

Settlements and Disputes

China's Approach to Territorial Issues

Except in the case of Vietnam, China has tried to stick to its cooperation strategy of settling boundary problems declared by Zhou Enlai at the Bandung Conference in 1955 and has acted as a responsible and disciplined member of the international community and as an observant of its treaty commitments. Against the backdrop of recent allegations about the intractable border disputes between China and its neighbours, this article traces China's subsequent adherence to or divergence from its earlier approach in resolving territorial disputes and achieving boundary settlements over the succeeding decades.

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The re-emergence of the “threat from China” school of strategic analysis, after a period of semi-dormancy of some 30 years [Maxwell 1971] has brought with it a revival, in press reports, political statements and academic writing, of the allegation that there are intractable border disputes between the People's Republic of China (PRC) and a number of its neighbours, with the suggestion that the cause lies in the territorial claims by Beijing, advanced, as one recent extreme formulation put it, within a “continuity of aggression and belligerence” [Smith and Khoo 2001]. This, and the possibility that Washington will in due course add the PRC to its “axis of evil” makes a survey of its record in management of border disputes and other territorial issues appropriate and timely.

When the PRC was established in October 1949, its territorial limits were far from determined. The revolutionary civil war was unfinished, the Guomintang regime still finally to be crushed (or, rather, in the event, to be driven offshore to its last redoubt, which the US' armed intervention and economic support was to nourish into de facto independence, creating a perennial grievance and challenge). Manchuria was to be reclaimed from Soviet control and Xinjiang the same; in the view from Beijing, central authority, lapsed for nearly 40 years, was to be re-established in Tibet. Beyond those immediate tasks lay an invidious bequest from the old regime: a long-proclaimed rhetorical commitment that when China regained its strength, it would reclaim the “lost lands”, territories amputated or pared from the Chinese empire or Republic in their times of weakness. The new men in power in Beijing must immediately have recognised the need to forswear that inheritance, since to take it up would have meant intractable quarrels and likely conflict with most of its neighbours – most seriously and unavoidably with the USSR, inheritor of the vast north-eastern tracts of Chinese imperial territory annexed by tsarist Russia under the imposed treaties of Aigun (1858) and Peking (1860). That they decided that the PRC, while confirming as China's all territory remaining to it or, in the case of Tibet, reclaimable, would then settle its borders on the alignments upon which history had left them, was clearly implied by Zhou Enlai at the 1955 Bandung Conference, when he addressed the remaining problem – that of defining and settling those borders.

In the mid-20th century China, with other new and newly liberated states in Asia, faced the task of converting traditional

frontiers and inadequately defined borders into boundaries. That was, in fact, among the first formal expressions of their new identity as modern states, as they moved to emulate and catch up with the states of Europe which in the preceding three centuries, in step with the emergence of nationalism and the rise of the nation state, had pioneered the introduction of a new political institution, the boundary: a line agreed in diplomatic negotiations (delimitation), jointly marked out on the ground (demarcation), accurately represented on maps, and described in a treaty between two abutting sovereignties which thus defined and recognised the limits of their own and their neighbour's territory. Pre-modern states could exist within frontiers, which were not lines but areas, zones of transition between state or pre-state powers: modern states need boundaries.

Thus even after tacitly abjuring irredentist claims to territories once part of the Chinese empire but “lost” in the 19th century to expanding European imperial powers, the PRC faced a large and daunting task: negotiating or renegotiating to achieve agreed and accurately defined boundaries with a dozen states, contiguous with China over thousands of miles in often inaccessible territory, charted primitively if at all.

By the mid-20th century procedures for boundary settlement had long evolved and become elements of international law and practice, but the formalisation of a mutual boundary, the cell wall of national identity, is always a testing diplomatic task, and it can make or break the neighbourly relationship between adjoining states. Its execution requires extensive research and careful planning, and if they are to be successful the parties must negotiate in good faith and with mutual trust, not aiming primarily at acquisition of territory but seeking agreement on a compromise boundary alignment that most nearly satisfies both neighbours – but there are different approaches too.

An American scholar provides an illuminating categorisation of the strategies a state may adopt to deal with disputed boundaries:

- A delaying strategy involves doing nothing except maintaining a state's claims to disputed territory through official cartography and public declarations.
- An escalation strategy involves the threat or use of force to resolve territorial disputes.
- A cooperation strategy excludes the threat or use of force and involves instead an offer to compromise by dividing

control of contested land or moderating outstanding claims [Huth 1996].

Zhou Enlai's Bandung declaration of his government's approach to boundary problems and the PRC's subsequent record over the next half-century demonstrate that, out of a rational assessment of national self-interest, Beijing adopted and (with a single exception) consistently pursued the "cooperation strategy". It was China's misfortune that its two biggest neighbours, India and the USSR, adopted the "escalation strategy" and consequently imposed armed conflict on China. In both instances, with India in 1962 and the USSR in 1969, China was militarily the victor, but loser in the contest for international understanding.

In his statement in Bandung, Zhou Enlai committed China to peaceful and cooperative resolution of boundary problems and gave details of how Beijing proposed to proceed:

China borders on twelve countries, with some of which the boundary lines remain undefined in certain sectors. We are ready to delimit those sections together with our neighbours. Pending this, we agree to maintain the status quo and recognise the undefined boundary lines as lines yet to be defined. Our Government and people will refrain from stepping over the boundary line. Should such an incident happen, we will be ready to point out our mistake and immediately order the trespassers back into Chinese territory. In defining any boundary line with our neighbours, only peaceful means can be employed and no other alternative should be allowed. Further negotiations can be held if one round of negotiation does not produce any results.

Later developments gave that declaration of policy much significance, and it deserves an analysis. Zhou makes the first step towards boundary settlement, an admission that some sectors are undetermined, with their identification.¹ Second, comes a standstill agreement that requires an agreement on the location of the line of actual control, broadly defined, and subsequently rigorous mutual maintenance of the status quo, coupled with readiness to admit and correct errors if trespass occurs; and sometimes a mutual withdrawal of armed forces to avoid clashes. Third, he looks forward to future negotiations (later elaborations of the Chinese approach revealed that they would require such negotiations to be comprehensive, i.e., covering an entire border, and that they issue in a new treaty); and he offers the assurance that China will employ only peaceful means to resolve disputes. Finally, he issues a warning that China will not tolerate any other approach, with the implication that a neighbour's use of force would be met with force.²

It is the purpose of this paper to trace the PRC's subsequent adherence to or divergence from that approach as it sought to resolve territorial disputes and achieve boundary settlements over the succeeding decades.

Settlements

Sino-Burmese sector: Of all the border sectors on the PRC's vast periphery one stood out as an open sore, requiring an urgent attention by the new government in Beijing – the Sino-Burmese sector. For decades through the latter part of the 19th century that frontier had been the subject of dispute, friction and occasional near-war between China and Britain, Burma's ruler. Just before the second world war, the dispute had been referred for arbitration to the League of Nations, fruitlessly. In the closing phase of the Chinese civil war large numbers of Guomintang troops had taken refuge in northern Burma and in the early 1950s,

having been regrouped and equipped by agencies of the US, were still raiding back into China from those bases, and being counter-attacked in hot pursuit by troops of the People's Liberation Army, who were thus intruding into Burmese territory. The status quo along the border, insofar as there was any such thing, was marked by anomalies, such as a tract of territory, always recognised by Britain as China's but nevertheless annexed under a "permanent lease" – the Namwan Assigned Tract. All in all, the Sino-Burmese border presented the two new governments with an envenomed and exceptionally complex problem, made invidious by prickly nationalist sentiments on both sides and the historical record of mutually incompatible territorial demands.³ In Burma, the border question became politicised, with the government being attacked for even contemplating compromise that might involve "surrender of territory". Burma's leaders, notably U Nu, later general Ne Win, resisted such demagogic calls to adopt postures that would make settlement unattainable, however, and responded positively to Beijing's proposal that a negotiated settlement be sought.

After a slow beginning, while the border areas were partially pacified, purposeful negotiations began in 1958 and quickly led to an agreement. China relinquished all claim to the Namwan Tract in exchange for a patch of territory of similar size (only 50 odd square miles), and in effect, "abandoned the bulk of those claims to which the Manchus and the Guomintang had adhered with such tenacity for more than half a century. Instead of tens of thousands of square miles, the Chinese were content with a modification of the old British [-claimed] border which ... involve[d] in all an area of 59 square miles" [Lamb 1968]. The Chinese also accepted that portion of the "McMahon Line" which ran into the Burma sector: as explained in more detail below, this was a border claim advanced by Britain in 1914 but never previously accepted, indeed vigorously repudiated, by both Republican and Communist governments of China. An agreement was followed by the boundary demarcation by a joint Sino-Burmese commission, and in Beijing in October 1960 the prime ministers of the two countries signed a treaty settling their boundaries, complemented by another, of friendship and mutual non-aggression.

The PRC's moderate and compromising approach in those negotiations appears to demonstrate Beijing's appreciation that a stable, defined boundary with a friendly neighbour was of greater worth to China than the acquisition of territory at the cost probably of lasting enmity and the military distractions of a contested border. The Sino-Burmese boundary treaty was the first of a series of the PRC's settlements with neighbours which ensued through the remaining decades of the 20th century.

Nepal: Chronologically next in the series came the settlement with Nepal, whose rulers had fought wars with the Chinese empire in the 18th and 19th centuries and, defeated, had to bow to Beijing's suzerainty. Nepal's sovereign independence had been granted by Britain in 1923 and internationally recognised after the second world war, however, and was not questioned by the PRC. The negotiations to settle the Sino-Nepalese border, which had never previously been discussed or defined, began early in 1960, aiming at confirmation of the "existing, customary, traditional" alignment. The procedure followed is worth describing. The two sides first exchanged and compared maps giving their versions of the existing border, and these were divided according to the degree of harmony between them, or its absence. In some sectors the two sides' lines coincided; in others they

diverged, but the state of actual jurisdiction was not in dispute: in both those cases arrangements were made for the borders' immediate survey and demarcation on the basis of the status quo. The third group of maps showed areas in dispute. To resolve those, a joint commission was set up to survey the contested areas and adjust the contradictory claims "in accordance with the principles of equality, mutual benefit, friendship and mutual accommodation" [Prescott 1975]. As an example of that process: Mt Everest/Qomolangmo was claimed in entirety by both sides; the joint commission drew the boundary through the summit, giving each party half the mountain. The boundary treaty was signed in October 1961.

Pakistan: Next came the Pakistan sector. The spur to negotiation in this instance came when a member of Pakistan's UN delegation was persuaded by a Burmese representative that the Chinese had been entirely reasonable and often, indeed, magnanimous in their dealings with Rangoon over the border, and convinced president Ayub Khan that Pakistan should invite Beijing to open negotiations.⁴ The sector of Chinese territory bordering Pakistan lies between Xinjiang and the portion of the disputed state of Jammu and Kashmir which is controlled by Pakistan. The border there had never been delimited, but there was an extensive history of clashing claims between petty states under British suzerainty, Hunza and Gilgit and Kashmir itself, on the one hand and Chinese authorities on the other; and there were on the record a number of varying British concepts of where a border between the Chinese and Indian empires in that sector should lie. The two negotiating teams aimed to trace "the traditional customary boundary line including natural features", and invoked as their guide the "spirit of equality, mutual benefit and friendly cooperation" [Prescott *ibid*:235]. Agreement was quickly reached and formalised in Beijing in March 1963, the text providing for renegotiation of the border in case ultimately the India/Pakistan dispute over Kashmir were settled in India's favour. (By that time the Sino-Indian border dispute had climaxed in a brief border war, and India denounced the Sino-Pakistan agreement as having "surrendered" to China some 13,000 square miles of Indian territory, a calculation based on the most far-reaching claims ever conceived in the British days.)

Afghanistan: China borders Afghanistan as a result of an Anglo-Russian agreement of 1895 that cartographically drew out a narrow salient of Afghan territory, the Wakhan Strip, to act as a thin territorial washer separating the furthest reaches of the British and Russian empires in that zone. The Chinese, authorities concede [Tytler 1975], could reasonably have laid claim to a border in this sector more advanced from their point of view, but when they sat down with the Afghans they made no such claim; instead, in an agreement signed in November 1963, they agreed a boundary on the alignment drawn for them by their former imperial rivals. As the leading historian of these frontier issues, Alastair Lamb, has noted, the PRC "has shown a surprising measure of respect for boundary lines for which good precedents can be produced, even if those precedents date back to the 'bad old days' of colonial empires and 'unequal treaties'" [Lamb 1973].

Mongolian People's Republic: Establishment of an agreed boundary between the PRC and the Mongolian People's Republic (MPR) must have been one of the more problematic and laborious of Beijing's border settlements, not because there were inherent, intractable disputes but, first, because until Mongolia declared independence in 1924, under Soviet aegis, it had been a part of

the Chinese empire and republic (and indeed, Mao Zedong had once looked to reclaiming it); and, second, because there are few topographical features in this great stretch which can provide pegs for an obvious alignment. The complexity of the agreement formalised in June 1964 is indicated by J R V Prescott in his encyclopaedic *Map of Mainland Asia by Treaty* (p 90): "This is the most meticulously described boundary in the whole of Asia; it stretches for 2920 miles (4968 kilometres) and is marked by 678 cement and rock markers located at 639 turning points along the boundary, [their location being described] in a text of 68,000 words and illustrated by an atlas with 105 maps..."

Democratic Republic of Korea: Dates, circumstances and details of the PRC's border settlement with the Democratic Republic of Korea are not in the published record, but their essential elements are known. In both cases what was involved was detailing, with new surveys where necessary and minor agreed modification, and then confirming on the ground, previous settlements, reached in the case of Korea between China and Japan, in the case of Laos between China and France. As in the instances previously discussed, there is no suggestion that the PRC was in these anything but pragmatic and reasonable in its approach, or that the treaty-ratified alignments were not fully and equally satisfactory to both parties.

Beijing's record then, insofar as those boundary settlements are concerned, is good and even exemplary.

(Protracted negotiations with the Himalayan kingdom of Bhutan continue, probably reflecting the fact that Bhutan's freedom of international action is constrained by a treaty with India, and that a Sino-Bhutanese settlement would reflect invidiously upon New Delhi's persisting refusal to enter border negotiations with Beijing.)

Case of Hong Kong

Although the territorial issue and procedure in the case of Hong Kong were different from those concerning borders, the settlement reached between Britain and China over the return of Britain's last significant colony to Chinese sovereignty and control should be included in this listing of Beijing's diplomatic procedures and treaty-implementation.

The 19th century treaties under which Britain secured Hong Kong as a colonial possession set a terminal date, June 30, 1997, after which it would be both illegal and impracticable for Britain to continue its rule – unless the Chinese acquiesced in such an extension of lease.⁵ For years while the sands ran out the British clung to the delusion that Beijing would agree to such an extension, but in the beginning of the 1980s they accepted that the lease's terminal date must mark the relinquishment of what, after India gained independence, had become their remaining imperial "jewel in the crown". Deng Xiaoping's proclamation that the PRC would apply the principle of "one country, two systems" when it regained Hong Kong, Macao and – above all – Taiwan, allowing those territories to "return to the motherland" without undergoing any changes in their internal political, social or economic conditions or, indeed, except symbolically, in their international status, gave Britain the opening to prepare for a dignified and principled withdrawal. The Sino-British negotiations issued in 1984 in a treaty, the joint declaration, setting the terms for the colony's reversion to Chinese sovereignty, and defining in detail the "high degree of autonomy" Hong Kong would enjoy after it became a special administrative region of the PRC, and entitling the full civil liberties and human rights of its people.

Both governments acclaimed this agreement as a diplomatic triumph, but the joint declaration had, from the British point of view, one glaring omission: it made no provision for the introduction of democracy. So far as its internal governance was concerned, Hong Kong as a part of China would, under the terms of the treaty, continue to be what it had been in its time as a British colony and remained in 1984 – governed as an autocracy. To leave Hong Kong in such a condition would have been seen in Britain as a betrayal of its people, and accordingly the government bent itself to persuading Beijing to allow, in effect, the unpicking and embroidering of the joint declaration so as to provide, over the 13 years prior to the reversion, for the introduction of a significant degree of democracy. Against all the odds, because the Chinese see western parliamentary democracy as a threatening solvent to China's unity and stability, the British achieved remarkable success.

By 1992, the polity of Hong Kong had been transformed and was already partially democratic. The British had won Beijing's agreement to the progressive introduction of democratic electoral procedures, and commitment to extend that process after 1997 with the "ultimate aim" that Hong Kong should enjoy full local democracy. The two governments were committed, by treaty as well as common interest, to cooperating to achieve a smooth and amicable transfer of power when the hour came – and then it all went wrong. The British appointed an ambitious, but at that time failed, politician, Chris Patten, as governor for the final five years of its colonial stewardship. He set out greatly to accelerate the pace of democratic innovation, so that Hong Kong would, in effect, be fully democratic by the time it reverted to China, and did so in confrontation with and in defiance of Beijing. His masters in London colluded in that flagrant breach of Britain's treaty pledges: Beijing anathematised Patten and his "reforms", and all the carefully structured arrangements for a smooth handover collapsed into distrust and animosity. The midnight transfer of power on June 30, 1997 was ineluctable, however, and was duly carried out. The new local authority and Beijing were left to calm and stabilise a situation which had been unnecessarily and purposefully embroiled and, again, had remarkable success. At the time of writing, Hong Kong is emerging from what can be seen as the turbulent decade of the Patten after-effect, and the PRC has clearly and consistently demonstrated its intention meticulously to observe its "two systems" treaty commitments while demanding an observance of the "one country" aspect of the balance. (That greatly compressed summary is contentious in the absence of elaboration, which the scale of this paper does not permit. The necessary supporting detail is provided in the writer's previous papers on Hong Kong's reversion.⁶ The history of Macao's smooth reversion to Beijing's control is similar enough in its essentials to Hong Kong's experience to justify its omission from this paper.)

Conflicts

China and India

When Britain relinquished its Indian empire in 1947, the mainland inheritor states in south Asia were left with unsettled borders with China. The experiences of Burma, Pakistan and Nepal have been considered above: India's was to be entirely different. (Again, the following summary can be advanced only because the writer has previously elaborated

and documented the history and analysis upon which it is based, and sources for quotations in this section may be found in those works.⁷)

Jawaharlal Nehru, India's first prime minister, recalled that the problem of India's north-eastern border was on the top of his in-tray when he assumed the office. China (the Guomintang government then in its last mainland redoubt in Nanking) was demanding that the new, and putatively amenable, fellow-Asian government in New Delhi undo the incursions into Chinese-claimed territory on India's north-east which the British had organised during the war, in defiance of China's protests; and that independent India should henceforth observe the border as that had long been shown on Chinese maps. (From Lhasa too there were demands, even more sweeping and peremptory, for return of Tibetan territory annexed in the British period.) Nehru's briefings (from civil servants who had served the British) showed that what was at issue at that time was the McMahon Line, drawn by the foreign secretary of that name in 1914 as the desirable "strategic" north-east border of India. Henry McMahon's aim was to advance India's border northward by some 60 miles, from its then current alignment beneath the foothills of the Assam Himalayas to the crest of the mountains rimming the Tibetan plateau, thus in effect annexing some 20,000 square miles of what, as the British were well aware, China regarded as its territory. At a tri-partite diplomatic conference held in Simla and Delhi in 1914, McMahon attempted to gain China's agreement or acquiescence to that annexation, if necessary by trickery. He failed. His Line was never agreed by China, and the maps and documents reflecting his fruitless attempts were thus initially regarded in both Delhi and London as dead letters, and, in time, forgotten in the archives. In the late 1930s, however, the British government was persuaded to revive McMahon's alignment and try to make it good as the de facto border. During the war years the British Indian government began extending administration towards the McMahon Line, against the resistance of local tribes and ignoring the immediate protests from China. They had also by then begun to fabricate evidence which might allow them – or their successors – to argue that the McMahon Line was the de jure boundary which China was treaty-bound to accept, lacking only the final process of joint demarcation. Authoritative British cartographers began showing India's north-east boundary on the McMahon alignment in 1940.

At the very beginning of their experience of governance, Nehru and his advisers took a fateful decision: that in order to fix India's north-eastern border on the alignment sought by McMahon India would pursue and extend the policy and actions begun by the departed British. China's protests would be ignored or rebuffed. The extension of Indian control up to the McMahon Line begun by the British would be continued and accelerated, and when that process was largely accomplished Nehru would proclaim that alignment to be India's final boundary, indisputable and non-negotiable, citing in justification the evidence the British had concocted. That he did in India's Parliament on November 20, 1950. Three months later Indian troops marched in to annex the Tibetan monastery centre of Tawang thus implementing McMahon's alignment to New Delhi's satisfaction. This was the point at which India adopted what is called above the "escalation strategy", ruling out negotiation with China to reach a territorial compromise and implicitly committing India to the use of force, if the PRC declined to allow its boundary to be set unilaterally by India.

That decision, certainly tragic in its consequences, was in every way inimical to India's national interest, which Nehru repeatedly proclaimed as demanding good relations with China. It was a "folly" (in Barbara Tuchman's sense), difficult to explain in rational terms but perhaps traceable to the psychological wound inflicted on Nehru and his generation by the sundering of India to create Pakistan, which imparted mystical or religious significance to territorial issues.

At first it still seemed that India might border China only in the north-east: whether Kashmir and its undefined northern border with Xinjiang would be a part of India or of Pakistan was undecided. By 1954, however, after the first India/Pakistan war over Kashmir, the position was clear. India held the heart territory of Kashmir and also Ladakh, with corresponding responsibility for the state's northern border with China: and New Delhi laid claim to that portion of the original Kashmir state held by Pakistan. By that year the Indian government had decided that the policy evolved to deal with the problem of the disputed McMahon Line claim, creating "facts on the ground", rebuffing any protests from Beijing and refusing to negotiate, should be applied also to the western sector of the border. Accordingly, new official maps were issued. They depicted a final international boundary on the McMahon Line in the eastern sector; and another in the west, on an alignment reflecting the furthest claim ever considered by the British (one never proposed to China) – and showing the Aksai Chin plateau, long claimed and largely controlled by China and strategically important to Beijing, as categorically a part of India. Nehru circulated a secret memorandum to ministries concerned:

Both as flowing from our policy and as a consequence of our agreement with China [on trade in Tibet, in which the parties had pledged observance of each other's "territorial integrity"], this [northern] frontier should be considered a firm and definite one, which is not open to discussion with anybody. A system of check-posts should be spread along this entire frontier. More especially, we should have check-posts in such places as might be considered disputed areas.

By that stage, then, the Indian policy for settlement of the China borders was set, and it holds to this day, with one modification India would:

- Insist that all sectors of its border with China were already defined, indisputable and therefore, non-negotiable;
- As soon as possible advance its state forces into the territory claimed;
- Refuse to enter into any agreement for maintaining the status quo until all territory claimed by India was under Indian control;
- At all stages refuse to submit its claimed border alignments to negotiation.

Each of those points was in absolute opposition to the Chinese approach, and in sum the policy amounted to insistence that definition of the Sino-Indian borders would be for decision by India alone.

Such a unilateral approach to boundary settlement is nugatory in international law. It is axiomatic that an international boundary cannot be fixed solely by the proclamation or administrative acts of one of the adjoining states. At least two parties must be involved, with their joint efforts being required to effectuate and formalise a mutually acceptable division between their territories. And what if India's self-interested perception of the lie of the borders contradicted China's? Nehru's policy precluded negotiation, and was implicitly committed to the use of force to impose

India's territorial claims, if China denied them. Thus, the package of linked policies evolved secretly by Nehru and his advisers in the years immediately after India attained independence would, if consistently implemented, inevitably lead to armed conflict – an ineluctable conclusion to which, curiously, Nehru and his contemporaries were blind, just as most of his compatriots in the political class continue to be. The policies were so applied, and the conflict duly ensued.

India's attempted expansionism was at first implemented by parties of armed police, which before long began clashing with Chinese patrols. In 1961, the task of implementing Indian claims was taken over by the army as a strategic "forward policy" which, by steadily infiltrating and progressively dominating territory claimed and held by China, would ultimately make it untenable for the Chinese and induce their withdrawal – a hare-brained scheme born of Gandhian "non-violence" mated with amateurish militarism. Beijing warned with an increasing vehemence that the Indian advances would have to be resisted and thus must lead to conflict. India stuck to its policy: no standstill agreement (to freeze the forward policy), no negotiations. In October 1962, Beijing concluded that India had "finally categorically shut the door to negotiations" and a few days later noted a public statement by Nehru that he had ordered the army to drive the Chinese out of territory claimed by India. The PRC did not wait for its border positions to be attacked by the brigade group the Indian army was painfully building up on the McMahon Line to implement Nehru's order, but on October 20 launched an offensive in "anticipatory self-defence". A month later, after all Indian resistance in the disputed areas had been overcome, Beijing declared the unilateral ceasefire which was integral to the planning of its campaign, to be followed by withdrawal of its forces to their original positions.

In the short-term, the PRC's punitive foray against the Indian challenge was successful politically as well as militarily: it was not until 1987, that India again mounted a military challenge along – and across – the McMahon Line. But it failed in its other purpose (war as an extension of diplomacy), which was to induce the Indians to negotiate a border settlement. Nehru's mantra, that India's border claims are non-negotiable, has been recited by all successor governments, which are nailed to Nehru's irrationality by the will of the public he had misled. In 1993, prime minister Narasimha Rao at last took up the offer of a standstill agreement first urged by Zhou Enlai in 1958, but he soon lost office and the treaty he negotiated on "maintenance of peace and tranquillity" along the borders has not yet been fully implemented, while the follow-up negotiations are effectively stalled.

Thus it can be said of the Sino-Indian conflict that, contrary to the verdict originally reached in the west (India for years succeeded in casting itself as victim), the PRC was the innocent, in fact, injured, party. India turned a straightforward, inherited border problem into an intractable dispute and then attempted to make good its territorial claims by armed force. The PRC tried for five years to persuade India into a peaceful resolution, through the normal diplomatic process of boundary negotiation, compromise and settlement. Finally, the Indian army's persistent challenge imposed a military response on Beijing, which when it came was measured, contained and effective.

The dispute and border war must now seem to many to be ancient history, but its malign effects persist. The Nehru-induced delusion that in 1962, India was a victim of "unprovoked Chinese

aggression” still deforms New Delhi’s policy, making a border settlement and subsequent rapprochement with the PRC unacceptable to influential sectors of domestic political opinion. It can also be adduced as evidence of the PRC’s bellicosity by those seeking to nourish the “threat from China” theory.

China and the USSR

The 1860 treaty of Peking, signed under the threat by the emissaries of an enfeebled and threatened China, placed the eastern border between the Tsarist and Chinese empires on two great continental rivers, the Amur and the Ussuri, China thus ceding huge tracts of territory and the entire seaboard north of Korea to Russia. Rivers make attractive features for those negotiating boundaries, as Lord Curzon pointed out in his renowned lecture in Oxford in 1907: “The position of a river is unmistakable, no survey is required to identify or describe it... Rivers are lines of division as a rule very familiar to both parties, and are easily transferred to a treaty or traced on a map”. On the other hand, he went on to warn, rivers as border-lines “may be attended by serious drawbacks, confronting diplomatists and jurists with intricate problems”.⁸ After about a century just such problems emerged from the riverine delineation chosen in the Treaty of Peking, and in the 1960s brought China and the USSR to armed conflict and the brink of war.

For the first decade or so after the establishment of the PRC, the general surface harmony between Beijing and Moscow was reflected along the borders. Protocols for navigation on the rivers were agreed and applied through most of the 1950s without friction, Chinese boats plying along the rivers and through their confluence without hindrance. Then the ideological falling-out between the two communist parties found expression in state-to-state distrust, building into animosity and hostility, and, beginning in the 1960s, a steady build-up of Soviet military force in the China theatre. There had been previous intimations of differences in the respective readings of the treaties defining the borders, and by about 1960 those differences were open and confirmed. They looked minor, even trivial, but, given ill-will between the neighbours, were potentially explosive.

In Moscow’s view the actual boundary, the line of sovereignty-separation, lay where the river-waters lapped the Chinese bank, thus assigning to the USSR the full breadth of the rivers, their thousands of islands, and all rights pertaining to them. That claim rested solely on a map, sealed by Chinese imperial boundary commissioners in questionable circumstances, in 1861.⁹

Beijing, on the contrary, asserted that in accordance with the treaty text and international practice and law, the boundary lay on an imaginary line along the deepest part of the main channels of these navigable rivers (the *thalweg*), and that as a corollary the riparian states enjoyed all rights equally. In the late 1960s, with Sino-Soviet hostility open and intensified, Moscow began to exert force to impose its version of the legal position – applying the “escalation strategy”. A blockade prevented passage of Chinese boats through the confluence from one river to another; and Soviet border forces began denying the Chinese, first civilians wishing to fish or to farm on Chinese-claimed islands and then patrols by the China border defence force patrols, access to the rivers.

From Beijing’s point of view, there was far more at stake than the access to the rivers and the many islands on the Chinese side of the *thalweg*, important as were those rights to the economic development of the border areas. Mao Zedong had proclaimed

in 1949 that China had “stood up”: was it now to kneel again, to Soviet force this time, as it had in 1860 to the Tsar’s? The Chinese resisted the Soviet attempt to deny their people and troops’ access to the border rivers, at last meeting force with force, and in an all-out battle on the ice of the Ussuri on March 15, 1969 they prevailed.¹⁰ With that decisive victory they brought to an end the era, beginning in the mid-19th century, in which Russia could force China to give ground.

Faced with the choice of accepting defeat in border clashes or launching all-out, even nuclear war, Moscow backed off. The sporadic exchanges of gunfire along the borders ceased after a meeting of the Soviet premier, Kosygin and Zhou Enlai in Beijing in September 1969, and steadily through the 1970s and into the 1980s tension along the borders relaxed. The Soviets lifted their confluence blockade in 1977 [Maxwell 1978]. But the way to a negotiated settlement continued to be blocked by the fundamental contradiction between the two sides’ approach.

Just as the Indians had done, the Soviets denied that their perception of the alignment of the borders could legitimately be disputed or was in any need of renegotiation, asserting that “throughout its length the [Sino-Soviet] frontier is clearly and precisely determined by treaties, protocols and maps”. Consequently, the Soviets refused to enter into the comprehensive negotiations sought by Beijing, being prepared only to “discuss the question of specifying the frontier line over individual stretches, proceeding on the basis of the frontier treaties in force”.¹¹ The crux of this difference was that under the Soviet formulation Moscow could rule on which stretches of the border were open to negotiation and thus in effect impose its own ruling as to the alignment of other sectors. Beijing was in this instance unnecessarily to complicate matters by formally introducing to the meetings on the borders that began in 1964 (to the Chinese, “negotiations”, to the Soviet side “discussions”) the historical – or perhaps, by then essentially ideological – debate on whether the 19th century border treaties were or were not “unequal”, i.e., imposed on China. Given their suspicion that the Chinese still hankered to take back the territories they had been induced to cede, the Soviets’ sensitivity on this issue is understandable: explicitly to concede that the treaties were unequal might be to invite their later repudiation by Beijing. The Chinese protestations that they had “never demanded the return of the territory tsarist Russia had annexed by means of the unequal treaties” and did not do so now failed to reassure the Soviets.

The deadlock persisted into the 1980s, and gave every appearance of being irresolvable. It could be broken, certainly, only if one side or the other changed, indeed reversed, its approach – and that is exactly what the USSR, under Mikhail Gorbachev’s leadership, did in 1986. In a well-heralded speech in Vladivostok Gorbachev switched his government from the failed “escalation strategy” to the “cooperation strategy”: he clearly signalled Moscow’s new willingness to negotiate a comprehensive boundary settlement with China in the way proposed by Beijing, starting from the position that the *thalweg* principle ruled the river sectors. Beijing’s response was prompt and positive. Real negotiations quickly began, and showed again that even the most complex and poisoned border disputes become susceptible to resolution if both sides seek agreement, in good faith: compromises reached in the process of negotiation will develop mutual confidence.

Through the 1990s there was a steady series of announcements from the two capitals of progressive agreement on border sectors,

those then being handed over to joint commissions for the demarcation process (greatly facilitated now by aerial survey and global positioning), and then sealed in diplomatic terms. After the collapse of the USSR, agreements already reached were confirmed in Sino-Russian treaties, and the negotiations on remaining issues continued. The intractability of one or two of those persisted, baffling the efforts of the two sides to find compromises (for example, the case of Bear Island, at the confluence of the Amur and Ussuri). Rather than allowing those outstanding disputes to block the way to overall settlement, they were subjected to detailed protocols on maintenance of the status quo and left for resolution to “the greater wisdom of a later generation”; and, with those formalised exceptions, the settlement of the whole stretch of the Sino-Russian boundaries was treaty-finalised, to acclaim and mutual congratulations in Moscow and Beijing.

Then, to the astonishment of specialists watching these events, it was announced in Vladivostok in 2005 that agreement had been reached on Bear Island and another hitherto intractable problem – after more than three centuries of dispute, China and Russia at last had boundaries settled to the last metre!

While the sectors of Sino-Soviet border on the eastern rivers were the scene of the largest scale fighting in the late 1960s, the western sector, running for some 1,850 miles between the tri-junctions with Mongolia in the north and Afghanistan in the south, also saw serious skirmishes – and there the territorial disputes were older and involved tracts of territory more extensive by far than in the east. The sub-sectors of this western border were delimited in the imperial era, but there was a long-standing disagreement between Moscow and Beijing about just what the various treaties established, or which diplomatic protocols took precedence. The entire sector thus required renegotiation, and was included, but not yet agreed, in the Sino-Soviet negotiations. With the USSR’s dissolution, the successor central Asian states bordering China joined the negotiations, Kazakhstan, Kyrgyzstan and Tajikistan forming initially a single delegation under Russian chairing (seed of the future Shanghai Cooperative Organisation). Once again, the disputes which had previously seemed intractable gave way to new approaches, and this western stretch of China’s borders was also formally and amicably settled, in three additional boundary treaties.

China and Vietnam

China’s border with Vietnam, some 800 miles in length, was settled as an entity with that Laos, of which it is a continuation, in negotiations between France and China in the period 1885-95. The negotiations followed some clashes on the Indo-China frontier between Chinese and French troops, and wider hostilities involving French naval forces. The French and Chinese authorities found common cause in dealing with brigandage across the frontier and a boundary between their imperial domains was delimited in a series of agreements and conventions, and to a great extent demarcated. There were never complaints from the Chinese side that these negotiations and the formal agreements they produced were in any sense “unequal”, and Franco-Chinese collaboration on border questions extended into the post-second world war period.¹² But the relatively brief era of mutual understanding between China and its imperial neighbour France overlay an ancient history of enmity and conflict between China and Vietnam, which was to reassert itself in the

three-week war in 1979 between the PRC and the Democratic Republic of Vietnam.

The PRC presented its attack on Vietnam as a punitive foray necessitated by Vietnam’s provocations along the border and Hanoi’s intransigent refusal to negotiate a settlement, liking it tacitly to China’s pre-emptive and punitive offensive in the Sino-Indian border war. Deng Xiaoping, then China’s leader, spoke of “teaching Vietnam a lesson”. In a strategic concept, the Chinese military action was certainly akin to that of 1962 against India, though on a far greater scale: a sudden assault aimed at the destruction of opposing forces, a ceasefire unilaterally declared from a position of victory and a self-timed withdrawal. But the Vietnamese fought the invading Chinese to a standstill, inflicting extremely heavy casualties, and when the Chinese announced achievement of their war aims and began their withdrawal their claims of victory were hollow.

This conflict had, in fact, little or nothing to do with the problem of the border, in which differences in treaty-interpretation were reflected on the ground in differences of little more than hundreds of metres; and the exodus from Vietnam of the Hoa people, also cited by Beijing as justification for its attack, was also subsidiary. The essential issue over which the war was launched and fought was that of the relationship between Beijing and Hanoi, and the Chinese attacked to assert their regional hegemony. Vietnam, in Beijing’s view, had developed a hostile, even treacherous relationship with China first through its alliance with the USSR, second in its military response to incessant incursions from its other neighbour and client of Beijing, Pol Pot’s Cambodia, which it had successfully invaded. Beijing’s war aims were to chastise Vietnam for its defiance and leave Hanoi weakened and chastened, and it certainly failed in the latter purpose. Vietnam stood firm – or, as Beijing would have put it, remained intransigent. Tension along the border remained high, skirmishes escalating into large-unit conflict again in 1981. It was not until the later 1990s that the two sides could see their way back into negotiations to resolve their minor border disputes, which the armed conflict had greatly magnified and entrenched. But in 2000, Beijing and Hanoi announced the settlement of the Sino-Vietnamese land boundary in a new treaty, indicating that the negotiators had succeeded in putting behind them the bitterness of their war.

What might be called “China’s Vietnam War” stands out as an aberration in the PRC’s otherwise consistent policy of seeking to maintain non-belligerent relationships with its neighbours, approaching border and territorial problems in a spirit of compromise, and taking up arms only when there is no alternative – except surrender. It may be seen as Deng Xiaoping’s failed experiment with the “escalation strategy”.

Taiwan – Settlement or Conflict?

Historical time may take on a different perspective to the Chinese than to those in the west. To the leadership of the PRC, it is the origin of their problem with Taiwan half a century ago that is ever foremost in their considerations and the formulation of their approach to it. The stunning series of victories in which, after its crossing of the Yangtse, the People’s Liberation Army (PLA) drove the forces of the Guomintang’s old regime southward towards and finally across the sea would certainly have extended across the Taiwan Strait and culminated in landings on the island and speedy victory there, completing the triumph

of the revolution. That expected and devoutly wished – for consummation was denied by one factor – the direct engagement of the US navy in the last stage of the Chinese civil war, on the side of the Guomintang. To a great extent, of course, the US had been thus engaged since the end of the second world war, pouring great quantities of materiel into rearming and enlarging the Guomintang's forces, lending fleets of aircraft to reposition its armies, and posting some 50,000 US marines into a rear-support role to free the Guomintang troops to give battle (which, as it turned out, they were reluctant to do). What was new about president Truman's dispatch of the Seventh Fleet into the Taiwan Straits was that this intervention was decisive, turning what otherwise would have been an easy fording for the PLA into an impassable moat.

The incompleteness of the Chinese revolution was then rubbed in over the decades in which the US used its mastery over the UN to uphold the pretence that the defeated and discredited rump on Taiwan was the true and rightful China, while building it up to sustain a campaign of small-scale but injurious raids onto the mainland from behind its American shield, and even to threaten that, "unleashed" by Washington, it would launch an invasion in force. The lavish American military and economic aid to the "Republic of China" on Taiwan over the decades transformed that regime, enabling it to become what it is today, a thriving democratic challenger to the standing and record of the PRC and a significant military power, capable of offensive as well as defensive action against the PRC.

The fundamentals of the situation have not changed, however. It is still the US which holds in its hands the issue of whether

China is one or divided, American weaponry which protects Taiwan, the US which helps disable Beijing's persuasions to its compatriots across the Strait to "return to the motherland" and counter-balances the threats by which the PRC attempts to warn Taiwan against a declaration of independence. The US has thus transformed a Chinese domestic issue, a leftover from its civil war, into a critical and potentially explosive Sino-American confrontation.

If the PRC approaches its problem with Taiwan as it did the other territorial problems discussed above, Beijing would apply its declared rubric, "One country, two systems", pragmatically and flexibly. Its model might be as demonstrated in its negotiations with Britain over the conditions for Hong Kong's reversion. In that instance, the reversion was inevitable and Beijing could unilaterally have written and imposed its own terms. Far from adopting such an approach, it entered, as if on a basis of equality, into protracted negotiations from which Britain emerged satisfied that its requirements for the continuance of Hong Kong's civil liberties, and the introduction and development of a democracy which the British had, until the very last, denied its colony, were guaranteed by the treaty.

The PRC's aim appears to be to induce the authorities on Taiwan voluntarily to negotiate some linkage between Beijing and Taipei, perhaps even by confederation, which will permit Beijing to proclaim that China is at last reunited while Taiwan retains all the autonomy and international standing it now enjoys – having given up no more than the claim that it is or intends to become a separate, sovereign entity. There are political forces

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on Taiwan which would see such a resolution as an attractive option, just as there are others which would risk peace and their society's prosperity for the added symbols and panoply of sovereignty. The only lever Beijing has to head off the latter school is the warning that it would use force to undo Taiwan's formal secession – a threat, and also a promise to the people of China which, if broken under American pressure, would deprive the ruling Chinese Communist Party of claim to nationalist legitimacy.

It is not Beijing whose finger is on the trigger in this protracted confrontation. There are those in the US who would welcome a conflict across the Taiwan Strait as prologue – or pretext – for a Sino-American war, and they might achieve their aim by arming Taiwan to the level that the government there feels it can brave the PRC's threats and declare independence. That, it appears, may well be the intention of the Bush administration, which is augmenting Taiwan's military strength and inching towards treating its government as sovereign, all in open defiance of the spirit, and arguably the letter, of agreements with the PRC [Wright and Iyler 2001]. As it showed in its confrontation with the nuclear-brandishing USSR in 1969, the PRC when faced with a choice between surrender on a matter of profound principle and fighting, will fight, whatever the risk or the technological odds against it.

Conclusion

As set out above, the PRC's record in dealing with the always delicate and potentially explosive issues of territorial ownership is good, and but for the blemish of its aggression against Vietnam might be considered exemplary. Beijing enters the 21st century having settled its land boundaries with all its neighbours except India and Bhutan. The instance of Vietnam apart, the record suggests that where territorial issues are concerned, China acts as a responsible and disciplined member of the international community, observant of its treaty commitments and considerate of the interests of other powers, whether large or small; and that it is not a threat to its neighbours or in its region – but may be threatened by American refusal to countenance China's emergence and consolidation as a great regional power.

Coda

Arguably this paper, to be comprehensive, should consider China's approach to its disputed claim to sovereignty over islands in the South China Sea, but that would take the writer into the areas of historical study outside his research and, insofar as they would involve issues of the international law of the sea, beyond his expertise. All that may be noted here is that the PRC, while claiming sovereignty on historical evidence, asserts its readiness to settle disputes through negotiations, and has proposed a joint, cooperative development in the area pending negotiated agreement. [EPW](http://www.epw.in)

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Notes

- 1 If this appears to be an axiomatic or superfluous step, it should be noted that denial of the existence of a border or territorial dispute has frequently been used by an irredentist or a possessor power as an excuse for refusing

to negotiate. As will be seen, India is one continuing example; the USSR (Gorbachev) conceded the existence of a dispute with Japan over islands only in 1991.

- 2 By this time Beijing had experience of the Indian approach to border settlement, involving, as will be seen, forceful annexation of territory and denial that Indian claims could legitimately be disputed, and it seems reasonable to infer that Zhou had in mind the Indian approach as the counter model to what China intended.
- 3 A full and detailed history of this frontier is given by Dorothy Woodman in *The Making of Burma*, The Cresset Press, London, 1962.
- 4 This was Z A Bhutto, later to become the foreign minister and prime minister (and was assassinated by the quasi-legal execution). He described his role in extensive private communications with the writer. At this time, India having already deadlocked the issue of the Sino-Indian borders, it was clearly in the interest of both Pakistan and China to set the good example of a cordial boundary settlement.
- 5 Part of the territory, Hong Kong Island, had been ceded by China in perpetuity; the Thatcher government was tempted to stand on its treaty rights to retain that area, the commercial heart of the territory; but soon accepted that such a defiance would be empty without the possession of the abutting Kowloon peninsula, upon which the lease was due to expire.
- 6 'Sino-British Confrontation over Hong Kong', *Economic and Political Weekly*, June 10, 1995; 'Hong Kong 1999: The Patten Effect, Judicial Provocation, and the Rule of Law', *EPW*, May 27, 2000. Reprints of these papers can be obtained from the writer (ngmaxwell@aol.com).
- 7 See *India's China War* (Jonathan Cape, London 1970 and Pantheon, New York 1971); the full account therein is compressed and brought up to date in 'Sino-Indian Border Dispute Reconsidered', *EPW*, April 10, 1999, reprints under the title "China's 'Aggression' of 1962" available from the writer; 'Forty Years of Folly: What Caused the Sino-Indian Boundary Dispute and Why it is Still Unresolved', *Critical Asian Studies*, March 2003. See also subsidiary papers, 'How to Settle the Sino-Indian Borders', *World Affairs*, New Delhi, July-September 2000; and 'The Henderson Brooks Report: An Introduction', *EPW*, April 14, 2001.
- 8 *Oxford Lectures on History, 1904-1923*, Books for Libraries Press, Freeport, New York, p 21.
- 9 This map's origins appear to be similar to the circumstances in Simla in 1914 when Henry McMahon attempted to foist a cartographic representation of his alignment onto the Chinese.
- 10 Neville, Maxwell 'Chinese Account of the Fighting at Chenpao', *China Quarterly*, No 59, October/December 1973, and his reports in *The Sunday Times*, London, September 23 and 30, 1973.
- 11 *Soviet News*, London, June 17, 1969.
- 12 See Prescott, op cit, Chapter 28 for a detailed account.

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