediency of communism."³ H.E. Richardson (British representative at Lhasa) and his Tibetan friends, however, felt that Nehru was

disregarding "the obligation, which he had inherited under the Simla declaration of 1914, not to accord Chinese suzerainty over Tibet, of any sort whatsoever, until the Chinese acknowledged Tibetan autonomy in the strict terms of the 1914 Convention."⁴

With the above as a backdrop it is now possible to narrate subsequent events and developments. For ease of understanding, this will be done in a chronological sequence, except where it is necessary to correlate interconnected developments.

Section II: Period up to the 1962 Sino-Indian Conflict

India's policy towards China, in the period following her (India's) independence is best characterized by 'following a path of amicable cooperation inspite of opposed political characters.' In December 1953, the Indian government took the initiative in proposing that "India and China negotiate at Peking to settle their outstanding differences."⁵ These had arisen consequent to publication of incorrect Chinese maps which, on diplomatic representations being made to Peking, were broadly disavowed but neither corrected nor withdrawn. The Chinese practice in publishing these maps came to be termed as 'cartographical aggression' in the Western media. The Chinese government at that point in time, responded favorably to the Indian proposal, perhaps more to ensure India's support for China's bid to enter the U.N. Security Council as a permanent member. At China's suggestion, questions related to frontiers were excluded in

advance, and to this the Indian government had agreed - still trying to follow a policy of appeasement.

Nehru's assumption proved unwarranted that China's willingness to omit the frontier from the Sino-Indian talks in 1954 implied a recognition of Indian views on the subject. This romantic attitude towards China had undermined his sense of history. China can always wait.⁶

On 29 April 1954, the treaty titled 'Agreement between the Republic of India and the People's Republic of China on Trade and Intercourse between the Tibet Region of China' and India was concluded. The title itself is significant as the Chinese interpreted it as India's acknowledgement of Tibet as a 'region of China' as opposed to India's stated policy of recognizing only China's suzerainty over Tibet. Thereafter, the Indo-Tibet boundary became the Sino-Indian boundary. No amount of subsequent clarifications by the Indian side could alter the faux pas created by their negotiators. The agreement (treaty) as such contained two parts: the preamble and a body of specific provisions.

The 'Panch Sheela' or 'Five Principles' that came to be widely used in Asian politics and which caught the world attention after the Asian-African Conference at Bandung, Indonesia in April 1955, had their origin in the Sino-Indian treaty of 1954. The preamble included these five principles:

- Mutual respect for each others territorial integrity and sovereignty.
- Mutual non-aggression.
- Mutual non-interference in each others internal affairs.

- Equality and mutual benefits.
- Peaceful co-existence.

Recognition of the existing Sino-Indian boundary along the highest watershed was implicit in Article 4 of the treaty which stated that the 'traders and pilgrims of both countries may travel through the six common passes viz (West to East) Shipki La Pass, Mana Pass, Niti Pass, Kungri Bingri La Pass, Darma Pass and Lipulekh Pass. "Undoubtedly the text of the 1954 Agreement favored the assumption of a frontier jointly accepted and understood."⁷ However, when later the border dispute became the subject of heated discussions and parleys, the Chinese chose to depart from the well established watershed boundary and lay claim to four areas - Spiti (Chinese call it Chuva and Chuje); Nilang-Jadhang and Barahoti (Wu-je); Laphthal and Puling-Sumdo. "In the cases where the Chinese departed from the watershed principle, they 'curiously enough' were such as 'to include Indian territory in Tibet' and in no case the other way round."⁸

It is interesting to note that the first known armed intrusion by the Chinese occurred in the area encompassed by the six passes (Middle Sector) - apparently as a test case to gauge Indian reactions. In June 1954 when the ink had barely dried over the bilateral treaty, Indian graziers informed the local authorities of a Chinese intrusion in Barahoti grazing pastures, in the vicinity of the Niti Pass. A small police force was dispatched to investigate and after a long verbal confrontation, the Chinese withdrew. Instead of taking a firm stand, the Indian government in a bid to appease the Chinese, agreed to turn a 40 square

kilometer area into a 'demilitarized zone,' (DMZ) - hereafter known as the Barahoti DMZ. A second armed intrusion by the Chinese was reported in September 1956 - this time near the Shipki La Pass. The Indian response was more firm and articulated this time. Thereafter the area has been relatively tension free and no clash occurred in the Middle Sector during the 1962 Sino-Indian conflict. During the 1960 border talks and subsequently when the talks resumed in 1981, the Chinese did not seriously press their 'claims' in this sector. In fact the talks never progressed to a stage where relatively minor and inconsequential Chinese claims in the Middle Sector could be brought up in the agenda.

What, however, deserves mention here is that these Chinese claims are invariably linked to well known religious shrines in India. Loss or trade off of any of these areas is bound to be intensely emotional for the religious minded Indian populace. This is the author's personal view and does not find any reference in the literature reviewed. Hereafter it will not be necessary to discuss the border dispute in the Middle Sector in any great detail.

At the Bandung Conference of twenty-nine Asian and African States, the Chinese Premier Chou En-lai formally announced to the outside world, China's adoption of 'Panch Sheela' in her relations with India and Burma. Subsequently, Chou En-lai offered to recognize China's McMahon Line boundaries with India and Burma (after complaints about current Chinese maps) on account of the 'friendly relations subsisting between both countries and China.'

This offer eventually "was honoured in the case of Burma, but repudiated in the case of India, the Chinese Government having in the meantime taken offence at India's reaction to the Tibetan revolt and its suppression."⁹

In the interim, events in Tibet had taken a turn for the worse. The Chinese attempted to reduce the Dalai Lama's power by dividing Tibet into two administrative areas: Lhasa area to be administered by the Dalai Lama, while the Panchen Lama was tasked to administer the Shigatze area. "In addition, the Chinese government moved hundreds of thousands of Chinese to the arable regions of eastern Tibet."¹⁰ As a result of these forced changes, Tibetans, in general, and the Khambas, in particular, took up arms against the Chinese forces. On 17 March 1959, the Dalai Lama with an entourage of eighty, including his mother, his cabinet ministers, and other important household officials, fled Lhasa. Two days later fierce fighting broke out between the rebels and the Chinese army in Lhasa.

On 31 March the Dalai Lama reached India and was granted political asylum. The rebellion in Tibet, in effect, signaled the end of the road of Sino-Indian friendship. Soon border incursions by Chinese armed forces at various locations along the Sino-Indian border turned into a routine affair. Migyitun (Eastern Sector), Khinzemane (Eastern Sector), Spanggur and Khurnak Fort (Western Sector) were the areas of major Chinese armed intrusions. To Indian complaints on the above, the Chinese pet response was that 'these areas belonged

to China and had in fact been occupied by Indian troops in unscrupulous collusion with the traitorous Tibetan rebel bandits.'

The above developments prompted an increased level of exchange of letters between the two prime ministers. While Nehru based his case on history, Chou En-lai referred to facts of the moment. Nehru recalled the treaties of 1684 and 1842 between Ladakh and Tibet and the tripartite Simla agreement of 1914. There existed, he argued, "sufficient authority based on geography, traditions, as well as treaties, for the boundary which India claimed."¹¹ In his replies Chou En-lai countered that the reason for the present existence of certain disputes over the Sino-Indian boundary is that the two countries have never formally delimited this boundary and that there is a divergence of views between the two countries regarding the boundary. Later on during the border talks it emerged that the Chinese had in fact meant 'demarcation' whenever they used the term 'delimitation.' The Chinese reply to one of the Indian 'note verbale' sums up their viewpoint:

The entire Sino-Indian boundary, whether in its western, middle or Eastern Sector, has not been delimited. The 1842 Treaty, on which the Indian Government bases itself, did not define any boundary line for the Western Sector of the Sino-Indian border; and moreover, China's Sinkiang region, which is most concerned with this sector of the boundary, was no party to this Treaty. The 1954 Agreement, on which the Indian Government bases itself, did not involve the middle or any other sector of the Sino-Indian boundary. The 1914 Convention, on which the Indian Government bases itself, is itself void of legal validity, and the Sino-Indian boundary was never discussed at the 1914 Conference. That the Sino-Indian boundary is yet to be delimited has been recognized by the Indian and British Governments over a long period of time, and is borne out by indisputable evidences.¹²

As would be obvious, the Chinese postulation of their stance lacked substance. No 'indisputable evidences' were actually ever presented and the vagueness of their statement(s) were frequently utilized to put forward several interpretations. Apparently, they were not so much defending an old frontier as looking for a new one that would meet their existing, and anticipated security needs. Their compulsion in taking up this stance "arose from the circumstances that the greater part of India's northern frontier lay with Tibet, whose past competence to treat with foreign governments it was essential to obscure."¹³ As was to be expected, the earlier tone of these epistolary exchanges couched in diplomatic niceties, was now reflective of the bitterness that prevailed between the two sides. In a bid to resolve the issue, Nehru suggested that officials of the two countries should meet immediately to discuss their respective claims. On Chinese insistence the first session was scheduled to be held in Peking.

The first meeting began in Peking in June 1960, continued in September in New Delhi and concluded after another session in Rangoon (Burma) in November-December. During the first session, with great difficulty, it was agreed that the agenda pattern should contain four items - Location and Terrain features of the boundary; Treaties and Agreements, Tradition and Custom; Administration and Jurisdiction; and Miscellaneous, treating each sector separately. The boundary was officially divided into the Western, Middle and Eastern Sectors. The Chinese refused to discuss the boundary west of the Karakorum Pass, for which they subsequently made a separate agreement with

Pakistan. The Chinese exhibited a general distaste for treaties of the past and scant respect for usage of maps and topographical details. It was only on 27 June 1960, that the Chinese were able to produce an authoritative map showing the whole alignment of their claim. Unfortunately for them, "this map was not identical with the 1956 map which Chou En-lai had said correctly depicted the traditional boundary in the Western Sector."¹⁴ In this map, the Chinese had advanced their claims in Ladakh (Western Sector) by approximately 2,000 square miles more than the 12,000 square miles originally objected to by India. Furthermore, it was significant that the Chinese Foreign Minister, Chen Yi, ignored this discrepancy when he addressed this matter in a speech on 6 December 1961. He maintained that "a 'clear and definite' description of the boundary was given in both the Chinese maps."¹⁵

The Chinese attitude to natural features as a principle of frontier settlement was also ambiguous and at best confusing. As a case in point, the Chinese claimed over 30,000 square miles in the Eastern Sector by showing their alignment of the boundary along the southern foothills of the Himalayas; while both to the east and west of this sector it lay along the main watershed range.

The Chinese officials had an explanation for the above:

Geographical features were related to the formation of a customary line, 'but are not the decisive factor.' People who live in high mountains, do not necessarily find them a barrier---. Therefore the formation of a traditional customary line must also be through a process of change and could not have been predestined or mechanically determined by a certain geographical feature.¹⁶

As had been widely foreseen amongst the intelligentsia, the talks produced two contradictory reports and, although voluminous, neither did more than elaborate the arguments which had already been given out in the diplomatic correspondence preceding the talks. At the conclusion of the talks both sides printed a record of the discussions in the form of White Papers. Two points merit attention of any analyst attempting to evaluate the web of claims and counter-claims. Firstly, the evidence provided by the Indian delegation was characterized by a mass of factual data - specific treaties, topographical details to include authenticated maps, and grid references of the boundary alignment, and basis for the administrative jurisdiction in the border areas. The material evidence provided by the Chinese was conspicuous by the absence of the above details. In retrospect, this proved to India's disadvantage as it constrained its flexibility during the subsequent discussions on the subject. On the other hand, the Chinese were able to frequently change their line and basis of argument. Secondly,

In so far as a historical claim existed to the West Aksai Chin area of Ladakh, or to some part of it, it had previously been made on behalf of Tibet, with which that high and desolate plateau has a geographical connection. After occupying the area, (having built the strategically important Aksai Chin highway linking Sinkiang with Tibet) however, the Chinese Communist incorporated it, not in Tibet but in Sinkiang, thereafter shifting the basis of their arguments as best as they could when challenged by India on evidence.¹⁷

The battle over the expanse of historical data and maps was a prelude to the battle on the ground. The beginning of 1962 was marked by aggressive patrolling by the Chinese all along the border. "During that year (1962) the Chinese made incursions into the Western and Eastern Sectors of the border."¹⁸

On 20th October 1962, the Chinese launched a full scale offensive in Ladakh (Western Sector) and a three pronged attack in the Eastern Sector (from west to east - at Thagla, Longju and Kibithoo). It is not within the scope of the thesis to delve into a description of the battles of this war: this could easily be the subject for a separate study. Suffice it to say here that the Indian forces were ill-prepared to resist the unexpected Chinese advance and had to conduct retrograde operations. Ironically, the Chinese offensive coincided with the Indian effort once again to have China admitted to the UN. As sudden and unexpected as the attack, so was the unilateral ceasefire declared by the Chinese on 21st November 1962. The Chinese announced that their troops would withdraw to positions 20 kilometers behind the 'line of actual control' which existed between the armed forces of the two sides on 7 November 1959. (It was in his letter dated 07 November 1959, that Chou En-lai first put forward, after the Kongka Pass incident in the Western Sector, his proposal for a 20 kilometer withdrawal from the 'line of actual control,' by both sides.) India's response was that both sides should withdraw behind the 'line of actual control' as existing on 8 September 1962 i.e., just prior to the Chinese attack. On the face of it, it may seem that the Chinese were willing to withdraw further back. This is not true as during the period between 7 November 1959, when the full details of the Chinese intrusion into Indian territory came to light, and 8 September 1962, India had taken measures to show their presence forward. The dates are crucial as India had set up a number of border checkposts in Ladakh between 1959 and 1962, and

agreement to the date proposed by China would imply official abandonment of these posts. Additionally, on 7 November 1959, India had not yet presented evidence of administration and of past treaties: this was done during the border talks of 1960. "In fact, however, the position on ground which the Chinese had aimed to rectify by invasion and withdrawal was one which, in Ladakh, had changed in India's favor during the previous months."¹⁹ The approximate area between these dates works out to about 2500 square miles. As a result of disagreement on the above issue as well as the overall impasse, a dangerous and potentially volatile situation exists on ground.

On 10 December 1962, after the Chinese ceasefire was in effect, representatives from six non-aligned nations - Burma (Myanmar), Cambodia, Ceylon (Sri Lanka), Ghana, Indonesia and the United Arab Republic (Egypt) met at Colombo in an attempt to work out a compromise proposal which might bring New Dehli and Peking to the conference table. The proposals thus worked out were presented, first to the Chinese government, and then to the Indian. After certain clarifications, Nehru accepted these inspite of heavy resistance by the opposition party in the Indian parliament. China insisted on two points of interpretation before accepting them only as a 'preliminary basis' for negotiations between Indian and Chinese officials. This led to another bout of new charges and countercharges leading to irate correspondence once more. In the event, China never accepted the Colombo proposals. As the drama was being re-enacted, Nehru passed away in May 1963, and with him the Colombo proposals,

as there was no follow-up talks. Hence these are not being discussed any further in this study.

Section III: Reopening of Negotiations - 1981 Onwards

After nearly two decades of strained relations on account of the unresolved border dispute, in 1981 the two nations moved towards making a fresh start when at Mrs. Indira Gandhi's behest and initiative, official level bilateral talks were resumed. In the period up to 1985, periodic talks were held to discuss the border issue and improvements in overall bilateral relations. Significant progress was made in the fields of increased economic and trade exchanges, as well as cultural and educational exchanges. The Chinese participated in the Asian Games held in New Dehli in 1982 and thereafter teams from that country have been regularly taking part in various sports competitions held in India.

Regretfully, however, on the issue of the border, little headway could be made. After the initial euphoria, the two sides failed to come to grips with this vexing issue. The problem once again hinged on the approach to be adopted towards finding a mutually acceptable solution. India contends that due to the complexity of the dispute, especially given the historic Chinese approach to the issue, it would prefer a 'sector by sector' approach - each sector to be discussed on its merit. The Chinese wish to deal with it as an overall package and are unwilling to adopt the methodology proposed by India. At a certain stage of the negotiations, the Chinese did hint that they may be willing to do so only if the Eastern Sector was discussed first. This is not in India's interest due to the fact

that India is in physical control of the areas upto the McMahon line. It is the Western Sector that is of major concern to India as China is in illegal occupation of the Aksai Chin area. India can consider any meaningful concessions on its part in the Eastern Sector only after the Chinese have indicated their proposals in the Western Sector.

In a bid to revitalize the near deadlocked negotiations, Rajiv Gandhi undertook a historic visit to China in 1988 - the first by a prime minister from either country since the 1962 conflict. This was reciprocated by Li Peng when he visited India in December 1991. These visits helped restore confidence between the two countries. A joint working group was established to work out modalities for a fresh approach to resolving the border issue. Its report is still awaited. In the interim, border trade in the Middle Sector has resumed and differences on other contentious issues have been narrowed down. Analysts worldwide, however, opine that a formal solution to the border dispute does not appear close, and that acceptance of the status quo may become the approved solution. China will retain the Aksai Chin plateau, which it now occupies but which India disputes, and withdraw its claim to Arunachal Pradesh. To avid China watchers, however, there was one subtle but significant change in the Chinese stance which raises some hopes of an early settlement on more pragmatic lines. During Li Peng's visit to India, the Chinese appeared to be tacitly taking on a pro-Indian 'neutrality' position on the Kashmir issue, much to Pakistan's chagrin. If this be so, the

Chinese may be expected to water down their inflexible stance on the Sino-Indian border dispute as well.

Section IV: Summary of Current Chinese and Indian

Viewpoints on the Dispute

Before attempting to formulate India's options to resolve the current impasse on the border dispute, it would be prudent at this stage to briefly take stock of the conflicting viewpoints on this issue.

India views resolution of the border dispute as a necessary prerequisite to improving overall bilateral relations between the two nations. In a democratic setup the Indian leadership has to take into account the feelings and aspirations of the majority of its population. The Indian public, in general, views the Chinese continued occupation of Aksai Chin and its claim to Arunachal Pradesh, as an act of belligerence and high handedness. Any attempt to 'trade territorial possessions' would be construed as a sign of acknowledged weakness on the part of the government. Chinese leadership on the other hand is free of any such compulsions. China therefore, wants to improve bilateral relations first - the border issue can wait to be resolved.

Insofar as the specific approach towards resolving the issue is concerned, India feels that it is in her overall interest to discuss the boundary question sector by sector, starting with the Western Sector. This perhaps is also an indication of India's underlying fears about the consistency of Chinese policies.

China prefers to discuss the boundary as an overall package, including bilateral relations.

India has hinted that it is willing to discuss quid pro quo as a proof of its genuine desire to bring about an early solution in a spirit of mutual accommodation. The Chinese have not been forthcoming on this and have evaded discussing specifics. So far the Chinese have insisted that India should make some adjustments and concessions in the Eastern Sector to enable China to make a corresponding adjustment and concession in the Western Sector. They, however, have at times utilized the media to hint at the possible 'compromises' they may be willing to make. These 'feelers' need to be concretized during the regular sessions of the joint working group.

India has maintained that its boundary with China is based on legally valid historical treaties through most of its length, while the rest has been well known and established through custom and tradition. In 1990, India proposed that a settlement should not legitimize the gains of armed intervention and should be based on logical and administrative consideration. This in itself constitutes a significant concession to the Chinese as a mark of India's sincere desire to end the dispute. The Chinese continue to insist that the historical treaties are invalid and that the Sino-Indian boundary still requires delimitation. As highlighted earlier, the Chinese use the terms 'delimitation' and 'demarcation' interchangeably. This attitude is often frustrating, as in the circumstances, it is difficult to make any meaningful progress during the bilateral negotiations.

CHAPTER 4

INDIA'S CURRENT OPTIONS

At the time of Indian independence, its first prime minister, Jawaharlal Nehru, had a historic vision of India as holding the "pivotal position between Western Asia, Southeast Asia and the Far East."¹ To play this role, he envisaged that India had to be on good terms with China. With the benefit of hindsight, it is abundantly clear that this policy prevented a timely solution of the Sino-Indian border dispute. Nehru did not fully recognize the conflict inherent in what came to be termed as 'competitive co-existence' and failed to appreciate the purely tactical significance given to it by China. As a result, India adopted a more than required conciliatory approach towards China. In the Sino-Indian talks preceding the 1954 Agreement on Trade and Intercourse, the Indian officials refrained from raising the border issue. In the bargain, China also won immediate advantages as Nehru referred to Tibet as the 'Tibet Region of China.' "It was surely naive of the Indians to settle for pious phrase-making, and to assume that Chou En-lai meant what he said when he told them the Agreement settled all problems."² Thereafter it was only reasonable to expect that solution of the boundary dispute would be a long, arduous and frustrating affair.

Be that as it may, China has since then moved from a position of marginal strength to greater strength and now India cannot hope to bring about a settlement purely on the merits of its case. In fact, Paul Beaver, publisher of Jane's Defense Weekly, said recently in London that 'China is moving from a regional power to a regional superpower.' The Kansas City Star in its edition dated 11 January 1993 commenting on the above, states that although war is not imminent, the Chinese military build up frightens neighbors who have had border disputes. The report concludes that China may be increasingly able to resolve border disputes in its favor. It is the author's (of this thesis) considered opinion that time has come for the Indian leadership to take hard and pragmatic decisions towards resolving the border dispute once and for all. With post cold war developments already on their way, it appears likely that China will be significantly improving its security environment and increasing its leverage in dealing with India. Any delay in resolving the border dispute will further diminish India's chances of getting a reasonable, much less an equitable deal.

There is no gainsaying the fact that India is indeed passing through a period of volatile political change and internal strife. This may lead many analysts to suggest that the Indian leadership is too involved in addressing internal issues to be able to deal effectively with the complicated issue of the Sino-Indian border dispute. This viewpoint may perhaps be no more than a mere fallacy. India has often appeared turbulent as it experiences intermittent social and political instability: such instability is endemic to the development process. A concrete

effort to resolve the border dispute is more likely to restore confidence of the masses in the government and divert unwarranted media attention from internal ongoings. Having regard to all of the above, a few recommended options follow. The formulation of the options has been, in a great measure, facilitated by using the SAM of the CGSC. Having identified the essential ingredients of the dispute and Indian and Chinese interests in resolving the dispute, it is now possible to develop options to resolve the dispute. The historical evidence and evolution of the dispute, as well as the characteristics of the Indian political system have been considered as additional criterion for determining the options. It must be remembered that these options are from the Indian standpoint, having regard to the likely scenario in the subcontinent in the foreseeable future. The three options listed are indeed all feasible, and suitable. The question of acceptability will, to a great extent, depend upon the political will. Hence, the options have not been ranked at this stage.

Option A: Formalizing the Status Quo

Formalizing the existing status quo has of late gained currency in quarters around the world as a reasonable option for resolving the Sino-Indian border dispute. In the main, this implies that China retains the Aksai Chin area that it occupies but which India disputes, in return for China's recognition of the McMahon line in the Eastern Sector. Specifically, in the Eastern Sector, it would also involve withdrawal by the Chinese from the two areas that they presently occupy South of the McMahon line viz Thagla-Wangdung area, and Longju. The

Chinese intruded into these areas in 1986 and established military posts. In the Middle Sector, the Chinese would have to relinquish their claim to the four enclaves south of the watershed. The 40 square kilometer area in Barahoti would continue to remain a DMZ.

In essence, this option is no more than acceptance of 'fait accompli.' Though widely propagated, it is bound to set an unhealthy precedent - legitimization of illegal and forced occupation. China has border dispute with several other neighbors: It still threatens regularly to use force to recover Taiwan, and, during the last three decades, has fought border wars or skirmishes with India, the now defunct Soviet Union, and Vietnam. Solution of her border dispute with India on the basis of status quo may encourage China to resolve her other border disputes by unilateral occupation first; to be subsequently resolved by talks across the table in a time frame most suited to her. *Of immediate concern to India, Pakistan would be encouraged to legitimize her occupation of POK.* Additionally, keeping in view the worldwide spurt of nationalist movements for self determination, a Sino-Indian settlement on the lines contemplated, may have adverse repercussions all over the world.

Notwithstanding the above negative fallouts, formalization of the status quo does constitute a viable current option for India, In terms of her overall long term interests.

Option B: Exchange of Territories

An exchange of territories or 'quid pro quo' that is in a spirit of mutual accommodation, and is carried out in keeping with the geopolitical and ground realities - diplomatic, geographical, and political - could be in the long term interests of both nations. This option, too, has been offered for consideration in a number of international seminars and fora, but has failed to evoke a consensus. By its very nature there are bound to be wide variations in the areas selected for mutual give and take. Hence there will be a number of sub-options arising out of this basic concept.

The first sub-option is to agree upon the MacCartney-MacDonald line as the boundary in the Western Sector, the highest watershed in the Middle Sector, and the McMahon line in the Eastern Sector. The major implication of this would be that China would continue to retain the Aksai Chin highway which is of considerable strategic importance to her. Though it will involve withdrawal by the Chinese from some areas of the Aksai Chin, the agreed boundary will run along easily identifiable features on ground. This will constitute a major concession on part of India and as a matching gesture the Chinese will have to relinquish their claims to the marginal enclaves in the Middle Sector and recognize the McMahon line in the Eastern Sector. As a further proof of India's genuine desire to resolve the issue, a joint survey will be conducted to determine the exact locations of the sacred places of Tso Karpo and Tsari Sarpa in the Eastern Sector. At the present, a genuine doubt as to their correct location exists.

In case the two places are determined to be lying south of the McMahon line, then a modification to the alignment of the McMahon line would be necessary to include them into Tibetan territory. Such an agreement would thus have the sanctity of historical treaties, would involve a matching spirit of 'give and take,' and more importantly, satisfy the strategic requirements of both sides. It is necessary to clarify here that in the Western Sector, this proposal is distinctly different from the earlier one of formalizing the status quo.

The next proposal is essentially the same except that in lieu of the Aksai Chin (areas East of MacCartney-MacDonald line), China should be willing to make a matching concession by giving the Chumbi Valley to India. During the early days of the dispute when China was itself not too sure of the extent of territorial claims that it should make, and was in a process of gauging the Indian reaction, the Chinese leaders had in fact hinted to such an exchange. At that point of time, however, the Indian public was outraged by the disclosure of illegal Chinese occupation of Aksai Chin, and construction of the highway. They were not prepared to discuss any exchanges, but to have the Chinese evicted from Indian territory. In the long term strategic interests of both the countries, this exchange would prove beneficial and cost effective.

It may be prudent to interject here the universally acknowledged view on the Chinese claims in the Eastern Sector. This is necessary to avoid the impression that may be gained by some that by recognizing the McMahon line the Chinese are making a major concession in terms of territory. As per one Chinese

author's view, "In my judgement, the Chinese government claims the 32,000 square miles of territory in the Eastern Sector only for the purpose of using it as a bargaining power against India's claim in the Western Sector."³ Another Chinese historian opines: "...they (China) should try to negotiate a common boundary according to the principles of watershed; and that in the Eastern Sector the McMahon line should be recognized as the international boundary..."⁴

The next sub-option takes into account the validity of historical treaties and frontier alignments evolved over the ages based on customs, traditions and geographical features. As has been brought out in the earlier chapters, there is no dearth of legally valid historical treaties and other details regarding the Sino-Tibet border. The 1684 and 1842 treaties between Ladakh and Tibet, and Report of the 1847 joint boundary commission with regard to the Western Sector; the 1954 treaty for the Middle Sector, and the 1914 Simla Conference treaty for the Eastern Sector. This presupposes that the Chinese in their emerging role as a 'superpower' in the region would be amenable to projecting an image of fairness. This proposal would involve setting up of a joint boundary commission and would of necessity be more time-consuming. The joint boundary commission would, after setting the terms of reference, commence their ground work from the Karakorum Pass. Dealing sector by sector, the commission would identify and verify on the ground the claims made by either side. Once this list has been drawn up, the level of contact between the two sides should be raised to the ministerial level wherein the quid pro quo should be identified and laid out.

Thereafter, the bilateral meeting should be upgraded to the heads of state level wherein a final decision should be arrived at. At the first instance, this appears to be more of an approach than an option. This is not so, and the list of concessions to be made by either side may work out to be substantially different than the ones contemplated in the other sub-options. At some point in the past, this had been one of the most favored option. Due to their respective internal compulsions, however, this option could not be acted upon in the right earnest.

Option C: Moderation of Historical Evidence to Match Ground Realities

This option propagates a finalization of the Sino-Indian boundary based on the underlying principles and concepts as contained in the Johnson-Ardgah line in the Western Sector; no changes in the other two sectors. The present alignment of the boundary in the Western Sector as shown on the Indian as well as most Western maps, generally corresponds to the 1865 Johnson-Ardgah line. However, as a major concession to the Chinese, the Aksai Chin area should be declared as an autonomous region with free access to both sides. Additionally, both sides should agree not to position any armed forces inside the Aksai Chin autonomous region. This arrangement would satisfy the strategic needs of China, the newly created autonomous region would serve as an ideal buffer, and lastly, the agreement would bear the stamp of legality based on historical evidence. In fact this would represent an ideal mix of historical and current aspirations of both sides. In the past:

The acceptance of a traditional and customary boundary-line, characterized by natural features, had been evident in the settlements

with Burma and Nepal (made by China) and was stated in Article 1 of China's agreement with Pakistan. It could further be noted that maps of the large scale (1:1 million) which the Chinese had been unable or unwilling to provide for their boundary-examinations with Indian officials in 1960, were used by both parties in the Sino-Pakistani talks.⁵

It can thus be seen that the Chinese have, in case of other countries, respected traditional and customary boundary-lines characterized by natural features. The fifty mile long Sino-Afghan boundary too was formalized based on a watershed frontier as existing in practice, though hitherto without a Chinese treaty signature. This aspect has not been lost sight of while formulating a few of the above options. As to which option will finally be adopted only time can tell. In any case, however great may be the sense of urgency on the part of India, any of the above options will take many years to be accepted in the first place and thereafter implemented.

Last but not least, is the question of the Sino-Indian boundary (presently Sino-Pakistani boundary) West of the Karakorum pass which has been kept outside the purview of this thesis. Because of the dynamics of the Kashmir issue and wide ramifications of anything connected with it, it would be rather naive to wish this portion of the boundary away. As an essential prerequisite to reaching an agreement on any of the options above, China must guarantee or, at the minimum, agree in principle that the issue of the border West of Karakorum would be subject to renegotiations at a later point in time. Without this assurance, the whole exercise may prove to be one in futility.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

It has thus emerged that throughout history, Tibet's ambiguous political status has inevitably aroused immediate questions pertaining to India's security on her northern frontiers. The same continues to determine the course of Sino-Indian relations in the modern times. The British, all along, had followed a moderate or middle approach that put limits to Chinese power in Tibet, and at the same time encouraged Tibetan autonomy. While the British termed China's status in Tibet 'suzerainty,' the Chinese interpreted their traditional relationship with Tibet as 'sovereignty,' while Tibetans interpreted it as nothing more than a 'patron-priest' relationship. Tibet's political future suffered from British unwillingness to establish a protectorate over it. It has often been queried as to why the British opted to do so. The answers are not difficult to find. By recognizing China's suzerainty over Tibet, the British could safeguard their commercial interests in China. At the same time, Tibetan autonomy prevented a direct military threat from China. Chinese presence in Tibet served as an effective deterrent for Russian expansion towards the south. Lastly, any other foreign power in Lhasa or even an independent Tibet would have created greater

problems for the British by claiming the areas of Lamaist influence in the border regions of India.

It is indeed axiomatic that the genesis of the Sino-Indian border dispute can be directly traced to the British policy towards Tibet vis-a-vis China. Notwithstanding China's occupation of Tibet in 1951, the Indian position has been that there was obviously no single treaty between India and China that had delimited the entire boundary, but there were treaties between India and Tibet delimiting certain segments, while the rest of the boundary was well-known and established through custom and tradition. China questions the treaty making powers of Tibet throughout her history, and argues for invalidating all previous agreements effected by Tibet. The Chinese therefore persist in stating that the Sino-India border in its entirety had never been formally 'delimited' and that there was only a 'traditional customary line' between the two countries that still required delimitation. What in effect the Chinese imply by 'delimitation' is actually what is universally understood as 'demarcation.' Given the ruggedness and inaccessibility of the terrain, physical marking of the border (demarcation) was near impossible in the past: it may even be so now.

As a result, both countries have failed to agree upon a line that can form the international boundary between the two nations. For purposes of bilateral negotiations on the issue, the Sino-Indian boundary has been sub-divided into three sectors - Western, Middle and Eastern Sectors. The dispute in each of these sectors is different and unique. The assessment of the current situation is

that China is in occupation of the Aksai Chin area (approximately 33,000 square kilometers) in the Western Sector which India claims, based on historical treaties with Tibet. But India had failed to exercise effective jurisdiction over the region. This is obvious from the fact that Chinese activities in the region remained relatively unknown to Delhi for nearly a decade. Aksai Chin is desolate and difficult terrain, but it is far more accessible to the Chinese than the Indian side. It was therefore, but natural for the Chinese forces to take the Aksai Chin route into Western Tibet. Indeed this was the only practicable route because of the Sinkiang 'Gobi' (desert) to the North. Finding it unoccupied and suiting their strategic interests, the Chinese undertook survey for the Sinkiang-Tibet highway between 1954 and 1955. The highway was possibly constructed between 1956 and 1957. It was only in mid-1958 that India learned of the developments in the area. The principle of 'possession' takes precedence over the rights in 'custom and administration,' which India would find increasingly difficult to substantiate. In a sense, therefore, the Chinese do have some grounds to claim the area - even if the claim is only tenuous.

In the Eastern Sector, the McMahon line (boundary between Outer Tibet and India) was drawn on a map (two sheets), of the scale one inch to eight miles. The line was drawn with a thick pen, and considering the unreliable and inaccurate survey and cartographical means available in 1914, it is only to be expected that its present day interpretation can be the subject of genuine differences. Given the present day technology, it would be possible to correctly

transpose the McMahon line on the ground. This would help eliminate the existing differences between the two sides, as to the correct alignment of the boundary. It is primarily in these places where the actual location of the McMahon line is unclear that the Chinese have contested Indian occupation with force; in other areas they have generally stayed on their side of the McMahon line. This Chinese attitude lends substance to the viewpoint that China claims 32,000 square miles of territory in the Eastern Sector only for the purpose of using it as a bargaining power against India's claim to the Aksai Chin in the Western Sector. It can thus be inferred that China is fully aware that in this Eastern Sector it cannot easily dispute the legal validity of the 1914 treaty, more so because its representative, too, had conveyed his acceptance on behalf of his government. Additionally, notwithstanding the above treaty basis, India's 'possession' of the area is a ground reality which China must, even if grudgingly, acknowledge, as a quid pro quo to a reversal of the existing situation in the Aksai Chin. In sum, therefore, given goodwill today, there is abundant data and basis on which to determine a mutually acceptable Sino-Indian boundary.

Furthermore, it is necessary to briefly reappraise the undercurrent of continuity in India's foreign policy towards both Tibet and China. The terms of reference have undergone and will undergo a change in response to the developments around the world. India's policy towards Tibet should not only be a reflection of the geo-political, geo-strategic and geo-economic compulsions of the past that determined the balance of Sino-British relations, but should also

demonstrate the need of such imperatives in maintaining a balance of power in Asia in the present day. Apart from Sino-Indian relations, the Tibetan factor is increasingly getting intertwined with India's internal security. A large influx of Tibetan refugees crossed over to India in 1959 and subsequently they have been resettled in India. In a recent seminar held at the Jawaharhal Nehru University in New Delhi, Dr. Tanka B. Subba revealed that there is intra-ethnic tension and conflict in large parts of the Himalayas between the local inhabitants and the Tibetan refugee population. The Tibetan refugees have not accepted Indian citizenship and have been very particular about maintaining their distinct identity and culture. Their general relative prosperity, in contrast to the local populace is bound to have an effect on the socio-political life in India. It is therefore imperative that the border issue with China be resolved speedily. The resolution of the Tibet issue would be inherent in such an agreement, thus paving the way for return of the refugees.

The compulsions to expedite resolution of the border dispute also stem from this new sense of urgency. It is time to formulate new parameters to solve the border dispute within the given constraints. Much ground work has already been done towards adopting a more pragmatic approach. Rajiv Gandhi, during his historic visit to China in 1988, highlighted the importance of his venture as a touchstone for building friendly relations with China. He observed that the boundary question needed an enduring solution that would be based on an understanding of each other's point of view and would be in the mutual interest

and of benefit to both the countries. Rajiv Gandhi further stressed the need to settle the border issue within a realistic time frame. The Chinese response was positive and Li Peng proposed that the two sides should work out a common set of guidelines that satisfy the Chinese and the Indian search for a 'just and reasonable' solution. Though the two sides did not come close to a solution of this vexing problem, there was a consensus on a related issue - a new sense of urgency for a settlement and the resolve to maintain peace along the border. If this be so, then a simple but logical deduction can be drawn: notwithstanding the validity of the McMahon line, India must come to grips with reality that the Chinese are not likely to concede the McMahon line for nothing and that peace cannot be ensured on a militarized border. If correctly appreciated and accepted, this would constitute a major departure from the theme of Indian arguments so far. In a nutshell, this constitutes the edifice of the fresh approach being recommended. The unfortunate and untimely death of Rajiv Gandhi, who apparently had this in his mind, should not be an excuse or reason to put the initiative behind now.

With the benefit of the above assessment, it is now possible to understand and appreciate the rationale behind the option being recommended to bring about an end to the long outstanding border dispute. The Joint Working Group (JWG) was set up in 1988 to work out the modalities to resolve all disputes related to the Sino-India border. The two respective leaders of the JWG, the Indian Foreign Secretary and the Chinese Vice Premier have been delegated

the power to review and initiate proposals for solving the border issue. In order to avoid unnecessary media publicity that may create unwarranted and premature pressures, the proposal should be first negotiated within the confines of the JWG. It should be made public only at a later opportune moment. India should convey its willingness in principle to concede the Aksai Chin area, East of the MacCartney-MacDonald line. Thereafter the Sino-Indian boundary in the Western Sector should be formalized on the modern transposition of the 1899 line on the ground. Where such transposition cuts across natural features, mutual adjustments to be made so that in the final analysis, the boundary lies along easily recognizable geographical features.

In the Middle Sector, the boundary should be delineated along the highest watershed as hithertofore. The Chinese should give up their claims to the four enclaves that are apparently situated South of the watershed. The Barahoti pastures should remain a DMZ with 'free access to graziers from both sides.' In order to monitor the movement and activities of the graziers and resolve any local disputes over specific grazing grounds amongst them, a joint check post should be established in the DMZ. This check post should be manned by police personnel from either side. A similar and second joint check post should be established in the vicinity of the Lipulekh Pass. This would facilitate the trans-border trade and the annual Kailash-Mansrover Yatra (pilgrimage). Besides the above, these steps would contribute positively towards confidence building among the local populace on both sides of the border.

In the stated desire and spirit of accommodation as enunciated by Li Peng prior to his visit to India, China should make a matching concession by conceding the Chumbi Valley to India. Acceptance of this would vindicate the Chinese sincerity in resolving the border dispute in a spirit of accommodation. This would also remove for good, their strategic vulnerability and consequent apprehensions in the area. In the long term, both countries will benefit from huge savings in their respective defense budgets.

In the Eastern Sector, the same principle of 'possession' as applied in the case of Aksai Chin, must form the basis of reciprocation. India has been in effective occupation of the areas right up to the McMahon line even during the colonial period. The exact boundary alignment on the ground, based on the McMahon line, should however be determined by joint survey. For reasons enumerated before, transposition of the 1914 line on ground, is likely to bring out varied interpretations. The principle underlying this exercise must be consistent with that spelled out by Sir Henry McMahon nearly eight decades ago - the boundary must follow the highest watershed. India's offer of conducting a joint survey would in itself, be a major departure and concession from her stance so far. Besides some other variations that may come up, the joint survey would specifically determine the exact locations of the Tso Karpo and Tsari Sarpa. The former is a lake and the later a shrine - both considered sacred by the Tibetans. In the general area of the known location of the above places, there exists a genuine doubt as to which one is the real one. There are a number of lakes with

shrines, basically 'gompas' nearby. In case these places are found to be lying south of the boundary alignment, India should agree to modification to the alignment in order to include them into Tibetan territory. In sum therefore, the above overall agreement would meet the strategic requirements of both sides, respect the legal validity of historical treaties and agreements, and reflect the newfound spirit of 'mutual understanding' and 'mutual accommodation.' For the Chinese it would additionally prevent a 'loss of face.'

If for some reasons, (it is neither necessary nor feasible to discuss these), a settlement on the above considerations is not forthcoming, then as a bottom line, an alternate option is recommended. This alternative is similar in all respects, except that China continues to retain the Chumbi Valley. In such an eventuality, the Chumbi Valley and its contiguous region in India (state of Sikkim) should be declared as a DMZ. Both sides should complete withdrawal of their forces within a five year time span. Thereafter, a joint check post, on the lines recommended in the Middle Sector, should be established for regulating and monitoring transborder trade along the centuries old trade route.

The above views have been ventured with a firm sense of conviction arising out of years of studying the problem in its entirety. It would indeed be ironical if the two nations were to miss an irreplaceable opportunity to march in step with history into a positive future.

ENDNOTES

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