

POLICY BRIEF

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Dr. Monika Chansoria is a Tokyo-based Senior Fellow at The Japan Institute of International Affairs. Previously, she has held appointments at the Sandia National Laboratories (U.S.), Hokkaido University (Sapporo, Japan), and Fondation Maison des Sciences de l'Homme (Paris). Dr. Chansoria has authored five books including her latest work, *China, Japan, and Senkaku Islands: Conflict in the East China Sea Amid an American Shadow* (Routledge © 2018).

India–China Unsettled Boundary & Territorial Dispute: Institutionalized Border Mechanisms since 39 Years, Sans Resolution

Dr. Monika Chansoria

The border dispute between India and China does not pertain to the definition of a boundary that can be marked physically on ground, and, on a military map, alone. It also takes on board vast tracts of disputed territorial frontiers. China continues to be in illegal physical occupation of large territorial land areas of India's territory, starting with the entire Aksai Chin plateau in Ladakh, approximately 38,000 sq kms, since the mid-1950s. In addition, India maintains that in 1963, Pakistan illegally ceded to China, 5,180 sq kms of Indian Territory in the Shaksgam Valley of Pakistan-occupied Kashmir (PoK), north of the Siachen Glacier, under a bilateral boundary agreement that holds no legal validity. Besides, China also stake claim to about 96,000 sq kms of Indian Territory in north-eastern Arunachal Pradesh, which it terms as 'Southern Tibet'. The statements regarding Arunachal Pradesh being "Chinese territory and part of southern Tibet" are a key instrument of the marked shift in China's strategy and stance in the early 1980s when Beijing began signaling that the eastern sector was the larger part of the boundary dispute. China's stated position is that reunification of Chinese territories is a 'sacred duty' of the People's Liberation Army (PLA). China shares a 22,000 kms land border with 14 adjacent states. It has resolved territorial disputes with 12 of them, but still needs to resolve the territorial and boundary dispute with India. Beijing, for that matter, also challenges the total length of the Indo-China International Land Border, which runs 3,488 kms according to the Indian Ministry of Home Affairs. This was also acknowledged by Indian Prime Minister, Narendra Modi, while addressing the India-China Business Forum in Shanghai on May 16, 2015.

The McMahon Line, Tibet, and China's Xinhai Revolution

Throughout 1910, and during a greater part of 1911, the troubles of the 13th Dalai Lama (1876-1933) and his government in Tibet

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only increased rather than diminishing.¹ The British observed neutrality, but accorded protection and hospitality to the God-King and his ministers in the hours of trouble. This action captured the attention of the Tibetan people, especially when it became clear that the British had no desire to annex any part of Tibetan territory.² Meanwhile, the Chinese troops showed up badly in comparison with the disciplined soldiers of Britain and British India.³ Since 1904, there had been no vestige of an attack from British India, whereas China has been attacking Tibet, relentlessly, the whole time. It kept many thousand soldiers along its frontier with Tibet, whereas on the long frontier between Tibet and British India, not even 1,000 British and Indian soldiers were recorded. When the 13th Dalai Lama fled to India in 1910 in rescue from Chinese invasion, the Tibetans would have welcomed a British Protectorate.⁴ In comparison, the Chinese were in seen in poor light throughout most of Tibet, especially among the members of the government. The acts of sacrilege committed by their invading troops, their ambitious designs for controlling the administration, the fear that their soldiery, known to be ingrained with Bolshevik doctrines and their military weakness as compared with Britain, Russia or Japan—all these considerations combined to arraign it as an enemy.⁵

In the first half of 1911, the 13th Dalai Lama was still struggling against the seeming impossibility of escaping from Chinese domination. However, during the latter half of

that year, a revolution broke out in China. The Manchu Emperor of China was deposed and every vestige of the Manchu rule was swept away. From the earliest times, the political relations existing between Tibet and China were based, primarily, on the special personal equation that the Dalai Lamas shared with the Mongol emperors. With the collapse of the Manchu dynasty in 1912 following the Chinese rebellion, this relationship ceased to exist.⁶ In several cities, China massacred the Manchu garrisons. In November 1911, most of the Chinese garrisons in Tibet mutinied.⁷ Subsequently, the Chinese Revolution (*Xinhai*) of 1911-12 overthrew China's last imperial Qing (Manchu) dynasty and established the Republic of China with a provisional constitution promulgated by the Nanjing Parliament, and the government transferred to Peking. The Chinese Revolution directly impacted Chinese authority in Tibet. In June 1912, the 13th Dalai Lama, with his Ministers, returned from India to Tibet. Setting off on his backward voyage from Kalimpong, the "returning sovereign" was determined to govern it. The five years of exile since 1904, followed immediately by another period of two years since 1910, congealed the 13th Dalai Lama's resolve to counter the Chinese power and rule which has been recorded in various Tibetan texts and biographies, and subsequently also in the Dalai Lama's own political testament, wherein he referred to his years in exile attributing them to the dreadful actions of the Chinese.

1 For details see, Charles Bell, 'Political Struggles' Chapter XVI, *Portrait of the Dalai Lama*, (London: Collins Clear-Type Press, 1946), p. 116.

2 Ibid.

3 For further details see, Charles Bell, "Tibet's Position in Asia Today," *Foreign Affairs*, vol. 10, no. 1, October 1931, pp. 134-135.

4 As cited in, Charles Bell, "Tibet and its Neighbors," *Pacific Affairs*, vol. 10, no. 4, December 1937, p. 436-437.

5 Bell, n. 2, pp. 139-140.

6 "The Tibet that was in 1912," *The Sunday Guardian*, May 13, 2018; for related reading on the fall of the Qing dynasty and the 1912 Chinese Revolution see, Sanderson Beck, "Qing Dynasty Fall 1875-1912," *East Asia 1800-1949, Ethics of Civilization*, Vol. 1; and see, Makoto Tachibana, "The 1911 Revolution and 'Mongolia': Independence, Constitutional Monarchy, or Republic," *Journal of Contemporary East Asia Studies*, vol.3, no. 1, 2014, pp. 69-90.

7 Bell, 'The Tide Turns' Chapter XVII, *Portrait of the Dalai Lama*, n. 1, p. 124.

An agreement between the Chinese and Tibetan representatives in presence of Gurkha witnesses in August 1912 discussed a “three-point” proposal stating:

- All arms and equipment including field guns and Maxim guns in possession of the Chinese at Dabshi and Tseling in Lhasa shall be sealed;
- Bullets and gunpowder shall be collected and deposited in the Doring house; and
- Chinese officials and soldiers shall leave Tibet within 15 days.

A few months into his return to Tibet, Yuan Shih-kai, then President of the Republic of China, sent a telegraphed message to the Dalai Lama, apologizing for the excesses of the Chinese troops. The “restored” 13th Dalai Lama took the opportunity and responded by stating that he was not soliciting the Chinese government of the day for any rank or position, for he proposed to exercise, both, temporal and ecclesiastical rule in Tibet—as has been recorded in *Portrait of The Dalai Lama*. This, in other words, was interpreted as the 13th Dalai Lama’s pronouncement of Tibetan independence.

The strains started becoming visible when in 1913-14, Tibet claimed that it was an independent state at the onset of the Simla Conference [October 1913–July 1914] with China counter-claiming that Tibet was one of its provinces. In the second meeting of the Conference on November 18, 1913, Lt. Col. Arthur Henry McMahon, a British-Indian Army officer and diplomat (assisted by Charles Bell) said, according to the recorded minutes, that he did not see how the political status of Tibet could be discussed until the limits of the country were defined.⁸ McMahon tabled

a statement on the limits of Tibetan territory and prepared a partition of Tibet: China to administer Inner Tibet, leaving Outer Tibet completely autonomous, albeit under Chinese suzerainty. On March 11, 1914, McMahon presented to the Conference a draft convention, the text of which he had received from London—clearly mentioning the borders between China and Tibet be drawn approximately along the upper waters of the Yangtze; and the boundary between Outer and Inner Tibet. Lonchen Shatra, who represented Tibet at the Simla Conference, had Lhasa’s approval to the border agreement he had reached with Charles Bell.⁹ The formal shape in the form of an exchange of diplomatic notes between McMahon and Lonchen was given on March 24-25, 1914, not at Simla, but in Delhi, which was the venue of the conference between January–March 1914.¹⁰

On April 27, 1914, with the conference venue moving back to Simla, the representatives of all the three parties initialed the convention that McMahon had presented along with the map. Ivan Chen, the Chinese plenipotentiary, wrote his name in full, though, two days later, the Chinese government repudiated his action. On July 3, 1914, having waited in vain for China’s adherence, India and Tibet signed a Declaration with McMahon and Lonchen affixing their seals.¹¹ Notably, every single Chinese document objecting to that convention confined and centered the objections only to the border between Inner and Outer Tibet and on China’s relations with Tibet. Not once was the Indo-Tibetan boundary [the McMahon Line] mentioned. This was true of Chinese objections before the convention was concluded on April 27, 1914, as well as all those made thereafter.¹² In fact, Dorothy Woodman wrote in her 1969

8 For further details see, A.G. Noorani, “Strategic Differences,” *Frontline*, vol. 25, no. 26, Dec 2008–Jan 2009, Chennai, India.

9 Ibid.

10 Ibid.

11 Ibid.

12 Ibid.

book, *Himalayan Frontiers: A Political Review of British, Chinese, Indian and Russian Rivalries*, “As far as available records show, Chen did not, at any time complain of the bilateral agreement between India and Tibet defining 850 miles of their border.”¹³ What was agreed to, was, maintaining three trade agencies in Tibet:

- At Gyantse, which lay between the Himalayas and Lhasa
- At Yatung, north of the Himalayas
- At Gartok in western Tibet

While recognizing the McMahon Line as its boundary with Myanmar, China refused, and continues to do so with India and Bhutan.¹⁴ The McMahon Line was agreed till Burma (Myanmar) by China, signed on January 28, 1960. However, it is not accepted beyond it since China refuses to recognize the McMahon Line as a valid boundary terming it “illegal”. The Chinese, plausibly, shall never concede the legality of the McMahon Line, since it will imply that Tibet was once sovereign in 1914. This remains a historical fact which China seeks to expunge completely from global memory and records. Following the Chinese Communist Party’s proclamation of the establishment of the People’s Republic of China (PRC) in 1949, it wasted no time in asserting PRC’s presence in Tibet, and finally in October 1950, the PLA invaded Tibet.

During Soviet leader Nikita Khrushchev’s visit to China at the end of September 1959 to hold a summit meeting with Chairman Mao Zedong, it was little over a month when several Indian guards had been killed by the Chinese military along the disputed border. The visit also came just months after the 14th Dalai Lama had fled to India. Khrushchev, was also about

to visit the United States when these killings happened. The Russian news agency TASS, released Khrushchev’s statement calling on both sides to reach a negotiated settlement. The statement supported India, and left China greatly offended. According to the transcript of a meeting attended by Khrushchev, Mao Zedong (毛澤東), Zhou Enlai (周恩來) and Lin Biao (林彪) among others, Khrushchev is said to have asked Mao, “Do you really want us to approve of your conflict with India? It would be stupid on our part...” Terming the events in Tibet as ‘temporary developments’, Mao replied by saying that India’s Prime Minister at the time, Jawaharlal Nehru, had blamed China for the events in Tibet. “Our mistake was that we did not disarm the Dalai Lama right away... But at that time we had no contact with the popular masses of Tibet.” To this Khrushchev replied, “You [Mao] have no contact even now with the population of Tibet.” The 1962 China-India border war did not provide any permanent border resolution or settlement. In fact, it rendered the border issue between India and Communist China becoming ceaseless having far wider implications for regional security and stability. It is nearly six decades since the 1962 Sino-Indian border war, but, the territorial and boundary dispute still remains exactly where it was, holding the potential to flare into a border conflict, limited or otherwise, which threatens to place Southern Asia’s overall strategic balance at risk.

Deng Xiaoping’s Prophecy on Border Issue with India

Contemporary China appears to be putting to practice what Deng Xiaoping preached more than four decades ago. Following the death of Mao Zedong in 1976, Deng launched the

13 As cited in, Dorothy Woodman, *Himalayan Frontiers: A Political Review of British, Chinese, Indian and Russian Rivalries*, (New York: Frederick A. Praeger Publishers, 1969), p. 181.

14 Many Chinese experts on strategic affairs displayed ‘considerable optimism and confidence’ that China’s boundary dispute with Bhutan could be resolved sooner. This emerged during their conversations with this author in Beijing and Shanghai during August-September 2012.

policy of the “Four Modernizations” in industry, agriculture, science & technology, and defense, in that order. Deng Xiaoping’s forethought that any territorial attempt by China during this phase would prove detrimental, seemed to be based on the golden rule, “... always bargain from a position of [military] strength”.¹⁵

Deng thus chose to keep decision-making focused on economic development, and work towards unifying the Party, Government, and the PLA. By the 1980s, Deng was able to fuse his political hold, and turn focus towards the strategy of economic modernization.¹⁶ In a March 1980 report, he stated, “We must make use of foreign capital and technology and energetically develop foreign trade...” During this phase, domestic pressure of sustaining momentum of the modernization program, and opening up to the West was mounting. All along, Deng advocated for China to maintain relations with its neighbors and ensure a favorable regional environment.¹⁷ His precept was that of lying low, and biding time in order to build up and consolidate strength, power, and influence, internally. The revisionist display of that power was to follow only after having attained power determinants domestically, which could be projected externally, thereafter.¹⁸

The institutionalized border settlement negotiations between India and China began in 1981 and remain the longest such continuing dialogue process between any two nations in post-World War II history. The negotiations have

been rechristened time and again as follows:

- Phase I (1981–1987) Total 8 rounds of Border Talks
- Phase II (1988–2003) Additional 14 Joint Working Group Meetings
- Phase III (2003 – present) Special Representatives appointed by India and China to lead discussions on the ‘Boundary Question’. The Special Representatives have held 22 rounds of talks till date, with the latest round of talks conducted in New Delhi in December 2019

Deng’s thinking was put to practice when in 1988, then Indian Prime Minister, Rajiv Gandhi, paid a historic visit to China and brought up the contentious border issue with the Chinese leadership during his meeting.¹⁹ It was here that Deng Xiaoping emphasized that Beijing and New Delhi should “move ahead in their bilateral relationship while letting the future generation decide the fate” of the Sino-Indian border dispute.

It is 39 years since the Sino-Indian boundary talks began in 1981 and have proven to be an abject failure at arriving even on a bare minimum, mutually defined frontline i.e., the Line of Actual Control (LAC). Beijing and New Delhi continue to face the formidable challenge of defining and demarcating their border. Until a deliverable mechanism comes up with a breakthrough, the possibility of a border skirmish, limited border conflict, or full-fledged

15 For details see, Monika Chansoria, “Territorial Expansion: Xi Jinping Pushes What Deng Xiaoping Strategically Delayed,” *Japan Forward*, July 13, 2020.

16 Ibid.

17 Ibid

18 Ibid.

19 The 1988 by former Indian Prime Minister, Rajiv Gandhi, to Beijing in 1988 was considered a breakthrough visit in facilitating a turnaround of relations between India and China. In a Joint Communiqué released during the end of this visit, India, for the first time, dropped its earlier policy stance of asking for settlement of the border as a precondition for any improvement in relations. For more details on this Communiqué, see, “India-China Joint Press Communiqué,” Statement on Foreign Policy, (New Delhi: Ministry of External Affairs, October 1989); related, also see, Shen-chun Chuan, “Peking’s Relations with India and Pakistan,” *Issues & Studies*, vol. 25, no. 9, September 1989.

conventional war cannot be taken off the table. Deng’s four-decade old strategic prophecy is finally beginning to emerge, with China looking to project its own version of the border with India in the eastern Ladakh sector, that too, unilaterally.

Of the numerous Confidence Building Measures (CBMs) signed between India and China, they majorly have been related to the border dispute and finding a solution to what officially is referred to as the “Boundary Question”. The protracted process has failed in providing a breakthrough to the interminable impasse. The CBMs with India, discussed in detail in the following subsections, seek to improve lines of communication, reduce tensions, and disengage forces along ‘disputed border areas’, but do not seem to presage final accords, at least in the near-term.²⁰ Stemming from the basic precepts of its statecraft, China principally accepted CBMs to be employed cautiously for territorial safeguarding, while concurrently driving a regional security agenda, both on land, and at sea. Nations that relate to their neighbors in zero-sum terms often tend to use CBMs sparingly, postponing resolution of contentious issues, until the power balance has altered in their favor.²¹ The power balance, herein, would be driven both by employing available, and potential, economic and military arms of power to drive the tools of statecraft.²²

Agreement on the Maintenance of Peace and Tranquility along the Line of Actual Control in the India-China Border Areas, September 7, 1993²³

The 1993 agreement was considered as the first major conventional CBM between Beijing and New Delhi averring that the India-China boundary question should be resolved peaceful through friendly consultations. Neither side shall use or threaten to use force against the other by any means. *Article II* asserted that each side will keep its military forces in the areas along the Line of Actual Control to a minimum level and reduce their military forces along the LAC in conformity with the requirements of the principle of mutual and equal security. Ironically, today, the India-China border both in the western and eastern sector remains the world’s most heavily militarized border. That apart, *Article V* stated that the two sides shall agree to take adequate measures to ensure that air intrusions across the LAC do not take place and shall undertake mutual consultations should intrusions occur. Additionally, it was also agreed upon that both sides shall also consult on possible restrictions on air exercises in areas to be mutually agreed near the LAC. *Article VII* agreed upon holding consultations on the “form, method, scale and content of effective verification measures” and supervision required for the reduction of military forces along the LAC. Lastly, it was also decided under *Article VIII* that each side of the India-China Joint Working Group on the boundary question shall appoint diplomatic and military experts to formulate implementation measures. The

20 For more details see, Monika Chansoria, “India and China: A Case of Constrained Cooperation,” *Indian Foreign Affairs Journal*, vol. 6, no. 3, July-September 2011.

21 Monika Chansoria, “Where From, Where To: The Inveterate India-China Talks on the ‘Boundary Question’,” *Journal of the Centre for Land Warfare Studies*, Summer 2016 edition, pp. 1-20.

22 Ibid.

23 For the entire text of this CBM Agreement between the Government of the Republic of India and the Government of the People’s Republic of China, see the *Archived Documents*, Ministry of External Affairs, Government of India, New Delhi, September 1993, available at https://peacemaker.un.org/sites/peacemaker.un.org/files/CN%20IN_930907_Agreement%20on%20India-China%20Border%20Areas.pdf

experts shall advise the Joint Working Group on the resolution of differences between the two sides on the alignment of the LAC and address issues relating to redeployment with a view to reduction of military forces in the areas along the LAC.

Agreement on Confidence Building Measures in the Military Field along the Line of Actual Control in the China-India Border Areas, November 29, 1996²⁴

The second CBM in the Military Field along the Line of Actual Control in the India-China Border Areas was signed in 1996 and primarily aimed at fulfilling the agenda of the first CBM agreement of 1993. Moving more specifically into expanding these CBMs in the sensitive areas in the military field, it was specified that “Neither side shall use its military capability against the other side”. The agreement affirmed commitment of both sides to the line of actual control while fully recognizing that both sides had “different perceptions” on certain segments for which the two agree “to speed up process of clarification” and *start “to exchange maps indicating their respective perceptions...as soon as possible” (Article X).*

It needs to be underlined here that since 1962, the LAC between India and China has not yet been physically demarcated/delineated on ground as well as in the military maps – with continuing reluctance and official refusals by China to show its version of the LAC to India. To quote what Henry McMahon stated in 1935: “Delimitation” is determination of a boundary line by treaty or otherwise, and its definition in written, verbal terms; “Demarcation” comprises the actual laying down of a boundary line on

the ground, and its definition by boundary pillars or other physical means.”²⁵ This, in effect, has resulted with both sides drawing their respective perceptions of the LAC. Exchanging maps indicating respective perceptions of the entire alignment of the LAC remains the trickiest challenge. On the ‘clarification and confirmation’ of the LAC, each side has clarified, by an exchange of maps, its line in the middle sector. However, in the western and eastern sector, there is no mutually agreed upon LAC.

In 2001, the Chinese and Indian sides exchanged maps showing each other’s military positions in the least-controversial middle sector. Beijing then committed itself to an exchange of maps of the western sector in 2002 and the eastern sector in early 2003. However, it went back on this commitment, creating an impasse in the talks. Beijing insisted that the two sides abandon years of laborious efforts to define the frontline and focus instead on finding an overall border settlement. The looming question raised at that time was: If Beijing was not willing to take an elementary step of clarifying the frontline, why would it be willing to take far-bigger action to resolve the festering border problem through a package settlement?²⁶

According to *Article III* of the 1996 agreement, all future ceilings are expected to be based on “parameters such as the nature of terrain, road communications and other infrastructure and time taken to induct/de-induct troops and armaments.” While clearly categorizing the types of “offensive weapons”, withdrawal of which will be given priority, *Article IV* pronounced the inclusion of combat tanks, infantry combat vehicles, guns (including howitzers) with 75 mm or bigger caliber, mortars

24 For the entire text of this CBM Agreement between the Government of the Republic of India and the Government of the People’s Republic of China, see *the Archived Documents*, Ministry of External Affairs, Government of India, New Delhi, November 1996, available at https://peacemaker.un.org/sites/peacemaker.un.org/files/CN%20IN_961129_Agreement%20between%20China%20and%20India.pdf

25 Henry McMahon’s statement cited in, Neville Maxwell, *India’s China War*, (London: Jonathan Cape, 1970) p. 23.

26 Brahma Chellaney, “Will India-China Border Talks Ever End?” *The Japan Times*, July 3, 2006.

with 120 mm or bigger caliber, surface-to-surface missiles, surface-to-air missiles. Besides, the two sides also agreed upon exchanging data on the “military forces and armaments” that are to be reduced. The agreement urged both sides to “avoid holding large scale military exercises involving more than one division (15,000 troops) in close proximity to the LAC” and to inform the other side on “type, level, planned duration and areas of exercise” in case it involves more than a brigade (5,000 troops), and about de-induction “within five days of completion,” and the other side shall be free to seek any number of clarifications as it deems necessary.²⁷ De-induction of troops primarily refers to pulling back forces from the forward areas where they have been deployed back to their permanent peacetime locations, or to locations in the rear, thus implying that the forces are no longer actively deployed for combat.²⁸

According to *Article V*, the two sides also agreed that no combat aircraft which include “fighter, bomber, reconnaissance, military trainer, armed helicopter and other armed aircraft” shall be allowed to fly “within ten kilometers” of the LAC “except by prior permission” from the other side. Similarly, *Article VI* prohibits any use of “hazardous chemicals, conduct blast operations or hunt with guns or explosives within two kilometers” of the LAC unless it is “part of developmental activities” in which case the other side shall be informed “through diplomatic channels or by convening a border personnel meeting, preferably five days in advance.”

Following China’s May-June 2020 military developments and deployments in India’s

eastern Ladakh sector, the continuing viability of the 1996 CBM has come under the scanner. The 1996 agreement was signed in the spirit of “mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit and peaceful co-existence.” The agreement outlines limiting the deployment of armies and paramilitaries on both sides and exchange of information about troop deployment with each other. However, with large-scale Chinese military troop deployments in the LAC in Ladakh during early May 2020, causing responsive Indian military movement, the above-mentioned CBMs stand violated. Similarly, not deploying heavy military hardware at the LAC, and agreeing not to hold large-scale military drills near the border, too, have been violated by China time and again. Resultantly, the agreement which applied to peaceful border management seems annulled. The current and continually unfolding military situation in eastern Ladakh is nothing short of a serious tactical military scenario that holds out long-term strategic fallout.

Agreement on the Political Parameters and Guiding Principles for the Settlement of the India-China Boundary Question, April 11, 2005²⁹

By reaffirming the Declaration of Principles for Relations and Comprehensive Cooperation between India and China, signed on June 23, 2003, and recalling that the two sides appointed Special Representatives to explore the framework of settlement of the India-China boundary question, both India and China noted that the two sides were seeking a political

27 India-China CBM Agreement 1996, n. 24.

28 Chansoria, n. 21.

29 For the entire text of this CBM Agreement between the Government of the Republic of India and the Government of the People’s Republic of China, see *the Archived Documents*, Ministry of External Affairs, Government of India, New Delhi, April 2005, available at <https://mea.gov.in/bilateral-documents.htm?dtl/6534/Agreement+between+the+Government+of+the+Republic+of+India+and+the+Government+of+the+Peoples+Republic+of+China+on+the+Political+Parameters+and+Guiding+Principles+for+the+Settlement+of+the+IndiaChina+Boundary+Question>

settlement of the boundary question in the context of their overall and long-term interests. It was agreed that an early settlement of the boundary question should be pursued as a strategic objective and the political parameters and guiding principles for a boundary settlement should ensure that differences on the boundary question should not be allowed to affect the overall development of bilateral relations (*Article I*). The two sides took into account, inter alia, historical evidence, national sentiments, practical difficulties and reasonable concerns and sensitivities of both sides, and the actual state of border areas (*Article V*).

Perhaps the most crucial clause in this agreement came in the form of *Article VII* which stipulated that in the process of reaching a boundary settlement, the two sides shall “safeguard due interests of their settled populations” in the border areas. However, Chinese Foreign Minister, Yang Jiechi stated in June 2007, “... the mere presence of populated areas in Arunachal Pradesh would not affect Chinese claims on the boundary.” This statement was read as a blatant renouncement of the aforementioned *Article VII* of the “Agreement on Political Parameters and Guiding Principles” signed during Chinese Premier Wen Jiabao’s visit to India in April 2005, which categorically stated, “In reaching a border settlement, the two sides shall safeguard populations in border areas.” India’s National Security Advisor, Ajit Doval in a public lecture outlined Indian concerns over Arunachal Pradesh, “particularly the eastern sector where [Chinese] claims have been made on Tawang (in Arunachal Pradesh) which is totally in contravention of accepted principles.” By virtue of this statement, Doval reiterated Article VII pertaining ‘settled population’ in these areas, particularly in Tawang.

Within the agreed framework of the

final boundary settlement, it was stated that delineation of the boundary would be carried out utilizing means such as modern cartographic and surveying practices and joint surveys (*Article VIII*). The Joint Working Group (JWG) on the boundary issue has held regular meetings between military commanders from both sides at Bumla and Dichu in the eastern sector, Lipulekh (near Pithoragarh) in the middle sector, and Spangur (near Chushul) in the western sector. These meetings are organized and conducted by the military area commanders from the two sides to establish facts on the ground. During the 4th round of the Annual Defense Dialogue between Beijing and New Delhi in December 2011, India had proposed setting up a new Border Personnel Meeting (BPM) venue along the Uttarakhand-Himachal Pradesh stretch of the Sino-Indian border.³⁰ Thus far, border personnel meetings at regular intervals were held at Spanngur Gap (Chushul, Ladakh), Bum La (Tawang, Arunachal Pradesh) and Nathu La (Sikkim). Two additional venues for border personnel meetings between respective military commanders were established in Kibithoo in (Anjaw district, Arunachal Pradesh) in May 2015 and at Daulat Beg Oldie (Chushul sector, Eastern Ladakh) in August 2015.

30 “India proposes new border facility as CBM with China,” Report by *Press Trust of India*, New Delhi, December 26, 2011.

India-China Agreement on the Establishment of Working Mechanism for Consultation and Coordination on India-China Border Affairs, January 17, 2012³¹

Dai Bingguo, then State Councilor of the People’s Republic of China, asked both India and China to put aside their differences and seize “a golden period to grow...” While on the face of it, the optimism helped in setting a positive tone to the talks, it did not translate into any substantial shift in the Chinese policy on the issue. The mechanism tended to reiterate mere symbolism, submitting no tangible progress on ground.³² It merely offered a “desire to materialize the spirit” of similar endeavors inked previously, including the Border Peace and Tranquility Agreement of 1993, CBMs in the Military Field of 1996, and the Protocol on Modalities for the Implementation of these CBMs of 2005, coupled with numerous meetings of the Joint Working Group.

Seeking to “consult” and “coordinate” border affairs, the Mechanism aimed to facilitate timely communication of information on the border situation, thereby, holding scant prospect of bringing about a substantial shift in the Chinese thinking, or policy, on the border issue. Owing to this, the efficacy of this working mechanism as a plausible means of achieving any sort of breakthrough was placed under a critical scanner. *Article V* of the Working Mechanism stated that it “will not discuss resolution of the Boundary Question or affect the Special Representatives Mechanism”. This working mechanism aimed to only facilitate timely

communication of information on the border situation, for appropriately handling border incidents, thus putting an ominous question mark over the eventual future of India’s boundary settlement with the PRC.³³

A significant concern that Beijing seemingly holds is that a border settlement, without major Indian territorial concessions, could potentially augment India’s power position, in turn proving detrimental for China’s singular rise in Asia. Consequentially, it is among the prime causes that seem to have goaded Beijing in pressing its claim on over 96,000 sq kms of Indian Territory, namely the north-eastern Indian State of Arunachal Pradesh. It was certainly a visible shift in Chinese strategy as Beijing began to emphasize the eastern sector as the larger and more critical part of the boundary dispute. This was also a clear departure from its earlier stand during the 1960s when Zhou Enlai stated in New Delhi that “there exists a relatively bigger dispute” in the western sector [referring to Ladakh and Aksai China].³⁴ Premier Zhou Enlai stated at a press conference during his visit to India in April 1960, which tends to hold relevance till date, when he noted that in Aksai Chin, “there exists a relatively bigger dispute”. The strategic value of eastern Aksai Chin to China stems from its unique position, which links the highway between Xinjiang with western Tibet. Zhou further stated:

As China was prepared to accommodate the Indian point of view in the eastern sector, India should accommodate China in the western sector... We hope that the

31 For the entire text of this CBM Agreement between the Government of the Republic of India and the Government of the People’s Republic of China, see *the Archived Documents*, Ministry of External Affairs, Government of India, New Delhi, January 2012, available at <https://www.mea.gov.in/bilateral-documents.htm?dtl/17963/indiachina+agreement+on+the+establishment+of+a+working+mechanism+for+consultation+and+coordination+on+indiachina+border+affairs>

32 For details see, Chansoria, n. 21.

33 “Border resolution elusive as India, China holds fresh talks,” *The Sunday Guardian*, February 5, 2012.

34 As per the transcript, Declassified Discussions, *Selected Works of Jawaharlal Nehru*, (Series II, vol. 60), New Delhi.

Indian Government will take towards the western sector an attitude similar to that which the Chinese government had taken towards the eastern sector... an attitude of mutual consideration.³⁵

Beijing equates the situation in the east (where China claims entire Arunachal including Tawang) to the west (where India claims entire Aksai Chin). China holds the position that the Indian claim to Ladakh must be treated on exactly the same basis as the Chinese claim to erstwhile North-East Frontier Agency (NEFA).³⁶ Subsequently, Beijing ‘added Tawang’ and the ‘populated areas around’ to its claims, in complete contradiction to the 2005 Guidelines.

Agreement between the Government of the Republic of India and the Government of the People’s Republic of China on Border Defense Cooperation (BDCA), October 23, 2013³⁷

China and India reiterated in the latest BDCA CBM that neither side would use its military capability against the other. Termed as a strategic benchmark, the BDCA was yet another [failed] attempt to arrive towards a mutually acceptable settlement to the India-China ‘Boundary Question’. While the agreement seems to have set a positive tone to future talks between New Delhi and Beijing, it did not translate into a substantial shift in the Chinese state policy on the subject. This mechanism too turned to be a token agreement, only buttressing

Beijing’s intent at keeping the border dispute alive as a tactical pressure point against India. The banality of the text of the BDCA is proof that India is losing to China in terms of strategic leverage. China has successfully managed to call the shots in the drafting of the BDCA by skirting the primary issue of resolving the boundary dispute. What failed to come across lucidly was how exactly the BDCA was any different from the other CBMs that India already shares with China vis-à-vis the border question?

For instance, *Article II* of the BDCA stipulated that the two countries should share strategic information, but did not elaborate on what specifically constitutes “information about military exercises, aircraft, demolition operations and unmarked mines.” It remained doubtful since then that China would provide information about its military and cargo flights to forward landing strips near the borders with India. The manner in which *Article II* was drafted, provided a cover for PLA’s Air Force in “locating aerial vehicles that may have crossed or are possibly in the process of crossing the line of actual control” in the border areas. Was China upping the ante and securing the possibility of launching an air offensive in these areas to build pressure on India?³⁸ *Article III* elaborated the process through which the BDCA shall be implemented through meetings between border personnel, military officers, and other departments of the Military Regions of China and Army Commands of India. In all, the BDCA remains a commitment-deficient agreement³⁹

35 For details see, A.G. Noorani, “Facts of History,” *Frontline*, vol. 20, no. 18, August 30, 2003.

36 NEFA (originally known as the North-East Frontier Tracts) was one of the political divisions in colonial British India which later became the Indian state of Arunachal Pradesh and some parts of another Indian state, Assam.

37 For the entire text of this CBM Agreement between the Government of the Republic of India and the Government of the People’s Republic of China, see *the Archived Documents*, Ministry of External Affairs, Government of India, New Delhi, October 2013, available at <https://www.mea.gov.in/bilateral-documents.htm?dtl/22366/agreement+between+the+government+of+the+republic+of+india+and+the+government+of+the+peoples+republic+of+china+on+border+defence+cooperation>

38 Monika Chansoria, “India-China Border Agreement: Much Ado about Nothing,” *Foreign Policy* [FP] January 13, 2014.

39 Chansoria, n. 21.

containing no binding assurance that the Indian and Chinese military headquarters would set up a hotline. It stated that the two sides “may consider” the move. *Article VI* mentioned that there would be “no tailing” of each other’s patrols in disputed forward areas. An important point to be noted, that to start with, these forward areas need to be mutually identified and accepted, which is not the case till date.

Despite the Border Peace and Tranquility Agreement signed by the two countries in 1993 and the Agreement on Confidence-Building Measures in the Military Field signed in 1996, border guards of China’s PLA have intruded repeatedly into the Arunachal Pradesh and Ladakh sectors and have objected to Indian infrastructure construction in these areas. The periodic intrusions/transgressions have widely been reported, and debated at length in the Indian Parliament. It has been 39 years since India and China began engagement to peacefully resolve the ‘boundary question’ through institutionalized talks, albeit having failed to arrive upon the bare minimum mutually defined frontline, namely the LAC.

Relevance and Viability of CBMs amid Violation of Existing Territorial Status Quo

China has been testing the waters of political decision-making in New Delhi with successive border ingresses, be it in 2013, 2014, or 2017 (Doklam).⁴⁰ For that matter, 2019 recorded the highest number of Chinese transgressions across the Indian-perceived LAC in the whole decade, suggesting that Beijing’s territorial aggression is a subset of Xi Jinping’s ‘China Dream’ vision. The border violations have been consistently, though intermittently, rising on a number of occasions especially in the Ladakh and Arunachal Pradesh sector in the past few years. In wake of the current and ongoing military face-off between India and China in

multiple locations of eastern Ladakh, a pertinent question arising is: Do CBMs hold relevance and viability while violent border skirmishes become a reality? The rising magnitude of the standoffs between the Chinese PLA and Indian Army are a stark reminder of the 1986 incident in Sumdorong Chu Valley in the Tawang district of Arunachal Pradesh. There were deep intrusions by the PLA into the Sumdorong Chu Valley of Arunachal Pradesh, thereby pushing the Indian Army to launch Operation Falcon in late-1986. An infantry brigade was air-lifted to Zimithang close to Sumdorong Chu. It was only in mid-1987 that the face-off came to an end following intense diplomatic engagement.

When an aggressor known for its state policy of territorial revisionism, carried out in the name of “peaceful re-unification and sovereignty claims” launches military offensives despite multiple border-peace arrangements in place (1993, 1996, 2005, 2012 and 2013), it goes on to demonstrate politico-military belligerence and stealth on various fronts. The existing and widening military asymmetry will be a key facet that is likely to be employed at the opportune moment in order to launch a strike seeing ‘the window of vulnerability’ and bring the dispute to a close on the aggressor’s terms and conditions.

The tiring rounds of border talks have only revealed that there is unwillingness to adhere to and maintain status quo until a final resolution to the dispute is arrived upon. India and China remain the only countries in the world which are not separated by a mutually agreeable and defined frontline. The detailing carried out through the numerous agreements makes little sense since there is no agreed frontline, till date, on maps, let alone on the ground. The *focus and intent* of resolving the border issue needs to be lucid, and until that is reached, there is scant prospect of it getting resolved in the near- or long-term. Though all border mechanisms appear ostensibly promising on paper, they

⁴⁰ “China puts pressure on India,” *The Sunday Guardian*, May 4, 2013.

have abjectly failed in bringing about a tangible breakthrough to the boundary impasse, thereby adding to the operational challenges in attempting to revive a barren process that has been in flaccid motion for 39 years now.⁴¹ Delving deeper into history, ancient military strategist, Sun Tzu, famously stated, “Engage people with what they expect ... It settles them into predictable patterns of response, while you wait for the extraordinary moment—that which they cannot anticipate”.

By holding the political and military will, and capability, to covertly notch up tensions in the Himalayas with India at the time and place of its choosing during recurring transgressions/incursions, China has gradually strengthened its leverage against India, both by means of hardening its diplomatic stand during negotiations and stepping up military presence, control, and pressure. Regrettably, India’s statecraft and political wandering on strategic issues, especially pertaining to China, have failed to comprehend and address this. New Delhi can ill-afford to keep the border issue recurrently alive as a tactical pressure point against it, since it will always be one of the primary obstacles for its strategic maneuverability, as a rising Asian power.

41 Chansoria, n. 21.