W. F. VAN EEKELEN

INDIAN FOREIGN POLICY AND THE BORDER DISPUTE WITH CHINA

Second revised edition

MARTINUS NIJHOFF / THE HAGUE

India formulated Panchsheel - the Five Principles of Peaceful Coexistence - in the bilateral context of her relations with China and subsequently presented them as a new and specifically Asian contribution to international affairs. Acceptance by the non-aligned and communist powers lent them temporary prominence until the Sino-Indian border dispute demonstrated their limited value as an instrument of practical politics.

The present study traces the origins of the five principles and follows them through the conferences of Bandung and Belgrade and the voluminous diplomatic exchanges in the border dispute. As the view is taken that the Sino-Indian conflict basically remained a traditional border dispute (with convenient side-effects for China's aims at leadership in Asia and in the communist world) much attention is given to its history, including fresh research concerning the Simla conference of 1913-'14 and the disputed McMahon Line.

A chronological description of the dispute covering the entire Nehru period precedes a discussion of its legal aspects. A chapter on political motives analyses China's changing evaluation of India and the significance of Soviet and Chinese interpretations of Marxist ideology for the border conflict. The study terminates with conclusions regarding the impact of the crisis on India and the prospects for her foreign policy.

The second edition brings developments up to date to January 1967 and incorporates recent research into the history of the frontier.

About the Author: Willem F. van Eekelen graduated from Princeton University and received his law degree from the University of Utrecht. His book was completed while serving at the Netherlands Embassies in New Delhi (1957-'60) and London (1960-'64). He is a member of the Netherlands Delegation to NATO since 1966.

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AND THE
BORDER DISPUTE WITH CHINA

by

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INTRODUCTION

The idea for a study of Indian foreign policy originated during a diplomatic posting to New Delhi between 1957 and 1960. These years were marked by the eruption of the Tibetan revolt, the arrival of the Dalai Lama and the first incidents along the Sino-Indian border. My departure coincided precisely with the landing of the aircraft carrying Premier Chou En-lai to the meeting with the Indian Prime Minister which would terminate the preliminary phase of the boundary dispute. The conflict subsequently assumed proportions affecting the entire position of India. It provided the most severe testing ground for Panchsheel, the Five Principles of Peaceful Coexistence which India advocated as a new and Asian contribution to international relations.

The object of this book is to trace the five principles from their optimistic start in an atmosphere of friendship with China to their decline as an instrument of practical politics. As Panchsheel experienced both its rise and fall in the bilateral context of Sino-Indian relations, these will be examined in considerable detail. Most emphasis is put on the border dispute which represented the first conflict between a communist power and a non-aligned state. The analysis of legal aspects and political motives in the dispute is preceded by a lengthy chronological description, which seemed necessary not only to complete the accounts given in other publications, but also as an illustration of both its climactic development and the gradual increase of Chinese pressure. A final chapter will draw conclusions on the impact of the crisis on Indian foreign policy to determine what it changed or left constant.

This study could not have been completed without the stimulating advice and supervision of Professor Dr. C. L. Patijn of the University of Utrecht. Among those who assisted me, I am particularly indebted to Mrs. E. Selby for checking my English and to Miss S. M. Thesen Ender for preparing the typescript. The staff of Chatham House, the library of India House and the India Office Library have greatly facilitated my research.

In compiling these pages I have used no confidential information which may have come to me in my capacity of member of the Netherlands Foreign Service. The views set forth in this study are exclusively my own and do not express the opinion of the Netherlands Government.

London, August 1964. W. F. v. E.

INTRODUCTION TO THE SECOND EDITION

The changes in this edition are limited to incorporating recent research into the history of the Simla Convention of 1914 and British relations with Tibet. I have made use of Lamb's interesting study on the McMahon line in combination with further work of my own on the records of the India Office Library, which have become available to the public. Comments by Mr Hugh Richardson enabled me to clarify events during the period 1935-37. As a result I have made some modifications on pages 17-20.

A description of events since August 1964 is given in a postscript. It mentions the undeclared war between India and Pakistan over Kashmir in 1965 and its complication by a Chinese ultimatum. It also relates briefly the disintegrating tendencies in the non-aligned and Afro-Asian camps. The remainder of the postscript is devoted to a further discussion of the Conference at Simla to the extent that I could add something to Lamb's extensive study.

A selection of recent publications is added to the bibliography.

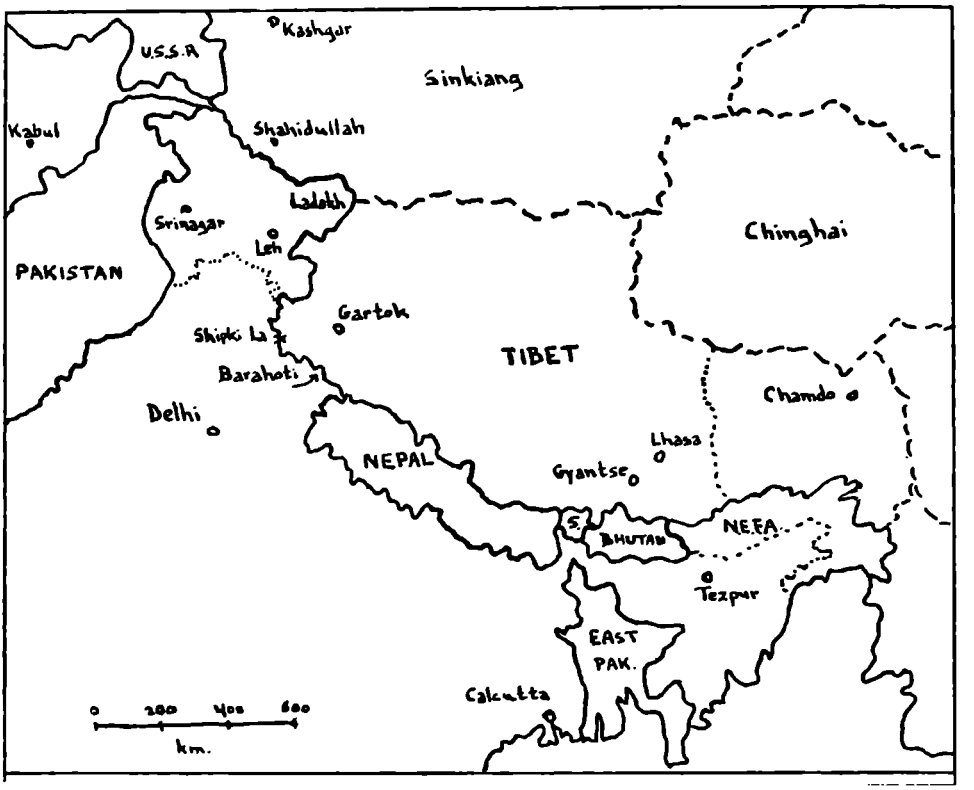
Paris, January 1967. W. F. v. E.

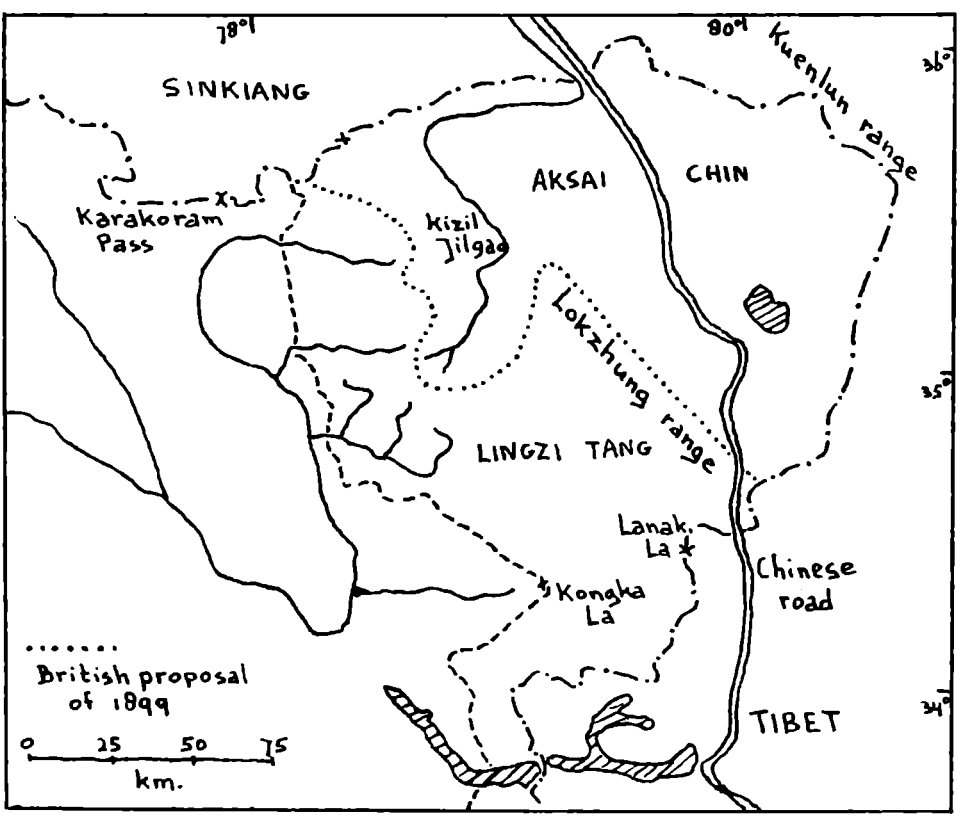
CONTENTS

ABBREVIATIONS

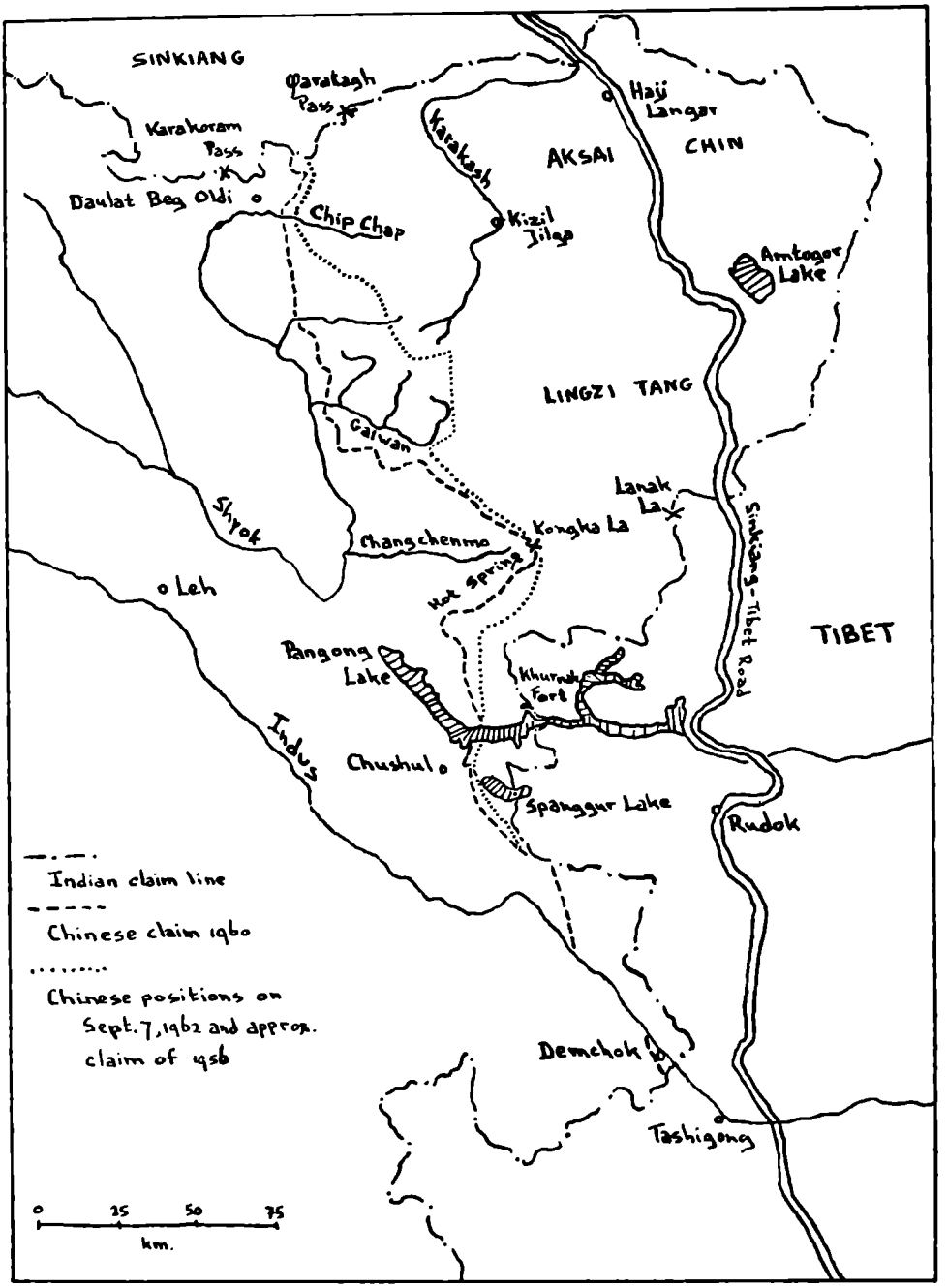
A.J.I.L.	*The American Journal of International Law*
B.Y.I.L.	*The British Yearbook of International Law*
G.A.O.R.	United Nations General Assembly, Official Records
I.C.J.	International Court of Justice
I.C.L.Q.	*The International and Comparative Law Quarterly*
I.Y.I.A.	*The Indian Yearbook of International Affairs*
P.C.I.J.	Permanent Court of International Justice
R.C.A.J.	*Journal of the Royal Central Asia Society*
R.G.D.I.P.	*Revue Générale de Droit International Public*
Y.B.W.A.	*The Yearbook of World Affairs*
Indian report Chinese report	Ministry of External Affairs (M.E.A.), New Delhi, *Report of the officials of the governments of India and the People's Republic of China on the boundary question.* (The Indian and Chinese reports are numbered separately)
Press Release	Issued by Chinese Chargé d'Affaires, London
White Paper	M.E.A., *notes, memoranda and letters exchanged between the Governments of India and China* (A series of ten white papers)

Sources which are not quoted in full in the footnotes are included in the bibliography.

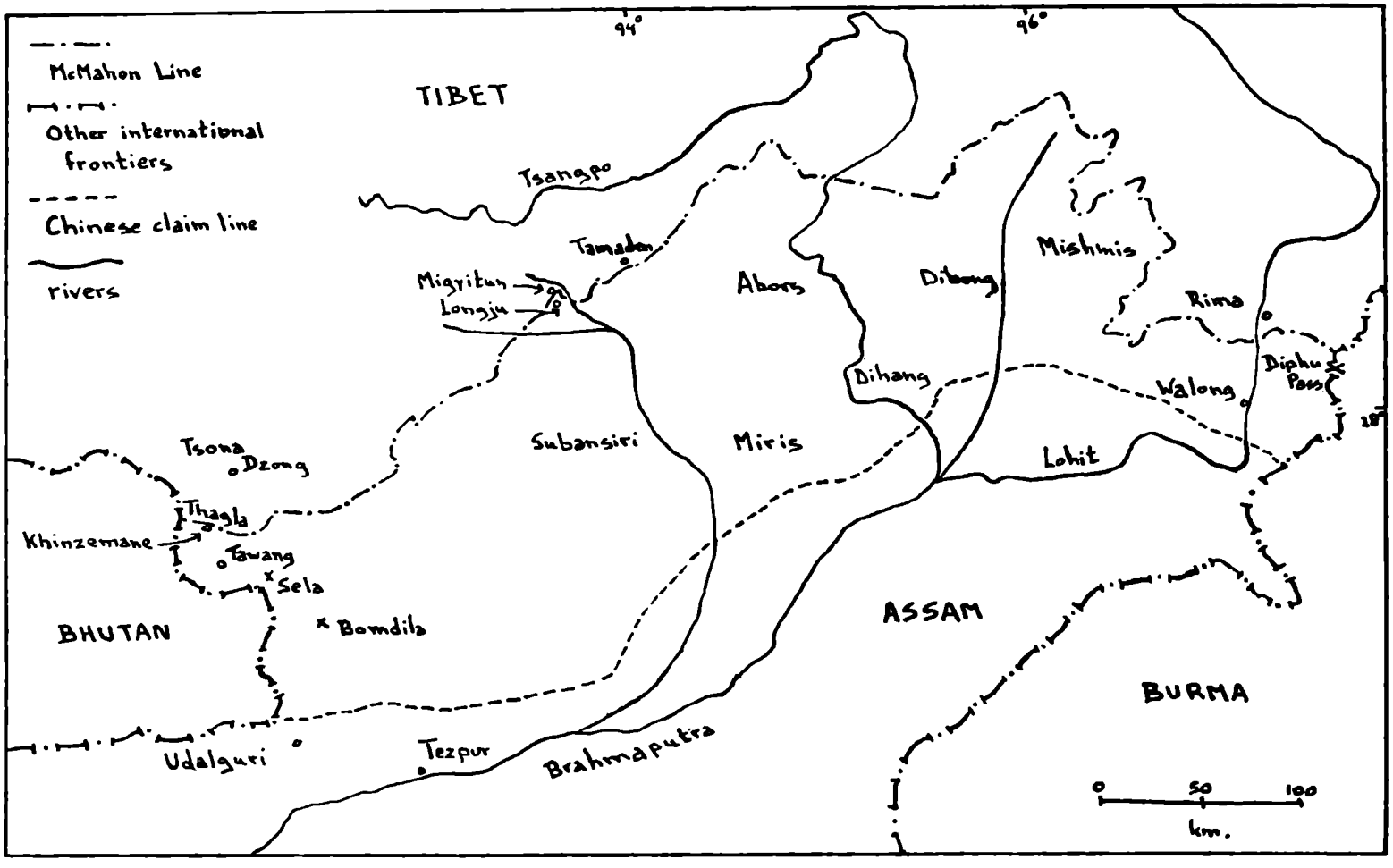




MAP 1. *The northern frontier of India.* (S. indicates Sikim).
MAP 2. *Aksai Chin in the Western Sector, showing the British proposal of 1899 between*



MAP 3. *The Western Sector (Ladakh)*



MAP 4. *The Eastern Sector*

CHAPTER I

THE POLICY OF NON-ALIGNMENT

In the past fifteen years the primary concern of newly independent nations was the assertion of a national identity after their previous colonial existence and foreign policy became the main instrument for expressing their new dignity. The postwar international situation provided an opportunity to gain a position of influence which exceeded the realities of economic and military power. But diplomatic action was strongly conditioned by the domestic scene.[1] International relations were spread as widely as possible since partiality towards any group of nations, and particularly towards the former colonial powers, would have carried the risk of losing control over the nationalist movement. As both camps in the cold war gradually accepted the existence of non-aligned nations and were prepared to aid them economically a neutralist position acquired considerable attraction for countries in need of substantial assistance.

Immediately after the last war the system of collective security envisaged under the United Nations seemed to leave no room for neutrality. But the widening rift between the big powers and the failure of the Charter to provide for automatic application of enforcement measures, soon revived the desire to keep out of conflicts individually. The difference with pre-war neutrality was that modern neutralists, although not claiming to be able to avoid another world war, positively aimed at preventing one. In halting further bi-polarisation they hoped to perform a positive function as a channel of international communications and to play a part in reducing tension. They therefore rejected neutralism as a negative term and preferred to be described as non-aligned or non-committed.

There is as yet no chance of the non-aligned functioning as the "balancer" of power politics. Not only is their weakness too apparent, but they also lack substantial common interests besides their desire for peace. They came together mainly through the negative impulses of anti-colonialism and a refusal to join military alliances. Individual non-

[1] See: Scalapino, A., *Neutralism in Asia.*

aligned nations are, however, able to play a useful part in exploring the possibilities of a particular compromise in the cold war when both sides are edging towards each other but find it difficult to reach agreement.[1] Depending upon the willingness of the great powers to accept some form of mediation the non-committed may be instrumental in prolonging the detente by assisting in the execution of an agreed solution or by pressing for continuing negotiations. Indian chairmanship of the International Control Commission in Laos and her membership of the Eighteen Nation Committee on Disarmament in Geneva provide two current examples.

THE INDIAN CASE

Non-alignment had its roots in the Indian freedom movement and, under Nehru's predominant influence in the field of foreign affairs, the Indian leaders already had committed themselves to this policy before independence. The Haripur session of the Indian National Congress in 1938 considered it "urgently necessary for India to direct her own foreign policy as an independent nation, thereby keeping aloof from both imperialism and fascism and pursuing her path of freedom and peace." Immediately after the transfer of power there was still a reference to opposition against "fascism and all other tendencies which suppress human spirit,"[2] but from then onwards non-alignment was transferred to the present juxtaposition of the Western alliance and the communist bloc. The same resolution expressed that India should "maintain friendly and cooperative relations with all nations and... avoid entanglement in military or similar alliances which tend to divide up the world in rival groups and thus endanger world peace." It may even be argued that any other course would inevitably have produced such serious internal disagreements that a national policy would have been impossible. The freedom struggle created a yearning for an important voice in world affairs, but the reaction against British imperialism simultaneously produced a desire to save India from involvement in power politics.

A peculiar mixture of interventionism and isolationism, partially accentuated by the emphasis on non-violence, determined the moral climate in which foreign policy had to be formulated. This dual urge reproduced itself on different levels in Nehru's thinking. His British education inclined him towards the concept of individual liberty and

[1] *cf.* Morgenthau, H. J., *Neutrality and Neutralism*; G. Schwarzenberger, *The scope of neutralism.*

[2] Foreign policy resolution of Jaipur Session, Dec., 1948. See also p. 21, note 1.

a democratic system of government, and Gandhi's teachings drew from ancient Indian concepts. On the other hand, Marxist treatment of history and Russian achievements in social and economic organisation and in the field of education exerted a profound influence. Fairly recently Nehru again condensed his views and his attempt to arrive at a synthesis of Western democracy and Marxist economics in the first Azad Memorial Lectures.[1] The democratic structure of the State and, above all, technological progress and the urge for social justice had transformed capitalism, although its basic features and its tendency towards monopolies and aggregations of economic power were maintained. The danger in socialism was that, while leading to affluence or even equitable distribution, some of the significant features of life might be missed; therefore stress on the individual became necessary. In foreign affairs he saw nationalism as still the strongest force in Asia. "It might be said that the strength of communism, wherever it is in practice, is partly due to its association with the national spirit. Where the two are dissociated, communism is relatively weak, except in so far as it embodies the discontent that exists in under-developed and poverty-stricken countries."

At this point it should be made clear that non-violence and non-alignment are two entirely different concepts which have only remote links with each other. The doctrine of non-violence, which in medieval India had become very influential and had made most of the respectable classes vegetarian, was never at that time taken to forbid war or capital punishment. It was only in modern times that Gandhi reinterpreted it in this sense.[2] His special contribution to the teaching of the Gita was not so much selfless action for the common welfare as the emphasis on the purity of means. The writings of Thoreau, himself familiar with the Indian epics, left a deep impression on the Mahatma, particularly his dictum "the only obligation which I have the right to assume is to do at any time what I think right."[3] The words of the Gita: "there is

[1] Nehru, J., *India today and tomorrow*, Indian Council for Cultural Relations 1959. See also "The Basic Approach," *A.I.C.C. Economic Review*, No. 201–202 (Aug. 15, 1958).

[2] Basham, A. L., *The Wonder that was India*, Grove Press, New York, 1954, p. 123. The movement of Indian nationalism coincided with a Hindu reformation largely based on the Bhagavad Gita, the conversation between Arjuna and Krishna on the eve of battle. Although intended as a defence of the established order in which everyone should fulfil his class function to the best of his ability, its message of action, directed to ordinary people, lent itself to a revolutionary interpretation. Its conception of the ideal man stressed the person of equable mind acting without personal desire or attachment and directing his efforts towards the welfare of the world. The Gita also foresaw the inevitable decay of all institutions and the necessity of change to restore the harmony of life.

[3] Fisher, L., *Gandhi*, p. 38–39.

more joy in doing one's own duty badly than in doing another man's duty well" were thus given a fuller moral significance. Nehru noted with interest the emphasis on non-violence in the Mahabharata, which centred around a great war, because of its obvious contradiction with fighting for a righteous cause. He concluded that the concept of Ahimsa had a great deal to do with the motive, the absence of the violent mental approach, self discipline and control of anger and hatred, rather than with physical abstention from violent action, when this became necessary and inevitable.[1] This rationalisation explains why Nehru never subscribed to an unconditional application of the principle of non-violence. His remarks during the discussions of the Tibet question provide one example: "Violence might, perhaps, be justified in the modern world, but one should not resort to it unless there is no other way."[2] The maintenance of a strong army and a relatively high expenditure on defence furnish another illustration. Gandhi rejected results reached with violent means: "If India takes up the doctrine of the sword she may gain momentary victory, but then India will cease to be the pride of my heart."[3] Nevertheless he was quoted by Nehru as agreeing with the despatch of the army to Kashmir after it had been invaded by Pakistani raiders. Only a few of his most devoted followers would be prepared to push the doctrine of non-violence to its extreme but logical consequences by opposing the upkeep of military forces. After completing two terms as President of India, Rajendra Prasad advocated unilateral disarmament to give an example to the world, but in the middle of disputes with Pakistan and China the Government was in no mood to follow up his suggestion.[4]

India needed peace for her own ambitious development projects and wanted to avoid outbreaks of violence as they could easily lead to larger conflagrations. But this attitude has become a matter of practical politics rather than doctrinal conviction and basically this aspect of foreign policy does not differ from the policy of peace professed by other countries. Non-alignment, on the contrary, is typical to the policy of India and a number of countries influenced by her. It, too, may have a deeper significance if its positive aspect, tolerance, is emphasised. There is, however, convincing logic in remaining non-committed as long as both East and West are prepared to furnish large amounts of

[1] Nehru, J., *The discovery of India*, p. 97. Ahimsa is the Indian term for non-violence.
[2] Lok Sabha Debates, Dec. 6, 1950. The Lok Sabha is the House of the People in the Indian Parliament, the Rajya Sabha the House of States.
[3] Fisher, L., *op. cit.*, p. 69.
[4] *The Times*, June 18, 1962.

foreign aid without any direct strings attached. We do not share the opinion of those writers[1] who feel that India's overall economic progress would perhaps have been greater if she had aligned herself outright with either one of the power blocs. It is difficult to see how the West could have given more aid than the great combined effort of the Aid to India Club, while Russian assistance has only been a fraction of these amounts. This does not mean that the need for foreign aid is the exclusive cause for India's non-alignment. At the time of independence attachment to any one side would have destroyed the chance to fight for the freedom and unity of all Asians, which was then still a part of the nationalist concept of many Indian leaders and was regarded as a step to big power status.[2] Neither of the two blocs was able to inspire unqualified enthusiasm. Indian statesmen attributed the world wars to a declining sense of moral values in politics throughout the Western world[3] and developed an understandable but not entirely rational dislike of power politics. Some wanted to make India so strong that neither bloc would want to see her aligned,[4] but it was soon realised that India would be too weak to play the role of balancer. Close association with a power bloc was rationally discarded as threatening peace. Nehru said in this connection that war would be terribly near if all countries belonged to one of the blocs. He admitted that India's geographic position favoured her non-aligned role; "although it – non-alignment – would seem good for everybody, it might be more difficult for others."[5] In general he maintained that military alliances and bases would only increase the chance of eruption of those conflicts they were designed to prevent, although in fact Indian opposition to alliances was mainly directed towards those agreements which could endanger the "area of peace" in Asia. Kundra has shown that orginally Nehru saw no objection to the Brussels Treaty or NATO as defensive agreements and that his main concern about the second alliance was that it could lead to the protection of colonialism.[6] A parliamentary document ascribed this fear to the "interlocking" process which meant that partners in one agreement supported each other also on other issues and thereby became interested in maintaining the status quo even if it were bad.[7]

[1] E.g. Suri, Surindar, "Economics," *Seminar*, No. 19, p. 31–34.
[2] Levi, W., *The evolution of India's foreign policy. Y.B.W.A.* (1958), p. 117.
[3] Mansergh, N., *Survey of British Commonwealth Affairs*, p. 357.
[4] Bajpai, G. S., "Ethical stand on world issues," *The Hindu*, Jan. 26, 1950.
[5] Address to Indian Council of World Affairs, April 5, 1960.
[6] Kundra, J. C., *Indian Foreign Policy 1947–1954*, p. 89–90.
[7] Lok Sabha Secretariat, *Military Alliances 1947–57*, p. 14.

A policy of pronouncing judgement on issues as they arise, on their own merit and with an open mind, could degenerate into opportunism, since it seemed to preclude the pursuit of a pattern. Neutralism also laid itself open to the criticism that it was merely negative. Nehru has frequently emphasised that this was unwarranted: "where freedom is menaced or justice threatened or where aggression takes place we cannot be and shall not be neutral."[1] Indians therefore often prefer the terms positive neutrality or the pursuit of an independent foreign policy as a definition of their position, as these better describe the assertion of an independent judgement as its core. Its basic contents, anti-imperialism, anti-racialism and the recognition of the position of Asia, together with friendship for every nation, appeared relatively simple and non-controversial goals of foreign policy.

The increasing involvement of India in foreign affairs and the corresponding growth in the complexity of the issues faced could hardly be expected at the time of independence. Nehru's address to the Constituent Assembly did not anticipate an active international role and stated "ultimately, foreign policy is the outcome of economic policy, and until India has properly evolved her economic policy, her foreign policy will be rather vague, rather inchoate and will be groping." His emphasis on non-alignment as a principle developed with the rapid rise of Indian influence. As early as 1930 he took the view that India would be in a favourable position because an invasion of India would never be tolerated by the other great powers. After independence he qualified non-alignment by saying that it did not prevent India from having closer relations with some countries than with others, but in 1950 he drew a sharp distinction between economic and political relations: "our economic policy is obviously tied to England and other Western powers... political policy is another matter."[2] His earlier assessments of India's small political capabilities did not hold true because the West did not insist on a political *quid pro quo* for its economic policy of aid and technical assistance.[3] As the scope for Indian foreign policy grew wider India became eminently suited for providing a bridge between East and West: "an Asian State, traditionally friendly to China, without any legacy of conflict with Russia, yet friendly to the

[1] Tanya Zinkin, "Indian foreign policy," *World Politics* VII (1955) 179; Nehru in U.S. Congress Oct. 13, 1949; *Nehru's speeches 1949–53*, p. 121–125.

[2] Speeches of Dec. 4, 1947, March 22, 1949 and July 7, 1950 quoted in Gupta, K., *India's Foreign Policy*, p. 15 and 20 and Kundra, *op. cit.*, p. 55.

[3] *The Economist*, May 12, 1956, p. 587.

West, and following a middle way in its programme of economic and social change."[1]

The Indian approach to peace was twofold. It attempted to tackle the roots of conflict by striving for the end of colonialism, racial discrimination and the raising of living standards and by generally promoting the "temper of peace." If a conflict erupted she would try to localise it and to reduce tension by exploring more fully the potentialities of negotiation and other means of peaceful settlement. In her efforts to prevent a dispute from spreading India laid herself open to the accusation that she was prepared to negotiate on the basis of a *fait accompli* and in practice did not judge issues on their merits, but merely on their potential danger to peace. There is also some truth in the criticism that Indian statesmen exploited in the cause of peace an equilibrium which was created by others. Neither the North Koreans nor the North Vietnamese were prepared to listen to Indian preachings before they started their attacks and mediation was accepted only when the military phase of the conflict was over. India's actions, therefore, were supplementary to normal power politics in Asia. The hope that Asia would find a native pattern of its own, unspoilt by the conflict-contaminating Western system would not come true. Even Indians admitted that Asian countries as such were not more inclined towards peace than towards conflict.[2] But an attempt was made to provide a framework in which the non-aligned could maintain their existence and develop their economy without constant fear of being drawn into the big power struggle and which could serve as a nucleus for the extension of peaceful relations throughout the world.

[1] Brecher, M., *Nehru, a political biography*, p. 559.

[2] Rusett, A. de, "On understanding India's foreign policy"; with reply by A. Appadorai. *International Relations*, I (1959) 229–261 and II (1960) 69–79.

CHAPTER II

SINO-INDIAN RELATIONS PRIOR TO 1954

The speed with which the Indian Government accustomed itself to the conduct of foreign policy can be explained by the interest taken in external affairs by the nationalist movement, the Indian National Congress, which was founded as early as 1885. Originally its attention was directed towards issues closely related to India's neighbours. The use of the Indian army and the consequent drain on Indian resources by various British expeditions caused early protests. The first session of the Congress passed a resolution condemning the annexation of Upper Burma, largely because of fears of increased taxation, and advocated separate status for Burma as a Crown Colony. In 1891 reference was made to the subject again as a possible source of a clash with China. The Younghusband expedition to Tibet in 1904 was severely criticised by the Congress President, Sir Henry Cotton, as an "act of wanton violence and agression." Another member condemned the action, because there were no indications of fresh provocation by Russia in Tibet or Central Asia, which in any case would not necessarily concern India.[1] In view of the importance they would later acquire, relations with Tibet deserve further attention.

TIBET

After Gulab Singh, the Dogra Raja of Jammu and feudatory of the great Sikh ruler Ranjit Singh, had conquered Ladakh, which at present forms the north-eastern corner of Kashmir, in 1834 he turned his army towards the Tibetan provinces of Rudok and Ngari. Forces sent from Lhasa almost annihilated the Indians, marched on Leh, the capital of Ladakh, but were driven out again. In 1842 peace was restored on the basis of the old frontier as established by the treaty of Tingmosgang between Ladakh and Tibet in 1684, which in turn was based on a partition effected in the 10th century. The Persian text of the new treaty contained the Tibetan guarantee, that Ladakh will "absolutely and essentially not be the subject of our designs and intention" and that the trade in wool and other commodities would be carried on via

[1] H. A. Waidya. See Bimla Prasad, *The origins of Indian foreign policy*, p. 35–45.

Ladakh in accordance with the old customs.[1] In the Treaty of Amritsar of 1846 Gulab Singh was recognised as an independent ruler by both the Sikh and British Governments. As the East India Company still feared his ambitions in West Tibet which could damage the wool trade or cause difficulties with China, it preferred a formal definition of the eastern border. With great difficulty the British plenipotentiary in Hongkong obtained Chinese agreement to send a delegation to co-operate in the demarcation of Tibet's western frontier. When the two British commissioners arrived at the border in August, 1847, however, there were no Chinese officials awaiting them and the Tibetans showed active hostility. They proceeded with the inquiry on their own and prepared a map which conformed essentially to the alignment at present claimed by India.

With the collapse of Chinese rule in eastern Turkestan British policy in the frontier area was generally determined by the danger of Russian expansion, which posed an immediate threat to Hunza. As this area in northwestern Kashmir bordered on Sinkiang the British were alarmed when in 1898 the negotiations between representatives of the Mir of Hunza and the Chinese Amban at Kashgar produced no success. They intervened with an attempt to settle the whole northern frontier of Kashmir. In 1896 Chinese officials, reportedly prompted by Russia, had challenged British maps of the Aksai Chin plateau (an uninhabited area in the northeast corner of Kashmir whose high lying salt deposits were regularly exploited by traders), which incorporated a larger area than appears in present day maps. British interest in Aksai Chin was outweighed by concern over the threat of Russian interference in the West and in 1899 London made an offer to delimit the boundary on the basis of ceding the plateau and the Karakash basin in exchange for Chinese recognition of Hunza's claims. Peking did not even reply formally to this offer, which contained substantial territorial concessions, including a departure from the position that the Kuenlun range constituted the de facto boundary between Sinkiang and Kashmir. Greater receptivity on the part of China could have obtained a large part of the areas currently disputed, but suspicion or a disinclination to consider boundary proposals during periods of Chinese weakness apparently took the upper hand.[2]

After the first Gurkha invasion in 1793 Tibet was closed off as much

[1] Sapru, A. N., *The building of the Kashmir State.* Punjab Record Office, Lahore, 1931, Appendix II. See maps 1,2,3.

[2] See Fisher, M. W. and others, *Himalayan Battleground.* Ch. VIII, Great Power rivalry.

as possible by China, whose representative in Lhasa, the Amban, was to deal exclusively with foreign questions. British attempts to establish direct contacts met with little success, even when the Peking Government appeared cooperative. In 1888 the Foreign Office faced a dilemma as a result of Tibetan intrusions into Sikkim which had to be forcibly repelled. It favoured accepting Chinese claims to suzerainty over Sikkim since these would merely be provisional and a matter of face for China. A contrary decision was taken, however, because of Durand's persuasive argument, that if Britain gave way over Sikkim, it must be prepared to do so at some future time with regard not only to Bhutan, but also Kashmir and perhaps Darjeeling.[1] The Anglo-Chinese Convention of 1890 (elaborated with the Regulations of 1893) which recognised the British protectorate over Sikkim, settled its boundary with Tibet and established a trade mart at Yatung in Tibet, was repudiated by the Tibetans. Spurred by rumours of negotiations between the Dalai Lama and a Russian emissary Dorjieff, the Viceroy asked permission to establish relations with Tibet, by force if need be. He recognised the collapse of Chinese influence in Tibet and called for a change in British policy to do away with Chinese suzerainty, which he described as "a political affectation" and a "constitutional fiction."[2] At first London was reluctant, but consented to an expedition after the first attempt to open negotiations in 1903 had failed. As the British troops under Colonel Younghusband approached Lhasa, the Dalai Lama fled to Mongolia. The Lhasa Convention of 1904 was quickly signed with representatives of his Government. It is interesting to note that no Chinese protest was launched against the campaign. Instead the aid rendered by the Amban in drafting the document suggested that the Chinese welcomed the opportunity to increase their own influence.[3] The relative ease of the British campaign convinced Peking of both the possibility and the necessity of strengthening its hold. By the time the Anglo-Chinese Convention of 1906 had confirmed the Lhasa convention, Chinese troops had established a dominant position in the border area.

The Lhasa text made no mention of China. Tibet undertook not to cede or lease territory to any foreign power without previous British consent, not to allow such power to intervene in Tibetan affairs, and

[1] *Round Table*, "Between Delhi and Peking." Dec. 1962, p. 31–39. Sir H. Mortimer Durand, Indian civil servant and diplomat. See p. 146.

[2] House of Commons, Command Paper 1920 (on 1904), No. 66, p. 154.

[3] Younghusband failed to obtain the signature of the Amban as instructed. He exceeded his instructions by insisting on an indemnity and obtaining the right for the British trade-agent at Gyantse to visit Lhasa. The Indian Government cancelled this right and reduced the indemnity.

not to admit foreign agents or grant concessions without giving equivalent concessions to the British Government. Britain did not associate itself fully with Lord Curzon's views and implicitly continued to accept Chinese suzerainty over Tibet. In the agreement of 1906 the British Government engaged not to annex Tibetan territory or to interfere in the administration of Tibet.[1] China undertook "not to permit any other foreign state to interfere with the territory or internal administration of Tibet" and added a declaration that she would not employ any one in Tibet who was not of Chinese nationality. British acceptance of Chinese suzerainty was further illustrated by the modification of the prohibition of foreign concessions which henceforth would apply to any state "other than China." Britain also found it necessary to include in the Convention Chinese consent to the construction of telegraph lines connecting the trade marts with India. The Anglo-Russian Convention of 1907 formed a logical conclusion of this legal framework with a mutual guarantee to respect the territorial integrity of Tibet and not to interfere in its internal affairs. Its preamble recognised that, as a consequence of the geographical situation, Great Britain had a special interest in the integral maintenance of the existing system of Tibet's external relations. But in Article II both parties admitted the principle of Chinese suzerainty and undertook to deal with Tibet only through the intermediary of China. Only direct contacts by British trade agents were excepted. Direct religious relations between Buddhists from either side would be allowed but these could not be construed as affecting the principal stipulation. Both sides also promised not to send representatives to Lhasa or to seek concessions in Tibet. The inclusion of a prohibition of telegraph concessions derogated from the Anglo-Chinese Convention. Britain got around this difficulty by agreeing to transfer telegraph lines to China in the Calcutta agreement of 1908, which amended the trade regulations of 1893. This text, which settled a great number of technical details, is the only document bearing the full signatures of British, Chinese and Tibetan representatives. Its wording illustrated the subordinate position of the Tibetan *delegate*, who was instructed to act under the directions of the Chinese *plenipotentiary*. Paragraph 5 mentioned "obedience" of the Tibetan authorities to the instructions of the Peking Government in their desire for judicial reform. Paragraph 8 referred to the possible abolition of British couriers "when effective arrangements have been made by China in Tibet for a postal service." The inactivity of the Tibetan delegate whose

[1] Texts in International Commission of Jurists, *The Question of Tibet and the rule of law.*

only contribution to the negotiations seems to have been his signature, did not deter Britain from agreeing to an arrangement which envisaged superior Chinese powers in several fields.

The return of the Dalai Lama to Tibet in 1909 did not lead to a period of normalcy. He had given orders not to resist the entry of Chinese troops, but when an invitation to visit China was pressed upon him he took to flight again, this time to Darjeeling in India. As they had done in 1904, the Chinese issued a decree to depose him. The Chinese revolution of 1911 changed the situation completely by producing a mutiny of the Lhasa garrison and a disintegration of Chinese forces. The remainder was saved from annihilation by Nepalese mediation, which made possible their departure. In spite of these reverses the Chinese president issued an order that Tibet was to be "regarded as on an equal footing with the provinces of China proper" and that "all administrative matters" connected with that country "will come within the sphere of internal administration." The British Minister in Peking formally declined to accept such a definition of the political status of Tibet and pressed for the conclusion of a written agreement between China and Tibet as a condition for extending recognition to the Chinese republic. His memorandum[1] stated:

1. His Majesty's Government while they have formally recognized the "suzerain rights" of China in Thibet, have never recognized, and are not prepared to recognise, the right of China to intervene actively in the internal administration of Thibet, which should remain as contemplated by the treaties, in the hands of the Thibetan authorities, subject to the right of Great Britain and China, under Article 1 of the Convention of the 27th April 1906, to take such steps as may be necessary to secure the due fulfilment of treaty stipulations.

.....

3. While the right of China to station a representative with a suitable escort at Lhasa, with authority to advise the Thibetans as to their foreign relations, is not disputed, His Majesty's Government are not prepared to acquiesce in the maintenance of an unlimited number of Chinese troops either at Lhasa or in Thibet generally.

At first Peking refused but attempted to show its goodwill by reinstating the Dalai Lama who returned to Lhasa in 1913 after the last Chinese had left. It is not surprising that, twice deposed and once misled, His Holiness was extremely suspicious of Chinese intentions. As, moreover, their short administration had been a failure due to lack of cooperation from the Tibetan population, and the Chinese troops were on the run, he felt sufficiently secure to issue what was generally regarded as a declaration of independence. His message said that he

[1] Aug. 17, 1912. Public Records Office, *Cab. 37/116 (1913) No. 68.* Chinese Presidential Order of April 21, 1912.

wanted no rank from the Chinese and that he resumed the temporal and spiritual government of his country. The defeat of an army sent by Peking meant the end of direct Chinese influence in Tibet for several decades.

At the beginning of this chapter we have noted Indian indignation about British policy in Tibet. Criticism of the Younghusband expedition largely rested on unsubstantiated reports about atrocities committed and was inclined to forget the real danger a Russian penetration would form to the security of India. A modest campaign, quickly concluded, was an effective way to neutralise an area of potentially strategic importance. With the benefit of hindsight it only seems a pity that Younghusband was not allowed to capitalise on the ease of his success and to establish a basis for a clear status of independence replacing the vagueness of the constitutional position which would continue to complicate the problem of Tibet. But London was primarily concerned with counter-acting Russian influence in Tibet and went as far as accepting the exclusion of its own influence from that area. Convinced of the inability of the Tibetans to maintain effectively their independence, the cloak of Chinese suzerainty was a convenient means of stabilizing the status quo without a permanent commitment of British funds or troops. In this framework commercial ambitions also could be fairly easily satisfied. Bell accused his country of abandoning the Tibetans to Chinese aggression for which the British military expedition and its subsequent withdrawal were primarily responsible.[1] It may be that without the success of Younghusband China would never have felt the need or been able to assert its control, but other dangers seemed more imminent at the time. In the years to follow Britain made a considerable effort to secure the autonomy of Tibet. Both in 1910 and 1912 her diplomats took prompt action to press for the maintenance of a Tibetan identity whenever the Chinese showed unexpected determination in asserting their control. Britain protected her immediate interests by accelerating the consolidation of the Himalayan frontier. In 1910 Bhutan signed a treaty leaving its foreign affairs to the Indian Government in exchange for a guarantee of internal autonomy.

THE CONFERENCE AT SIMLA

After the presentation of the memorandum of 1912 British policy remained directed at securing the maintenance of peace and order on the Tibetan border and at seeing that the controlling influence at

[1] Bell, Sir Charles, *Tibet past and present*, p. 71, 115.

Lhasa would not be overtly hostile to India or to the frontier states. Their memorandum had insisted on a new Anglo-Chinese agreement as guarantee against Peking's claims of sovereignty over Tibet. The unsettled military situation made some sort of Sino-Tibetan conciliation desirable.[1] One of the reasons advanced for bringing China and Tibet together at the conference table was that the disturbances between the two countries had given rise to serious unrest in the border area. If Nepal were to enforce claims for damage suffered by her citizens it would be difficult to restrain her, but Britain would still be held responsible by Russia. Originally London assumed that a bilateral Sino-Tibetan agreement could be reached – possibly concluded on Indian soil – which would take into consideration British preoccupations considering parts of Tibet inside which no Chinese troops should be allowed. Following a suggestion from Jordan, the Minister at Peking, a tripartite conference was considered a more effective means of obtaining a solution, as it would be impossible to influence the talks unless Britain took a direct part.[2] In proposing abandonment of the traditional disinterested policy Jordan was primarily concerned with the danger of Tibet gravitating towards Russia, but British freedom of manoeuvre was also limited by the Anglo-Russian convention of 1907. The negotiations on a tripartite basis should, therefore, not lead to Britain becoming a party to the final convention as this would involve a new agreement with Russia.[3] The British plenipotentiary, Sir Arthur McMahon, was to take an attitude of benevolent assistance and act as an honest broker.[4] Only when Petersburg made no objection to the British course of action, of which it was kept informed, Britain decided to accede to the agreement herself. A more formal communication to Russia would only be required if the well-recognised frontier were rectified.

It was not easy to obtain Chinese participation in a conference. In January, 1913 Peking first stated that a Chinese officer was on his way to Tibet to negotiate a lasting peace, but then proposed negotiations on

[1] Cabinet memorandum explaining the position in relation to Tibet, Oct. 18, 1913. Public Office, *Cab. 37/116 (1913) No. 68.*

[2] This paragraph and the following are based upon the India Office Library *Political Files, Tibet negotiations with China* (1913) Vol. 16, 17, 18, and *Foreign Office Register of Correspondence, China (1913)*. Public Records Office, IND. 27857.

[3] The Foreign Office wrote to the Under Secretary of State in the India office "H.M.G. must acquire no rights and undertake no responsibilities that can in any way be held to infringe the terms of the Anglo-Russian Convention of 1907" (April 30, 1913, No. 16537/13). It also rejected the idea of having two separate sets of negotiations, with China and with Russia, as these would inevitably influence each other's course (May 15, 1913, No. 20005/13).

[4] Grey to Jordan, April 5, 1913, No. 101.

the basis of the British memorandum which could result in an exchange of notes. Jordan wanted a formal agreement and in correspondence with London added that Tibet might resent an Anglo-Chinese agreement without previous reference to her as it would curtail the independence which she had won by her own efforts. In March China proposed talks in London, but Britain suggested Darjeeling, which was finally changed in Simla. Shortly before accepting the invitation and naming Chen as the Chinese plenipotentiary Peking appointed him "Commissioner for the pacification of Tibet," which provoked a prompt British protest.[1] China also refused to communicate his full powers until the designation of the delegates had been agreed. When in August the Chinese Government objected to the equal status of the three plenipotentiaries it was told that the negotiations would proceed without Chen if he did not arrive with proper full powers before October 6.[2] Within a few days the British Legation was in possession of this document, but shortly afterwards the Chinese attempted to hand over a memorandum to the effect that a new arrangement was necessary to enable China to regain her former position in Tibet.[3] It was withdrawn only after the Chargé d'Affaires had refused to receive it on the ground that it would reopen the settled question of the scope of the forthcoming negotiations. In the meantime China also probed in another direction by trying to arrange a meeting with the Tibetans in Chamdo prior to the Simla conference and their efforts to achieve this would continue even after the negotiations had started. On October 8, almost simultaneously with the opening of the conference, Britain extended recognition to the Chinese republic, thus foregoing the written agreement it had originally asked for and losing her most effective lever on China. McMahon played the part of mediator between the widely divergent Chinese claim of full sovereignty based on the conquest by Dzenghis Khan, and the well documented claims of Tibet for an acknowledgement of independence, invalidation of the 1906 Convention and the delineation of a frontier with China which would include all Tibetan people. Britain rejected independence for Tibet, which had not been recognised by any power except by Mongolia in a treaty of dubious authenticity.[4]

[1] Alston to Grey, June 29, 1913, No. 148 and July, 9, No. 152. The Chinese President assured the British Chargé d'Affaires that Chen's title carried no territorial powers. The Chinese Foreign Office confirmed in a memorandum that the pacificators (who also functioned in the provinces of China proper) had no connection with the internal administration.

[2] Alston to Grey, Aug. 25, 1913, No. 200.

[3] Alston to Grey, Aug. 30, 1913, No. 206.

[4] *F.O. Register*, Jan. 18, Feb. 15 and Dec. 10, 1913. In January the Russian Ministry of Foreign Affairs regarded the agreement as *nul et non-avenu* as they could take no action with

The problem was to ensure the reality of autonomy for Tibet while leaving China sufficient dignity. After both parties had stated their position McMahon devised a distinction between Outer Tibet, roughly west of the Yangtse, where Chinese influence would be severely restricted and their presence limited to one high official with an escort of 300 men, and Inner Tibet, a broad peripheral area next to China, where it could send officials and troops, but which could not be converted into a Chinese province.[1] With British persuasion the Tibetans modified their claim that Tibet was an independent state in so far as they agreed to the clause in which Britain and China recognised Chinese suzerainty over Tibet if combined with autonomy for Outer Tibet.[2] A Tibetan suggestion to establish a permanent mission in Lhasa was rejected by Britain in view of her obligations under the Anglo-Russian Convention. Instead the British agent at Gyantse was allowed to visit the capital whenever he needed to consult the Tibetan Government on matters arising out of the Lhasa Convention.[3] McMahon also obtained the right to direct negotiations with Tibet to establish new trade regulations. As her troops would not be allowed there, China was released from her engagement of 1890 to prevent acts of aggression from the Tibetan side of the Tibet-Sikkim frontier. Before final drafts of these texts had been agreed the British and Tibetan delegates completed discussions on the north-eastern border of India, later to be known as the McMahon Line. The Chinese were not invited to take part and their specific acceptance was not sought. They were informed later when the line was embodied in the map annexed to the Convention

regard to Tibet without having reached an understanding with the British government. As a Russian subject Dorjieff, who had negotiated the agreement, could not be recognised as a representative of the Dalai Lama for the purpose of signing a treaty. He carried letters from the Dalai Lama inviting Russia and Britain to exercise a joint protectorate over Tibet but was told in St. Petersburg that neither country desired to do so. During the Simla conference the Tibetan delegation appeared to be ignorant of the agreement, but admitted that there had always been an alliance of mutual assistance with Mongolia which still existed. Under these circumstances McMahon advised London to count on the agreement existing and to bring it in the open, since in the absence of a provision for ratification the Dalai Lama might find it difficult to repudiate the treaty.

[1] The distinction was not without precedent. Edward Balfour's *Cyclopedia of India* (3rd ed., Quaritch, London, 1885, Vol. 3, p. 87) stated: "The Chinese government divides Tibet into two provinces, Anterior Tibet and Ulterior Tibet."

[2] Exchanges of notes between all three parties would state that Tibet formed part of Chinese territory, but that Outer Tibet would not be represented in the Chinese parliament.

[3] The India Office attached great importance to this right as it would be the only effective means to enforce observance of the tripartite agreement (Secret Department No. 1706). *The Times* of Jan. 6, 1913 had argued "The best way of terminating forever Chinese attempts to assert sovereignty over Tibet is to send a British representative to Lhasa." At the Simla Conference a compromise was reached after the Chinese delegate had opposed discussion at Lhasa of any questions of a political, territorial or international character by the British agent. *The Boundary Question between China and Tibet*, p. 106.

drawing the borders of Tibet and the boundary between Outer and Inner Tibet.

Up to the last minute the Chinese delegate Ivan Chen had pressed for fresh concessions and soon after the three delegates had initialled the Convention it was repudiated by China. Chinese acceptance would have meant surrender of the town of Chamdo, but Tibet would also have made substantial territorial concessions. What China was asked to give up in Outer Tibet was not of great importance and in practice acquired only four years earlier, while in Inner Tibet an efficient Chinese administration could easily have asserted its influence. Nevertheless the fear of surrender of territory appeared to be too much for Peking. Richardson suggests the fear on the part of China that once the border area had been named Inner Tibet, the British might help Lhasa to occupy it. Although disagreement concerning the border between Inner and Outer Tibet has consistently been advanced as the reason for the Chinese refusal to adhere to the Convention, it seemed only a symptom of "a deeper resentment against the whole basis of the proposals".[1] Nationalist Chinese writers also describe the reason for the deadlock as something wider than the border of Inner Tibet. According to Shen the conference broke down first of all because suzerainty proved too restrictive an idea to force on Chinese public opinion. Li accused the Chinese delegate of having exceeded his instructions, which were confined to Tibet, by dealing with the territory of China proper. Wider opposition to Simla is also suggested by his reference to a later Chinese proposal to grant Chamdo to Outer Tibet on condition that the admission "Tibet is a part of China" contained in a separate exchange of letters be included in the main text of the convention.[2]

After the Convention was initialled, on April 27, 1913, the conference continued till July 3, when Britain and Tibet initialled, but not signed, a slightly amended version. They signed a declaration that as long as China withheld her signature, she would be debarred from the enjoyment of all privileges accruing from the Convention[3]. These benefits were not specified but could be assumed to include the whole range of provisions from the recognition of suzerainty to the right to have an Amban with 300 man. In the new trade regu-

[1] Richardson, H. E., *Tibet and its history*, p. 113. R. led British Lhasa mission since 1936.

[2] Shen, Tsung-lien, *Tibet and the Tibetans*, p. 51. (Shen was the leader of a Chinese mission to Lhasa in 1944); Li, Tieh-tseng, *Tibet, today and yesterday*, p. 142–143; proposal of June 28, 1915. To the Chinese the British Government first seemed to be agreeing to minor changes, but later refused to reopen negotiations.

[3] On the last day of the conference Chen declared not to recognise any agreement between Britain and Tibet. See postscript for new information on the conference.

lations no mention was made of China. As the possibility of Chinese adherence remained open and was frequently sought there was no attempt to reconcile them with the Anglo-Russian convention of 1907 which in any case became a dead letter with the Russian revolution.

During the first world war the Tibetans had a chance to make good their claims to Inner Tibet when, after Chinese provocation, they captured Chamdo, but British persuasion led to their withdrawal. In 1919 Chinese overtures for a resumption of the Simla negotiations suggested modifications of the frontier between Inner and Outer Tibet and requested permission to station Chinese officers at the trade marts at Gyantse, Yatung and Gartok.[1] Tibet rejected all proposals, which at the same time were abandoned by China when a swell of internal criticism and chauvinism was directed against the conclusion of an agreement in which Britain played such an obvious part. Two years later Lord Curzon, then Foreign Secretary, informed the Chinese Minister that failing Chinese consent to the Convention his Government did not feel justified in withholding any longer their recognition of the status of Tibet as an autonomous state under the suzerainty of China, and intended dealing with Tibet on this basis in the future.[2] British diplomacy has produced better statements than this peculiar memorandum. It purported to make clear that direct relations would in future be entertained with Lhasa, but added quite unnecessarily the acceptance of Chinese suzerainty, which itself would have been the main prize for Chinese accession to the Simla agreement. The threat of direct British contacts was insufficient to move the Chinese and an opportunity was lost to define the new status of Tibet.

In the early thirties Tibet suffered reverses in incidents with Chinese war lords, necessitating territorial concessions. Chinese sources report an eight point questionnaire addressed to the Dalai Lama through a Tibetan intermediary. In reply to questions like "How shall the Central Government exercise administrative control over Tibet" he himself raised points regarding a definition of his country's status. His answers were very careful and evasive and constitute a good example of the lack of precision which is characteristic of most exchanges regarding Tibet. After the death of the thirteenth Dalai Lama in 1933 China sent a delegation to offer condolences but, again according to Chinese writers, also proposed that Tibet must obey the central government, which would direct foreign affairs, plan national defence and communi-

[1] Bell, Sir Charles, *op. cit.*, p. 173.

[2] *British Foreign and State Papers*, Part II, Vol. 151 (1956). Its terms apparently were not communicated to the Tibetans.

cations and appoint a High Commisisoner[1]. The only result was that Tibet allowed the mission to stay on as a liaison office, but Richardson confirms that there was no written communication. Similarly Britain made no request for an equivalent office, but in 1935 only secured an invitation for the Political Officer in Sikkim to visit Lhasa. He died soon after arrival and a new invitation was obtained for Gould. British presence remained indefinite and temporary until it was converted into a Consulate by India. A Chinese envoy to attend the installation of the new Dalai Lama was allowed to pass through India at the request of Lhasa.

Tibet's greatest assertion of independence occurred during the second World War when it observed a strict neutrality. An approach by Chiang Kai-shek, directed through the British mission, for the construction of a supply road to Assam through the south-east of Tibet was refused firmly; a Chinese survey team was turned back near Rima. Finally the Regent and the Council of Ministers assented on their own authority to the passage of non-military goods on the existing routes. When difficulties arose and China seemed to despatch troops Tibet decided to fight back if invaded. In 1942 Tibet set up a Bureau of Foreign Affairs under two high officials. As the Chinese declined to accept this arrangement which went clearly against their claim of suzerainty in the field from which this concept was to derive most of its meaning, their mission in Lhasa became virtually isolated. Expression was given to the actual situation in an informal memorandum from Foreign Secretary Eden which stated that since 1911 Tibet had enjoyed de facto independence and opposed Chinese attempts to reassert control. Once again it was repeated, however, that Britain had always been prepared to recognise Chinese suzerainty over Tibet, but only on the understanding that Tibet was regarded as autonomous.[2] Chiang made a final attempt to establish closer relations with Lhasa through the mission of Shen who invited an official delegation to China. Mindful of the political testament of the thirteenth Dalai Lama to balance the influence of India and China Tibet offered to send goodwill-missions to both countries. China announced the Tibetans as the delegation to the Assembly in Nanking and held them in China till its meeting could finally be held. The mission attempted without success to make clear its status of observers, but was steadfast in refusing to sign the resolutions.

[1] Sources quoted in Li, *op. cit.*, p. 153–155 and 168.

[2] *British Foreign and State Papers*, *op. cit.*, p. 89–90. Li, *op. cit.*, p. 398, disputes Tibetan neutrality and quotes a pledge of "sincere cooperation" with Chunking, which, however, did not exceed some sheepskins and 500.000 dollars.

They had previously been warned by Richardson that the Simla agreement excluded Tibetan representation in a Chinese parliament. When India became independent Tibet considered concluding a new agreement with China but was eventually dissuaded by the opportunity it would provide for renewed Chinese pressure. The Tibetan leaders considered how a mission to Peking could be made to look independent and businesslike and decided to address requests to India and China for the "return" of Tibetan territories, including – in the case of India – Sikkim, Bhutan and large parts of Ladakh and Assam. The claims on Indian territory were unbelievably vast and unrealistic and in Lhasa Richardson refused to transmit them to Delhi. He suggested reconsideration but the Tibetan government sent it direct. Their move may have been a naive attempt to test the attitude of independent India towards the border regions; it was also made to balance the request made to China. Delhi replied that it would appreciate an assurance of Tibet's intention "to continue relations on the existing basis until new agreements are reached on matters either party may wish to take up"[1].

The last days of the Kuomintang régime produced similar feelers. For the first time a Chinese protest was directed against the presence of Indian officials in the North East Frontier Agency and in 1948 the suggestion was made that the Trade Regulations of 1908 (which had been cancelled by the Simla Convention) were due for revision. After a long silence India replied that it recognised only the Simla Convention. The last nationalist Ambassador in India, Lo, claims that his last official act was the delivery of a note challenging its validity.[2] Much criticism was later directed against India for not taking the opportunity to use the last days of the nationalist Government for defining her relationship with Tibet. In view of what we saw above such moves could only have consisted of recognising complete Tibetan independence as the Kuomintang was neither willing nor capable to conclude new agreements containing substantial concessions of the traditional Chinese position. And India faced with the more pressing problems of integrating the state and the dispute with Pakistan over Kashmir understandably gave a low priority to her northern border.

INDIAN NATIONALISM AND CHINA

The All India Congress Committee in 1919 accepted Gandhi's draft for the first formal declaration of independence from British foreign

[1] Richardson, H. E., *op. cit.*, p. 174–176; A. de Riencourt, *Lost World*, p. 220–221; White Paper II, p. 39. Remarks by Hugh Richardson have caused a revision of this paragraph.

[2] Li, *op. cit.*, p. 142.

policy. As, according to Congress, most treaties by the Indian Government were designed to perpetuate the exploitation of India, an appeal was directed to other countries to desist from such agreements. In the same year Tilak, one of the most militant among the Congress leaders, wrote to the President of the Peace Conference in Paris that India, being a self-contained country, harboured no designs upon the integrity of other states and had no ambitions outside her own borders. India, he thought, could become one of the leading powers in Asia.[1] The need for Indian participation in an Asian federation emerging as a union of oppressed nationalities of Asia and an outgrowth of the Pan-Islamic Movement was asserted by C. R. Das in his presidential address to Congress in 1922. The next year Mohammed Ali commended an Eastern Federation.

The Congress of Oppressed Nationalities held in Brussels in February, 1927 would prove to be most significant in Pandit Nehru's outlook on foreign affairs. He delivered an address on the first day and was elected one of the honorary presidents. One of the resolutions of the Congress, which set up the League against Imperialism, was a joint declaration by the Indian and Chinese delegations referring to the intimate cultural ties existing for the past 3000 years and the need for their revival; "British imperialism, which in the past has kept us apart and done us so much injury, is now the very force that is uniting us in a common endeavour to overthrow it."

Nehru's action should be seen against the background of the resolution of the All India Congress Committee (A.I.C.C.) in 1925 conveying sympathy to the Chinese people in their struggle for national unity and protesting against the despatch of Indian troops to China. Following the Brussels Conference the Congress met in Madras and sent its warmest greetings to the people of China. The next year Congress took a further step by instructing the Working Committee to correspond with Asian leaders in order to organise the first session of a Pan-Asiatic Federation in India in 1930. This idea did not materialise, however, as by that time India had become engrossed in the campaign for civil disobedience.

Brussels, and his subsequent visit to Moscow, inclined Nehru favourably towards communism which "whatever its faults, was at least not hypocritical and not imperialist."[2] Moreover, if Russia succeeded in finding a satisfactory solution for her problems as a large agricultural

[1] Bimla Prasad, *op. cit.*, p. 64–65. Congress party machinery consists of the annual session, A.I.C.C. and the Working Committee.

[2] Nehru, J., *Toward Freedom*, p. 125–126.

country with only slight industrialisation, India could benefit from her example. This very motive will return later behind India's interest in communist China's "Great Leap Forward."

The Kellogg Pact for non-aggression encountered reluctance in India as nothing in it concerned people under foreign rule. Gandhi admitted the great possibilities arising under the Treaty "the patent insincerity of many signatories notwithstanding", but concluded that the Peace Pact "in substance means a desire to carry on the joint exploitation peacefully."[1] Nehru wrote at length about the defence of the sub-continent after independence.[2] While conceding the weakness of India's military forces for the first few years after independence he thought that no country would tolerate other nations attempting to possess India. And who would threaten her? China would have her hands full with her own difficulties and besides, it was difficult to imagine that India's relations with her would be anything but friendly. Other countries would be either too remote or engaged elsewhere so that the conclusion presented itself that free India would occupy a favourable position in the world, largely free from the danger of external aggression.

Nehru's first visit to China in August, 1939 took him mainly to Chungking. His plans to visit the front in the north-west, where an Indian ambulance was attached to the Eighth Route Army under communist command, had to be cancelled as the outbreak of war in Europe required his presence at home. His departure from Delhi came shortly after the crisis in the Congress leadership had reached a climax in the dismissal of Subhas Chandra Bose, and Nehru seems to have left in a rather depressed state of mind. The visit – the circumstances of which curiously resemble the voyage he would make fifteen years later – brought him an enthusiastic reception at Chungking and a new assessment of the future of China: "A new China is rising, rooted in her culture, but shedding the lethargy and weakness of ages, strong and united."[3] He mentioned the possibility of an Eastern federation of China, India, Burma, Ceylon, Nepal and Afghanistan, which would not be hostile to the West, but nevertheless stand on its own feet and join with all the others to work for world peace and world federation.[4] Nehru was genuinely impressed by Generalissimo Chiang Kai-shek whom he described as the symbol of the unity of China and her desire to free herself, but about the Kuomintang the picture was less clear;

[1] *Young India*, July 4, 1929.
[2] *Young India*, Sept. 24 and Oct. 1, 1931. Bimla Prasad, *op. cit.*, p. 104–105.
[3] Brecher, M., *Nehru – a political biography*, p. 255.
[4] Hindi Cheeni, *Indian view of China*, Ch. I.

"I did gather, however, that it was not a very democratic body though it calls itself democratic."[1] In any case, he thought that China and India would have a powerful effect on the shape of things to come "whatever that shape might be." "There can be no stable order or effective cooperation in the world if China and India are ignored, and relatively weak though they might be today, they are not so weak as to submit to any such treatment."[2]

During the early years of the war Chiang Kai-shek and his wife carried on a correspondence with Nehru, mainly concerning Chinese attempts to influence President Roosevelt to exert pressure upon the British Government for granting early independence to India.[3] Chiang paid a visit to India in February, 1942 and declared that there could be no real international peace should freedom be denied to either China or India. One has, however, to keep in mind that the primary aim of the Generalissimo was to induce the nationalist leaders in India to participate in the war effort and to forestall the anti-British "Quit India Movement" which started in August, 1942. This objective proved unattainable, but Gandhi abandoned his approach of non-violence towards a possible Japanese invasion and wrote to Chiang that the appeal to Britain to withdraw from India was not meant in any shape or form to weaken India's defence against the Japanese or to embarrass China in its struggle.[4]

The A.I.C.C. Meeting of September, 1945 once again expressed admiration for the Chinese, looking forward to the day that the nation would be united and strong of purpose for peace and freedom. The Committee added that Free India would seek close association with neighbouring countries, particularly the formation of common policies for defence, trade, economic and cultural growth with China, Burma, Malaya, Indonesia, Ceylon and the Middle East.[5] A more sober note was struck by Nehru when he declared that "coordination" of Asian countries would be possible and probable, but that federation was perhaps still premature.[6]

By the time India convened the Asian Relations Conference at New Delhi in 1947, the rivalry with China for leadership in Asia, which so far had been absent, began to show itself. The Chinese had no wish to

[1] Nehru, J., *China, Spain and the war*, p. 21–53.
[2] *Atlantic Monthly*, April 1940.
[3] Levi, W., *Free India in Asia*, p. 20.
[4] Letter dated August 15, 1942, cited in Hindi Cheeni, *op. cit.*, p. 15. See also Nehru, J., *A bunch of old letters*, Nos. 335, 348 from Madame Chiang Kai-shek.
[5] Bimla Prasad, *op. cit.*, p. 223.
[6] Interview with United Press, Jan. 1, 1946.

be tied to an organisation in which India was predominant and their tactics were to keep India's influence within bounds.[1] Their representatives refused to enter the conference hall until the map showing Tibet as a separate state, was removed.[2] From the outset the Chinese leaders were apprehensive about the Tibetan delegation, but it scarcely participated in the discussions and never mentioned freedom movements in its country. Differences of opinion within the Indian delegation made it comparatively easy for the Chinese to prevent India from running away with the leadership of the conference. The organisers had expected a strong psychological effect strengthening Asian solidarity and producing a trend towards organisation. It was their aim to secure implicitly, if not explicitly, some recognition of India's cultural leadership in the new Asia. Despite its impressive array of participating countries, however, the Conference did not result in anything more than a vague expression of solidarity. The differences coming to the fore convinced most delegates that Asian union would probably be impossible or at least much harder to achieve than abstract pronouncements had earlier made them believe. While the first stage in Asia might be one of mistrust on the part of the smaller powers towards the greater, the next stage could well be a struggle for leadership between the three great powers on the mainland, India, China and Russia.

INDEPENDENT INDIA

Panikkar, who was Indian Ambassador to China during the last years of the Chiang regime and the communist take-over, described the Kuomintang attitude to India as a little patronizing, though generally friendly; "the attitude of an elder brother who was considerably older and well established in the world, prepared to give his advice to a younger brother struggling to make his way. Independence of India was welcome, but of course it was understood that China as the recognised Great Power in the East after the war expected India to know her place."[3]

Gradually the goodwill China possessed in India as a result of the war against Japan evaporated; there were fears of Chinese expansionism

[1] Levi, W., *op. cit.*, p. 37–38. Mansergh, M., "The Asian Conference." *International Affairs*, July 1947, p. 303.

[2] Joachim Alva during Lok Sabha debate on May 15, 1954; Chanakya Sen, *Tibet disappears*, p. 123. See also Thomson, V., and R. Adloff, "Asian unity: force or facade."

[3] Panikkar, K. M., *In Two Chinas*, p. 26.

while China's position on Kashmir seemed luke-warm and its general orientation too Western to suit Indian tastes.[1] As the communist threat to the Kuomintang Government became greater, General Wu Te-chen (who had become Foreign Minister in early 1944) summoned the Asian Ambassadors in Nanking, i.e. the representatives of Burma, Thailand, the Philippines and India, and formally proposed an alliance to fight communism everywhere. Ambassador Panikkar mentioned this plan – which met with immediate opposition from India and Burma – as an example of the unreal atmosphere in Nanking.[2]

New Delhi decided to recognise the communist Government of China after Chiang Kai-shek had moved to Formosa, which at that time was technically still part of Japan as the peace treaty had not yet been signed. After consultations with the United Kingdom formal recognition was extended during the last days of 1949, just after Burma, which had requested to be the first state outside the Soviet bloc to recognise the New China.[3] Nehru told the Lok Sabha that it was not a question of approving or disapproving the change, but of recognising a major event in history and dealing with it. He had no doubt that the communist regime was firmly established and that there was no force likely to supplant it.[4]

Some Indian newspapers regretted the fall of Chiang Kai-shek and reminded their readers of the support he had given to the Indian freedom movement, but on the whole the initial reaction to the communist rise to power was neither alarmist nor naively optimistic. There was a willingness to try to understand the new regime and to give it a chance to develop its domestic and international policies instead of an outright rejection as another manifestation of totalitarianism.[5] With an undertone of anxiety, the argument was advanced that China needed peace even more than India for its reconstruction and development and that, moreover, the maintenance of friendship with China was essential, no matter what Government was in power.[6]

Chinese press opinions, however, were far from favourable towards Nehru. Mao's dictum that neutrality was a camouflage and that a third road did not exist was conducive to criticism of India in terms of Marxist dialectics. "World Culture"[7] accused the Indian Prime Minister under

[1] Levi, W., *op. cit.*, p. 86.
[2] Panikkar, K. M., *op. cit.*, p. 44.
[3] *Ibidem*, p. 68.
[4] *Lok Sabha debates*, March 17, 1950. Vol. 3, col. 1699.
[5] Hindi Cheeni, *op. cit.*, p. 36–38.
[6] Levi, W., *op. cit.*, p. 87.
[7] Shanghai, Sept. 16, 1949.

the headline "India and Anglo-American Imperialism" of aiding imperialist designs for annexation of Tibet: "Into his slavish and bourgeois reactionary character has now been instilled the beastly ambition of aggression."[1] Nehru's initiative in calling an Asian conference on the Indonesian problem was described as a "guise for undertaking a preliminary discussion of a South East Asian alliance." Here we find an early example of Communist Chinese suspicions regarding the role India could play as a leader of Asian countries; similar instances will be traced in the developments around the Bandung Conference and in the Chinese efforts to isolate India from Burma and Nepal in the border dispute.

Even after India's recognition of the communist regime adverse press comments continued; the Shanghai "Observer"[2] wrote "..., it is a matter of Nehru weighing his desire for U.S. assistance against his need to assume the hypocritical role of a progressive to deceive the Indian people." These statements have been used to demonstrate that China's attitude has all along been hostile towards India. Such generalisations should be avoided, although they serve as a useful counterweight to the platitudes concerning the "2000 years of friendship" which the two countries are said to have enjoyed, but which, in fact, have no other meaning than stating that armed conflict has been avoided during that period; and these peaceful relations were largely due to the geographical barriers between the two countries.

COMMUNISM IN INDIA

In those days and until 1951 communist opinion in general was unfavourable to the Congress Government. Indian independence almost coincided with Zhdanov's "two camp" doctrine which came close to Mao's thinking in its division of the world into imperialists and anti-fascists. For Asia it implied that those not prepared to declare for communism were enemies of the popular cause. Gandhi, who had always been firm in his rejection of communism, was treated as a reactionary or a spent force. Despite his acknowledged admiration for some communist achievements, Nehru, after 1947, was described as a tool in the hands of British imperialism.

The Communist Party of India showed an amazing number of miscalculations and analyses which ran counter to the main stream of

[1] Jain, Girilal, *Panchsheela and after*, p. 8.
[2] April 11, 1950.

nationalistic thought. When the Congress was engaged in the Quit India Movement the communists decided to cooperate with the British after the Soviet Union had joined the war. Their ideas concerning the shape of independent India included a Balkanisation of the sub-continent in many small states, while the tide surged in the direction of unity. Arguing by analogy the C.P.I. apparently wanted to apply Stalin's doctrine of nationalities to the Indian situation, forgetting that the Russian case of certain nationalities traditionally being dominated by others would not apply. Panikkar regarded this communist tendency to use analogy as the main reason for their lack of objective evaluation.[1] This certainly applied to the mistaken parallel between the Kuomintang and the Congress which was drawn by those who supported Mao's strategy and, for a while, seemed to be a generally accepted dogma. Like the Kuomintang the vast Congress party was expected to come under the control of vested interests, to become corrupt and inefficient so that the progressive section would turn away. This comparison overlooked, however, that the KMT had almost always been dominated by the military, lacked a democratic basis and created a conservative image with neo-confucianist philosophy.

Although Indian communist policy relied mainly on Moscow and the extent of Chinese influence was often exaggerated, the C.P.I. more than other parties showed the constant pulls from various factions and personalities. Frequent changes in Russian directives issued exclusively for reasons unconnected with India brought embarassment to the leaders of the moment and led to their (often temporary) eclipse. The left wing considered bourgeois nationalism as the main enemy of the class struggle and concentrated on anti-capitalism. The right was basically anti-imperialist and was prepared to cooperate with the progressive elements of the bourgeoisie against imperialism, feudalism and colonialism. This progressive sector was distinguished from the imperialist group, or in party jargon, the national bourgeoisie should be supported against the collaborating bourgeoisie. As the Congress party obviously included bourgeois nationalists, the question of cooperation with Congress became a crucial point in the controversy between the different wings of the C.P.I. The left generally favoured a combative course with provocation and violence if necessary, but the right was not averse to compromises. In the years immediately following 1947 both sides were more prone to use violence than later, when the Congress Government had survived the initial difficulties of independence. A

[1] Panikkar, K. M., *The foundations of New India*, p. 201.

centre group followed a rather orthodox but moderate marxism. The flexibility of these distinctions was illustrated by the ultimate swing of the right behind the Chinese line in the ideological dispute with the Soviet Union.

In 1948 B.T. Ranadive, an advocate of terrorism and strike action in urban areas, became General Secretary of the C.P.I. At that time his main opponent was Rajeshwar Rao who wanted to base a Maoist strategy on rural peasant rebellions focussing on imperialism and feudalism as the central enemies; Rao's native Andhra with its caste-ridden politics and its poor agricultural districts naturally predisposed him towards this course. Shortly after Ranadive had ridiculed the ideas of Mao Tse-tung as reactionary, counter-revolutionary and horrifying, the Cominform abruptly changed its views about the Chinese example and advisted the C.P.I. "to strengthen the alliance of the working class with all the peasantry, to fight for the introduction of urgently needed agrarian reform."[1] This rebuke led to Ranadive's downfall and Rao succeeded him as General Secretary in June, 1950. Although the Cominform directive did not specify that violence should be used, Rao engaged the party in a guerilla type opposition in the Telengana district of Andhra, which led to a hardening of Congress policy with regard to internal communism. The campaign ended in failure, largely because of sudden Russian support for Nehru on the eve of elections. In 1951 the C.P.I. rejected both theses of urban insurrection and peasant guerilla, but retained the emphasis on a united front. The new party programme called for a non-violent struggle towards a government of people's democracy and a coalition of all anti-feudal and anti-imperialist forces; this policy was "a path which we do not and cannot name as either Russian or Chinese." With Ajoy Ghosh the party got a middle of the road figure as General Secretary.

In a period in which communist attitudes, both Indian and international, towards Nehru's Government were still highly critical, these were bound to find expression in the Chinese press.[2] This was even more natural as Chinese foreign policy between 1949 and 1952 was first characterised by a nationalistic militancy determined to eliminate

[1] "For lasting peace, for a people's democracy", Bucharest, Jan. 27, 1950.

[2] Replying to a message of greetings from the C.P.I. Mao cabled on Oct. 19, 1949. "I firmly believe that relying on the brave Communist Party of India and the unity and struggle of all Indian patriots, India will certainly not remain long under the yoke of imperialism and its collaborators. Like free China, a free India will one day emerge in the Socialist and People's Democratic family." Mukherjee, A. N., *Sino-Indian relations and the communists*, p. 1.

foreign influence and unify the country and then, with the Korean crisis, entered another wartime period with an all-out defence of what China considered to be its threatened rights and interests.

No one except Chou En-lai and some officials around him, knew much about India; there were only vague ideas about India's political position or historical development, mixed with a certain romantic interest in that country.[1] The Indian Ambassador gave the following appreciation of the relations between his country and China:[2]

> I knew, like everyone else, that with a communist China cordial and intimate relations were out of the question, but I was fairly optimistic about working out an area of co-operation by eliminating causes of misunderstanding, rivalry, etc. The only area where our interests overlapped was in Tibet, and knowing the importance that every Chinese Government, including the Kuomintang, had attached to exclusive Chinese authority over that area I had, even before I started for Peking, come to the conclusion that the British policy (which we were supposed to have inherited) of looking upon Tibet as an area in which we had special political interest could not be maintained. The Prime Minister had also in general agreed with this view.

CHINA INVADES TIBET

On 1st January, 1950, two days after recognition by India, Peking announced that the liberation of Tibet was one of the basic goals of the People's Liberation Army. The Lhasa Government, which up to then had enjoyed virtual independence and in July, 1949 had already requested the nationalist Chinese mission and traders to leave Tibet, subsequently sent delegations to India, Nepal, the United Kingdom and the United States to appeal for support; the communist Chinese Government denounced them as illegal and they were unable to obtain access to officials in the countries visited.[3]

In the meantime, India had put its relationship with the countries along its northern border on a new basis: in June, 1949, Sikkim was taken over as a protectorate, August brought a treaty in which Bhutan agreed to be guided by India in its foreign affairs, and the King of Nepal received hospitality and support when he fled from his country during the revolt against the feudal Rana regime in November. A seven man Tibetan mission came to India in April, 1950 with the purpose of meeting the Chinese Government somewhere in neutral territory; it wanted to proceed to Hongkong but could not do so, as the British

[1] Panikkar, K. M., *In Two Chinas*, p. 100.
[2] *Ibidem*, p. 102.
[3] Feer, Mark C.,"Tibet in Sino Indian Relations," *India Quarterly*, IX (1953) 367-381.

Government, which had already recognised the communist government and did not want to accentuate the delicate position of the colony, refused visas. Peking Radio, in an appeal to the Tibetan Government on May 22 invited plenipotentiaries to conduct peace talks in Peking in order to save their people from unnecessary loss.[1] A meeting with the newly arrived Chinese Ambassador in Delhi proved fruitless, and before the mission could follow up the Indian suggestion to go directly to Peking the invasion of Tibet had started.

India made an unfruitful attempt to forestall the action by a note to Peking expressing the opinion that an incautious move, "even in a matter which is within its own sphere," would be used by those unfriendly to China to prejudice her case in the U.N. and generally before neutral opinion. This approach has been criticised for extending an untimely recognition to Chinese claims over Tibet, thereby weakening the Indian position in the diplomatic correspondence which was to follow.[2] It was consistent, however, with the decision to forego political interests in Tibet, but to consolidate the Indian position in the border states. Perhaps the Indian leaders had been reminded of the tremendous impression created by the Soviet "Karakhan manifesto" of 1919 which announced the voluntary renunciation of all Czarist rights and concessions in China. The first memorandum gives the impression that India had already conveyed to Peking, through diplomatic channels, that it would not insist on maintaining the rights Britain enjoyed in Tibet; the Indian Embassy stated that the Chinese Government were "fully aware of the views of the Government of India on the adjustment of Sino-Tibetan relations."[3] The sudden reduction of Tibetan autonomy must nevertheless have come as a most unpleasant surprise.

The Chinese military campaign against Tibet started on 24th October, 1950 and led to a sharp exchange of notes between Delhi and Peking. The Indian note of 26th October reminded the Chinese Government of their assurances to solve the problem by peaceful means and stated that the invasion could not but be regarded as deplorable and not in the interest of peace.[4] The Indian Government deeply regretted that "in spite of friendly disinterested advice repeatedly tendered" China had decided "to seek solution of the problem of their relations with Tibet by force instead of by the slower and more enduring

[1] Sen, C., *op. cit.*, p. 18.
[2] Jain, Girilal, *op. cit.*, p. 45.
[3] Memorandum of Oct. 21, 1950. Sen, C., *op. cit.*, p. 69–70.
[4] Text of the notes in *The Question of Tibet and the Rule of Law* by the International Commission of Jurists, p. 132–138. See also Karunakaran, K. P., *India in World Affairs*, p. 76.

method of peaceful approach." The note assured that no foreign influences were responsible for the delay in the Tibetan mission's departure for Peking. After Tibet had requested Indian mediation and diplomatic aid on 28th October, the Peking Government sent a reply to New Delhi on 30th October stating that Tibet was a domestic problem of China and that no foreign interference would be tolerated. It maintained that the delay in the voyage of the Tibetans was due to outside instigation, while India's viewpoint must have been "affected by foreign influences hostile to China in Tibet." The next day a further protest was lodged by India repudiating the Chinese charges and making it clear that India had no political or territorial ambitions, but only a natural interest in a peaceful solution of problems concerning her neighbours, "adjusting legitimate Tibetan claims to autonomy within the framework of Chinese suzerainty"; use of force "could not possibly be reconciled with a peaceful settlement." On 16th November China replied that she had "sovereign rights in Tibet" and charged India with obstructing them.[1]

The Lhasa Government had requested India to sponsor her case before the United Nations, but received the reply that the appeal should be sent direct to the U.N. Eventually it was El Salvador which filed the request for a debate and submitted a draft-resolution to establish a committee entrusted with a study of appropriate measures that could be taken by the General Assembly against this "act of unprovoked aggression."[2] A cablegram from the Tibetan delegation, then residing at Kalimpong, was circulated which blamed British persuasion for the signing of a treaty by Tibet "which superimposed on it the nominal (non-interfering) suzerainty of China" though that country was strictly forbidden to meddle in the internal affairs of Tibet"; it argued that while the 1914 Treaty was still guiding Indo-Tibetan relations, China had renounced the benefits otherwise accruing to it by not being a party to the treaty. "Tibet's status thereby reassumed de jure status."

The General Committee[3] considered the question on 24th November, 1950. The British representative could not participate in a general

[1] Patel, S. R., claims in his *Foreign Policy of India*, p. 269, that Panikkar made a deliberate mistake in decoding and used the word sovereignty instead of suzerainty to oblige the Chinese. Sen gives the more plausible explanation that Chinese translations of the English word suzerainty constantly used the equivalent of sovereignty, *op. cit.*, p. 74–77. Criticism of Panikkar was first voiced by *The Statesman*, New Delhi, Oct. 29, 1950.

[2] *U.N. Doc.*, A 1534 and A 1549.

[3] U.N. General Assembly, 5th session, General Committee, 73rd meeting.

discussion on the question of Tibet, as the legal position of the country was not very clear. He thought it wise to wait until the Committee had a better idea of the possibilities of a peaceful settlement. The Indian delegate, the Jam Saheb of Nawanagar, declared that he had no desire to express an opinion on the difficulties which had arisen between China and Tibet but would point out that the Peking Government had not abandoned its intention to settle those difficulties by peaceful means; it would seem that the Chinese forces had ceased to advance after the fall of Chamdo and he was certain that a peaceful settlement "could safeguard the autonomy which Tibet had enjoyed for several decades while maintaining its historical association with China." With Indian, Australian and Russian support for the British proposal it was unanimously decided to adjourn consideration *sine die*. The delegate from Nationalist China remarked that Sino-Tibetan relations had not been cordial for many years but that for seven centuries all Chinese regarded Tibet as part of China. He claimed that Tibet participated in the drafting of the Chinese constitution in 1946 and the election of a President in 1947.

After the U.N. debate the Chinese advance was not halted but became somewhat freakish. The army fanned out in various directions and established its control without major clashes. The Dalai Lama left Lhasa for the Chumbi valley near Sikkim one month after assuming full powers and negotiations with the Chinese were carried out by Ngabo the captured governor of Chamdo. On May 23, 1951 Peking announced the signing of the Seventeen Point agreement with Tibet, which gave the Central People's Government of China the centralised handling of all external affairs of the area of Tibet[1] while the autonomy and political system of Tibet would not be altered. Except for a vague assurance to neighbouring countries that fair commercial and trading relations would be established and developed the agreement did no refer to India.

Chinese sensitivity concerning Western intentions in Tibet was understandable, particularly at the time of the Korean war. There are, however, no indications of Western plans to intervene. The American mission to Lhasa under Lt. Col. Tolstoy stayed there from September, 1942 until March, 1943 and was mainly intended to explore a new supply route, although the opportunity to establish the

[1] Point 14, vide *The Question of Tibet and the Rule of Law*, p. 139–142. Mehra, Parushotam "India, China and Tibet," *India Quarterly*, XII (1956) No. 1, p. 3–22.

first semi-official contacts may have been welcome. Towards the end of 1949 the radio station at Lhasa broadcast statements in English to deny that the Panchen Lama had been properly recognised and to emphasize the actual independence of Tibet, but the Western wireless operators served in a strictly private capacity. In the same year the first Indian Political officer in Sikkim visited Lhasa and received a request for arms and ammunition. India sent a favourable reply but the Tibetans did not want to commit themselves to a thorough training programme.[1] The Dayal Mission of 1949 inspired The Times to report closer liaisons between India and the Dalai Lama's Government which some sources interpreted as a gratifying indication that an important bulwark against the spread of communism was being created. The New York Times favoured recognition of Tibet as a separate country which would make it possible for the United States to make available some of its funds to help foreign countries arm themselves against communism. The most realistic assessment appeared in the Economist, which advocated an Indian lead in support of Tibetan independence, to be followed up by British and U.S. recognition, but admitted that, if India preferred to abandon Tibet to its fate, the Western powers were in no position to object to a Chinese reconquest of Tibet.[2]

Initiating a debate on foreign affairs in the Lok Sabha, Prime Minister Nehru said that he had been shocked by the news of the Chinese advance into Tibet, as India had always understood that a peaceful solution would be found. Since Tibet could be no threat to China there was another way than violence. "It is said that other countries might intrigue in Tibet. I cannot say much about it, because I do not know. It is certain, however, that there was no immediate threat." Similarly he pointed to an inconsistency in Chinese statements which on the one hand said that they were prepared for a peaceful solution, but talked persistently of liberation on the other. "From whom they were going to liberate Tibet is, however, not quite clear.[3]

Parliamentary reactions showed that anxiety was fairly widespread. Many writers have emphasized the consensus underlying Indian foreign policy, which is undoubtedly correct as far as the general principle of non-alignment is concerned. Although Nehru's conduct of foreign affairs and his influence on Congress parliamentarians continued to command strong support, dissenting voices could be heard

[1] Richardson, H. E., *op. cit.*, p. 178.

[2] *The Times*, July 29, 1949; *The Economist*, Dec. 10, 1949.

[3] Speeches on December 6 and 7, 1950. *Nehru's speeches* 1949–53, p. 174. Sen, C., *op. cit.*, p. 109–119.

on many occasions. The resignation from the Cabinet of Dr. Ambedkar, the untouchable leader who took an important part in the framing of the Indian constitution, was caused by his attack on the policy of friendship with China, on the grounds that it alienated the U.S· Disagreement with the official view on Kashmir was the other motive for his departure.[1]

One of the speakers in the debate in 1950 was another ex-member of the Cabinet, Dr. S. P. Mukherjee, later to die in detention in Kashmir, who pointed to incorrect Chinese maps of the boundary with India, and stated that Indian security had been affected by China's action. Prof. N. G. Ranga, at one time a secretary of the Congress Party but a founder of the Swantantra Party in 1959, criticised the repeated professions of friendship, not only to the Chinese people and Government, but also to China's claims to sovereignty over Tibet. Acharya Kripalani, leader of the Praja Socialist Party, felt that Indian advocacy of China for U.N. membership was premature. M. R. Masani, a Congress member who later sat as an independent and a leading authority on Communism in India, mentioned Mao's message to Ranadive of good wishes for the liberation of India and their hope that India would go the Chinese way; in his view China had thereby destroyed "any illusions about friendship, about cordiality and about comradeship in Asia" and cut Asia in two parts, communist and non-communist Asia. M. A. Ayyangar of the Congress Party, who later became Speaker of the Lok Sabha and Governor of Bihar, thought that India as far as her defences were concerned, ought not to bite, but should at least hiss sometimes. Another congress member blamed the Korean affair for China's jittery state of mind and the appointed Anglo-Indian representative, Frank Anthony, said that China had not been told sufficiently that "this cynical and unprovoked attack on Tibet has outraged the conscience of every self-respecting Indian."

In his winding-up speech Nehru replied that India must try to understand China "and try as far as we can to divert them into right channels and prevent them from going into wrong ones." He disagreed with members who seemed to think that he should issue an ultimatum to China, but he saw no difficulty in saying to her that, whether she had suzerainty or sovereignty over Tibet, according to any principles the last voice in regard to Tibet should surely be the voice of the people of Tibet and of nobody else. Earlier in his speech he emphasized that he had used the word suzerainty, not sovereignty; "There is a slight

[1] Brecher, M., *op. cit.*, p. 454.

difference though not much." Restating his views in a B.B.C. broadcast Nehru defended his endeavour to maintain friendly relations with China "this great neighbour of ours, for the whole of Asia depends on these relations." China, in her new-found strength, had acted sometimes in a manner which he deeply regretted, but should be viewed against the background of the long period of struggle and frustration and the insolent treatment it – and other Asian countries – had received from imperialist powers. It was no longer safe to ignore the feelings of hundreds of millions of people. India, with two thousand years of friendship with China behind her, had some "differences of opinion and even small conflicts," but was aided by that long past in understanding China.[1]

THE SEARCH FOR A NEW RELATIONSHIP

The communist occupation of Tibet so soon after the defeat of the nationalist regime, followed by an uncompromising denial of Indian interests in the area, underlined the great importance Peking attached to the realisation of an ancient pretension. Although New Delhi had reaffirmed the Simla Convention as governing its relations with Tibet only two years earlier, it gave up serious efforts to vindicate the legal origins of its claims in the face of Chinese determination. After 1950 India made no attempt to define her attitude towards the former connection with Tibet and suffered from this omission during the border dispute.

The feeling of disappointment was widespread and undoubtedly marred, even if temporarily, the cordiality of relations between the two countries. When it became clear, however, that the Chinese did not interfere with Indian interests in Tibet and that there was no infringement of the frontiers, these reactions faded out surprisingly quickly. The same development appeared to take place in China as it gradually appreciated India's standpoint in the Korean conflict. The impression gained ground that China had at last been convinced of the independent character of India's foreign policy.[2] Other aspects of the Korean problem, however, seemed hardly to warrant this optimism. Mrs. Pandit, India's representative in the General Assembly had to defend her country against the "outrageous lie" of the communist countries that India was a "tool of the Anglo-American bloc" in

[1] "The Temper of Peace," Jan. 12, 1951. *Nehru's speeches* 1949–1953, p. 153 ff.
[2] Karunakaran, K. P., *op. cit.*, p. 80.

proposing the compromise resolution on the repatriation of prisoners of war.[1] Peking added that Menon's claim to speak on behalf of the Asian countries "only has the support of the U.S. dominated bloc."[2]

When China requested New Delhi to withdraw the military guards from the trading posts in Gyantse and Yatung the Indian Government refused, but intimated its desire to discuss the regularisation of relations with regard to Tibet. The immediate answer was that China would not keep any unequal treaties,[3] a reaction which Nehru explained as a symptom of the Chinese fear complex of U.S. actions to bring Tibet in the Western camp. Panikkar brought the matter up again during his farewell visit to Chou En-lai and was told that China recognised the legitimacy of the Indian trade and cultural interests in Tibet. The Chinese foreign minister suggested that the political agency at Lhasa should be transformed into a Consulate-General in exchange for a similar Chinese office at Bombay; this was acceptable to India. The trade agencies would be brought within the framework of normal consular relations, details of which would be taken up when the circumstances became ripe. Mr. Panikkar left Peking with the exclamation that there remained no outstanding issues between India and China.[4] A press communique unobtrusively announced the change in the status of the mission, which, it said, resulted from the fact that the foreign relations of Tibet were now conducted by the People's Republic of China. Yet, it marked the change-over from the 1950 stand of "natural interest" in Tibet to the concession that Tibet had no right to deal directly with its neighbours.[5]

Till 1953 India's diplomacy was fully engaged in securing a cease fire in Korea and it was possible only after that aim had been achieved to take up the larger question of Sino-Indian relations. Negotiations started in Peking on 31st December, 1953 and a treaty was signed on 24th April, 1954, just before the Prime Ministers of the Colombo Powers ended their meeting, a coincidence which gave rise to speculation that China wanted to give evidence of its reasonableness.[6] India agreed to the name "Tibet region of China," thereby recognising it for the first time as an integral part of the People's Republic. She also handed over her post and telegraph installations in Tibet free of charge

[1] *G.A.O.R.*, 7th Session, p. 301.
[2] Dec. 14, 1952. Ross and Bedi, *The Diplomacy of India*, p. 134.
[3] Levi, W., *op. cit.*, p. 99; *The Hindu*, Madras, Dec. 8 and 28, 1950.
[4] Panikkar, K. M., *op. cit.*, p. 175.
[5] Press note of September 15, 1952. See Mehra, P. L., *op. cit.*, p. 15.
[6] *Eastern Economist*, New Delhi, May 7, 1954, p. 741.

and the resthouses against payment. The Chinese would be entitled to open trade agencies at New Delhi, Calcutta and Kalimpong in return for Indian agencies at Gyantse, Yatung and Gartok. The Consulate at Kashgar in Sinkiang remained closed. On the other hand the Chinese wish to obtain a consulate in Almora or Simla in north-western India was not fulfilled, which seems to have been a reason for the long duration of the negotiations.[1] The treaty provisions dealt mainly with facilities for trade routes and markets which had been in existence for many years, yet their wording referred to their establishment as if they were something completely new. The notes dealing with the withdrawal of Indian escorts and the transfer of properties again contained no reference to their origin or on what treaty they were based. Among the gains for India was the designation of 13 customary marts for Indian traders against only 3 in the past. The raising of the seasonal agency at Gartok to a permanent one would never take effect in practice.

Nehru started his defence of the agreement in the Lok Sabha by saying that it dealt with a large number of problems, each one of them perhaps not very important in itself, but important from the point of view of Indian trade, pilgrim traffic, trading posts and communications. It had taken so long to arrive at, not because of any major conflict or difficulty but because so many small points had to be discussed in detail. So far as Tibet was concerned the agreement was a recognition of the existing situation there, which, in fact, had been recognised two or three years ago. The real importance of the document was its wider implications emanating from the preamble, which contained the five principles of peaceful coexistence, later to be known as Panchsheel.[2]

[1] *Hindustan Times*, New Delhi, May 4, 1954.

[2] *Lok Sabha Debates*, Vol. V., No. 70, May 15, 1954, col. 7495 ff. Regarding Tibet Nehru said "I am not aware of any time during the last few hundred years when Chinese sovereignty, or if you like suzerainty, was challenged by any outside country and, whatever the Government of China was, China always maintained this claim to sovereignty over Tibet." Quoted in Moraes, F., *The revolt in Tibet*, p. 125.

FIVE PRINCIPLES OF PEACEFUL COEXISTENCE

The Sino-Indian treaty of 1954 stated in its preamble that the two governments being desirous of promoting trade and cultural intercourse between the Tibet region of China and India, and of facilitating pilgrimage and travel by the peoples of China and India based their agreement on the following principles:

1. Mutual respect for each other's territorial integrity and sovereignty.
2. Mutual non-aggression.
3. Mutual non-interference in each other's internal affairs.
4. Equality and mutual benefit.
5. Peaceful co-existence.

Nehru told the Lok Sabha that it was a matter of importance to India that the two countries, which had almost 1800 miles of common frontier, should live on terms of peace and friendliness and should agree "in fact, though it is not formally stated as such, but practically speaking, not to commit aggression on each other."

His words lacked precision, since the inclusion of "mutual non-aggression" as the second principle seemed quite sufficient to amount to a formal renunciation of aggression. Perhaps he realised that principles appended to an agreement on trade were not the same as an express provision in a treaty of non-aggression or similar scope. The agreement, Nehru continued, to a very large extent would ensure peace in a certain area and it was his earnest wish that this area of peace should be spread over the rest of Asia. Collective security, good as it was and essential to aim at, became rather a preparation for collective war. A healthier approach would be that of collective peace.[1] Replying to the debate Nehru added that if these basic principles were accepted by every country and if every country were left to progress as she liked and no one else interfered, a climate of peace would gradually be established. Continuing in Hindi the Prime Minister said that India's foreign policy was not born out of a sharp intellect, but

[1] *Lok Sabha Debates*, Vol. V, No. 70, col. 7496 ff.

was the direct result of the old ways and the old mind that had moulded policy during the freedom movement. It could be defined as an attitude of friendship for all nations while maintaining independence of action.[1] On other occasions, too, Nehru repeatedly stressed that peaceful coexistence was not a new idea for Indians, but part of their way of life and their thought and culture.[2] To underline this point he often mentioned Emperor Ashoka who after many bloody campaigns denounced war and practised tolerance for all religions during the third century. He thought it difficult to imagine how anyone could oppose the five principles or dislike them "unless one thinks that behind them is hidden some evil motive."[3]

During the debate Kripalani repeated his view that communist China had committed an act of aggression in Tibet. The ancient right of suzerainty was antiquated and theoretical and, in his opinion, a nation which abolished a buffer state could be considered to have aggressive designs on its neighbours. Joachim Alva said that India could not afford to have a quarrel with China and Brajeshwar Prasad, a lonely advocate of a united front with the Soviet Union and China in the Congress ranks, congratulated Nehru on the preamble, which he regarded as a non-aggression pact in embryo; "A mutual defence pact with China and Russia is the urgent need of the hour."

The international situation was debated further on September 29 and 30. The prominent Praja Socialist Asoka Mehta remarked that the five principles were undoubtedly welcome, but lost much of their motive power when it was realised that Tibet was described in the agreement as the Tibet region of China, thus defining sovereignty over Tibet as resting with China. Kripalani put it more bluntly: "We have failed in arresting the march of communist China to our borders." Similar criticism came from the rightwing Hindu Mahasabha, whose leader N. C. Chatterjee referred to the betrayal of Tibet and the surrender to the aggression of China. From the Congress benches came the defence that the joining of Tibet with China was a historical fact, which had to be realised without a voice of protest if India wanted to be good neighbours with China.[4]

Press comment was generally optimistic and tended to gloss over possible loopholes in the agreement. Satisfaction was expressed over

[1] As reported in *The Hindu*, May 19, 1954.
[2] Speech at Calcutta, Nov. 30, 1955. *Panchsheel*, Publications Division, New Delhi, p. 13.
[3] Speech at banquet for the Indonesian Premier, Sept. 23, 1954.
[4] Sen, Chanakya, *Tibet Disappears*, p. 127–128.

the guarantees for Indian pilgrims to Tibet – 5000 in 1953 – and over the fact that Tibet, unlike Sinkiang, had not been isolated completely. Disappointment was reported from Ladakhi traders who regretted that the route Leh-Gartok had not been included in the approved schedule. The Amrita Bazar Patrika was farsighted with its observation that it would have preferred a clear designation of the McMahon line as the border of north-eastern India.

During the visit of Chou En-lai to New Delhi the word "mutual" was omitted in the second and third principles as restated in the official communique.[1] This text, which also advocated application of the five principles to the conflict in Indo-China, continued: "If these principles are applied not only between various countries but also in international relations generally, they would form a solid foundation for peace and security and the fears and apprehensions that exist today would give way to feeling of confidence." Having been confirmed in a series of meetings of Asian statesmen and passed in a modified form by the Bandung Conference the five principles underwent another change in Moscow in June 1955. The Bulganin-Nehru communique amended the third principle to read: "Non-interference in each other's internal affairs for any reason of economic, political or ideological character".[2] In this form it was incorporated in the treaty between China and Nepal signed on August 1, 1955.

The origin of the term Panchsheel can be traced to Mr. Nehru, who said that he had heard he "happy phrase" in Indonesia, but that it had its roots deep in Indian moral tradition.[3] Literally it means Five foundations or Five rules of conduct, "sheel" being the expression used for the rules preached by the Buddha. The implied reference to Buddhist ethics, however, is far fetched, as originally these had nothing to do with political ideology. Emperor Ashoka attempted in vain to transfer Buddhist rules of conduct from the sphere of individual morality to international relations and his empire subsequently disintegrated. Buddhism, moreover, has long ceased to be a frame of reference for individual conduct, both in India and in China, which is certainly

[1] June 20, 1954.

[2] *Panchsheel*, *op. cit.*, p. 40.

[3] *The Hindu*, Madras, April 16, 1955. Fisher and Bondurant, *Indian views of Sino-Indian relations*, p. 17. The Indonesian Pantjasila was less concerned with international relations and consisted of belief in God, humanitarianism, nationalism, democracy and social justice. The Buddhist "sheels" imposed the duty to avoid destruction of life, theft, unchastity, lying and the use of intoxicating liquor. In this study we shall use the term Panchsheel to denote the Indian principles rather than Panchshila or Pancha Shila, mainly to avoid confusion with the Indonesian or Buddhist concepts.

true for Nehru and Chou En-lai.[1] Panchsheel is, therefore, better regarded as a catch-word, suggestive of ancient concepts but without any real links with the past other than a spirit which can be found in the heritage of all known religions.

As the material contents of the five principles can be easily traced in the Charter of the United Nations,[2] the need for their reaffirmation may be questioned. Indian spokesmen replied to such reasoning that reaffirmation of these primordial principles could never be superfluous, and – more important – that not all Asian countries were members of the world organisation. If they accepted Panchsheel it would both reinforce the U.N. and provide them with the basic norms of international behaviour.[3] Hammarskjoeld's statement that Panchsheel was helpful to the U.N. by reaffirming its obligations and aims was used in support of this argument.[4] Such rationalisation does not, however, seem to be completely accurate. Many Indians are unable or unwilling to perceive the parallel between what they consider a new statement of policy and the old Western political and legal tradition. The desire for a fully independent position blurred the acknowledgement of Western values which had been quite frank during the colonial period.

It will be necessary to describe in greater detail where the individual principles originated. On the Chinese side they are credited to the triumvirate Nehru, Chou and U Nu, but this can only be accepted in the general sense that the three statesmen in separate communiqués expressed their agreement at an early stage. Nehru denied the fatherhood of any individual; the Sino-Indian treaty was the result of long correspondence between the two governments and the Chinese Prime Minister was, in his opinion, not personally concerned though undoubtedly consulted, like he was in India.[5]

The phrases mutual respect for each other's territorial integrity and sovereignty, equality and mutual benefit stem, although in somewhat different order, from communist terminology. The Chinese People's Political Consultative Conference drafted its "Common Programme" in September ,1949, which contained the preamble that

[1] See Bozemann, Adda B., "India's foreign policy today: reflections upon its sources," *World Politics*, Vol. X, No. 2, p. 265–6.

[2] The first principle in Art. 2, par. 1 and par. 4; the second in Art. 2, par. 4 and Art. 1, par. 1; the third in Art. 2, par. 7; the fourth in Art. 2, par. 1 and peaceful coexistence in Art. 1, par. 1 and par. 3.

[3] Rajan, M. S., "Indian Foreign Policy in action," *India Quarterly*, XVI (1960) 203–236.

[4] *The Hindu*, April 15, 1956.

[5] Fifield, R. H., "The Five Principles of Peaceful Coexistence," *A.J.I.L.*, 52 (1958) 504–510.

the central government was authorised to establish diplomatic relations with other foreign governments on the basis of equality, mutual benefit and mutual respect for territorial integrity and sovereignty.[1]

The Indian note of October 31, 1950 on the Tibet issue said: "It has been the basic policy of the Government of India to work for friendly relations between India and China, both countries recognising each other's sovereignty, territorial integrity and mutual interests." The Chinese reply of November 16 converted this paragraph in their own semantics: "The Government of the Republic of India has repeatedly expressed its desire of developing Sino-Indian friendship on the basis of mutual respect for territory, sovereignty, equality and mutual benefit, and of preventing the world from going to war." The same formula in addition to the words peaceful co-existence occurred in the Agreement on Measures for the Peaceful Liberation of Tibet:[2]

> The Central Peoples Government shall have centralised handling of all external affairs of the area of Tibet; and there will be peaceful co-existence with neighbouring countries and establishment and development of fair commercial and trading relations with them on the basis of equality, mutual benefit and mutual respect for territory and sovereignty.

The underlying ideas, however, can hardly be called original for communist China as they have appeared before in different formulations. The American note to Japan of 26th Novermber, 1941, for example, could hardly have come closer to Panchsheel when it proposed the adoption of four "fundamental principles" in a draft Mutual Declaration of Policy which would embody a settlement for the entire Pacific "upon the principles of peace, law and order and fair dealing among nations":[3]

1. The principle of inviolability of territorial integrity and sovereignty of each and all nations.
2. The principle of non-interference in the internal affairs of other countries.
3. The principle of equality, including equality of commercial opportunity and treatment.
4. The principle of reliance upon international co-operation and conciliation for the prevention and pacific settlement of controversies and for improvement of international conditions by peaceful methods and processes.

[1] Karunakaran, K. P., *India in World Affairs*, p. 67–68. The words "mutual benefit" occurred in Patel's presidential address to the 45th session of the Congress party: independence did not exclude the possibility of equal partnership for mutual benefit, dissolvable at the will of either party. Bimla Prasad, *op. cit.*, p. 100.

[2] Point 14 of the 17-point agreement of May 23, 1951, *The Question of Tibet and the Rule of Law*, p. 141.

[3] Keeton, G. W., *China, the Far East and the Future*, p. 283.

The Japanese memorandum of 7th December, 1941, which broke off negotiations, accused the United States of advocating in the name of world peace those principles favourable to itself; although Japan was ready to accept some in principle it seemed "only a Utopian idea... to attempt to force their immediate adoption."[1] It is one of the ironies of history that here we had America proposing a system of co-existence which was rejected by an Asian country. Thirteen years later the West would be suspicious of a similar initiative by Asia, because of its assumed communist connotations. Point 4 of the United States note even contained a very positive definition of what amounted to peaceful coexistence. The only difference from Panchsheel was the omission of non-aggression, although this could be taken to be implicit in the principle of the inviolability of territorial integrity and sovereignty.

Yet, this difference may be a pointer to the significance of the Sino-Indian agreement of 1954. While its preamble was not substantially different from the friendly generalisations which normally preface treaty provisions, it could be regarded as a formal pledge of Chinese non-interference and non-aggression. As Asian statesmen were particularly concerned with the internal threat of communism they attached importance to a written renunciation of subversive activities. Panchsheel thus became a careful balance between a guarantee to China not to interfere in Tibet or to join alliances against China and a promise by Peking not to meddle in its neighbours internal affairs.[2] The five principles also dealt with external aggression, but this danger seemed less immediate at the time of their enunciation. In both cases great importance was attached to the creation of an aroused public opinion whose alienation China would not care to risk. The moral censure involved in any violation of Panchsheel was expected to be strong enough to dispel the constant threat to the security of the smaller countries and to relax tensions that would otherwise feed on themselves.[3] This approach of "collective peace" as the only alternative to preparation for war was primarily concerned with attempts to resolve world tension hoping that coexistence would ultimately build up into agreement. Would Panchsheel be sufficient to procure this? Western observers were critical and wrote that it was left to China's discretion if it would think it worthwhile to humiliate India by violating the five principles; others described them as impeccable principles to which

[1] *Ibidem*, p. 288.

[2] Zinkin, Taya, "Indian foreign policy: an interpretation of attitudes", *World Politics*, VII (1955) 203–4.

[3] Poplai and Talbot, *India and America*, p. 132.

any would-be aggressor would subscribe, the problem of preserving peace being rather to assure that practice accords with professions.[1]

Although Russian politicians leave the honour of the first formulation of the five principles to Nehru and Chou En-lai,[2] it is possible to trace them in the writings of Soviet experts on international law. Professor Krylov listed six "elementary notions" in the Soviet conception of International Law.[3]

1. The obligation of assuring peace and security and of maintaining international co-operation.
2. Maintaining economic relations on the basis of equality.
3. Recognition of the equality of the rights of nations and states, of their sovereignty, and of the principle of non-intervention in the internal matters of another State.
4. The obligatory character of international treaties.
5. The inviolability of the territory from external aggression.
6. The criminal character of aggression, the punishment which the aggressor should suffer and the legitimacy of just war.

In the Soviet draft of 1954 for a European Security Treaty these points are comprised in the preamble as follows: "With a view to strengthening international cooperation in conformity with the principles of respect for the independence and sovereignty of states and of non-interference in their internal affairs."[4]

It has even been argued that a model for the five principles is given in the Litvinov note to President Roosevelt on the establishment of relations between the USSR and the United States, prompted by the Russian desire in the thirties to have peace, coexistence, mutual assistance and allies.[5] "Peaceful coexistence" can be found in the communist ideology of Lenin and Stalin around 1925 and was more recently defined in Khrushchev's article in Foreign Affairs.[6] Small wonder then that Soviet writers seized upon Panchsheel as the essence of modern international law. The only important rule it did not mention, that of *pacta sunt servanda*, was such a basic and generally understood condition for the maintenance of law that they saw no need for restating it.[7] The five principles would apply to contacts between countries with differing social systems, as socialist states went beyond mere coexistence.

[1] *The Economist*, May 17, 1956; *Daily Telegraph*, Dec. 24, 1954; Sharma, S. R., *India's foreign policy*, p. 126.

[2] *New York Times*, Feb. 15, 1956, "Krutshev mentions coexistence principles."

[3] Krylov, Prof. Serge B., "Les notions principales du droit des gens." Académie de Droit International, *Recueil des Cours*, 1947, p. 407.

[4] *New York Times*, Feb. 11, 1954.

[5] Note of Nov. 16, 1933. Thayer, Ph. W. (ed.), *Nationalism and Progress in Free Asia*, p. 314.

[6] "On Peaceful Coexistence," *Foreign Affairs*, 38 (1959) 1–18.

[7] Durdenewski, W. N. and Lasarew, M. L., *Für den Frieden zwischen den Völkeren. Die fünf Prinzipien der friedlichen Koexistenz*, p. 24.

Their relations were governed by brotherly friendship, mutual aid and cooperation based on socialist internationalism.

Formulas of Western origin also contain the combination of sovereignty and territorial integrity, the idea being that an attack on territory diminishes the power of the state and therefore the sphere of its sovereignty. But modern international law is built up by the limitations of sovereignty, freely accepted by sovereign states. The difference with Soviet theory becomes apparent when the latter applies the concept of absolute sovereignty and rejects any diminution. It then opposes military bases abroad, because they affect the power of the host government Similarly the idea of world government is discarded as a negation of peaceful coexistence which would lead to liquidation of the United Nations and the veto principle. The inability to conceive of half-sovereign states added to the Chinese desire for the complete integration of Tibet with the rest of their country. Their reinterpretation of ancient relationships in the Himalayan area may yet cause great difficulties. The various forms of vassals and tributes, which suggest a subordination of one group to another are already difficult to place in Western international law, let alone in Marxist theory, which tends to inflate limited legal rights to full sovereignty.

The interdiction of aggression is extended by the Soviet writers to include preparations, threats and warpropaganda. They also read into it the solution of disputes through negotiations and other peaceful means and cite with approval the Soviet-Afghan treaty of 1931 in which each party undertook to refrain from entering into alliances which were directed against the other.[1] The duty of non-intervention, including indirect forms like subversion and sabotage, is qualified by the condition that the activities of the other state do not threaten world peace and international security. But states derive from it the right to follow a neutral course which is recognised as a form of peaceful coexistence.[2] At this stage of their analysis the suggestion that attempts are made to export the Russian revolution are dealt with as pure nonsense. The possibility is denied of waging revolutions from outside; to quote Lenin, they cannot be made to order.

In communist thinking equality and sovereignty are closely related and both lead to a rejection of unequal treaties. Only mutual benefit, without any discrimination, forms a satisfactory basis for international relations. The trade conference in Moscow of April, 1952 is mentioned

[1] *Ibidem*, p. 38, 44, 48.
[2] *Ibidem*, p. 50, 54.

for its declaration that differences between social systems do not constitute an obstacle for closer economic contacts which rest upon equality and mutual benefit. Mikojan added later that lasting peaceful coexistence would be inconceivable without trade.[1] But these considerations do not apply to aid for dependent peoples. Then "brotherly and unselfish" help is given to establish freedom and equality without political strings attached. Finally, peaceful coexistence as a separate principle is not deemed superfluous, because it is positive where the previous four tend to restrain only. It aims at finding common, binding elements to broaden contacts and to hold the warmongers in check.

The realisation that Panchsheel could easily be fitted into the communist theoretical framework made Western statesmen hesitant to voice approval. As they became aware of the generality of the five principles and also of the value which India attached to this attempt to formulate an Asian contribution to political philosophy, stress was laid on their compatibility with Western thinking. Addressing Indian members of Parliament Eden referred to them in the context of the need for recognition by nations of the sovereignty and independence of others and commended these principles as a path towards coexistence in the world today.[2] Similarly the American Ambassador declared that his country had always practised Panchsheel in word and deeds,[3] and a lecture by Lord Home in New Delhi compared Nehru's "principles of living together in world society to which all will subscribe" with the objectives of the Commonwealth and interpreted them as identical.[4]

The Interparliamentary Union at its Helsinki meeting passed a resolution on juridical and moral principles of coexistence, requiring the loyal observance by all governments of the rules of international law and particularly the following principles:

a) Mutual respect for the territorial integrity, sovereignty and equality of each country;
b) Renunciation of all interference in the internal affairs of other countries;
c) Non-aggression.[5]

Materially these precepts differed little from Panchsheel, except that they did not lead up to peaceful coexistence as a separately stated principle. The absence of "peaceful coexistence" which in the Indian

[1] *Ibidem*, p. 66. Mikojan before 20th Congress of the C.P.S.U.
[2] *Times of India*, March 4, 1955.
[3] Ambassador Sherman Cooper, Sept. 27, 1955. *Panchsheel, op. cit.*, p. 8.
[4] Oct. 22, 1955. *Panchsheel, Its Meaning and History*, p. 25.
[5] Helsinki, Aug. 29, 1955. *Ibidem*, p. 23.

concept was the culmination of strict observance of the other four principles may be explained by Western disapproval of the term because it had different meanings in Eastern and Western vocabularies; for the communists it would signify "a temporary detente during which they can build up communist strength and sap the will of the free world, a state of what has been called provisional non-belligerency."[1] The same reluctance to use communist terminology was apparent in the Indo-Chilean joint statement, which otherwise closely followed the order of Panchsheel:

1. Equality of states and respect for their integrity and territorial sovereignty.
2. Non-intervention in the internal affairs of other states.
3. Aggression shall not be an instrument of national and international policy.
4. Necessity and the benefits of collaboration between the two countries.
5. International problems should be solved by peaceful means.[2]

In the communiqués, statements and agreements between Afro-Asian countries among themselves or with members of the communist bloc the espousal of the five principles, sometimes including the code-word "Panchsheel," was much more frequent. They appeared in the joint statements between Nehru and Tito, Sihanouk, Bulganin, the Polish Premier, King Ibn Saoud and Emperor Haile Selassie, but also in the treaty of friendship between China and the DDR and the declarations by the Soviet Union and Sweden or Cambodia and Poland. Later the Bandung principles which will be treated in the next chapter reached temporary prominence, particularly in statements involving Middle Eastern and Soviet statesmen. In 1957 the five principles turn up again in communiques, first by Chinese leaders visiting European communist capitals, but subsequently also in other texts. Since then we may find Panchsheel and the Bandung declaration side by side or used separately, without any obvious reason for the choice. Pro-Western countries in Asia, however, referred only to the ten points of Bandung. Despite accusations that the border dispute had demonstrated Chinese violations of Panchsheel, Peking continued to include the five principles in its statements.

The non-aligned Summit conference at Belgrade in 1961 supported the five principles as "the only alternative to the cold war and to a possible general nuclear catastrophe" but, as a result of the prevalent anti-colonialist mood, also gave them a wider interpretation. The

[1] Sir Roger Makins in *Foreign Affairs*, 33 (1954) 1–16; he preferred "modus vivendi", as it more closely expressed the idea of a balance resting on peace through strength.

[2] Statement of April 16, 1957 signed by Jawaharlal Nehru and Oswaldo Sainte Marie. *Panchsheel, op. cit.*, p. 35.

principles were not enumerated exhaustively and the communiqué only said that they included the right of peoples to self-determination, to independence and to the free determination of the forms and methods of economic, social and cultural development.[1] The new additions gave expression to the dilemma, faced by many who were sympathetic to the ideas behind Panchsheel, that it implied recognition of the status quo.[2] They could not accept it as meaning contentment with a state of affairs in which people were not free and nations not independent everywhere. For Nehru this difficulty never seemed to weigh heavily. His anti-colonial record was unblemished, but he regarded colonialism as a thing of the past and wanted to concentrate on the larger problem of East-West relations. Communist suppression in Eastern Europe was too remote for him and too much of an established fact to influence his fundamental thinking.

Nehru's speech attached primary importance to the threat of nuclear conflict which the non-aligned states alone could not substantially alleviate. "We must not overestimate our own importance" he stated while refusing to suggest any specific course of action in big power issues, for instance the Berlin question. He impressed upon the delegates the following definition of their task:[3]

> We cannot really lay down any terms on which they should negotiate. But it is our duty and function to say that they must negotiate, and any party that does not do so does tremendous injury to the human race.

Mrs. Bandaranaike added that the conference should not pose as the guardian of international morality and U Nu showed a similar restraint. Their interventions averted the danger of the formation of a third bloc which had no cohesion except the desire to remain outside military blocs and which could easily have drifted towards a demagogic anticolonialism. Its creation would have complicated the international situation without changing the existing power-relationships. At Belgrade it even proved to be impossible to establish any permanent institutions.

The counsel of moderation met with considerable resistance, which may have induced Nehru to agree to enlarging Panchsheel with some obviously acceptable points. Their sudden emergence, however, did not contribute to give precision to already vague concepts. The decla-

[1] Declaration of the Heads of State or Government of non-aligned countries. Belgrade, Sept. 6, 1961.

[2] Chacko, C. J., "Peaceful coexistence as a doctrine of current international affairs," *I.Y.I.A.*, p. 35.

[3] *Conference of Heads of State or Government of non-aligned countries*, p. 111, 113.

ration that the five principles "must be the only basis of all international relations" would lose much of its meaning if it became possible to deduce new rules from them more or less at will.

If Bandung constituted, as we shall see presently, the end of an Afro-Asian inferiority complex, Belgrade marked almost excessive self-confidence. Bandung prohibited intervention in the internal affairs of another country. Although refrained from substantial interference in international disputes, Belgrade went a step further and acknowledged a duty to intervene in the interest of world peace.[1] The importance of the conference in the light of the present study lies in the maintenance of the five principles by the uncommitted world after the Sino-Indian conflict had produced its first clashes. While China claimed continuing allegiance to Panchsheel the non-aligned leaders did the same and were not deterred by the lack of protection India had experienced from her adherence.

[1] "De Bandoung à Belgrade," *Etudes Méditerranénnes*, No. 10 (1961) 44–78.

CHAPTER IV

PANCHSHEEL AND AFRO-ASIAN COOPERATION

Before the principles of peaceful coexistence were discussed at Bandung they figured at the conferences of Colombo and Bogor. At the invitation of the Prime Minister of Ceylon, Sir John Kotelawala, his colleagues from Burma, India, Indonesia and Pakistan joined him at Colombo during the last week of April, 1954. In his autobiography Sir John wrote that originally he did not intend to include Indonesia but was persuaded by the argument that its cultural and political background was similar to that of the four former British colonies.[1] It happened to be the Indonesian Prime Minister, Ali Sastroamidjojo, who put forward the idea of holding a conference of Asian and African nations, which later was embodied in one of the conclusions, requesting the Indonesian representative to explore the possibilities of such a meeting.[2]

To the outside world the five Premiers showed a large degree of agreement, though mainly concerned with relatively abstract matters, but between them serious difficulties seem to have arisen before the final communiqué could be agreed upon.[3] The timing of the meeting – during the Geneva Conference on Indo-China, which showed one of the rare detentes between East and West – added to its importance, but also provided a stimulus to reach agreement. The announcement of the conclusion of the Sino-Indian agreement on April 29 came just before the closing session, a coincidence, which some Indian periodicals interpreted as a Chinese propagandist move to show goodwill to the countries of Asia.[4] Prime Minister Nehru used his visit to Ceylon to explain the agreement in a broadcast from Colombo,[5] in which he emphasised its broader significance. Although the political and economic structures of India and China were different, India had nevertheless been able to achieve this agreement, which, in his opinion,

[1] Kotelawala, Sir John, *An Asian Prime Minister's Story*, p. 118.
[2] *Ibidem*, p. 174.
[3] *Ibidem*, p. 124.
[4] *Eastern Economist*, May 7, 1954, p. 741.
[5] May 2, 1954; *Nehru's speeches 1953–1957*, p. 253.

would help in the maintenance of peace in Asia. "It is from this wider point of view that I have welcomed this agreement and I would like you also to consider it in this wider context."

During the summer of 1954 the Indonesian Premier elaborated his proposal for an Afro-Asian conference, to be preceded by a preparatory meeting at Bogor in December. According to Professor Kahin immediate enthousiasm came only from Pakistan while Ceylon was willing to attend, but Burma and India were reluctant.[1] His statement about Nehru's scepticism seems quite correct; in fact, India only was persuaded to attend the preliminary Bogor conference after the visit of Ali Sastroamidjojo to New Delhi in September, 1954, while a positive assessment of an Afro-Asian meeting seems to date from Nehru's return from China two months later. It is doubtful, however, whether Pakistan's attitude is correctly described as enthusiasm. Mohammed Ali was last in announcing his participation in the Bogor meeting and had strong apprehensions concerning possible invitations to China and Israel as well as efforts towards institutionalisation of the gathering. It seems, therefore, more correct to say that none of the four countries approached by Indonesia was entirely without reservations, but that Ceylon as convener of the Colombo conference could not object to an extension of its own idea, while the other countries were persuaded by the personal visits of the Indonesian Premier, whom they did not want to confront with an outright refusal. Contrasting with his earlier reluctance, Nehru took an active and even leading part in the meeting at Bogor. The Indian draft for the final communiqué included a reference to the five principles which was omitted, however, after Mohammed Ali had declared that he could accept them only if the right to collective self-defence were added. At the Bandung conference the same argument would prevent the adoption of the original formula of Panchsheel. The list of invitations for Bandung caused considerable difficulties to the five sponsors: U Nu, supported by Nehru, championed China's participation against opposition from Pakistan and Ceylon, but also from Indonesia; he seems to have treated this point as a condition for Burma's participation in the conference. Initially Indonesia was against an invitation to Japan, but yielded to Ceylonese insistence. The initiative of Burma and India to invite Israel failed as it would keep the Arab countries away from the conference.

[1] Kahin, George McT., *The Asian African Conference*, p. 2. The author was present at the Bandung Conference.

The joint statement by the five sponsors mentioned four points for consideration by the Asian-African conference.

1. to promote goodwill and cooperation among the nations of Asia and Africa, to explore and advance their mutual as well as common interests and to establish and further friendliness and neighbourly relations;
2. to consider social, economic and cultural problems and relations of the countries represented;
3. to consider problems of special interest to Asian and African peoples, e.g. problems affecting national sovereignty and racialism and colonialism;
4. to view the position of Asia and Africa and their peoples in the world of today and the contribution they can make to the promotion of world peace and cooperation.

The sponsors made it clear that participation in the conference would in no way constitute a change of position with regard to the status of any other country present, and the possibility of the formation of a regional block was rejected in advance.

The Indian press wat not over-enthusiastic about the prospect of Bandung. The Amrita Bazar Patrika had the feeling that the Bogor Conference "was held against the better judgment of some Prime Ministers and yet it had to take place because an initially unmanageable and farfetched idea had to be endowed with some sense of logic." Nevertheless, the paper thought, Nehru wanted the A.A. conference to be diplomatically successful and not "a Jamboree for agitation."[1] The Pioneer wrote that Afro-Asian solidarity rested too much upon negative elements such as racial feelings and anti-colonialism; the paper welcomed, however, the suggestion for economic cooperation. The reservations held by these two papers were a reflection of India's reluctance to participate. The awareness of the limited nature, if not decrease, of Asian cohesion originated from the Asian Relations Conference held at Delhi in 1947, to be confirmed by the Asian Conference on Indonesia in 1949 and the extension of the Cold War to Asia. The hopes cherished by several Indian leaders at the time of independence that free Asia could be united in some form, possibly under Indian leadership, had evaporated.

The shift in Nehru's attitude deserves more attention in connection with the Indian relationship to China. He had always been conscious of the need for friendly relations with China; his inaugural broadcast as de facto Prime Minister outlined the programme of his government and emphasized the need for close ties with the countries of Asia, notably with South East Asia and China.[2] Yet, personal contacts with

[1] *Amrita Bazar Patrika*, Calcutta, Jan. 3, 1955.
[2] Sept. 7, 1946. Brecher, M., *Nehru – a political biography*, p. 321.

the Chinese leaders were rather slow to materialise and were usually left to other members of the Indian Cabinet, especially to Krishna Menon, at that time Minister without Portfolio. The first meeting between Chou En-lai and Nehru took place at New Delhi on June 25, 1954, in response to an invitation forwarded by Krishna Menon. The time for his visit was set by Chou En-lai himself and Nehru had to postpone his holiday; again there may have been a significance in the date as it coincided with the Churchill-Eisenhower talks in Washington. After Delhi Chou called on U Nu of Burma in the company of N. R. Pillai, Secretary-General of the Indian Ministry of External Affairs. On each occasion the communiqué contained the Panchsheel principles in full, which is the reason why from the Chinese side Burma is mentioned as one of their founding fathers. The communiqué after the talks with Nehru encountered certain difficulties of translation,[1] thus giving India her first taste of different meanings of seemingly similar expressions.

In the context of the present study the most significant aspect of the Delhi talks was Nehru's reported resistance to pressure from Chou En-lai to set up permanent machinery through which Asian nations could consult among themselves.[2] One Indian commentator[3] concluded that for the first time Nehru had experienced pressure against his mediatory role from the East as there had constantly been from the West, but that he had deftly refused to be drawn into a position wherein he would appear closer to China than to America. The opposition to the creation of a permanent organisation followed from his repudiation of any block-formation; moreover, the Chinese proposal would have gone much further than the idea of an Asian conference about which he already harboured serious reservations.

India attached great importance to the visit which provided an opportunity not only to explain her policies, but also to voice certain anxieties. In a conversation between the Chinese guest and India's outspoken Vice-President and philosopher, Dr. Radhakrishnan, the latter emphasised that a country is judged according to its non-aggressiveness towards its neighbours and to the degree of civil liberties accorded to its citizens.[4] At the official banquet Nehru said that "what mattered most to the peace of Asia and the world was how

[1] *Hindustan Times*, Sept. 9, 1954. Bondurant and Fisher, *op. cit.*, p. 72.

[2] *Ibidem*, p. 15–16. Instead Chou En-lai found himself in the position of commending India's association with the Commonwealth.

[3] Dr. Krishnalal Shridharani in *Amrita Bazar Patrika*, June 7, 1954.

[4] *The Hindu*, Sept. 28, 1954. Bondurant and Fisher, *op. cit.*, p. 69.

India and China behaved towards each other and on the degree of cooperation they could show in mutual relations."[1] In one of his periodical letters to the Congress leaders of Ministries in the States of the Indian Union, he pointed out that the Peking Government had to be given a chance to prove whether or not it would honour the pledge to follow a peaceful course as given by its adherence to Panchsheel.[2] Although he had a "margin of doubt" he believed that China would actually maintain this policy. The press described the Chinese motive for the visit as an examination of the extent to which its most important neighbour, India, carried out a truly independent foreign policy.[3] Chou En-lai's repeated use of the phrase "principal Asian countries" in which he included India and China, was considered flattering, but not quite in agreement with his emphasis on equality.

Nehru paid his return visit to China in October, 1954. Like his trip in 1939, the moment came at an important juncture in internal politics. As a result of criticism and lack of the desired rate of progress Nehru had offered to resign, perhaps partly in an effort to rally his people and party behind his programme, but certainly to a large degree as an expression of disappointment concerning its realisation. His offer was countered by a wave of popular support, like it would be in similar circumstances in 1958, but the personal feeling of staleness was not removed until after his return from China. Brecher writes in his interesting biography: "The China tour served as a tonic, as well as a challenge,"[4] which can be applied both in the domestic and international spheres. Internally the Indian National Congress was ready to adopt the "socialist pattern of society" at its annual conference at Avadi (January 1955). Nehru had denied that China had anything to do with it[5] or that he was thinking in terms of competition with China,[6] but the impressions gathered during his tour could hardly have failed to influence his assessment of the direction in which India should be moving. Chinese energy, discipline and the effective use of masses of labourers all contributed to awe him. In the field of foreign policy the trip had an effect, though perhaps more of a confirming nature, on Nehru's assessment of Chinese communism: "They have evolved a political and economic system which is partly based on their

[1] *Ibidem*, p. 73.
[2] Kahin, G. M., *op. cit.*, p. 8.
[3] *The Hindu*, Sept. 30, 1954.
[4] Brecher, M., *op. cit.*, p. 506.
[5] *Ibidem*, p. 529.
[6] Mende, Tibor, *Conversations with Nehru*, p. 104.

Marxist ideas, and partly adapted to conditions in China. We all know that it is not full-blooded communism." The problems China and India were facing had more similarities than those of the thinly populated Soviet Union, so that India would have more to learn from China.[1] In short, Nehru saw the Peking regime as the culmination of a century long revolution; finally China was united after years of chaos. The country must be so occupied with internal problems that there should be no serious threat to India, although in the long run a certain rivalry could become inevitable. For the present the Indian Prime Minister was convinced that Chinese nationalism played a far more important part than communism and that Chinese civilisation was too old to succumb completely to Marxist dogma. Present Chinese rulers were undoubtedly communists, but partly adapted to local conditions. In his reasoning it was Western policy which had brought China so close to the Soviet Union,[2] on which it relied heavily for technical advance. Nehru had no intention of asking for or giving any guarantees because he would strongly resent any country asking him for a promise of good behaviour. Asked about the effect of Panchsheel on international communism and its subversive activities Nehru replied that internal interference naturally referred to any kind of encouragement or help given in such manner. He was convinced however, that China wanted peace and thought of three or four 5-year plans to lay the foundations of a socialist state. "So the question of aggression, internal or external, has to be seen in that context and their desire not to get into trouble."[3] India's northern border was not discussed as everybody knew that India administered the area south of the McMahon Line.

In a letter to the Presidents of the Pradesh Congress Committees Nehru had earlier referred to his communiqué with Chou En-lai as only giving "expression to something that has been happening for some time, something that is giving Asia a place of her own in world affairs." His policy was not a passive or merely neutral policy, but a dynamic one based on certain definite principles and objectives, as well as certain methods. Its emphasis on peaceful coexistence was not only a natural ideal for India, but was dictated by every consideration of intelligent self-interest.[4]

While the Indian Prime Minister, neither at the time of Chou

[1] Press Conference, New Delhi, Nov. 13, 1954. *Nehru's Speeches 1953–1957*, p. 274–278.
[2] Brecher, M., *op. cit.*, p. 590, 591.
[3] *Sunday Statesman*, New Delhi, Nov. 14, 1954.
[4] Nehru, J., *Letters to the P.C.C. Presidents*, p. 8–12.

En-lai's visit, nor at that of Sastroamidjojo's, was keen on a meeting of Asian countries, it seems likely that his trip to China gave him the conviction that an environment should be created in which it should be difficult or at least awkward for China to flout the principles of Panchsheel. This could best be done by a reiteration of China's pledge of adherence before a forum of Asian public opinion.

THE BANDUNG CONFERENCE

When the invitations were issued there seemed to be a chance that various countries, particularly those linked with the West through security pacts, would not attend the Bandung Conference. Gradually, however, their position changed towards acceptance as the presence of communist countries could best be counteracted by as large a representation of pro-Western countries as possible. It is, therefore, difficult to state the objectives of the conference in general terms, except the ones mentioned in the Bogor communiqué. Kahin distinguished three main purposes:

a) to avoid an armed conflict between the United States and China;
b) to encourage the development of China's diplomatic independence of Soviet Russia;
c) to contain the Chinese and Vietminh military power at the southern border of China and to combat subversive communist activities.[1]

This interpretation seems to centre too much on the China problem, which left the countries of West Asia relatively unaffected. It also seems an exaggeration to suggest that an attempt was made to bring about a loosening of the ties between China and Russia. This was rather a traditional Western objective while the Asian interests centered around the elimination of the dangers inherent in Chinese proximity or the existence of a large Chinese minority. Moreover, well before the conference Peking had drawn attention to the joint Sino-Russian declaration of October, 1954 stating their desire to build relations with Asia and other countries on strict observance of Panchsheel. "From this it will be seen that the position maintained by the Soviet Union in international relations is consistent with the aims of the Afro-Asian Conference." From its side Moscow was quick in showing that there was no disagreement in the communist camp by a statement approving the conference, while at the same time expressing what it

[1] Kahin, G. M., *op. cit.*, p. 5.

considered essential: the equality of states, non-intervention in internal affairs, non-aggression, non-interference with the territorial integrity of other states and ceaseless respect for their sovereignty and national independence.[1] The fact that both sides in the cold war realised the importance of Bandung was further demonstrated by Eisenhower's announcement of his Presidential fund for aid to Asia on the eve of the opening session. A better analysis of Asian motives would say that faced with the necessity to accept China's presence in Asia the countries at Bandung were prepared to underplay the communist aspects if they could extract a maximum of promises which would commit her to a peaceful course towards her neighbours. Chou's talent for diplomacy capitalised on this anxiety and his assurances, even to pro-Western delegations, accounted for the sudden increase in goodwill for China. In a larger context Bandung was plainly a political demonstration to show that from now on the voice of Asia should be reckoned with. The Afro-Asian countries had the immense satisfaction of seeing their first great council held in an atmosphere of dignity and sanity. This success and the reasonable attitude of China raised high hopes of finding common solutions for Asian problems. Various proposals were made concerning the future of Formosa. Kotelawala suggested a trusteeship by the five sponsoring powers and Nehru, aided by Krishna Menon, arranged a number of private meetings with the Chinese delegation. These seemed unsuccessful when suddenly Chou En-lai announced at Sir John's luncheon table that he did not want war with the United States and that he was willing to start negotiations to relax tension, particularly on the Formosa question. There may have been some significance in the fact that Chou chose to make his statement independently of Indian mediation, although later it was reported that Menon would go to Peking to continue talks on Formosa.

Indian attempts to have Panchsheel accepted did not succeed. At a press-conference the Prime Minister of Ceylon expressed "doubts and misgivings" concerning the five principles. Pakistan introduced the "Seven Pillars of Peace," which added the right of self-defence, exercised solely or collectively, and the obligation to settle all international disputes by peaceful means, namely negotiation or arbitration. Turkey apparently saw some Wisdom in these Pillars and supported the principle of collective self-defence arguing that to coexist a country must be prepared to defend itself which, for the smaller countries, meant collective arrangements. President Nasser

[1] Sasse, H., *Die asiatisch-afrikanische Staaten auf der Bandung-Konferenz*, p. 13.

had a different set of seven principles, including the reduction of all armaments and armed forces and the elimination of weapons of mass destruction. Only U Nu pleaded for a strengthening of the United Nations by compensating for its deficiencies through adoption of Panchsheel. The Colombo powers tended to fall apart in two groups with Ceylon and Pakistan against Burma, Indonesia and India.[1]

Nehru passionately replied to his critics that India – regardless of her military weakness – could not be conquered and would rely on herself and no one else. If the world were entirely divided between the two power blocks, war was inevitable and each step which reduced the non-aligned area would increase this danger. He maintained that every pact had brought insecurity instead of security and that his five principles were "not a magic formula which will prevent all the ills of the world," but could serve to reduce tension. Later Nehru admitted that the Cominform could not fit in with peaceful coexistence as any organisation with the object of carrying aggressive and interfering propaganda in other countries obviously went against the principle of non-interference.[2] To Jamali of Irak, who had asked if India would be prepared to form a third power block which could give the desired protection, he said that this stage had not yet been reached. At the present time it would bring its members in common danger, while small, unattached states would have greater chance of survival in the event of war.

The Indian Prime Minister undoubtedly antagonised some of the delegates. Kahin called his first speech "rather intemperate," while later in the conference Nehru's qualification of Iran's address as "full of irritation, hatred and disregard"[3] was not in keeping with his normal moderation. The great conciliator of Bandung was Chou En-lai; if the term "peaceful coexistence" were unacceptable to some delegates, he proposed to replace it by the words from the preamble of the U.N. "live together in peace." China supported the five principles but they could be added to or subtracted from; he suggested seven:[4]

1. Respect for each other's sovereignty and territorial integrity (China was prepared to enter into peaceful border settlements and to preserve the status quo in anticipation thereof).

[1] Kahin, G. M., *op. cit.*, p. 21–23. Keynes, Mary K., "The Bandung Conference," p. 366.
[2] Kahin, G. M., *op. cit.*, p. 30.
[3] *Ibidem*, p. 72.
[4] On April 23, 1955. Kahin, G. M., *op. cit.*, p. 60.

2. Abstention from aggression and threats (Chou had given relevant assurances to Prince Wan of Thailand and Romulo of the Philippines).
3. Abstinence from interference in internal affairs.
4. Racial equality and non-discrimination.
5. Equality of all nations.
6. Right of the people of all countries to choose freely their political and economic systems; and
7. The abstention from doing damage to each other; relations between countries should be mutually beneficial. (In the political committee Chou added "As to the determination of common borders which we are going to undertake with our neighbouring countries we shall use only peaceful means and we shall not permit any other kinds of methods. In any case we shall not change this.")

The points made by Chou were embodied with a somewhat different wording in the Burmese resolution introduced in the political committee.[1] Nehru lent his support as Panchsheel had "more or less been included." Work in the drafting committee almost ended in a stalemate which was only avoided by Chou's acceptance of the right of self-defence and by changing the condemnation of colonialism in all its forms into "colonialism in all its manifestations is an evil..." The recognition of collective self-defence, which was included at the insistence of the pro-Western participants and ran counter to Nehru's conception of the undesirability of military alliances, apparently presented no problem to communist theorists. Soviet writers thought the increase in the number of principles meaningful since the political and juridical basis of international relations expanded to the same extent as the growth of mutual agreement and friendly contacts. It would, therefore, be logical to add to the basic rules of such active cooperation.[2] In the final declaration on the promotion of world peace and cooperation, however, ten points were listed, which included the principles added by Pakistan:

1. Respect for fundamental human rights and for the purposes and principles of the Charter of the U.N.
2. Respect for the sovereignty and territorial integrity of all nations.
3. Recognition of the equality of all races and of the equality of all nations large and small.

[1] "The nations assembled at the A.A. conference declare that their relations between themselves, and their approach to the other nations of the world, shall be governed by complete respect for the national sovereignty and integrity of other nations. They will not intervene or interfere in the territory or the internal affairs of each other or of other nations, and will totally refrain from acts or threats of aggression. They recognise the equality of races and of nations, large and small. They will be governed by the desire to promote mutual interest and cooperation, by respect for the fundamental Human Rights and the principles of the Charter of the U.N."

[2] Durdenewski and Lasarew, *Für den Frieden zwischen den Völkern, op. cit.*, p. 18.

4. Abstention from intervention or interference in the internal affairs of another country.
5. Respect for the right of each nation to defend itself singly or collectively in conformity with the Charter of the U.N.
6. (a) Abstention from the use of arrangements of collective defence to serve the particular interests of any of the big powers.
   (b) Abstention by any country from exerting pressure on other countries.
7. Refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any country.
8. Settlement of all international disputes by peaceful means, such as negotiation, conciliation, arbitration or judicial sentiment, as well as other peaceful means of the parties' own choice, in conformity with the Charter of the U.N.
9. Promotion of mutual interests and cooperation.
10. Respect for justice and international obligations.

Indian press comments on the Bandung Conference varied. The vernacular papers were less reserved, but more anti-Western in their assessments: Ujala wrote that China had "made it plain that she was fairly quite different from Russia in many matters" and "if she were not given to a constant fear of attack from the U.S. side she would have behaved still more differently"; China was "essentially an Asian country, and her interests lay primarily on the side of Asia." Aj accused the pro-American members of the conference of attempts "to create an unsavoury atmosphere by their exciting speeches," which fortunately were foiled by the supporters of Panchshila. The paper concluded "the conference may seem to some to have been lost to imperialist manoeuverings today, but its real effect will come in a few years' time."[1] A moderate view was presented by Swatantra Bharat which saw no cause for bitterness in the unfavourable criticism levelled against China by Pakistan and Ceylon; China would do best to tell the world that in the matter of foreign relations she had her own independent policy and peaceful intentions.[2]

Of the English papers the Pioneer took the most sceptical line when writing about Bandung that it was "doubtful whether in the political sphere it can venture beyond the fence of the lowest common denominator – colonialism – without impairing even that surface unity which has been so precariously forged."[3] A week later the same paper wrote "Panch-shila was diluted beyond danger point by the unanimous approval of the right of any nation to defend itself singly or collectively under the United Nations Charter. Pakistan's Ali must have grinned

[1] Both papers of April 22, 1955.
[2] April 19, 1955.
[3] *The Pioneer*, Lucknow, April 21, 1955.

. . . .";[1] in addition, the conference should make India more circumspect and cautious in her moves as intermediary as there was "no particular reason why we should be coaxed into pulling Peking's chestnuts out of the fire for the doubtful benefit of getting our fingers burnt."

The Amrita Bazar Patrika accepted the sincerity of the Peking Government in its profession of peaceful coexistence, particularly because of Chou's willingness to enter into negotiations with the U.S. Government.[2] The Statesman made up the "Bandung Balance" and concluded that the Asian-African Conference appeared to have been well worth while; whether any participants had "seriously modified their opinions remained to be seen, but at any rate references to some subjects may henceforth be more realistic.[3]

The Times of India's editorial was a little pompous in observing that Bandung stood for "human and international decency, for faith in the intrinsic goodness of man and the belief that only through peace can men know and achieve progress." Its Bandung correspondent was on firmer ground when writing that it remained to be seen whether the participating nations would live up to the spirit of the 10-point peace declaration. "But the conference itself has made a powerful impact on public opinion in the two continents," which would make it difficult for any leader to break away from it." The same paper was convinced that Nehru had attempted to create an Afro-Asian area of peace including a China which would build up its own Marxist structure of society conditioned entirely by Chinese needs. "The Chinese, Nehru believes, will always be Chinese."[4]

The Eastern Economist, probably the best economic weekly in Asia, said that the first Colombo conference should have underlined the point that Indian foreign policy in its attempt to lean towards China was out of step with the feeling in South East Asia, and in particular with two, or even three, of the Colombo Powers. The second conference had shown even more that there was a danger in India's ideological line which could remove her from her South East Asian neighbours. "The maintenance of the least common factor of agreement now implies inevitably that a new restraint has been placed on us – at least on blunt statements of Indian foreign policy." The article continued

[1] *Ibidem*, April 26, 1955.
[2] *Amrita Bazar Patrika*, Calcutta, May 2, 1955.
[3] *The Statesman*, New Delhi, April 26, 1955.
[4] *Times of India*, New Delhi, April 26 and 28, 1955.

that this time, however, there was an advantage, too, in the fact that a similar restraint now applied to China, which could not "afford to pursue its characteristic propaganda line denouncing its neighbours and creating difficulties by the hostile line which seemed to be a weapon of militant communism much more than of peaceful coexistence."[1] Political scientists realised that the new declaration did not contain much which was significantly new, but welcomed it as the first crystallisation of common agreement on fundamental and realistic principles for the promotion of peace. Bandung even constituted an improvement on the U.N. Charter by stating that collective defence arrangements should not serve the particular ends of any of the big powers.[2] In the end the Indian Government acknowledged that the exuberant clamouring for an identity of belief had been superficial and that the unanimous enthusiasm which made Bandung possible had evaporated.[3] India was not keen on having another gathering on a geographical basis only and preferred a non-aligned context where differences between the Asian participants would be less pronounced and, after the eruption of the border dispute in 1962, she would not be forced to meet a Chinese delegation.

Nonaligned summits were held in Belgrado and Cairo in 1960 and 1964,[4] but the preparation of a second Afro-Asian conference met with considerable difficulties. A preliminary meeting at ministerial level was held in Djakarta from April 10 to 15, 1964, which decided to postpone the conference till March 10, 1965 and to convene it in Africa. The question of the composition again turned out to be the most controversial matter. It was decided to invite not only all participants of the Bandung conference and other Afro-Asian states which have become independent since that time but also representatives of all national freedom movement in countries in the area, which had not yet attained independence. Serious conflict arose, however, over the Indian and Ceylonese proposal to invite the Soviet Union and over Indonesian insistence to postpone an invitation to Malaysia and no final decisions were taken. Interest in the meeting was mainly

[1] *Eastern Economist*, New Delhi, April 29, 1955.

[2] Appadorai, A., *The Bandung Conference*, p. 29–30.

[3] Mrs. Lakshmi N. Menon (Minister of State for External Affairs), "Our Policy", *Seminar*, No. 19, p. 17–19.

[4] The agenda of the Cairo conference contained as its second item "Safeguarding and strengthening of world peace and security and promotion of positive trends and new emerging forces in international affairs. A) Peaceful coexistence and the codification of its principles by the U.N., respect for sovereignty of States, and their territorial integrity, problems of divided nations," etc.

shown by Indonesia, Pakistan and China, which jointly opposed Russian membership. The matter subsequently became a subject of the Sino-Soviet controversy with Moscow pressing for participation of *all* states of Asia and Africa but Peking asserting the European character of the Soviet Union.[1]

[1] Soviet Government's statement to the governments of Afro-Asian countries. *Soviet News*, London, May 5, 1964. It declared speculation on slogans of racial solidarity "tantamount to trying to erect some sort of 'great wall of China'." Chinese statement of May 30, 1964, *Press Release* 64039; see also statement by Pakistan Minister for Foreign Affairs, Karachi, April 21, 1964, for the preparatory meeting in Djakarta.

CHAPTER V

INDIA'S POSITION IN INTERNATIONAL CONFLICT

In its directive principles the Indian constitution contains the provision that the state shall endeavour to promote international peace and security, maintain just and honourable relations between nations, foster respect for international law and treaty obligations in the dealings of organized people with one another and encourage settlement of international disputes by arbitration. Little has been done to carry out the final obligation. India did not accede to the revised General Act for the Pacific Settlement of International Disputes, as she was not prepared to accept any rigid rules in regard to this matter. Similarly, no arbitration agreements were entered into because issues involving fundamental political interests were better left to settlement through negotiations.[1] In general, India welcomed those methods of pacific settlement which did not involve an element of compulsion.

JUNAGADH AND HYDERABAD

The integration of the princely states within the Indian Union was a vital issue with international implications at a time when the principles of foreign policy still needed definition from the various Congress Party resolutions adopted under British administration. In the case of Junagadh, which had acceded to Pakistan despite its predominantly Hindu population, India moved very cautiously. Her suggestion of a referendum was not accepted by Pakistan, which considered the accession to be a matter between the Nawab and his subjects only. For a short time the dispute centered on the secondary issue of two small areas which had acceded to India but were also claimed as coming under the suzerainty of Junagadh. Sardar Patel, the Indian deputy Prime Minister, took the view that Junagadh's action in sending troops to one of these areas was no less than an act of aggression which must be met by a show of strength. He rejected the proposal of the Viceroy, Lord Mountbatten, to refer the question to the U.N.,

[1] *India and the United Nations*, p. 120–135. *The Constitution of India*, Art. 51.

because he saw a great disadvantage in being a plaintiff in such cases. British pressure was effective in delaying military action, but ultimately the two disputed areas were taken over. A campain against Junagadh herself became unnecessary after the flight of the Nawab, soon to be followed by a request from the remaining authorities for Indian assistance to the administration pending an honourable settlement of the issues involved in the accession. Three months later a referendum was held which showed only a minute number in favour of joining Pakistan. The Indian Cabinet had originally decided against a joint Pakistan-India plebiscite though they would have no objection to one held under U.N. auspices. In February 1948 a senior judicial official of the Indian Civil Service, who was neither Hindu nor Muslim, was asked to supervise it.

The failure to persuade Hyderabad to accede to India did not directly involve Pakistan and was treated by New Delhi as a purely domestic issue. Hyderabad had never enjoyed a fully independent status and since its creation in 1724 had either relied on the Mogul Emperor's support or leaned heavily on the British. In present day circumstances independence could not be allowed in an enclave with a population of 85% Hindus, but governed by a militant Muslim minority engaging in terrorist activities. An economic blockade followed by a 5-day military campaign in September, 1948 forced the Nizam to accept the Indian constitution. Eight hundred casualties, mainly on the Hyderabad side, served as the first evidence that India would resort to force to meet a threat to her vital interests.[1]

KASHMIR

In the Kashmir dispute India based her case on the contention that the original accession of Kashmir was legal and that therefore Pakistan committed aggression by allowing her nationals to invade the state. India's representative in the Security Council repeatedly demanded that Pakistan must openly be declared an aggressor. Before any concessions could be expected from India this aggression should be "vacated" and Pakistani troops withdrawn. Nevertheless substantial Indian concessions were made in the early stages of the dispute. India modified her original position during the negotiations leading up to the cease-fire agreement, particularly in accepting the principle of a plebiscite to determine the future of Kashmir. Later her stand harden-

[1] Menon, V. P., *The story of the integration of the Indian states*, Chapter VI, Junadagh, Chapters XVII–XIX, Hyderabad.

ed continuously, discarded the suggestion of a plebiscite and opposed Security Council resolutions.

India rejected the proposal of the U.N. Commission for India and Pakistan to submit the points at issue to arbitration, mainly those concerning the disarming of the Azad Kashmir forces and provisions for the defense of the northern area. The suggestion was taken up in the joint appeal by President Truman and Prime Minister Attlee for all points of difference to be settled by arbitration. New Delhi resented that the U.S. and U.K. were informed even before the parties to the conflict had received the text of the proposals. Arbitration was again opposed by India when she rejected the Security Council Resolution which provided for the appointment of a second U.N. Representative to effect the demilitarisation of the state and called on the parties to accept arbitration if discussions with the representative failed to result in full agreement.[1] The efforts of subsequent mediators met with little enthusiasm. Only direct negotiations between the two countries could, it was felt, lead to a satisfactory settlement. Under American and British pressure a series of such meetings finally took place after the Chinese attack on India. The divergence between the two negotiating positions proved to be too wide to make success possible. Pakistan continued to claim the whole of Kashmir and most of Jammu, while India was only prepared to accept the cease-fire line as a basis for partition with minor changes in Pakistan's favour.

The Kashmir issue played a part in the formulation of the Indian position in all subsequent international crises. The aims of anti-colonialism and of preventing the growth of tension between the great powers could normally take precedence over the preoccupation with Kashmir. Self-determination was demanded for people under colonial rule, but discouraged for a non-self governing territory which, as in the case of West New Guinea, was claimed by a successor state to the former colonial power. As time progressed, however, and various Indian minority groups grew in strength a plebiscite in Kashmir became increasingly unattractive, for it would constitute a precedent for other disintegrating forces within the Union.

KOREA

In June 1950 India voted for the first Security Council resolution which determined that the armed attack by forces from North Korea

[1] UNCIP proposal of Aug. 30, 1949 and S.C. Resolution of 30th March, 1951, accepted by Pakistan.

constituted a breach of the peace. In the absence of instructions from Delhi the Indian representative abstained on the resolution recommending such assistance as might be necessary to repel the attack; during the next meeting of the Council he announced his acceptance because India was "opposed to any attempt to settle international disputes by resort to aggression." The halting of aggression and the quick restoration of peaceful conditions were essential preludes to a satisfactory settlement. At the same time it was made clear that this did not involve any modification of Indian foreign policy and the hope was expressed that even at this stage it might be possible to end the fighting and settle the dispute by negotiation.[1]

India did not share the American view that North Korean aggression if not repelled, posed an ultimate threat to the whole of Asia and that it represented a chapter of a world wide communist plan for expansion.[2] The first instance of aloofness from the western position in the conflict was India's withdrawal as a sponsor of the eight-power resolution of the General Assembly establishing the U.N. Commission for the Unification and Rehabilitation of Korea.[3] This text also recommended "that all appropriate steps be taken to ensure conditions of stability throughout Korea," including elections under U.N. auspices for a unified, independent and democratic government, and that U.N. forces should not remain in any part of Korea except in so far as necessary for achieving these objectives. Initially the Indian delegation showed interest in sponsorship but was deterred by the extension of U.N. authority to North Korea and finally introduced its own resolution to create a special subcommittee for the examination of all draft resolutions. The latter could not obtain the necessary two-thirds majority but was supported by the communist members and almost all Asian countries.[4] India abstained on the eight-power resolution.

Korea became the object of India's most determined mediatory effort, inspired by anxiety to localise the conflict. This meant a growing opposition to measures which could result in prolonging North Korean resistance, particularly the crossing of the 38th parallel. After the Chinese military intervention India worked actively for a cease-fire agreement. Her representative, Sir Benegal Rau, on behalf of thirteen Afro-Asian countries proposed a request to the President of the

[1] *Security Council Records*, 5th Year Nos. 15, 16, 17, meetings of June 25, 27 and 30, 1950.
[2] Poplai, S. L., and P. Talbot, *India and America*, p. 117.
[3] Resolution 376 (V) of Oct. 7, 1950.
[4] *De Koreaanse oorlog en de Verenigde Naties*, Netherlands Ministry of Foreign Affairs, No. 26, p. 34.

Assembly to appoint a Commission of three members to recommend a basis on which a cease-fire could be reached. This resolution was adopted against the opposition of only the communist delegations and the commission was composed of Assembly President Entezam, Rau and Pearson from Canada.[1] Rau had several meetings with the Chinese Ambassador Wu, who refused to meet the commission officially and soon returned to Peking. Chou En-lai subsequently declared the commission illegal and identified its efforts with American interests. He objected to making a cease-fire a condition for further negotiations and demanded a withdrawal of all foreign troops from Korea. The Chinese Premier later proposed a seven-nation conference to be held in China and including the Big Five, India and Egypt; at its first meeting a cease fire of limited duration could be agreed on. On behalf of twelve Afro-Asian delegations Rau tabled a resolution calling for a meeting of these seven powers to elucidate the Chinese replies and to make "any incidental or consequential arrangements towards a peaceful settlement of the Korean and other Far Eastern problems."[2] His defence included the argument that the American proposal to brand China an aggressor was hardly an indication of a serious desire to negotiate afterwards. The twelve power resolution did not even obtain a simple majority, but the American resolution was carried overwhelmingly with only India, Burma and the communist states dissenting.[3]

India declined to participate in the U.N. forces under the pretext that her army was barely sufficient for her own defense and only sent a symbolic field ambulance unit. This aloofness enabled India to dissociate herself from the actual fighting. It also produced an attempt to distinguish between the United Nations as a world organisation and as a participant in the military action in Korea.[4] The fact that the U.N. were taking enforcement action against some powers should not, in the Indian view, detract from its world wide basis. Collective measures under the "Uniting for Peace" resolution carried the risk of marshalling nations against one of the big powers, thereby disrupting the organisation.[5]

India abstained on the resolution recommending an embargo on

[1] Resolution 384 (V) of Dec. 14, 1950.

[2] Draft resolution of Jan. 24, 1951, later amended to include that a cease-fire would be the first measure of the conference.

[3] Resolution 498 (V) of Feb. 1, 1951.

[4] See in particular the Indian proposals on the prisoners of war. *G.A.O.R.* 7th session, Annexes, Vol. I, Agenda item 16, p. 32–35.

[5] *India and the United Nations*, p. 153.

shipments to Chinese controlled territory of arms and petroleum, but declared that she did not export any of these commodities to China.

In the autumn of 1952 India saw a new opening for a cease-fire agreement when the problem of the prisoners of war appeared to be the only stumbling block. She considered that their repatriation should be effected in accordance with the Geneva Convention of 1949 and that "force shall not be used against prisoners of war to prevent or effect their return to their homelands." Seventeen points were listed to elaborate these principles, which aimed at a compromise between western rejection of forced repatriation and communist objections to forced detention by removing the prisoners from the control of both parties and entrusting them to the Repatriation Commission. The Soviet delegate, however, severely criticised the Indian suggestion which in his opinion only served American interests and would lengthen the hostilities. In the debate Krishna Menon dissociated himself sharply from American policy but also rejected Soviet amendments. Despite Western irritation caused by Menon's selfrighteous manner, his resolution was adopted and only the communist bloc cast five negative votes.[1]

Soon after Stalin's death Chou En-lai changed his position on the issue of the prisoners and proposed their transfer to a neutral power. This was acceptable to the U.N. command, which suggested Switzerland, but the communist negotiator preferred an Asian custodian and suddenly switched back to a neutral nations repatriation commission showing many similarities to the Indian plan which had been subjected to fierce communist criticism five months earlier. While the U.N. resolution provided for membership of Czechoslovakia, Poland, Sweden and Switzerland, India was now added as a fifth member. The armistice agreement was signed on July 27, 1953 and attention switched to the preparation of a political conference. The United States preferred participation of belligerents only, the United Kingdom and France wanted inclusion of the Soviet Union and India, while the Soviet Union attempted to invite even more non-belligerents to the conference. No decision was taken until the Four Power meeting of January-February 1954 at Berlin proposed a conference at Geneva of representatives of the U.S., U.K., France, U.S.S.R., Chinese People's Republic, the Republic of Korea, the People's Democratic Republic of Korea and the other countries, whose armed forces participated in

[1] Resolution 610 (VII) of Dec. 3, 1952.

the hostilities in Korea and which desired to attend. India was thus excluded from membership.[1]

General Thimayya, the Indian Chairman of the Repatriation Commission showed great independence in the execution of his task. The exchange of prisoners willing to return to their homeland produced no difficulties, but the commission was divided over the methods in respect of the anti-communist North Koreans. These prisoners first refused to appear before the propaganda teams from the North, but Thimayya was succesful in convincing large groups of the necessity of listening to the communist speakers. He was, however, very firm in rejecting the use of force to take them to the interviews. At the end of the period of 60 days prescribed for the information campaign the chairman terminated it even though as a result of communist procrastination only a small number of the prisoners had been addressed. When both sides failed to reach agreement about what to do next with the prisoners, Thimayya returned those desiring to stay in the South to the U.N. command, which freed them soon afterwards. The communist refusal to accept those wishing to go to North Korea did not prevent the withdrawal of the Indian guards.

The role of India in the Korean question was the most succesful example of her policy of positive neutralism exploring the narrow field where compromise seemed possible. Her concept of a solution remained open to reasonable western amendments but did not yield to the barrage of fundamental Soviet objections, which was particularly heavy during Stalin's lifetime. The inclusion of the Indian suggestions into a Chinese and North Korean proposal outside the sphere of the United Nations yielded little credit to India beyond membership of the repatriation commission. It further demonstrated that if communists decided on a change of policy they were prepared to make use of the spadework done by others but did not contemplate any formal mediation by a third party. The same characteristic will be encountered in the Sino-Indian border dispute. The tricky problem of the prisoners was solved by general Thimayya with a combination of realism, humanitarian considerations and a strictly legalistic interpretation of his mandate, which left few opportunities for communist attacks and received wide praise in the West.

[1] Joint statement of Feb. 18, 1954.

SUEZ AND HUNGARY

India, and particularly Nehru, were noticeably slow in condemning Soviet interference in Hungary, which contrasted sharply with the cry of alarm at the Suez crisis. Suez was a reminder of Western dominance in Asia. Nehru was genuinely shocked and found it difficult to deal with "this record of unabashed aggression and deception."[1] It concerned a non-aligned country and was likely to bring the great power struggle to a strategic area. Moreover, progressive Arab nationalism as practised by Egypt should be upheld as minimising the danger of unqualified Muslim support for Pakistan and an anti-Indian course.

Indian efforts towards obtaining the withdrawal of foreign troops and her participation in UNEF stemmed from anti-colonial policy and fear of great power intervention. It was also consistent with her stand on Kashmir where she had consented to U.N. supervision of the cease-fire line. Participation in the U.N. forces in the Congo, which had a wider mandate than the supervision of armistices, went a step further. Prompted by the same desire to keep the big powers out of Africa India worked towards the elimination of foreign control and the promotion of the unity and development of the country, which resulted for the first time in her participation in collective measures by military forces. Support for the United Nations, which were then threatened by the Russian Troika proposal, took precedence over possible implications for the Kashmir issue.[2]

In the Hungarian question India was the only non-communist country to oppose the resolution asking for free elections. Earlier she had abstained on the U.S. sponsored resolution calling upon the Soviet Union to desist from all armed attacks and to withdraw its forces without delay. Krishna Menon pleaded for confining the discussion to practicable matters and to avoid actions that would aggravate the situation. He rejected a call for free elections because this would be an infringement of Hungarian sovereignty. Another member of the Indian delegation seemed to forget his country's stand on Kashmir when he regretted the fact that the U.N. were unable to hold plebiscites; in his opinion there would be many members of the free world

[1] *Lok Sabha Official Records*, Part II, Vol. 9, No. 3. Col. 260–267.

[2] Moreover, the Indian case against a U.N. force to effect the demilitarisation of Kashmir had already been strenghtened by the Soviet veto, cast in October 1958 on the grounds that this task would exceed the powers granted by the Charter.

who would hate to hold plebiscites in their own countries or in various territories under their control.[1]

At first Nehru only regarded the Hungarian uprising as a civil war. His description was rapidly adopted by Menon, who lectured to the General Assembly on the objectionable character of violence, whether applied by the government or by the people of a country.[2] The blind spot India appeared to have for this case of Soviet suppression of a popular movement was slow in disappearing. Attempts to adjust her position started with Nehru's argument that he had no objection to a resolution asking for a withdrawal of Russian troops, but that in New York this demand had been improperly worded. He also opposed the paragraph on the organisation of elections under U.N. auspices, but this could be explained from his anxiety to avoid a precedent with obvious implications for the Kashmir problem. In his own parliament Nehru expressed concern with an attack on freedom anywhere in the world. He stated that the Hungarian people should be allowed to determine their own future according to their own wishes and that foreign forces should be withdrawn. In a message to UNESCO he wrote "We see today in Egypt as in Hungary both human dignity and freedom outraged by the force of arms to suppress peoples."[3]

GOA

Before India achieved independence the Congress Working Committee agreed that Goa must inevitably be part of India and share the freedom of the Indian people; its future status could only be determined in consultation with the people of Goa and not by any external authority.[4]

Soon afterwards the continued existence of any foreign possessions in India was declared anomalous and opposed to the conception of India's unity and freedom. The annual session of the party trusted that their political incorporation could be brought about by peaceful methods and with the friendly cooperation of the governments

[1] Harrison, S., *India and the United States*, p. 42; Sarbadhikari, P., *India and the Great Powers*, p. 37–39.

[2] Krishna Menon in General Assembly on Nov. 9, 1956. See Wigbold, H. A., "Tien jaar India." *Int. Spectator*, XII (1958) 291–336.

[3] *Nehru's speeches – Eastern Europe*, Publications Division, 1961; Sarbadhikari, P., *op. cit.*, p. 91.

[4] Meeting at Wardha, August 1946. Portuguese rule dated from 1510 when Affonso d'Albuquerque carried by storm a small coast town of Bijapur State, founded by horse-dealers from Bhatkal.

concerned. Any change-over would allow for a gradual adjustment and, whenever possible, for a preservation of the cultural heritage of those areas.[1]

In 1954 a friendly settlement was reached for the *de facto* transfer of the French establishments to India, although formal ratification by France did not take place until 1962. Indian initiatives to discuss the transfer of the Portuguese territories produced no result and were terminated in 1953 with the withdrawal of the Indian Legation from Lisbon. The Portuguese Government refused to "negotiate on its inalienable rights in Goa, Daman and Diu."[2] The first crisis occurred in July, 1954, when Indian volunteers occupied the enclaves of Dadra and Nagar Haveli and Portugal demanded the recall of the Indian consular officials from Goa as their activities constituted "a serious threat to the internal security of Portuguese India."[3] Despite the publicity which had been given to it, the march on Goa on Independence Day, organised by the Praja Socialist Party received negligible support. Nehru had stated that he was against non-Goans entering the settlements, and Indian border guards made sure that only Goans took part in the peaceful demonstration. All these activities, however, induced Portugal to propose supervision of the frontier by an international team of neutral observers.[4]

India accepted that there should be an impartial observation in the settlements, but did not consider the Portuguese proposals entirely practical and therefore suggested a meeting of representatives of both governments to consider steps to implement the principle of impartial observation. After a Portuguese objection that the Indian note only referred to the settlements instead of both sides of the frontier, India reaffirmed her acceptance in principle of the Portuguese proposals; the meeting of representatives should discuss "terms of reference, the composition of observation teams, methods of operation of the principle of impartial observation and all other relevant questions." Portugal agreed, but, after both sides had nominated officials, rejected the date suggested by India and insisted that India should either agree that

[1] Resolution at Jaipur Session, December 18–19, 1948.

[2] Statement of June 10, 1953.

[3] Portuguese note of July 30, 1954; consular relations were restored on January 18, 1955 until the break of diplomatic relations by India on July 25 and of consular relations on August 18, 1955.

[4] They should report on: a. the nature, nationality and activities of any groups entering or proposing to enter the other country's territory against the will of the authorities; b. whether or not these groups were armed; c. whether they received protection or help from the authorities and armed forces of the country in which they originated; d. any frontier incidents.

the terms of reference were solely those specified by Portugal or indicate what other matters should be the object of international observation. The Portuguese note also consented to separate negotiations on "certain problems arising from the co-existence and vicinity of the Portuguese state of India and the Indian Union," provided that India accepted certain conditions in advance and that the negotiations took place in Lisbon or in a third state. India could not agree to conditions which should themselves be the subject of discussion and also refused a later request for a draft agenda. Again the meeting of officials had to be postponed. Matters were complicated by the Portuguese announcement that, as its officials had been refused transfer facilities, it would appoint observers from third countries to examine the situation in the enclaves. New Delhi regarded this as a departure from the principle of impartial observation and denied Portugal's right to demand transit for nationals of other countries. It remained prepared to receive a Portuguese delegation but, probably as a result of the quiet situation on the border, the exchange of notes was not resumed by Portugal.[1]

Portuguese action against the three thousand satyagrahis who entered Goa on August 15, 1955, resulting in at least 13 casualties, led to the complete break of relations by India. Further entries of peaceful demonstration were considered undesirable under present circumstances and New Delhi reimposed the controls which had been lifted temporarily. Earlier Nehru had declared that the Portuguese were in Goa only because India was patient; this was not because it could not deal with the situation "but because we do not wish to do anything, even in a small way, which may have bigger repercussions."[2] India would take such action as it considered proper; "a great country should not allow itself to be coerced into thoughtless action."[3]

A relaxation of the ban on trade with Goa, although described as a variation and not an abandonment of the policy of economic sanctions, would be the last lull in the dispute.[4] Firing from the island of Anjadev was described by New Delhi as "aggressive action taken by the Portuguese against Indian shipping" which together with "intensified oppression and terrorism" inside Goa necessitated Indian precautionary troop movements.[5] Nehru called Portuguese interference with

[1] Portuguese notes of Aug. 8, 13, 22, 30, Sept. 6; Indian notes of Aug. 10, 19, 24, Sept. 2 and 11, 1954.
[2] During debate in the Lok Sabha on March 31, 1955.
[3] Statement of May 24, 1955.
[4] Announcement by Nehru in Lok Sabha on April 1, 1961.
[5] Statement by Ministry of External Affairs, Dec. 5, 1961.

shipping "a clear case of aggression and deliberate provocation" which created an "intolerable" situation; India was prepared for any contingency that might arise.[1] Lisbon ascribed the incident to Indian preparations for an attack on Anjadev. To show its "good intent and peaceful purposes" Portugal proposed the despatch of an international mission to study the situation and to determine the responsibility for the incidents. The offer was ignored. In the Rajya Sabha Nehru exclaimed "our patience is certainly exhausted." In reply to a question he stated that no formal offer of mediation had been received; there had only been vague talk by one or two countries, presumably Mexico and Argentina and later the United States.[2]

Messages from U.N. Secretary General U Thant urged both Nehru and Salazar "to ensure that the situation does not deteriorate to the extent that it might constitute a threat to peace" and to enter into immediate negotiations with a view to an early solution in accordance with the principles of the Charter.[3] Premier Salazar replied that he was always ready to negotiate on problems arising from the vicinity of the territories, including a guarantee that Portuguese territory would not be utilised against the security of India. His terminology recalled the fruitless exchange of notes of 1954. Prime Minister Nehru thought it hardly possible to negotiate on the basis of the Charter with a government that stood by 16th century concepts of colonial conquest and ignored the United Nations resolutions on ending colonialism. At midnight between December 17 and 18, 1961, India launched a massive invasion with approximately 30.000 troops. Goa surrendered within two days. When the campaign was over it appeared that Indian reports on repression of nationalists, a breakdown of administration and a military build-up were either baseless or greatly exaggerated. The captured garrison was only 3240 strong and did not include African troops.[4]

In the Security Council debate India maintained that, as Goa was part of India, there could be no aggression against one's own territory. Moreover, U.N. Resolution 1514(XV) authorised and compelled action against Portugal to aid the people of Goa in their struggle for freedom and against aggression. Liquidation of the last remnants of

[1] Lok Sabha, Dec. 7, 1961.
[2] Rajya Sabha, Dec. 11, 1961.
[3] Messages of Dec. 15, 1961.
[4] *The Times* Dec. 20, *The Guardian* Dec. 26, 1961. The Indian allegations were contained in the letter dated Dec. 12, 1961 from the Permanent Representative of India to the President of the Security Council. *Doc. S/5020.*

colonialism was a "matter of faith" for India, "charter or no charter, council or no council." Two draft resolutions were introduced. The proposal by Ceylon, Liberia and the U.A.R., which was defeated, invoked resolutions 1514 and 1542, rejected the Portuguese complaint of aggression and called upon Portugal "to terminate hostile action and to cooperate with India in the liquidation of her colonial possession in India." The other text was put forward by France, Turkey, the United Kingdom and the United States. It deplored the use of force by India, called for an immediate cessation of hostilities and an immediate Indian withdrawal, and urged the parties to work out a permanent solution by peaceful means. This draft resolution obtained the necessary seven notes, but was vetoed by the Soviet Union. The United States representative regarded the Indian invasion as clearly an act of aggression. He pointed out that India had not presented the problem to the Security Council, as was required by the Charter for any dispute which could endanger international peace and security, and had not accepted an American offer of good offices to institute or assist in negotiations. The means available for peaceful settlement were therefore not exhausted. As for the Indian arguments, Stevenson saw a contradiction in simultaneously rejecting Portuguese sovereignty and invoking resolution 1542, which applied to non-self governing territories.[1]

It was an apologetic Nehru who told the press that he had been extremely reluctant to use force because he knew that it might open a door to similar action by other powers. The matter had been taken out of his hands by the compulsion of events and had become a choice of a lesser evil after 14 years of waiting. Krishna Menon declared that India was forced to adopt means which were not of her own choice.[2] The Indian press realised the implications for foreign policy. The Times of India wrote that it would become difficult to extend a moderating influence on countries which felt agitated over injustice by a stronger power. The Hindu expected criticism not so much about the taking over of the colonies, but of doing it in a way which went against past professions and principles. Former Governor-General Rajagopalachari said that India had totally lost the moral power to raise her voice against militarism.[3]

[1] Security Council debate of Dec. 19, 1961; Press Conference by Adlai Stevenson, Dec. 21, 1961.

[2] Press conferences of Dec. 28, 1961.

[3] *Times of India*, Dec. 26; *The Hindu*, Dec. 20; Rajagopalachari in *Swarajya*, Dec. 27, 1961.

CONCLUSIONS

In the Security Council debates on Kashmir and Goa a Soviet veto saved India from adverse resolutions. Although it seems an exaggeration to suggest,[1] that it was their attitude to the Kashmir question which brought India closer to the communist states, she undeniably received a concrete benefit from her non-aligned position. In this connection it will be interesting to see what will happen when, as advocated by India, Peking is admitted to the United Nations. Signing a border agreement with Pakistan in May 1962, China for the first time publicly refused to recognise Kashmir's accession to India.

Shortly after independence Indian deference to United Nations opinion concerning her vital issues was considerable, but diminished with the increase in national self-confidence. This finally led to an unyielding stand on Kashmir and an emotional and almost disdainful defence of the invasion of Goa. Insistence on declaring Pakistan an aggressor was not consistent with the general approach of emphasising the conciliatory functions of the United Nations. The occupation of Goa could not be justified as a rightful recovery of areas belonging to India by claiming perpetual aggression on the part of Portugal.[2] Regardless of the dubious nature of this argument in view of 400 years of Portuguese rule originating in a period when the present Indian unity had not yet taken shape, unilateral use of force was contrary to the provisions of the Charter. The Indian departure from non-violence which came as a shock to large segments of world opinion, should, however, not be overemphasized. As has been explained earlier, India was not unconditionally committed to non-violent methods. She resorted to a military campaign against Goa after all means to obtain peaceful cession had failed and all hope that Portugal would show some understanding of the signs of the times had failed.

Possible motives for the Indian action were the desire to make a show of her military capabilities in view of the Chinese threat, but also the resistance Nehru's moderation experienced at Belgrade. Faced with a resurging wave of anti-colonialism India may have considered it useful to show that her own determination to eliminate colonialist remnants from her soil had not flagged. In connection with the border dispute with China her argument that she never was a willing partner

[1] Sarbadhikari, P., *op. cit.*, p. 25.

[2] See Bains, J. S., *India's International Disputes*, p. 197, who rigidly adhered to the principle *ex iniuria ius non oritur* and refused to recognise continuous occupation as a valid title for a colonial power.

to the arrangement by which the Portuguese hold over Goa was established,[1] carried dangerous implications. It was a repetition of Nehru's refusal announced shortly after independence that India would not feel bound by treaties about which she had not been consulted,[2] which came very close to China's constant rejection of "unequal" treaties including those concluded with British India.

An assessment of India's position in international conflict should do justice to her valuable and constructive role in the Korean crisis, where her perseverance led to an agreed solution in spite of initially unfavourable reactions from both parties to the dispute. India became less involved in the Indo-China problem and, because of the immediate interest taken by China, limited her involvement to neutral chairmanship of the International Control Commission. In the Congo her support of the enlightened policies of Hammarskjoeld formed the backbone of the U.N. operations. All these examples related to problems which could lead to an increase of tension between the great powers. India showed little enthusiasm to play a part in the disputes of other countries.[3] And in cases affecting her immediate self-interests India found it difficult to maintain her moral posture and resorted to a *realpolitik* of considerable rigidity. In Kashmir and Goa the realities of power were in India's favour, so that she could afford to neglect allegations of inconsistency between the principles and practice of her foreign policy. The biggest challenge to her approach to international conflict was to emerge in the border dispute with China.

[1] Press Conference in New Delhi. *Times of India*, Dec. 22, 1961.

[2] Zinkin, Taya, "Indian foreign policy, an interpretation of attitudes," p. 179.

[3] Direct Indian intervention remained limited to convening a conference in New Delhi to support Indonesia, Jan. 20–23, 1949. Announcing that he had issued invitations on Jan. 2, Nehru declared "we have seen the most naked and unabashed aggression and use of armed might to suppress a people and a government." Inspired by a joint rejection of colonialism this meeting of like-minded nations enhanced Indian leadership in Asia.

CHAPTER VI

THE BORDER DISPUTE WITH CHINA

> The Chinese way is to do something rather mild at first, then to wait a bit, and if it passes without objection, to say or do something stronger. But if we take objection to the first statement or action, they urge that it has been misinterpreted, and cease, for a time at any rate, from troubling us further.[1]

CHINA PROBES THE BOUNDARY

The Sino-Indian border incidents which occurred during the summer of 1959 led to the publication of a series of White Papers containing the official correspondence between the two countries. Not only did they reveal that Chinese intrusions into the north-eastern corner of Ladakh had been discovered prior to July, 1958[2] and the construction of a motor road as part of the Sinkiang-Tibet highway three months later,[3] but they also contained an exchange of notes concerning the disputed grazing grounds of Bara Hoti, in which each side kept referring to the principles of Panchsheel from July, 1954 onwards. Three notes are dated shortly after Chou En-lai's visit to New Delhi, but prior to the Bandung Conference.[4] The Chinese maintained that Indian troops had crossed the border into the Tibet region of China, which was "not in conformity with the principles of non-aggression and friendly coexistence between China and India, and the spirit of the joint communiqué issued recently by the Prime Ministers of China and India." The Indian reply stated that on the contrary Tibetan officials had tried to cross the border without proper documents and it literally returned the Chinese phrase just quoted. Later the terminology became considerably harsher. India described the presence of Chinese soldiers south of the border who tried to stop an Indian detachment as "a violation of the Five Principles" which "may well

[1] Quotation from XIIIth Dalai Lama. Bell, Sir Charles, *Portrait of the Dalai Lama*, p. 99.
[2] Note by the Indian Ministry of External Affairs, July 2, 1958. White Paper I, p. 22.
[3] Note by the Indian Foreign Secretary to the Chinese Ambassador. White Paper I, p. 26–27.
[4] Notes from the Chinese Counsellor of July 17, 1954 and August 13, 1954; Indian note of Aug. 27, 1954. White Paper I, p. 1–3. See Map 1.

have grave consequences." After a similar incident India directed "a protest against this clear violation" of the Five Principles; failure of immediate withdrawal of the Chinese troops "may lead to serious incidents which would mar the friendly relations between India and China."[1]

In Bara Hoti a kind of uneasy neutralisation was reached. In 1956 both Governments agreed that they would refrain from sending troops into the area, but then the dispute shifted to the despatch of civilian officials. A Chinese party moved in as soon as the Indian revenue officers had left the place before the onset of the winter of 1958–59. The following spring the Indians made sure they were back first. Bara Hoti, or Wu Je as it is called by the Chinese, was only a minor issue in Sino-Indian relations and, as the only grazing ground on a trans-Himalayan route, a classic example of a border dispute. In 1959 Nehru declared that "even with the Tibetan authorities, these arguments about a mile of grazing ground here or there have been there."[2] It may have been for this reason that Nehru did not attach sufficient importance to this quarrel to influence his views on Chinese behaviour. There is even a possibility that it may have strenghtened his conviction that China, if properly treated, would confine her territorial aspirations to technical claims of a limited nature. It is significant, however, that the appearance of the Panchsheel principles in the diplomatic notes from both sides, thus demonstrating their potentialities as an unexpected boomerang in practical politics, did not keep Nehru from advocating them in a wider context than bilateral relations with China. Until the summer of 1959 no publicity was given to the disputes, as it was thought that progress could be made through correspondence.[3] That, at least, is the official explanation for the Government's failure to keep Parliament informed, an omission which has been duly criticised by the opposition. There is more reason to suppose that India's wish to solve her problems with Peking without drawing attention, either internally or externally, to the aggressive character of Chinese policies was a determining factor.

Another issue arose before the Tibetan rebellion and the subsequent increase in Chinese military activity resulted in incidents at various points of the border. This related to Shipki La, one of the passes opened for trade and pilgrims under the 1954 Agreement, where a Chinese patrol refused to vacate Indian territory in September, 1956. In their

[1] Note given to the Chinese Counsellor, Nov. 5, 1955; note of May 2, 1956 concerning Nilang, which belongs to the same sector. White Paper I, p. 10–11.

[2] Lok Sabha, Aug. 28, 1959. *Prime Minister on Sino-Indian Relations*, Vol. I, p. 94.

[3] *Ibidem*, p. 101.

Aide Memoire the Indian Government considered "any crossing of this border by armed personnel as aggression which they will resist" and added that they attached great importance to the matter.[1] The Chinese patrol eventually withdrew, but the Indian protests against this incursion remained unanswered.[2]

In 1958 the tempo of the exchange of notes through diplomatic channels quickened and led Nehru to address a personal letter to Chou En-lai. By that time the construction of a Chinese road across eastern Ladakh as part of the Sinkiang-Tibet Road had been established[3] and even earlier another border violation had been established at Khurnak Fort, somewhat further south. The frontier in the latter area had not been agreed during a conference of Kashmiri and Tibetan representatives in 1924, but India maintained that her jurisdiction over the Fort had never been disputed.[4] On November 1 the Chinese Foreign Office announced the arrest of two Indian border patrols and protested against "unlawful intrusions of Indian armed personnel" at places on the Sinkiang-Tibet Road and reconnoitring and surveying activities of Indian aircraft, which were considered "inconsistent with Sino-Indian friendly relations and the Five Principles of peaceful co-existence initiated jointly by the two countries."[5]

Concern over the deterioration of Sino-Indian relations was accentuated by forebodings of the Tibetan revolt, which was to acquire large scale proportions a year later. Nehru's visit to Lhasa was cancelled and he only crossed a narrow strip of Tibetan territory adjacent to Sikkim on his journey to Bhutan. China requested India "to repress the subversive activities against China's Tibetan region carried out in Kalimpong by American and Chiang Kai-shek clique special agents, Tibetan reactionaries and local special agents."[6] The note added that the Chinese Government was confident that India, pursuing a con-

[1] Sept. 24, 1956. White Paper I, p. 19.
[2] White Paper II, p. 48.
[3] Informal Indian note of Oct. 18, 1958. White Paper I, p. 26.
[4] Indian note verbale of July 2, 1958. White Paper I, p. 22. See Map 3.
[5] Chinese memorandum. White Paper I, p. 28. Nehru later explained that between 1950 and 1959 India had sent 16 expeditions to various parts of Ladakh. They did not object to Chinese use of caravan routes as this was common practice, which was not supposed to imply sovereignty over the area. Suspicions that the Chinese road was crossing Indian territory were raised by a small map published in Peking in 1957 and two patrols were despatched to locate its extremities. They discovered the road, which was a levelled caravan track, but reported that there were no Chinese posts established to the west of it. Further advances took place after the Tibetan revolt and were placed between June and October, 1959. *Lok Sabha Debates*, Feb. 23, 1961. Vol. L., col. 1699–1700.
[6] Note from the Foreign Office of China to the Counsellor of India, July 10, 1958. White Paper I, p. 62.

sistent policy of defending peace and opposing aggression would accept its request and take effective measures. The Indian reply confirmed the recognition of the Tibetan region as part of the People's Republic of China, but said that the contents of the Chinese note must have been based on a complete misunderstandig of facts, as India would never permit any portion of its territory to be used as a base for disruptive activities against China's Tibet region.[1]

Nehru's first letter to Chou En-lai was mostly concerned with the publication of Chinese maps which drew the border right across Indian territory in several places.[2] After two complimentary paragraphs about China's achievements and its agreement to receive Indian technical delegations, he stated that at the time of the conclusion of the Sino-Indian agreement no questions regarding the frontier had been raised "and we were under the impression that there were no border disputes between our respective countries"; India thought that the agreement had settled all outstanding problems between the two neighbours. During his visit to China in 1954 Nehru mentioned that he had seen recent Chinese maps which gave a false borderline, but Chou told him that they "were really reproductions of old pre-liberation maps" and that China had not yet had time to revise them. Nehru also recollected Chou's words of 1956 when they met in New Delhi that, although neither liked the term McMahon Line, he proposed to recognise this border with India, as he had done with Burma, but that he had not yet consulted the Tibetan people about it. Nehru continued "I then mentioned that there were no disputes between us about our frontier, but there were certain very minor border problems which were pending settlement." It was decided to have these "petty issues" settled at lower levels "on the basis of established practice and custom as well as watersheds." Unfortunately the discussions (concerning Bara Hoti) with the Chinese delegation had not resulted in an agreement; new instances of Chinese maps with wrongly placed borderlines had occurred and Indian protests had been answered with the puzzling statement that the Chinese Government had "not yet undertaken a survey of China's boundary, nor consulted with the countries concerned, and that it will not make changes in the boundary on its own."[3]

Chou En-lai replied six weeks later that first of all "the Sino-Indian

[1] Note from the Indian Ministry of External Affairs to the Chinese Embassy, Aug. 2, 1958. White Paper I, p. 48.

[2] Letter of Dec. 14, 1958. White Paper I, p. 48–51.

[3] Memorandum from the Foreign Office of China to the Counsellor of India. White Paper I, p. 47.

border has never been formally delimitated." It was true that the border question was not raised in 1954, but "this was because conditions were not yet ripe for its settlement and the Chinese side, on its part, had had no time to study the question." The Chinese Prime Minister believed that "following proper preparations this question, which has been carried over from the past, can certainly be settled reasonably on the basis of the Five Principles of peaceful coexistence through friendly talks." On the subject of the McMahon Line, the letter gave a description of the Chinese position which contradicted Nehru's summary of the 1956 discussions. It was a product of the British policy of aggression and "I have told you that it has never been recognised by the Chinese Central Government." On the other hand, India and Burma had become states friendly with China, and in view of the various complex factors involved the Chinese Government needed time to deal with the matter, but was confident that a friendly settlement could eventually be found. In order to prevent further incidents China proposed, as a provisional measure, to maintain the status quo, which meant that "each side [would] keep for the time being the border areas at present under its jurisdiction."[1]

India's Prime Minister wrote back admitting that the frontier had not been demarcated on the ground in all sectors, but maintained that it followed the geographical principle of the watershed on the crest of the high Himalayan range, and moreover had the sanction of specific international agreements. By saying "I agree that the position as it was before the recent disputes arose should be respected by both sides and that neither side should try to take unilateral action," and "if any possession has been secured recently, the position should be rectified,"[2] Nehru gave a twist to the Chinese proposals which went beyond their original intention. Chou's wording of the status quo as relating to the areas "at present" under the jurisdiction of either side implied a Chinese annexation of parts of Ladakh, while Nehru declared that only the situation existing before any Chinese expansion could form a starting point for negotiations. His letter closed with the remark that, as both countries had evolved the principles of Panchsheel "which has now found widespread acceptance among the other countries in the world," it would be most unfortunate if the frontier questions should affect the friendly relations existing between them.

[1] Letter of Jan. 23, 1959. White Paper I, p. 52–54.

[2] Letter from the Prime Minister of India to the Prime Minister of China, March 22, 1959. White Paper I, p. 55–57.

REVOLT IN TIBET

A precise date for the outbreak of the Tibetan revolt is difficult to give. Various disturbances occurred since the inauguration of the Preparatory Committee for the Autonomous Region of Tibet on October 1, 1955, which, it seems, largely accounted for Mao Tse-tung's announcement that Tibet was not ready for the introduction of communist reforms during the Second Five Year Plan.[1] When he visited India in December 1956, Chou En-lai assured Nehru that Tibet would enjoy autonomy and that China would not force communism on Tibet. His stay in India coincided with that of the Dalai and Panchen Lamas who took part in the celebration of the 25th centenary of the death of Buddha. It has been rumoured, that the Dalai Lama was reluctant to go back to his country and asked for sanctuary, but that he finally returned on the assurance of Chou En-lai, obtained through the intervention of Nehru, that no repressive measures would be taken.[2] Nehru denied this version vigorously and said that only the question whether it would be safe for the Dalai Lama to go to Kalimpong, the Indian market town near the borders of Sikkim and Tibet, had been discussed with the Chinese Premier; ultimately the Dalai Lama had decided to go there after the Indian authorities had warned the people of Tibetan origin that demonstrations would not be permitted. During the same conversation Nehru had assured his Chinese guest that Indian soil would not be used for subversive activities against a friendly country.[3] The long duration of the Dalai Lama's visit to India, which lasted more than four months, could hardly be interpreted as an indication of a desire to remain in voluntary exile, as he had spent six months in China two years earlier. Nevertheless, there must have been some truth in the story. The Dalai Lama's own account, preceding a press conference at Mussoorie, stated that he had practically made up his mind not to return to Tibet until there was a manifest change in the frustrating attitude of the Chinese authorities. Nehru had advised him to change his decision after a talk with Chou En-lai and on the strength of Chinese assurances.[4]

[1] Mao's speech on "Contradictions," Feb. 27, 1957. The plan period referred to was 1958–62.

[2] Richardson, H. E. *Tibet and its history*, p. 203, wrote that the Dalai Lama requested the removal of Chinese troops, the restoration of the *status quo* existing at the death of the XIIIth Dalai Lama, reinstatement of the Chief Minister who was dismissed in 1952 and abandonment of the programme of communist reforms.

[3] Nehru in Lok Sabha, April 2, 1959. *Prime Minister on Sino-Indian relations*, Vol. I, p. 24, 27.

[4] Dalai Lama's press conference, June 20, 1959. *Dalai Lama and India*, p. 159.

Reactions in Parliament

Official Indian pronouncements on the situation in the Spring of 1959 tended to play down its seriousness. Replying to the Lok Sabha on March 17, Nehru stated that, although there was large-scale violence in places, it was more a clash of wills than a clash of arms. Little did he realise that he was, in fact, speaking on the eve of the Dalai Lama's departure from the Potala Palace which was to be followed by serious bombardments. Nehru described the outbreak of violence in Lhasa as a new development, since previous conflicts had been restricted to the Khampa region in southern Tibet. He appealed to the House to appreciate the delicate situation: India had no intention of interfering in the internal affairs of China and should avoid anything which would worsen the situation; on the other hand there was the long tradition of cultural and religious ties with Tibet. Concluding the Prime Minister felt still able to say "We earnestly trust that the present troubles will be resolved peacefully."[1] Chinese comment was illuminating: Hsinhua wrote that "in the fundamental interests of the two countries both parties have no reason at all not to adhere to these principles (of Panchsheel) both at present and in the future"; China had never interfered in India's internal affairs or discussed them at the People's Congress: "It considers such discussion of the internal affairs of a friendly country to be impolite and improper."[2]

Protests in several newspapers against the alleged decision not to admit refugees from Tibet were mentioned in Parliament, but Nehru declined to commit himself: all these questions would be of no service to the people who might seek political asylum. Any comments he might make, would make the position more difficult for them.[3] Whatever the intentions of the Indian Government may have been, the high position of the Dalai Lama and the obvious political nature of his flight left no choice. The Chinese Ambassador was informed that on March 31 "in accordance with international usage" the Dalai Lama had been allowed to cross into Indian territory and to stay there.[4] Care was taken to add that he was not expected to carry on any political activities from India. An incident in the Lok Sabha on April 1 had shown that the mood of Parliament was definitely more anti-Chinese than the Prime Minister had realised. His absence on that

[1] Lok Sabha, March 23, 1959. Prime Minister on Sino-Indian Relations, Vol. I, p. 5.
[2] *Hsinhua*, March 28, 1959.
[3] March 30, 1959. *Ibidem*, p. 7–8.
[4] His arrival in India was, curiously enough, first announced by Peking.

day – he was away from Delhi on a short visit to Bikaner – caused the flow of criticism against a Chinese Embassy handout charging that Kalimpong was the commanding centre of the rebellion in Tibet, to go almost unchecked. A statement by the Communist Party of India also had referred to this accusation adding that the principles of Panchsheel "enjoin on us strict neutrality and non-intervention in each other's affairs. This also means that we should not allow our territories to be used for hostile or prejudicial acts against each other."[1] The C.P.I. concluded by sending warm greetings to the Communist Party and Government of China which were leading the Tibetian people "from medieaval darkness to prosperity and equality." Both statements were the subject of adjournment motions, although the C.P.I. statement, objectionable and irritating as it may have been to many members, did not go as far as the article circulated by the Chinese Embassy; the C.P.I. actually praised the Government for taking the proper attitude and refusing "to oblige the reactionaries." It therefore seems more likely that the parliamentarians seized the opportunity to censure somewhat indirectly the attitude of the Prime Minister which they thought to be too passive, particularly because the quick succession of events had given them the impression that Nehru's statements were made without proper inquiries. The Deputy-Minister of External Affairs, Mrs. Lakshmi Menon, took strong exception to this allegation, but was equally outspoken on what she qualified as a challenge to the Prime Minister's integrity in the Chinese handout.[2] Pandit Pant, the Home Minister, did little to refute the arguments of the critics and sounded almost apologetic in his defence: it would be a matter of regret if Nehru, who had "ushered into existence" the words Panchsheel which had now been accepted by many sovereign states, were to be repudiated by some of his own countrymen.

The next day Nehru was quick to calm down the "exhibition of a certain lack of restraint" in the House with fairly typical reasoning. First he admitted that for the last few years there had been espionage and counter-espionage by various nationalities at Kalimpong and that the Government was keeping a close watch on these activities. Then he rejected the accusation that Kalimpong was the commanding centre of the rebellion. Thus he integrated a possible explanation of Chinese behaviour with a sufficiently strong denial of their allegations.[3] At a

[1] Secretariat C.P.I. March 31, 1959. Sen, Chnakya, *Tibet Disappears*, p. 305.
[2] *Prime Minister on Sino-Indian relations*, Vol. I, p. 16–17.
[3] *Ibidem*, p. 16–29.

subsequent press conference Nehru added that he had deliberately suppressed himself in order to avoid adding to the heat of the cold war, although he felt strongly enough about some matters.[1]

Correspondents at the same conference asked whether China had observed Panchsheel scrupulously in regard to Tibet and whether the disappearance of autonomy there affected the Sino-Indian agreement about Tibet. Nehru thought that the question of Panchsheel did not arise directly; there was hardly a country which could not be criticised on the ground that these principles had not been observed but in this particular case it was the Sino-Tibetan agreement which, according to both parties, had broken up, not the treaty between China and India. Nevertheless, the consequences of developments in Tibet could affect trade and pilgrim traffic and thereby the contents of the treaty. On Panchsheel the Prime Minister followed a line of thought which was often to recur: if the five principles were good, they remained so whatever any individual or country might do:

> It is a basic approach to international affairs and life generally. It may have to be adapted because of changing circumstances. If we believe in Panchsheel, we follow it, even if no country in the wide world follows it. Of course, it cannot be easily followed in a one-sided way, but that is a different matter. But our attitude will be to follow it.

Speeches at the Second National People's Congress in Peking claimed that the Dalai Lama had gone to India under duress and that a statement made on his arrival at Tezpur had been imposed on him by foreigners. Delegates, including the Panchen Lama, pointed at the exchange of letters between the Dalai Lama and the Chinese military commander in Lhasa, in which the former declined an invitation to attend a cultural performance on the ground that it was difficult to leave his palace; they also referred to the distribution of the Tezpur statement which, perhaps unwisely, had been undertaken by an official of the External Affairs Ministry, and questioned whether this accorded with the Five Principles. "Criminal anti-Chinese activities carried out by Tibetan traitors in India in collusion with Indian expansionists" was another recurring theme.[2] In these circumstances further information on the position of the Indian Government became desirable, particularly because the Tezpur statement contained mainly an account of conditions in Lhasa and the journey to India although

[1] April 5, 1959. *Ibidem*, Vol. II, p. 11.

[2] *Hsinhua*, summaries of April 22 and 23, 1959. *The question of Tibet and the rule of law*, p. 163–170.

one paragraph stated categorically that the Dalai Lama "left Lhasa and Tibet and came to India of his own free will and not under duress."[1]

Nehru saw the Dalai Lama at Mussoorie, a hill-station north ol Delhi and met the press afterwards: the letters to the Chinese Generai were authentic, but written at a highly troubled time when the Dala. Lama was still hoping that a break with the Chinese could be avoided. Reacting to his provocative references to India, Nehru invited the Panchen Lama to come to India and ascertain the truth for himself; he could also send others, including the Chinese Ambassador, to meet the Dalai Lama. This was interpreted by the press as an invitation to the Chinese Government to take the initiative and reach an understanding directly with the Dalai Lama.[2] Nehru confirmed that a peaceful settlement was still possible and expressed the hope that the Dalai Lama would return to Lhasa sometime or other as he "did not want this tremendous tension to continue." The offer to the Chinese Ambassador was formally repeated in an Indian note, which also expressed distress over the furious campaign in press and radio in Peking. Because of old contacts, it said, recent events in Tibet had affected the people of India considerably, but there was no question of any interference in its internal affairs. The Government considered it most unfortunate that the grant of asylum to the Dalai Lama "should have led responsible persons in China to make serious allegations which are unbecoming and entirely void of substance."[3]

Reporting to the Lok Sabha Nehru stated that his broad policy was governed by three factors: 1) the preservation of the security and integrity of India, 2) our desire to maintain friendly relations with China and 3) our deep sympathy for the people of Tibet. Referring to the Five Principles he mentioned in particular mutual respect for each other: "Such mutual respect is gravely impaired if unfounded charges are made and the language of the cold war used."[4] In the Rajya Sabha, the Upper House, a member objected to debating a motion on Tibet under the item Foreign Affairs as Tibet was part of China:

> It will infringe the provisions of the Panchsheel which we have accepted... to discuss the affairs pertaining to another country, will amount to our conceding the dangerous precedent of other foreign countries discussing our internal affairs.

[1] April 18, 1959. *Dalai Lama and India*, p. 155–158.

[2] *The Hindu*, April 25, 1959. Chou En-lai had expressed the hope that the Dalai Lama would be able to free himself from the grip of the rebels and return to the motherland. Speech of April 18, 1959. *Doc. on Internat. Affairs 1959*, p. 173.

[3] Statement by Foreign Secretary to Chinese Ambassador, April 26, 1959. White Paper I, p. 68–69.

[4] April 27, 1959. *Prime Minister on Sino-Indian Relations*, Vol. I, p. 37.

This argument, which received support from the Communist leader Bhupesh Gupta, was an obvious echo of the Chinese agency report of March 28 quoted earlier. Dr. Kunzru, the appointed independent member, dealt with it by saying that friendly relations could be based only on frankness and free expression of opinion, the absence of which would constitute national cowardice. Parliament had never been reproached for going out of its province in expressing an opinion about the policies of countries in respect of their colonies; a discussion of Tibet was even more warranted by India's recognition of Chinese suzerainty subject to regional autonomy. An influential Congress member, B. Shiva Rao, added "no matter where human rights are trampled, our foreign policy should be such that there is no room for the charge that we observe different standards in different parts of the world." In his main speech Gupta declared that the situation had come as a godsend to some people to strike at the foundation of Panchsheel and he invited members at least to mention whether they stood by Panchsheel or not.[1] These exchanges caused Nehru to elaborate on the five principles. Gupta's rhetorical statement had made him wonder whether the words had the same meaning to all who used them, but nevertheless he would act upon the five principles even if others did not. Events on the border would not make him give up the policy of non-alignment, because the moment he did that "we lose every anchor that we hold and we simply drift." Similarly he rejected a common defence policy with Pakistan. But he called it a tragedy that something India had laboured for had suffered very considerably in people's minds; the words Bandung and Panchsheel began "to lose their shine and to be hurled about without meaning... just like even the word 'peace' becomes almost like a thunderbolt or a minor war the way it is used." The way of using them counted most and that was why he was aggrieved beyond measure at the charges made against India.[2]

In the next debate Kripalani recalled a speech delivered in 1958 when, talking about Panchsheel, he had said that this doctrine was born in sin, because it was enunciated to put the seal of approval upon the destruction of Tibet. Now he questioned how it was possible to stick to Panchsheel after China had broken it. There could be no respect for the principles and no coexistence unless the idea applied to more nations than one. It should be noted, however, that Kripalani reiterated his support for the continuation of the policy of non-alignment.

[1] Debate of May 4, 1959. Sen, Chanakya, *op. cit.*, p. 217–228.
[2] *Prime Minister on Sino-Indian relations*, Vol. I, p. 44–45.

Coming from a socialist of principle this attack on Panchsheel was directed against what appeared as a soft policy towards an aggressive communist state and against over-emphasing the importance of the five principles in a world of power politics. With his usual cynicism he related how nation after nation having sworn by Panchsheel had later violated them. The communist leader Dange thought that the crack suffered by Panchsheel would be resolved through friendly debate and pleaded with the Prime Minister not to give it undue prominence. He tried to demonstrate China's goodwill by mentioning the absence of press reports, out of deference to Nehru, relating to Indian measures against strikes,[1] an argument which sounded rather irrelevant in view of the resolution of the People's Congress at Peking which noted with regret the extremely unfriendly statements made by "certain people in Indian political circles." This text further confirmed that China had consistently abided by Panchsheel.[2] The Central Executive Committee of the CPI fell completely in line, welcomed to Chinese resolution and expressed regret that Nehru, who had played an outstanding role in building friendship between India and China – "one of the greatest events of our time "– had permitted himself to take positions "which cannot be reconciled with his own foreign policy and its guiding principle, the Panchsheel, on whose basis alone India's relations with the People's Republic of China can be upheld and carried forward."[3]

Diplomatic notes

Returning to the exchange of official notes we find a most peculiar statement by the Chinese Ambassador to the Indian foreign secretary on May 16. It complained of the appearance, before and after the outbreak of the rebellion, of "large quantities of words and deeds slandering China and interfering in China's internal affairs"; most of the political parties in India went so far as to form organisations in support of the Tibetan rebels; responsible members of the Indian Government had asserted that the basis of the Tibetan rebellion was not limited to upper strata reactionaries and that the agreement between Tibet and China had not been kept. The Dalai Lama, the note asserted, was still being surrounded and under control and it would therefore be futile to send someone to see him; this would be even more inappropriate if,

[1] May 8, 1959. Sen, Chanakya, *op. cit.*, p. 235–257.
[2] Resolution of April 28, 1959. *Ibidem*, p. 313.
[3] Resolution of May 12, 1959.

as India alleged, he were entirely responsible for the statements betraying his motherland. On the whole India was a friend of China, the enemy of China being in the east – the U.S. imperialists; China would not be so foolish as to antogonise the U.S. in the east and India in the west. "Friends! It seems to us that you too cannot have two fronts. Is it not so? If it is, here then lies the meeting point of our two sides. Will you please think it over?"[1]

The Indian reaction was concise: it called the statement wholly out of keeping with diplomatic usage and the courtesies due to friendly countries, a serious lapse which could only be considered as an act of forgetfulness. It appeared that according to China Panchsheel might or might not be applied according to convenience or circumstances. India, on the other hand, adhered to the principles as a matter of basic policy and not of opportunism; its policy of non-interference with China's internal affairs should not be understood to mean that India would discard or vary any of its own policies under pressure from outside.[2]

The prepared statement which opened the first press conference of the Dalai Lama implied that his cabinet was still functioning as the lawful government of Tibet by saying that he and his government were fully prepared to welcome a peaceful and amicable solution, provided that it would guarantee the preservation of the rights which Tibet enjoyed prior to 1950.[3] After careful consideration, the Indian Government decided that it could not allow this statement to go unnoticed, if it wished to avoid further Chinese reactions. The spokesman of the External Affairs Ministry made clear that the Government did "not recognise any separate Government of Tibet and there is, therefore, no question of a Tibetan Government under the Dalai Lama functioning in India."[4] This clarification apparently had the desired effect and the name of the Dalai Lama temporarily disappeared from the diplomatic notes, which subsequently dealt chiefly with two main subjects: the treatment of Indian representatives and nationals in Tibet and border issues.

The incidents along the border had no direct connection with the disappearance of Tibetan autonomy, except when Tibetan refugees

[1] White Paper I, p. 73–76.
[2] Statement to Chinese Ambassador of May 23, 1959. *Ibidem*, p. 77–78.
[3] June 20, 1959. *Dalai Lama and India*, p. 162. His Cabinet apparently had denounced the 1951 agreement on March 25, 1959 (i.e. before his arrival in India) because of persistent Chinese violations.
[4] Statement of June 30, 1959. Sen, Chanakya, *op. cit.*, p. 364.

were fleeing to India; in some cases China complained of abduction of people who were considered as refugees by India. The increased frequency of the incidents, however, could partly be explained by Chinese military activity against the rebels, demanding a better system of frontier posts and thereby heightening the chances of unintentional trespassing. It was the toughness shown over these issues, contrasting sharply with Chinese overtures to Nepal and Burma for a rapid settlement of frontier problems, which caused a further deterioration of Sino-Indian relations.

CHALLENGE TO THE ENTIRE BORDER

The Chinese position regarding the McMahon Line crystallised as a result of incidents near Khinzemane, close to the Bhutanese frontier, where patrols from both sides claimed the area, and near Longju where an Indian forward picket was being fired at and arrested by a strong Chinese detachment. India's Ambassador in Peking complained that this unilateral action was completely uncalled for, as it should be possible to settle any dispute about points on the frontier by negotiation.[1] The Chinese Foreign Office accused the Indian troops of provocations necessitating the Chinese to return fire in self-defence. Although no Chinese had entered Longju they considered it to be an indisputable part of their territory and maintained that even on British maps Longju was clearly within their territority.[2]

India was determined to stand by the McMahon Line, which in her opinion departed from well recognised geographical features only at a few places. The Government was prepared to discuss its exact alignment in the disputed areas, but requested the maintenance of the status quo in the meantime and offered not to send her troops back to Longju if the Chinese withdrew their personnel. The note added that China would not have sought to send armed personnel into Indian territory if the principle of peaceful coexistence and the continuance of Sino-Indian friendship had been acted upon.[3] This document must have crossed Chou En-lai's reply to Nehru's letter of March 22 in which the Chinese Premier advocated a settlement "taking into account the historical background and existing actualities and adhering to the Five Principles, through friendly negotiations

[1] Note of Aug. 28, 1959. White Paper I, p. 44. See Map 4.
[2] Notes of Sept. 1, 1959. White Paper II, p. 1 and 3.
[3] Note of Sept. 10, 1959. White Paper II, p. 8–10.

conducted in a well-prepared way step by step." While previously he maintained that China had not yet had time to revise maps of the KMT regime he now went into detail to show that the boundary shown therein was not without grounds and that early British maps drew the borderline roughly in the same way. Chinese policy was defined as affirming the fact that the entire boundary had not been delimited, but also facing reality in taking into consideration the friendly relationship between both countries. China did not recognise the McMahon Line but her troops had never crossed it. Until the beginning of 1959, the Chinese Premier continued, the atmosphere along the border had been fairly good; it had become increasingly tense only since the outbreak of the rebellion in Tibet. "Immediately after the fleeting of a large number of Tibetan rebels into India, Indian troops started pressing forward steadily across the eastern section of the Sino-Indian boundary." After casually remarking that the boundary drawn on current Indian maps cut even deeper into Chinese territory than the original McMahon Line, Indian troops were accused of invading Longju, Khinzemane and adjoining localities and "shielding Tibetan rebel bandits in this area." Concluding with a paragraph on Panchsheel Chou En-lai wrote that the dispatch of guard units to the south-eastern part of the Tibet region was undertaken merely to prevent remnant armed Tibetan rebels from crossing the border back and forth and in no way constituted a threat to India; "China looks upon its south-western border as a border of peace and friendship."[1]

Nehru replied at length to every point raised by the Chinese Premier, but we shall leave his arguments till it is possible to discuss the various aspects of the border dispute more systematically. He agreed that until a settlement of the border disputes had been reached the status quo should be maintained, but if any party had trespassed into the other's territory across the traditional frontier it should immediately withdraw. In this connection he declared that India had already withdrawn from Tamaden since careful inquiries had shown that it was somewhat north of the McMahon Line, but there could be no question of withdrawal at any other place. "No discussions can be fruitful unless the posts on the Indian side of the traditional frontier now held by the Chinese forces are first evacuated by them and further threats and intimidations immediately cease." In his final paragraph the Indian Prime Minister regretfully wrote that in 1954 he had hoped that the main problems which history had bequeathed to India and China

[1] Letter of Sept. 8, 1959. White Paper II, p. 27–33.

had been finally settled, but that now China had brought forward a problem which dwarfed in importance all that had earlier been discussed.[1]

Serious incidents

A serious incident took place near the Kongka pass in Ladakh on 20th October, resulting in heavy casualties to an Indian patrol. China accused Indian troops of intruding into her territory and opening fire. India described the incident as a sudden Chinese attack with mortars and handgrenades on a police party, which was looking for two missing men, well within Indian territory. After stating that this was the second armed attack on Indian personnel the External Affairs Ministry wrote:

> These facts taken together with a continuance of aggressive attitudes in various parts of the frontier and the type of propaganda that is being conducted on behalf of the Chinese Government, are reminiscent of the activities of the old imperialist powers against whom both India and China struggled in the past. It is a matter of deep regret that the Chinese Government, which has so often condemned imperialism, should act in a manner which is so contrary to their own assertions. It is a matter of even greater regret that the Five Principles, as well as the Declaration of the Bandung Conference, should thus be flouted by the Chinese Government.[2]

The captured Indians and the bodies of the dead policemen were returned on November 14, but the accounts both sides rendered of the clash and Indian complaints that the treatment received was worse than that to which prisoners of war were entitled under the Geneva Convention continued for several months. In the meantime Chou En-lai replied to Nehru's letter on November 7, proposing that each side should at once withdraw its armed forces 20 kilometres from the McMahon Line in the east and from the line up to which it exercised actual control in the west. The Chinese Government further suggested discussions between the two Prime Ministers in the immediate future. Nehru reacted with a counter-proposal regarding Ladakh: India would withdraw all personnel to the west of the line shown as the boundary on Chinese maps of 1956 and Chinese personnel would be withdrawn to the east of the line India considered to be the international boundary. In view of the difficult terrain it was not possible for India to withdraw the border checkposts on the north-east frontier and to establish a new line of outposts in the rear, but as their personnel already had instructions not to send out any forward patrols the risk

[1] Letter of Sept. 26, 1959. White Paper II, p. 34–46.
[2] Note of Nov. 4, 1959. White Paper II, p. 22.

of new clashes would be eliminated if the Chinese would issue similar orders. Expressing willingness to meet his colleague at a suitable time and place Nehru felt that immediate efforts should concentrate on reaching an interim-understanding.[1]

Chou En-lai sent his next letter a month later agreeing to stop patrolling if this were not limited to the north-east but applied to the entire border. In addition he wanted to extend Nehru's proposal to refrain from sending troops to Longju to ten other places under Indian occupation including Khinzemane and the Shipki Pass. The Indian suggestion of lines of withdrawal in Ladakh was rejected, because it would mean an evacuation of 33.000 square kilometres which had long been under Chinese jurisdiction; moreover, there was no need for making a special case out of Ladakh as the line of actual control was clear and China did not allege any major Indian occupation of her territory there. The proposal was, therefore, regarded as a step backward from the agreed principle that the status quo should be maintained. If, however, India persisted the Chinese Government would like to know whether India was prepared to apply her principle of withdrawal to the eastern sector and retreat from the McMahon line to the boundary shown on Chinese maps which followed the foothills of Assam. The letter also denied that China allowed herself to take "an attitude of big-nation chauvinism towards other countries, let alone encroach one inch upon foreign territory," a subtle reminder of China's power. China had vast areas which were only sparsely populated, so that it would be ludicrous to think that it wanted to seek trouble in some desolate areas of neighbouring countries. Finally, December 28 was suggested for a meeting of the two Prime Ministers. Nehru's reply was curt, asking how the two Ministers could reach an agreement on principles if there were such complete disagreement about facts. He, therefore, preferred to wait for the promised reply to his letter of September 26 and the Indian note of November 4 as in any case he would be unable to leave the country at the time proposed.[2]

Coming, as it did, after only five days, the extensive Chinese reply, numbering 23 printed pages, must have been kept in readiness. Many new arguments were advanced, supporting the Chinese position and increasing the extent of their claims. The note remarked that the negotiations of 1954 did not touch on the boundary question at all. At the time Chou En-lai had made it clear to the Indian delegation

[1] Letter of Nov. 16, 1959. White Paper III, p. 47.
[2] Letters of Dec. 17 and 21, 1959. *Ibidem*, p. 52 and 58.

that the discussion should settle those outstanding questions which were *ripe* for settlement. The paragraph on the McMahon Line must have been even more disconcerting to Delhi, as it asserted that the Simla Conference at no time discussed the boundary between China and India and that the red line on the map attached to the Convention was presented as the boundary between Tibet *and the rest of China*. This implied the existence of a strip of Chinese, as distinct from Tibetan, territory in the mountainous area south of the McMahon Line. Further the right of Britain to conduct separate negotiations with Tibet was again denied and several examples were given of K.M.T. protests to the British Embassy in China after the termination of the war with Japan.[1]

The Indian response contained an interesting change of position in so far as it maintained that there appeared to be no common basis for agreement, but nevertheless agreed to a meeting. Repeating that he was prepared to discuss specific disputes, but that he refused to determine afresh the entire boundary, Nehru wrote: "Although any negotiations on the basis you have suggested are not possible, still I think it might be helpful for us to meet."[2] This letter was written shortly before Khrushchev's arrival in India. In view of Russia's declared interest in a peaceful solution it may have been a necessary sign of goodwill. If Moscow was expected to bring some pressure to bear on Peking, it should be enabled to argue that India had not cut off all possibilities of discussion.[3] This peculiar invitation led to a meeting on April 19 in New Delhi lacking all preparations which normally should be regarded as a prerequisite for success. Instead both sides were equally keen to make their case as impressive as possible before the two Premiers had their discussions and the Indian statement was answered well before Chou's arrival in Delhi. Their arguments will be discussed in combination with the Report of Officials which was compiled as a result of the decisions reached at this meeting. At this moment it is sufficient to say that the Chinese still did not reveal their own alignment, but concentrated on attacking the Indian evidence in an attempt to demonstrate the necessity of extensive negotiations on the frontier. Peking matched its conclusion that there were great differences between the two positions with a statement that China regarded the issue as of a limited and temporary nature which could

[1] Chinese note of Dec. 26, 1959. White Paper III, p. 60.

[2] Nehru's letter of Feb. 5, and the Indian note of Feb. 12, 1960, were handed over together by the Indian Ambassador. White Paper III, p. 83 and 85.

[3] Bechtoldt, H., *Indien oder China*, p. 317.

be overcome, provided both sides adhered to "friendly consultations and the Five Principles, and adopt an attitude of mutual understanding and mutual accommodation."[1]

Anxious anticipation by Indian observers of the forthcoming meeting between the two Premiers centred around two points. Firstly, China's willingness to reach an agreement on the basis of the historical background and the present actual situation gave rise to the suspicion that China was aiming at a bargain to exchange her acceptance of the broad principles of the McMahon Line for Indian concessions on the corner of Ladakh. Although there is reason to believe that China never suggested such a deal in a concrete proposal, her emphasis on the status quo and the line of actual control implied that she was thinking of a compromise along those lines.[2] The same impression was gathered from Chou's press conference before departing when he said that as China was prepared to accommodate the Indian point of view in the eastern sector, India should accommodate China in the west; the McMahon Line was completely unacceptable, but he would not cross it. In practice, all that was available to India was a provisional agreement containing a standstill on China's claims in return for conferring legitimacy on the Chinese occupation of Aksai Chin. Secondly, apprehensions concerning a possible agreement to exert pressure on the Dalai Lama to return to Tibet were caused by a paragraph in the latest Indian note stating that the Government were unaware of any deeper reasons behind the current tension over the previously tranquil borders; the note continued to say that apart from the boundary question nothing should be left undone to remove misunderstandings between the two countries.[3]

THE PREMIERS MEET (APRIL 1960)

In the prevalent mood of concern over Nehru's allegedly soft policy few expected him to be adamant on India's rights. Conversely the lack of agreement after 20 hours of talks strengthened his position and demonstrated that the traditional Indian attitude of willingness to

[1] Chinese notes of April 3, 1960. White Paper IV, p. 8–16.

[2] *The Times* of April 27 reported Nehru's confirmation that the Chinese approach was to balance its possession of Ladakh against NEFA. *Lok Sabha debates*, Vol. XLIII, No. 57, col. 13791, however, quote him as saying that frequent attempts were made to "equate" the eastern sector with the western sector, which only refers to the nature of the disputes in these areas. See also Hindustan Times of April 27, 1960 and P. C. Chakravarti, *India's China policy*, p. 121.

[3] Dr. K. Shridharani in *Amrita Bazar Patrika*, Feb. 22, 1960.

enter into discussions could be consistent with his earlier warnings that no agreement could be forthcoming if there remained a fundamental difference on principles. The joint communiqué was brief and conspicuously free of the usual gestures towards eternal friendship. It stated that officials of the two Governments should meet from June to September, alternately in the two capitals, to examine all historical documents, maps and other material relevant to the boundary question on which each side relied to support its stand. During the period of examination of the factual material "every effort should be made by the parties to avoid friction and clashes in the border areas."[1] Nehru revealed in Parliament that his preference for immediate tabulation of material could not be realised, because the Chinese were unable to produce their documents at that moment. He did not imagine that the officials would make the border problem easy of solution, but at least it might make clear on what evidence the Chinese case rested. His talks with Chou En-lai had led to some relaxation of the high tension, but the basic conflict remained and the two statesmen had come up against "the hard rock of an entirely different set of facts."[2] Indian willingness to avoid clashes meant that no attempt would be made to eject the Chinese from Ladakh, but was conditioned by Nehru's explanation that he could not immobilise the border patrols.

Chinese comments expressed regret at the failure to reach agreement and accused "imperialism and reactionary forces in India" of obstructing the talks.[3] Chou En-lai had tried unsuccessfully to establish six "common points or points of proximity":

(1) There exist disputes with regard to the boundary between the two sides. (2) There exists between the two countries a line of actual control up to which each side exercises administrative jurisdiction. (3) In determining the boundary between the two countries, certain geographical principles, such as watersheds, river valleys and mountain passes, should be equally applicable to all the sectors of the boundary. (4) A settlement of the boundary question between the two countries should take into account the national feelings of the two peoples towards the Himalayas and the Karakoram Mountains. (5) Pending a settlement of the boundary question between the two countries through discussions, both sides should keep to the line of actual control and should not put forward territorial claims as pre-conditions, but individual adjustments may be made. (6) In order to ensure tranquility on the border so as to facilitate the discussions, both sides should continue to refrain from patrolling along all the sectors of the boundary.

Particularly points 2, 3 and 5 must have been offensive to Indian sensitivities. The line of actual control only indicated the extent of

[1] Communiqué of April 25, 1960.
[2] *Lok Sabha Debates*, Vol. XLIII, No. 57, col. 13798.
[3] *Peoples Daily*, Peking, April 27, 1960.

military control and could have no connection with the task of deciding which country had a legitimate title to the areas in dispute. The Indian delegation refused to discuss its location altogether. The Chinese officials in their report stated that there were no marked differences over its present alignment, which they deemed of great significance to upholding tranquillity along the border and to the maintenance of the status quo.[1] Thus they obviously attempted to shift the blame for any new incidents to the Indian side. In contrast with Delhi's continuous insistence on the watershed as the underlying geographical principle of the traditional boundary China equated it with river valleys and mountain passes which, apart from being diametrically opposed to the Indian arguments was bound to create confusion over the Chinese alignment. The reference to national feelings towards the Himalayas could be interpreted as benefiting India's case, which had previously emphasised that the mountain range was an intimate part of Indian culture. Nehru's enumeration of the six points in parliament glossed over point 1 with the remark that of course there existed disputes, but his team of officials had second thoughts on this apparently harmless formulation; it could not be permitted to confer legality on the Chinese claims. Point 5 was, it seems, at first misinterpreted by Nehru, who said in the Lok Sabha that it could mean that nothing would be agreed unless the territorial claim was accepted. A few days later he added that it would be odd to say that the border dispute was something apart from territorial claims.[2]

The Chinese elaboration that the exchange of written descriptions and maps was only for the purpose of clarifying the location of the traditional boundary as understood by each government and should not imply territorial claims,[3] was rather an indication of the continuing dualism in China's policy. While objecting in the strongest language to any alleged violation of her territory on the one hand, she hinted that a friendly settlement might include the vacation of occupied territory on the other. This corresponded with their previous tactics to criticize the Indian stand on the boundary, but to refrain from stating their own views on its alignment. Even at the exchange of descriptions of the boundary by the teams of officials the Chinese side left many Indian questions unanswered and was generally less specific

[1] Chinese report, p. 188.
[2] *Lok Sabha Debates*, *op. cit.*, col. 13791–96 and No. 60, col. 14784.
[3] Chinese summary of statements leading to the adoption of the agenda. *Report of the Officials*, p. 9–11.

in its clarifications. The map produced by the Chinese officials differed from the map of 1956 which Chou En-lai had referred to as correctly showing the boundary between the two countries; the principal divergence was in the western sector and included the Galwan valley where the encirclement of an Indian patrol almost provoked an armed incident in July, 1962. The Indian officials tried to point out the differences between the two maps, but the Chinese denied that there were any.[1] Another extension of China's claims became apparent only at the 15th meeting of the two teams when it was contended that Bara Hoti and two other localities, which previously had all been mentioned separately, formed one composite area of 300 square miles without any intervening wedges of Indian territory.[2]

The Indian officials did not accept the six points as basis for discussions since they had already been rejected by their Prime Minister and, moreover, dealt with matters within the discretion of the two Governments. The officials, it was argued, were required merely to offer documentary evidence in support of their stands, which could best be done by comparing official maps, ascertaining the alignments claimed by the two Governments and then bringing forward evidence to sustain their claims on overlapping sectors.[3] Five meetings were required to reach agreement on an agenda providing for discussion of the location and terrain features of the boundary, treaties and agreements, tradition and custom, administration and jurisdiction. The boundary was divided in a western, middle and eastern sector, the Indian side adding a fourth sector for the boundaries of Bhutan and Sikkim with Tibet, which were not discussed by the Chinese officials. Similarly the Chinese team refused to consider the boundary between Kashmir and Sinkiang west of the Karakoram Pass, which it was to take up later with Pakistan. The instructions to the officials envisaged that they should complete their assignment by the end of September, but after rounds of talks at Peking and Delhi a third session was held at Rangoon, where the report was signed on December 12, 1960. The part which was drafted jointly only comprised three pages, the remainder of the long document being taken up by summaries of the statements brought forward, each drafted by the side concerned, and by comments on the evidence produced by the other side. Examples of the deadlock which prevailed on almost every item will be given below.

[1] Indian report, p. 262. See Map 2.
[2] *Ibidem*, p. 94. See p. 80.
[3] Indian summary, *Ibidem*, p. 4–8.

THE OFFICIALS REPORT

In the exchange of notes India never contended that the boundary had been marked on the ground, but deduced the general principle that "formal definition or demarcation is not necessary for recognition of a boundary so long as it is fixed by custom and tradition and is wellknown." Where there was a series of mountain ranges, the watershed rather than any other crest became the traditional boundary. In connection with Aksai Chin the argument was rejected that the area was more easily approached from the Chinese side, because accessibility was not a criterion for determining the alignment of boundaries. China did not accept that the boundary ran along the main watershed and also rejected the claim that a customary boundary which followed such unchanging natural features stood defined and did not require formal definition by the two sides. Instead the principle was advanced that "an international boundary signifies a demarcation line up to which neighbouring states exercise their sovereignty over their respective territories and must be jointly defined by the states concerned." Even Britain, it was argued, had never asserted that there was no need to define formally the Sino-Indian boundary but had discussed it with China.[1]

The Chinese officials maintained that the entire boundary had never been formally delimited by treaty or agreement. The traditional customary line, reflected in their map, was formed gradually through a long historical process, mainly by the extent up to which each side had exercised administrative jurisdiction; it could not be mechanically defined by some geographical principle. For mountain people the Himalayan range did not necessarily constitute an absolute barrier to their activities or a limit of administrative jurisdiction. It was deemed inconceivable that in early periods of history the border was already fixed at its present alignment, especially as traditional boundaries tended to change continuously when strong control was exercised by one state in the border area. Without admitting any inconsistency they also argued that the line of actual control differed from the traditional customary line because of British imperialism and the recent pushing forward of India. These factors apparently could not contribute to the continuous process of change. As the border was not delimited and the Chinese officials did not want to get entangled in minute details it was not possible for them to be precise at every point,

[1] White Paper III, p. 87, 89; IV, p. 9.

although they considered their alignment to be basically clear.[1] The Indian officials argued that the boundary with China was a striking instance of a process of historical delimitation along the watershed in all sectors; such traditional boundaries did not naturally change, for if they did, they became artificial boundaries. Formal delimitation of a traditional boundary was an optional process, particularly when it had taken shape on the basis of natural features and had been recognised through custom. The vast discrepancies between the two alignments, which were much more extensive than those between China and Burma or Nepal, made demarcation and joint surveys impossible as part of formal delimitation "unless the Chinese side understood by this process negotiations for large scale adjustments of national territories."[2]

Where the Indian and Chinese alignments coincided they followed the watershed, but when they diverged the Chinese line always swung towards India and never towards Tibet. India advanced as a "well-recognised principle of customary international law with innate logic" that when two countries are separated by a mountain range and there are no specific boundary agreements, the traditional boundary tended to take shape along the crest which divided the major volume of the waters flowing into the two countries.[3] In the western sector China claimed the lower Karakoram range, which was the highest crest in the area, but the watershed ran more to the east. In the middle sector the Chinese alignment had no correlation to natural features and on the whole lacked precise indication, while in the east it continued from the southern border of Bhutan along the foothills. The Chinese rejected the Indian definition of a watershed as equivocal and different from what had been internationally acknowledged, but failed to give a definition of their own. They used the fact that in the eastern sector rivers originating in Tibet broke through the watershed to show that the Indian alignment did not follow this criterion either.[4] This fact as such was recognised by the Indian officials, who emphasised, however, that it did not make the ranges any less watersheds, dividing the greater part of the waters on either side. But the Chinese team called the entire Indian method of deduction untenable; China could similarly ask why, with the Indian boundaries with Nepal, Sikkim and Bhutan

[1] Chinese report, p. 3–5, 178, 186–187.
[2] Indian report, p. 285–286 and 281.
[3] *Ibidem*, p. 236–237.
[4] Chinese report, p. 177–178.

following the foothills of the Himalayas, the boundary in the eastern sector alone could not do so.

The principle of the watershed had in most places been adopted by the McMahon Line and it therefore became of great importance to India to establish the treaty-making power of Tibet and the validity of the Simla Convention. Article III of the 1956 treaty between China and Nepal stating that all treaties and documents which existed in the past between China and Nepal were thereby abrogated, was mentioned to show that Tibet had been in a position to sign treaties and that China recognised such treaties, and particularly the treaty of 1856, as valid. The argument that in 1904 the Chinese Amban in Lhasa assisted the British in concluding the Anglo-Tibetan agreement, which was specifically recognised by China in the Convention of 1906, was less convincing, as it could be said that his presence demonstrated Chinese authorisation to sign the treaty.[1] The Chinese side, however, refuted this point in a different manner by listing the Convention under treaties forced upon China by the British and therefore an unacceptable product of imperialism. In general they claimed that Tibet had no right to conclude treaties with foreign countries unless authorised and consented to by the Chinese central government. The 1842 agreement concerning Ladakh mentioned the Chinese emperor by name and the treaty of 1856 with Nepal also was said to have been dealt with by the Chinese Amban; at any rate both were quite different from the Simla Convention which China had definitely declined to recognise. The trade regulations of 1914 concluded at Simla and followed in practice for almost fifty years likewise were declared null and void because of their relationship to the "illegal" convention. Earlier China had already maintained that the Simla Convention did not touch on the Sino-Indian border and challenged India to point to any particular page in the conference records as proof of the line being discussed; it was considered inconceivable that ownership of territory involving such a large area could have been determined without any previous discussions. In addition the incompetence of the Tibetan authorities to conclude treaties on their own was demonstrated by British efforts in the past to acquire the Chinese signature under the Convention.[2]

[1] Indian report, p. 111–115. In fact, the Amban, though well disposed towards the British mission never signified acceptance of the Convention and showed great skill at evasion.

[2] Chinese report, p. 25; White Paper IV, p. 14. See p. 139–145 for the legal aspects of the Simla Convention and the McMahon Line and p. 13–18 for their history.

India found several inconsistencies in the Chinese case. Arguing that the red line on the map of 1914 only represented the boundary between China and Tibet, the Chinese officials also attempted to show that the area south of this line traditionally belonged to Tibet. To dispute Tibet's power to have direct dealings with India regarding their boundary also was to jettison most Chinese evidence as the majority of the records produced came from Tibetan sources, referring to a Tibetan Government. But the Chinese officials denied any ambiguity since India was mixing up the right to conclude treaties separately with the right of local authorities to function within their competence. India further complained that China used parts of western maps and travellers accounts to support her claims, but repudiated other parts of the same publications. The Chinese delegation openly admitted doing so,[1] but saw no contradiction because these reports generally reflected a policy of aggression; if even in those accounts certain specific portions could be found which were consistent with the Chinese view, this would all the more prove the strength of their position.

This rejection of everything which could be regarded as a left-over of British imperialism constituted the best example of the divergence in the basic approach of both sides. India being the successor to a colonial power could not but stick to the boundaries of British India or else there would be no criteria to determine her territory. Soon after independence she had announced that she would change unequal treaties and followed this up by relinquishing her extra-territorial rights in Tibet. But that was as far as she could go. The acceptance of Chinese sovereignty over Tibet made it much more difficult for India to defend her position than if she had been dealing with an independent Tibet. The controversy over the Simla Convention is a case in point. India condemned the Younghusband expedition as imperialist intervention, but intervention in Tibet and not in China. Her officials wrote that towards the end of the 19th century and around 1914 Chinese suzerainty had virtually disappeared and that Britain, far from intimidating China, had helped to restore her influence in Tibet; British fears of Tsarist Russia also made her anxious that Chinese authority should push southwards, right up to the traditional boundaries of Ladakh and Kashmir. Therefore, if China wanted to substantiate her charges of British imperialism it would be necessary to show that the areas concerned had traditionally been a part of China, and that certain British individuals had deliberately altered the

[1] Chinese report, p. 173.

traditional alignment because of imperialist ambitions; every item should be considered on its merits and not be set aside on the basis of general allegations.[1]

Chinese acquiescence?

A Chinese note of November 5, 1947 had inquired whether the Government of India had replaced the former Government of British India "in assuming the treaty rights and obligations hitherto existing between British India and Tibet," which question had been answered in the affirmative. The reference to Tibet instead of China was interpreted by India as proof of the acceptance by China of the treaty-making powers of Tibet, and also of the recognition of the Anglo-Tibetan boundary agreement of 1914. In 1950 India, replying to the Chinese Government's expression of their anxiety to stabilise the "Chinese-Indian border," stated that the "recognised" boundary between India and Tibet should remain inviolate.[2] If the Chinese Government did not accept the Indian boundary it was, in the opinion of the Indian officials, impossible that they would not have said so on this occasion. The Chinese objection that the situation on the boundary in 1950 was in conformity with the alignment now being shown on Chinese maps was refuted with the argument that no evidence had been furnished to establish Chinese or Tibetan presence in the disputed areas of the western sector; the Chinese side could not base any claim on unlawful intrusion by the Liberation Army which passed through Aksai Chin in 1950.

A third instance of Chinese acquiescence in the Indian alignment was deduced from the Five Principles in the 1954 agreement. India felt that the principle of territorial integrity could only have been confirmed if the two Governments had clear and precise knowledge as to the alignment of their common frontier. The question of the boundary had actually been discussed in connection with the passes and the compromise reached could only be interpreted to mean that their use did not involve ownership, because they were border passes. In addition, India had made it explicitly clear that there were no outstanding questions with the Tibet region, let alone uncertainty regarding the alignment of the boundary. China must have been aware

[1] Indian report, p. 157.

[2] Indian report, p. 212; Chinese note of Aug. 21, Indian note of Aug. 24, 1950. On Nov. 20, 1950 Nehru declared in the Lok Sabha "The McMahon Line is our boundary, map or no map."

of Nehru's authoritative statement on the McMahon Line in 1950 and of the inclusion of N.E.F.A. in the Indian constitution. It would have been a violation of the Five Principles if China, having in mind large claims to Indian territory, had given no indication of them at all. Since, despite frequent opportunities, China had not till September 1959 disputed the traditional Indian alignment, it was estopped from doing so.[1]

The Chinese team brushed aside the principle of estoppel as "absurd". Although they did not give any reasons why, it was clear from their case that they denied any acquiescence in the Indian alignment: the exchange of notes of 1950 concerning stabilisation of the frontier could not be interpreted as recognition of the Indian alignment, because it had not yet been marked on official maps. Regarding the negotiations of 1954 they argued that the agreement was one of trade and intercourse not touching on the boundary question, which therefore had not been mentioned during the discussions. Nor did the acceptance of the Five Principles mean that the boundary was clearly delimited; Burma and Nepal had all accepted them, but still agreed to settle the question of delimitation through consultations. Finally, they quoted Nehru's offer of signing Panchsheel with Pakistan to demonstrate that he did not think that countries must first have a commonly recognised boundary before they could declare their acceptance of the Five Principles.[2] The Indian officials pointed out that one could sign a Panchsheel agreement if there were well-known and recognised disputes with the other party, but that this would be impossible if one had vast undisclosed claims to the territory of the other. We shall return to these arguments in Chapter VII, which discusses the legal aspects of the border dispute.

China's agreement with Burma

The Sino-Burmese agreement of October 1, 1960 confirmed the boundary along both the watershed and the McMahon Line in most

[1] Indian report, p. 98–100 and 271–276. See also White Paper III, p. 60, 91–92. China argued that the passes could not be regarded as points on the border. Her draft for the 1954 agreement had read "The Chinese Government agrees to open the following passes in the Ari district of the Tibetan region of China for entry and exit by traders and pilgrims of both parties," but India had proposed to say that "Traders and pilgrims... may travel by routes traversing the following localities and passes." Finally agreement was reached on "Traders and pilgrims of both countries may travel by the following passes and routes." Peking interpreted her concession only as consent to a wording which did not involve a decision on ownership of the passes.

[2] Chinese report, p. 30–21.

places. It was quoted by the Indian side as an example of erroneous alignments on Chinese maps, which prior to 1953 had shown a large part of Burma as Chinese territory. Their case was complicated, however, by uncertainty over the exact location of the tri-junction of the borders between the three countries. Nehru revealed in parliament that an informal note had been sent to the Burmese Government specifying the coordinates of this tri-junction at Talu Pass. The Chinese negotiators, however, had proposed the Diphu pass, five miles to the south of the watershed and the result was that the text of the treaty did not give any coordinates of the western extremity of the Sino-Burmese frontier. The line drawn on the map annexed to the agreement, however, did show the tri-junction at Diphu pass and consequently was "likely to have prejudicial effects on 75 square miles of Indian territory."[1] The matter was also discussed in diplomatic correspondence between India and China. Peking stated that the Diphu Pass was only a dividing point on the Sino-Burmese boundary and not its western extremity; the traditional tri-junction was located far south of the pass. The implication that the boundary could still be extended southwards was rejected by India by pointing at the caption of the annex to the agreement "Map showing the *entire* boundary between Burma and China."[2] The Burmese Government tried to keep aloof from the controversy and, admitting that the line on the treaty map ran down to Diphu Pass, stated that if and when India and China should agree on a tri-junction at another place that point would have to be entered in the treaty and the map would also have to be altered.[3]

The principles underlying the Sino-Burmese alignment nevertheless tended to support the boundary claimed by India in the eastern sector. There China asserted that the Inner Line along the foothills, proclaimed in 1873 by the Government of British India as the limit beyond which people were prohibited from going without special permission, really constituted the international boundary. The agreements with the hill tribes who promised "to act up to any orders we may get from the British authorities" and often received annuities conditional on their good behaviour[4] were not accepted by China as sufficient proof of British sovereignty and jurisdiction. In her opinion British payments

[1] *Lok Sabha Debates*, Feb. 15, 1961, Vol. L, col. 149.

[2] Indian notes of Dec. 30, 1960, March 30, June 16, Sept. 19, 1961; Chinese notes of Feb. 21, May 4, Aug. 6, 1961. White Paper V, p. 20–37.

[3] Reply to parliamentary question on March 6, 1961. *Burma Weekly Bulletin* March 16, 1961, Vol. IX, No. 46, p. 428.

[4] Indian report, p. 203.

were only compensation for tribes giving up their traditional income and interests in the Indian plains. It was attempted to show that parts of N.E.F.A. had contributed religious dues to Tibet and, through the Tibetan system of "political-religious unity" had thereby recognised her jurisdiction. Ivan Chen's admission at the Simla conference that religious influence did not necessarily imply temporal power was thought to have applied only to the dividing line between Tibet and China, which Tibet wanted to push eastwards.[1]

DEADLOCK

The vast differences of opinion emanating from the reports of the officials left the chances of an agreement very slim. Their contents were laid before the Lok Sabha immediately after its session had been opened by the President's Address, which contained the following paragraphs:

> In spite of present unwillingness, or even intransigence, my Government hope that sooner rather than later China will persuade herself to come to a satisfactory agreement with our country in regard to our common frontiers...
>
> My Government will, however, seek to adhere firmly to the principles which this nation regards as basic in our relations with nations.[2]

Several members objected to the passive formulation of the government's policy and remarked that China would never vacate occupied territory unless she knew that India was strong enough to force her out. Nehru tried to soothe feelings by saying that the position could be regarded as stabilised since August, 1959, and that India was fairly well protected against new intrusions.[3] The Government refrained from indicating what further steps they might take and maintained this silence after considering the report. Replying to parliamentary questions the line was taken that continued endeavours would be made to get the Chinese to agree to the facts of the Indian report and once the facts were accepted a peaceful solution would be possible.[4] But the Prime Ministers never discussed the evidence together and China released extracts from the reports only a year and a half later. In any event they had some value in so far as the Chinese assertions had been pinned down to a greater extent than ever before. Although Peking's

[1] Indian report, p. 124, Chinese report, p, 173.
[2] *Lok Sabha Debates*, Feb. 4, 1961, Vol. L, No. 1, col. 1–24.
[3] Karni Singhji (Bikaner). *Ibidem*, Feb. 20, 1961, Vol. L, No. 5, col. 944. Nehru in No. 8, col. 1702.
[4] Mrs. Lakshmi Menon in Lok Sabha. *Ibidem*, Aug. 10, 1961, Vol. LVI, col. 1159.

alignment remained less precise than the maps submitted by the Indian officials, it would be more difficult to extend its claims later. Except for a dispute which arose concerning the interpretation of the McMahon Line, new historical and legal arguments no longer played a preponderant role in the diplomatic exchanges, which would henceforward deal mainly with concrete grievances and proposals for interim measures to avoid incidents or military clashes. On the basic issues China had succeeded in building up a case which, regardless of its inherent value, was extensive enough to demonstrate that a compromise could be reached only through prolonged negotiations. Any satisfaction which India might have derived from the consolidation of both positions was severely affected by this conclusion, which ran counter to her argument that only minor adjustments of the frontier could be the subject of discussions. In the summer of 1961 R.K. Nehru, Secretary-General in the External Affairs Ministry, passed through Peking on his return from the celebrations of the 40th anniversary of Mongolian independence. Delhi emphasised that there was no question of negotiations, but the fact that he talked with various Chinese personalities whom he knew from his term of office as Ambassador there was apt to create the impression that the Indian stand was weakening.

Meanwhile bilateral relations between Indian and China had deteriorated even further. The Chinese Embassy made a big case out of the expulsion of the correspondent of the Hsinhua News Agency and requested that his "legitimate right" to stay in New Delhi be restored in the interest of upholding the Five Principles and to preserve the principle of freedom of the press. Indian notes complained about obstacles put in the way of the pilgrim traffic, the itinerary of the Indias trade agent in western Tibet and the construction of his office at Gartok, which Tibetans were not allowed to visit by their local authorities. These impediments, the note said, "render virtually nugatory" the provisions of the 1954 agreement.[1] Even Nehru's assessment of stability along the borders proved too optimistic. Returning from his tour of the U.S.A. and Mexico he announced fresh incursions, intensive patrolling and the construction of new military roads by China. The establishment of three Chinese posts, one farther inside Ladakh than previous ones, notwithstanding, he thought that the military balance had changed in favour of India, although not so much

[1] Chinese note of Aug. 1, 1960. White Paper IV, p. 43–45; Indian note of Nov. 9, 1960. *Ibidem*, p. 77–80.

as the Government would have liked.[1] The Chinese advances were mainly in the area which was claimed by their officials in 1960 in excess of the alignment shown on the maps of 1956. But China asserted that they had kept their patrols from going within 20 kilometers of the boundary, thereby unilaterally carrying out an earlier proposal which had been rejected by India. At the same time the Chinese note clearly hinted that if India considered it right to send troops to the areas which she claimed, China might have to take steps by despatching troops across the McMahon Line.[2] This challenge was immediately taken up: "If the threat materialises and Chinese forces attempt to cross the McMahon Line, the Government of India would regard it as a further instance of aggression and take such action as may be necessary to meet this further aggression."[3]

For the time being, however, most attention was given to Ladakh and it was China which did most of the complaining by protesting against Indian troops pressing forward. The Chinese now claimed that in 1950 Chinese troops entered the Ari District of Tibet from Sinkiang via the "traditional route" through Aksai Chin. India replied that the Chinese were "obviously antedating their aggression," as there was evidence to show that Chinese forces did not pass through this area in 1950. This assertion was, however, not substantiated.[4] At the end of April, 1962, China ordered her frontier guards to resume border patrols in the western sector, an activity which, according to India, had never been interrupted. If India continued to intrude into Chinese territory Peking would be compelled to do likewise along the entire boundary. This extension was in fact ordered in September.[5]

Expiration of the 1954 agreement

In 1954 India proposed a long-term agreement for at least 20 years, but the Chinese Government, wanting a much shorter period, with considerable reluctance consented to an 8 year term only.[6] Confronted with a deadlock in the border dispute and the virtual disappearance of trade with Tibet, Delhi showed little enthusiasm to enter into

[1] *Lok Sabha Debates*, Nov. 20 and 28, 1961. Vol. LIX, col. 151–153, 1858.
[2] Chinese note of Nov. 30, 1931. White Paper VI, p. 3–7.
[3] Indian note of Feb. 26, 1962. White Paper VI, p. 10–13.
[4] Chinese note of March 22 and Indian note of April 30, 1962. White Paper VI, p. 22 and 33.
[5] Chinese notes of April 30, 1962 (White Paper VI, p. 39) and Sept. 20, 1962. White Paper VII, p. 80–81.
[6] Indian notes of July 11, and 17, 1962. *Ibidem*, p. 213, 216.

negotiations for a renewal of the 1954 treaty. A first essential for such talks was considered to be a reversal of Chinese aggressive policies and the restoration of a climate which assured strict observance of the Five Principles both in letter and in spirit. Proposing negotiations on a new agreement on trade and intercourse, China saw no reason to link this subject with the boundary question. The ensuing exchange of notes shed more light on Chinese attitudes towards India and the considerable influence exercised by events in Tibet: "If one respects the objective historical facts one cannot but acknowledge that there has been a dark side to the Sino-Indian relations since their very beginning."[1] This statement became less cryptic by enumerating examples of Indian interference in China's internal affairs since the Chinese army advanced into Tibet in 1950. "Obviously the Indian Government is not reconciled to the fact that the Chinese Government is exercising its sovereignty in Tibet." India retorted coolly that if there were a dark side to their relations "it could only have been because the Government of China secretly nurtured undisclosed and unwarranted claims to indisputable Indian territory."

By taking the initiative on an extension Peking evaded responsibility for the termination of the agreement and created a dilemma for India. Its abolition would entail the loss of the only formal text in which the two countries subscribed to Panchsheel. Its continuation would carry the unpalatable implication that the five principles had been faithfully observed by both sides. Since, moreover, Delhi regarded the imposition of arbitrary regulations on Indian officials, traders and pilgrims as a clear violation of the treaty, in its opinion not only the preamble but also its detailed provisions had been violated and rendered useless. The agreement lapsed on June 3, 1963 and India withdrew her trade agents from Yatung and Gyantse. The consulate-general at Lhasa was maintained for another six months until India decided upon the closure of consular missions in both countries from 15th December.

FURTHER PROPOSALS

While India was adamant in its refusal to negotiate a new agreement, a careful effort was made to break the deadlock on the boundary question. India repeated Nehru's offer of November, 1959 to withdraw Indian personnel to the west of the line indicated in the Chinese map

[1] Chinese note of May 11, 1962. White Paper VI, p. 198. China proposed negotiations on Dec. 3, 1961. *Ibidem*, p. 188.

of 1956, provided China withdrew to the east of the international boundary shown on Indian maps; this would apply not only to armed, but also to unarmed and administrative personnel. To demonstrate her desire for a peaceful settlement India added the concession that pending negotiations she was prepared to permit the continued use of the Aksai Chin road for Chinese civilian traffic. These suggestions, however, were rejected by Peking because they would require China to make a one-sided withdrawal, while India was not prepared to apply the same principles to the eastern sector and withdraw to the foothills of Assam.[1] The skilful manoeuvring of the Indian Prime Minister to make an opening for talks with China which would be acceptable to Indian public opinion suffered a setback. Instead the military situation grew extremely tense with an incident in the Galwan valley on July 10 when troops came within a hundred yards of each other in an area which was part of the strip added to the Chinese claim in 1959 as compared to their alignment of 1956.

Both sides claimed that previous patrolling had not encountered posts of the opponent in the valley. An armed clash was narrowly averted as the Chinese withdrew a short distance just at the time that the Indian Cabinet was said to have authorised the surrounded patrol to use force. But several weeks later two Indian patrols came under Chinese fire, one on the Chipchap river, the other in the vicinity of Pangong lake. Peking and New Delhi lodged protests on the same day, each accusing the other of opening fire. The situation seemed serious. India, though faced with tremendous supply problems, had managed to establish some posts behind the Chinese forward positions and continued to probe into the area. Armed clashes were possible at any time. Nevertheless an unexpected lull occurred, which some attributed to contacts between the Chinese Minister Chen Yi and Krishna Menon during the conference on Laos at Geneva. An Indian note announced willingness to discuss the boundary question on the basis of the report of the officials drawn up in 1960 "as soon as current tensions have eased and the appropriate climate is created."[2] China approved the suggestion for further talks and proposed to hold them as soon as possible. Her note began, however, by asserting that "China had never crossed its national border" and that she could give no consideration to the Indian suggestion to make a onesided withdrawal "neither in the past

[1] Indian note of May 14, 1962, and Chinese note of June 2, 1962. White Paper VI, p. 43, 57.

[2] New York Times, Aug. 7. Indian note of July 26, 1962. White Paper VII, p. 3–4.

nor in the future." The addition that "there need not and should not be any preconditions for such discussions" formed a further indication that no measures for an improvement of the climate, as considered essential by India, would be forthcoming.[1]

The Indian press and opposition leaders criticized their government's latest note for failing to emphasize that the Chinese should withdraw from the 12.000 miles they had occupied. They showed concern over the paragraph stating that India could not understand why the Chinese forces were not restrained from going beyond even the 1956 claim line. It was interpreted as Indian preparedness for further concessions provided China would limit her claims to the line of 1956. Yet, the offer to enter into discussions was followed by an expression of hope that China would give a positive response to the concrete suggestions for relaxation of the current tensions. And these included the demand for a withdrawal from occupied territory. In parliament Nehru confirmed that India had not abandoned her old position that any talks should be preceded by the withdrawal of the Chinese, although he did not specify the extent to which this would be a prerequisite. He would, however, say that the present situation was such that India could not have serious talks with the Chinese; "For the rest I want freedom of action." Apparently convinced by his exclamation "We would prefer to be reduced to dust than submit to dishonour of any kind," the Lok Sabha was prepared to grant him such freedom. The Prime Minister also made a distinction between talks and negotiations and explained that he only proposed talks to determine what should be done to ease tension and to create a suitable climate for proper negotiations on the boundary question.[2]

The next Indian note attempted to turn the Chinese rejection of preconditions against Peking; its refusal to consider mutual withdrawals was described as "laying down impossible preconditions and asking for acceptance of the Chinese claim regarding the boundary in this region before further discussions start." India added that she would be glad to receive a Chinese representative to discuss essential preliminary measures. China subsequently repeated the proposal for withdrawals of 20 kilometres on both sides of the line of actual control along the entire border and proposed October 15 as the starting date for discussions on the boundary question on the basis of the report of the officials, first in Peking, later in New Delhi. Although it was clear

[1] Chinese note of Aug. 4, 1962. White Paper VII, p. 17–18.
[2] *New York Times*, Aug. 14; *Lok Sabha Debates*, Aug. 14, 1962. Vol. VI, col. 1776, 1753.

that there was considerable difference of opinion concerning the subject of these talks India agreed to the meeting in Peking.[1] But complications in the eastern sector were to cause the Indian Government to change its mind.

In September India was accused of sending troops into Che Dong and "actively extending the tension to the entire Sino-Indian border" by crossing the McMahon Line.[2] Che Dong or Dhola was south of the Thagla ridge which, being the watershed, was identified with the McMahon Line by the Indian side. In crossing this ridge China, in Indian eyes, had violated the McMahon Line and was thereby responsible for the armed incidents which occurred. Chinese actions, however, could also be interpreted as a retaliation against Indian moves behind Chinese lines in Ladakh earlier that summer. China moved south to demonstrate her claim and did so at a point where there could be a discrepancy between the McMahon Line as shown on the map of 1914 and that indicated by the watershed. This difference arose because the coordinates calculated from the 1914 map did not correspond with the actual location of the places and terrain features indicated. India saw no reason to attach less importance to the Simla alignment, as it inevitably was only a sketch map of small scale with a grid based on incomplete scientific surveys. In the case of Dhola the coordinates would work to the advantage of Tibet, but in other places the Indian boundary would be advanced further north. Delhi therefore did not adhere strictly to the coordinates of the map, but only to the underlying principle of the highest watershed ridges. In any event China knew that India regarded the Thagla ridge as the border. India, therefore, made her consent to discussions dependent upon termination of the latest intrusions.[3] As the Indian position on the scope of these discussions remained unchanged, Chinese withdrawal to the north of the McMahon Line became a precondition for talks on a relaxation of tensions and an improvement of the climate.

THE FIGHTING STARTS

Before leaving for a visit to Ceylon in October 1962 Nehru confirmed that the Indian army had been ordered to clear the Chinese from the

[1] Indian note of Aug. 22; Chinese note of Sept. 13; Indian note of Sept. 19, 1962. White Paper VII, p. 36–37, 71–73, 78.

[2] Chinese note of Aug. 4, Indian note of Aug. 8, and Chinese note of Sept. 16, 1962. *Ibidem*, p. 14–15, 22, 74.

[3] Indian note of Oct. 6, 1962. *Ibidem*, p. 100–102; Nehru's letter of Nov. 14, White Paper VIII, p. 15–16.

territory they were occupying south of the McMahon Line.[1] Indian troops did not get far as China released a major offensive. On October 20 Chinese personnel overran Dhola, surrounded Khinzemane and simultaneously launched a series of attacks in Ladakh. Action of this size could not have been undertaken without extensive planning. In the Pangong Lake area in the western sector the Chinese even managed to bring up tanks. Broadcasting to the nation Nehru called on the people of India to face unitedly "the greatest menace that has come to us since independence."[2] While Indian forces were continuing to fall back Peking issued a statement that China did not want a single inch of India's territory. Although relations were very tense, there was no reason to abandon the Five Principles of Peaceful Coexistence and the spirit of the Bandung Conference, and China listed three proposals. Both countries having agreed to seek a peaceful settlement should respect the line of actual control and withdraw their forces 20 kilometres from that line along the entire border. If India agreed to this, China would be willing to withdraw her frontier guards in the eastern sector to the north of the line of actual control and both countries could undertake not to cross this line in the middle and western sectors; finally, talks between the two Prime Ministers should be held at once and Chou En-lai would be prepared to come to Delhi. An appeal was directed towards the Afro-Asian countries for efforts to bring about the realisation of these proposals.[3]

The Indian Government ascribed only one objective to their opponents: to force India to accept a settlement on Chinese terms. This India refused categorically; she could never agree to talk under threat of force and stood by her earlier position that there must be a restoration of the position of September 8, 1962, the day when China first crossed the McMahon Line as interpreted by India.[4] In a personal letter Nehru added that he was not able to understand "the niceties" of the Chinese proposals which mentioned lines of actual control. Chou En-lai replied that he meant basically the line existing between the two sides on November 7, 1959 and that he would not "force any unilateral demand on the Indian side on account of the advances gained in the recent counter-attack in self-defence." The Chinese

[1] *The Times*, Oct. 13, 1962.
[2] *The Times*, Oct. 23, 1962.
[3] Statement of the Government of China, Oct. 24, 1962. The Sino-Indian Boundary Question, p. 1–5. The three proposals were communicated to the Indian Prime Minister in a personal letter from Chou En-lai of the same date. White Paper VIII, p. 1.
[4] Indian note of Oct. 26, 1962. White Paper VII, p. 125–127.

Prime Minister did not wish to restore the state of the boundary existing prior to September 8, 1962 as it was "unfair and pregnant with the danger of border conflict,"[1] because of recent Indian encroachments and the establishment of military strongpoints on Chinese territory.

Chou also wrote at length to the leaders of Asian and African countries to explain the dispute. Such boundary questions between Afro-Asian countries were a legacy of history and not the same as issues between Afro-Asian countries and the imperialist powers. India, he continued, inherited Britain's covetous desires towards Tibet "or sought at least to transform it into a buffer zone between China and India." Interpreting China's sincere desire for conciliation as a sign of weakness, India crossed the line of actual control first in the west, then in the east. "Casting off the cloak of 'non-alignment' the Indian Government has openly begged for military aid from the United States of America and is receiving a continuous supply of U.S. arms." Finally, the letter expressed the hope that the Afro-Asian leaders would continue to exercise their "distinguished influence to promote a peaceful settlement of the Sino-Indian boundary question on a fair and reasonable basis."[2] A series of maps enclosed with this communication provided useful information concerning Chinese interpretation of the line of actual control. This line appeared to coincide with the Chinese claim line of 1960 except in the Parigas area of the western sector, which was then under Indian occupation, and four similar areas in the middle sector; in the east it followed the McMahon Line. According to India the Chinese forces were nowhere near the western claim line in November, 1959 and reached it only after the massive use of force in October-November, 1962.[3]

Earlier Nehru had written to various Heads of Government to ask for their sympathy and support because India's struggle "is in the interests of world peace and directed to the elimination of deceit, dissimilation and force in international relations." The issue involved, he said, was not one of small territorial gains, one way or the other, but of standards of international behavious between neighbouring countries, and whether the world would allow the principle "Might is Right" to prevail in international relations.[4]

When the Indian President declared a state of national emergency on October 26 the initial Chinese advance was almost at an end, leav-

[1] Letters of Oct. 27 and Nov. 4, 1962. White Paper VIII, p. 4–10.
[2] Letter of Nov. 15, 1962. *The Sino-Indian Boundary Question*, p. 6–36.
[3] *Comments on Premier Chou En-lai's letter to Heads of Afro-Asian states*, p. 10–11.
[4] Letter of Oct. 24, published by Indian Ministry of External Affairs.

ing their forces in possession of Tawang while the Indians reinforced their defences on the Se La ridge. In Ladakh the Indian posts behind Chinese lines had been wiped out, but the occupation of territory beyond the Chinese claim line seemed limited to posts like Daulet Beg Oldi just below the Karakoram Pass from which Indian counter attacks could be mounted. In parliament, recalled to discuss the crisis, Nehru associated himself with the unanimous mood of angry resolution and declared that he accepted the Chinese challenge and all its consequences. He conceded, however, that it was not yet clear whether China meant the attacks as bargaining counters or intended further aggression. Closing the debate he spoke more moderately and, reaffirming that a cease-fire could only be negotiated on the condition of a Chinese withdrawal, he went on to point out that ultimately neither side could bring the other to their knees so that "some way must be found to finish the war in a way honourable to us."[1] The same day a successor was announced to Krishna Menon who had resigned from the Cabinet, first as Defence Minister then as Minister of Defence Production, because of the heavy criticism against his policy of directing India's defences against Pakistan rather than China.

In the eastern sector Indian forces attempted to seize the initiative by active patrolling and attacked a Chinese hill position. On November 15 the long lull ended when China launched a massive attack which quickly developed into a pincer movement with one prong close to the Burmese border in the direction of the Brahmaputra valley and the other via Se La and Bomdi La towards Tezpur. When its momentum was at its heaviest and nothing seemed to prevent a Chinese penetration into the plains of Assam, Peking announced that its troops would observe a cease-fire and, from December 1, would withdraw to positions 20 kilometres behind the line of actual control existing on November 7, 1959. On the Chinese side of this line a number of civilian checkposts would be set up.[2] There were three contingencies for which China reserved the right to fight back in self-defence: if Indian troops continued their attacks after the Chinese frontier guards had ceased fire; if, after the Chinese had withdrawn 20 kilometres, the Indian troops should again advance to the line of actual control in the eastern sector, or refused to withdraw, but remained on the line of actual control in the middle and western sectors; and if Indian

[1] *The Times*, Nov. 9 and 15, 1962.

[2] Statement by Chinese Government, Nov. 21. The *Sino-Indian Boundary Question*, p. 39–46; White Paper VIII, p. 17–21.

troops crossed the line of actual control and recovered their positions prior to September 8. Peking made it plain that the McMahon Line must be that shown on the map of 1914 and not the alignment claimed by Delhi. This meant that India should not attempt to move into the Thagla ridge area; in the west she should give up any hope of recovering the 43 forward posts and in the middle sector Wu Je or Bara Hoti was mentioned as an area which must not be reoccupied. China, on the other hand, would not leave troops in these places either and would vacate a much larger area than demanded by India as a condition for preliminary discussions, provided that India agreed to observe the demilitarised zones of 20 kilometres. The Chinese announcement of the establishment of civilian posts in the zone north of the border could be understood to allow India to do the same on her side, so that she would have some posts at the high passes as an alarm chain against renewed Chinese forays.

All Indian opposition parties except the communists issued a joint statement expressing the conviction that the Chinese offer of a unilateral cease-fire was only another manoeuvre, calculated to cause confusion and gain time for consolidation to build up another offensive. Feeling within the Congress Party, though hardly expressed in the Lok Sabha, also seemed to be overwhelmingly against acceptance of the Chinese offer.[1] Peking's move, however, was not an offer but a statement of intention, which would be implemented as long as Indian actions did not obstruct it openly. As Indian troops were under instruction to observe the cease-fire unless fired upon, nothing impeded the Chinese withdrawal, which got under way slowly. While India twice requested clarification of the alignment of the line of actual control Chou En-lai warned the Indian Prime Minister that the disengagement of troops could not be achieved merely by the Chinese pulling back without a reciprocal withdrawal by the Indian side. If the Indian side refused to cooperate even the cease-fire was liable to be upset. He suggested that officials from both sides should meet to discuss matters relating to the 20-kilometres withdrawal of the armed forces, the establishment of checkposts by each party on its own side of the line of actual control and the return of captured personnel; such a meeting would in itself be of great positive significance, as it would mean the return from the battle field to the conference table. Nehru's reply attempted to combine points made by both sides in recent correspondence from which, it was thought, five principles emerged.

[1] *The Times*, Nov. 22, 1962.

1. We should create a proper atmosphere for peaceful settlement of our differences.
2. We should settle our differences in a friendly way through peaceful talks and discussions. If we fail, we can consider what other agreed peaceful method of settling our differences should be adopted.
3. There should be no attempt to force any unilateral demand on either side on account of the advances gained in recent clashes.
4. The necessary preliminaries for talks and discussions suggested should be consistent with the decency, dignity and self-respect of both sides.
5. The implementation of these proposed arrangements will not in any way prejudice either side's position in regard to the correct boundary alignment.

The Chinese disengagement proposals were incompatiable with the Indian interpretation of these principles. Nehru regarded their suggestions as clearly aimed at securing physical control of areas which were never under Chinese administrative control; their line of actual control was only a series of isolated military posts and needed positive clarification without unilateral definition.[1]

A waiver of Delhi's insistence on returning troops to the forward posts in Ladakh would leave little of substance between Peking's intentions and India's demands, particularly if India were allowed to send civilian police to at least some of these posts. Observers in Delhi were hopeful that the conference of six African and Asian Governments, which were to discuss the dispute at the invitation of the Premier of Ceylon, might be able to provide a compromise in this direction.[2] Such optimism could, however, hardly be derived from official Chinese statements.

THE COLOMBO PROPOSALS

On the eve of the Colombo Conference Peking demanded a clear and definite reply from India to three questions: did India agree to a cease-fire, did she agree to a withdrawal of 20 kilometres from the line of actual control and did she agree to a meeting of officials to discuss these withdrawals to form a demilitarised zone, the establishment of checkposts by each party on its side of the line and the return of captured personnel?[3] A spokesman of the Chinese Ministry of Foreign Affairs made a long statement to underline the reasonableness of its position leaving little doubt that flexibility in the Chinese proposals should not be taken for granted. In typical Chinese fashion Chou En-lai simultaneously sent a courteous telegram to Colombo wel-

[1] Letter of Chou En-lai of Nov. 28; Nehru's reply of Dec. 1, 1962. White Paper VIII, p. 24, 28.

[2] *The Times*, Dec. 5, 1962.

[3] Chinese Memorandum of Dec. 1963. White Paper VIII, p. 31–35.

coming a conference to promote the reopening of negotiations between China and India and wishing it success.

The Indian approach to the conference was more reserved. In the Lok Sabha the Prime Minister expressed his hope "that they will appreciate that there can be no compromise with aggression and expanding imperialism, and that the gain of aggression must be given up before both parties try to resolve their disputes." In the same speech he replied to the three Chinese questions by saying that India accepted the cease-fire and had done nothing to impede implementation of the cease-fire declaration. He favoured disengagement on the basis of a commonly agreed arrangement, which could only be the restoration of the line of September 8. Answering the third question Nehru said that before a meeting could take place the officials must have clear instructions regarding cease-fire and withdrawal arrangements which, therefore, must be arranged first. Consequently there was no meeting ground for the time being. Yet, illustrating his willingness to explore all avenues of careful approach Nehru added that, with parliamentary approval, he would even be prepared to refer the basic dispute to the International Court of Justice, though this also could only come when aggression was abandoned.[1]

The proposals agreed to at the Colombo meeting between representatives of Burma, Indonesia, Cambodia, the United Arab Republic, Ghana and Ceylon remained a carefully guarded secret until they were formally published on January 19, 1963, well after Mrs. Bandaranaike had explained their contents both in Peking and New Delhi. The joint communiqué after the conference only stated that the members had reached unanimity regarding suggestions to India and China "in their attempt to bring these two countries together for negotiations to consolidate the cease-fire and to settle the boundary dispute between them."[2] Their efforts to bring about negotiations should continue until the final settlement of this problem could be negotiated directly between India and China. Mrs. Bandaranaike added that it was not the intention to adjudicate on the disputes of

[1] *Lok Sabha Debates*, Dec. 10, 1962, Vol. XI, col. 5088–92. China was informed on Dec. 19. White Paper VIII, p. 35–38.

[2] *Ceylon News-letter*, London, Jan. 2, 1963 with communiqué of Dec. 12, 1962. The conference was attended by General Ne Win, and after his departure on Dec. 11 by Foreign Minister U Thi Han; Foreign Minister Dr. Subandrio; H. R. H. Prince Norodom Sihanouk; Aly Sabry, Chairman of the Executive Council of the U.A.R.; Minister of Justice K. A. Ofori Atta; and Mrs. Sirima Bandaranaike. The Ceylonese Ambassador to Burma, G. S. Peiris, visited New Delhi and Peking to hand over the proposals of the conference. Text also in White Paper IX, p. 184–7.

others but to create the necessary climate for bilateral negotiations. The conference, she said, had shown that the policies of non-alignment were still a living force; "our task today is to save non-alignment because that is the only way of ensuring world peace."

Two delegates substantially revealed their approach to the problem in their public opening statements. Speaking for the U.A.R. Ali Sabry suggested as a basic principle in conformity with the spirit of the Bandung Conference that there must not be any territorial gain on account of military operations. While this opinion stressed an important point in the Indian case, the delegate from Ghana, although objecting to the use of force to settle disputes between Afro-Asian countries, seemed favourably disposed towards Chinese ideas about disarmed zones and quick negotiations on the fundamental issue. He thought it necessary to establish an area of disengagement "on mutually acceptable terms" in order to make a cease-fire effective until agreed frontiers had been successfully demarcated. The conference should, therefore, call on the two parties to meet and to determine the area of disengagement now.

While the conference had mandated Mrs. Bandaranaike to convey the result of the deliberations to New Delhi and Peking she put Peking first on her itinerary. If Delhi had been reluctant to receive her before the visit to China because it expected a Chinese rejection, then its assessment proved to be wrong. A joint Sino-Ceylonese statement declared that the Chinese Government had given "a positive response to the proposals".[1] Immediately before her arrival the Chinese case had been restated in a published memorandum to India. The main new arguments were that the state of the border of September 8, 1962 could not be a common base-line for separating the armed forces since at that time the positions of the two sides were "interlocked in a jigsaw puzzle fashion." In defence of the Chinese interpretation of the line of actual control of November 1959, Peking added that the extent of administration should not be confused with the location of frontier posts. China had continually exercised effective jurisdiction over Aksai Chin and Indian troops had only been able to establish positions on the Chinese side of this line because they were taking advantage of the Chinese cessation of patrols.[2]

In these circumstances it was clear that the Indian preconditions would not be fully met, however much the Colombo formula conceded the substance of Delhi's case. Carefully balancing the responsibility

[1] Communiqué of Jan. 8, 1963 at Peking.
[2] Chinese memorandum of Dec. 29, 1962. White Paper VIII, p. 39–46.

which rejection of the formula would squarely place upon India, against the rigid demands of an incensed public opinion, Nehru informed the visiting delegations that he welcomed the initiative of the Colombo conference and would place their proposals before the next session of the Indian parliament.[1] Publication took place a few days later together with the text of further clarifications given to the Indian Government. With regard to the western sector the conference appealed to China to carry out her proposed 20 kilometres withdrawal and to India to keep her existing military position. Pending a final solution the area vacated by the Chinese would be "a demilitarised zone to be administered by civilian posts of both sides to be agreed upon, without prejudice to the rights of the previous presence of both India and China in that area." For the eastern sector it considered that the line of actual control recognised by both countries could serve as a cease-fire line and for the middle sector it urged a solution by peaceful means. Once implemented, these proposals would pave the way for discussions "for the purpose of solving problems entailed in the cease-fire position." A positive response to these suggestions would not prejudice the position of either government with regard to the final alignment. According to the explanations given in Delhi Indian civilians could go up to the Chinese line of actual control in Ladakh and to the McMahon Line in the eastern sector, with the exception of the Thagla ridge and Longju. The administration by civilian posts of both sides would be restricted to the demilitarised zone of 20 kilometres on the Chinese side in Ladakh. This was defined as a substantive part of the Colombo proposals and the two governments would only have to reach agreement on the location, the number of posts and their composition.[2]

Arguing that the Colombo formula offered certain advantages over the Indian demand to restore the position of September 8, Nehru defended his intention to approve it entirely. Except for 2 or 3 posts in south-east Ladakh, Chinese forces would be withdrawn from the entire area in which Indian forward posts existed previously and in the south-eastern corner of Ladakh they would even go beyond the international boundary. He further emphasized that if bilateral talks resulted from mutual acceptance of the Colombo formula these would only be about various preliminary matters and would not consider the merits of the case. In view of Chinese reservations regarding the clarifications

[1] Communiqué of Jan. 13, 1963, *India News*, London, Vol. 16, No. 3. Besides the Ceylonese delegation, led by Mrs. Bandaranaike, talks were held with delegations from the U.A.R. and Ghana.

[2] White Paper IX, p. 184–186.

offered to the Indian Government the Prime Minister declared that both parties should express their willingness to accept formula and clarifications *in toto* before the stage of settling the remaining issues could be reached in direct talks. Rejecting an amendment of the non-communist opposition which stated that the Colombo proposals went against the honour, sovereignty and integrity of India, parliament approved the government's policy of accepting them.[1]

On the same day Peking released the letter to Mrs. Bandaranaike in which the Chinese Premier consented to the publication of the full text of the Colombo formula. Chinese withdrawal having created favourable conditions for direct negotiations he accepted the proposals "as a preliminary basis" for meetings of Chinese and Indian officials, but maintained two points of interpretation: firstly, the stipulation regarding Indian troops keeping their existing military position should be applied to the entire border and not to the western sector alone; secondly, China would refrain from setting up civilian posts in the 20 kilometres zone on her side of the line of actual control provided that Indian troops or civilian posts did not re-enter this area.[2]

At a banquet in honour of Prince Sihanouk in Peking President Liu Chao-chi accused India of attempting to use the Colombo proposals to block the road to direct negotiations and to place the six participating countries in the difficult position of arbitrators.[3] Around that time an ominously familiar pattern developed in the resumed exchange of notes between Peking and Delhi with China complaining of repeated incursions to the west of Spanggur Lake and India replying that the area was well within her territory. China also alleged Indian defence constructions on the wrong side of the Nathu Pass on the Sikkim border and India protested against the establishment of a new Chinese post south of the Karakoram pass, which subsequently appeared to have been demolished. Peking used its complaint concerning Nathu La for another request to India to dispatch officials for a joint investigation, but Delhi did not see the slightest need for this.[4] Many notes were delivered but there was no significant increase of tension along the border. Although in parliament Nehru declared that India would not be debarred from sending troops to areas in NEFA vacated by China and that this as well as the establishment of civilian posts in the demilitarised zone in Ladakh would be entirely a matter for the military

[1] *Lok Sabha Debates*, Jan. 23, 1963, Vol. XII, col. 5878–99.
[2] *Hsinhua*, Jan. 25, 1963.
[3] Feb. 12, 1963. Press Release 63005.
[4] White Paper IX, p. 25–27.

to decide, it could fairly be assumed that the Indian army was under orders not to cross the Chinese claim line in Ladakh.[1] Meanwhile China not only completed the announced withdrawals but also refrained from establishing civilian posts in four disputed areas. Shortly after the cease-fire announcement she had declared her intention to station civilian checkposts at five places in the eastern sector including Walong, but soon limited them to Dhola and Longju. Now Peking even omitted these two posts from a list of 16 in the eastern sector, all clearly on Chinese territory. Similarly Wu Je was dropped in the middle sector. In Ladakh civilian posts were announced at the seven places where, according to China, frontier posts had been maintained prior to November 1959 and which would be outside the area where India once established her forward military strongpoints; but they included Hot Springs, Kongka Pass, Khurnak Fort and Spanggur.[2]

The eased border situation, Chou En-lai wrote, would not become tense again provided the Indian side refrained from provocations and from re-entering the four areas where there was a dispute about the cease-fire arrangement. The Chinese stand for direct negotiations would not change, but the government was willing to wait with patience if – and this addition was much resented in Delhi – the Indian Government "owing to the needs of its internal and external politics" was not yet prepared to hold such meetings.[3] Such pronouncements seemed to hint that no Chinese action would be taken against the re-establishment of Indian authority in other areas, although formally Peking maintained its reservation against Indian military advances. China's real objection to the clarifications given by the three Colombo powers in New Delhi went against allowing Indian civilian posts on her side of the line of actual control. The 20 kilometres withdrawal from that line had put the Chinese troops behind their positions of September 8, thus satisfying one essential Indian condition, but any Indian presence there was consistently rejected.

The exchange of notes, once again conducted at the level of the Prime Ministers, dealt mainly with the difference of interpretation of the Colombo proposals. India argued that first China should accept these proposals without reservations; after that the officials of both sides could meet to settle various matters left by the Colombo powers for direct agreement and to decide their implementation on the ground.

[1] Lok Sabha, Feb. 25, 1963, *India News*, London, Vol. 16, No. 9.
[2] Chinese note of March 2, 1963. White Paper IX, p. 27–28.
[3] Letter of March 3, 1963. *Ibidem*, p. 3.

The boundary question itself would then be taken up in one or more stages and if no settlement resulted India would be prepared to refer the differences to the International Court of Justice or to "some sort of international arbitration by a person or a group of persons." Peking, on the other hand, did not recognise the Delhi clarifications as part of the Colombo proposals and considered the Indian position as an ultimatum to accept its interpretation of the original formula. Chou En-lai questioned why Nehru always advised other countries to settle disputes peacefully through negotiations, but took a diametrically opposed attitude towards the present dispute. The suggested reference to an international body was rejected categorically, because complicated questions involving sovereignty such as the boundary question could be settled "only through direct negotiations between the two parties concerned and absolutely not through any form of arbitration."[1]

With most of India's original conditions satisfied and Peking having reservations only about a point which in any case would still have to be worked out, both sides were close to the substance of the Colombo proposals. Paradoxically, however, willingness to accept a solution under their aegis was decreasing. Indian statements concerning a fresh review of the position by the six countries and a renewed attempt to persuade China to accept their proposals were hardly realistic. The chances of the Colombo powers reaching agreement again on the same principles, let alone an elaboration of the earlier proposals, were extremely slim. Basically, the Indian government expected little from bilateral negotiations which could be justified as a reasonable success of its diplomacy and, therefore, showed no real interest in efforts to bring about such meetings. But China was determined to obtain bilateral talks which she had conducted with a fair amount of leniency with Burma, Nepal, Pakistan and Afghanistan. Her show of force had been intended primarily to bring India to the conference table. When this failed the Colombo interlude was accepted as a possible way towards direct negotiations although the internationalisation of the dispute must have raised doubts from the beginning. When the conference unexpectedly took a line which demanded more concessions from China than from India, its usefulness diminished although it could still serve as a background for showing the reasonableness of China's actions. At the same time Peking did not want to give the full credit for its conciliatory moves to the Colombo powers as this would

[1] Nehru's letter of March 5; Indian note of April 3; letter from Chou En-lai of April 20, 1963. *Ibidem*, p. 5, 34, 10.

appear too much as a submission to international pressure. It subsequently turned away from their efforts and towards an exclusively bilateral approach. The visit of Aly Sabri to Peking in the second half of April produced no result. During the visit of the Chinese Head of State to Indonesia the joint communiqué expressed "resolute opposition to foreign intervention in the dispute since this would only undermine Asian-African solidarity."[1]

The tour of President Liu could not erase the impression that China had gone back on her positive reaction to the Colombo formula. His hosts in Indonesia, Burma and Cambodia praised China for releasing Indian prisoners, but simultaneously expressed the hope that China and India would negotiate on the basis of the Colombo proposals. These meager political returns probably warned Chou that his own success could only be enhanced by reverting to the suggestions of the six non-aligned mediators. In Cairo he declared that he would back their continued efforts to bring about direct talks between China and India at an early date and to settle the border dispute peacefully,[2] but added that Chinese measures had far exceeded the requirements of the Colombo proposals. His visit to Burma was one long tribute to peaceful coexistence, and the boundary of peace and friendship jointly delimited by the two countries was held high as a vivid manifestation of the Five Principles. The joint communiqué could imply a change of Chinese attitudes when the two sides "expressed the hope that China and India would find it possible to enter into direct negotiations *on the basis of* the Colombo proposals so as to remove progressively the differences between them and finally achieve a friendly settlement."[3] Chou no longer spoke of acceptance "in principle."

The Prime Minister of Ceylon continued her mediatory efforts. When she visited Cairo it was rumoured that she had suggested a policing of the demilitarised zone in Ladakh by the neutral powers. Similar stories that in Colombo Chou offered a withdrawal of Chinese posts in this area remained unconfirmed.[4] They coincided with official hints in India that an arrangement might be acceptable whereby neither side would maintain posts of any kind in the 20 kilometre zone on the Chinese side of the line of actual control. Such a proposal had earlier been made by two of Lord Russell's representatives during their interviews with Nehru and Chou. At that time China rejected it, because

[1] *New Statesman* (1963) 700–701.
[2] Press conference on Dec. 20, 1963. *Press Release* 63062.
[3] Communiqué of Feb. 18, 1964.
[4] *The Times*, Oct. 21, 1963; Feb. 27 and March 2, 1964.

the continued relaxation of the border situation would be assured as long as India did not cross the line of actual control; and Nehru declared that the suggestion did not originate with him, but with the British visitors.[1] In April, 1964 Nehru informed the Lok Sabha of his commitment to Mrs. Bandaranaike that, should China offer a withdrawal of her civilian posts from the demilitarised zone, India would be prepared to consider it. Shortly before his death he was even more explicit in confirming to the All India Congress Committee that while India stuck to the Colombo proposals as a basis for negotiations with China, she was willing to negotiate, if neither side maintained any posts in the proposed demilitarised zone in Ladakh.[2]

China did not react to these overtures and quietly proceeded to set up stonecairns marking her line of actual control. She remained extremely sensitive about private Indian contacts with Formosa and pronouncements of the Dalai Lama. She even held the Indian Government responsible for a trip to Formosa by a leader of the Swatantra party and for proceedings at a Moral Rearmament meeting, which were said to reveal deliberate support for the "U.S. imperialists plot of creating two Chinas." A statement by Minister Shastri that details of the Dalai Lama's intended visit to Buddhist countries in South East Asia would be discussed with him was the subject of a protest against interference in China's internal affairs.[3]

THE QUESTION OF PRISONERS

During the few weeks between the Chinese advance to Se La and their massive penetration further south, India promulgated the Foreigners Law Ordinance, 1962, enabling the internment of Chinese citizens who were security risks. Approximately 3000 persons were detained in a camp at Deoli. At first Peking protested against the "persecution" of her nationals, then it accused India of holding them as hostages for blackmailing the Chinese Government and finally a dispute developed about their repatriation which resembled the prisoners of war issue in Korea. Delhi agreed to Chinese ships coming to Madras to fetch those persons who held passports of the People's

[1] *The Times*, Feb. 25, 1964. White Paper X, p. 3–6.

[2] *Lok Sabha Debates*, April 13, 1964. A.I.C.C. session at Bombay, May 17. See *India News*, London, Vol. 17 (1964) No. 16, 21. Mrs. Lakshmi Menon, Minister of State for External Affairs, declared in Colombo in June, 1964 that the Colombo powers should also take the next step to break the stalemate. *Ibidem*, No. 26.

[3] White Paper X, p. 109, 112; Chinese note of March 23, 1964. *Press Release* 64029.

Republic and who desired to go to the Chinese mainland. But it refused to provide the names of other detainees and did not allow consular officials to visit them. Chinese notes used some of their strongest language on this issue:

> The Indian Government is even acting in guerilla warfare collusion with Chiang Kai-shek gang elements to pressurize Chinese nationals into betraying their motherland. The Chinese Government and people cannot but pay close attention to all these treacherous schemes of the Indian Government.[1]

China particularly objected because the Indian measures were taken against "peaceful law-abiding Chinese nationals" while diplomatic relations were still maintained. The absence of a declared war was also used to explain Peking's refusal to agree to a reciprocal exchange of information on prisoners through the International Committee of the Red Cross or to allow visits from its observers. Direct talks on captured personnel had already been proposed by Peking in one of its attempts to establish bilateral negotiations, but in its opinion there could be no question of putting them on the same level as detained civilians. India argued that her measures were necessary to prevent acts of subversion and sabotage or fifth column activities as well as to protect enemy agents from the wrath of the people. She replied to the Chinese note in kind:

> It is the avowed objective of the Chinese Government to overthrow by war and violence the lawfully constituted Government of the independent peoples of Asia and Africa. War is as surely its gospel as peace is its bugbear.[2]

By the middle of 1963 three batches of interned persons had left India and China had released most military prisoners. Peking wanted to send another ship, but India replied that no more Chinese nationals desired to repatriate. While this debate continued India switched to the problem of cremating her dead which China had buried in the demilitarised zone. Peking was prepared to take care of their cremation but remained adamant in refusing Indian Red Cross parties accompanied by priests to cross the line of actual control. It was infuriated by an Indian announcement fixing a date and place for these parties to enter the Chinese demilitarised zone and stated that it was "absolutely impermissible to enter them without the consent of the Chinese authorities."[3] China seemed anxious to avoid creating any precedent

[1] Note of April 27, 1963. White Paper IX, p. 124.
[2] Note of June 10, 1963. *Ibidem*, p. 146.
[3] White Paper X, p. 78.

by allowing an Indian presence on her side of the line as this would weaken her position on the only remaining difference over the Colombo proposals.

CHINA'S AGREEMENTS WITH OTHER NEIGHBOURS

The increase in tension over the Sino-Indian border was in sharp contrast with the smooth conclusion of China's border agreements with other neighbours. The treaty defining the boundary with Burma has already been discussed in this chapter, which leaves the agreements with Nepal, Pakistan and Afghanistan to be mentioned here. The potential border conflict with Russia will be treated later as part of the section on Soviet attitudes towards the Indian case.

Nepal

In March 1960 the Nepalese Prime Minister, B. P. Koirala, paid a visit to Peking which led to the creation of a joint commission to enquire into the grounds of dispute over some relatively important areas. Nepal further agreed to a delimitarised zone of 20 kilometres on each side of the boundary. In spite of this measure an armed incident was to occur in June, promptly followed, however, by a Chinese apology. After his unsuccessful talks with Nehru in New Delhi, Chou En-lai returned the call in April of the same year and went a step further by charging the commission to settle the boundary question. The Nepalese submitted 150 place names which were first disputed by the Chinese, who claimed 19 of their own but ultimately conceded most points including the sentimental issue of Mount Everest.[1] On 5th October 1961 King Mahendra signed a treaty confirming the traditional boundary along the watershed with some deviations in favour of Nepal and providing for joint demarcation. Its preamble read:

> Noting with satisfaction... that the two parties have, in accordance with the five principles of peaceful coexistence and in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation, smoothly achieved on overall settlement of the boundary question between the two countries through friendly consultations.

The obvious allusion to India not possessing these virtues was carried further in the joint communiqué at the end of the visit. It included an

[1] Patterson, G. N., *Peking versus Delhi*, p. 152.

oblique reference to Nepalese resentment against what was felt to be patronizing behaviour on the part of India:

> The Chinese side... solemnly declared that all nations, big and small, must treat each other as equals and that China would never adopt an attitude of great nation chauvinism towards Nepal.[1]

The border commission worked surprisingly fast and on 20th January 1963 a protocol was signed at Peking declaring that the alignment described in an attached map had been demarcated in mutual agreement.

Pakistan

Except for Pakistani protests in the United Nations that India had no right to settle the border between Ladakh and China there seemed to be no reason to suppose that a SEATO member like Pakistan would complicate the Indian border dispute by concluding an agreement with China. Delhi began to feel uneasy when the Chinese officials refused to discuss the alignment west of the Karakoram pass and Foreign Minister Manzur Qadir subsequently remarked that China had agreed in principle to a demarcation of her frontier with Pakistan,[2] but its apprehensions were confirmed only a year later. A press release announced agreement between China and Pakistan to attain an understanding of the location and alignment of the boundary between Sinkiang and "the contiguous areas, the defence of which is under the actual control of Pakistan." The agreement would be provisional, to be replaced by a formal treaty after settlement of the Kashmir issue. This text also affirmed that the border "has never been formally delimited and demarcated in history."[3] India promptly asserted that there was no common border between Pakistan and China. She had so far believed that Peking had unreservedly accepted Indian sovereignty over Kashmir because Chou En-lai told the Indian Ambassador in 1956 "that the people of Kashmir had already expressed their will" on the issue of accession and conveyed the same expression to Secretary General Nehru in 1961. She now raised a protest against Chinese interference with the sovereignty of India.[4] Peking made the most of its diplomatic success. After stating that the Chinese Government had never accepted without reservation the position that Kashmir came

[1] *Press releases* 61055 and 61057.
[2] *The Times*, Jan. 18, 1961.
[3] *Press Release* 62009.
[4] Note of May 10, 1962. White Paper VI, p. 96.

under Indian sovereignty and that, on the contrary, it had always refrained from making any remarks on the historical background of the problem, she wrote that the provisional agreement did not involve the question of ownership at all. The latter part of the note revealed why Peking attached so much importance to border negotiations with Pakistan.

> Anyone in the world with common sense will ask: since the Burmese and Nepalese Governments can settle their boundary questions with China in a friendly way through negotiations and since the Government of Pakistan has also agreed with the Chinese Government to negotiate a boundary settlement, why is it that the Indian Government cannot negotiate and settle its boundary question with the Chinese Government?[1]

The Chinese desire to demonstrate that India alone of all southern neighbours had picked a quarrel over border alignments was underlined by the "speedy attainment of the agreement in principle on the boundary question left over by history."[2] The terminology of the agreement also had a bearing upon the Indian position. Article I stated "In view of the fact that the boundary... has never been formally delimited the two parties agree to delimit it on the basis of the traditional customary boundary line including natural features in a spirit of equality, mutual benefit and friendly cooperation." The alignment followed the main Karakoram watershed, but once left it for another spur and a river bed to accomodate Pakistan in her desire for the pocket of Sokh Bulaq. Since the maps produced by the two sides were not fully identical it was agreed that the actual features on the ground should prevail and that they would be determined as far as possible by joint surveys in the field. Wherever the boundary crossed a pass the water-parting line should be the boundary.[3] The area in which the original claims overlapped was about 3400 square miles. The compromise border left about two thirds on China's side, but while Pakistan in the main had given up only claims on maps, China would be withdrawing from about 750 square miles.[4]

The terms of the agreement seemed equitable, but the timing of their announcement on the eve of a round of talks between India and Pakistan decreased the already slim chances of finding a solution for the Kashmir problem. Delhi accused China of deliberately pursuing a policy intended to destroy the accord and amity which had been

[1] Note of May 31, 1962. *Ibidem* p. 99–102.
[2] Joint communiqué of Dec. 28, 1962. *Press Release* 62054.
[3] Agreement signed on March 2, 1963 in Peking. *Press Release* 63009.
[4] *The Times*, March 4, 1963.

developing between India and Pakistan. Earlier it had called the joint communiqué a brazen attempt at legitimisation of the gains of aggression in the hope that the Chinese Government would thereby secure Pakistan's support. While the Indian assessment of the growing amity with Pakistan could hardly be genuine, Peking exaggerated even more in writing that India, encouraged by certain Western powers, had redoubled her efforts to entice Pakistan into a joint anti-China campaign. It conveniently did not mention that several years ago, when the border dispute began in earnest, President Ayub Khan had offered a joint defence agreement which was refused by India.[1]

Afghanistan and Outer Mongolia

A treaty with Afghanistan was signed on November 22, 1963, in Peking, which in many details was similar to the agreement with Pakistan. The boundary line followed the Mustagh range watershed and was drawn on Chinese and Afghan maps, which apparently showed no obvious differences. As in the case of Pakistan, disputes would be settled by the two parties through friendly consultations.[2] To the surprise of Western observers China also formally fixed her 2500 mile border with Outer Mongolia, but no details were available of the agreement which followed secret negotiations and an exchange of delegations.[3]

[1] Indian notes of Dec. 31, 1962 and March 2, 1963; Chinese note of Feb. 21, 1963. White Paper VIII, p. 48; IX, p. 1–3.

[2] *Press Release* 63053.

[3] Agreement of Dec. 26, 1962. *The Times*, Dec. 27. The history of Outer Mongolia shows an interesting parallel with Tibet. In December 1911 she declared herself independent, but a Sino-Russian declaration of 1913 (accepted by O.M. in 1915 with the treaty of Kiachta) limited her freedom. China recognised her autonomy and would refrain from sending troops (except a representative at Urga and an escort); Russia declared that O.M. was under the suzerainty and formed part of the territory of China. Political and territorial questions would be settled in tripartite negotiations. In the absence of detailed maps there was no definition of boundaries and O.M. was only said to comprise a number of regions. In 1919 the Chinese President cancelled her autonomy and sent troops across the Gobi desert. In 1921 the Mongolian People's Republic was founded with Soviet help; it was recognised by nationalist China in 1946 after a plebiscite. The declaration of 1913, which was known to McMahon at Simla, influenced his proposals at the conference for a distinction between Outer and Inner Tibet.

LEGAL ASPECTS OF THE BORDER DISPUTE

Traditional international law has often been regarded as an obstacle by the newly independent states since its limited scope for peaceful change tended to retard their emergence. The present legal system, including the results of a long process of authoritative prescriptions, had emerged without the active participation of the new states. Their recent colonialist past was regarded as a dark, illegal and even immoral episode and often an attempt was made to find a new and unprejudiced basis for their statehood in their history of several centuries ago. The Chinese border disputes with India and Burma even produced arguments which went back to the second and third centuries. Actual practice in Asia showed a preference for conciliation rather than application of a legal rule, but the amazing array of doctrines advanced in the Kashmir dispute provided an example of an extensively legalistic approach. In general, recently acquired sovereignty was guarded jealously, acquiring a connotation of absolute authority independent of any control by the world community.[1] This characteristic placed the Asian states halfway between the western concept that modern international law is largely made up of limitations of sovereignty and the communist emphasis on absolute sovereignty.

Marxist ideology regards international law as a weapon in the struggle for peace and real sovereignty of nations but – besides being vague – these objectives are always seen in the political perspective of spreading communism. It is difficult to see how this approach can contribute to any real growth of a legal system and to a Western observer inconsistency in the interpretation of international law seems to be characteristic of communist regimes. The border dispute provides several examples. Excessive stress on national sovereignty and the absence of jurisprudence almost exclude the communist bloc from the

[1] Syatauw, J. J. G., *Some newly established Asian states and the development of international law*, p. 222–230. He analysed the Burmese-Chinese boundary dispute, the Kashmir conflict and the Indonesian position on territorial waters. In the case between India and Portugal on the right of passage India raised no less than six preliminary exceptions to contest the jurisdiction of the International Court of Justice.

sphere of western concepts. Convinced of ultimate communist victory Marxism regards any earlier system of world order as unrealistic. In anticipation of this victory the chief function of international law becomes that of ensuring peaceful coexistence, which Moscow regards as the basic problem of present day politics.[1] We are still without a comprehensive analysis of the Chinese approach to international law and the voluminous diplomatic exchanges between India and China may help in providing one. The border dispute leaves the impression that China adopted the Marxist concept of absolute sovereignty and for the rest used principles of international law when suitable to her case, but on other points renounced them as imperialist relics. Examples of this attitude have already been encountered in chapter VI and will be amplified in the following pages.

Apart from differences in assessing the value of international law it is not surprising that India appealed to legal principles more frequently than China, since she considered the entire length of the boundary to be defined by treaty, tradition and administrative usage. China, on the contrary, denied that there had been any valid definition in the past and demanded negotiations on the entire alignment while at the same time advancing evidence from maps, Chinese and Tibetan administrative records and travel accounts to establish the validity of her interpretation of the traditional boundary. Our analysis of the legal aspects of the border dispute starts with an examination of the status of Tibet and its alleged competence to conclude international agreements without the consent of China, with particular reference to the Simla Convention and the McMahon Line. This part is based on the historical description given in Chapter II and the arguments advanced during the border dispute. It is followed by a discussion of mountain boundaries and more particularly the watershed principle which was made the basic criterion of the Indian alignment. Next come the other factors involved in a disagreement over borders: the significance of maps and the extent of effectiveness of the alleged territorial sovereignty. Finally, the various sectors of the boundary are examined in detail.

THE JURIDICAL STATUS OF TIBET

Elementary qualifications of statehood are the possession of a sufficient and permanent population, a defined territory and an organised government which exercises factual control. Lauterpacht added the

[1] Stuyt, A. M., *Gespleten Volkenrecht*, The Hague, 1962.

requirement of a *sovereign* government which has supreme and independent authority within the borders of the country.[1] Hyde did not consider it essential that the state should be independent, but it should have and use the right to enter into foreign relations either with or without restrictions.[2] His opinion, which Korowicz[3] explained as a willingness to conciliate the colonial system of administration with international law, found support when the British House of Lords judged the transfer of the control of foreign affairs consistent with the maintenance of sovereign power.[4]

Faced with the existence of states which obviously did not possess full sovereignty Lauterpacht's system included them as imperfect subjects of international law, which he described as non-full sovereign states to indicate that they had supreme authority with regard to a part of the functions of the state, but came under the authority of a different state in respect of other matters. He admitted, however, that imperfect international personality and non-full sovereignty were an anomaly, but avoided further difficulties by saying that statehood alone did not imply membership of the Family of Nations and that a state became an international person through recognition only and exclusively.[5] A protectorate, like suzerainty a kind of international guardianship, was characterised as a relationship in which the protected state always retained a position of its own as an international person, the extent of which would depend on the terms of the particular treaty. But recognition of the protectorate on the part of third states was considered necessary to enable the superior state to represent the protected state internationally. Suzerainty normally implied that the vassal state had no relations with other states since they were entirely absorbed by the suzerain. Again, the exact nature of the relationship between vassal and suzerain depended upon the details of each individual case and examples could be quoted of vassal states enjoying some treaty making power.[6] General definitions of suzerainty similarly

[1] Lauterpacht, H., *International Law*, p. 118–119.
[2] Hyde, C. C., *International Law*, (1922) 16–17.
[3] Korowicz, M. S., *Introduction to International Law*, p. 71.
[4] Duff Development Cy. v. Government of Kelantan (1924). *A.C.* 797, 814. Hackworth, *Digest* I, p. 51.
[5] Lauterpacht, H., *op. cit.*, p. 125.
[6] *Ibidem*, p. 190. As a vassal of Turkey, Egypt could conclude commercial and postal treaties and, like Bulgaria, send and receive diplomatic agents and consuls. The first South African Republic could conclude treaties provided Great Britain did not interpose a veto within six months after receiving a copy of the draft treaty. In 1885 Bulgaria fought a war against Serbia independently of her suzerain and in 1898 Egypt conquered the Sudan conjointly with Great Britain and acquired condominium.

were subject to qualification. They normally considered the vassal to be a mere portion of the suzerain state; treaties concluded or wars declared by the suzerain would *ipso facto* apply to the vassal and the suzerain would bear a certain responsibility for the actions of the vassal state.[1]

In a list of present international persons Lauterpacht's edition of 1955 still mentioned Tibet as a half-sovereign state, although the author seemed to be aware of the 1951 agreement which reduced Tibet to a region of China.[2] The concept of half-sovereignty seems to lack precision and to be a contradiction in terms; it assumes that the other half rests with a different country. This has inherent dangers in a period in which attempts are made to inflate the concept of national sovereignty. Nothing should be done to facilitate the identification of the exercise of a few specific rights with full sovereignty. As their exact nature would still have to be determined in each individual case, it would be useless to conceal certain political situations in an artificial and legally inconsistent manner. In a case of delegation of powers the main point to be determined is whether this is a permanent abandonment or temporary and revocable according to the sovereign will. If the transfer is revocable, sovereignty may be upheld; if not, there is no independence and thus no sovereignty.[3]

A definition of the relationship between Tibet and China comes up against the difficulty that China has never considered herself as a suzerain over Tibet. Her claim was based on the Manchu occupation of 1720 undertaken to evict a Mongolian army and imposed without any Tibetan opposition. There was no treaty or exchange of letters. The principal change was the disappearance of the King and the recognition of the temporal powers of the Dalai Lama assisted by a council of ministers. In practice, however, the early demise of four Dalai Lamas placed supreme authority in the hands of Lama regents for over a century. The Chinese Ambans played some part in Tibetan government until the collapse of the Manchu dynasty, but their authority was subject to great fluctuations and in 1890 and 1893 proved insufficient to implement the Sino-British agreements. The Dalai Lama owed personal allegiance to the Emperor in what Richardson called

[1] Sen, D. K., "La situation internationale du Thibet," *R.G.D.I.P.* XXII (1951) 417–438.
[2] Lauterpacht, H., *op. cit.*, p. 258.
[3] Korowicz, M. S., *op. cit.*, "Some present aspects of sovereignty in international law," p. 89.

the old, unwritten, flexible bond between Patron and Priest.[1] He paid tribute once every three years and the Emperor's representatives sometimes participated in his election and inauguration. There was no express cession of rights. The relationship was far more vague than that between the Emperor and the Mongolian Kings, who yearly did homage and paid tribute, were obliged to assist the emperor in war with troops and received a subvention from him.[2] There is also no firm historic evidence that Tibet ever was a province of China nor are there Chinese claims to this effect before 1911.

Nationalist Chinese writers rejected the argument that Tibet was a vassal of China and asserted China's claim of sovereignty.[3] Li presented as a historical fact that Tibet had long been an integral part of China and quoted with approval a notice posted by the Chinese Amban at Lhasa in 1904 proclaiming that "for more than 200 years Tibet has been a feudatory of China." He also asserted that during the negotiations for the Anglo-Chinese convention of 1906 Britain refused to go further than recognising Chinese suzerainty but that China insisted on full sovereignty. In the end the convention, which confirmed the Lhasa text of 1904, included neither concept and registered a British engagement not to annex parts of Tibet while China undertook "not to permit any other foreign state to interfere with the territory or internal administration of Tibet." The next year the Anglo-Russian convention recognised Chinese suzerainty, but this neither benefited China nor detracted from her (or Tibet's) rights. The Simla Convention of 1914 which we shall discuss presently, provided for recognition by Britain and China that Tibet was under the suzerainty of China, but Peking's refusal to sign the agreement debarred her from invoking this concession.

The International Commission of Jurists has drawn attention to the fact that sovereignty, being an essentially western term entered Chinese vocabulary only after the 1911 revolution.[4] Previously China had only occasionally described her claim that Tibet was a part of China as a feudal link, which was not necessarily identical to sovereignty but could not have implied more than a very limited degree of independence for Tibet. Her claim could have been consistent with suzerainty in so far as the territory of the vassal is considered as a mere portion

[1] *Tibet and its history*, p. 103.
[2] Sen, D. K., *op. cit.*, p. 427.
[3] Li, Tieh-tseng, *Tibet, today and yesterday*, p. ii; "The legal position of Tibet," p. 394–6. Shen, *Tibet and the Tibetans*. See also Ch. II, p. 17–19.
[4] *The question of Tibet and the rule of law*, p. 85.

of the suzerain state, but this very concept has always been rejected by Peking.

The fact remains that Tibet independently concluded agreements with Nepal after the second Gurkha war and with Great Britain after the Younghusband expedition. The peace treaty of 1856 with Nepal was signed by Lamas of the Lhasa government who agreed to the annual payment of 10.000 Rupees to Nepal, and to the admission of a Nepalese representative and trading-post to Lhasa. It granted extra-territorial rights to Nepal in so far as it provided for Gurkha jurisdiction in disputes between her nationals and joint adjudication of quarrels between Gurkha and Tibetan subjects. The Gurkha invasion had violated the stipulations exacted by China in 1792, but this did not prevent both sides from stating "The States of Gurkha and of Tibet have both respected the Emperor of China up to the present time."[1] An acknowledgement of the mystical aura of the empire which four times had despatched an army to quell the international or internal troubles of Tibet, was an inexpensive safeguard against possible complications. Yet this lipservice to China could not be a substitute for her participation in the agreement, so that this text supplied the major argument in favour of Tibet's power to conclude international agreements on her own. The same applied to the Lhasa Convention of 1904, but that was expressly modified and confirmed by China in 1906. Both agreements illustrated the inapplicability of the traditional concept of suzerainty, which considered that the vassal state had no relations with others, these being absorbed entirely by the suzerain,[2] or at the utmost allowed some subordinate international position. Other traditional aspects of suzerainty equally failed to be relevant: international treaties concluded by China did not *ipso facto* apply to Tibet which even remained neutral during the last war against Japan, nor did China bear a responsibility for any actions of Tibet. In any case suzerainty would not have continued after the fall of the Manchu dynasty, as China's hold over Tibet could not have been more than a feudal derivative of that rule. Their relationship was mystical, feudal and remote from modern international law and "we only darken counsel by trying to cast it into western political or legal terms."[3]

After the suppression of the Tibetan revolt Malaya and Ireland sponsored a resolution in the U.N. General Assembly, which "mind-

[1] Richardson, H. E., *Tibet and its history*, p. 247.

[2] Lauterpacht, H., *op. cit.*, p. 190.

[3] Fawcett, J. E. S., "Intervention in international law," p. 413. See also Syatauw, *op. cit.*, p. 131 concerning Sino-Burmese relations.

ful... of the autonomy which they have traditionally enjoyed" called for "respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life."[1] The debates shed little light on the juridical position of Tibet. The Malayan delegate had no intention to raise the issue of Chinese sovereignty or suzerainty and concentrated on the violation of human rights. The French representative thought "that there actually has been some sort of dependent relationship between that country [Tibet] and China." Nationalist China repeated that Tibet had been a part of China, in one fashion or another, for many centuries, and Britain regarded the status of Tibet far from clear, as some of the important facts were in doubt. The Turkish representative explained that Tibet had always been a semi-sovereign state and never a province of China; he regarded her as a *sui generis* case. When a vote was taken France, India and Britain abstained on account of their doubts concerning the compatibility of the resolution with Article 2, paragraph 7 of the Charter which prohibited intervention in matters which are essentially within the domestic jurisdiction of a state.

The Simla Convention

Green applied the Western view of suzerainty to Tibet and argued that an agreement signed with a vassal state has no validity under international law, although it may be valid between the parties concerned.[2] It is true, as he continued, that in the text of the Simla convention Britain indicated that she did not regard Tibet as an independent entity, but his addition that this meant a denial of Tibet "enjoying international personality" is open to questioning. Lord Curzon's statement regarding his recognition of Tibet as an autonomous state clearly allowed for some international personality as distinct from complete sovereignty.[3] Green's suggestion that the Tibetan delegate merely acted as an expert adviser to the Chinese representative has already been countered by others in pointing at the equal status of the three plenipotentiaries.[4] The Chinese were reluctant to recognise the equal status of the Tibetan delegate, but the British threat to conduct bilateral negotiations with Tibet if China remained un-

[1] Resolution 1353 (XIV) of Oct. 21, 1959. *G.A.O.R.*, 14th Session, Verbatim records of 831st–834th meetings. See Ch. II, p. 32, for the debate of 1950.
[2] *China Quarterly*, No. 3, p. 44.
[3] See Ch. II, p. 13–18 for the history of this period.
[4] *China Quarterly*, No. 5, 150–152 by Richardson, No. 8, 202–207 by "S.G.".

cooperative left them no choice. The diplomatic note announcing the appointment of Chen as "special plenipotentiary for Thibetan negotiations" stated that he would speedily proceed to India "to negotiate provisional treaty jointly with the plenipotentiary appointed by Great Britain and the Thibetan plenipotentiary and to sign articles which may be agreed upon in order that all difficulties which have existed in the past may be dissolved."[1] The preamble of the convention also used the term plenipotentiatries and left no doubt concerning their equal status:

> His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, Emperor of India, His Excellency the President of the Republic of China, and His Holiness the Dalai Lama of Tibet, being sincerely desirous to settle by mutual agreement various questions concerning the interests of their several States on the Continent of Asia, and further to regulate the relations of their several governments, have resolved to conclude a Convention on this subject and have nominated for this purpose their respective Plenipotentiaries...

British documents regarding the conclusion of the Convention will shortly become accessible. A part of the minutes of the conference, however, has already been revealed by a Chinese source in 1940 and provides some information regarding the concept of suzerainty.[2] The draft McMahon presented to the conference contained the following wording of Article II:

> The Governments of Great Britain and China, recognizing that Tibet is a State under the suzerainty, but not the sovereignty, of China, and recognising also the autonomy of Outer Tibet, engage to respect the territorial integrity of the country, and to abstain from interference in the administration of Outer Tibet (including the selection and appointment of Dalai Lama), which shall remain in the hands of the Tibetan Government at Lhasa.
>
> The Government of China engages not to convert Tibet into a Chinese province and Tibet shall not be represented in the Chinese Parliament or any similar body. The Government of Great Britain engages not to annex Tibet or any portion of it.

In the course of the negotiations the words "a State" and "but not the sovereignty" were omitted, the word "appointment" was replaced by "installation" and the prohibition of representation in the Chinese Parliament was limited to Outer Tibet only. A separate note stating that Tibet formed part of Chinese territory also was added to meet Chinese wishes, but McMahon rejected a request by Chen to define the political limits of suzerainty in a separate agreement. The agreed

[1] Alston to Grey, Aug. 10, 1913, No. 185. Viscount Morley referred to China raising a point as to the status of the delegates; House of Lords, July 28, 1913.

[2] *The Boundary Question between China and Tibet*, p. 96–98, 101–105, 122, 130–133, 140–141, 147–148.

minutes of their conversation describe the British argument: "I reminded Mr. Chen of the vagueness of this term, and the diffidence shown by all authorities on International Law in putting forward any definition of suzerainty." It seems clear that Britain considered her recognition of Chinese suzerainty only as a harmless face-saving device for the Peking government. But the original balance in the draft between British recognition of suzerainty with a Chinese admission that this did not amount to sovereignty had disappeared by the acceptance of the amendment in an attempt to obtain Chinese consent to the Convention. Yet Article II did not constitute a *Tibetan* recognition of Chinese suzerainty. The main reason why the concurrence of Tibet was omitted from this vital provision may well have been the history of the British draft, which had originally been prepared for a bilateral Sino-British agreement.[1]

The lack of definition of Chinese rights was further demonstrated when Chen requested a clause in Article IV (regarding the Chinese representative and his escort of 100 men, later enlarged to 300 men) recognising the right of the Amban to guide the Tibetans in their foreign policy. McMahon replied that the draft represented the most favourable terms which could be expected from Britain and "recognised the traditional position of the Chinese representative, and it was unnecessary to attempt any definition of that position." Chen later produced another instruction from Peking including the demand that the new trade regulations between Great Britain and Tibet be submitted to the Chinese Government for its approval. Peking finally agreed to the "main principles" of the revised draft, but remained adamant in its rejection of the boundary between Inner and Outer Tibet and requested the British delegation to make further concessions. This addition apparently induced McMahon to persuade the Tibetan representative that the area around Kokonor lake be detached from Inner Tibet and included in China and his assistants finally prevailed upon Chen to initial the convention after a separate discussion with him in the ante-room of the conference. Meanwhile the Tibetan delegation had been assured that "unless Chen was able to cooperate, it might become necessary to eliminate the clause recognising the suzerainty of China, and *ipso facto* the privileges appertaining thereto."

[1] The India Office Library possesses a *Revised draft of Sino-British agreement* of March 1913 and Article I of this text commenced "The two governments, recognising that Tibet is under the suzereignty, but not the sovereignty of China, mutually engage to respect the territorial integrity of the Country and to abstain from interference in its internal administration, which shall remain in the hands of the Tibetan Government at Lhasa."

This was done two months later at the final meeting of the conference after Chen had announced his inability to sign the convention. The minutes described this as "an agreement based on the terms of the Tripartite Convention, but providing special safeguards for the interests of Great Britain and Tibet in the event of the Chinese Government continuing to withold its adherence." Chen left the conference room for a short time while this agreement was concluded, but he had earlier declared that his government "would not recognise any treaty or similar document that might now or hereafter be signed between Great Britain and Tibet." The Tibetan representative said that his government did not consider the Convention satisfactory but as he had appended his intials to it there was no alternative but to sign. His words at an earlier meeting in protest against the British proposal maintained their ominous ring: "unless the present settlement be of such a nature as to definitely exclude all Chinese influence within Tibetan territory, a prolific source of future troubles will still be left."

Even if China had become a party to the Simla Convention its contradictory provisions could hardly determine the status of Tibet. The combination in Article 2 of a recognition of Chinese suzerainty with an engagement "to respect the territorial integrety of the country" denied the traditional view that the vassal state is a mere portion of the suzerain state. Yet the accompanying exchange of notes stated exactly the opposite when confirming that Tibet formed part of Chinese *territory*. The provision that China should abstain from interference in the administration of Outer Tibet, which also should not be represented in the Chinese parliament, seemed to imply that China was not restricted with regard to Inner Tibet. Yet the obligation not to convert the country into a Chinese province was demanded for the whole of Tibet. This lack of precision may have been deliberate to tempt China to accept the Convention by suggesting that in Inner Tibet she could do anything short of formally reducing it to a Chinese province. Further limitations on Chinese power included the prohibition of sending troops or stationing civil or military offices in Outer Tibet, with the exception of one high official with 300 men, or establishing Chinese colonies in the country. Mention should also be made of Article 5:

> The Governments of China and Tibet engage that they will not enter into any negotiation or agreements regarding Tibet with one another, or with any other Power, excepting such negotiations as are provided for by the Convention of Septem-

ber 7, 1904, between Great Britain and Tibet and the Convention of April 27, 1906, between Great Britain and China.[1]

Strictly speaking this provision would have frozen the status quo of Tibet and kept her from international contacts, but would also have curtailed Chinese suzerainty by preventing any representation on behalf of Tibet.

Despite its contradictions and the lack of positive definition, it seems clear that, if accepted, the Simla Convention would have preserved Chinese suzerainty over Outer Tibet in name only. In commerce Tibet accorded most favoured nation treatment to Britain. The only real Chinese advantage over the British would have been their mission in Lhasa with a slightly larger escort than the contingents for the British trade agencies in Tibet. By refusing to sign the Convention Peking lost recognition of its suzerainty, however rudimentary, but maintained the possibility of settling with Tibet on its own terms later. Her legal position was weakened, however, by the fact that she had consented to participate in a conference on a basis of equality with the Tibetan delegation. To the outside world this could only signify that China accepted the treaty making power of Tibet which would be effective externally regardless of any possible bilateral obligation of Tibet towards China to enter into agreements only when they were concurrently concluded by Peking. The initials of the Chinese representative on the maps annexed to the Convention further signified the acquaintance of the Chinese Government with the McMahon Line.

The arguments of the Indian officials in 1960 concerning suzerainty and the right of a vassal to conclude agreements with the knowledge and expressed or implied consent of the suzerain did not tally fully with their assertion of Tibet's equal status at the conference table and could only be used in parallel reasoning. China flatly rejected them because the concept of vassal states was imperialist in origin. India was quick to point out that the Chinese side earlier had argued that till the 19th century Ladakh had been a vassal of Tibet, which hardly could have meant to describe imperialist designs of Tibet.[2] Scoring this point did not bring a definition of Tibet's status any closer. All we can say is that between 1912 and 1950 Tibet enjoyed at least de

[1] International Commission of Jurists, *op. cit.*, p. 125. The reference to the Lhasa Convention of 1904 presumably regarded the subjects Tibet would not act on without previous consent, as the engagement to negotiate new trade regulations was separately mentioned in Art. 7(b) of the Simla Convention. See also chapter II, p. 10.

[2] Indian Report, p. 133.

facto independence without obtaining a more explicit recognition than was inherent in her direct relations with British India and Nepal, which accorded her a certain international personality.

The McMahon Line

While the Simla Conference was in progress the Tibetan delegate received a proposal from McMahon for a boundary between India and Tibet east of Bhutan. He submitted this map to Lhasa and obtained authorisation to agree with it. The alignment was later embodied, on a reduced scale, in the map showing the borders of Tibet and the boundaries between Inner and Outer Tibet, which was initialled by all three representatives.[1] The bilateral exchange and the Simla Convention, stripped from all concessions to China, was certainly binding between Tibet and Great Britain. China was debarred from enjoying any privileges under the agreement, including the recognition of her suzerainty, until she signed it. Could the Convention also have effect in respect of the state which had rejected it at the time of conclusion and later became the recognised successor-state to Tibet, which it had never regarded as independent? The Indian point that China never protested against the McMahon Line is well taken, but is of doubtful value for the Kuomintang period. Between 1911 and 1950 Chinese influence came nowhere near the Indian border and it was logical that objections to the Convention dealt with the more immediate problem of China's own demands concerning the limits of Inner Tibet. This does not deny that nationalist China would probably have accepted the McMahon Line if her own demands had been granted. But juridically it seems sufficient that the Convention was not signed and that concrete objections to it, though not to all individual provisions, were repeatedly made clear.

According to international law the treaties of an extinct state concerning boundary lines devolve on the absorbing state and after the subjugation of Tibet Communist China would thus seem bound by the separate bilateral McMahon agreement with Tibet. If this were true it would not be necessary to devote much attention to the Simla Convention at all. But here again we meet with the difficulty of the undefined status of Tibet. China did not entertain any suggestion of suzerainty and stated that without the authority and consent of China the Tibetan local authorities had no right to conclude treaties and

[1] Richardson, H. E., *op. cit.*, p. 117, 268.

that such an important question as the conclusion of treaties concerning the boundary with foreign countries was always handled by the Central Government itself.[1]

During his exile the Dalai Lama attempted to place the Indian Government on the horns of a dilemma: "if you deny sovereign status to Tibet, you deny the validity of the McMahon Line."[2] The Indian External Affairs Ministry, however, saw no connection between the line and Tibet's juridical status and emphasized the absence of Chinese objections to it, following the Simla Convention and its acceptance by the authorities controlling the frontier on either side. Our reaction to the Dalai's views would be that Tibet possessed treaty making powers, but that these did not amount to full sovereignty. The validity of the McMahon Line should be argued primarily on the basis of the letters exchanged between Britain and Tibet at Simla prior to the Convention. The Simla Convention itself was significant in announcing the alignment to China, which would henceforward be aware of British and Tibetan acceptance of the McMahon Line as their frontier. The bilateral exchange became even more important by its express reference to a boundary between India and Tibet, while the Simla Convention only dealt with the limits of Tibet, without mentioning India. The extent to which it also constituted an effective boundary will be discussed later in this chapter.

MOUNTAIN BOUNDARIES

In this study no distinction is drawn between the terms border, boundary and frontier which are all used to denote a dividing line between two states to delimit their territorial sovereignty. We shall not follow those geographers who are trying to standardise a difference by defining frontier as a zone and boundary as a line,[3] even though history lends them some support. Originally two communities used to be separated from each other by a strip of no-man's land, but in modern times such neutralised zones have become extremely rare. In the case of India the zonal concept belongs to the period of British colonial policy which often aimed at establishing a "three fold frontier",[4] each line marking the limits of different degrees of claims and responsi-

[1] Chinese report, p. 25.
[2] "The International status of Tibet." Address at Indian Council of World Affairs, Sept. 7, 1959.
[3] Stamp, L. D., *A glossary of geographical terms*, Longmans, London, 1961, p. 75.
[4] Boggs, S. W., *International boundaries*, p. 140.

bilities of the Indian empire. The Inner Line defined the territory for which the government was directly responsible, the Outer Line showed the extent of authority claimed over tribes in the border area and a third line represented the limits of an outward strategical frontier. Britain was hesitant to fix an international boundary unless the absolute need arose on account of a forward policy by neighbouring countries. While avoiding complete administrative responsibility for the tribal zone this pragmatic attitude left open the possibility of further annexations later.

The best example of British frontier policy was provided by the solution of the Afghan problem in 1893. Durand explained the line which would be named after him as follows:

> I was to try to induce him (the Amir) to stand back behind a certain line: that is to say, he was to agree that he would not interfere beyond a certain line. It by no means followed that we were to advance up to that line. We were, however, free to do so if we saw fit; he was not to interfere with us.[1]

South of the Durand line a vague system, devised by Sandeman, of goodwill towards the tribes was based on giving them large allowances for comparatively little work. This method was fairly expensive but assured their allegiance while making it possible to employ a tribe to hold open a pass. On the other side of Durand's line the strategic frontier against Russia was identified with the northern boundary of Afghanistan. These concepts were not applied to the princely State of Kashmir, where British interference was minimal, but in the east the situation was not very different from the North-West Frontier. The Inner Line skirted the foothills north of the Brahmaputra valley and the Outer Line was gradually pushed further northwards until it was regarded as the international boundary when embodied in the McMahon Line. Strategic considerations included Tibet, like Afghanistan, in the area in which Russian penetration should be prevented.

International boundaries are based on treaties or effective occupation. Absence of a frontier treaty does not invalidate a border nor are boundary markers a prerequisite for the validity of a frontier provided it is well-known by tradition, marked by natural characteristics or described in an agreed map of sufficient accuracy. The Chinese argument that it "must be jointly defined" by the states concerned should be rejected as it would imply the necessity of negotiating all those

[1] *Report of minutes of evidence of a sub-committee of the Committee of Imperial Defence appointed by the Prime Minister to consider the military requirements of the Empire as affected by the defence of India*, 1907, p. 148.

frontiers which are not based on a formal agreement. Particularly in a sparsely populated area a natural boundary following mountain ranges or rivers has much to commend itself, as it is capable of verbal definition without complicated arguments relating to the demarcation of the limits of effective occupation. It nevertheless has to yield to the stronger argument of display of sovereignty. If such a natural boundary exists along a mountain range the question arises whether in the absence of further indications the highest crest or the watershed should be regarded as the border line. International law has accepted the watershed principle,[1] which was adopted in several awards relating to boundary settlements and implemented in border agreements. But Lauterpacht cautiously added that it is quite possible for boundary mountains to belong wholly to one of the states which they separate.

The watershed principle

The term watershed is causing some confusion because of the difference between British and American usage. In British terminology it is equivalent to water-parting, but in America to river basin. In this study it is used in the British sense of the line separating two contiguous drainage areas.[2] India defined it as "the line which divides the major volume of waters of two river systems"[3] and did not claim all the territory draining towards the Indian Ocean. That would have taken her far into Tibet and also would have been inconsistent with her stand in the dispute with Pakistan concerning the distribution of water from the Indus and its tributaries. Her interpretation discounted the fact that several rivers broke through the Himalayan range and claimed that this did not affect the distinct character of her alignment as the watershed. In India the principle of the watershed, belonging to modern scientific geography, was something of an innovation intro-

[1] Lauterpacht, H., *op. cit.*, p. 534. *The Boundary Question between China and Tibet*, p. 108–109. Krishna Rao, K., *op. cit.*, p. 404–406. We only take issue with the latter's contention that it was adopted in the boundary settlement between Guatemala and Honduras, when in fact the tribunal concluded "that the mere physical fact of the existence of a watershed cannot be regarded as fixing the line of *uti possidetis*" (i.e. the divisions existing under the colonial regime); priority in settlement in good faith would appropriately establish priority of right. Award of Jan. 23, 1933, as far as it relates to the Motagua sector. Hackworth, *Digest* I, p. 742–744.

[2] Stamp, L. D., *op. cit.*, p. 482. See Ch. VI p. 99, 102 for the arguments advanced by India and China in 1960.

[3] A wider definition would have been inconsistent with international legal opinion. Only the Labrador Boundary Case resulted in adoption by the Privy Council of a whole territory drained by the rivers which empty into a certain coastal area. Hackworth, *Digest* I, p. 720.

duced by the British administration.[1] Previously tribal penetration southward along routes through the passes or in river valleys had been a not uncommon feature of Himalayan trade contacts. The first instance of formalising the watershed in this area was the Anglo-Chinese convention of 1890 defining the frontier of Sikkim as "the crest of the mountain range separating the waters flowing into the Sikkim Teesta and its affluents from the waters flowing into the Tibetan Mochu and northwards into other rivers of Tibet."[2] The agreement also constituted an example of India having title to territory to the north of the main Himalayan axis as Kanchenjunga, the third highest top in the range, was situated well to the south.[3]

Military circles generally had little sympathy with a frontier following the highest range, whether a watershed or not, and aimed at "keeping our enemy from any possibility of establishing herself in the glacis, occupying those longitudinal valleys and thus preparing to surprise the passes."[4] Despite these objections the Anglo-Tibetan map which was agreed in 1914 was based on the ridge which combined watershed and highest crest. It deviated only from this principle to accommodate Tibetan religious sentiments regarding Migyitun and some other areas. The minutes of the Simla conference leave no doubt that the watershed and not the highest crest was generally regarded as the determining factor. Even the Chinese delegate accepted the British arguments in favour of a watershed frontier between Inner and Outer Tibet, but suggested that this policy would be more consistently followed if the boundary was drawn along a more westerly mountain range. McMahon had argued that watersheds should be used as frontier limits wherever possible, as they were permanent and intelligible to the mind of local tribesmen, whilst they avoided the necessity for frontier commissions.[5]

In the border dispute China dismissed the Indian interpretation of a watershed as arbitrary, although her own engagements in the past had included a similar definition.[6] Her agreement with Burma

[1] *Round Table*, Dec. 1962, p. 31–39.

[2] Aitchison, Vol. XII, p. 66.

[3] Caroe, O., "Geography and ethnics of India's northern frontier," p. 305.

[4] Sir John Ardagh, Director of Military Intelligence in 1896–7, quoted by Lamb, A., *R.C.A.J.*, XLVI (1959) Pt 1.

[5] *The Boundary Question between China and Tibet*, p. 108. Bell noted that the Tibetans often had a different concept of a boundary, which did not necessarily follow mountain ranges or rivers. At the trijunction of Tibet, Bhutan and Sikkim he had encountered an "upland-tree, lowland-tree boundary," *i.e.* the pine forests belonged to Tibet and the bamboo forests to Bhutan. *Tibet Past and Present*, p. 5.

[6] Sino-Russian treaty of Aug. 27, 1689; Sino-French Convention of June 20, 1895,

formalised the eastern end of the McMahon Line defining it not as the watershed, but as the traditional customary line. In his correspondence with Nehru Chou En-lai wrote that the watershed was not the sole or main international principle for the delimitation of boundaries and that the line claimed by India actually cut across the Karakash river system in the western sector.[1] When discussing the individual parts of the frontier we shall see that this argument possessed considerable force. The situation in Ladakh was further complicated by its location to the north of the Himalayan axis which is generally taken to cross the Zoji pass east of Srinagar. The watershed being anomalous, *i.e* not coinciding with the highest crest, India followed those ranges which she considered to be the main watershed in the area. Choosing one which cut across the headwaters of the Yarkand and Karakash rivers, her case became less watertight than it might have been and could not rest upon a mere exposition of the watershed principle without considering her other arguments.[2]

MAPS AND BOUNDARY DISPUTES

Maps are significant as claims and as evidence for claims.[3] Unofficial, private maps do not represent national claims no matter how accurate they are from the geographical point of view. Even an alignment on an official map will be little more than political propaganda if it is not supported by treaty or effective occupation. Its publication during a border dispute, however, is the most precise way of registering the maximum extent of territorial claims, provided they are of sufficient scale and accuracy. As evidence for claims in an area where the boundary is not formally delimited or demarcated unofficial maps may be significant as indications of the traditional alignment, depending on the accuracy of geographical knowledge at the time and on the consistency of the maps of various authors over a substantial period. Official maps acquire their greatest value when appended to frontier treaties or based on revenue surveys indicating the extent of effective administration. Both official and unofficial maps may point to the principles which governed the delimitation of the boundary even if the precise alignment could not be based on accurate surveys.

relating to the boundary between Tonkin and China; Sino-British Convention of 1894 and 1897 concerning the Sino-Burmese border.

[1] White Paper III, p. 69.

[2] In the middle sector China did not dispute that the Indian alignment followed the watershed between Sutlej and Ganges, but rejected it on other grounds.

[3] Kirk, W., "The Inner Asian frontier of India," p. 153–4.

International tribunals have been reluctant to attach great importance to maps when contradicted by other trustworthy evidence of title. In his award on the Palmas case Huber rejected any maps which did not precisely indicate the political sub-divisions unless they contributed to the location of geographical names and were not merely copied from already existing maps. He further considered them to be of special interest in cases where they did not assert the sovereignty of the issuing country.[1] In case of conflict maps annexed to a treaty generally were taken to yield to the written provisions of the agreement. Recent jurisprudence of the International Court of Justice, however, has enlarged the significance of official maps which now may be treated as binding admissions and as possessing a force of their own.[2]

In the Frontier Land case between the Netherlands and Belgium a map of a Delimitation Commission, which was incorporated by reference in a treaty but was inconsistent with its text, still prevailed over the written article.[3] In the Temple of Preah Vihear case the Court treated a map, which was not prepared or approved by the Mixed Commission, as if it were part of the treaty because the respondent state had accepted or acquiesced in the erroneous map by giving it wide distribution and was therefore precluded from contesting its validity. In the interest of certainty and stability of frontiers an unsigned map which derogated from a treaty provision, superseded the text as a matter of treaty interpretation. Parties "had adopted an interpretation of the treaty settlement which caused the map line, in so far as it may have departed from the line of the watershed to prevail over the relevant clause of the treaty."[4]

Until the 19th century most maps of the Sino-Indian border area were Chinese rather than Indian and of an unofficial nature.[5] Even if they depicted the limits of Sinkiang and Tibet accurately, they did not necessarily constitute the northern borders of India. They made clear, however, that Sinkiang was never conceived as extending south of the Kuenlun range and that Ladakh never was a part of China. The Kashmir Survey of 1868 showed great accuracy south of Pangong Lake but was manifestly unreliable in the Aksai Chin area and extended

[1] Hyde, C. C., "Maps as evidence in international boundary disputes," *A.J.I.L.*, 27 (1933) 311–316.
[2] Weissberg, G., "Maps as evidence in international boundary disputes: a reappraisal," *A.J.I.L.*, 57 (1963) 781–803.
[3] *I.C.J. Reports*, 1959.
[4] *I.C.J. Reports*, 1962, 6.
[5] Kirk, W., *op. cit.*, p. 150.

the border far to the north of the present Indian claim line.[1] A good unofficial map published by Drew in 1875 showed the boundary between the Karakoram Pass and the Changchenmo valley as not defined, as in this uninhabited area there had been no authoritative demarcation nor guidance by the state of actual occupation.

During the meetings of the Officials in 1960 India asserted that the Chinese side could not produce a single published official map in support of their alignment, even though it alleged to have administered these areas for centuries. Only two previously secret military maps drew the border in accordance with the Chinese claims. They provided interesting information regarding Chinese ambitions around 1918 but should not be admitted as evidence in view of their confidential character for more than forty years.

China's best argument was derived from the Survey of India map of 1950, "India, Showing Political Divisions in the New Republic," which depicted the boundary in the western and middle sectors only by a colour wash, marked as *Frontier Undefined*, and in the eastern sector described the McMahon Line as *Undemarcated*. The existence of these two different terms on the same map suggested that the western boundary was inferior to the McMahon Line and still needed definition. The Indian argument that "this only indicated that the boundary had not been demarcated on the ground, or defined in detail from point to point" was not very convincing, although it should be granted that the map of 1950 carried a colour wash right upto the line which India was to present as the traditional boundary'[2] The McMahon Line only appeared on official Indian maps in 1938, first as undemarcated, but this symbol was omitted in 1954 in view of the Indian decision that no demarcation on the ground was necessary along this prominent watershed.[3]

China also referred to a map entitled "The northern frontier of British Hindoostan," published by the Office of the Surveyor General at Calcutta in 1862, showing the north-eastern boundary of Kashmir in close agreement with the present Chinese claims.[4] Apart from it being published before the Kashmir Survey its official character was virtually nullified by the acknowledgement that it had been extracted

[1] Lamb, A., *op. cit.*, p. 43.

[2] Chinese report, p. 9; Indian report, p. 150, 162; India has also stated "formal definition or demarcation is not necessary for recognition of a boundary so long as it is fixed by custom and tradition and is well-known," White Paper III, p. 87.

[3] White Paper III, p. 94.

[4] *The Sino-Indian boundary question*, Map I.

from Keith Johnston's Atlas of 1860. India pointed to the Chinese Postal Atlas of 1917, 1919 and 1933 which provided evidence in her favour. The Chinese argument that their postal services were under foreign control and Lamb's conclusion that the map had been copied without consideration from a non-Chinese map[1] diminish their importance as an official admission, but could not completely wipe out their value as support for the Indian case, particularly because they were consistent with previous Chinese maps in regard of the Sinkiang boundary. While Indian maps issued since 1945 consistently drew the boundary along the Karakoram pass, the Oxford Atlas of 1956 still included a sizeable strip north of the pass in Indian territory. The United States Army Map Service excluded Khurnak Fort and the entire Demchok area from Indian territory in its 1955 series on India and Pakistan. The Map of China of 1945 by the National Geographical Society equally showed Demchok in Tibet.

Maps of the eastern sector were complicated by the distinction between the administrative boundary or Inner Line, signifying the extent of tax collection, and the international boundary of British India. As both of them are not always shown it is often difficult to draw precise conclusions from the symbols on the maps. Lamb has argued[2] that in 1908 the international boundary followed the foothills, but that the tribal areas to the north, excepting Tawang, were nevertheless considered as falling within the British sphere of influence and certainly not as part of Tibet. A map of Asie Meridionale published by Andriveau-Corijon in Paris in 1876 equally showed the tribal areas outside Tibet and separated them from Tibet and Assam with the same type of dotted line. The British proposal for the McMahon Line was prepared by special survey parties sent out to examine the less known areas, but we shall see that their activities did not cover the entire territory. They went far enough, however, to determine the approximate alignment of the highest Himalayan crest, which they adopted as a convenient boundary: "For great lengths of it [the Indo-Tibetan boundary] lofty mountain ranges and watersheds buried in eternal snow facilitated verbal definition and rendered demarcation on the ground (except in a few small and more inhabited areas) either impossible or superfluous."[3] A study of Chinese views current

[1] Lamb, A., *op. cit.*, p. 46. The Chinese report, p. 58, stated that the Chinese people attached no importance to maps drawn up by westerners and looked upon them with disdain

[2] *Op. cit.*, p. 126–7.

[3] McMahon, Sir A .Henry, "International boundaries." *Journal of the Royal Society of Arts*, 84 (1935) 2–16.

before 1912 also produced a concept of the southern limits of the empire which substantially coincided with the line proposed by McMahon.[1]

The Simla Convention was published in the edition of Aitchison's Treaties, Engagements and Sanads following the conference, which, however, did not appear until 1929. It was only after World War II that western maps drew the McMahon line as a defined boundary and there remained exceptions to the contrary including rather embarrassingly a small map in Nehru's own "Discovery of India." Previous maps often conceded the Tawang area east of Bhutan to Tibet, although no boundary was indicated apart from a colour wash covering the tribal areas. A Chinese map of Tibet in the "New Atlas and commercial gazetteer of China" published in Shanghai after 1917 approximated the Indian alignment, but also showed Tawang as part of Tibet. The Survey of India map of 1917 entitled "Tibet and adjacent Countries," however, did not yet incorporate the result of the Simla Conference and only drew the Inner Line, which it identified at least partly with the international boundary.[2]

EFFECTIVE OCCUPATION

The Indian assertion that her boundary has been confirmed by treaty raises the question whether a treaty should still be supported by effective occupation. India was in a position to point out that boundary treaties create real rights which, like in Frontier Lands case, are not displaced by acts of administration or levy of taxes.[3] She also derived an argument from the Eastern Greenland case where it was stated that acts displaying state activity "have legal significance only if the territory concerned was either previously *res nullius* or was already the subject of a title held by the state committing the acts"; if the territory was subject to the sovereignty of another state such acts were plainly illegal.[4] The Permanent Court maintained a fiction of territorial sovereignty even if the alleged sovereign exercised no power either in fact or in law. In the Lighthouses in Crete and Samos case this led

[1] Rose, A., "Chinese frontiers of India." Kirk, W., "The Inner-Asian frontier of India," p. 147.

[2] *The Sino-Indian boundary question*, Reference Map 2A.

[3] *I.C.J. Reports*, 1959, p. 229–230.

[4] *P.C.I.J. Series A/B*, 1933, No. 53; Krishna Rao, K., *op. cit.*, p. 410. In the Minquiers and Ecrehos case the International Court was prepared to consider acts subsequent to the critical date, unless the measure in question was taken with a view to improving the legal position of the party concerned. *I.C.J. Reports*, 1953, p. 47–109.

Judge Hudson to protest against recognising the theoretical sovereignty of the Sultan of Turkey as "a ghost of a hollow sovereignty cannot be permitted to obscure the realities of this situation."[1]

Modern writers are inclined to follow Hudson in attaching greater importance to the factual situation. Schwarzenberger considered that *de facto* exercise of jurisdiction also prevailed over a naked title of sovereignty if such a title remained unimplemented by any actual display of state sovereignty.[2] In the opinion of an Indian author titles to territory, even those originating from treaties, remain inchoate "unless the law of the State concerned is made effective after formally taking over the area." Applying this doctrine to the border dispute he initially suggested that Chinese occupation of Aksai Chin could support a valid claim if India had not shown continuous and effective interest in the area. He was subsequently persuaded that India had continued to exercise some form of jurisdiction and that the kind of *corpus et animus occupandi* possible in such a difficult terrain were present.[3]

Occupation as an act of acquiring sovereignty is not possible with regard to the territory of another state even if it is entirely outside the international community.[4] It must concern a *res nullius* but in order to be effective occupation does not have to extend to every nook and corner. It has been said that the occupying state should dispose at some points of a force strong enough to guarantee a minimum of legal order "and to exclude any interference from a third state."[5] If this were correct the Indian position in Ladakh would be affected as she had not been able to exclude Chinese interference. But the Permanent Court of International Justice did not go so far and admitted that a relatively backward territory did not require the same elaborate control and government as a more developed and civilised area. International tribunals were satisfied with very little in the way of actual exercise of sovereign rights, provided the other state could not make out a superior claim.[6] Activities like the erection of huts and assessment of taxes were among the facts which the International Court of Justice

[1] *P.C.I.J. Series A/B*, No. 71, p. 126–7.

[2] "Title to territory: response to a challenge," *A.J.I.L.* 51 (1957) 312. He also attached more importance to the display of sovereignty, if only in isolated cases, than to contiguity of territory or the existence of natural boundaries. *International Law*, p. 314.

[3] Bains, J. S., *India's international disputes*, p. 160–162; Krishna Rao, K., "Title to territory"; Bains partially retracted his opinion in *National Herald*, Lucknow, Oct. 17, 1962.

[4] Lauterpacht, H., *op. cit.*, p. 555.

[5] Von der Heydte, "Discovery, symbolic annexation and virtual effectiveness in international law," *A.J.I.L.*, 29 (1935), 463.

[6] *Digest* I, p. 405; Legal status of Eastern Greenland, *P.C.I.J. Series A/B*, No. 53, p. 46.

accepted as evidence of possession in the Minquiers and Ecrehos case.[1] Effective sovereignty may further appear from census reports, the making of topographical surveys, regular control by police and military patrols or the grant of concessions. State authority must, however, possess a permanent character in order to demonstrate its intention to be considered as sovereign.[2]

In the boundary dispute there is a difference between the eastern and western sectors. In the east the McMahon Line is fairly clear from the Anglo-Tibetan map of 1914, but the validity of the agreement is contested by China. As there is no verbal definition of the alignment it becomes important to discover whether there is supporting evidence of the Indian title or a superior Chinese claim. In the absence of both India would still have a better case, as China would have to show that Indian sovereignty did not obtain. In Ladakh the existence of treaties confirming the traditional boundaries cannot be seriously disputed but their contents did not define a specific alignment. India, therefore, has to make good her interpretation of the traditional boundary by proving effective possession up to that line.

PRESCRIPTION

Contrary to occupation, which relates to a *res nullius*, acquisitive prescription concerns acquiring territory which was subject to the sovereignty of another state. It assumes that on certain conditions rights can be acquired by passage of time. India does not invoke this concept as she considers her title to be in accordance with general rules governing territorial sovereignty. Prescription would only apply after the invalidation of her other arguments. It is defined as a claim to continuous and undisturbed exercise of territorial sovereignty during a period which is long enough to create, under the influence of historical developments, the general conviction that the present condition of things is in conformity with international order.[3] The rational basis of prescription rests on considerations of stability and order, but no general rule can be laid down regarding the length of time and other requirements for creating a legitimate title. Much depends on the undisturbed possession and the absence of repeated protests and claims

[1] *I.C.J. Reports*, 1953, p. 47.

[2] At the Simla conference China included evidence of "effective occupation" in her statement on the limits of Tibet. The Boundary Question between China and Tibet, *op. cit.*, p. 15.

[3] Lauterpacht, H., *op. cit.*, p. 576.

by other states. In the treaty of 1897 between the United Kingdom and Venezuela a period of 50 years was laid down as sufficient for effecting prescription but the development of modern communications and the possibility for an injured state to lay its case before the United Nations may shorten the period required.[1]

PROTEST, ACQUIESCENCE AND ESTOPPEL

When a state objects to the territorial claim of another state it may protest against the violation of its rights or take effective measures which clearly imply a rejection of the claim. In challenging the encroachments of a neighbour, protest interrupts the adverse claim and stops the running of the prescriptive time. Repetition of a simple diplomatic protest suffices to prevent acquisition of a prescriptive title only if the circumstances were such that it constituted the only feasible method of asserting rights. In other cases further proof is required of the seriousness of the protest, for instance by severing diplomatic relations or proposals for negotiation or arbitration.[2] There is no unanimity as to whether states are under an obligation to protest if they want to preserve their rights, but a failure to do so may lead to a successful plea of right by the claimant state. A lasting silence can easily be interpreted as acquiescence in circumstances which generally call for a positive reaction signifying an objection.[3] Absence of protest in the face of open acts of occupation may thus confirm that the territory was regarded as a *res nullius*.

Silence does not always signify acquiescence. To be regarded as acquiescing the silent state must be fully aware of the claim concerned and be free from the fear of coercion by the claimant state. Knowledge of a certain claim may be deduced from a notification by the claimant state or repeated manifestations in an international context. Notification generally is not obligatory for acquiring territorial rights. In the case of an optional notification there is no necessity for the state receiving this communication to raise objections within a relatively short period. Even if a presumption of acquiescence arises which takes into account the multiplicity of motives leading to silence, counter-proof will always be possible.[4] There is no general rule for the appreci-

[1] See for a full discussion of effectiveness and prescription Bouchez, L. J., *The regime of bays in international law*. Sijthoff, Leiden, 1963.

[2] MacGibbon, I. C., "Some observations on the part of protest in International Law", *B.Y.I.L.*, 1953, p. 306–315. Bouchez, L. J., *op. cit.*, p. 268–273.

[3] McGibbon, I. C., "The scope of acquiescence in international law", *B.Y.I.L.*, 1954, p. 143.

[4] Bouchez, L. J., *op. cit.*, p. 277.

ation of silence of states and all concrete circumstances have to be taken into consideration.

If acceptance of a claim can be deduced from clearly manifested acts we enter the sphere of operation of estoppel. A state may be barred from alleging or denying a fact because of its own previous actions by which the contrary has been admitted, implied or determined.[1] Estoppel used to be regarded as primarily a procedural rule but is gradually fulfilling the criteria demanded of a principle of international customary law. The few writers who discussed estoppel accepted that acquiescence tended to establish an estoppel, provided that the acquiescence could be equated with recognition or consent and be subjected to the limitations normally put on acquiescence. International tribunals are reluctant to refer to this concept by name and prefer a terminology which declares a state to be "precluded" from denying or alleging certain statements or facts. If estoppel results from a treaty it only applies to the contracting parties. Estoppel by conduct may have a wider application provided the meaning of the statement concerned is clear and unambiguous, voluntary, unconditional and authorised. Considerable reliance must be placed upon the good faith of the parties which made and invoked the statement.[2] The possibility remains that the defending party is able to prove that the question in dispute was deliberately left open by the parties concerned.

The critical date

As soon as a state has registered a protest against the actions of another state all subsequent evidence in upport of the claim must be set aside. The arbitration on the Island of Palmas established the need to show that the display of sovereignty existed openly prior to the period when the dispute was precipitated. In the Eastern Greenland case the Permanent Court of International Justice rejected Norway's claim because she had not been able to establish any proof of administration prior to 1931 when she first occupied the contested territory.[3]

India referred to the principle of the "crucial date," which correctly should be called the "critical date", to show that no evidence could be deduced from Chinese advances after the start of the border dispute. Both sides accepted that trespassing across the traditional boundary

[1] *Webster's collegiate dictionary* gives this definition of estoppel.

[2] Bowett, D. W., "Estoppel before international tribunals and its relation to acquiescence", *B.Y.I.L.* XXXIII (1957) 176–202.

[3] Indian Report, p. 257–258; Chinese note in White Paper IV, p. 10.

could not confer a legitimate title, but China claimed the unhindered crossing of the Aksai Chin by their army in 1950 and the survey and construction of the motor road prior to 1958, while India gave a list of patrols carried out in the same period.[1] India never gave a precise time as the critical date, but it could only be October 1, 1958 when India protested against the Aksai Chin road, or July 2, 1958 for the incident at Khurnak fort. Since the extent of Chinese penetration at the time could not be ascertained indisputably the importance of these dates remains very limited. The report of officials would be the only practical means of preventing China from registering substantial new claims, even though she might have made considerable advances since the first Indian protest. The critical date being in the recent past, its introduction in the discussion may confuse the basic issues. For it could convey the impression that before that time the case could be decided on the basis of evidence of effective possession, which would favour the Chinese occupation of Aksai Chin. It is, therefore, not surprising that Krishna Rao dropped this argument from his legal defence of the Indian position.[2]

Further application to the border dispute

In view of the negative attitude of communist states towards customary international law it is not surprising that Peking dismissed the concept of estoppel as absurd. While the Indian report tended to identify estoppel with acquiescence, China made the general statement that the contention that silence meant acquiescence did not reflect an accepted principle of international law and asked: "Can it be said that a sovereign state has no right to reserve its position concerning questions of its own sovereignty and to raise it on suitable occasions?"[3] Our reply would be that in this case such reservations are in order only if they are formally and promptly stated. We should also distinguish between Chinese acquiescence in 1950 and the estoppel resulting from the conclusion of the 1954 agreement. In 1950 India stated that the *recognised* boundary should remain inviolate. The unfortunate wording later invited the Chinese retort that she had never recognised any boundary claimed by India.[4] But by 1954 China must

[1] Indian report, p. 143.
[2] Krishna Rao, K., *op. cit.*, p. 410.
[3] Chinese report, p. 31. For other arguments of both sides see Ch. VI, p. 105–106.
[4] Panikkar told the Rajya Sabha that as Ambassador to Peking he had brought Nehru's parliamentary statement of 1951 confirming the McMahon Line to the attention of the Chinese authorities, but that he had never received a reaction. *Official Report*, Vol. XXVII, No. 12, Dec. 8, 1959, col. 1811.

have been aware of what India regarded as her frontiers. In the absence of a request for border negotiations the signing of an unconditional Panchsheel agreement precluded her from quietly occupying territory claimed by India. If the objection were raised that in 1954 India did not mention the border either, for fear of provoking Chinese demands for concessions,[1] it may be said that she had given an official intimation of what she regarded as the traditional boundary in her maps and statements while up to 1954 China had produced no official maps or claims which substantially conflicted with Indian interests. In the context of a bilateral agreement specifically relating to Tibet and respecting each other's territorial integrity, the uncontested Indian position could not later be challenged unilaterally. The wording of the undertaking in the Panchsheel treaty seemed sufficiently clear and unambiguous to estop China from entering the Aksai Chin. There is no room for the plea that the border question was deliberately left open by the parties concerned, as neither side made a reservation to this effect.

The treaty of 1954 implied recognition of the broad outline of India's frontiers and would estop China from challenging the McMahon Line or entering Aksai Chin. This argument must not be extended, however, to deduce Chinese acceptance of the detailed alignment claimed by India, as the Indian statements were insufficiently specific. Only the McMahon Line constituted a well-known and recognisable boundary which for nine years China seemed to accept. This period was long enough to soothe Indian apprehensions but too short for a process of authoritative prescription. A detailed discussion of the eastern sector will show that the prescriptive time, if applicable, cannot be considered to commence much before 1947 as effective occupation up to the entire McMahon Line only dated from the emergence of independent India. For the same reason the application of the principle *quieta non movere* also has only limited value. The statement of the Permanent Court of Arbitration "that a state of things which actually exists and has existed for a long time should be changed as little as possible,"[2] in our case is relevant to the major part of NEFA, but not to the precise alignment of the McMahon Line.

Before we pass on to a discussion of the various sectors of the dispute it should be pointed out that India has taken every possible step to protest effectively against Chinese possession of Aksai Chin. In this

[1] See also Ch. IX, p. 194.
[2] Grisbadarna Case. *Hague Court Reports*, 1916, p. 130.

connection India's offer to submit the dispute to the International Court of Justice acquires special importance. China was unlikely to assent to a case before an organ of the United Nations as long as she did not belong to this organisation, but India made certain that all methods of asserting her rights were explored, even when this implied adjudication which normally she did not favour for solving disputes.

THE WESTERN SECTOR

The dispute regarding the boundary of Ladakh was complicated by differences concerning the tri-junction with the Sinkiang-Tibet border, which India pinpointed on the Kuenlun crest while China drew it at the Kongka Pass. The practical importance of the disagreement was that China regarded the disputed Aksai Chin area as part of the Chinese province of Sinkiang and not of Tibet. India contested this because Chinese maps had never shown Sinkiang to extend south of the Kuenlun range, which separated it from Tibet.

The Indian alignment followed those ridges which were considered to be the main watershed in the area. The Kuenlun mountains were interpreted as performing this function with regard to Aksai Chin. Further west minor ranges constituted the watershed, which, after crossing the Karakoram Pass, continued along the Mustagh range. Geographical terms in this area easily lead to confusion as the Karakoram range runs across Kashmir and does not include the Karakoram pass. Only the pass, about which there is no dispute, marks a point on the border and sometimes the watershed mountains have wrongly been described as the Karakoram range. The Chinese alignment first laid along one of the lower Karakoram ranges and, below the Kongka Pass, followed various geographical features.

The border with Sinkiang

The occupation by Kashmir of a fort at Shahidullah in the Kuenlun mountains between 1865 and 1867 provided the basis for claims of sovereignty far to the north of the Karakoram Pass which are still reflected in some of the most modern maps.[1] The Kashmir government pressed its request to be allowed to reoccupy the Shahidullah area, but after twenty years of silence the Indian Government held that the fort should be considered to be within Chinese territory. By 1890 the

[1] *The China-India border*, p. 78, 79.

prospect of a Russian advance into Sinkiang had become very real and necessitated a properly defined border with China. Instead of occupying the territory which was lying defenceless and unclaimed by China and over which Hunza and Kashmir had genuine claims, the British wanted to limit their responsibilities to a strategically sound and politically safe frontier. They attempted to induce China to occupy the territory involved. The Viceroy of India advocated this policy as follows:

> The country between the Karakoram and Kuenlun ranges is, I understand, of no value, very inaccessible and not likely to be coveted by Russia. We might, I should think, encourage the Chinese to take it, if they showed any inclination to do so. This would be better than leaving a no-man's land between our frontier and that of China. Moreover, the stronger we can make China at this point, and the more we can induce her to hold her own over the whole Kashgar-Yarkand region, the more useful will she be to us as an obstacle to Russian advance along this line.[1]

Younghusband, later to become well-known for his Lhasa campaign of 1904, was deputed to Yarkand and Kashgar in 1889 and 1890 to implement this policy. The Chinese immediately showed interest in the area and in 1892 crossed the Suket pass near Shahidullah to establish a boundary-mark 64 miles further south at the Karakoram pass.[2] In the meantime a lively discussion took place regarding the boundary Britain should propose. Ardagh, Director of Military Intelligence, and Younghusband preferred an alignment across the Suket pass but were overruled by the Government of India, then headed by Lord Elgin. From the military point of view it saw

> no strategic advantage in going beyond mountains over which no hostile advance is ever likely to be attempted... No invader has ever approached India from this direction where nature has placed such formidable barriers.[3]

In 1899 Macdonald, the British Minister in Peking, was instructed to propose that China would relinquish her shadowy claims to suzerainty over Hunza which in return would forego territorial claims to two Chinese districts. A boundary was suggested which approximated the

[1] Memorandum by Lord Lansdowne, the Viceroy. File S.F. Oct. 1889, Nos. 182–197.

[2] Lamb, A., *The China-India border*, p. 101; *Times Litt. Suppl.*, "Peking and Delhi," Jan. 2, 1964. Both sources point at the confusion created by the term "64 miles south of Suket," which led G. F. Hudson to believe that Chinese administration had not yet crossed the Kuenlun; "The Aksai Chin" p. 15. Lamb identified the location of the pillar as the Karakoram Pass. It is, however, unfair to the Indian case to imply that it disguised the Chinese advance up to the Karakoram Pass. The Indian Report, p. 155–156, only states "but it was only towards the end of the 19th century that Chinese authority reached up even to the traditional northern alignment of Kashmir," *i.e.* the Karakoram Pass. It went on to say that if no earlier administration could be proven by China this would also signify that she could not possibly have had checkposts south of the Kuenlun mountains for the last 200 years, as claimed by her officials.

[3] Govt. of India, File S. F., Jan. 1898, No. 168. S. F. stands for Secret Frontier.

present Indian claim line but in the Aksai Chin area conceded the territory between the Kuenlun mountains and the so-called Lokzhung range to the Southwest.

The proposal has often been misquoted[1] to show that the frontier was intended to run along the Kuenlun mountains but, in fact, it did not follow this range at all. The proposed alignment conceded the headwaters of the Karakash to China and then ran generally south-east, following the Lokzhung range "until that meets a spur running south from the Kuenlun range which has hitherto been shown on our maps as the eastern boundary of Ladakh."[2] In his explanation Macdonald stated that it was unnecessary to mark out the alignment since this natural frontier was the crest of a range of mighty mountains. Due to Chinese passivity nothing came of the proposal and Britain soon reverted to claiming Aksai Chin up to the Kuenlun mountains and upholding the rights of Hunza. After the Chinese revolution McMahon revived the Ardagh suggestions and received support from the General Staff which had previously opposed them. It was now stated that

> the extended frontier would be an advantage provided we have not to occupy the portion beyond our present frontier by posts, but merely aim at keeping it undeveloped.[3]

Independent India found that in practice an international boundary had crystallised along the line up to which effective occupation had been realised and revised the maps which still showed the border according to pre-1890 conceptions.

Lamb ascribed the suggestion for a border along the Lokzhung range to the research of Macartney, the British representative at Kashgar, who was alleged to have noted it as the division between the northern wasteland of Aksai Chin and the Lingzi Tang plateau further south. But the reference which Lamb gives – Elgin's letter to Hamilton of

[1] Indian Report, p. 55.

[2] *Ibidem*, p. 102–105. See map 2. British note of March 14, 1899. F. O./17/1373.

[3] File S. F. Feb., 1913, 0. 5/n. The revival of the Ardagh line was caused by expectations of a Russian advance into Kashgaria. On Sept. 12, 1912 the Viceroy cabled to London that in dealing with the Russians the "first essential is to demand as a preliminary to negotiations, recognition of a line which will place Tagdumbash, Raskam, Shahidullah and Aksai Chin outside Russia and within our territory... A good line would be one commencing from Baiyik Peak running eastwards to Chan Pass, leaving Tagdumbash and Dehda on British side, thence along crest of a range through Sargon Pass and crossing Yarkand river to crest of Kuenlun range, north of Raskam, and along crest of that range (through passes named in map of Indian Survey Department, 1891)..., thence, crossing Karakash river along Kuenlun watershed to Tibetan frontier, including Aksai Chin plain in our territory." Lamb, A., *op. cit.*, p. 108–109.

December 23, 1897 – makes no allusion to any suggestion by Macartney. In other documents Macartney only pointed out that Aksai Chin was a vast area which was partly in Chinese, partly in British territory.[1] There is reason to believe that the Lokzhung range as a border originated from a map prepared by Trotter in 1874 and was accepted by the Indian Foreign Secretary without much discussion.[2]

The willingness to abandon a Kuenlun boundary in Aksai Chin should not be as closely related to the relinquishing of Kashmiri claims to Shahidullah as Lamb seems to suggest. It is perhaps tempting to conclude that withdrawal from the Kuenlun in one area would also imply abandonment of the range in the other, but Indian title to Aksai Chin has never been based on occupation of the Shahidullah fort. Moreover, the two sectors are not one continuous area but separated by the Qaratagh range. In any case the British suggestions for a political compromise could not significantly prejudice the Indian case since the offer lapsed and concessions made in the course of negotiations do not rank as admission of rights. It could only provide evidence that other watersheds have been considered in the past. India, moreover, would be able to point to the text of the proposal as confirmation that before 1899 Britain already considered the traditional boundary to follow the eastern limits of Aksai Chin up to the Kuenlun mountains.[3]

[1] File S. F. Jan. 1898, No. 162. In 1895 Macartney had proposed the creation of a neutral state in the no-man's land between India and China, but this had no connection with the Aksai Chin boundary. Moreover, a distinction between the two plateaux had already been made. Edward Balfour's Cyclopedia of India (1885) Vol 2, p. 651, included in Ladakh "the bleak and almost uninhabited plateaux of the Kouen Lun and Linzhithang plains."

[2] File S. F. Nov. 1898, No. 110–114/notes. Lamb advocated the alignment as an obvious compromise for the present dispute and compatible with Indian principles as it followed the watershed between the Indus and Tarim basins. It is necessary, however, to point out that the description of this line was far from accurate. The Indian survey map of 1875 showed a gap of more than 20 miles between the southeastern end of the Lokzhung range and the spur constituting the boundary. The edition of 1938 showed a connection between the two ridges by a semi-circle of various and often parallel ranges. All these mountains are situated west of 80° east longitude, while the British proposal mentioned a meeting point east of this meridian. The contention that late nineteenth century maps showed an eastward displacement of the watershed by some twenty miles is not born out by the Survey of India maps and in any case would make the argument too involved. It is also highly improbable that adoption of the Macartney alignment would leave the entire Sinkiang-Tibet road in Chinese territory. See Lamb, A., *op. cit.*, p. 103–104, 173–174; *Times Litt. Suppl.* Feb. 6, 1964. India appears to take the view that modern surveys show the absence of any Lokzhung range. The U.S. Army Map Service series U 502, NI 44–1 printed the "Western Loqzung Mountains" with summits around 20.000 feet. It did, however, make no use of Indian Survey Maps, No. 52 M (Aksai Chin) and 52 N (Lanak La) of 1939, which reduced the mountains to a maximum of 16340 feet and split up the ranges.

[3] Hudson, O. F., "The Aksai Chin," p. 20, concluded from the list of Indian reconnaissance parties since 1951 (Indian report, p. 143) that "for seven years Indian military patrols were crossing the tracks of the Chinese in West Aksai Chin." He assumed that there was Indian collusion in what the Chinese were doing and that news of the Chinese road was

The foregoing historical excursion will have shown that ideas concerning the northern frontier of Kashmir including that of Aksai Chin underwent several changes. There is also some truth in the Chinese criticism that it did not consistently apply the watershed principle. It would be more accurate to say that the Indian alignment followed one of several plausible watershed divisions, while China made no serious attempt to determine any guiding principle. Neither party exercised a great extent of administration in Aksai Chin, but the occasional explorer, big-game hunter or nomad from India may be sufficient to establish continuity of title. After 1947 these activities were reinforced by military patrols and the preparation of fresh maps to clarify the extent of Indian territory.

Ladakh's border with Tibet

Historical material for the disputed areas around the Pangong and Spanggur lakes was comparatively meager, but India submitted many references from travel reports and revenue records to support the Lanak rather than the Kongka Pass as the border. The Chinese could not quote a single document confirming that the Kongka Pass constituted the boundary. Both sides pointed at the traditional usage of the intervening lands for grazing purposes, but again China was unable to substantiate her claims with official documents. The thorough approach of the Indian side generally contrasted with an inconsistent and almost careless presentation by the Chinese officials. Perhaps India tended to overstate her case: grazing rights sometimes exceed a natural boundary and scattered holdings or rights should not be judged to give title to all the territory between them. Similarly many settlements paid dues to both India and Tibet,[1] but the fact remained that India had some documental proof of effective administration while China had almost none.

deliberately kept from the Prime Minister. The names of places visited by the patrols did not bear out his conclusion. Only the expedition of 1951, which was loosely described as going "from Leh to Lingzi Tang and Aksai Chin" was relevant to the eastern corner of Ladakh. In 1958 patrols went to Haji Langar, east of the Amtogor salt lake and to the southern extremity of the Chinese motorroad, but those parties were sent out for the purpose of locating this road. Earlier patrols did not go beyond Lanak La (1952, 1954 and 1956) or the Qara Tagh pass (1957) and provided no evidence of effective Indian jursidiction over Aksai Chin. It seems likely that construction of the Chinese road went unnoticed partly because the work involved in improving an old caravan route across the plateau was minimal and partly because the closing of Sinkiang to Indian traders and the reduction of the period of operations of the Indian agency at Gartok prevented news of the road from reaching India earlier, See also Fisher, M. W., *Himalayan Battleground*, p. 8.

[1] Kirk, W., *op. cit.*, p. 58.

The first Indian protest regarding the western sector concerned a Chinese incursion up to Khurnak Fort. In view of Chinese tactics in the east where they started their attack in an area which could reasonably be considered as situated to the north of the McMahon Line it may be significant that the Khurnak area had been the subject of inconclusive talks in 1924. There even may have been an element of provocation in the occupation of the ruined fort to precipitate an Indian realisation of the necessity to renegotiate the boundary. The 1924 meeting of officials disagreed on a few pasture grounds north of Pangong Lake and a joint statement was signed to register the alignments claimed by both sides. The Indian claim line in this area followed two river banks while the Tibetan representative wanted to fix the boundary along the crest of the hills further west. While the Tibetan line may have been consistent with the watershed principle underlying the Indian frontier it certainly was not as extreme as the present Chinese claim.[1]

The treaties of 1684 and 1842 confirmed the traditonal boundaries between Ladakh and Tibet, but did not specify their alignment. The former text only referred to the point where the Lhari stream met the Indus, but the two sides could not agree on its whereabouts. British attempts at a joint demarcation failed because of Chinese procrastination and the boundary commissions of 1846 and 1847, which defined a number of points south of the Panggong Lake, were a unilateral affair. India has quoted the Chinese Viceroy at Canton as saying that it would be best to adhere to the ancient arrangements as the borders were "sufficiently clear and distinctly fixed," but this probably was no more than evasive tactics to avoid British pressure for the dispatch of boundary commissioners. The Chinese officials argued that the British intention to delimit the boundary so soon after the Opium War was highly suspect and therefore rejected as a possibly expansionist move. The Chinese admission obviously cannot be denied, but impartial observers should not regard it as positive confirmation of an alignment which in any case was only based on tradition and custom.[2]

[1] The very fact that a dispute had arisen with regard to a point on the frontier indicated recognition of its general alignment. See Advisory Opinion regarding delimitation of the Polish-Czechoslovak frontier, *P.C.I.J.*, *Series B*, No. 8, p. 20–21. See also p. 81.

[2] White Paper II, p. 36, III, p. 86; Indian report p. 54; Chinese report p. 15–16. The Chinese officials dismissed the significance of the 1842 treaty with three arguments: in their view the treaty did not define any specific location of the boundary and, in fact, was not a boundary agreement at all; it only meant that each side should administer the territory under its jurisdiction and commit no aggression on the other; even if the boundary was actually confirmed at that time, how could India maintain that it was the line now claimed by her and not the Chinese alignment?

THE EASTERN SECTOR

In the course of the border dispute, China argued that the Simla conference never discussed the Sino-Indian frontier and only dealt with the border between Tibet and the rest of China. This allegation is not supported by the Simla Convention nor by the Tibetan acceptance of the McMahon Line. The existence of a strip of Chinese territory between Tibet and India was rendered even more improbable by the adoption of the basic McMahon alignment in the Sino-Burmese agreement which would have made the Chinese claim an enclave south of Tibet. Moreover, while China did not regard her rights as limited by the geographical area of Tibet, she had to rely on Tibetan sources for evidence regarding their existence.

Did the McMahon Line, besides indicating the borders of Tibet also constitute the effective northern border of India? The Tibetan letter said so, but the text of the Convention was silent on this point. China sought support from those maps which drew the frontier along the Inner Line of Assam skirting the foothills. Due to the outbreak of war and to efforts aimed at obtaining Chinese consent to the alignment the Simla Convention was not published until 1929 and appeared on maps only in 1935.

In the 19th century British India concluded a great number of agreements with tribal chiefs. In 1844 the Bhutiya chiefs of Tawang and other districts adjoining the Darrang district of Assam pledged themselves "to act up to any orders we may get from the British authorities" in return for an annual pension or *posa* of Rs. 5000. It is difficult to assess its precise meaning. Lamb reached the conclusion that it amounted to a surrender of those rights the Rajas may have possessed in a limited area on the north bank of the Brahmaputra. India considered the agreement as an explicit acceptance of sovereign jurisdiction as "no government in the world pays stipends to those who were not its citizens."[1] The situation is, however, more complicated than this obvious simplification. Tibet also paid subsidies to some of the tribes, while, in the case of Tawang, one of the Tawang Rajas used to hand over most of his *posa* to Lhasa.[2] Lamb has also drawn attention to the fact that in 1872 four monastic officials from Tibet came down to supervise a boundary settlement along the foothills to the southern Bhutanese border.

[1] Lamb, A., *op. cit.*, p. 53; Aitchison (1909) II, p. 297; Indian Report, p. 215.
[2] Lamb, A., *op. cit.*, p. 25, 118 and 121.

When China attempted to reassert control over Tibet around 1910 her troops penetrated into the Walong area and placed boundary markers there. Appreciative of the danger of further encroachment, the governor of Assam in 1910 advised the Viceroy to press forward beyond the limits which "under a self-denying ordinance" contained the frontier:[1]

> We only now claim suzerainty up to the *foot* of the hills. We have an inner line and an outer line. Up to the inner line we administer in the ordinary way. Between the inner and the outer lines we only administer politically. That is, our Political Officer exercises a very loose jurisdiction, and to prevent troubles with frontier tribes passes are required for our subjects who want to cross the inner line. The country between the two lines is very sparsely inhabited and is mostly dense jungle. Now should the Chinese establish themselves in strength or obtain complete control up to our outer line, they could attack us whenever they pleased, and the defence would be extremely difficult... It is accepted that, if the outposts were pushed forward so far as the outer line, then in each case it would be necessary to place them on the spurs of the hills and above malaria height. This we could only do if we establish our suzerainty or could claim the consent of the hill people who are in occupation, as being in our protection...

The Indian Government was not convinced and wanted to confine itself as hitherto to cultivating friendly relations with the tribes beyond the Outer Line and to punishing them for acts of hostility. No promise was to be given that the tribes could rely on British support in the event of Chinese aggression. Analysing the situation in preparation for negotiations with China the Secretary of State for India wrote:

> It should be observed that Tibet is nowhere coterminous with the settled districts of British India, but with a belt of country which, though geographically part of India, politically is partly a no-man's land inhabited by aboriginal savages, partly the territories of states, independent (Nepal), and subordinate (Bhutan and Sikkim). ... political relations are now being opened up with the tribes on the Indian side of the watershed – a step which was directly necessitated by the presence of Chinese missions among them, and by the Chinese military expedition to the Po-med country which is immediately north of the Abor country.[2]

In 1911 the Indian government initiated surveys of the border area and the next year two frontier tracts were created, each under a political officer. The Viceroy favoured inclusion into Article 5 of the Simla Convention of some definition of the boundary with Tibet; "In the light of knowledge acquired from our recent survey it will now be possible to define a satisfactory frontier in general terms."[3] Asked to submit proposals he suggested an alignment, which was later

[1] Reid, Sir. R., *History of the frontier areas bordering on Assam from 1883–1941*, p. 221.
[2] *Tibet*, secret memorandum of Jan. 27, 1913, 1472/13.
[3] From Viceroy, Oct. 9, 1913.

included in McMahon's exchange of letters with the Tibetans except for the Tawang section east of Bhutan. Delhi did not have detailed information concerning "the southern limits of Tibetan possessions in and south of Tawang" and supposed that they extended to within 11 miles of Odalguri; "should question hereafter arise we can recognise Tibetan right to any area south of line to which her claims may be established."[1] The Assam government was under the impression that the watershed in this area would also exclude the wedge in which Tawang was situated.[2]

One of the political officers visited Tawang in 1914. He reported excessive taxation by the Drepung monastery in Lhasa which still appointed the principal officers. By that time the General Staff had also come to the conclusion that the area formed "a dangerous wedge of territory... thrust in between the Miri country and Bhutan" and proposed a Himalayan boundary; "There appears to be a convenient watershed for it to follow."[3] It may be assumed, therefore, that in the middle of the Simla Conference Britain decided to extend her claims to Tawang on strategic grounds. The McMahon Line was a logical defence barrier and Sino-Tibetan territory should not be allowed to extend too close to the Brahmaputra valley. The Tawang monastery, moreover, was said to control villages south of Se La, so that administration would be easier if the whole area were included in Indian territory.[4]

During the meeting of the officials India quoted the acknowledgement of the Tibetan Prime Minister that Tawang was not a part of Tibet and his specific request that the income which Drepung received in return for the services of its agents might be considered as the income of private individuals.[5] Nevertheless Lhasa appeared to have entertained second thoughts about its concessions in 1937 when it told the British that the McMahon Line had only been agreed in conjunction with a satisfactory Sino-Tibetan boundary.[6] To counter this argument the governor of Assam ordered a mission to Tawang to collect a tax, which met, however, with protests from Tibet and the local authorities. But the Government of India was averse to "any action which would commit them to permanent occupation and further expenditure" and

[1] From Viceroy, Nov. 21, 1913.
[2] Chief Secretary to Foreign Secretary, Govt. of India, Sept. 17, 1913; No. 358c and Oct. 17, No. 394c.
[3] Reid, Sir R., *op. cit.*, p. 281.
[4] Lamb, A., *op. cit.*, p. 150. The new sources quoted above support his analysis.
[5] Indian Report, p. 220.
[6] Reid, Sir R., *op. cit.*, p. 295. See postscript for Richardson's comments on this point.

decided that the political officer should not press for the withdrawal of the Tibetan officials; it also refused a second expedition.[1] In 1944 the Tibetan Foreign Office, though not wishing to dispute "the validity of the McMahon Line as the limits of the territory... in which India and Tibet respectively are entitled to exercise authority," requested the British Government to postpone extension of their regular administration upto the McMahon Line. They had, however, not registered any protest against the open demarcation of the boundary by the joint Indo-Bhutan Commission of 1938.[2] China made much of the collection of taxes by Tibetan monks, which was dismissed by India as payment of religious dues not involving any recognition of sovereignty; spiritual influence should not be confused with temporal authority.[3]

When India achieved independence the British had not yet pushed their administration all the way up to the McMahon Line. Tawang was still under Tibetan control including the collection of taxes and it was necessary to obtain permission from Tibetan authorities there to travel in the area, but the region south of Se La was administered by the Delhi government. During the war armed posts were placed up the Lohit as far as the McMahon Line [4] In 1947 India realised the importance of consolidating her position in the North East Frontier Agency and, giving it priority over Ladakh, quickly pushed her effective administration up to the McMahon Line. The Indian opinion that this line "only applied the coping-stone to the actual ethnic, natural and administrative frontiers as established by British-Indian control prior to 1914,"[5] therefore seems an untenable exaggeration. Britain had acquired certain powers of jurisdiction, but no territorial rights. Even if the (partially massacred) expeditions of 1911 form a ground for prescriptive claims it is doubtful whether the subsequent period of time was sufficient to make a good title. India's only consolation was that

[1] *Ibidem*, p. 297, 300.

[2] Indian Report, p. 229, 221.

[3] Indian spokesmen quote a letter from the Chinese Minister for Foreign Affairs to the British Minister in Peking on June 13, 1914, stating that "the Lamas might have ecclesiastical authority, but this does not mean that these places belong to Tibet." This source is not yet available to the public. The Chinese report (p. 71) limited its significance to places which were administratively under the jurisdiction of other Chinese provinces and maintained that Tibet practised a system of combining political and religious authority.

[4] Mills, J. P., "Problems of the Assam-Tibet Frontier" *R.C.A.J.* XXXVII (1950) 154. He "was allotted the task of making the Convention boundary good" and added (p. 158) that this line "is not in fact the natural boundary, whereas the frontier along the base of the plains *is* the natural one." Hopkinson, A. J., "The position of Tibet," *ibidem*, p. 232, "owing to other preoccupations, we forgot, or omitted to vindicate the boundary allotted to us." See also Lamb, A., *op. cit.*, p. 148–167; Patterson, G. N., *Peking versus Delhi*, p. 173–174.

[5] Krishna Rao, K., "The Sino-Indian boundary question and international law," p. 403.

Chinese or Tibetan claims of effective control were even less valid.

India's case was not aided by the comments of some of her former civil servants. One wrote that although the peaks were the obvious and accepted frontier, in some cases Tibetan administration penetrated a short distance southwards along river valleys and he added that during a visit to Tawang in 1913 he had seen a purely Tibetan administration in force. Sir Henry Twynam, who was acting Governor of Bengal in 1945, deemed the McMahon Line obviously too vague a criterion when the frontier had become controversial. Sir Olaf Caroe tried to put matters in their proper perspective by replying that the existence of Tibetan settlements and culture on Indian territory did not warrant their inclusion in political Tibet.[1]

The Thagla Ridge

The map embodying the McMahon Line suggested that the Thagla Ridge east of Bhutan, though forming the watershed, was included in Tibet. Nevertheless India claimed the ridge as the boundary because McMahon had based his proposals on the main watershed,[2] which could only be approximated on the map. His alignment made clear, however, that the boundary ran between the villages of Le in Tibet and Pangchen in India. In this connection India was able to point to an exchange of correspondence between the Chinese official at Tsona and the Indian Assistant Political Officer at Tawang in August, 1953. In 1951 the villagers of Pangchen had put up a boundary stone to mark their claim to pastures, which was accepted by the Tibetans. Although they were not very clear concerning the correct position the Tibetans were prepared to pay for the use of pastures claimed by the Indians. This correspondence did not, however, mention by name either the Thagla ridge or the pastures concerned. Its significance should therefore be limited to Chinese recognition of Pangchen as an Indian village, thereby supporting the McMahon Line as depicted on the map. Only if the boundary marker could be shown as lying on the Thagla ridge could the grazing dispute support the Indian interpretation of the boundary. If not, the Indian case depends on giving priority to the watershed principle over the map of 1914.

[1] F. M. Bailey, *The Times*, Sept. 9, 1959. The others *ibidem*, Sept. 2 and 4, 1959.
[2] Memorandum by McMahon of March 28, 1914.

CHAPTER VIII

POLITICAL MOTIVES IN THE BORDER DISPUTE

In the years immediately after gaining power the new Chinese regime grossly overrated the military strength of the communist bloc. With regard to the United States this self-confidence resulted in Chines intervention in the Korean war. In respect of neutralism Peking, like Russia at that time, saw the world divided into two camps which left no room for a third. It assumed too easily that the emerging nations could be swayed into opposing the West by Chinese verbal support for their anti-colonial struggle. After a stalemate had been reached in Korea the Chinese communists adopted a cautious attitude towards the Americans and, realising the importance of maintaining a buffer zone around China as long as the non-aligned could not yet be included in the communist orbit, attempted to gain admission to the Afro-Asian community. At Bandung the Chinese Prime Minister scored a major diplomatic success with his persuasive demonstration of friendly intentions. The pendulum was not long, however, in swinging back to a more radical outlook, coinciding with the appearance of a group of men devoted to extremist internal policies which produced the Great Leap Forward. In foreign affairs this change may have been a result of frustration as no tangible result had yet accrued from the soft approach. Faced with a situation in which she had soon lost favour with all her neighbours China again returned to a more moderate approach in the autumn of 1959, which has been attributed to Khruschchev's visit in October of that year.[1] These fluctuations were also reflected in Sino-Indian relations.

CHINA CHANGES HER EVALUATION OF INDIA

When they came to power, Chinese communists showed little friendship for the Indian Government and concentrated their attention on the Soviet Union. After 1951 they started to cultivate Indian

[1] Halpern, A. M., "The Chinese communist line on neutralism," *United Asia*, 13 (1961) 165–173; A. D. Barnett, *Communist China and Asia*, p. 306–309; Lord Lindsay of Birker, "Chinese foreign policy: recent developments," *Y.B.I.W.A.* (1961) 67–92.

visitors, although not the Congress leaders, but by 1954 cordial relations seemed firmly established even at governmental level. By that time the Chinese armed "liberation" of Tibet and the Korean war, both dating from 1950, had receded into the background. The two Prime Ministers met frequently in 1954 and stressed areas of common agreement, while glossing over basic differences in ideology and foreign policy. China seemingly ignored Nehru's opposition to internal communism and made conciliatory statements on overseas Chinese, thus facilitating the belief that China was genuine in her desire not to interfere in the domestic affairs of other countries. China's handling of India remained cautious until the Tibetan rebellion and the flight of the Dalai Lama. Compared with the vehement campaign which was later to be directed against Nehru personally, propaganda statements showed some restraint even then. Two long commentaries on Nehru's philosophy by the editorial department of the People's Daily, published in May, 1959, and October, 1962, offered an interesting comparison. The first article described Nehru as the respected Prime Minister of a friendly neighbour, one of the statesmen who enjoyed prestige in the world and an opponent of the imperialist policy of war and aggression. It also acknowledged that the Indian Government had all along recognised Tibet as a part of China and would not send its armed forces to intervene in Tibetan affairs. However, interference could take diverse forms and Indian diplomatic moves in connection with the Chinese march into Tibet in 1950 were quoted as one example, the impressive welcome to the Dalai Lama was another. Nehru was further criticised for simply referring to "mutual respect" in a statement of April 27, 1959, and omitting the words "for each other's territorial integrity and sovereignty." But the analysis ended with the assurance that a democratic and prosperous Tibet would be a factor for consolidating friendship between China and India and would never constitute a menace to the Indian Republic. It quoted Nehru's words, spoken in China in 1954, that the well-being of Asia and the whole world would depend on the extent to which the two countries understood each other.

The second article covered a wider field than the Tibetan question. Going back to his "Discovery of India" it attempted to show that Nehru's philosophy all along had been expansionist with the ambition to establish a regional grouping with India at the centre of economic and political activity. At one time the actions of his Government had been helpful to world peace, like sponsoring the Bandung Conference, but on many important questions Nehru had stood on the side of

imperialism even in that period; the Indian proposals during the Korean war were brought up again as evidence of support for the forcible retention of prisoners of war by the United States and the continued presence of Indian troops in the Congo was condemned. Nehru was now also attacked as the representative of the bourgeoisie and big landlords who had seized the fruits gained by the Indian people in their struggle against Britain. There was no longer any reluctance to criticise Nehru's treatment of internal communism; he was accused of using violence to suppress the masses of the people and the progressive forces. Two parallels with Chinese history were drawn to exemplify the present situation. Sino-Indian relations of today were said to bear a certain resemblance to Sino-Soviet relations of more than thirty years ago, when the Kuomintang mistook Russian self-restraint for weakness. Interestingly enough the allusion was to the entrance of a Soviet army into Manchuria in October, 1929 after the Chinese Eastern Railway incident had led to the arrest of hundreds of Russian nationals at Charbin and the termination of diplomatic relations by Nanking. The People's Daily interpreted the conflict as a resolute Soviet counter blow to an armed attack by Kuomintang reactionaries. As it had ended with the restoration of the original system of administration of the railway, the comparison may have been carefully chosen to imply to India that China's attack in the border area did not aim at changing the status quo and that an honourable settlement remained possible.[1]

Nehru's socialism was now openly labelled as a farce, his basic approach condemned as an attempt to reduce the evils of capitalism by the methods of planning while leaving intact the capitalist system of production. In order to beg for U.S. aid, it was alleged, the Indian government had resorted to every possible means ranging from anti-communist campaigns to the provocation of the border conflict. As more imperialist aid came to India, the colonial character of her economy had become even more marked, particularly through the establishment of joint enterprises.[2] A variation of this theme was the accusation that Indian monopoly capital, "in dire need of a war atmosphere," was attempting to fatten itself by making blood profits from the militarisation of the frontier.[3]

[1] The Editorial Department of People's Daily, "The revolution in Tibet and Nehru's philosophy," *Peking Review*, May 12, 1959, p. 6–15; "More on Nehru's philosophy in the light of the Sino-Indian boundary question," Oct. 27, 1962, in *The Sino-Indian boundary question*, Foreign Languages Press, Peking p. 93–134.

[2] Commentator in *Peking Review*, April 12, 1963, p. 6–11, "Farce of Nehru's Socialism."

[3] *Peking Review*, Nov. 30, 1962. The term "blood profits" was taken from the Indian weekly *Blitz*.

Although minor incidents along the border occurred prior to the Tibetan revolt, Sino-Indian relations deteriorated significantly only after the Dalai Lama fled to India in 1959. When Delhi appeared to be unable or unwilling to persuade him to return to Tibet, there was nothing to restrain Chinese propaganda. Anti-Indian feelings were increased by Peking's sensitivity to everything which could be interpreted as Indian support for a Tibetan government in exile. Nehru's course was regarded as two-faced tactics which, by permitting submission of the Tibet question to the United Nations, allowed the Dalai Lama to "exceed by far what is permissible under the international practice."[1] Criticism was directed at the "rebel clique" claiming to act on behalf of the Dalai Lama or at the Indian Government, which was accused of setting him up against China, rather then at the Priest-King personally. Theoretically these statements could be read as leaving a possibility for his return to Tibet although they may merely have been a tactical device to facilitate the subjugation of the Tibetan people by blaming India for the continued absence of their leader.

MARXIST IDEOLOGY

The emergence of non-committed nations was never satisfactorily fitted into Marxism, which concerned itself primarily with the transition from capitalism and imperialism towards socialism. This also explains why the ideological dispute between China and the Soviet Union dealt with the non-aligned nations indirectly only when it touched upon the treatment of revolutionary movements. While Peking advocated resolute support for wars of national liberation and people's revolutionary wars, Moscow took a more pragmatic line: it was the task of the proletariat of every country to decide what forms of struggle should be used in concrete historical conditions.[2] Moscow welcomed the newly independent countries as a force for peace, but China only recognised the short term significance of their policy of non-alignment for providing a buffer zone where American bases would not be admitted.

[1] Speech by Foreign Minister Chen Yi. *Peking Review*, Sept. 15, 1959.

[2] *People's Daily*, Dec. 31, 1963; *Pravda*, Jan. 7, 1963. The ideological dispute can be traced to Khrushchev's speech at China's anniversary celebrations on Sept. 30, 1959, in which he optimistically reported on his conversations with China's arch-enemy, the American President, and said: "we, on our part, must do everything possible to preclude war as a means for settling outstanding questions. These questions must be solved through negotiations." *Current History*, 37 (1959) 365. The first serious incident on the Sino-Indian border was to occur at the Kongka Pass only three weeks later.

China divided external relations into three categories: those with socialist friends, imperialist enemies and the combined group of newly independent and colonial peoples. Each socialist country should develop relations of friendship, cooperation and mutual assistance with the other countries in the socialist camp in accordance with the principle of proletarian internationalism; it should resolutely oppose the imperialist policies of aggression and war; it should strive for peaceful coexistence with countries of differing social systems on the basis of the five principles and resolutely support the revolutionary struggles of all oppressed peoples and nations. These aspects were held to be interrelated. It was not permissible to reduce socialist foreign policy to peaceful coexistence alone or to interpret this concept as consisting merely of ideological struggle and economic competition; it was thought to be even less permissible to extend peaceful coexistence to the relations between oppressed and oppressor nations instead of supporting revolutionary struggles;[1] and finally, it was argued that the class struggle had shown that no capitalist government would topple unless it was pushed. In other words, while in the relationship with capitalist states peaceful coexistence could be applied, the communist parties within those states should continue their class struggle, "life and death revolutionary struggles which aim at changing the social system."

The theoretical view taken by Moscow was basically similar:[2]

> The peaceful coexistence of states with different social systems presupposes an unremitting ideological, political and economic struggle between the two social systems, the class struggle of the working people inside the countries of the capitalist system – including armed struggle when the people find that necessay – and the steady advance of the national-liberation movement of the peoples of the colonial and dependent countries.

The Russian position has developed further, however, in so far as it now considers the development of independent national economies in the new countries which are still exploited by capitalist monopolies "a new heavy blow against imperialism." It admits the possibility of reactionary rightwing regimes in such countries, but regards them as short-lived because of their obstruction of progress and the solution of vital national problems.[2] Both China and Russia separated support for local communist parties from relations at state-level, but Peking

[1] Par. 16 of Chinese letter to CPSU of June 14, 1963; Joint Statement of Chairman Liu Shao-chi and President Choi Yong Kun of North Korea, Peking, 23 June, 1953; also *People's Daily*, June 17, 1963.

[2] Letter of the Central Committee of the CPSU to the Central Committee of the CPC, March 30, 1963, *Soviet Booklet No. 109*, p. 10 and 14.

carried this to a point where it became obviously contradictory. Its relations with Afro-Asian states were officially guided by peaceful coexistence, but at the same time the local communists were encouraged to employ violent means in their revolutionary struggle. In her compartmentalised system of analysis it was sufficient for China to point out the difference between state and party relations to dismiss any suggestion of inconsistency. Soviet policy was less dogmatic and showed a closer correlation between foreign policy and instructions to those communist parties, which took their guidance from Moscow. Accordingly Russian support for a new country with a non-communist regime was less compromised by contradictory behaviour of the local communists.

When Nehru published "The basic approach" in 1958 and again associated communism with the necessity for violence the Soviet Ambassador in Peking, Pavel Yudin, wrote a lengthy rebuttal.[1] His article had a significance for China as well as for India and the function of the author tended to emphasise this dual character. From a Marxist point of view Nehru had to be contradicted, when he stated:

> But we see the growing contradictions within the rigid framework of communism itself. Its suppression of individual freedom brings about powerful reactions. Its contempt for what might be called the moral and spiritual side of life not only ignores something that is basic in man, but also deprives human behaviour of standards and values. Its unfortunate association with violence encourages a certain evil tendency in human beings.

Soviet academician Yudin noted "Nehru's partiality for abstract deliberation" and objected to his new concept of socialism which favoured flexible planning and encouraged private enterprise that would fit in the national plan. He thought that Indian individualist philosophy would be unable to offer a way out of the grave economic situation and compared the country with China which had "vastly outstripped India." But the most significant remark in the present context was his protest that Nehru vilified socialism by comparing it with fascism in pointing to its alleged characteristics of violence and lack of individual freedom. This rejection of violence was an early reminder to Peking how Soviet policy should be interpreted. In this period, however, Yudin was careful not to suggest any overt criticism of another communist state:

> ... if struggle against reaction is a necessity it should be kept in mind that the choice of means, whether peaceful or non-peaceful, violent or non-violent, hardly

[1] "Reply to Shri Jawaharlal Nehru's 'The Basic Approach' ", *World Marxist Review*, 1 (1958) No. 4. See also p. 3, note 1.

ever depends on the progressive forces. A situation may arise when these forces will be unable to refrain from the use of violence unless they choose to give up the fight altogether.

This apologetic attitude has now been replaced by a fellow-academician in an open attack on the Chinese "theory of violence" which "inexorably leads to adventurism" and is "closely interlinked with the ideology of militarism" and inseparable from chauvinism. He regarded as legitimate and necessary the use of violence by the masses of the people against oppression in their own countries, but no longer considered as Marxism the use of arms in order to enforce revolution in other countries.[1]

The Chinese accusation that Moscow wanted to cover all foreign relations with the concept of peaceful coexistence led to a clear denial. The Central Committee of the CPSU claimed to be the first to testify to friendship and comradely mutual assistance as the most important principles in the relations between socialist countries.[2] Soviet writers did not hide their view that non-alignment was a gain only as an alternative to and compared with a pro-imperialist foreign policy. Their refusal to consider it as a permanent lever for lessening international tensions, remained basically contradictory to Nehru's concepts as embodied in Panchsheel. Indian arrests of communists were seen as the result of manoeuvres of influential reactionary groups inside the country:

while the imperialists did not succeed in diverting India from the path of neutralism, the events in that country showed that the balance of political forces in a number of neutralist states has still not taken final shape, and that under certain circumstances it can shift in a direction unfavourable to peace and national liberation.[3]

On the theoretical level the two communist powers have not yet shown open divergencies in their attitude towards the non-committed. Both sides expect the ultimate conversion of the non-aligned to communism but, as a short-term objective, compete for the championship of their cause. Despite its often bellicose protestations Chinese foreign policy has been extremely cautious and resorted to action only when vital interests were thought to be affected. Peking continued to extend aid to non-committed regimes, which would have been inconsistent with provocation of a quick polarisation of world forces.

[1] P. Fedseyev, "Theory of violence," *Communist*, May 1964; extract in *Soviet News*, London, No. 4987 (May 11, 1964).

[2] "Open letter to all party organisations and all the communists of the Soviet Union," July 14, 1963.

[3] Mikhail Kremnyev, "The non-aligned countries and world politics," *World Marxist Review*, Vol. 6, No. 4, April 1963, p. 28–34.

The Chinese campaign against India could, therefore, not have been motivated primarily to score an ideological point over Moscow by demonstrating the unreality of non-alignment. The effect of the Indian border question upon Sino-Soviet relations was great for a different reason: it produced a Russian refusal of unquestioned support for Chinese policies. China, like India, experienced that her allies were reluctant to take sides in her boundary disputes. The Chinese reacted, however, by resenting the Russian lack of solidarity which they required from communist nations in all circumstances. But this lack of support was a result, not the cause of Chinese aggressive actions against India.

Peking exploited the situation by accusing Moscow of foresaking the Marxist principle of mutual assistance, but, again, it is difficult to see how the border dispute could be intended exclusively to provoke Russia into choosing between China and India. The short duration of the invasion and its limited character did not necessitate such an explicit choice. In the same way as the Chinese campaign stopped short of a general war with India and thus avoided the risk of western intervention, it also enabled the Soviet Union to remain aloof and to continue her assistance to India on the old footing. As far as the question of aid is concerned Sino-Soviet disagreement seemed more practical than theoretical and found its cause in different assessments of the Nehru government. Study of Nehru's philosophy had convinced the Chinese leaders that India was no longer properly non-aligned, but was in reality a bourgeois capitalist state which did not deserve assistance from communist countries. The Soviet Union on the contrary was prepared to give such aid. To Peking this consideration was more important than the link with "revisionism" which Nehru established at the non-aligned summit in Belgrade. Other sponsors of that meeting such as Ceylon or even the United Arab Republic, which suppressed communism internally, experienced no significant repercussions from their contacts with Tito in the way they were treated by China.

In the ideological Sino-Soviet dispute the border conflict was significant because China employed violent means to further aims of foreign policy. To other communist states China had proved herself capable of successfully fulfilling her revolutionary mission in her own sphere of interest without provoking nuclear war; aggressive action had succeeded unchecked, contrary to theories from Moscow. The coincidence of the invasion with the Cuban crisis, in which the Soviet Union had to retreat when faced with Western determination, added

to the importance Peking attached to the victorious completion of her own initiative. China only failed in forcing Russia to abandon India in favour of the communist ally. But she succeeded in demonstrating that there are problems which could not be settled in east-west contacts without Chinese participation.

The Soviet Union and the border dispute

In 1959 a Tass statement deplored the border incidents and urged both parties to settle their dispute peacefully.[1] How much this neutral position was resented in Peking did not become clear until much later when it was condemned as "the first instance in history in which a socialist country, instead of condemning the armed provocations of the reactionaries of a capitalist country, condemned another fraternal socialist country." Tito's suggestion of a pacifying role for the Soviet Union also was indignantly refused. One writer traced Chinese anxiety about Soviet relations with India even further back to the Iraq crisis of 1958 when Khrushchev proposed a summit conference, first at Security Council level, then as a separate meeting with India present, but without China.[2]

During the Cuba crisis when there was every possibility of serious difficulties with the West, Moscow veered slightly away from India and urged acceptance of the Chinese proposals. It declared that the conflict served not only the interests of imperialism, but also of certain reactionary circles in India, and described the McMahon Line as a legacy of imperialism. But Russia soon reverted to her original position. Ten days later a member of the Presidium was reported as simply calling for a cease-fire and discussions on a reasonable basis without mentioning the Chinese position.[3] Shortly afterwards Russia re-affirmed her promise to supply India with Mig fighter aircraft; the immediate military value of this commitment was probably not very significant, but it invalidated China's argument that India had become a satellite of capitalism. The Russian offer in fact allowed India to continue her policy of non-alignment; by accepting aid from both East and West she could continue to dissociate her quarrel with China from the ideological struggle between communism and western democracy.

As Sino-Soviet differences grew in intensity and became the subject

[1] *Tass*, Sept. 9, 1959; Reply to Thorez, *People's Daily*, Feb. 27, 1963.
[2] Hugh Seton Watson, "The Great Schism, on Sino-Soviet conflicts," *Encounter*, May 1963, p. 61–70.
[3] *Pravda*, Oct. 25 and Nov. 5, 1962.

of public statements there was less reluctance in Moscow to voice sympathy for the Indian position. The Soviet Union was faced with potential Chinese border claims not dissimilar to the dispute over the Indian frontier. Chinese maps marked parts of the border with Russia in the Pamir region as awaiting final demarcation. Originally Kuomintang maps of the area had incorporated a large slice of territory which was claimed by the Soviet Union. These were continued during the first years of communist rule, but later changed to follow roughly the Russian alignment, the remaining difference being that the Russian line was detailed and final while the Chinese showed the same "undefined" markings as the border with India and Afghanistan. In the course of their argument with the Russians the Chinese also mentioned, among other "unequal" treaties, the agreements of Aigun (1858) and Peking (1860) by which they had ceded two large tracts of Siberia, including the Amur basin. The third and for the dispute possibly most important area was the Ili valley, north of the Tien Shan mountains, which the Russians occupied in the 1870's and was only partly regained by China in 1881.

Against this background a Pravda article on the Sino-Indian border acquired special importance.[1] It stated:

> We have always considered and still consider that there were no reasons for starting a border conflict between India and China, and especially for bringing this conflict to an armed clash.

The paper also spoke of the damage done to Afro-Asian cohesion and the opportunity it provided for reactionary forces to rouse chauvinistic passions for pushing India off her neutral course. New bloodshed could be started by an accidental rifleshot particularly as there was "accumulating evidence that the conflict may again be aggravated."

For the first time Moscow seemed to relate the situation on the Indian frontier to Sino-Soviet differences. The Soviet Union, the article said, treated with respect the countries bordering on her and understood "that good-neighbourliness is possible only if the frontiers existing between states are respected." In warning China against renewing trouble on the Indian frontier, which would harm relations with her Russian neighbour, Moscow also indicated that it would not tolerate disrespect to the existing Sino-Soviet border. Pravda further

[1] *Pravda*, Sept. 19, 1963. "A serious hotbed of tension in Asia"; Victor Zorza in *The Guardian*, Oct. 12, 1959 and Sept. 6 and 20, 1963; "Where China and Russia meet," *The Times*, Sept. 10, 1963. See also Wiens, H. J., "China's north and northwest boundaries," in *Contemporary China*, Hongkong University Press, V (1961–'62) 33–56.

supported Indian policy by urging China to accept the negotiating position proposed by the Colombo conference. A possible explanation for the Russian shift may be found in growing concern at India's dependence upon western supplies of arms which, in a new clash with China, could hardly be matched by Soviet aid. The implied warning of Soviet action on the Chinese border could then be intended to make up the difference.

Peking reacted[1] by attacking the Soviet leaders for betraying proletarian internationalism and exploiting the Sino-Indian question to sow dissension between China and other Afro-Asian countries. Contrary to the strict neutrality observed by those countries, the Soviet Union had stepped up her aid to India after October 1962:

> The sole purpose of a socialist country in aiding newly independent countries is to help them develop independent national economies, eliminate colonial influence and free themselves from imperialist control – it is definitely not to help them oppose another socialist country.

Khrushchev's message to Heads of Government proposing an international agreement rejecting the use of force for the settlement of territorial disputes and frontier questions[2] also had implications for the Sino-Indian conflict. The Soviet Premier referred to the harmful effect of the frontier disputes existing between some Asian states on their economic development, but did not mention any by name. More interesting was his remark that in many cases no real solution could be found by basing positions on thousands of years of history, as it would be virtually impossible to find a way out of the numerous evidence of national, ethnographic or racial ties; it should not be forgotten that a reference to history was often a camouflage for open aggression. The proposed treaty would contain a recognition that the territory of a state should not even temporarily be the object of an invasion, attack, military occupation or other coercive measures, either direct or indirect.

The Soviet suggestions were denounced by Chou En-lai as "a new fraud serving the imperialist policies of aggression and war", which

[1] *People's Daily*, Nov. 2, 1963. The article also stated that, far from being a minor problem, the dispute with India was a major issue involving 125.000 km² of Chinese territory. It was, however, no hotbed of tension like South Korea, Taiwan, Japan, South Vietnam and Laos.

[2] Message of Dec. 31, 1963. Khrushchev did not apply his proposals to liberation from colonialism or foreign occupation. In this context he mentioned that the illegal occupation of Taiwan should be terminated and military bases should be withdrawn from foreign countries. Western states showed little enthusiasm because in their view the Soviet principles should apply to all territorial disputes and also to subversive activities, while in general a more precisely worded text would be necessary.

confused "imperialist aggression and occupation of other countries territories" with "territorial disputes and boundary questions left over by history."[1] According to the Chinese view boundary questions between Afro-Asian countries and between socialist countries "should and could find a fair and reasonable solution through peaceful consultations." This would be impossible in respect of imperialist countries which remained in illegal possession of territories of many countries on the strength of unequal treaties. Peking obviously regarded Moscow's proposal as primarily a propaganda manoeuvre against China. In respect of the Sino-Indian border dispute its contents certainly went against Chinese policy. In addition to condemning implicitly the temporary occupation by China of parts of NEFA, it thwarted the basic Chinese aim of extending her authority to every area which had once belonged to China.

It seems probable that the Soviet Union will not go further in identifying herself with the Indian position. The border conflict presented her with a real dilemma: increased support for the Indian views could give cause to criticism of Russian leadership within the communist bloc, while acceptance of Chinese claims would lead the Afro-Asian nations to suspect that in the last analysis communist ties outweigh all other considerations. In both cases Peking would gain from the Russian predicament. At present overall Soviet policy tends to avoid upsetting the status quo in Asia as an increase of tension would endanger the East-West detente and enable China to increase her influence in the area. Moreover, as far as India is concerned, there is no need for further commitments as the Soviet Union is sufficiently sympathetic to her in the border dispute while economic assistance continues to be provided as before with a gradual increase in military aid.

The Communist Party of India

The precarious balance within the C.P.I., which was outlined in Chapter II, did not survive the eruption of the border conflict and the Sino-Soviet ideological dispute. The party was still united in support of Chinese actions to suppress the revolt in Tibet,[2] although this forced it into a defensive position. When its leaders endorsed Peking's accusation of Kalimpong being a centre of command for the rebellion, Nehru associated himself with fierce parliamentary reactions by declaring that the Indian communists had their roots in different thinking. The

[1] Speech published belatedly in Peking on April 25, 1964.

[2] On March 31, 1959, the C.P.I. stated that serfowners and reactionaries had "conspired with foreign imperialists to stage a revolt."

border incident at Longju led to an expression of concern which attributed the clash to confusion regarding the precise alignment. The resolution of the Central Executive Committee of the C.P.I., adopted on September 29, 1959, continued:

> But these differences can be resolved through friendly discussions and negotiation without either side making prior acceptance of its own claims, viz. the McMahon Line in one case and the Chinese maps in the other, the precondition for commencing negotiations.

In November the National Council affirmed the McMahon Line as India's border and rejected as irrelevant the question of its historical origin. As to Ladakh, use was made of Nehru's description of the situation there as less clear, to urge acceptance of the traditional border as defined through negotiations. Support for the Chinese position in this sector was also given by not making Chinese withdrawals from Indian territory a pre-condition for talks. The party was fairly prompt in accepting the Colombo proposals which would "create conditions for an honourable settlement through negotiations." Under Marxist dogma it was inconceivable that a communist state would commit aggression and this explained the continuing appeals by the C.P.I. to reach a negotiated settlement and the great reluctance to look upon China as an aggressor. Yet the rift between nationalist (pro-Indian) and internationalist (pro-Chinese) elements became unavoidable by Chou En-lai's refusal to recognise the McMahon Line. Regional delegates expressed widely different views, but in order to maintain a facade of unity official policy adopted no clear cut line on the boundary dispute. West Bengal continued to raise doubts about the validity of the McMahon Line for all practical purposes, but Dange (Bombay), Namboodiripad (Kerala) and Ahmed (Uttar Pradesh) expressed support for the Nehru government in resisting aggression. But even Dange maintained that the border problem could only be ended by the two governments negotiating on a political level. He was impressed by the conclusion of the Sino-Burmese agreement and saw no reason why a similar solution could not be applied to the Indian case. After the invasion he sought further integration with nationalist sentiments and, as many members of the pro-Chinese fraction had been arrested, the party leadership managed to condemn Peking's resort to military measures and appealed to all Indians to unite in defence against Chinese aggression.[1]

[1] Mukherjee, A. N., *Sino-Indian relations and the communists*, p. 54–57; Dange in *Lok Sabha Debates*, Feb. 20, 1961. Vol. L, col. 898.

In the meantime the debate within the C.P.I. concerning cooperation with the Congress government had been reopened. It had been closed temporarily when in 1958 the Indian communists attempted to improve their status as a party free from international supervision by paying lip-service to the Indian attachment to non-violence. In that year the conference at Amritsar adopted a peaceful course to gain power in collaboration with progressive bourgeois elements. Both the Sino-Soviet rift and the dismissal of the communist government in Kerala by the Indian president in 1959 served to focus attention again on the advisability of a peaceful and cooperative policy and even caused a realignment of factions. The left-wing Ranadive group rejected cooperation, arguing that Nehru's policies only tended to consolidate the reactionary bourgeoisie at the expense of the national bourgeoisie. The "nationalist" faction in the border dispute identified itself with the decisions of Amritsar and, under the leadership of Dange, advocated qualified support for the Nehru wing of Congress and refused to believe that foreign influence in India had grown.

Differences came to a head at the Sixth Congress of the C.P.I. at Vijayawada in April, 1961, where a Russian delegation under Mikhail Suslov attempted to throw its weight behind Dange's position by pointing out that the Indian party had to work in "specific complicated conditions." Against strong opposition from the left, which forced the inclusion of amendments in a Dange draft, his views prevailed in the official resolution calling for a "national democratic front" in which "anti-imperialists and anti-colonial sections of the national bourgeoisie would find a conspicuous place." It was significant that the delegations of West Bengal and the Punjab were highly critical of the result as they, together with communists in other states adjoining Tibet, took a pro-Chinese line in the border conflict. The old distinction within the C.P.I. between right, left and centre[1] was increasingly superseded by a division between a pro-Indian group, incorporating the former centrists and supporting the Soviet interpretation of Marxism, and those who followed China both in the border dispute and in her argument with Russia. The latter found support from extremists of both left and right. Efforts to create a new centre position were made by Bhupesh Gupta who agreed with putting emphasis on revolutionary struggle, but would not blindly accept everything Peking stood for. In October, 1963 the National Council, aided by the absence of the imprisoned pro-Chinese leaders, managed to condemn China for

[1] See Chapter II, p. 27.

causing disunity in the communist movement and for harming, by its challenge to the Indian border, the democratic forces in the country and Afro-Asian solidarity in general. The acrimonious debates made it extremely difficult to maintain discipline – never an outstanding characteristic of Indian communists – and the national leadership was unable to prevent pro-Chinese successes in some of the states. In West Bengal, after Kerala the biggest communist stronghold, the pro-Moscow faction could not preserve its control after the central executive had ceased to intervene.

The visit of Chou En-lai to Pakistan again strengthened the anti-Chinese wing of the party and the Central Secretariat was able to issue a statement noting "with amazement and shock" that the Chinese premier had "thought it fit to publicly support the discredited plebiscite formula for Kashmir." In July the C.P.I. drafted a report which condemned the approach of the Chinese leaders to border questions as chauvinistic; China was accused of claiming in a self-righteous manner all territory conquered by past emperors, but rejected the legacy of imperialism and expansionism inherited by other countries.[1]

THE INDIAN ASSESSMENT OF CHINA'S MOTIVES

As Chinese attitudes towards India turned full circle from hostile criticism at the time of communist take-over through a period of apparent rapprochement to the present state of violent attack, Indian evaluations of China were reversed. Soon after 1949 Indian leaders viewed the communist revolution in China primarily as one of agrarian reformers rather than as a part of an expansionist world wide movement. Until a very late stage of the border dispute Nehru refused to believe that China would invade a non-aligned power. To him the claims on Indian territory were a continuation of traditional Chinese policy and not the sort that are pressed upon a friendly nation. His efforts to play down the issue and to avoid arousing public opinion were made not only to maintain his freedom of manoeuvre, but also in the genuine belief that the dispute was relatively unimportant and could eventually be settled through negotiations. Nehru's assessment of Chinese motives changed suddenly with his much quoted admission that the massive invasion had made India realise she had been out of touch with reality and had shocked her out of the "artificial atmosphere of our own creation."[2] Abandoning his earlier reluctance to admit any

[1] *India News*, London, Vol. 17 (1964) No. 9, 28.
[2] *The Times*, Oct. 26, 1962.

competition with China he now believed that she wanted to demonstrate her superior strength to the countries of Asia. As speeding economic progress had become a matter of comparison between democratic and communist countries, China wanted to force Russia to help only China and none of her rivals. Under attack India was expected to show that in reality she was allied with the West, while internally some disruptive influences would side with China.[1]

Nehru's article "Changing India" in Foreign Affairs[2] interpreted Chinese policy as flowing from a general analysis of the international situation, which would not permit non-alignment; if the non-committed could be dislodged from their unstable and anomalous position, either by cajolery or coercion, China expected an accentuation of the polarisation of world forces and a hastening of the communist world revolution. Indian policy would, therefore, be governed by the following considerations:

> First, it would be wrong and inexpedient, and also repugnant to every sentiment of national honour and self-respect, to acquiesce in aggression, as plainly established as it is in this case. We must, therefore, insist that the aggression be undone to our satisfaction before normal relations can be restored. ... Secondly, despite our friendliness, China's behaviour toward us has shown such utter disregard of the ordinary canons of international behaviour that it has shaken severely our confidence in her good faith. We cannot, on the available evidence, look upon her as other than a country with profoundly inimical intentions toward our independence and institutions. Thirdly, the Himalayan barrier has proved to be vulnerable. If it is breached, the way to the Indian plains and the ocean beyond would be exposed; and the threat to India would then, likewise, be a threat to the other countries of South and Southeast Asia. India's determination to resist aggression and retain her territorial integrity is, therefore, a vital factor in the safeguarding of peace and stability throughout this whole area.

In deference to the Soviet Union Nehru did not blame communism, but traditional Chinese expansionism for the attack on India. References by other Indians to competition with China similarly did not concern communist methods in general, but the particular Chinese pattern. Against a total mobilisation of manpower and an agrarian reorganisation to provide a surplus for industrial growth in China the Indian model was described as industrialisation with the assistance of foreign economic aid and without imposing a heavy burden on the rural sector. In the days of cordial relations Indian visitors had a genuine interest in China's achievements, but even then the more

[1] Nehru's speech to Allahabad High Court Bar Association, *India News*, London, Vol. 16, No. 2, Jan. 12, 1963.

[2] *Foreign Affairs*, April 1963, 453–465.

perspicacious among them soon discovered a deliberate failure on the part of their hosts to provide their people with correct knowledge about India.[1]

After the attack Indian assessments of Chinese motives ranged far and wide and very few commentators regarded them as limited to obtaining a border settlement. Distrust of the Chinese implementation of the cease-fire induced New Delhi to increase its request for western military aid, which had been rapidly extended during the fighting. But India's opinion that a new invasion was imminent was not shared in Washington and London and the applications were trimmed accordingly. When it became clear that for the time being Peking was satisfied with the *de facto* settlement it had enforced on its own terms, the public alarm subsided. The unrealistic demands to throw the Chinese out, which were frequent during the earlier stages of the dispute, virtually disappeared. More credit was given to those writers who dismissed earlier generalisations concerning Chinese intentions. They rejected the contention that China wanted to show her force to the world, because her military strength had unmistakably been demonstrated long before the N.E.F.A. invasion. If India had been written off as an imperialist stooge, why should Peking attempt at great cost to transform its *de facto* control of the territory it had seized in Ladakh into *de jure* possession? The fact that China, having taken what it wanted there, still wished to bring about a formal settlement was interpreted as a desire to normalise relations. Peking, in this view, counted on being able to impose a compromise upon a broken and harassed country, but could not realise its objective because India successfully combined foreign military assistance with non-alignment, while the Colombo formula required further Chinese concessions.[2]

CONCLUSIONS

There is no support for the view that the Chinese leadership created crises in external affairs mainly for the purpose of boosting domestic morale. A controlled propaganda machine would hardly need such measures to put across its position. Fluctuations in Chinese policy seem to depend more on changes in the assessment of the outside world and the usefulness of short term action for long range communist objectives.

It has been suggested that the original clashes on the border were

[1] Gupta S., *Seminar*, No. 19. Chandrasekhar, S., *Communist China today*, p. 185.
[2] Nanporia, N. J., *Times of India*, Jan. 28 and Feb. 11, 1963.

intended as a mere show of force against Indian interference in the internal affairs of China, but that local commanders were over-zealous in carrying out their instructions. In the middle of personnel changes at the top, including the emergence of a new Chief of Staff, no one would have been willing to take responsibility for stopping incidents for fear that his rivals might accuse him of giving away Chinese territory.[1] At that time Chou En-lai's position was said to have been weakened by his advocacy of more prudent economic development than the Great Leap Forward, so that he would not have been fully effective in a critical phase of Sino-Indian relations.[2] In view of the scarcity of reliable information these arguments remain speculative. Even if they were applicable to the first round of the conflict, later developments indicated a united Chinese policy with regard to India in which Chou personally seemed to play a formative part.

An analysis of Chinese motives depends to a large extent on the point of departure. If it is assumed that the Sino-Indian struggle is essentially a border dispute its importance to China would not exceed a purely bilateral and local issue. It could then be explained as one more example of hurt national pride built up over half a century, which induced Peking to restore its sovereignty over parts historically belonging to China and to exclude foreign influence from areas vital to Chinese security. And a refusal to keep "unequal" treaties would be the primary reason for a series of border agreements with Burma, Nepal, Pakistan and Afghanistan, in which China asserted the need for a formalisation and demarcation of the boundary, but proved to be flexible with regard to the actual alignment. The fact that a new treaty was negotiated acquired more importance to China than its contents. After five years of bickering the agreement with Burma was hurriedly concluded in 1960, just before Chou paid his visit to New Delhi. After the abortive report of the Chinese and Indian officials, China went through with a settlement of the border with Pakistan, which had the additional advantage of forestalling an Indo-Pakistan rapprochement in the face of Chinese aggression.

To force India to the conference table seemed to be the immediate objective of Peking's actions, which were executed in stages allowing India time to offer concessions after each new Chinese measure. Therefore, the massive attack across the McMahon Line was made to hit India in the area to which she attached the greatest importance. The

[1] Lindsay, M., "Chinese foreign policy: recent developments," *Y.B.W.A.* (1961) 86.
[2] Burton, B., "Van 'Entente Cordiale' tot de konfrontatie in de Himalaya," p. 156.

three American authors who examined the western sector of the disputed border suggested that the Chinese objectives could not have been attained without heavy cost in a campaign limited to Ladakh.[1] This is possible, though hardly plausible. Chinese forces in Ladakh were equally superior and even had tanks at their disposal. There is more reason to suppose that Peking needed to check Indian advances in Ladakh which began to challenge Chinese positions, but wanted something more spectacular than an offensive up to its claim line, which already was well within its reach. The incident in the Galwan valley in July, 1962 may have been of crucial importance in convincing China that action should be taken against Indian attempts to establish posts behind her lines. For that reason an attack in the east was planned to demonstrate China's ability to realise her entire aspirations unilaterally if India continued to refuse negotiations.

The immediate cause for the outbreak of fighting was the Chinese occupation of the Thagla ridge which provoked Nehru's order to expel the intruders. The Indian operations made some headway until they received a stunning blow from the Chinese "counter attack in self-defence." The same pattern was later repeated at Se La after Indian deployments had started to affect the Chinese positions. The timing of the invasion in October made a long campaign unlikely as this would have involved extremely difficult supply problems during the coming winter. The absence of air raids also pointed to the limited nature of Chinese aims. Apparently Peking was convinced that increased military pressure would make Nehru change his mind and accept its proposals for a settlement.[2] Pressure should not be maintained too long, however, as this would probably widen the scope of the conflict. A challenge to the concept of non-alignment may have been a collateral motive of Chinese action, but she had nothing to gain from all-out Indian alignment with the West. Her penetration should, therefore, be stopped before vital Indian interests outside the border area were affected. It would have been easy to occupy the Digboi oil fields in northeast Assam, but Chinese troops stayed within the limits of their claims to N.E.F.A. The sudden cease-fire followed by a withdrawal from the whole of N.E.F.A. confirmed that China had intended a show of force in the traditional Chinese manner of a punitive expedition, which would prevent further Indian forward movements. Immediately thereafter she aimed at creating an image of generosity

[1] Fisher, M., *Himalayan Battleground*, p. 135.
[2] *People's Daily*, Nov. 11, 1962, quoted in Karnik, V. B., *China invades India*, p. 247.

in foregoing the gains of military action. This phase of the border conflict coincided with renewed Chinese interest in Afro-Asian opinion.

While the endeavour to obtain a conference was her primary motive China's desire for talks abated when the Colombo-proposals, which originally appeared acceptable to Peking, changed their character through the clarifications offered in Delhi. Having stabilised the frontier in accordance with its interpretation of the line of actual control, Peking lost interest in a more permanent solution if this required further Chinese concessions. In these circumstances it became tempting to argue that China never really wanted to reach an agreement with India and was always a step ahead in asking more concessions than Delhi was prepared to grant. This impression could be reinforced by Peking's lack of response to the offer Nehru made shortly before his death in connection with the demilitarised zone on the Chinese side of the line of actual control: India was prepared to drop her demand for civilian posts in the area if China did not enter it either. She thereby gave up part of the advantage gained from the clarifications of the Colombo formula, although it had never been credible that the 20 kilometre zone could be controlled by civilian posts from both sides. The Indian proposal nevertheless constituted an attempt to break the immobility of the dispute and implied a willingness to negotiate, which China now did not seem to reciprocate. It should be remembered, however, that acceptance of Nehru's offer would still involve a partial Chinese retreat from what she had put down as her negotiating position. China, or any other communist power, would not lightly consider making concesssions once her terms for a settlement had been announced. Only a major change in her assessment of the situation could induce her to make a policy shift without regarding it as a sign of weakness.

If such a change were to occur, for instance, in a further effort to make an impression on the Afro-Asian countries, China would be able to time the opening of negotiations on the basis of the Colombo proposals by accepting a compromise on the demilitarised zone in Ladakh. But so far Peking showed no inclination to yield any further. The success of its military campaign and its changed evaluation of India had hardened the Chinese position. Vituperation against Nehru's government "supported and encouraged by the imperialists" could hardly be an appropriate preparation for detailed negotiations. Peking seemed to be prepared to wait for a final settlement as long as India did not attempt to change the status quo. There was no incentive to

modify its hard policy towards Delhi as the side-effects of the Chinese victory had fulfilled a number of objectives which exceeded the scope of the border conflict.

With regard to Nepal and Bhutan the Chinese invasion of N.E.F.A. served to undermine Indian influence by showing that the Himalayas neither constituted an impregnable barrier nor could be effectively defended by India. In a recent publication Patterson[1] went as far as to predict a Chinese *coup de grace* by moving into Bhutan, where her historical claims were much more firmly based than in N.E.F.A., which would enable her to isolate Assam from the rest of India at any desired moment. His preoccupation with the eastern sector tended to dismiss Ladakh as a sideshow and to doubt the strategic value of the Aksai Chin road. It is, however, not very convincing to base this argument on the exposed situation of the long supply route between Sinkiang and Tibet, which could be interrupted in the same way as the eastern approaches were destroyed during the Tibetan revolt. The fact that communications between China and Tibet are only possible through long and difficult roads is no reason to doubt the importance of establishing another route from an entirely different direction. In the relationship with India this road which, east of Aksai Chin, runs somewhat parallel to the frontier would also have a military significance by enabling both the control of the Tibetan population in the area and the logistic support of border posts.

Seen in a regional context China had given an impressive demonstration of her power by inflicting a defeat upon her main rival in Asia. Its repercussions would be felt long after the gains of the military campaign had been vacated by her voluntary withdrawal. The economic development of India, which could be regarded as a test case for non-communist methods in an Asian country in need of rapid social change, would be compromised if expenditure committed under the five year plans had to be diverted substantially to defensive purposes. If, on the contrary, western assistance were forthcoming to meet her increased military needs, India would loose her independent position and speak with less authority for the non-aligned states. This aspect of Chinese policy was illustrated by her subsequent attempt to re-invigorate the Afro-Asian movement under her own leadership. Efforts in this direction were made during the solidarity conference at

[1] Patterson, G., *Peking versus Delhi*, p. 290. Reports of the Chinese press advocating an independent Gurkhastan date as far back as the *N. Y. Times* of Feb. 2, 1955. Hinton, H. C., "The myth of traditional Sino-Indian friendship."

Moshi in Tanganyika in 1963 and Chou En-lai's recent African tour. They would tie in with Chinese initiatives to woo the Asian membership of communist front organisations with, perhaps, the ultimate aim of setting up separate bodies rivalling those dominated by Russia. Their success, however, would necessarily remain limited as the non-aligned countries became increasingly hesitant to associate themselves too closely with China at the time of deepening of the Sino-Soviet crisis.

In the multitude of motives outlined above no single one should be discounted. We take the view that the Sino-Indian conflict essentially remained a border dispute in which China wanted to press upon her neighbour the necessity of fresh negotiations concerning the boundary. When this failed and India even probed into territory held by Chinese troops, Peking felt obliged to uphold her status as a great power by teaching India a lesson to refrain from further encroachments. But China's policy carefully calculated the additional advantages of her action against India in respect of both the Afro-Asian and the communist worlds. It fitted Rostow's definition[1] as "a mixture of political aggression with those limited forms of military action which minimise the risk of major war and which cost little in resources."

[1] Rostow, W. W., *The prospects for communist China*, p. 310.

CHAPTER IX

CONCLUSIONS

THE BOUNDARY QUESTION

Discussions of the boundary dispute often put a somewhat exaggerated emphasis on the Indian predicament of being forced to maintain frontiers inherited from British imperialism. Most of the new countries were faced with similar circumstances and took it as a matter of course that their administration should cover the entire territory left by their colonial masters. Moreover, Nehru himself has pointed out that the borders of China also were the result of prolonged and violent conquest.[1] Yet it has taken India many years to shed her apologetic attitude. Emotional and imprecise slogans condemning colonialism as "permanent aggression" had produced a false impression of a dilemma concerning the legitimacy of the territorial legacy.

By stressing China's peaceful intentions Nehru was prevented from giving security measures on the Indian borders wide publicity, but ever since the "liberation" of Tibet there was profound concern about the possibility of a Chinese threat. The question was considered whether India should press the frontier question at that stage, but in consultation with Ambassador Panikkar the Government decided on a policy of "you need not raise it, but declare it openly." Nehru later admitted that he had a lingering doubt concerning the problem of the frontier, but hoped that "the lapse of time and events will confirm it and by the time, perhaps, when the challenge to it came, we would be in a much stronger position to face it."[2] Yet it seems almost incredible that in 1954 India gave up her treaty rights in Tibet without trying to obtain Chinese endorsement of the McMahon Line. It is not quite relevant to argue that India was virtually powerless, as a refusal to recognise the Chinese occupation of Tibet would have meant nothing to Peking and would only have created immediate trouble on the border. For the necessity of ceding Indian privileges in Tibet should not have prevented an attempt to regularise the boundary. At that time China was

[1] In Rajya Sabha on Sept. 10, 1959. *Prime Minister on Sino-Indian relations*, Vol. I, p. 146.
[2] Rajya Sabha, *Official Report*, XXVII, No. 13 (Dec. 9, 1959) col. 1984–5.

interested in establishing normal relations with India as was illustrated by the fact that the proposal to convert the Indian mission at Lhasa into a consulate-general (in exchange for a Chinese consulate-general at Bombay) emanated from Peking.[1] Nehru misjudged Chinese intentions and consented to an agreement which offered respectability to China while receiving in return only the vague precepts of Panchsheel. He was insufficiently aware of the traditional Chinese policy of playing down unresolved questions until they could be advanced at a suitable time. Meeting the Chinese premier in 1956 he was equally taken in by Chou's masterful statement on the McMahon Line which suggested its acceptance, but fell short of a formal commitment.[2] India thus acquired the false conviction that she had been successful in delaying Chinese pressure and in dividing spheres of influence so that China would be content with Tibet and leave the Himalayan states to India. Her main weakness was to ignore the fact that Chinese tactics aimed at expanding influence step by step, carefully consolidating each gain. Nehru found each step explicable against the background of China's history and her legitimate interests after the revolution. If the border crossings after 1954 were meant to test Indian reactions, Nehru showed sufficient determination to stand by his interpretation of the frontiers. But his attempt to keep them as a separate and even secret issue as distinct from other Sino-Indian relations may have induced Peking to continue its probings.

Nehru continued to believe that the unsurmountable barrier of the Himalayas left China no choice but to follow a policy of Panchsheel. The writings of Panikkar on problems of defence similarly concentrated on the exposed nature of the Indian flanks and the long coast line and took the northern frontier for granted. In 1951 a Border Committee was appointed in India to examine the northern frontier and many of its recommendations were accepted including the extension of administration in N.E.F.A., the development of communications, checkposts and intelligence and the expansion of the Assam Rifles. It is difficult to find fault with these measures but they were inadequate without a political follow-up to eliminate any doubt on the international boundary. In the absence of Chinese confirmation of her views

[1] Panikkar, K. M., *In two Chinas*, p. 175. Examination of the Rajya Sabha report does not warrant the conclusion that Nehru admitted having expected Chinese demands for further concessions in exchange for recognition of the McMahon Line (Johri, S., *Where India, China and Burma meet*. Reviewed by K. Gupta in *India Quarterly* XIX (1963) 279–282). He asked "what exactly was the quid pro quo," but referred only to India's inability to prevent Chinese consolidation of the annexation of Tibet.

[2] See Ch. VI, p. 82.

India committed the error of setting up indefensible posts to stake her territorial limits.

Looking back at the development of the border conflict which gained momentum after each interruption, a few Indian concessions might have been sufficient to forestall escalation towards the point of no return in the autumn of 1962. But it is not surprising that Delhi found them difficult to contemplate. If it admitted that the boundary had never been delimited it ran the risk of vast new Chinese claims. Up to 1960 China had not been able to conclude border agreements with any of her neighbours and clouded her ultimate aims in mystery while her maps changed silently. Perhaps Delhi could have made constructive suggestions instead of mere protests preceding the abrupt announcement of the discovery of the Chinese road through Ladakh, but we have seen that for the time being Peking had temporarily abandoned its efforts to appear reasonable and sympathetic in Afro-Asian eyes. The next opportunity could have arisen at political discussions on the basis of the report which the officials from both sides drew up in 1960. Then China could have made a formal proposal to exchange Indian cession of Aksai Chin for recognition of the McMahon Line. Yet the report had demonstrated the wide differences between the two sides and again Delhi, now carefully watched by an aroused public, saw no prospect of an acceptable settlement.

Indian demands for a withdrawal of Chinese troops from her territory before negotiations could start were consistent with her stand in the Kashmir dispute, but seemed a deviation from her counsel in other international conflicts. When these showed signs of leading to an intensification of the cold war India used to strive for an immediate cessation of hostilities and the opening of discussions between the parties regardless of the justification of their claims. But in quarrels which involved her own territory she took a rather uncompromising position. In the border dispute India came very close to refusing any talks while China occupied parts of Ladakh, but in February 1960 suddenly agreed to a meeting of the Prime Ministers. After the invasion the opening of negotiations was made dependent upon acceptance of the Colombo proposals. Nehru sought to dispel the impression of inconsistency by drawing a distinction between talks and negotiations. As far as he was concerned there was nothing to negotiate, but he was always prepared to talk "because the alternative to that is not to talk, just to keep in your shell and fight."[1]

[1] Press conference of Jan. 18, 1961. *Prime Minister on Sino-Indian relations*, Vol. II, p. 102.

Another point of comparison with the Kashmir problem is the significance of the line of actual control, which in the dispute with Pakistan can be compared with the cease-fire line. Formalisation of the status quo with Pakistan, it seems, would be acceptable to public opinion in India. Would the passage of time make it equally resigned to the loss of Aksai Chin? In both cases there is little chance of retrieving territory without resorting to major war. In both cases a sensible boundary could be achieved on the basis of the status quo without compromising security considerations. At present there is little prospect of reaching agreement on either dispute, but a solution of one is bound to affect positions on the other. Lamb has suggested the British proposals of 1899 as a reasonable compromise which, according to him, would leave China in possession of her strategic road between Tibet and Sinkiang. Even if India consented to a boundary approximating the Lokzhung alignment of 65 years ago there is no indication of its acceptability to China.[1] On the contrary, the construction of new roads parallel to the original highway with branches to the advanced military posts suggested a determination to claim a larger area. The same conclusion presented itself from the Chinese refusal to agree to Indian civilian posts in the demilitarised zone on her side of the cease-fire line as suggested in the clarifications to the Colombo proposals.

While in negotiations China might be expected to insist on retaining at least a sizeable corner of Ladakh, in the eastern sector she would probably agree to confirm the alignment followed by the McMahon Line. The Indian claim to the Thagla ridge could be disputed with justification and Longju, where the British had not yet established administrative control in 1947, may become the subject of hard bargaining. If China were to acquire the latter area permanently she would have an advantage in possessing a base to the south of the highest crest where the Subansiri river breaks through the Himalayas. Its strategic importance should not be exaggerated, however, as the ridge separating it from Migyitun in Tibet is only thousand feet higher and the terrain further south remains extremely difficult. More embarrassment to India in the eastern sector would result from pressing the historic Tibetan claims to Tawang and the salient of territory contiguous to the eastern border of Bhutan. Hudson and Patterson consider Chinese intentions in N.E.F.A. as serious as in Ladakh, but

[1] In its note of Dec. 26, 1959, Peking mentioned the British proposal and added "... but nothing came of it. It is also inconceivable to hold that the territory of another country can be annexed by a unilateral proposal." China regarded the alignment, which in 1899 Britain proposed as a concession on her part, as an expansionary move.

the unilateral withdrawal to the north of what Peking considers the proper McMahon alignment would not suggest this. On the whole the McMahon Line seems a logical boundary and China might accept it in an overall-settlement. So far her attitude apparently has been governed more by a denial of the treaty making power of Tibet in the past than by an examination of the suitability of the 1914 line as a boundary. Yet, as long as no formal agreement is reached China might revive her claims in an acute form. In the meantime her unilateral withdrawals behind her "line of actual control" in practice have confirmed this alignment as the *de facto* boundary.

Indian spokesmen tend to regard 1966 as a crucial year because of the completion of Chinese road building programmes (including one to Katmandu), while India would possess five new mountain divisions by the end of 1964. A new military clash would certainly acquire larger proportions than the invasion of 1962, but neither side would gain from provoking one. Even if India really believes that her defences are sufficiently strong to retaliate in the event of China launching another attack across the boundary[1], she is likely to refrain from fresh probes of the Chinese positions.

THE IMPLICATIONS OF THE BORDER DISPUTE

Shortly before the Chinese invasion Nehru declared that in his opinion India would not maintain her independence for long "if we go about seeking military aid from others to defend ourselves." That would be fundamentally opposed to the policy of being non-aligned. In the same speech he thought it quite absurd to talk about China invading India because India was not that weak.[2] Pursuant to his conception of non-alignment India's ambitious programme of defence production aimed at avoiding a direct dependence upon military assistance. There is, however, legitimate doubt as to whether expenditure for this purpose would not unduly tax economic development and whether India would ever be able to equip a completely modern army on her own. In any case, when the clash with China came the Indian government was faced with an immediate shortage of small arms in addition to the strategic error of insufficient preparedness along the northern frontier. Western assistance was requested and promptly

[1] Defence Minister Chavan in Lok Sabha, Feb. 24, 1964. *India News*, London, Vol. 17, No. 9.

[2] *Lok Sabha Debates*, Aug. 14, 1962. Vol. VI, col. 1754–5.

received while the crisis lasted, but afterwards India's elaborate estimates of weapons needed were cut down.

The main impact of the conflict on Indian attitudes seems to have been the realisation that the West did not ask India to become aligned in exchange for the supply of arms and that the Soviet Union did not object to her receiving Western military aid. Nehru had to admit that the old concept of non-alignment was undergoing a change, which he attributed mainly to the Sino-Soviet rift. He argued that India should remain non-aligned but must also take all necessary measures to defend herself. This justification for accepting arms was not carried to the point of agreeing with a western "air umbrella" over India. His reason for rejecting that suggestion, however, did not link it immediately with non-alignment but argued the undesirability of creating the impression that "other people are doing our job" and the danger of a "Maginot line mentality."[1] Formally speaking the reliance upon Western aid had of course not been exclusive, as the sale of several MIG aircraft and promises to construct a production plant constituted a small, but symbolically important Russian contribution. If China would decide on another advance, however, it was clear that India would have to rely on outside help, which it could only expect in sufficient quantities from the West. Assuming that massive assistance would be forthcoming in a real crisis, while moderate aid would be granted under more normal circumstances, a new kind of relationship with the West has developed, without formal ties and compatible with non-alignment.

For Indians this new possibility has arisen by distinguishing between Chinese and communist aggression. They did not share Kripalani's argument that India, being the victim of communist aggression, could no longer be non-aligned, because communism was no longer united. Therefore, Nehru has always been careful to blame Chinese, not communist, expansionism for the border dispute. Only if the Soviet Union openly backed Chinese aggression would India be forced to seek alignment with the West. Although non-alignment remained a feasible policy its limitations had been made apparent by the border dispute. The Chinese attacks had dispelled the unwarranted assumption that non-alignment was a safeguard to security and a substitute for defence preparedness. It was realised that generally speaking non-alignment alone would not prevent a member of either bloc from attacking when it thought it possible to do so without provoking a world

[1] *Ibidem*, Dec. 10, 1962; Jan. 25 and 27, 1963. Vol. XI, col. 5092; XII, 6512; XIII, 1328.

war. India had wrongly believed that the balance between the Soviet Union and the United States was global and had insufficiently appreciated that China's freedom of manoeuver in regard to her might still be very considerable. In the absence of any power to balance China in the Himalayas the neutralist strategy did not work, because India was not outside the sphere of Chinese ambitions. Under these circumstances a non-aligned nation should either provide for an adequate defence or accept the necessity of calling on one of the blocs in a crisis.

A second conclusion to be drawn from the Sino-Indian conflict is that despite all protestations of Afro-Asian solidarity India was shown to have more friends in the West than in her own region. Many Asians even derived a macabre satisfaction out of India's humiliation. Neutralism had added to the prestige of India internationally, but had given her leaders such a sense of achievement that they did not find it urgently necessary to solve vital problems with the nations around her. Among them sensitivity to real or imaginary signs of Indian arrogance was coupled with a sober assessment of national interests; as many smaller nations of south Asia received more assistance from China than from India, and more important, were concerned with possible Chinese threats to their frontiers or through the overseas Chinese minority, they were hesitant to take sides in a dispute which did not immediately affect them. They were hardly impressed by the words of the Indian representative in the Security Council that if India failed there would be nothing to control the Chinese forward policy.[1] These experiences do not seem to have failed in their effect upon Indian policy, which recently pays more attention to problems of immediate national interest. A non-aligned nation by definition runs the risk of finding itself without allies on questions which have no immediate bearing upon the interests of other countries. The bitter realisation of having to face China without unequivocal Afro-Asian support shocked India into an information campaign, but she remained consistent in refusing to solicit collective action. Under present conditions this would have made little difference, while limiting her freedom of independent action and widening differences between the countries in her region. In international organisations India continued to play an important part, which suffered little from the confrontation with China. If she is less vocal as a spokesman for the Afro-Asian group it is partly because her counsel of moderation does not yet appeal to

[1] *Eastern World*, XVIII (1964) No. 3.

the younger states and partly as a result of other countries achieving her level of active participation. Her decline, if any, seems more relative than absolute.

The ideal of regional consolidation had been lost long before the border dispute erupted. In the meantime the Asian pattern of communist, non-aligned and pro-Western states has been complicated by the multiplication of differences among the neutrals themselves. Basically India was reluctant to participate in any new international political grouping, but preferred a meeting of the non-aligned as at Belgrade to a repetition of Bandung where Chinese presence would inevitably limit the extent of Indian participation. Increased attention was given to the United Nations as the new alignments were less obvious in an almost universal organisation. One might ask, however, whether the position of India in New York, despite her advocacy of communist Chinese membership, would not suffer from the admission of the Peking government. India would no longer enjoy the prestige of the natural leader of Asia in the assemblies of the world and her influence would be challenged by strong claims to Asian leadership by a nation of very old standing and very modern forcefulness.

PANCHSHEEL

Based on tolerance and an attempt to be fair to all ideologies the concept of Panchsheel assumed that coexistence would be possible if there were no interference by any country to impose its political or economic will upon others. With gradual inevitability it should evolve into better international understanding, non-political relations such as trade and cultural contacts being an important intermediary stage. This attitude seemed to suggest a political aloofness as the five principles would amount to a confirmation of the status quo, however inequitable. Panchsheel provided no solution for a conquered nation or one under colonial domination, which could hardly be expected to agree to coexist peacefully with their masters. Coexistence in such cases would be that of "the lamb with the lion, when the lamb is safe in its belly";[1] the independence of nations should be recognised or realised before there was a possibility of peaceful coexistence or respect for each other's sovereignty. India did not admit to any dilemma between the desirability of change and peaceful coexistence because membership of the United Nations provided a forum for active international participation.

[1] Kripalani, J. B., "For principled neutrality," *Foreign Affairs*, 38 (1959) 46–60.

This organisation enabled India to pursue her traditional objectives of racial equality and the elimination of colonialism by marshalling majority opinion in their support, thus avoiding a conflict between her policy of active anti-colonialism and the principles of coexistence in her bilateral relations. But in the important questions of East-West relations she refused to take sides until the absolute need arose, partly because she did not see enough difference between the two parties in what, in her view, amounted to a mere clash of rival imperialisms, partly in the hope not to be faced with the difficult task of "judging every issue on its merits" which would have been implicit in making non-alignment a matter of high principle. She easily acquiesced in Soviet or Chinese domination in eastern Europe and Tibet because of the obvious impossibility of changing the situation without recourse to war. The maintenance of peace became the essential condition for rapid economic development and India concentrated on its promotion, defining peace – perhaps negatively but realistically – as the sum total of averted and arrested wars. At a time when the West was highly doubtful whether it could reach an understanding with the East that was more than a transient stage of non-belligerency, India signed a Panchsheel agreement with China, which was subsequently adopted by all other communist powers.

When Panchsheel first appeared there was little reason to suppose that to communists its value would exceed the Leninist meaning of coexistence as a delaying action with a protective function in the form of non-intervention. It was definitely an aim of Indian policy to obtain such a breathing spell or truce with regard to China in the hope that in the meantime either friendly relations would emerge or India would reach a better position to safeguard her security. In a wider context, of course, she sought to create an area of peace which would keep a large part of Asia out of the cold war. But she seemed insufficiently aware of the very limited nature of peaceful coexistence as a theoretical communist concept. Khrushchev's statement[1] that the alternative to coexistence would be war with its disastrous consequences could not alter the fact that to communists peaceful coexistence was a form of conflict and not of reconciliation. Nehru defended Panchsheel by saying that it was not a question of believing the other party's words, but of creating conditions in which it would become difficult for it to break its word. Yet preciously little was (and could be) done to create these conditions except signing a series of Panchsheel agreements. Asian

[1] At Peking on Sept. 30, 1959. *Current History*, 37 (1959) 366.

opinion keenly watched Chinese behaviour, but could do nothing to exert real influence. In the years 1954–'57 and again occasionally after 1962 China decided that it would suit her to show respect for Afro-Asian sentiments, but these changes were determined autonomously and did not come as a response to policies of the countries in the area. The border dispute has clearly shown the failure of moral containment as a practical instrument of foreign policy. Moreover, the partial adoption of communist phraseology reduced the utility of the five principles to a slogan which could always be thrown back at the party using it first.

China applied peaceful coexistence only in the orthodox leninist manner of establishing a buffer zone without imperialist bases. Khrushchev amplified it in relation to neutralism, which he no longer regarded as an anomaly in a polarising world. For him coexistence lost most of its defensive meaning and became the battlefield for non-violent competition. Only in Europe it served to maintain the status quo, which was clearly marked by the Iron Curtain, but in the under-developed area peaceful coexistence was intended to facilitate new entries into the communist camp. Transition to the new social system would not need to involve armed struggle or civil war, but was nevertheless identified with a period of intense class struggle and socialist revolution.[1] This elaboration of Soviet theory coincided with Indian attempts to give wider currency to Panchsheel than their application in relation to China. It is perhaps understandable that Nehru welcomed this evolution in Soviet thinking as it would help to exclude war and the threat of a violent internal uprising by the CPI, while providing an additional safeguard for the observance of the five principles by Peking. He was confident about India's capacity to restrain local communists as long as they pursued peaceful methods and saw no objection to allowing some competition between East and West in providing the economic assistance his country urgently required.

Criticism may be levelled, however, at Indian efforts to convert plausible reasons of self-interest into a code of conduct for the world. Looking back upon her foreign policy over the past ten years, reliance upon Panchsheel seemed almost doctrinal. Though sincere in searching for a mode of living between the power blocs, the emphasis on the five principles was misleading as they could not form a guarantee against

[1] Kallai, G., "Some questions of peaceful coexistence and class struggle." *World Marxist Review*, 4 (1961) No. 10. See also E. Dennis, "On peaceful coexistence: a critique of "A Western View." *Ibidem*, 3 (1960) No. 4; M. Reimann, "Peaceful coexistence and the class struggle." *Ibidem*, No. 10.

communist subversion for countries with a less developed political structure. Within India it led to underemphasizing the threat from China as compared with Pakistan and, despite the existence of a considerable military budget, a wrong deployment of the forces available.

Nehru concluded from the five principles that there should be no aggression nor interference, not even ideological interference.[1] The border dispute demonstrated the extensive interpretation a communist power may put on non-interference, going as far as raising official protests against Indian press editorials and statements made at private functions. At the same time Chinese mass media, which could be taken to voice official opinion, conducted a vilification campaign against the Nehru Government with constantly increasing intensity. Communist sensitivity to criticism generally led India to condone acts which it would not have accepted from the West. The Chinese invasion only partly terminated this "political myopia." The more India became involved in international problems, the more difficult it became to remain objectively neutral. As experienced by all statesmen who felt the urge to address homilies to a sinful world, Nehru laid himself open to the riposte that he did not always practice what he preached.[2] The occupation of Goa was seen as such a contradiction even by observers who had little sympathy for the Portuguese regime. Here the desirability of demonstrating both India's anti-colonialism and her military efficiency superseded political principles. It was even said that by the standards India applied in commencing this campaign China would not be an aggressor on the Himalayan frontier, but simply a rectifyer of borders established under colonial rule.[3] But India was in little danger of hearing this accusation from Peking, as all communist states warmly supported the ejection of Portugal.

When China laid claim to Indian territory, Nehru stuck to Panchsheel and declared his adherence to its principles even if no one else did. The remark was revealing, because it illustrated that, true to its literal meaning, Panchsheel was primarily a guide for one's own policy and not a practical formula which could usefully be included among treaty provisions. Indian experience in the border dispute carried the lesson that the solemn adoption of vague and widely acceptable principles is no substitute for a detailed understanding on points of mutual interest based on a position of strength.

[1] Mende, T., *Conversations with Nehru*, 1958, p. 72.

[2] The ophthalmological diagnosis is from J. P. Narayan. *The Economist*, Feb. 10, 1962, traced a line of succession from Gladstone through Woodrow Wilson to Pandit Nehru.

[3] *New York Times*, Jan. 2, 1962.

The era of Panchsheel seems to be over as far as India is concerned and the debate shifted to the desirability of maintaining non-alignment. After the invasion the advocacy of Panchsheel would meet with a cool reception from a sceptic Indian public, but powerful reasons remained for keeping a non-committed position. Chinese leaders, on the contrary, continued to refer to the five principles and included them in the communiqués issued in conjunction with Afro-Asian statesmen. Each time this happened China succeeded in receiving the implied recognition of her policy as non-aggressive and non-interfering and Delhi must have regretted that it ever started the process of building up Chinese respectability in Asia. Far from alienating neutral opinion from China, the invasion of India impressively demonstrated her military power and the necessity of staying on good terms with her. In the border dispute the Five Principles had been flying across like a multiple boomerang and Asian reluctance to support the Indian position in the border dispute was the final proof that Panchsheel was inadequate in creating a containment of China. The mediation effort by the Colombo powers was true to Nehru's traditional approach to international problems by refusing to take sides. The clarifications of the proposals given in Delhi were not unfavourable to the Indian case, but there was no expression of opinion on the vital question of aggression. The neutral powers were more interested in bringing the parties together again than in apportioning the blame and they probably regarded India's hesitation to negotiate a boundary as an unwise prolongation of a source of tension. Although he no longer determines Burmese policy a realistic assessment by U Nu may be quoted which puts the relationship between Panchsheel and the boundary dispute in their proper perspective. Signing the Sino-Burmese boundary treaty he said:

> ... it is of the utmost importance that even the best of neighbours whose relationship is firmly founded on the five principles of peaceful coexistence, should know where the territory of one ends and the other begins, so as to be in a position to apply faithfully the principle of respect for each other's sovereignty and territorial integrity.[1]

Burmese willingness to accept a new settlement of the borders paid better dividends than the Indian policy of unilaterally clarifying the limits of her territory. Regardless of the feasibility of either course, Panchsheel alone could not be a substitute for mutual agreement on a

[1] Jan. 28, 1960. Whittam, D. E., "The Sino-Burmese boundary treaty." *Pacific Affairs* (1961) 174–183.

detailed boundary. Strict observance of the five principles would only be possible if an agreed boundary clearly curtained off one country from the other.

PROSPECTS

Even if the Colombo proposals were suddenly accepted by Peking the elaborate agreement necessary to embody a compromise between the two widely different points of view undoubtedly could be found only by arduous bargaining. Assuming that an agreed solution can only be arrived at by India ceding at least part of Aksai Chin and that her public opinion still is a long way from contemplating such substantial concessions, Sino-Indian relations will remain unsettled for some considerable time. Although Asian countries have learned to be patient and persevering and show little of the western zeal for quick, clear cut and watertight solutions, the unsettled border dispute must have a continuous effect on Indian policy. Previously her aims were relatively simple and non-controversial with only the conflict with Pakistan as a constant factor in the background which often had a predetermining effect on foreign policy. Now India is receiving impulses from two directions, each involving a complicated dispute with an important neighbour, and a new equilibrium has not yet been found. At the time of the Chinese attack Western insistence made India agree to a series of conferences on the Kashmir problem but high hopes for a settlement proved to be ill-founded. The issue had its roots too deeply in the history of the two countries to allow a quick settlement under foreign pressure. Subsequently the lull on the border with China made conciliation with Pakistan less urgent and the pendulum of Indo-Pakistan relations swung back to one of its lowest points, speeded by the conclusion of a boundary treaty between Peking and Karachi. Yet more and more Indians seem to realise that they cannot shoulder the burden of two separate conflicts with neighbouring countries and may ask the question which would be easiest to solve. The release of Sheikh Abdullah in the spring of 1964 has again broken the immobility of the Kashmir situation, but no quick solution is to be expected and the present complicated and paradoxical situation is not likely to be easily untangled: India originally objected to Pakistan's membership of military alliances with Western powers, but was most incensed when indepent of her allies she signed a treaty with China. In the Kashmir issue Delhi depends on the Soviet veto, with China appearing more

favourable to the Pakistani position. In the border dispute military aid from the West is needed (although Soviet assistance seems to be on the increase) to an extent which causes a great deal of apprehension to SEATO member Pakistan. To top it all, as a result of the Sino-Soviet quarrel, the end of colonialism and the reassertion of national ambitions everywhere, it is no longer clear just what the aligned countries are aligned against.[1]

At the end of the Nehru era the crumbling of the criteria guiding foreign policy for fifteen years presents a new challenge to India. At present it only seems safe to predict a continued refusal to join military alliances. It is possible that the new leaders also will give more attention to matters of immediate self interest, which should be defined in more realistic terms than has happened in the past. Closer attention to relations with the smaller neighbouring countries could yield fruitful results. The Kashmir dispute remains the major obstacle to shaking off the immobility in foreign policy. It basically is far more difficult to solve than the dispute with China, which could be terminated by a concession, though humiliating, of worthless territory in Ladakh. Nehru, who regarded the Kashmir issue as a trial of the secular concept of the Indian state, seemed resigned to the impossibility of reaching a solution. His successors may be able to slowly manoeuvre towards a rapprochement, for improved relations with Pakistan would change the entire situation in southern Asia, while a termination of the border dispute would still leave much suspicion of China's future intentions.

It seems probable that in the early stages of the conflict with China Nehru regarded himself as the only Indian able to reach agreement with China. After the invasion and the occupation of part of the border area he accepted the long term nature of the problem. But his policy of non-alignment was always anchored on satisfactory relations with China so that, should he have lived, any overtures could sooner be expected in the direction of China than of Pakistan. Even a man of his stature would have had to tread carefully, for the border dispute was the most important case where he had to follow public opinion more than he could lead it. His successors will certainly need more time to obtain a certain freedom of action. They will benefit from Nehru's own confession that his earlier China policy had been framed in "an artificial atmosphere of our own creation," which should point the way towards a practical approach to foreign policy without undue belief in moral force as a motive power in forcing states to adjust their

[1] *The Economist*, (1963) 992–993.

behaviour.[1] India may adopt a more pragmatic approach,[2] but international affairs would suffer a loss if India does not preserve some of Nehru's ideals, for his message of peaceful and democratic means was a sincere attempt to promote peace in a constructive way which could find a positive response among the non-aligned nations.

[1] Thompson, K. W., *Political realism and the crisis of world politics*. Princeton University Press, 1960, p. 127.

[2] As minister without portfolio Lal Bahadur Shastri confirmed non-alignment as the basis of Indian policy but added "there are, however, different situations, different conditions and different times and sometimes we might do things which might appear to others as if they do not fit in with our policy of non-alignment." Press Club Luncheon, March 28, 1964. *India News*, London, Vol. 17, No. 14.

POSTSCRIPT

In the two and a half years which have passed since the manuscript for this book was terminated, two major events occurred: firstly the armed clash between India and Pakistan, which was settled with Soviet mediation while China strongly supported the Pakistani position; and secondly, the explosion of nuclear devices by China.[1] The situation on the Sino-Indian border had previously remained relatively quiet and the exchange of notes between the two countries dealt mainly with mutual accusations concerning minor intrusions and violation of air space. The Sikkim-border, the only stretch of the boundary which had been clearly described in a treaty, gave rise to some concern in August 1964 when India protested against a Chinese intrusion.[1a] It was this sector which Peking used for an ultimatum during the fighting in Kashmir.

In Kashmir skirmishes started in early August 1965, when raiders crossed the armistice line. Indian troops went into major action on September 6, 1965 and the next day China accused Delhi of aggression and disregarding Kashmir's right to selfdetermination; "It is entirely proper that people in India-occupied Kashmir should rise up in resistance." Peking further declared that it was strengthening the defences along its border. Its next note included accusations of intrusions, not only in the Sikkim-area, but also in the Western sector, and it again proposed joint investigation. Delhi replied with a proposal for inspection by an independent and neutral observer.[2] On September 16, China demanded dismantling of Indian military works on the Chinese side of the Sikkim boundary and a return of allegedly kidnapped border inhabitants and livestock; this ultimatum was later extended with another three days. India denied the existence of the military installations, while the four Tibetans involved were said to be refugees, but finally agreed to joint inspection. Her reason for refusing had been

[1] India reacted by accusing China of a reversal of her stand at the Bandung conference, which had appealed for a suspension of nuclear experiments. *White Paper XI*, p. 80.

[1a] *Ibidem*, p. 24.

[2] *Documents on China's ultimatum to India*, p. 8.

the fear that China would use this as a precedent for negotiations on other sections, although – as we have seen – in the Sikkim-area there is no territorial dispute involved. Now, at pistol point, India agreed to what would better have been accepted freely somewhat earlier. The ultimatum itself petered out with a Chinese statement that India had demolished her military works and withdrawn her intruding troops.[1]

When tension over Kashmir diminished India seems to have tightened her position along the border with China, which may have provoked some Chinese reinforcements. The Indian Defence Minister reported the construction of new airfields and roads.[2] As a result the two armies are again in often provocative proximity to each other in many sectors of the frontier. In China, however, the dispute received little public attention in contrast to India where it has assumed exagerated proportions.

In the following pages other subjects which I discussed in 1964 are brought up to date with recent events and fresh information.

Non-alignment

It is understood that during the Chinese invasion of 1962 Nehru asked for American air defence for Indian cities, so that his own air force could be used in a battle for the north-east frontier.[3] His successor declined to comment. Whether it was true or not, India has been able to maintain her nonalignment, as demonstrated by Russian promises of higher economic aid. Yet, politics in the sub continent acquired a new context with the detachment of both the USA and the USSR from the positions of India and Pakistan in the Kashmir conflict, which thereby was stripped from its global dimensions.[4]

As a result of the growing détente between the two big powers, the scope for conferences of the nonaligned has decreased. The Cairo conference of nonaligned nations in October 1964 still produced a long programme for peace and international cooperation, including statements that disputes between neighbouring states should be settled

[1] *Ibidem*, p. 37. Incidents on the Sikkim border continued during November and December and may have been intended to stiffen Pakistan's determination. The Tashkent agreement of January 10, 1966, provided for withdrawal of armed personnel to positions held on August 5, the date of the despatch of the raiders. The restoration of the *status quo* was welcomed by India, but its relevance as a precedent for the Sino-Indian border is small as Peking takes the view that its unilateral withdrawal went as far as the "line of actual control."

[2] *The Times*, February 17, 1966.

[3] *The Times*, March 23, 1965.

[4] *The Economist*, May 22, 1965.

peacefully without foreign intervention and without the threat or use of force.[1] A later meeting of Presidents Tito and Nasser with Mrs. Gandhi had few concrete results.[2] An Afro-Asian conference planned at Algiers for June 1965 and later postponed till November never materialized. India, which championized Soviet participation, was prepared to attend, but China proposed postponement. At a preparatory meeting of foreign ministers many speakers announced that this might be the last Afro-Asian conference for quite some time; India opposed the continuance of the Standing Committee and thought that any consultations for another conference should be undertaken through normal diplomatic channels.[3]

Suzerainty

Before the Younghusband expedition of 1904 the British accepted the Chinese right to claim some supervisory status in Tibet, but none of their treaties with China defined that status with any precision. The Foreign Office took the view that a precedent of Tibet conducting its own foreign relations without reference to its suzerain might be undesirable, as the Afghans might quote it as an argument for direct relations with the Russians.[4] During the early stages of the negotiations for the 1906 Convention the distinction between suzerain and sovereign power was made by the British delegates, who refused to accept an article recognising Chinese sovereignty. The Chinese representative then proposed the wording "Great Britain recognises the existing authority of China over Tibet"; when this was refused he suggested that no mention of suzerainty or sovereignty should be made at all.[5]

In preparing a communication to China in 1912 which would give British views on the Sino-Tibetan relationship the India Office proposed inclusion of a formal distinction between sovereignty and suzerainty, but the Foreign Office objected to any formal use of the word sovereignty. As a result the British minister in Peking mentioned only recognition of Chinese suzerain rights in Tibet, but denied her right to interfere actively in the internal administration of Tibet.[6] Originally Britain pressed for a bilateral agreement with China defining the status

[1] *The Cairo Conference of Non-aligned Nations*, New Delhi, 1964, p. 26.
[2] Communiqué at New Delhi, October 25, 1966.
[3] Foreign Minister in Lok Sabha, November 10, 1965.
[4] Lansdowne to Satow, October 6, 1904. Quoted by Lamb, *op. cit.*, p. 34.
[5] Lamb, A., *The McMahon Line*, p. 42, 45. Lamb also mentions how China paid the instalments for the indemnity due by Tibet, p. 53–54.
[6] Memorandum of August 17, 1912 reproduced by Lamb, *op. cit.*, p. 604.

Britain pressed for a bilateral agreement with China defining the status of Tibet and the Chinese rights there. Then the British extended their role by acting as mediators in the Sino-Tibetan dispute and they ended up as parties to a tripartite agreement. The text of the Simla Convention shows the effects of this change in policy. The first draft by the India Office was still intended for a bilateral treaty with China,[1] it commenced: "The two Governments, recognising that Tibet is under the suzerainty, but not the sovereignty, of China...". The word sovereignty, which was ommitted from the note of 1912, had appeared again and was also embodied in the text McMahon presented at Simla on 11th March 1913, but dropped during conversations with Ivan Chen on 15th April; a request by the Chinese plenipotentiary for a separate agreement to define the exact meaning of suzerainty was refused.[2]

So far my research in the India Office Library confirms Lamb's history of this period. I should add to points however. The India Office sent a note to the Foreign Office saying that the insertion of a clause defining Tibet "under the suzerainty but not the sovereignty of China" was advocated by His Lordship (Lord Crewe) "mainly as a point to be pressed in the first instance, with a view to affording some margin for concessions in the course of negotiations". In their view there was no objection to dropping the word sovereignty, as reported by McMahon, if this were preferred by China. The Foreign Office, however, did not agree and on 21st April the India Office instructed McMahon that if the addition "but not the sovereignty" could not be maintained, the whole passage about suzerainty should be deleted. As no further detailed negotiations took place before the initialling ceremony McMahon, who probably felt that insistence on this point would nullify the chances of Chinese approval of the Convention, took no action[3]. It is not the only instance during the conference that a final wording was due to the hasards of a negotiating table far removed from the respective capitals. The point remains, however, that in Article II of the Convention as initialled Chinese suzerainty was recognised only by Britain and China and not by Tibet.

The Simla Convention

Recent accessibility of the records of the Simla Conference make it

[1] See p. 141.

[2] Lamb confirms my view that the concept of suzerainty was foreign to China, *op. cit.*, p. 44, note 18.

[3] Political and Secret Subjects File 464, pt. 4. S. of S. to Viceroy, April 21, 1914. On April 27 the Viceroy's cable stated casually that the word sovereignty had been dropped, P. 1646.

possible to describe its peculiar course. After allowing the Tibetans and Chinese to present evidence in support of their claims, McMahon presented a British statement on the limits of Tibet and a map embodying those ideas. He based himself on the erection of a Chinese pillar near Batang in the 18th century:

> ... it is clear that that pillar, together with the watershed on which it stands, then marked and has generally continued to mark, a well defined line between the sphere of periodical Chinese intervention in Tibet and the sphere in which Chinese dictation was of a purely nominal nature.

McMahon continued by advocating recognition of

> the established autonomy of Outer Tibet, whilst recognizing also the right of the Chinese to reestablish such a measure of control in Inner Tibet as will restore and safeguard their historic position there, without in any way infringing the integrity of Tibet as a geographical and political entity.[1]

Chen, the Chinese delegate, was only brought to serious discussion of a draft, introduced by McMahon on March 11, after hints that otherwise Britain would conclude a bilateral agreement with the Tibetans. His main opposition was directed against the proposed boundary between Inner and Outer Tibet and up to the last moment he demanded – and often obtained – concessions on its alignment. Clever pressure tactics finally persuaded Chen to initial the draft and the map on April 27, 1914, but a message from Peking soon disavowed his action though expressing willingness to continue amicable discussions. McMahon attributed the refusal to the "proverbial disinclination of the Chinese to final issues" and remained confident of obtaining their agreement.

The conference remained in session and McMahon agreed to bringing the border of northern Tibet down from the Altyn Tagh range to the Kuen Lun mountains. The Chinese were not impressed and insisted on concessions in the eastern sector where they claimed a dividing line along the Salween river, thus keeping Chamdo (which they occupied at that time)in Inner Tibet. Another change in the text of April 27 was the deletion of Article X, which had proved unacceptable to Russia as it provided for Sino-Tibetan differences arising out of the Convention being referred to Britain for equitable adjustment. It was replaced by the second paragraph of Article XI which gave priority to the English text of the Convention.

The India office cabled that, if Chen refused to sign the Convention, McMahon should terminate the negotiations and express to the Tibetan delegate his regret at the failure to reach a settlement and assure him

"that if Chinese aggression continues, Tibet may count on diplomatic support of His Majesty's Government and on any assistance which we can give in supplying munitions of war."[1] These instructions crossed a report from McMahon that the Tibetan delegate, Lonchen Shatra, would be quite content with the initialled convention, which his government regarding as binding. The Viceroy added his conviction that after a bilateral signature between Britain and Tibet "the Chinese will not long allow themselves to be dissociated from the Convention." He added:

> As long as Chinese fail to proceed to signature they will debar themselves from the privileges contemplated by the Convention, but the text will be unchanged, and our position will remain unprejudiced in regard to Russia and sufficiently satisfactory in regard to Tibet even if only initialled.

In response to these remarks the India office sent a further instruction on July 2 that "McMahon should say in full conference that Convention as initialled represents settled views of HMG as to the status and boundaries of Tibet". Before receiving this telegram McMahon had proposed that he should "sign also a declaration to the effect that we regard agreements as binding on us but that, so long as China withholds signature, she will be debarred from privileges contemplated by a tripartite convention. These documents will be signed in the presence of the Chinese representative but purport of declaration will not be communicated to him"; thus the Chinese would have the freedom vis à vis the Tibetans to participate in the terms of the Convention as soon as they would consent to sign.[2]

The Foreign Office maintained its opposition to a separate signature with Tibet on the ground that it would amount to tearing up the Anglo-Russian Convention of 1907. Lord Crewe in the India Office was aware of this and attempted to change the plans of McMahon. On July 3 he cabled to the Viceroy "His Majesty's Government cannot authorise separate signature with Tibetans. If Chinese delegate refuses to sign McMahon should proceed in manner laid down in my telegrams of 1 and 2 July". The text arrived in Simla only the following day, when McMahon and Lonchen Shatra had initialled the revised Convention (containing amended Articles X and XI) and signed a new map and a declaration debarring China from privileges under the Convention. The course of events had again been determined by an accident.[3]

[1] Proceedings 4th meeting, February 19, 1914. *Ibidem*, p. 893.

[2] S. of S. to Viceroy, with approval of Grey, July 1, 1914, Reg. No. 2555.

[3] From Viceroy, July 4, 1914. P. 2593. Lamb, p. 518–9, is less complete on the final days of the conference. He believed that the idea for a bilateral declaration originated in or was

The hope that China would still accede to the Convention almost materialised in 1915 when the British Minister in Peking was informed that if the statement that Tibet formed a part of Chinese territory were transferred from the notes to the main text of the Convention and if in the Convention Tibet recognized Chinese suzerainty, China would be prepared to agree to the inclusion of Chamdo in Outer Tibet and withdraw her troops within a year.[1] The Viceroy, on the other hand, had become less keen on signature of a convention:

> Even if satisfactory Convention were negotiated, we should be confronted with inconvenient demands of Russia regarding Afghanistan before such a Convention could be operative.

The Delhi Government added that Britain should first come to terms with Russia on Asiatic questions and suggested that the Minister in Peking should not go further than ascertaining informally the Chinese position.[2] The excessive preoccupation with Russia terminated soon afterwards with the Soviet revolution.

The McMahon Line

Lamb's recent study reached the conclusion that there was nothing inevitable about the definition of the McMahon line in detail. In his opinion it was essentially an ethnic boundary, based on the division between Tibetan and non-Tibetan populations; only near Tawang and on the Lohit, where it departed from ethnic consideration, did it assume the characteristics of a boundary based on geographical features selected for strategic reasons.[3] It cannot be denied that the alignment was cut by half a dozen rivers originating in Tibet and that it did not follow the main India-Central Asian watershed. In reality it was drawn along the highest peaks and linked them by a number of watersheds; only in a very few places other considerations were adopted.

McMahon's own words repeatedly showed a preference for watersheds. His memorandum of March 28, 1914 described the line as "... the highest mountain range in this tract of country. To the north of it

approved by London, while in fact, the home government thought an oral statement to be sufficient. Lamb was unaware of the late arrival of the cable of July 3. The India Office file contains a note that the delay had been unavoidable, but that McMahon's actions under the circumstances appeared praiseworthy and could be approved.

[1] From Jordan, August 2, 1915, India Office file 464, pt. 5, 6, P. 2845.

[2] From Viceroy, July 5, 1915, Ibidem, p. 2479. In 1914 Russia had suggested as *quid pro quo* for British visits to Lhasa the right for a Russian agent to visit Herat. See for a Chinese interpretation of the British soundings p. 17, note 2.

[3] Lamb, A., *op. cit.*, p. 534, 563.

are people of Tibetan descent; to the south the inhabitants are of Bhutanese or Akan extraction. It is unquestionably the correct boundary." This was his general description, which attached equal importance to geographical and ethnic considerations. In details the watershed was departed from only for important reasons: "The reason for its leaving the watershed near Tsari for a short distance is in order to include in Tibet the course of the pilgrimage route..."; about Tso Karpo and Tsari Sarpa, which would be included in Tibet should they fall within a day's march on the British side, McMahon wrote that they were probably situated "either on the main watershed *which forms the boundary*, or to the norh of it. "The British proposals for a dividing line between Inner and Outer Tibet were also based on „watersheds and deserts which will afford to both sides the best and safest natural barrier against periodic acts of aggression"[1] Near Tawang the watershed dominated, mainly for strategic reasons, over ethnic factors[2]; in the Dihang valley the McMahon Line went south of the highest peak to avoid a salient of territory in Tibet where, moreover, the Abor tribe had lost its majority.

On page 168 I mentioned that in 1937 Lhasa appeared to have second thoughts about its agreement to the McMahon line when it told the British that consent to the alignment had only been given in conjunction with a satisfactory settlement with China on the eastern frontier.[3] Mr. Hugh Richardson, who was present at the discussions at the time, told me that the Tibetans made the suggestion only in the form of a question. When it was discovered that they were talking without having studied their own records, the British, to the apparent satisfaction of the Tibetans, showed them photostats of the map and the exchange of letters of 1914. Richardson believes that reference to the complete records of New Delhi would clear this argument out of the way, as Reid based it only on a letter of the Governor of Assam to one of his officers.

Reviews

I cannot complain of the treatment received from my reviewers.[4]

[1] Verbal statement communicated by A. Rose to Ivan Chen on March, 1914. I. O. File 464, P. 1215.

[2] McMahon's *Final Memorandum*, P. 536, p. 11 reads: „This secures to us a natural watershed frontier, access to the shortest trade route into Tibet, and control of the monastery of Tawang which has blocked the trade by this route in the past by undue exaction and oppression."

[3] Lamb makes a similar statement, *op. cit.*, p. 526.

[4] Substantial reviews appeared in *International Affairs*, October 1965, *R.C.A.J.*, July/

Rubin is the only critic who regards my study as biased in favour of India and even insular. It is not sufficient to react by qualifying his review as representative of another, more isolated, island mentality adopting the Chinese arguments without much questioning. In reply to specific points in his criticism I do not hesistate to admit my reliance on Richardson, whose "Tibet and its History" is generally regarded as the best work on this subject. As far as my remarks on page 138 are concerned, these served to underline the deficiency of the concept of suzerainty for defining Tibet's relations with China; I don't see a contradiction with page 103, which only describes the arguments of both sides. Rubin finally regards the meeting of Chou En-Lai with Nehru in Aprril 1960 as a Chinese attempt to make it a high point in settling the borders with her southern neighbours. This may be so, but I find it hard to interprete Chou's six points of proximity as "key concessions."[1]

October 1965, both by Guy Wint; *The China Quarterly*, 1965, 202–207, by Alastair Lamb; *American Political Science Review*, March 1966, by Robert North; *A.J.I.L.*, April 1966, by Alfred Rubin; *Indian Express*, June 14, 1966, by A. G. Noorani; *Das Historisch-Politische Buch*, 1965, Heft 7, by Walther Maas. *Relazioni Internazionali*, Feb. 1967.

[1] See p. 98–99.

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