

Report of the Officials
of the
Governments of India
and the
Peoples' Republic of China
on the
Boundary Question
(Chinese Report)

Item No. 1:

Location and terrain features of the Boundary

Positive statement

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"Map of China's South-West Frontier" handed over by the Chinese side

Item No.: 2:

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Positive Statement

Treaties and Agreements

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ITEM 1
LOCATION AND TERRAIN FEATURES OF THE BOUNDARY POSITIVE
STATEMENT

The Sino-Indian boundary has never been formally delimited and there is only a traditional customary boundary line between the two countries. The location and terrain features of this traditional customary boundary line are now described as follows in three sectors, western, middle and eastern. The western sector refers to the section of the boundary linking Sinkiang and Tibet of China with Ladakh; the middle sector, the section of the boundary between China's Tibet on the one hand and India's Punjab, Himachal and Uttar Pradesh on the other; and the eastern sector, the section of the Sino-Indian boundary east of Bhutan.

A. Concerning the Western Sector

The western sector of the traditional customary line is divided into two portions, with Kongka Pass as the dividing point. The portion north of Kongka Pass is the boundary between Sinkiang and Ladakh, and the portion south of it is that between Tibet and Ladakh.

The portion between Sinkiang and Ladakh for its entire length runs along the Karakoram Mountain range. Its specific location is as follows: From the Karakoram Pass it runs eastwards along the watershed between the tributaries of the Yarkand River on the one hand and the Shyok River on the other to a point approximately 78° 05' E, 35° 33' N, turns south-westwards and runs along a gully to approximately 78° 01' E, 35° 21' N; where it crosses the Chipchab River. It then turns south-east along the mountain ridge and passes through peak 6,845 (approximately 78° 12' E, 34° 57' N) and peak 6,598 (approximately 78° 13' E, 34° 54' N). From

peak 6,598 it runs along the mountain ridge southwards until it crosses the Galwan River at approximately $78^{\circ} 13' E, 34^{\circ} 46' N$. Thence it passes through peak 6,556 (approximately $78^{\circ} 26' E, 34^{\circ} 32' N$), and runs along the watershed between the Kugrang Tsangpo River and its tributary the Changlung River to approximately $78^{\circ} 53' E, 34^{\circ} 22' N$. where it crosses the Changlung River. It then follows the mountain ridge in a south-easterly direction up to Kongka Pass.

The portion between Tibet and Ladakh starts at Kongka Pass where it turns south-west along the mountain ridge, crosses the junction of the Chang Chenmo River and the Silung Barma River, ascends the mountain ridge again and passes through Mount Tamate (approximately $78^{\circ} 55' E, 34^{\circ} 10' N$), continues southwards along the Chang Chenmo Mountain, passes through peak 6,107 (approximately $78^{\circ} 39' E, 34^{\circ} 04' N$), and then again south-eastwards along the mountain ridge up to Ane Pass. From Ane Pass southwards, the boundary line runs along the mountain ridge and passes through peak 6,127 (approximately $78^{\circ} 46' E, 38^{\circ} 50' N$) and then southwards to the northern bank of the Pangong Lake' (approximately $78^{\circ} 49' E, 33^{\circ} 44' N$). It crosses this lake and reaches its southern bank at approximately $78^{\circ} 43' E, 33^{\circ} 40' N$. Then it goes in a south-easterly direction along the watershed dividing. The Tongada River and the streams flowing into the Spanggur Lake until it reaches Mount Sajum. It then follows the mountain ridge southwards, crosses the Shangatsangpu (Indus) River at about $79^{\circ} 10' E, 33^{\circ} N$, runs along the watershed east of the Keyul Lungpa River and south of the Hanle River up to Mount Shinowu (approximately $78^{\circ} 45' E, 32^{\circ} 43' N$). It then runs westwards and crosses the Pare River at its junction with a small stream (approximately $78^{\circ} 37' E, 32^{\circ} 37' N$) to reach the tri-junction of China's Ari district and India's Punjab and Ladakh (approximately $78^{\circ} 24' E, 32^{\circ} 31' N$).

B. Concerning the Middle Sector

The middle sector of the traditional customary line, starts from the terminal point of the western sector, runs southwards along the watershed between the Pare and the Chuva Rivers on the one hand and the other tributaries of the Spiti River on the other, and passes through peak 6,526 (approximately $n^{\circ} 30' E, 32^{\circ} 21' N$) on this watershed. Several kilometers west of the junction of the Chuva and the Spiti Rivers, the boundary meets the Spiti River and running along it, reaches its junction with the Pare River (approximately $78^{\circ} 36' E, 32^{\circ} 02' N$).

South of the junction of Pare and the Spiti Rivers, the boundary passes through peak 6,791 (approximately $78^{\circ} 45' E, 31^{\circ} 54' N$) and runs southwards along the mountain ridge until it crosses the junction of the Siangchuang and the Hupsang Rivers approximately 7 kilometres west of Shipki Pass, continues along the- mountain ridge southwards, and passes through peak 5,642 (approximately $78^{\circ} 50' E, 31^{\circ} 37' N$), Tapulung Pass (approximately $78^{\circ} 50' E, 31^{\circ} 35' N$) and Gurnrang Pass (approximately $78^{\circ} 49' E, 37^{\circ} 25' N$).

The boundary line crosses the Jadhganga River west of Tsungsha and then runs eastwards passing through Mana Pass. From Mana Pass to Mount Kamet and after passing through Monnt Kamet, the boundary line runs along the mountain ridge.

In the area of Wuje (approximately $79^{\circ} 58' E, 30^{\circ} 50' N$), Sangcha (approximately $80^{\circ} 09' E, 30^{\circ} 46' N$) and Lapthal (approximately $80^{\circ} 08' E, 30^{\circ} 44' N$), the boundary line follows a continuous', mountain ridge south of these three places, passes through Ma Dzo La (approximately $79^{\circ} 55' E, 30^{\circ} 50' N$) south of Niti Pass skirts the southern side of the U-Dra La River and arrives at U-Dra La not far south-west of Kungri Bingri Pass.

From near U-Dra La the boundary line follows the watershed separating the tributaries of the Siangchuan River and the Map Chu River on the one hand and the Dhauli Ganga and the Kali Rivers on the other, passes through Darma Pass to reach the tri-junction of China, India and Nepal in the vicinity of Lipulek Pass.

C. Concerning the Eastern Sector

The greatest part of the traditional customary line in the eastern sector, from the tri-junction of China, India and Bhutan (approximately 91 ° 30' E, 26° 53' N) eastwards up to approximately 93° 47' E, 27° 01' N and then north-eastwards to the vicinity of Nizamghat which is just north of the traditional customary boundary line, roughly follows throughout the line where the southern foot of the Himalayas touches the plains on the northern bank of the Brahmaputra River.

From the starting point of the eastern sector to Nizamghat, the boundary line crosses the Chungli River at approximately 92° 07' E, 26° 52' N; crosses the Bhoroli River at approximately 92° 51' E, 26° 55' N; crosses the Ranga River at approximately 93° 58' E, 27° 20' N; crosses the Subhansiri River at approximately 94° 15' E, 27° 34' N; crosses the Tsangpo River at approximately 95° 19' E, 28° 05' N; north-east of Passighat; and crosses the Dibang River at approximately 95° 40' E, 28° 15' N.

From Nizamghat the boundary line turns south-eastwards into mountainous terrain and runs along the mountain ridge up to where it meets the lower stretch of the Tsayul River, passing through peak 3,295 (approximately 96° 06' E, 28° 12' N), Painlon Pass and peak 3,575 (approximately 96° 17' E, 28° 08' N).

The boundary line meets the lower stretch of the Tsayul River at approximately 96° 31' E, 28° 04' N, then runs along this river until it leaves

it at approximately 96° 54' E, 27° 53' N and runs in a south-easterly direction up to the tri-junction of China, India and Burma.

In addition to the above description, the Chinese side also submitted "Map of China's South-Western Frontiers" (scale 5,000,000: 1).

This map shows the location and terrain features of the above mentioned Sino-Indian traditional customary line.

COMMENTS

The Indian side, in describing the alignment it claims, particularly stressed the role of geographical principles. The Indian side asserted that in high mountainous regions, a traditional customary line generally tends to follow the main watershed, and that the alignment claimed by the Indian side consistently follows the watershed principle and is therefore the only correct alignment. The Indian side considered that in high mountainous regions, a watershed constitutes a natural barrier, that the inhabitants of a country need to hold on to the water sources but would not and could not cross-over the water sources to the other side of the watershed. According to such a line of reasoning, the Indian side held that long before man settled down in the border regions, unchanging geographical features had determined the political and economic life along the borders, thereby fixing the traditional customary line of the boundary. Such assertions can be seen at a glance as running counter to the facts of history.

In actuality, a traditional customary line is gradually formed through a long historical process, mainly by the extent up to which each side has exercised administrative jurisdiction through the years.

Geographical features are related to the formation of a traditional customary line, but they are not the decisive factors. For people living in mountainous regions, high mountains are not necessarily an absolute barrier to their activities, (particularly when there are rivers or passes

cutting across the mountain ridges). Nor can country's administrative jurisdiction be limited by mountain ridges.

To drive this point home, suffice it to mention the fact of people of China's Tibetan nationality having spread to many places on the southern, side of the Himalayas and the administrative jurisdiction of the Tibet region of China having extended to these places. As a matter of fact, In the course of a long history, the administrative jurisdiction of a country and the activities of its people are bound to undergo changes owing to political, economic and other reasons and therefore the formation of a traditional customary line must also be through a process of change and could not have been predestined or mechanically determined by a certain geographical feature. This is even more so in the case of the Sino-Indian traditional customary line which is as long as 2,000 kilometres and has extremely complicated terrain features. As made clear by the ' Chinese side in its description of the boundary, the Sino-Indian" traditional customary line in different segments conforms to different geographical features such as mountain ridges, watersheds, the line where the foot of the mountains touches the plains, and rivers.

This is entirely understandable. The Indian side asserted that the ' Sino-Indian traditional customary line should along its entire length conform to the principle of so-called principal watershed. This is clearly without any factual basis. It was also obviously incorrect for the Indian side to attempt first of all to establish the alignment it claims by means of abstract geographical principles before the ' two sides had started on the examination, checking and study of the various items of evidence which each side relies in support of its: stand concerning the boundary. The assertion of the Indian side that the inhabitants of a country always tend to extend their control up to the water sources is also incorrect. As is

well-known, many river systems along the border have their sources in China, such as the Indus, the Ganges and the Brahmaputra Rivers.

According to the above assertion of the Indian side, would not the places around these river sources within China's territory necessarily all become Indian territory?

Although the Indian side asserts that the alignment it claims: consistently follows the principal watershed, this is not a fact. Particularity in the western sector, the alignment claimed by India jumps from the Karakoram Mountains to the Kuen Lun Mountains, cuts across the main river in the area, the Qara Qash River. This most clearly refutes the Indian side's assertion. In order to argue for this assertion, the Indian side even came up with a new definition for a watershed, alleging that a watershed is that line which divides the major volume of waters of two river systems and is not necessarily the line which divides two river systems completely.

This definition is totally inconsistent with the well-known understanding of this term, but only facilitates the, making of various arbitrary Interpretations of the location of the watershed. The Indian side precisely made use of such a definition to assert arbitrarily that the main watershed in the area in the western sector disputed by the Indian side is not the Karakoram Mountains which divides the two major river systems of the Hotien River and the Indus River, but is the Kuen Lun Mountains which cut across the Karakash River, one of the major rivers of the Hotien River system. It is natural that one could not agree to such assertions.

In order to uphold its watershed principle, the Indian side also raised such an argument, that is since the boundary line maintained by China in the middle sector basically follows the watershed, and the boundaries of China with Sikkim and Bhutan as well as a part of the Sino-Burmese boundary also follow the crest of the Himalayas, the eastern sector of the Sino-Indian boundary should likewise follow the crest of the Himalayas. It is contended

that in as much as a certain portion of the Sino-Indian boundary conforms to a certain geographical feature or the boundaries between China and some other neighbouring countries also conform to the same feature, the entire Sino-Indian boundary should without exception conform to this feature. Such a method of deduction is totally untenable. Because following this deduction of the Indian side, the Chinese side could similarly ask: Since the boundaries of India with Nepal, Sikkim and Bhutan run along the foot of the Himalayas, why is it that the Sino-Indian boundary in its eastern sector alone cannot run along the foot of the Himalayas? Or since the Indian side asserts that the Sino-Indian boundary should run along the crest of the Himalayas, then why should the western sector of the boundary not run along the crest of the, Himalayas, but along the Karakoram Mountains (or the Kuen Lun Mountains as contended by the Indian side) to the north of the Himalayas? Could it be said that the western sector of the boundary too runs along the Himalayas?

In discussing the First Item of the agenda, the Indian side also emphasized the precision of the alignment claimed by it, and requested the Chinese side to provide the exact co-ordinates of many small and un important places among the tradition al customary line maintained by China. It is not difficult to see that the understanding of the Indian side about the question of precision of the Sino-Indian traditional customary line is incorrect.

Generally speaking, since a traditional customary line is a boundary which has not been formally delimited nor jointly surveyed by the two countries, although it may be basically clear, it cannot be precise at every point along the entire line. Furthermore, as the Sino-Indian traditional customary line is in many places located in towering mountains and at places even rarely visited by man, it would be inconceivable that the precise location of the boundary at all points and the exact co-ordinates of every point through which the boundary passes could be given. The Chinese side already

explained in a sufficiently exhaustive way the specific location and terrain features of the boundary line maintained by it and also gave the necessary adequate clarifications to the questions asked by the Indian side. With regard to some of the extremely minute and trifling question which the Indian side asked for clarification, as the Sino-Indian traditional customary line cannot be very precise at every point, as explained above, these questions by their very nature cannot be answered. Coupled with the fact that in the interest of Sino-Indian friendship and in the interest of avoiding misunderstanding and clash, the Chinese Government has purposefully refrained from conducting surveys in places too close to the boundary in those areas which were traditionally under China's administration but are now under Indian control, it is entirely understandable that the Chinese side did not answer certain detailed questions. Although the Indian side emphasized that the alignment it claimed was precise, it is not so. For instance, the Indian side maintained that the part of the alignment it claimed in the western sector from a point east of 80° E to Lanak Pass runs along a watershed. But according to on-the-spot investigations by the Chinese side, there is no such watershed in that area. It can also be seen from the discussions under Item II and III that even the Indian Government and Prime Minister Nehru as well as official Indian maps have all admitted that the Indian alignment lacks precise description at certain places.

The Indian side asserted that if one side could not precisely know the alignment of the other side, it would lead to serious consequences, such as the danger of border clashes or friction. The Chinese side pointed out that the unfortunate incidents and other unpleasant happenings which occurred in the past along the border could not be explained away by the lack of precise knowledge about the Chinese alignment by Indian personnel. For example, the Kongka Pass clash of October 1959 was brought about by

armed Indian personnel who knowing full well that armed Chinese personnel were stationed on the Chinese side of the boundary still continued to advance and launched an attack. In September 1958, armed Indian personnel penetrated deep into the area in the western sector east of traditional customary line maintained by China up to the vicinity of China's Sinkiang-Tibet highway. This could even less be explained by a lack of precise knowledge about the location of the Chinese alignment. In the eastern sector, although the Indian side should have a precise knowledge about the so-called McMahon Line claimed by it, still there occurred the incidents of armed Indian personnel crossing this Line and entering the southern part of Migyitun (including Longju) and Tamaden, the latter being a place which even the Indian Government admitted as being north of the alignment claimed by India. All this goes to prove that the occurrence of the border clashes or friction was mainly caused by the intentional pressing forward by armed Indian personnel in an attempt to change the status quo of the boundary. Therefore, prevention of clashes or friction should mainly depend on the sincere desire of both sides to maintain tranquility along the border.

ITEM II

TREATIES AND AGREEMENTS; TRADITION AND-CUSTOM

Two questions were discussed under Item II. The first question is the examination of treaties and agreements; the point to be made clear here is whether the Sino-Indian boundary has been formally delimited by the conclusion of a treaty between the Governments of the two countries. A formally delimited boundary is one whose alignment and location have been explicitly and specifically defined in a certain form of treaty (generally the conclusion of a treaty or agreement) between the countries concerned through joint negotiations (sometimes a joint survey is needed).

Boundaries which have not been explicitly defined in treaty form are not formally delimited, though some of such boundaries may be traditional customary boundaries. The Chinese side has always held that the Sino-Indian boundary has never been formally delimited by treaty, and that there is only a traditional customary line between the two countries. The Indian side has insisted that the Sino- Indian boundary has been delimited or confirmed by treaty and alleged that it is the very boundary line claimed unilaterally by India. Thus, the question as to whether the Sino-Indian boundary has been formally delimited has become a focal point in the dispute between China and India. The second question is the examination of the traditional customary basis of the boundary; the point to be made clear in this part under Item II together with Item III is where does the traditional customary boundary lie. The controversy here between the two sides is whether it is the boundary line as maintained by China, or that claimed by India, which correctly reflects this traditional customary line. It is quite obvious that these two questions are different in nature. Here, the viewpoint and basis of the Chinese side on these two questions are explained as follows:

POSITIVE STATEMENT CONCERNING TREATIES AND AGREEMENTS

The Chinese side has pointed out more than once that the entire Sino-Indian boundary, whether in its western, middle or eastern sector, has never been formally delimited. Up to now, no boundary treaty or agreement delimiting the entire boundary has ever been concluded between China and India, nor has there been any treaty or agreement delimiting a certain sector of the boundary concluded between them; and none of the treaties and agreements concluded between the two countries in the past contain terms pertaining to the defining of the Sino-Indian boundary. This is a well-known fact. Nobody on earth can cite a treaty concerning the delimitation of the Sino-Indian boundary.

With regard to certain segments of the Sino-Indian boundary, diplomatic exchanges have been made in history, but nothing has ever come of it. Concerning the western sector, the British Government in 1847 wrote to the Viceroy of Kwangtung and Kwangsi of China Chi Ying and the Chinese Amban in Tibet respectively, proposing that the two countries jointly delimit the boundary between China's Tibet region and Kashmir; in 1899 the British Government again proposed to delimit the boundary between China's Sinkiang region and Kashmir. None of these proposals were accepted by the Chinese Government. Between 1919 and 1927, local negotiations were conducted between the British Government and the Tibet local authorities on the delimitation of the boundary between the Tibet region and Ladakh north of the Pangong Lake, but no result was achieved either. Concerning the middle sector, Britain began to intrude into the area of Sang and Tsungsha in 1919. The Tibet local authorities repeatedly took up the matter with Britain between 1926 and 1935, but without any result. There have always been disputes between the two sides over this sector of the boundary, and no agreement has ever been reached. Concerning the

eastern sector, Britain continuously invaded Chinese territory, and the local government of Tibet and the Chinese Central Government have on many occasions made representations to and protests against the British and Indian governments. On April 18, 1945, the Tibet local government wrote to Bapu Losan, Assistant Agent to the Political Officer in Sikkim, demanding that the British troops be withdrawn from Kalaktang and Walong immediately. The Chinese Government protested four times by addressing notes to the British Embassy in China in July, September and November 1946 and January 1947 respectively, and protested by note with the Indian Embassy in China in February 1947. After the independence of India, the Tibet local government cabled to Prime Minister Nehru of India and the United Kingdom High Commissioner to Delhi respectively on October 14, 1947, demanding that the territories occupied by Britain be returned. Up till 1949, Lo Chia-lun, Ambassador to India of the Chiang Kai-shek clique which at that time still maintained diplomatic relations with the Indian Government, addressed a note to the Indian Ministry of External Affairs, repudiating the Simla Convention which the Indian Government held to be valid. These diplomatic exchanges themselves show forcefully that not only has the Sino-Indian boundary not been delimited, but that there have always been disputes between the two sides.

That the Sino-Indian boundary has never been formally delimited is even borne out by official Indian maps and other Indian authoritative material. The following are the eleven official Indian maps provided by the Chinese side to the Indian side under the sub-heading of treaties and agreements of this item:

1. "Map of India." Drawn and engraved by a geographer of the East India Company John Walker in 1825 with additions to 1826. It is indicated on the map that it was based on the latest surveys of the best authorities and published principally for the use of the officers of the Army in India. On the

map, the Kashmir area is drawn as only extending eastwards to 77° E., and not as shown on current Indian maps extending to East of 80° E. No boundary line is drawn in the eastern sector of the Sino-Indian boundary.

2. "India" Published by the Surveyor General's Office, Calcutta in 1865. The western sector of the Sino-Indian boundary is not drawn on the map and the delineation of the eastern sector of the boundary corresponds to that shown on the Chinese maps.

3. "India." Re-edited by the Survey of India in 1889. As is indicated the western sector of the Sino-Indian boundary protrudes up to 80° E., penetrating deep into Chinese territory but a segment of it is marked as boundary undefined, and the delineation is considerably different from the boundary line now claimed by India.

The delineation of the eastern sector corresponds to that shown on the Chinese maps but the boundary is also marked as undefined.

4. "District Map of India" Published by the Survey of India in 1903. The western and middle sectors of the Sino-Indian boundary are not drawn on the map, and the delineation of the eastern sector corresponds to that shown on the Chinese maps.

5. "Tibet and Adjacent Countries." Published by the Survey of India in 1917. The western and middle sectors of the Sino-Indian boundary are not drawn on the map. The boundary line drawn in the eastern sector still corresponds to that shown on the Chinese maps.

6. "Southern Asia Series": Kashmir. Published by the Survey of India in 1929. The western sector of the Sino-Indian boundary is not drawn on the map.

7. "Highlands of Tibet and Surrounding Regions." First edition published by the Survey of India in 1936. The western and middle sectors of the Sino-Indian boundary are not drawn on the map. In the eastern sector the so-

called McMahon Line is drawn with the indication of "boundary undemarcated".

8. "Tibet and Adjacent Countries." Published by the Survey of India in 1938. The western and middle sectors of the Sino-Indian boundary are not drawn on the map. In the eastern sector of the boundary, a small portion extending eastwards from the south-eastern corner of Bhutan is drawn with the marking for international boundary, and its location corresponds to the alignment shown on Chinese maps. The so-called McMahon Line is not shown on the map.

9. "India and Adjacent Countries." First edition, published by the Survey of India in 1945. The western and middle sectors of the Sino-Indian boundary are still not drawn on the map; only a colour wash is applied to the eastern portion of Kashmir to spread beyond 80° K, cutting deep into Chinese territory, but it is marked as "frontier undefined." In the eastern sector, the so-called McMahon Line is marked as "approximate" boundary line.

10. "India Showing' Political Divisions in the New Republic."

First edition, published by the Survey of India in 1950 after the independence of India. The western and middle sectors of the Sino-Indian boundary are not drawn on the map, only a rough frontier outline is shown by a colour wash and marked as boundary undefined. Although the so-called McMahon Line is drawn in the eastern sector, the boundary is marked as undemarcated.

11. "India and Adjacent Countries." Second edition, published by the Survey of India in 1952 (the first edition was published in 1951). The western and middle sectors of the Sino-Indian boundary are not drawn on the map, only a colour wash is applied to indicate the extent of the Indian frontiers similar to that covered by the line shown on current Indian maps. In the eastern sector, the so-called McMahon Line is still drawn with the markings of "boundary undemarcated."

It can be seen from the delineations of the Sino-Indian boundary shown on these official Indian maps that:

1. The official Indian maps of an earlier period recognised that the Sino-Indian boundary had not been formally delimited, and moreover, their delineations of the boundary were in the main consistent with that shown on the Chinese maps.
2. Later on the delineations of the Sino-Indian boundary on the official Indian maps were changed time and again. From 1865 to 1945, most of the official Indian maps did not show the western and middle sectors of the boundary. Some of these maps indicated the boundary in an ambiguous way, but the boundary was marked out as undefined, and the location of the boundary on them were inconsistent with the boundary line shown on current Indian maps. On the official Indian maps published in 1950 and 1952, still no boundary line was shown, but only a colour wash was applied to mark out indistinctly an outline, while the 1950 map further has the markings of "boundary undefined." As to the eastern sector, it was not until around 1937, that is more than 20 years after the Simla Conference, that this sector of the boundary was drawn according to the so-called McMahon Line. From the above-mentioned official Indian maps published in the past century it can be seen that India itself also recognized that the Sino-Indian boundary has not been delimited.

It was only from 1954 onward that the maps published by the Survey of India changed the drawing of the entire Sino-Indian boundary into delimited boundary as now claimed by India. There were no such delineations in the official maps published by India before that time.

Apart from the above-mentioned eleven official Indian maps, the Chinese side has also provided later some other maps which prove that the Sino-Indian boundary has not been formally delimited.

They will not be enumerated here.

Even the Indian Government, on many occasions, has admitted in different ways that the Sino-Indian' boundary was actually not formally delimited. Prime Minister Nehru himself expressed that there were disputes over the western and middle sectors of the Sino-Indian boundary, and that the two sectors were not defined jointly by the two sides. Official Indian records also prove that the western sector of the boundary has not been formally delimited.

In his speech at the Rajya Sabha on August 31, 1959 Prime Minister Nehru said, "The Ladakh border which was for all these long years under Jammu and Kashmir State, and nobody knew exactly what was happening there. Although some British officers went hundred years ago and drew line and Chinese did not accept that line. That matter is clearly one for consideration and debate."

In his speech at the Lok Sabha on September 4, 1959, Prime Minister Nehru said, "But actual boundary of Ladakh with Tibet "Was not very carefully defined. It was defined to some extent by British Officers who went there. But I rather doubt if they did any careful survey."

In his speech at the Lok Sabha on September 12, 1959, Prime Minister Nehru said when he spoke of the Aksai Chin area, "It is a matter for argument as to what part of it belongs to us and what part of it belongs to somebody else. It is not at all a dead clear matter, however I have to be frank to the House. It is not clear. I cannot go about doing things in a matter which has been challenged not to-day but for hundred years, it has been challenged as to the ownership of this strip of territory that has nothing to do with the McMahon Line, it has nothing to do with anything else. That particular area stands by itself, it has been in challenge all kind ...The point is there has never been any delimitation there in that area."

In his letter to Premier Chou En-lai dated March 22, 1959, Prime Minister Nehru also did not hold that the middle sector of the boundary as claimed by India was based on treaty and agreement.

The Chinese side will deal with this point later.

No treaty concerning the Sino-Indian boundary can be found either in the Chinese diplomatic documents or in any collection of treaties in the world; such a treaty cannot be found even in the collection of treaties published by India. In the *Collection of Treaties, Engagements and Sanads Relating to India and, Neighbouring Countries* compiled by Aitchison, Under Secretary to the Government in the Foreign and Political Department, and later revised and supplemented up to 1929 by the Indian Foreign and Political Department, there are the following accounts: "The northern as well as the eastern boundary of the Kashmir State is still undefined. ... (Vol 12, page 5). "The Indo-Chinese frontier on the side of Eastern Turkistan (i.e., Sinkiang) has never been fixed by treaty..." (Vol. 14, page 4).

Those in the world, including some Englishmen, who are familiar with the facts of the Sino-Indian boundary do not believe that the Sino-India boundary has been formally delimited. Even Frederick Drew, former Governor of Ladakh, who put forward in his book *Jammoo and Kashmir Territories* a Sino-Indian boundary alignment which was advocated only by himself and which was obviously incorrect, still clearly stated on page 496 of this book that the boundary between Ladakh and China to the east of the Karakoram Pass was "undefined" and "doubtful."

Judging by what has been stated in the above, it is an indisputable fact that no boundary treaty has been concluded between China and India, and that no boundary between them has ever been formally delimited.

COMMENTS ON TREATIES AND AGREEMENTS

Although the Chinese side proved with indisputable facts that no treaty delimiting the boundary had ever been concluded between China and India and the entire Sino-Indian boundary had never been formally delimited the Indian side still maintained that boundary treaties between China and India had been concluded and the Sino-Indian boundary had been delimited. The Chinese side cannot agree at all to this contention. Following are comments on the western middle and eastern sectors of the Sino-Indian boundary respectively:

A. Western Sector

The Indian side referred to the so-called 1634 treaty between Tibet and Ladakh, the 1842 treaty between Tibet and Kashmir, the correspondence of the Viceroy of Kwangtung and Kwangsi Provinces with British officials in 1847, the agreements between Rudok Dzong of the Tibet region and Ladakh in 1852 and the British note of 1899 to prove that the western sector was formally delimited or that the boundary line now claimed by India was confirmed by China and India. However, these treaties and documents can by no means prove the contention of the Indian side.

(1) Concerning the so-called 1684 Treaty

The Indian side had repeatedly referred to this treaty in its previous notes. This time the Indian side submitted a text of the so-called 1684 treaty. In the past the Chinese side did not know the existence -of this treaty, and after studying the document submitted by the Indian side, the Chinese side still holds that the existence of this treaty has not been confirmed. The document of the so-called treaty handed over by the Indian side is neither

the original text nor a copy of the original. Who after all are the contracting parties that concluded this treaty? Who were the representatives who signed it?

When and where was it signed? Nothing has been said about all this, and moreover, not a word defining the boundary can be found in the articles of the so-called treaty. Can such fragmentary accounts with put a proper beginning and end be regarded as a treaty? There cannot be such a mangle treaty in the world.

The Indian side also cited account in the book, *Antiquities of Indian Tibet* edited by Francke as the basis for the existence of the so-called 1634 treaty. However, the account in this book is only something patched up out of the material of some manuscripts which are not so reliable, and even Francke himself did not arbitrarily call these mutually unrelated sentences a treaty. Therefore, the book *Antiquities of Indian Tibet* cannot possibly prove the existence of the so-called 1684 treaty. Furthermore, nothing in the account in this book is stated to the effect that the boundary between Tibet and Ladakh was delimited at that time. It must also be pointed out that in this book the English translation concerning the historical events in 1684 contains serious errors and is not faithful to the Tibetan original.

In authoritative Tibetan historical works, such as the *Biography Of the Fifth Dalai Lama* and the *Biography of P'olha*, there is no account whatsoever concerning the conclusion of this so-called treaty.

The Indian side claimed that the *Biography of P'olha* mentioned the 1684 treaty. This is not at all true.

Following is the only paragraph in the *Biography of P'olha* which is relevant to the matter:

"At that time, at the request of Living Buddha Thamjamkhenpa of the Bgahbrgyud Sect, Gadantsewang received the Head of Ladakh, Sen-ge-rnam-rgyal, Bde-Idan-rnam-rgyal, and their sons and grandsons. Since the Wise

Man is whole heartedly devoted to the religion and the people and also had compassion and pity for these enemy chieftains, he gave them Leh, Bitu, Chishe, etc. altogether 7 forts together with the estates, the, subjects and the riches and said to them: 'The foolish ones of the world set their minds on happiness, yet this actually cause their own suffering. You too have impaired your own happiness. Because your hearts, are not right and you made vain attempts to oppose the Yellow Sect, therefore you have landed your selves in such a bitter situation. In the future you must not discriminate against Buddhism as a whole and the Yellow Sect in particular. And the human beings, since the beginning of non-existence, have been born over and over again in rotation, from parents of a generation to the next generation, and you should be devoted to seeking happiness for them! The Head of Ladakh and his sons agreed to all this."

It is quite evident that this account can only show that the Tibetan side bestowed on Ladakh seven forts and estates. How can it be inferred from this that an agreement for the formal delimitation of the boundaries was reached and the so-called 1684 treaty was concluded between the two sides?

The Indian side finally could not but admit that the boundary was not concretely defined in the so-called 1684 treaty. However, in order to justify itself, it again asserted that there was no need for the 1684 treaty to define the boundary, and it would be all right so long as the boundary already fixed was maintained. For this reason, the Indian side further claimed that since the eldest son of Skyid-Ida-Ngeerna gon (a Tibetan prince) was conferred the Maryul (Ladakh) fief in the tenth century, Ladakh had become a separate independent kingdom, and the boundary between Ladakh and Tibet had been delimited in the way as now claimed by India, and the subsequent treaties or agreements were only means to confirm this boundary line. This assertion is untenable. According to the historical

records on the Chinese side, the fact that Skyid-Ida-Ngeema-gon conferred fiefs on each of his three sons only reflected a change in the ownership of manorial estates among the feudal lords of Tibet at that time. The three sons of the prince each took his share of fiefs from the unified skyid-Ida-Ngeema-gon dominion and Maryul at that time was a small state, and not an independent kingdom. The document provided by the Indian side concerning the so-called boundary of Maryul not only has mistakes in the translation, but contains some so-called names of places of which the location is not known even to the Indian side. Therefore, the question of delimiting the boundary between Ladakh and Tibet as between two countries does not at all arise, even less can it prove the argument that the boundary of Maryul in the 10th century was consistent with the entire boundary line between Ladakh and Tibet now claimed by India.

The Indian side also referred to such customs as Ladakh sending "Lo-chhaks" to Tibet to pay annual tributes and Ladakh exacting Ula at Minsar as evidence of the validity and the binding force of the so-called 1684 treaty. Such an argument cannot hold water, since the then Ladakh continued to be subordinate to Tibet, politically and religiously. These customs referred to by the Indian side emerged as a result of the subordination of Ladakh to Tibet, and cannot prove the existence of the so-called 1684 treaty.

It can be clearly seen from the above that a situation of the boundary having been explicitly delimited or confirmed by a treaty in 1684 does not at all arise.

(2) Concerning the 1842 Treaty

In the Indian side's' accounts of the western sector of the Sino-Indian boundary, this treaty was mentioned again and again in order to prove that the boundary between Ladakh and Tibet as claimed by India was confirmed

by this treaty. But after checking up with the original text of the 1842 treaty, the Chinese side repeatedly proved' that this treaty was only an exchange of notes between the two sides after a war, to ensure mutual non-aggression. It did not make any provision whatever of the specific location of the boundary. This is verified by the original text of the notes exchanged:

Following is the relevant part in the document handed over by the Tibet local representative to the Kashmir representative in 1842: "The territories of Ladakh as they used to be, and the territories of Lasa also as they used to be will be administered by them respectively without infringing upon each other."

Following is the relevant part in the document handed over by the Kashmir representative to the Tibet local representative in 1842: "Maharaja Shri Gulab Singh and Shri Guru Lama-Ponpo of Lasa have been reconciled and become friendly. It is decided that Ladakh and Tibet will each administer its own territories within its own confines, refrain from being hostile to each other and live together in peace. Shri Maharaja Sahib swears by the Kunchok that he will never go against this."

One of these two documents states "both of them will refrain from being hostile to each other and live together in peace," while the' other says the territories will be "administered by the sides respectively without infringing upon each other." This is clearly an agreement of mutual non-aggression. How can it, be insistently explained as having confirmed the boundary between Ladakh and Tibet.

Later on, it seemed that the Indian side was no longer opposed to the view that the 1842 treaty was only of the nature of a treaty of mutual non-aggression. However, the Indian side still maintained that this treaty confirmed the specific location of the boundary arguing that had both sides not knowing clearly the extent of their territories they could not have each

adhered to their own confines. The Chinese side pointed out three points: First, the treaty did not define any specific location of the boundary; regarding this the Chinese side submitted as evidence documents exchanged between the two sides at that time. Secondly, by adhering each to its confines, it is undoubtedly meant that each side should administer the territory under its own jurisdiction and neither should commit aggression against the other. It is quite obvious that it was not at all a treaty for defining the boundary, but a guarantee of respect by each side for the other's territory. Thirdly, even if the boundary between Ladakh and Tibet was actually confirmed at that time, how could India assert that this line was the boundary line now claimed by it and not the traditional customary line maintained by the 'Chinese side? On the contrary, in the maps published by Indian official organs during that period, the delineation of the boundary between Ladakh and Tibet was in the main consistent with that shown in Chinese maps.

Finally, the Indian side no longer denied that the 1842 treaty did not define the specific location of the boundary and that it could not constitute a legal basis for the contention that the boundary was formally delimited.

However, the Indian side still considered that the 'boundary line was very clear and formal delimitation was not necessary. That this argument of the Indian side is untenable can be proved by the fact that in 1847 the British Government proposed to the Chinese Government to delimit formally the boundary between Ladakh and Tibet, If the boundary had been very clear and there had been no need to delimit it formally, why should Britain have proposed to delimit formally the boundary between Ladakh and Tibet?

(3) Concerning the 1852 Agreement

Apart from the two treaties mentioned above, the Indian side also referred to the 1852 agreement reached between officials of the Tibet region and

Ladakh to prove its allegation that the boundary in the western sector has been delimited. As a matter of fact, however, this agreement only referred to the maintenance of the old boundary by the two sides of Ladakh and Tibet, and provided that Ladakhis should pay "annual tribute" to Tibet, but made no provision whatever about the boundary between Tibet and Ladakh. Of course, one cannot assert on the basis of this agreement that the boundary between Tibet and Ladakh was confirmed at that time.

(4) Concerning the 1847 Correspondence and other Documents.

The Indian side referred to the correspondence of 1847, asserting that the indication of the Chinese Viceroy of Kwangtung and Kwangsi Provinces at that time of the existence of the old borders between Ladakh and Tibet and of the view that it was not necessary to fix the boundary again, meant the confirmation of the alignment now claimed by India. Such an inference cannot stand. The proposal for delimiting the boundary between Ladakh and Tibet was made by the British at a time precisely after the Opium War of British aggression against China. Just as the Viceroy stated in his memorial to the Chinese Emperor, the British intention in proposing to delimit the boundary was "highly suspect". At that time the Chinese Government, fearing that Britain would take this opportunity to invade and occupy Chinese territory, rejected the proposal of Britain. The old borders between Ladakh and Tibet mentioned by the Viceroy of the Kwangtung and Kwangsi Provinces also could only mean the traditional customary line maintained by China. At that time India did not put forward the alignment it now claims: how could the then Chinese Government proceed to conform it?

The Indian side referred to a document of 1924. The Chinese side already stated that from 1919 to 1927 the British Indian Government had asked the local authorities of China's Tibet many times to delimit the boundary

between Ladakh and Tibet. Negotiations were held between the two sides, but nothing came of them. Therefore this document cannot prove the contention that the boundary between Ladakh and Tibet was delimited. All this proves that at that time the British Indian Government was very anxious to delimit formally the boundary between Ladakh and Tibet through negotiations. Negotiations and exchanges were conducted between China and India, but without any result.

In the above-mentioned documents and correspondence, China referred to the existence of a traditional customary line between Ladakh and Tibet. But this was taken by the Indian side to mean that the Chinese side agreed to the alignment now claimed by the Indian side. The Indian side further asserted that this line was confirmed by treaties and correspondence and other documents. Such assertions obviously do not conform to the facts and are the misinterpretations of the repeated statements of the Chinese authorities.

(5) Concerning the Exchanges of 1899

It should also be pointed out that the treaties, agreements and correspondence mentioned above by the Indian side have not a word about the relations between China's Sinkiang and Ladakh, yet the greatest part of the area disputed by India at present belongs to China's Sinkiang which has had nothing to do with these treaties and agreements. It is obviously inconceivable that these treaties and agreements could be cited as proof that the boundary between Sinkiang and Ladakh has already been formally delimited, thereby incorporating vast areas of Sinkiang into Ladakh.

As to the boundary between Ladakh and China's Sinkiang, the Indian side never submitted any treaty or agreement to prove that this section of the boundary has been formally delimited. In the written statements of the Indian side, only the exchanges of 1899 were mentioned. However, just as

pointed out by, the Chinese side, Britain at that time did not describe the northern boundary of Kashmir for China, as the Indian side asserts but put forward a specific proposal for the delimitation of the boundary. The British side clearly stated in its note that if this delineation of the boundary was accepted, that part of the territory on this side of the line should be henceforth considered as Chinese territory; the British side also asked China for consideration of and an answer to their note. It can thus be seen that this is nothing but a proposal for delimiting the boundary. It is also inconceivable to hold that the territory of another country can be annexed by a unilateral proposal. It may be mentioned in passing that the proposal of British at that time also admitted that the entire area around the source of the Karakash River should not remain within Chinese territory, an area far to the south of the alignment claimed by the Indian side. Now, the Indian side cannot but recognise the fact that the proposal put forward by Britain to delimit the boundary was not accepted by the Chinese Government. This shows that the contention of the Indian side in the past that China did not oppose the British proposal of 1899 about the delineation of the boundary is not true. The Indian side, however, came out with a strange explanation that the Chinese Government did not accept the line proposed by Britain because China would rather accept a boundary line which proved more unfavourable to itself, that is, the boundary line now claimed by India. Anyone with the slightest bit of commonsense cannot of course believe such an assertion.

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B. Concerning the Middle Sector

The boundary in the middle sector has also not been formally delimited by any treaty. As to the treaty basis of this sector of the boundary, the Indian side has submitted few new evidences, and its arguments had for the most part been put forward in the past and refuted by the Chinese side. No

matter how the Indian side has defended its own stand, it can in no way change this basic fact, that is, as in the case of the western sector, the Indian side cannot advance any treaty basis whatever which could prove that the middle sector of the boundary has been formally delimited.

(1) The boundary, line in the Chuva and Chuje area is a section in the middle sector of the boundary. The Indian side has employed a strange logic in the way of argument to prove that the boundary line in this area has been confirmed by treaties. At first the Indian side supposed that Chuva and Chuje belonged to Spiti, cited the so-called 16'84 treaty and the 1842 treaty as the basis to confirm the boundary in the Spiti area and then asserted that this proved that Chuva and Chuje belong to India and that the boundary line in this area had been confirmed by treaties. With regard to such a strange logic, the Chinese side will not deal with it for the time being. It only wishes to point out that the above-mentioned two treaties have already, been dealt with in detail by the Chinese side when commenting on the western sector and as they cannot constitute the legal basis for the contention that the western sector of the boundary has been formally delimited, it is natural that they cannot do so for the contention that the boundary in the Spiti area has been formally delimited. As to Chuva and Chuje, they do not belong to Spiti at all and Spiti, to which the Indian side refers, has nothing whatever to do with Chuva and Chuje now in dispute.

(2) Wuje is also an area in the middle sector of the boundary. The Indian side put forward the negotiations between 1889 and 1890 and in 1914 to prove that the Chinese Government had accepted the alignment claimed by India in the Wuje area. But judging

from the photostats of the Indian officials' reports submitted by the Indian side, the so called negotiations between 1889 and 1890 referred only to a local official of the British colonial government telling a Tibetan official stationed at Wuje-that is a "serji" as called by the Indian side about the British intention to occupy Wuje. This of course was not formal negotiations. As to the so-called 1914 negotiations, they referred only to another official of the British colonial government asking Lochen Shatra of the Tibet local government to withdraw the outposts stationed at the Chinese territory of Wuje, while Lochen Shatra expressed briefly that it was necessary to investigate the matter. Facts later show that the Tibet local Government continued to send outposts to be stationed at Wuje every year, which was never suspended, and that the Tibet local government had never accepted the territorial claim made by Britain. It is obvious that no question of any boundary agreement arose here.

- (3) The Indian side time and again raised the point that this sector of the boundary "was confirmed in the Agreement on Trade and Intercourse Between the Tibet Region of China and India signed between China and India in April 1954". It further asserted that the provision in Article IV of this Agreement of six passes as routes for traders and pilgrims of the two sides proved that the Chinese Government had already agreed to the Indian Government's opinion on this sector of the boundary. Such an allegation is totally inconsistent with the facts, and the Chinese Government already gave detailed answers in the notes of December 26, 1959 and April 3, 1960 respectively.

Firstly, the 1954 Sino-Indian Agreement is an agreement on trade and intercourse between the Tibet region of China and India. Not only does

none of the paragraphs in this Agreement involve the boundary question but the two sides had an understanding at that time, that is, no boundary question should be touched on in the negotiations. Therefore, how can it be said that this Agreement confirmed the alignment claimed by the Indian side?

Secondly, precisely because the boundary question was not to be discussed in those negotiations, the two sides did not mention it. How can it be considered that the boundary question does not exist only because at that time the boundary question was not discussed and the two sides did not mention the boundary question?

Thirdly, since the two sides held different views regarding the question of the six passes at that time, they finally agreed to adopt a wording in the agreement, which did not involve the question of ownership of these passes, so as to bypass this difficult question. Article IV of the 1954 Agreement only provides for the routes by which the traders and pilgrims of one country travel to the other. It does not touch specifically the location of the boundary. No matter whether viewed from the spirit of the 1954 Agreement, or from its real contents or the process in which agreement was reached on this Article, one cannot interpret this Article as having confirmed the Sino-Indian boundary.

(4) It should be pointed out with emphasis that Prime Minister Nehru did not consider that the middle sector of the alignment claimed by India has treaty and agreement basis, even when he stressed that there were treaties and agreements concerning the eastern and western sectors.. In his letter of March 22, 1959 to Premier Chou En-lai, Prime Minister Nehru, after mentioning that the Indian side considered that there were treaty basis for the boundary between China and Sikkim, for the boundary between Ladakh and Tibet and for the eastern sector for the Sino-Indian boundary, said:

"Thus, in these three different sectors covering much the larger part of our boundary with China, there is sufficient authority based on geography, tradition as well as treaties for the boundary as shown in our published maps. The remaining sector from the tri-junction of the Nepal, India and Tibet boundary upto Ladakh is also traditional and follows well-defined geographical features. Here, too the boundary runs along well-defined watersheds between the river systems in the south and the west on the one hand and north and east on the other."

In this passage Prime Minister Nehru mentioned treaty basis for those three sectors of the boundary, but only not for the middle sector of the Sino-Indian boundary. This of course is by no means fortuitous. Furthermore, Prime Minister Nehru stated in the first part of the same letter, that he considered the Sino-Indian boundary "in most parts" had the sanction of specific international agreements between the two governments. This further proves that he did not consider that the middle sector of the Sino-Indian boundary, had treaty and agreement basis.

The Indian side disagreed to this point, asserting that Prime Minister Nehru mentioned "some" of these agreements as distinct from "all" agreements, and "sufficient" authority as against "complete" authority, and that therefore Prime Minister Nehru at this stage was merely mentioning some aspects of the treaty basis of the Sino-Indian boundary. But the Indian side did not explain why Prime Minister Nehru separated the middle sector from the other sector in this passage.

C. Concerning the Eastern Sector

Concerning the eastern sector, the Indian side was likewise unable to bring forward any treaty between the two countries to prove that the boundary in this sector was formally delimited. What it had brought forward was still the Simla Convention of July 3, 1914 between Britain and China's Tibet local

authorities and the secret exchange of letters of March 24 and 25, 1914 between them on the so-called McMahon Line, and no other new evidence was produced.

With regard to these two documents of 1914, the Chinese side in its past correspondence long repeatedly proved that they are illegal and null and void and cannot constitute a legal basis for the boundary in the eastern sector as claimed by the Indian side. Furthermore, one of the two documents, the Simla Convention, is even more unrelated to the question of the Sino-Indian boundary. Since the Indian side insisted that these two documents are valid and tried its utmost to defend them, the Chinese side could not but go further into this question.

(1) Concerning the Simla Convention

1. In dealing with the Simla Convention, it is necessary first of all to say a few words about its nature and background. The Chinese side pointed out time and again that the Simla Convention and the Simla Conference which produced the Convention were an important step taken by Britain in its plot to invade Tibet and carve out Tibet from Chinese territory. The Chinese people expressed the greatest indignation at this. One aspect of British aggression against Tibet consisted of wresting special political, economic and military privileges in Tibet. But the British ambitions towards Tibet went much further. It made unceasing attempts to separate Tibet entirely from China and turn Tibet into an "independent state", but actually to place Tibet completely under its own control. The Simla Conference of 1913-1914 was one of a series of British attempts in this connection. As everybody knows, in 1911 there broke out in China a revolution which resulted in overthrowing the monarchy and setting up a republic. Taking advantage of the instability of the then Chinese political situation and the fact that the central authority of the Republic had just been set up, Britain flagrantly

instigated the Tibet local government to launch a rebellion and openly declare "independence". The Chinese Government firmly opposed and took punitive actions against this. When this plot was on the point of being frustrated, Britain took a step further and came out in open Interference forcing the Chinese Government to agree to the convening of a so-called tri-partite conference of China, Britain and Tibet in an attempt to compel the Chinese Government to recognize the "independence" of Tibet through the form of concluding a treaty. The August 17, 1912 memorandum of the British Government to the Chinese Government which the Indian side cited as the basis of the Simla Conference included the following main points: The British Government (1) would not allow China to Interfere in "Tibet's internal affairs"; (2) would not permit China to station troops without limit in Lhasa or Tibet; (3) demanded the conclusion of an agreement on the basis of the above points as a condition for the recognition of the Republic of China; (4) before the conclusion of such an agreement, would close to the Chinese all routes and communication to Tibet through India. This is a document nakedly interfering in China's internal affairs and applying pressure and threats against China. It was precisely due to such Interference and under such threats and pressure that the Chinese Government could not but agree to the convocation of the Simla Conference. But in spite of this the Chinese Government still expressed its regret and dissatisfaction with the above-mentioned memorandum of Britain, and the British plot to carve out Tibet from China did not succeed at the Simla Conference.

2. At the Simla Conference the question of the Sino-Indian boundary was not discussed at all; only such questions as the dividing line between Tibet and the other parts of China and the line between the so-called inner and outer Tibet and their' status were discussed. The Indian side asserted that

the question of the Sino-Indian boundary was discussed at the conference, and enumerated some forced arguments which are all untenable.

The British memorandum of August 17, 1912, which the Indian side referred to as "basis" of the conference, did not mention the question of the Sino-Indian boundary at all. The credentials of the plenipotentiaries of China, the Tibet region and Britain referred to by the Indian side also did not mention that the Sino-Indian boundary question was to be discussed. The Indian side asserted that since the representative of the Tibet Region wanted first to discuss the question of the limits of Tibet while the Chinese representative wanted first to discuss the question of the political status of Tibet, the British representative McMahon proposed that he should first go into the question of the limits of Tibet with the representative of the Tibet region. The Indian side said that the Chinese representative agreed to this proposal and that implied agreement to the British representative and the Tibet local representative to discuss the Sino-Indian boundary. The Chinese side found it indeed difficult to understand such a deduction of the Indian side. It could be pointed out that the several statements made by the Tibet local representative at the conference on the so-called limits of Tibet were all clearly restricted to the specific limits of Tibet adjoining the other parts of China, and had nothing to do at all with the Sino-Indian boundary. Similarly, when the Chinese representative put forward a counter-proposal, it also only mentioned the specific line dividing the Tibet region from the 'other parts of China and did not concern the Sino-Indian boundary. As for the British representative, he also did not at the time propose 'for the discussion of the question of the boundary between China -and India. Therefore, the implications of discussing the "limits of 'Tibet" is very clear, that is, the line dividing Tibet from the other parts of China. The Chinese side cannot understand how the Indian side could, upon citing the fact that the British representative expressed his intention to contact the Tibet local

representative first arrive at the conclusion that the Chinese representative agreed to a discussion between the British representative and the Tibet local representative on the Sino-Indian boundary question.

If indeed as alleged by the Indian side, the Chinese representative agreed to a discussion between the Tibet local representative and the British representative on the question of the Sino-Indian boundary and this discussion was a part of the Simla Conference and was not done behind the back of the Chinese representative, then one, would ask, why did they not formally submit the results 'Of their discussions-these as the Indian side holds, are the letters exchanged between the Tibet local representative and the British representative on March 24-25, 1914 and the map showing the so-called McMahon Line--to the conference or at least inform the Chinese representative? Why was it that the British representative, in the map submitted to the plenary session of the conference drawn with the red and blue lines, made the so-called McMahon Line as .only a section of the red line dividing the Tibet region from the rest of China and made no specific explanations at all at the conference? One cannot find the letters exchanged on March 24 and 25, 1914 and the attached map among the records of the Simla Conference, nor can it find any reference anywhere made by any side to these letters exchanged and the attached map or to the Sino-Indian boundary line. There was no such indication even in the so-called Simla Convention, a product of the conference. This can only show that the discussions on the so-called McMahon Line between the British and Tibetan representatives were held behind the back of the Chinese representative outside the Simla Conference. The Indian side insists that, since in the map submitted by the British representative at the Simla Conference, a section of the red line was made just the same as the so-called McMahon Line, it should be understood without explanations that this implied delimitation of the Sino-Indian boundary. Such an assertion is

obviously unacceptable. Delimitation of the boundary of two countries is a major event. Furthermore", the area involved is 50 extensive, how can the Sino-Indian boundary: be regarded as delimited without any explanations or discussions but only on the basis of a proposed line (i.e. the red line) purporting to represent an internal administrative division in China?

3. Not only did the Simla Conference not discuss the Sino-Indian boundary question, but the Simla Convention itself is invalid. The Chinese representative did not sign the Convention at all. The' Chinese side noted that the Indian side no longer attempted to deny this point. Now the Indian side emphasized in its arguments, that whether or not the Chinese Government took part in or recognized the Simla Convention is irrelevant or not essential to its validity. It even openly stated that "the non-adherence of the Chinese Government was irrelevant as far as the Governments of India and Tibet were concerned." This is tantamount to an outright negation Off China's sovereignty over Tibet, to this China absolutely cannot agree and it is all the more regrettable that these words should come from the officials of a friendly country.

- (i) The Chinese representative formally declared at the conference on July 3, 1914 that the Chinese Government would not recognize any treaty or similar document that might then or thereafter be signed between Britain and Tibet. Before this, a telegram of the Chinese Government handed over to the British representative by the, Chinese representative Ivan Chen on April 21 also indicated this. Similar declarations were made in two formal notes delivered to the British Government on July 3 and 7 of the same year by' Minister of the Chinese Government to Britain Lew Yuk-lin. All Chinese governments since then

persisted in this stand. Therefore the Simla Convention has never had any legal validity.

- (ii) In its written statement, the Indian side cited the correspondence of the British Minister to China dated June 25, 1914 in an attempt to prove that although the Simla Convention was only signed by the British and the Tibet region representatives, it is still in force. But it is not difficult to see from this quotation by the Indian side that the purpose of this correspondence of the British Minister was to exert pressure on the Chinese Government in an attempt to coerce the Chinese Government into accepting the Simla Convention. Such unscrupulous tactics of Britain of exerting pressure was repeatedly applied before and during the Simla Conference. This could only show how vicious and truculent was British imperialism and show even more clearly that the British Government realized the importance of obtaining the signature of the Chinese representative and how eagerly it tried to obtain the recognition of the Simla Convention by the Chinese Government. The reason for this is very simple, because it is inconceivable that an important convention concerning China could come into force without the recognition of the Chinese Central Government.
- (iii) Precisely because of this, even after 1914, Britain still time and again hoped that the Chinese Government would recognize this convention, but this aim was never achieved. Regarding this point, Paragraph 16 of the letter from Prime Minister Nehru to Premier Chou En-lai on September 26, 1959 also states: "the British Indian Government were reluctant to issue new maps of

India showing only the McMahon Line in the hope that China would accept the Simla Convention as a whole."

Basing oneself on the above-mentioned paragraphs, one can indeed arrive at no other conclusion than that the Simla Convention is both invalid and irrelevant to the Sino-Indian boundary.

(2) Concerning the so-called McMahon Line

It was the letters exchanged between Britain and the Tibet region on March 24 and 25, 1914 that secretly drew the so-called McMahon Line. This exchange of letters was done secretly by the Tibet local authorities with the British Government under the threat and enticement of Britain and behind the back of the Chinese Central Government. The Chinese Government has never recognized it. It is therefore illegal and null and void. The so-called McMahon Line can only prove that Britain had such a scheme which it never succeeded in carrying through. It is indeed without any justification whatever for the Indian side now to want to inherit this secret exchange of letters and ask China to recognize that it is legal.

1. Although the Indian side argued that the exchange of letters on March 24 and 25, 1914 was not done in secret or behind the back of the Chinese Government, it failed to prove this by any document or record of the Simla Conference, nor by citing any other documents. Its only reason was that the British representative at the Simla Conference on February 17, and April 22, 1914 submitted a map showing a section of a line which corresponded to the so-called McMahon Line. That this reason is untenable has already been shown in the above comments.
2. In order to defend the secret exchange of letters between the Tibet local representative and the British representative, the Indian side

argued that bilateral discussions were common during the Simla Conference. True, at that time the Chinese representative and the British representative did conduct bilateral discussions. But the question is: why was it that the results of discussions between the Chinese and British representatives could not constitute an agreement, but must be referred to the plenary session, while only the so-called McMahon Line required a secret exchange of notes and did not need to be referred to the plenary session? It was precisely because the question of the Sino-Indian boundary was never put forward at the Simla Conference, that the Chinese representative did not and could not raise any objection. But now the Indian side not only refrained from denouncing Britain's aggressive schemes, but on the contrary, blamed the Chinese representative who was hoodwinked, asking why he did not raise any objection. The Indian side even asserted that it was because the Chinese representative did not consider that the so-called Indo-Tibetan boundary concerned China, so he raised no objection; and that in a multi-lateral treaty, if one party did not agree it was still valid for the other parties. These assertions are all strange and untenable. It can be seen from the counter-proposals of the Chinese representative made at the conference on October 30, 1913 that the then Chinese Government not only proclaimed that Tibet was an integral part of Chinese territory, but also unequivocally demanded that Britain must not annex Tibet or any portion of it.

3. The Chinese side could mention again that for a long time after 1914, Britain dared not publish this exchange of letters nor change the alignment in the map which had all along been applied to the sector of the boundary, that is, the traditional customary line maintained by China. In fact, even after this exchange of letters was published in

the collection of treaties put out by an official Indian organ in 1929, Britain still dared not immediately draw this line formally on the official maps of India. All this undeniably shows that this document is underhand and unpresentable.

4. As for the so-called McMahon Line, since it was a line drawn up by Britain as a result of unilaterally changing the traditional customary line in the eastern sector of the boundary, and a line which Britain tried to impose on China, it is illegal. The Indian side claimed that this line was the very traditional customary line. This is not a fact. A great amount of evidence was provided and would continue to be provided by the Chinese side to prove, this point.
5. No central government of China ever recognized the so-called McMahon Line, but repeatedly lodged protests with the British and the Indian governments against their entering the area south of this line; the Tibet local government also time and again expressed its dissatisfaction. In its letter dated April 18, 1945 to the Assistant Agent to the Political Officer in Sikkim, Bapu Losan, the Tibet local authorities explicitly demanded the British troops to withdraw from Kalaktang and Walong, both of which are in Chinese territory close to the traditional customary line maintained by China. The Indian side asserted that the Tibet local government admitted in this letter that the area south of the McMahon Line was Indian territory; this interpretation does not conform to the original text. It is crystal 'dear that in this letter the Tibet local government demanded the - withdrawal of British troops from Kalaktang and Walong south of the so-called McMahon Line; how can it be said that the Tibet local government admitted that the territory south of the McMahon Line belonged to India?

In order to prove the "legality" of the so-called McMahon Line, the Indian side referred to the correspondence of the Chinese Government on November 5, 1947 and that of the Indian Government on February 9, 1948. These two letters, however, have nothing to do with the McMahon Line. Nowhere in these two documents was mentioned the so-called McMahon Line, or the Simla Convention of 1914, or the secret exchange of letters between Britain and the Tibet local authorities. Before the above-mentioned correspondence of the Chinese Government, the Chinese Government sent four notes successively in July, September and November of 1946 and January of 1947 to the British Embassy in China, protesting against the British gradual invasion into the Chinese area in the eastern sector north of the traditional customary line, and in February 1947, it again lodged -a protest by addressing- a note to the Indian Embassy in China. After the above-mentioned correspondence of the Chinese Government, up to 1949, the ambassador to India of Chiang Kai-shek clique which at that time still maintained diplomatic relations with the Indian Government, sent a note to the Indian Ministry of External Affairs, repudiating the Simla Convention which the Indian Government held to be valid. In the presence of these facts, the two documents cited by the Indian side obviously cannot in any sense be used to prove that the Simla Convention of 1914 and the secret exchange of letters on -the so-called McMahon Line is legal or valid. Therefore, no matter how one looks at it, neither the letters exchanged on March 24 and 25, 1914, nor the so-called McMahon Line, can constitute the legal basis of the eastern sector of the boundary as claimed by the Indian side;

(3) Concerning the allegation that Tibet had the right to conclude treaties separately

Being unable to prove that the Simla Convention and the secret exchange of letters on the so-called McMahon Line had legal validity and that the boundary between India and Tibet was discussed at the Simla Conference, the Indian side time and again argued that the Tibet local government had the right to conclude treaties separately with foreign countries. But the reasons it enumerated are all untenable.

Tibet is a part of Chinese territory and China enjoys full sovereignty over Tibet. This premise itself denies Tibet the right to conclude treaties separately with foreign countries independently of the Chinese Central Government. Unless authorized and consented to by the Chinese Central Government, the Tibet local authorities has no right to conclude treaties with foreign countries. During the past centuries, such an important question as the conclusion of treaties concerning the boundary with foreign countries was always handled by the Chinese Central Government itself and there was not a single case of authorizing any local authority to conclude any treaty or agreement concerning the delimitation of the boundary with foreign governments. This is a well-known fact.

With regard to those treaties or agreements which the Indian side referred to and considered as separately signed by the Tibet local "government, the Chinese side, without repeating past comments, would only point out that even the existence of the 1684 treaty mentioned by the Indian side is in question. As for the 1842 agreement, the Indian side itself admitted that there were the words "the Chinese Emperor." The 1856 Tibet-Nepal treaty was also dealt with by the Amban in Tibet (representative of the Central Government) under authorization. At any rate, these agreements are completely different in nature from the Simla Convention and the secret exchange of letters concerning the so-called McMahon Line, of which the Chinese Government definitely declared its non-recognition. As for the 1904 treaty, even the Indian Government would not deny that it was something

forced upon China, and this treaty could not but be included into another treaty signed by China and Britain in 1906 as an annex. The trade regulation of 1914 is related to the illegal Simla Convention, and therefore is likewise illegal and null and void. As for the negotiations of 1921-1927 concerning a part of the boundary between Tibet and Ladakh and the negotiations of 1926 concerning the Sang and Tsungsha area, they are all negotiations of a local nature and had achieved no result whatever.

The Indian side also stated that as most of the evidence provided by the Chinese side at the meetings of the officials were from the Tibet region, such evidence would also become null and void if it was denied that Tibet had the right to conclude the 1914 convention.

This is also a strange assertion. Firstly, the Chinese side, provided evidence not only from the Tibet region, but also provided a great number of pieces of other evidence as well. Secondly, the Indian side obviously mixed the two things together, that is, the fact that Tibet has no right to conclude treaties separately with foreign countries and the fact that the Tibet local authorities have the right to function within their own competence. The former is an international question while the latter is an internal question. These two questions are entirely different in nature which can by no means be mentioned in the same breath.

The Indian side claimed that before the Simla Conference the Chinese Government had accepted Tibet's attendance at the conference on an equal footing with the right to conclude treaties, and that the Chinese Government had raised no objection in this connection during the conference. This does not tally with the facts. In its own statement, the Indian side referred to the fact that the Chinese Government repeatedly raised the question of the status of the Tibet local representative. It was only because Britain insisted on the Tibet representative attending the conference on an equal footing—here one can see once again the imperialist

nature of Britain in its attempt to separate Tibet from China that the Chinese Government stated that "the Chinese representative would go to India in any circumstances." This was a statement of reserving its opinion as there was no other way out. It absolutely cannot be considered as an indication of accepting the British demand. During the conference, the Chinese representative still raised objections repeatedly.

For example, in the proposal of the Chinese representative put forward on October 30, 1913, apart from stating that "Tibet forms an integral part of the territory of the Republic of China," it was particularly pointed out that "Tibet undertakes to be guided by China in her foreign and military affairs and not to enter into negotiation with any foreign Powers except through the intermediary of the Chinese Government." Another example: on April 15, 1914 in his talks with Rose, the British deputy representative, the Chinese representative first of all raised an objection to the equal standing given to Tibet vis-a-vis China and Britain in the preamble of the draft Simla Convention. All this can be found in the proceedings of the Simla Conference.

The Indian side also claimed that Premier Chou En-lai and Chinese officials also admitted that Tibet had the right to conclude the Simla Convention. This can only be said to be the wishful interpretation of the Indian side. Premier Chou En-lai and Chinese officials do not deny the fact that the then Tibet local representative signed the Simla Convention, but they have always clearly pointed out at the same time that this is illegal, and that Tibet has no right to conclude treaties separately.

In order to prove that Tibet had the right to conclude treaties separately, the Indian side did not scruple to make a lengthy statement on the question of the historical status of Tibet in the discussion. The Indian side, ignoring the fact that Tibet has always been an inalienable part of China, said at length that: "Long before the Simla Convention, Sino-Tibetan

relations had virtually ceased to exist," "Thereafter, the Tibetans issued a declaration of independence and resisted all Chinese attempts to re-establish their authority within Tibet." It also said that at the Simla Conference, Tibet took part in the capacity of a "sovereign country," "such nominal suzerainty over Tibet as China claimed had in fact virtually extinguished," etc. It is not difficult to see that in making these assertions, the Indian side actually regarded Tibet as an "independent country." It is known to the world that the so-called "independence of Tibet" was a plot of British imperialism to separate Tibet from China so that it may invade Tibet. This plot did not succeed. No country on earth has recognized the so-called "independence of Tibet." Prime Minister Nehru said on March 17, 1959 in Lok Sabha that: "So far as I know, there is not one country in the world which recognized the independence of Tibet. We definitely have not." The assertion of "the "independence of Tibet" now made by the Indian side not only gravely hurt the feelings of the Chinese people, but also inevitably landed the Indian side in self-contradiction.

As it insists in effect on the assertion of "independence of Tibet," the Indian side has no choice but to defend to the utmost the policy "of aggression of British imperialism. It alleged that towards the end of the 19th century and around the time of the Simla Conference Britain not only had not intimidated China, but on the contrary had helped China to "restore its influence in Tibet," that Britain was "far from entertaining ambitions in Tibet," that the "independence" of Tibet "had nothing to do with the British," etc. It goes without saying how far these assertions run counter to the historical facts. The fact that British imperialism carried out aggression and oppression against China is known to all, and even admitted by some responsible British officials. In his letter to Hamilton, Secretary of State for India of the British Government, dated June 11, 1901, Curzon, Governor of British India, explicitly made known his intention towards Tibet, saying:

"What I mean is that Tibet itself and not Nepal must be the buffer state that we endeavour to create." Before the Simla Conference, Britain in its memorandum of August 17, 1912 openly made to the Chinese Government various unreasonable demands of interference in China's internal affairs, and intimidated that it would refuse to recognize the Republic set up after the 1911 Revolution, and would close all the routes to Tibet via India. Can all this be considered as indications of helping China to "restore its influence in Tibet," and being "far from entertaining ambitions in Tibet"? The Indian side contended that the British Government at that time did not recognize the "independence" proclaimed by Tibet. The fact was that the British Government at that time dared not openly give recognition for fear that it would be too barefaced in the matter, but its intention was most obvious. On March 30, 1959 Prime Minister Nehru said in the Lok Sabha: "The previous government of India took an expedition to Lhasa under Colonel Younghusband fifty-five years ago. It very much interfered imperialist intervention. They sat down there and imposed British Government's will acting through the then Indian Government on Tibet and imposed our troops there. All kinds of extraterritorial privilege were imposed on Tibet." In this passage, Prime Minister Nehru rightly condemned Britain's imperialist actions. The Chinese side cannot understand why should India now say such things in defence of British imperialism, which are totally contrary to these indisputable historical facts and also inconsistent with the original attitude of the Indian Government. From what has been said above, the following incontestable conclusion can be drawn: China and India have never concluded any treaty to delimit the boundary, nor any treaty to confirm the boundary. The entire Sino-Indian boundary, whether in its western, middle, or eastern sector, has never been delimited or confirmed.

The Indian side admitted later that the Sino-Indian boundary was not based on a definite boundary agreement. But it still argued on the following points:

(1) The Allegation that the Sino-Indian Boundary Was Delimited Through a Historical Process. The Indian side asserted that as the alignment claimed by the Indian side was one which followed unchanging terrain features, was precise, well-known for centuries, basically undisputed and confirmed by agreements and diplomatic exchanges, it had been objectively delimited through a historical process, though it was not formally defined by a definite boundary agreement between the two governments. It goes without saying that this assertion is totally untenable. First of all, the description of the boundary line claimed by the Indian side is incorrect. As was mentioned above, the Sino-Indian boundary has for long been under dispute, and is without basis in treaties and agreements. From Item 1 one can see that the Sino-Indian boundary does not consistently follow the terrain feature of the main watershed, nor is it precise at every point throughout the line.

What is most surprising is that, in order to meet its own needs, the Indian side even "created" a new version of an internationally accepted concept by interpreting the word for "delimitation" in a sense which is at variance with what is internationally understood, and claimed that the boundary could be delimited through a historical process. Such a conception of delimitation has never been heard of. As is well known, a boundary should be delimited jointly by both sides through negotiations. The historical process can only form a traditional customary boundary line but not delimit the boundary. If the interpretation given by the Indian side was acceptable, why should the British Government have attempted to delimit the boundary in the eastern sector with the Tibet local government in 1914 through a secret exchange of letters? Thus it can be seen that the precise and unchanging

understanding of "delimitation" can only be that the delimitation can be determined only through negotiations between the countries concerned and in the form of a treaty.

Besides introducing a new version for the concept of "delimitation," the Indian side, in an attempt to cover up the inconsistency between the official Indian maps published before 1954 and the present position of the Indian side, deliberately obliterated the distinction between an undelimited boundary and an undemarcated boundary. In disregard of the fact that official Indian maps indicate clearly the western and middle sectors of the boundary as undefined, the Indian side asserted that they were only not demarcated. True, the whole line of the Sino-Indian boundary has not been demarcated. But demarcation and delimitation are two totally different things. There are two steps for defining the boundary: first the delimitation of the boundary, that is, for the countries concerned to determine jointly on paper the specific location and alignment of the boundary line through diplomatic channels; secondly, the demarcation of the boundary, that is, to plant markers and the like along the boundary as determined by the relevant document. They are two steps, one succeeding the other and different in nature. Only after the boundary is delimited can demarcation on the ground be carried out. This is not only the understanding of the Chinese side, but also an internationally accepted understanding. For instance, this is also what the Encyclopaedia Britannica states. In fact, distinction has been made between these two concepts in official Indian maps in which both the boundaries undelimited and undemarcated can be found. The interpretation made by the Indian side purely for its convenience that the Sino-Indian boundary which was clearly shown as undelimited means undemarcated boundary can by no means be convincing.

Judging by the above comments on the various points raised by the Indian side, one cannot but arrive at the conclusion once again that it is fully

reasonable for the Chinese side to consider that the Sino-Indian boundary has not been formally delimited; and that it is unreasonable for the Indian side to insist that the Sino-Indian boundary has been formally delimited and no delimitation is called for.

(2) The allegation that the Chinese Government has since long past acquiesced in the alignment claimed by India.

The Indian side claimed that neither before nor after the liberation of China did the Chinese Government raise any objection to the alignment claimed by the Indian side, and that this implied that the Chinese Government acquiesced in the assertion that the boundary had been delimited, and so now the Chinese Government should be "estopped" from raising this question. This assertion not only is in contravention of the internationally accepted principle that a boundary can be formally delimited only through negotiations and the conclusion of treaties between the countries concerned through diplomatic channels, but does not conform to the facts. In the above comments on the three sectors of the boundary, the Chinese side enumerated a great amount of material to show that before liberation China and Britain had many exchanges on the question of the Sino Indian boundary, but no result was ever achieved, and that there had always been disputes between the two sides over the boundary question. After the liberation, the People's Republic of China has time and again stated that the Sino-Indian boundary has not been delimited. During Prime Minister Nehru's visit to China in 1954 Premier Chou En-lai made it clear that the Sino-Indian boundary had yet to be delimited. He also said that the reason why the delineation on old maps was followed in Chinese maps was that the Chinese Government had not yet undertaken a survey of China's boundary, nor consulted with the countries concerned, and that until this had been done, it would not make changes in the delineation of the boundary on its

own. These words of Premier Chou En-lai's made it clear that the boundaries between China and its neighbouring countries have yet to be formally delimited through negotiations. Now the Indian side asserted that Premier Chou Enlai had recognized at that time the alignment claimed by the Indian side, and promised to revise Chinese maps in accordance with such an alignment. This is obviously a distortion of what Premier Chou En-lai originally meant.

The Indian side also cited a memorandum delivered by the Chinese Ministry of Foreign Affairs to the Indian Ambassador on August 21, 1950, in which it was stated that the Chinese Government "is happy to hear the desire of the Government of India to stabilize the Chinese-Indian border," the Indian side insisted that this statement assumed that the boundary was well-known and had been recognized by both sides and that stability could be ensured only when there was a fixed boundary, etc. Such is indeed a strange allegation. The Chinese memorandum was a reply to the memorandum which the Indian Ambassador delivered to China on August 12, at a time when the Chinese Government was liberating Tibet. The Indian Ambassador stated in the memorandum that "the Government of India never had nor do they have now any political or territorial ambitions in Tibet." and that the Indian Government "is concerned about the possibility of unsettled conditions on its borders arising from military operations." It was justified for the Chinese Government to welcome the expression of the Indian Government which hoped to stabilize the Sino-Indian border. Could it be that the Indian side wanted the Chinese Government to reject such an attitude of the Indian Government? Furthermore, what was mentioned at the time was about the stabilization of the Sino-Indian border and no mention was made about the boundary, How could the Indian side take the "border" for the "boundary" and conclude from the passage "the desire to stabilize the Chinese-Indian border" that

China had recognized the boundary now claimed by India? This is something which the Chinese side has tried had but failed to understand. The Indian side also raised the contention that if two states with a common boundary were to accept the Five Principles and declare mutual respect for territorial integrity and mutual non-aggression, there must be first of an a boundary recognized by both sides. This means that since both China and India have accepted the Five Principles, it proves that the boundary between the two countries has undoubtedly been clearly delimited. But many facts have refuted such an allegation of the Indian side. We need only say that although China, Burma and Nepal have an accepted the Five Principles, they still agreed that it was necessary, in pursuance of these principles, to settle the question of delimiting their boundaries through consultations in a friendly spirit of mutual understanding and mutual accommodation. It is known to all that there have been territorial disputes between India and Pakistan which have not yet been resolved up to now. But this did not prevent Prime Minister Nehru from declaring on March 20, 1956 in India's Lok Sabha: "In all good will and earnestness, I offer Panchsheel to the Prime Minister of Pakistan and I have faith that if we have our dealings with one another on these Five Principles, the nightmare of fear and suspicion will fade away." This clearly shows that Prime Minister Nehru does not think that two countries must first have a commonly recognized boundary before they can declare their acceptance of the Five Principles.

Later on when the Indian side found that it could not justify itself in the argument, it explained that only when neither of the two countries makes any claim to vast areas of the other's territory or when each side is aware of the extent of the territorial claims of the other, are the two countries in a position to accept the Five Principles. This and the previous allegations are obviously contradictory.

The Indian side also contended that according to international law, if one side does not raise an issue when it has an opportunity to do so, it has no longer the right to set forth its views on the issue.

The Indian side attempted to use this contention to prove that the Sino-Indian boundary question did not exist and that the Chinese side had no right to raise this question any more. The Chinese side did not understand: Is it that the boundary question must be raised even at occasions not at all meant for discussing the boundary question? Is it that the Chinese side must raise the Sino-Indian boundary question on all occasions, otherwise it would imply that the Chinese side has acquiesced in the assertion that there is no question about the Sino-Indian boundary and thus, according to international law, it can no longer raise the boundary issue? The Chinese side does not know on what international law the Indian side has based itself. The contention that silence means acquiescence reflects not at all the accepted principles of international law. Can it be said that a sovereign state has no right to reserve its proposition concerning questions of its own sovereignty and to raise it on suitable occasions?

China has never recognised the alignment now claimed by India; it has always held that only the boundary as maintained by China is the true traditional customary line. Whenever the Chinese Government refers to the Sino-Indian boundary, it can only be the traditional customary line as maintained by China, and not the other. In the Chinese maps either published before or after 1950, the boundary is drawn in the main according to the traditional customary line as maintained by China. This factual one shows that China has never recognized the alignment claimed by India. It should be pointed out emphatically that before liberation, the actual situation on the border was in the main consistent with the delineation of the boundary adopted by China. And no change took place in the early days after liberation: On the Chinese side of the traditional

customary line the western sector remained completely under China's control. It was through the area in the western sector that units of the Chinese People's Liberation Army in the latter half of 1950 entered the Ari district of Tibet from Sinkiang.

As for the other two sectors, India only entered Sang and Tsungsha in the middle sector and a small portion of the area in the eastern sector. India's large-scale intrusion into and occupation of Chinese territory north of the Chinese alignment in the eastern sector took place precisely after the Indian Government had pledged that it had no territorial ambition towards Tibet, while its intrusion into and occupation of the Demchok area in the western sector and the other places in the middle sector took place even after 1954. The Indian side flippantly charged that the facts brought forward by the Chinese side were fabricated, but it failed to put forward any counterproof. This is regrettable.

Furthermore, even the maps published by official Indian organs as late as 1950 do not have a boundary line like that now claimed by India. In the official Indian maps published by the Survey of India at the time, no boundary was drawn in the western and middle sectors, and the eastern sector was only marked as boundary undemarcated. How can this be claimed as a boundary line well-known and particularly recognized and accepted by the Chinese Government?

Thus it can be seen that, no matter how one looks at it, the Chinese Government has not on any occasion confirmed the boundary line as claimed by India. If one must hold on to the argument of acquiescence, then it is India rather than China which is to be considered to have acquiesced, because the delineation of the Sino-Indian boundary in the maps published by China has always been consistent and the Indian Government had never raised any objection to it until 1954 when the question of the boundary in the eastern sector was raised, while the

question of the boundary in the western sector was raised for the first time as late as 1958.