

Sino-Indian Border Talks and the Shifting Chinese Stance?

Dr Sheo Nandan Pandey & Professor Hem Kusum*

Introduction

4th Annual Defence Dialogue (ADD) concluded after two day long parleys in Delhi on December 09, 2011. General Ma Xiaotian, Deputy Chief of the General Staff of the People's Liberation Army (PLA) and the Indian Defence Secretary Shashikant Sharma led their respective six member delegations. The agenda included discussions on issues related to 'regional security, military exchanges and confidence-building measures (CBMs)'.¹ The event assumed importance as it took place after a freeze of nearly two years and immediately after the postponement of the 15th Round of Special Representative (SR) level talks.² In the course of three hour long in-depth talks, the two sides, as the official release says, agreed to adhere strictly to the provisions of 2005 Protocol for implementation of Confidence Building Measures (CBMs) on the Line of Actual Control (LAC) i.e. to maintain peace and tranquility in the border areas; exchange military delegations – the Chinese side to send its delegation first in December 2011 end to be followed up by the Indian delegation's visit in January 2012; and, the two sides to work earnestly towards increasing mutual trust and confidence as this was to benefit both the countries.³ General Mǐ Xiaotiān and team later called on the Chairman, Chiefs of Staff Committee and Navy Chief Admiral Nirmal Verma.

This paper delves into the dynamics of the Chinese flip flop, short of culpability of the PRC for rather 'stagnant embrace' on the issue. The study, in its perspective assumes: 'Territorial nature of state' normally stands a fixer and could more often than not lend situations amounting to 'fierce competition' between States. no player including India and China can be expected to give up genuine stakes in lieu of positive reward of any denomination; coercive strategies such as the one practised by PRC held the potential to impact the momentum of reconciliation, howsoever adversely; and, the present as well as the subsequent 6th Generation Chinese leadership would come to terms to rational approach and resolve the issue in the interest of common people (*laobaixing*) in not too distant a future.

This paper is organised to explore: Veracity of the Claims and Counter Claims; Broadships and Commitments; Conundrum and the Future Landscape; and, Options and the Way Out. In applied perspective, the analytics, brought to bear upon included Anthony Giddens's *Theory of Structuration* besides state centric theories of 'Dependency' and 'Strategic Coalition' to gauge the ebb and flow of dispute resolutions by the Chinese and Indian stakeholders. It takes objective realities of the position of the two sides of the dispute and explores how best the two can settle the issue on the negotiation table in foreseeable future.

Veracity of the Claims and Counter Claims

The Chinese have two major claims on the Indian territory; One, in the Western sector, over the 'Aksai Chin' lying in the Northeastern section of Ladakh District of Jammu and Kashmir; and the other, in the Eastern sector, the Arunachal Pradesh. The PRC is presently holding altogether 43,180 sq km of Indian territory in the Western sector, 38,000 sq km that it occupied in the course of its 1962 aggression and 5180 km that was wrongfully ceded to it in 1963 by Pakistan. The PRC has again claimed over 2000 sq km of Indian territory in the Middle sector. Neither of these areas have a border with China proper. They run in part along Indian positions with East Turkestan, known as Xinjiang Uyghur Autonomous Region (XUAR) and Tibet, called Tibet Autonomous Region (TAR) since 1955 and 1965 respectively, under the dispensation of Communist China. China's right to negotiate and demarcate the boundary with sovereign neighbouring powers including India is thus, limited to its suzerainty over the two entities as such. It can not be absolute until the representatives of the two entities are part of the process. The unsettled position of China will practically continue as long as the issue of sovereignty over the geographic region in question is not finally settled.

None other than the PRC is objectively responsible for the imbroglio. Had it accepted and gone by the commitments of the erstwhile legal representatives of the two entities to the treaties and border demarcation, it could have enjoyed acceptability even while just holding suzerainty. Transfer of sovereignty in due course could have put final seal over the issue. In the recorded history, in the Western sector, the boundaries at the two extremities, the Pangong Lake (in Tibetan *Pangong Tso*), lying broadly south of the Johnson-Ardagh Line and Karakoram pass stand well settled.⁴ China's cognisance of its 1842 treaty does resolve the issue of Aksai Chin. It is well settled even when seen from the natural elements angle. Beyond the legality of *McMahon* line, running along features such as Thag La, Longju, and Khinzemane, located at 27°48'N, Indian claims remain strong from all angles including historical and prehistorical facts of life that China can not claim for a variety of reasons including the then non-existing suzerainty over peripheral China. The Middle sector relates to the pockets of boundary in the Indian States of Himachal Pradesh and Uttarakhand with Tibet. As in the Western and Eastern sector, the legitimacy of the PRC to enter into negotiated demarcation of boundary is limited to its suzerainty. The issue is otherwise settled as neither the populace of Tibet nor East Turkistan and their institutions have any grievance and opposition to India's position on the issue.

Broadships and Commitments

The forthcoming ADD shall take place in the backdrop of exchanges of military delegations in a couple of months. The Indian multi-command military delegation visited China during June 19-23, 2011 while their side was in India during November 4-9, 2011. The visit of the eight member Indian military delegation led by the General Officer Commanding of the Delta Force of the Northern Command Major General Gurmeet Singh had taken place after the freeze in military exchanges in the context of China refusing Visa to Lieutenant General BS Jaswal a year ago. The decision to revive the military exchanges was taken during the Summit meeting of the visiting Indian Prime Minister Dr Manmohan Singh. The return visit of the Chinese military delegation was led by the Political Commissar of the Tibet Military Command under Chengdu Military Region, Lieutenant General Lang Youliang. These two delegations have at least set the dialogue moving in right direction. The scheduled 4th ADD was expected to finalise plans for further exchanges in 2012 besides taking stock of the achievements of the past. While nothing spectacular could come about, the engagements

have supposedly resulted in reducing the level of perceptual animosity and hostility. Nonetheless, it could give fillip to shared vision for future positive engagements.

There are yet, a multitude of caveats in the roadmap of positive developments for resolving the disputes. Taking the sum and substance of various theoretical approaches in the field of territorial dispute settlements including the Anthony Giddens's *Theory of Structuration*, the imperatives left to both primary as well as secondary actors of the territorial disputes can be little different from rising above the normative considerations.⁵ Adherence to State centric 'Dependency' and 'Strategic Coalition' theories, do as well suggest relative restraint against whipping subjective conception of justice.

Chinese academics having allegiance to the PLA institutions have of late come out with a slew of papers on a wide range of subjects related to force projection capabilities of the Indian Armed Forces in general and Sino-Indian border disputes in particular. They often make pejorative references and tend to remind the Indian side of the October 1962 fiasco to its "Forward Policy". Quite a few write ups have projected Indian Armed Forces as 'inferior lots' in combat, logistics and war-fighting capabilities and suggest 'short and swift victory' of the PLA as an antidote to plausible Indian 'adventures'. Scores of stories with pejorative observations about the Indian defence capabilities and intentions, besides the socio-cultural life and political stability of the Indian State, in various Chinese and English language national news papers, in particular on-line editions of PLA Daily (*Jiefàngjūn Bào*), People's Daily (*Rénmín Ribào*) and China Daily in November 2011 bear out the mindset and psyche of the Chinese nation.

Most specific to the Sino-Indian border disputes were the six part 'position paper' on the Chinese website www.hprc.org.cn in January 2011, which, inter alia called for 'a fair, reasonable and mutually acceptable solution' but stuck to often repeated Chinese refrains that the Sino-Indian borders were never demarcated, and the Indian hard sell of McMahon Line and the sovereignty over Arunachal Pradesh did not go well with China. The papers talked of political status of Tawang, and insularly provide prescription. All this while it knows the truth that the *Tawang Golden Namgye Lhatse* Monastery is located on Indian soil, and allegiance and subscription to it by the Tibetan monks can not make difference to the territorial right of the rightful claimants. This goes to underline the commitments of the Chinese side.

Conundrum and the Future Landscape

Improvements in the bilateral relations since late 1980s notwithstanding, there have been numerous jitters to full and final settlement of the border disputes. China's arguments on the issue could be misplaced but not without substance. The geographic settings of China and India did not historically leave grounds for either land or maritime border. China proper did not extend to India's territorial region at any point of time in the historical past. Of the Han Chinese dynasties, the second-last imperial Ming Dynasty governed 15 administrative entities, which included 13 provinces (*Bùzhèngshì Sì*) and two directly governed areas. Even under the 18 provinces (*Yīshíbā Xíngshèng*) system of the Qing dynasty, the territorial expanse of China proper did not extend to Indian territorial expanse. There was little change in the shape, size and extent of China proper when the Qing dynasty was succeeded by the Republic of China (ROC) in 1912. Indian territorial expanse bordered only with Tibet and part of East Turkestan or say XUAR as the Chinese call.⁶ In the light of this ground reality, where did an occasion come up for the Indian as much as Chinese establishments of the historic past to go into delimitation and demarcation of land and maritime borders with China at all?

The Sino-Indian border dispute is thus, borne of China's territorial expansions far beyond 'China proper'. This is the case with China's border disputes with 14 countries by land (12 of these stand resolved) and seven countries by maritime boundaries, involving as many as 23 skirmishes short of a theatre war of different denominations.⁷ It included some of the warlike skirmishes such as those with India (1962), erstwhile Soviet Union (1969) and Vietnam (1979) but has strategically sought to call them 'conflict' (*zhongtu*) and not 'war' (*zhanzheng*). In handling the territorial disputes with one or the other country over the times, China's approach approximates to what John Mearsheimer and his ilk call 'offensive realism' with a difference, characterised by pacifist looks and stern contents, meticulously camouflaged with policy cloaks such as 'harmonious world' (*hexie shijie*) and 'good neighbour' precepts.

A long drag to final settlement is not some thing peculiar to India. This has been the case with all the countries in territorial disputes with China. Where it has gone for demarcation, it has never been full and final in one go. Chinese way is characterised to go for half boils which reaps imponderable gains. It does concede to the other side but only when the long term gains and/ or losses are clearly in sight. The latest in the row are the cases of Russia and Vietnam. There are then big power-small power considerations while giving concessions to the other side. A case in point is border demarcation with the Russian Federation along the Heilongjiang River, where China gave out half of the *Heixiazhi* Island while it could have held the full in terms of agreed *thalweg* principle.⁸ In contrast, China entered into a settlement to demarcate 1350 km long land border with Vietnam only after the latter conceded China's right to use and operate railways on 300 meter stretch on its soil at the junction of at Guangxi Zhuang Autonomous Region (GZAR) of China and Lang Son province of Vietnam, occupied by China in 1979 war. Concessionary approach, applied in the case of Myanmar (October 01, 1961), Nepal (October 05, 1961), Mongolia (December 26, 1962) and Pakistan (March 2, 1963) carried enormous hidden cost to their detriment.

The Sino-Indian border disputes involved eight rounds of inconclusive negotiations between 1981 and 1987. The process yet, yielded positive grounds, which saw extreme hostilities softening into moderate détente. Following December 1988 Beijing Summit, the setting up of joint working group (JWG) in 1989 got to put in place an array of confidence and security building measures (CSBMs) with a net effect of limiting, if not thwarting the plausibility of untoward happenings. Through the 1993, 1996, and 2005 bilateral agreements, both nations have agreed to "maintain peace and tranquility" in the border areas. The two sides have then put in place the mechanism of Special Representative (SR) level talks in 2005 and Annual Defence Dialogue (ADD) in 2007 to break the ice over the vexed border disputes.⁹

Until this 15th Round of scheduled SR level talks was put off, the SR level talks, represented by the Indian National Security Advisor, earlier MK Narayanan and now Shiv Shankar Menon and the Chinese State Councilor

(Guówù Weiyuán) Dai Bingguo have crawled a few steps and are hitherto stuck hard in the second stage of the three stage process. Declaration of the Guiding Principles and Political Parameters constituted the first stage. Identifying the 'framework' for the resolution of the dispute is hanging fire. The third stage involving on ground efforts to demarcate the boundary in the three disputed sectors thus, looks a far cry. The contributions of the four rounds of ADD mechanism are thus far, just few and far between. It has at best succeeded in facilitating exchange of military delegations. The joint military exercise code named 'Hand-in-Hand 2007' held in Kunming, Yunnan Military District under Chengdu Military Region and the follow-up in 2008 on the Indian soil in Belgaum, Karnataka can be said to be the solitary tangible fruits of the 14 rounds of SR level talks and 4 rounds of ADDs.¹⁰

Options and the Way Out

Halting progress and limited success of SR level talks and ADD on border dispute must not surprise any one. It stems partly from a structural problem in the historic geopolitical stance of the Chinese state in the region. As elsewhere, the PRC got first, suzerainty over Tibet. This is true again with East Turkestan. Even while sovereignty eludes, it has brazenly repudiated their international obligations and commitments in contravention to both the 'naturalistic' and 'positivistic' laws of international conduct and thus, compromised its own legitimacy.¹¹ Worse, as and where it had an opportunity, it got to squander them in its vanity. This is writ large in China's retraction to various conventions, treaties and agreements of yesteryears including McMahon Line and Simla Accord (1914), formalised by the then sovereign entities of what is now Xinjiang and Tibet with the Indian sides in one way or the other. For a breakthrough, it is but essential that the Chinese political elite rise to the occasion and accept the hard truth. For appreciating Indian position in all the three sectors of dispute, the Western, Middle and Eastern, they could better look up and draw on a wide range of Chinese and Tibetan literature, beginning with the epoch of Emperor Ming of Han Dynasty (58-75 AD).¹²

On the negotiation table, in their strategies, the Chinese sides first, hammered home 'package' deal as against India's 'sector-by-sector' approach. The PRC was yet agreeable to accept the watershed principle in the Eastern sector. It did not go down well with the Indian side. The Chinese approach smacked the tenets of *quid pro quo* at the altar of natural justice. In fact, PRC stood a net gainer in either way. It served its strategic design. Nonetheless, it did not have a real stake. The disputed area did not form part of China proper. China ultimately gave in to the approach of the sector-by-sector review within the framework of comprehensive settlement in 1984. As historical-legalistic arguments could not find a meeting ground, the two sides have little leeway except trying for political solution. The line of actual control (LAC) device is a way forward to bide time.¹³ With occasional jitters, the two sides have held two level exchanges including scores of summit meetings. While political parameters and guiding principles on the settlement of the China-India border dispute have been set, the settlement eludes due to gingering effects of the Chinese side.

Common interests of the PRC and the Indian state in the new millennia outweigh the points of differences in the border dispute. The stake holders have to work out meeting of minds in respect of grey areas. In the Western sector, the main area of concern relates Aksai Chin and the Trans-Karakoram Tract. While there is little merit in China's territorial claims, it has assiduously built a stake in National Highway 219 that connects XUAR and TAR. The negotiations have thus, to focus on some sort of arrangements that gives China user rights while India retained its territorial rights. China can very well replicate its experiments with Vietnam to settle the issue. Namka Chu, Thag La, Sumdurong Chu, Tulung La, Asaphi La, Longju, and Chen ju along McMahon Line in the Eastern sector continue to be contentious.

Conclusion

China's efforts to garner its interest through biltilateral mechanism such as ADD have proved disastrous in fruitions of healthy relations. Increased convergence of multifaceted interests of the two in this new millennium should go as a touchstone in the settlement of the dispute on rational grounds. The jitters in the relationship of the two emerging powers of Asia with the stake of welfare as much as potential of 36.6 per cent of world population must weigh over emotional factors such as those surfacing out of journalistic adventurism on the part of intellectual communities of the two sides. This includes South China Sea disputes as these too have become flash points.

Endnotes

1. Hu Yinan, "China, India Resume Military Dialogue", China Daily, Dec.8, 2008 <http://english.peopledaily.com.cn/90883/766939.html>

2. The mechanism of Special Representative (SR) was put in place in 2003. The 15th Round of the (SR) level meeting, scheduled to be represented respectively by the Indian National Security Advisor (NSA) Shiv Shankar Menon and the Chinese State Councilor Dai Bingguo, was aimed at firming up the proposed "Working Mechanism for Consultation and Coordination on India-China Border Affairs," an additional arrangement involving senior diplomats of both countries to urgently deal with any evolving situation along the Line of Actual Control.

3. Press Information Bureau, Government of India, Dec 09, 2011 <http://pib.nic.in/newsite/erelease.aspx?relid78388>

4. Burkitt, Laurie; Scobell, Andrew; Wortzel, Larry M. (July 2003). *The Lessons Of History: The Chinese People's Liberation Army At 75*. Strategic Studies Institute. pp. 340-341 <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB52.pdf>

5. Giddens, Anthony. *The Constitution of Society: Outline of the Theory of Structuration*. Berkeley, University of California Press, 1984.

6. Xinjiang means new frontier. Until the Qing dynasty, the region was known as *Xiyu* having geographic reference point of being Western Region right from the time of Han dynasty who drove out Xiongnu empire. During the yesteryears of historical past, all or part of the region has been ruled or influenced at various times by the Tocharians, Yuezhi, Xiongnu Empire, Kushan Empire, Han Empire, Former Liang, Former Qin, Later Liang, Western Liang, Tang

Dynasty, Uyghur Khaganate, Kara-Khanid Khanate, Mongol Empire (Yuan Dynasty), Dzungar Khanate, Qing Dynasty, Republic of China. It has been carved as an autonomous region under the communist rule since 1949 and called Xinjiang Uyghur Autonomous Region.

7. M. Taylor Fravel, *Strong Borders, Secure Nation: Cooperation and Conflict in China's Territorial Disputes*, Princeton University Press, 2008.

8. The *thalweg principle* is the principle in which the boundary between two political states separated by a watercourse is denoted as the thalweg of that watercourse, if those two states have agreed to use the thalweg definition. Various states have also *defined their watercourse international boundaries by a median line, left bank, right bank, etc.*

9. The mechanism of Annual Defence Dialogue (ADD) between India and China has been set up vice the provisions of the MoU "Exchanges and Cooperation in the Field of Defence" that was signed in 2006. In the MoU, the two sides had agreed to abide by the provisions of 2005 protocol for implementation of CBMs on the Line of Actual Control (LAC) and maintain tranquility of the border.

10. 130 Chinese troops including 40 officers were part of the Chinese contingent in the joint exercise in Belgaum. They were drawn from an Infantry Battalion under Chengdu Military Command. Equal number of Indian troops from the Eighth Maratha Light Infantry Battalion took part in the eight days long exercise.

11. Going by both Westphalian and non-Westphalian constructs of sovereignty, largely represented in the works of Thomas Hobbes, Jean Bodin and Emer de Vattel, sovereignty has a 'domestic' and 'external dimension, where the key lies in people's mandate to represent. China's coercive as well as positive actions have failed to garner support of the masses either in Tibet or East Turkestan.

12. In Chinese literature of antiquity such as Book of Later Han, the Indian state is referred as Heavenly India (Tianzhu) and the regions thereof are referred as Upper India (Shang Tianzhu), Middle India (Zhong Tianzhu) and Lower India (Xia Tianzhu). There are then a large number of references of the Kingdom of Tianzhu in the south of the Himalaya (Zai Ximalaya Shan Nan) in a large number of works of Chinese scholars.

13. As per the agreed principle, the two sides were to hold on without prejudice to their respective positions on the issue. The force level was to be kept at minimum compatible to otherwise good neighbourly relations. Simultaneously, the two were to work out effective confidence building measures (CBM).

Editor's Update

Since this article was received for publication, the Fifteenth round of boundary negotiations was held between the Special Representatives during January 2012 in Delhi. It was agreed to establish a Joint Border Management Mechanism to help prevent misunderstanding between the two countries arising from the un-demarcated Line of Actual Control (LAC). The first meeting of this 'mechanism' was held in Beijing from 05-06 March 2012. They agreed to hold the next meeting in India.

***Dr Sheo Nandan Pandey** is a Sinologist. He served in the Ministry of Defence and the Ministry of Human Resource Development and retired as an Officer on Special Duty with the National Technical Research Organisation (NTRO).

***Professor Hem Kusum** taught Chinese language at the National Defence Academy, Khadakvasla and the Fortune Institute of International Business. Presently, she is a faculty member and teaches Chinese language and culture at Visva Bharti University, Shantiniketan, West Bengal.

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