

469A Bukit Timah Road
#07-01, Tower Block, Singapore 259770
Tel: 6516 6179 / 6516 4239
Fax: 6776 7505 / 6314 5447
Email: isassecc@nus.edu.sg
Website: www.isas.nus.edu.sg



A New Way to Manage an Old Dispute

P S Suryanarayana¹

Abstract

China and India have now travelled the proverbial extra mile towards each other to proclaim that a qualitatively new ‘Panchsheel’ spirit is attainable in their chequered relationship. When ‘Panchsheel’ – the Five Principles of Peaceful Coexistence – were enunciated by China and India, acting in concert in 1954, there was not much asymmetry between their respective national strengths. Today, while both China and India are nuclear-armed space powers, China overshadows India in a big way in the economic domain and is ahead in a number of aspects of military preparedness. It is this contrast in time and political space that brings the latest Sino-Indian Border Defence Cooperation Agreement (BDCA) into the futurist focus. This aspect of the Sino-Indian summit held in Beijing on 23 October 2013 stands scrutiny as a sign of renewed statesmanship. But the hopeful sign must still pass the test of realpolitik until the two countries resolve their basic border dispute.

Seizing a Symbolic Moment

China and India have now “reaffirmed their commitment to take forward their Strategic and Cooperative Partnership for Peace and Prosperity”. It is possible, though, to view this commitment as nothing more than a standard diplomatic formulation with no historic importance. Such a reading is not necessarily cynicism writ large, given the hugely-

¹ Mr P S Suryanarayana is Editor (Current Affairs) at the Institute of South Asian Studies (ISAS), an autonomous research institute at the National University of Singapore. He can be contacted at isasps@nus.edu.sg. The views expressed in this paper are those of the author and do not necessarily reflect those of ISAS.

chequered and somewhat-competitive equation between the two Asian mega-state neighbours.

The new pledge is contained in the Joint Statement issued at the end of a cordial summit between Chinese Premier Li Keqiang and India's Prime Minister Manmohan Singh in Beijing on 23 October 2013. More significantly, it must be noted that an accompanying pledge does dramatically raise the quality of this standard formulation. As a qualitative update, this concomitant pledge is also contained in the same Joint Statement which is styled as "A Vision for Future Development of China-India Strategic and Cooperative Partnership".

The crux of the accompanying pledge, a quality-multiplier, is that China and India would take their Partnership forward "by following the Five Principles of Peaceful Coexistence [**Panchsheel**] and displaying mutual respect and sensitivity to each other's concerns and aspirations".² Here, too, while there is nothing really novel about **Panchsheel** in Sino-Indian relations, huge symbolism marks the current countdown to the 60th anniversary of the enunciation of these Principles in 1954. There is also some nuanced focus, now, on this "sensitivity to each other's concerns and aspirations". However, what is conspicuously absent in this particular formulation is a shared commitment to respect each other's 'interests' or 'core national interests'.

Interestingly, as Sherlock Holmes would say to Mr Watson, it is "elementary" logic that the abiding 'national interests' of a state rank above its 'national concerns' which are no more than anxieties, mostly over more immediate issues. By significant contrast to 'national concerns', 'core national interests' are fundamental to the well-being of a state at any given time as also over the long-term. In such a perspective, it cannot be argued that the absence of 'core national interests' in this latest China-India formulation is a simple matter of a drafting lapse. The two countries are known to talk to each other with a great deal of precision, even if that be in coded language at times.³

Core Interests: No Reciprocity Paradigm

It is, therefore, obvious that China has not yet come to a stage of openly conceding reciprocity in dealing with India's "core interests". The imperative of such reciprocity is a theme that Indian diplomats are known to have frequently emphasised. Relevant to this line of argument is the new sign of some distinct progress towards such reciprocity in the specific domain of Sino-Indian cooperation on regional and global issues (not bilateral issues).

The latest Vision Statement emphasises that Mr Li and Dr Singh "encouraged the various mechanisms and dialogues covering relevant issues [of regional and global importance such as climate change etc] to meet regularly". Such regular meetings are tasked to "ensure a

² Foreign Ministry of the People's Republic of China, Joint Statement – A Vision for Future Development of China-India Strategic and Cooperative Partnership 2013/10/23, <http://www.fmprc.gov.cn/en/g/zxxx/t1092256.shtml>

³ This is evident to the author from his conversations with Chinese and Indian diplomats, behind the scenes, over a period of years.

proper appreciation of each other's concerns and interests"⁴ – a clear reference to the national interests of India and China, albeit in a regional or global context and not the purely bilateral domain. In diplomatic parlance, this kind of “appreciation of ... [national] interests” can only be a prelude to, but not a prescription for, the national interests being addressed or accommodated in a bilateral framework such as China-India relationship. Add to this kind of diplomatic rider the fact that the latest China-India Vision Statement has no clarity about whether the “appreciation of each other's concerns and [national] interests” will also apply to the day-to-day dynamics of ties between Beijing and New Delhi.

It is possible indeed that India and China have consciously chosen to ignore the importance of an agreed formulation about each other's national interests (as different from just concerns) in the purely bilateral domain. More accurately, it is evident that Beijing and New Delhi have not yet reached a stage where they can agree to address and accommodate each other's long-term national interests in the exclusive framework of the Sino-Indian relationship.

The Vision Statement, which Mr Li commended⁵ after meeting Dr Singh on 23 October, is notable for their more immediate concern of maintaining “stability”⁶ along the undefined Line of Actual Control (LAC) in the disputed Sino-Indian border areas. Yet, Mr Li was emphatic in describing the current state of Sino-Indian engagement as “the most promising bilateral relationship in the world”.⁷

The idea of stability is embedded in the Border Defence Cooperation Agreement (BDCA), which was signed following the Li-Singh talks on that day. The BDCA is the fifth in a series of Sino-Indian confidence-building measures (CBMs) which were initiated in 1993 with the explicit objective of maintaining peace and tranquillity along the LAC which is neither delineated on maps nor physically demarcated.

The BDCA is anchored in the firm belief that “the India-China Strategic and Cooperative Partnership for Peace and Prosperity serves the fundamental interests of the people of the two countries”. In fact, the Partnership, just cited, predates the BDCA, which in essence is a subsidiary Agreement, as well as the latest Sino-Indian Vision Statement. It should also be noted, however, that the belief cited here is not a treaty-like substitute for a firm Sino-Indian commitment to respect and accommodate each other's core national interests in the purely bilateral domain.

While it is indeed arguable that such a reciprocal commitment is not a *sine qua non* for improved Sino-Indian relations, the glaring absence of a bilateral pledge regarding national interests in the latest Vision Statement cannot be discounted at all. The argumentation on these lines, while being relevant to the long-term peaceful coexistence of these two Himalayan neighbours, does not at all devalue their latest Border Defence Cooperation

⁴ Same as in Note 2 above

⁵ Mr Li's statement to the media after his talks with Dr Singh in Beijing on 23 October 2013, China Central Television News

⁶ Ibid

⁷ Ibid

Agreement. In an interview to this author in Singapore, India's External Affairs Minister Salman Khurshid described the BDCA as an "incremental ... version of cooperation". Speaking a day after the BDCA was signed, Mr Khurshid said: "We have understood, and I think China understands this as well, there will not be any dramatic changes in our positions". He was responding to a question whether the BDCA could be seen as a game-changer.⁸

Doctrine of 'Mutual and Equal Security'

The language of the guiding principles in this Agreement can be traced way back to the Sino-Indian CBMs of 1993 and 1996, both formal agreements, relating to the policies and procedures of maintaining peace and tranquillity along the LAC. These cardinal principles centre on the Sino-Indian acceptance of the doctrine of "mutual and equal security".

Significant corollaries to "mutual and equal security", variously embedded in the latest BDCA as also the earlier Sino-Indian CBMs, virtually amount to no-war declarations (not formal non-aggression pacts). "Neither side", according to the BDCA, "shall use its military capability against the other side". Also specified is that China's or India's "respective military strengths shall not be used to attack the other side".

As spelt out in a slightly garbled English version of the Hindi and Chinese texts of the BDCA, India and China have reaffirmed that "neither side shall use or threaten to use force against the other side by any means nor seek unilateral superiority"⁹. The transparent message is that each side will not use force against the other and will not seek unilateral military superiority over the other.

The latest pledges of non-aggressive intentions are essentially echoes of the previous Sino-Indian CBMS in the same genre. Newly significant, though, is the evident reality that positive political messages are sought to be conveyed by both countries through their shared pledge against the seeking of unilateral superiority.

The BDCA is the result of a Chinese initiative which had, in the first place, triggered some suspicions in India about Beijing's real game-plan and 'ulterior motives'. Indian officials as also opinion-makers have had to grapple with the vexed question of whether Beijing, by proposing the BDCA, was seeking to 'freeze' military build-ups along or near the LAC at current levels that would only favour China immensely.

The logic behind such thinking in India's official quarters, as articulated in the opinion-circles, was traceable to the recent history of diplomatic and military developments on the Sino-Indian front. In 2003, New Delhi comprehensively acknowledged (and some would say, conclusively accepted) the status of the Tibet Autonomous Region, which borders India, as

⁸ The full interview has not yet been published.

⁹ In this paper, all references to the salient features of the latest Sino-Indian Border Defence Cooperation Agreement are taken from the English version of the Chinese and Hindi texts. The English text has been purveyed by India's Ministry of External Affairs. <http://www.mea.gov.in/bilateral-documents.htm?dtl/22366/Agreement+between+the+...>

an integral part of the People's Republic of China. Palpable, too, in 2003 was New Delhi's calculation that China would reciprocally accept Sikkim as an integral part of India – a form of *quid pro quo* that did not happen at the speed of thought (as viewed from the Indian perspective).

The Tibet, not Tibetan, Factor

Regardless of the speed of such reciprocity, China has, since 2003, intensified its 'militarisation' of Tibet in a manner that India has gradually come to see as a disconcerting development. As a follow-up, India recently announced plans for the formation and deployment of a massive mountain strike corps along the Himalayas in the Sino-Indian border areas. Predictably, this did not amuse China in the least.

This development can be interpreted in a novel fashion. Tracing the China-India bonhomie that preceded the paradoxical drift of the two countries along "the road to the border conflict" of 1962, India's former Ambassador to China, C V Ranganathan, and his co-author, Vinod C Khanna, wrote in 2000 in following terms: "[India's first Prime Minister Jawaharlal] Nehru's 'philosophic acquiescence' (to quote the American ambassador in Delhi) in China's 'liberation' of Tibet was followed by *de jure* acceptance of Tibet being a part of the People's Republic of China in the famous 1954 Sino-Indian agreement, better remembered for the enunciation of the Five Principles of Peaceful Coexistence in its preamble".¹⁰

With India initially accepting Tibet's status as China's possession way back in 1954 itself and with New Delhi reaffirming this in a resounding manner in 2003, the issue of the political future of Tibetans is not a critical factor in the Sino-Indian state-to-state dialogue. Emerging as a new dynamic in this Sino-Indian equation since 2003 is the perception, especially in India, about China's rapid and continuing 'militarisation' of Tibet. In this sense, Tibet, rather than the Tibetans, has begun to influence the border-related dynamics of China-India relations. Unsurprisingly, an immediate result is the BDCA, which forbids attempts by both China and India to acquire "unilateral [military] superiority".

'No Unilateral Superiority'

What does this reciprocal pledge to eschew "unilateral [military] superiority" will, or can, mean in this post-2003 diplomatic-military context on the Sino-Indian front? As this is written, there are no authoritative interpretations of this reciprocal pledge. However, it is easy to discern what this might mean for both sides. In this context, one of the premises is that India, despite the limits of its economy which is considerably weaker than China's, may still

¹⁰ C.V. Ranganathan and Vinod C. Khanna, *INDIA AND CHINA The Way Ahead After "Mao's India War"*, Har-Anand Publications Pvt Ltd, New Delhi, 2000, p. 27 (Note: Roderick Macfarquhar had used the expression, Mao's India War, in *The Origins of Cultural Revolution in China*, Vol. 3, Oxford University Press, 1997, p. 308)

begin a major military build-up along or near the LAC in *a bid to surprise China*. The co-related premise is that the Chinese, too, can seek “unilateral military superiority” either by flexing their superior economic muscle or by simply responding massively to India’s real or suspected moves along or near the LAC. In the event, this could lead to a Sino-Indian arms race along or near the LAC. It is to prevent such scenarios from happening that the BDCA forbids attempts at “unilateral superiority”.

Significantly, these pledges of non-aggressive intentions, including the commitment to eschew unilateral military superiority, apply to the entire gamut of China-India relationship and not just their deployments near or along the LAC. Coming into play, in this broader spectrum, will be the defence-and-security-related equations involving China and Russia, at one level, as also India-Russia and India-US equations, at other levels. At the same time, it stands to reason that the latest BDCA, being a bilateral China-India agreement relating only to their border areas, cannot bind either Russia or the US in their respective defence-related equations with either New Delhi or Beijing.

The evolving China-India military paradigm is certainly not confined to the LAC or the possible settlement of their basic border dispute in course of time through the mechanism of their Special Representatives or through some other forum. China’s growing access to Russia’s post-Soviet military knowhow is of particular interest to India, which still counts on the post-Soviet Kremlin as a time-tested friend in the defence domain. At another level, China has clearly taken note of the recent US-India Joint Declaration on Defence Cooperation, issued in Washington on 27 September 2013. The Declaration places New Delhi in a potentially unique category, in which India, without being a military ally of the US, can collaborate with it in co-research, co-development, and co-production of state-of-the-art high-tech weapon-systems.¹¹

Unique ‘Strategic Stability’

China and India are also aware of each other’s indigenous capabilities in the competitive military domain. In fact, a unique factor of ‘strategic stability’ permeates the Sino-Indian defence equation – an aspect that can arguably and paradoxically lead to an intense competition between the two sides in the conventional military sphere and along the LAC in their disputed border areas. Should this happen, it will be a case of conventional fallout from strategic or non-conventional stability in the military field.

Yao Yunzhu, a Major General and a Senior Researcher at the Academy of Military Sciences in China, emphasises this unique factor of ‘strategic stability’ in Sino-Indian relations, in the following manner: “[The] mutual acceptance of NFU [No-First-Use] doctrine minimises the role of nuclear weapons in the national security strategies of both countries [China and India] and in their bilateral relations. This NFU-based strategic stability is much more reliable than

¹¹ ‘U.S.-India Joint Declaration on Defense Cooperation’, <http://www.whitehouse.gov/the-press-office/2013/09/27/us-india-joint-declaration-defense-cooperation>

one based on asymmetric deterrence and mutual vulnerability”.¹² The asymmetry and China’s ‘vulnerability’ are features of the Sino-US nuclear-arsenal imbalance.

China and India, too, cannot ignore the requirement of keeping their nuclear arsenals in a state-of-the-art condition to the extent possible. However, that should not cause undue concern to each other in this framework of Sino-Indian ‘strategic stability’. In this line of reasonable thinking, the conventional military sphere will have a greater salience for both India and China in their bilateral equation. It is of course true that reasonable thinking does not always guide nations. Nonetheless and on balance, the latest Sino-Indian Border Defence Cooperation Agreement is a positive step forward.

The BDCA is based on a recognition of “the importance of materialising the spirit” of the border-related Sino-Indian agreements of 1993, 1996, 2005, and 2012. It is evident, therefore, that the primary basis for the BDCA is the recognition that all the earlier border-related agreements were being observed in the breach of their “spirit” if not also in the breach of their ‘letter’.

Inevitably, the fine print of the BDCA is replete with procedural aspects of ensuring peace and tranquillity along the LAC. These procedural matters are too numerous to be mentioned in detail in this analysis. Details of procedure cover a graduated scale of periodic meetings – beginning at the level of LAC-deployed troops. At the high echelons of military and civil-military officials, regular dialogue between the both sides is envisioned. Also covered under the BDCA are some non-military affairs such as the consequences of natural disasters along the LAC as well as social courtesies among the LAC-deployed troops of the two countries.

Particular mention must be made of Article IV of the BDCA which outlines the possibilities of enhancing confidence between India and China. These possibilities include (1) the establishment of functional “sites in all sectors” along the LAC for meetings between the border personnel of the two countries, and (2) the facilitation of telephone contacts between the two sides at the LAC and other levels. Furthermore, it has been agreed that “the two sides may also consider establishing a Hotline between the military headquarters of the two countries” to ensure peace and tranquillity along the LAC and for overall stability in Sino-Indian relations.

Facing ‘Flash’ Situations

Three kinds of potentially explosive situations have been identified and addressed. These relate to potential flash-points, in a qualitative and not territorial sense, “in [geographical] areas where there is no common understanding of the Line of Actual Control in the India-China border areas”. Article VI provides that the two sides “shall not follow or tail patrols of the other side”. This is a simple way of avoiding potential confrontation that could arise from the gamesmanship of shadowing ‘the other side’ in tense situations. Article VII authorises

¹² Lora Saalman (Editor & Translator) , *The China-India Nuclear Crossroads*, Carnegie-Tsinghua Center for Global Policy, Carnegie Endowment for International Peace, Washington, 2012, p. 71

each country to seek from the other side clarifications regarding its apparently dubious activities.

Above all, Article VIII prescribes a way of defusing eyeball-to-eyeball confrontations in geographical areas where the two countries do not share a common understanding of the LAC alignment. In such situations, it has been agreed that “both sides shall exercise maximum self-restraint, refrain from any provocative actions, not use force or threaten to use force against the other side, treat each other with courtesy and prevent exchange of fire or armed conflict”. Such an agreed list of do’s and don’ts is either a mark of civilised confidence-building or a sign of hoping for a measure of best practices for peace-building or indeed a mix of these two aspects.

When Beijing first proposed, on 4 March, a border defence cooperation agreement, some quarters in India saw the Chinese initiative as a ploy to consolidate the status quo along the LAC in a manner best suited to China. The Indian resistance was based on a particularly dim view of China that has persisted in some quarters since the 1962 Sino-Indian border war. And, with a bloodless but tense Sino-Indian military standoff in April-May 2013 taking several weeks to defuse, such resistance gained strength, even as India gave a counter-draft of BDCA to China on 10 May. Subsequently, with India and China reaching an agreement on 6 July for “an early conclusion of negotiations” for the BDCA, it became evident that New Delhi had by then become confident of negotiating a fair deal.¹³

This assessment was corroborated by India’s Ambassador to China, S Jaishankar, in his answers at a media briefing, on the BDCA, in Beijing on 23 October. He was asked whether the BDCA, as now signed, would affect India’s rights to beef up its infrastructure, including military infrastructure, near or along the LAC. Emphasising that India would face “no” restrictions as a result of the BDCA, Mr Jaishankar said: “... there is recognition that the situation on the border is asymmetrical, that what is there on their side is different from what is there on our side. So, each side in a sense will approach its security in its own way”.¹⁴ It is too early to judge whether such an autonomous search for security will give India and China a sense of equality and, therefore, a common purpose in upholding their new Border Defence Cooperation Agreement.

.....

¹³ *ISAS Insights No. 221* – 14 August 2013: The Changing Moods on the Sino-Indian Front, by P S Suryanarayana

¹⁴ Ministry of External Affairs, Government of India, <http://www.mea.gov.in/media-briefings.htm?dtl/22381/Transcript+of+Media+Briefin...>