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**Looking Beyond the Border:
The Sino-Indian Border Dispute and
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by

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Looking Beyond the Border: The Sino-Indian Border Dispute and Sino- Indian Relations

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STATEMENT OF THE PROBLEM

As the two most populous nations and Asia's two largest and most dynamic societies, China and India have become the world's most important economies and their participation and influence in regional and world affairs has increased over time. However, the relationship between the two Asian giants has not been an easy one. The border dispute, a colonial legacy, has existed since the very beginning of the relationship between the two new nation-states, established at the end of the 1940s.² Their relationship reached its climax in the mid 1950s, but soon deteriorated in the face of the border dispute. In 1962, a short and limited war broke out, causing the Indo-China relationship to enter the deep freeze. The border question was a major barrier to the development of Sino-Indian relations throughout the whole of the 1960s and 1970s. By 1981, India and China had finally returned to the negotiation table. Since then, border negotiation has passed through three different stages, marked by the eight rounds of Border Talks at vice-ministerial level, the Joint Working Group (JWG) on the border issue, and the ongoing Special Representatives' meetings. The border issue is one of the most protracted and complicated problems between the two countries. It is like a mirror, reflecting the ebbs and flows of the relationship between India and China. It does not stand alone but is related to many other bilateral and international issues. Each time other events block the relationship, the border negotiations are also prevented from making any progress. Hence, I have chosen the border dispute as a starting point from which to develop my research inquiry into the Sino-Indian relations. I explore the role of the border dispute between India and China from a negotiation perspective, and within a constructivist framework, by emphasising ideational

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² India's independence was achieved on August 15, 1947; the establishment of People's Republic of China (PRC) occurred on October 1, 1949.

factors in the decision-making process. I divide the Sino-Indian border dispute into two distinct stages, conflict escalation and conflict de-escalation, in order to achieve this goal. I also place a focus on border trade and on the newly built Qinghai-Tibet Railway which are both supposed to have played a significant role in enhancing people-to-people contact along the border. After exploring the ripeness of an ultimate settlement of the border dispute, I conclude that there is no winner or loser from an historical and holistic perspective and that both parties have won and lost in different aspects. Now is the time to test the wisdom of the political leaders in finding a mutually acceptable solution. The crucial basis of a healthy relationship is the enhancement of mutual trust between the two countries, which could be promoted by institution-building at the bilateral and multilateral levels.

ANALYTICAL FRAMEWORK

Negotiation is the principal means of handling all international disputes by peaceful means.³ Some scholars conceive of negotiation as a process that runs through stages, in which the outcome is explained by the performance of behaviour identified as specifically appropriate to each successive stage.⁴ For a depiction of the stages see **Figure 1**. One of the keys to successful conflict resolution lies in the timing of efforts for resolution.⁵ A specific aspect of timing is “ripeness,” which is a necessary but not sufficient condition for the initiation of negotiations.⁶

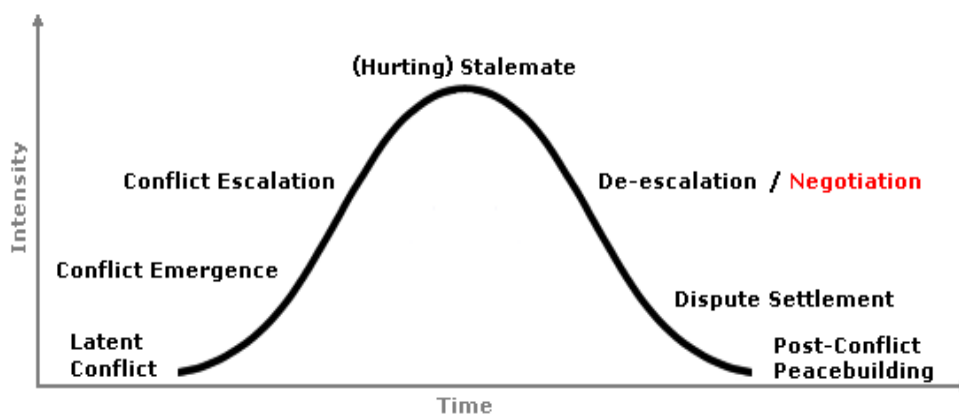


Figure 1 Negotiation Stages

[By Brahm, Eric (2003).]

http://www.beyondintractability.org/essay/negotiation_stage/

³ For an introduction to international negotiation see Starkey (1999). On the techniques and practice of international negotiation see Iklé (1964). For discussion of the cultural aspects of negotiation see Cohen (1991), Faure & Sjöstedt (1993).

⁴ See Gulliver (1979), Zartman & Berman (1982).

⁵ One could also identify a third school, see Lederach (1997), Sampson (1997), and Kelman (1997), that focuses on relationships between the parties.

⁶ See Zartman (2000), pp. 227-230.

According to William Zartman's approach of understanding ripeness, two elements are important for a ripe moment: the parties' perception of a mutually hurting stalemate (MHS) and the perception of "a way out" (the possibility of a negotiated solution). His approach centres on the perception of the parties: an MHS contains objective and subjective elements, but only the latter are necessary and sufficient to its existence.⁷ In my analysis I will regard the border dispute between China and India as a process of negotiation which consists of different successive stages and will attempt to identify the ripe moments in the negotiation process.

Constructivism takes up the arguments of sociological theory to explain International Relations (IR). Broadly understood, a constructivist approach in IR would base its explanation of a state's behaviour on the state elites' self-understanding about state identities and the nature of threat.⁸ Here, ideas – such as knowledge, beliefs, rules, and norms – play an important role in the decision-making process of politicians. One of the most cited contributions of Constructivism is the "agent-structure problem" revealed by Alexander Wendt.⁹ Agents as actors are seen as being capable of making a difference in and changing the social systems. Structures are social relationships embedded into social systems and shape the behaviour of actors within those systems.¹⁰ Taking the concepts of structuration theory proposed by Anthony Giddens,¹¹ Wendt attempted to conceptualize the relationship between agents (states) and structures (the structure of international system) and discussed agency and structural determination in international politics: structures contain ideational and material elements, as well as practice; agents and structures are mutually constituted and co-determined; agents can create and possibly transform structures as a result of their agency.¹² According to the Constructivist view, the meaning and construction of material reality is dependent on ideas and interpretation. Constructivists take states' identities seriously and regard inter-subjective or cultural understandings of a conflict situation as important determinants of state behaviour. In the international system, before actors can choose a course of action, they need to define the situation. These definitions will be based on at least two considerations: their own identities and interests, which reflect beliefs about who they are in such situations; and what they think others will do, which reflect beliefs about others' identities and interests. For example, in the bilateral structure of the Cold War, the US and Soviets held a shared belief that they were enemies, which helped constitute their

⁷ Ibid.

⁸ See Katzenstein (1996), Wendt (1999).

⁹ Other influential scholars in establishing the theoretical orientation of Constructivism are John Ruggie, Richard Ashley, Friedrich Kratochwil.

¹⁰ Social structure is a term which is frequently used in social theory. For more on social structure see Blau (1975), Porpora (1987, 1989), Lopez & Scott (2000).

¹¹ The concept of structuration has been proposed by Anthony Giddens. Structuration theory is an attempt to reconcile theoretical dichotomies of social systems such as agency and structure, subjective and objective, and micro and macro perspectives. See Giddens (1984, 1987).

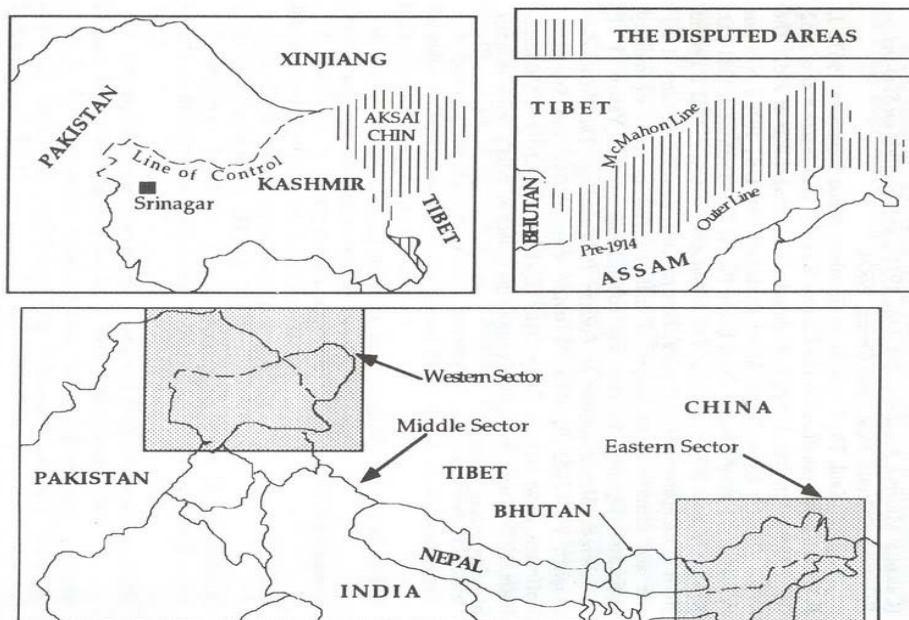
¹² See Wendt (1999).

identities and interests in any given situation, and upon which they in turn acted in ways that confirmed to the other that they were a threat, thus, reproducing the structure of the Cold War. Hence, identities of actors and their corresponding interests are learned and then reinforced in response to how actors are treated by others.¹³ How actors perceive the world is important in explaining their actions. In terms of the Constructivist approach, my analysis will centre on the perception of state elites, on their understanding of state identities and interests in the decision making process.

FROM CONFLICT ESCALATION TO HURTING STALEMATE

The Border Conflict

The Sino-Indian border is generally divided into the eastern, middle and western sectors (see **Map 1**). The conflict is mainly over the western sector and eastern sector. On the western sector there is the ongoing dispute over the Aksai Chin plateau, which, on its three sides, faces Ladakh (in Indian-administered Kashmir), Tibet, and Xinjiang. India claims Aksai Chin as part of Ladakh and China claims it as part of Xinjiang. Between Bhutan and Burma lies the eastern sector which involves a dispute over the area between the pre-1914 British Outer Line and the McMahon Line. This is the Assam Himalayan region, which is claimed by India as being part of the state of Arunachal Pradesh – formerly the North-East Frontier Agency (NEFA) of Assam and claimed by China as part of Tibet.



Map 1 The Sino-Indian Frontier [Liu (1994), p. 16.]

¹³ Ibid., pp. 186-187.

The middle sector involves a dispute over various points on the border between Indian-administered Kashmir and Nepal. The McMahon Line in the eastern sector and Aksai Chin in the western sector have been central to the Sino-Indian border dispute. Today the Line of Actual Control (LAC) in the eastern sector conforms to the McMahon Line, the disputed area covering a total area of 90,000 square kilometres. In the western sector the LAC runs roughly along the Karakoram Range, conforming to the Chinese claim. The disputed area covers a total of about 33,000 square kilometres.¹⁴

The origin of the Sino-Indian border dispute was very well summarized by Neville Maxwell: “*British power in India expanded, ... until it reached the great retaining arc of the Himalaya. There it came into contact with another, that of China. In the central sector of the frontier zone, where lay petty states and feudatories, there began a contest for dominance over these marcher lands that continues to the present day. In the north-west and the north-east, where no minor, independent polities existed to act as buffers, the British sought secure and settled boundaries with China: these they failed to achieve, and the failure was to lead in the middle of the twentieth century to the border war between India and China.*”¹⁵ The Tibet question had been intertwined in the border dispute since the very beginning. The British view that Tibet is a buffer zone between India and China formed the territorial perception of the Indian government after Independence. When China asserted its sovereignty over Tibet in 1950, which fundamentally altered the geo-politics of the region, India’s perceived threat horizons were changed and the vital question of where the territorial limits of the newly founded Indian state lay was raised. On the eastern sector, India based her claims on the McMahon Line, a line that successive Chinese governments have never accepted since the day it was made, and which the British marked as “Un-demarcated” on maps when they left. On the western sector, which the British marked as “Boundary Undefined,” India included the Aksai Chin Plateau into her territory. However, China also regarded Aksai Chin as hers, based on the maps of previous Chinese governments. From 1953-54, India and China held negotiations over India’s extra-territorial rights in Tibet, which it had inherited from the period of British rule. In April 1954, India and China signed the **Agreement on Trade and Intercourse between Tibet Region of China and India**. Under this Agreement, India gave up all of its privileges in Tibet and recognized Chinese sovereignty there. At the same time, the Indian Prime Minister, Nehru, and the Chinese Premier, Chou, enunciated the famous *Five Principles of Peaceful Coexistence*,¹⁶ also known as *Panchsheel*, which were included in the preamble of the agreement. From 1954 onwards, the relations between China and India were dominated by a spirit of brotherhood and mutual support. However, this

¹⁴ See Liu (1994). For a more detailed explanation and exploration of the history of the Sino-Indian border see also Lamb (1964), Maxwell (1970), Woodman (1969), Hoffman (1990).

¹⁵ See Maxwell (1970), p. 19.

¹⁶ These five principles are: 1. Mutual respect for each other’s territorial integrity and sovereignty; 2. Non-aggression; 3. Non-interference in each other’s national affairs; 4. Equality and mutual benefit; 5. Peaceful coexistence.

relationship did not last very long. After the agreement, the Indian Government altered its official maps, thus their differences on the border issue gained open expression on their official maps, and inevitably led to constant conflicts on the border area.

The year 1959 was a turning point in Sino-Indian relations. In this year, the Tibetan rebellion¹⁷ and the Longju and Konka Pass Incidents¹⁸ broadened the level and degree of hostility in an already deteriorating relationship. With the publication of the correspondence between the two Governments over the border issue in the form of a White Paper in September 1959, the dispute with China was opened to the public and raised strong nationalist sentiment in India. The Sino-Indian relations reached its lowest point since 1947. Efforts were made to negotiate the border. However, India would agree only to discussions on the marginal adjustment of the alignments she claimed, after China had accepted these in principle; and before these discussions could begin, Chinese personnel had to be withdrawn from all territory claimed by India.¹⁹ China could not accept these conditions. Thus, the efforts towards negotiation failed. In late 1961, Indian patrols began to move into the territory that China held in the western sector. This was the beginning of the so-called Forward Policy. In 1962, India's Forward Policy on the Sino-Indian border entered a new provocative and offensive phase, with Indian troops setting up as many posts as possible in the disputed area in the eastern and western sectors. At the same time, Indian domestic political resistance to even the idea of opening discussions with China hardened further. For China, if India continued its Forward Policy, the result would be that China lost the territory and, consequently, effective control over Tibet, or that armed conflicts would never end on the borders. Both scenarios were unacceptable to China. Furthermore, the difficult economic and political situation of China did not permit unending armed conflicts. On the early morning of 20 October 1962, a massive attack from Chinese troops began along the entire border. India was militarily unprepared and taken by surprise. After a remarkable advance, China halted and declared a unilateral ceasefire on 20 November 1962. By the eve of the 1962 border conflict, China controlled most of the western sector and India had secured its control on the eastern sector. This reality did not change after the conflict. The Line of Actual Control became the *de facto* boundary between India and China.

Ideational Factors Leading to the 1962 Conflict

If we regard the whole border dispute as a negotiation process including different stages, the period from the early 1950s up until the border war in 1962 was dominated by conflict escalation. Within this process, the inter-related ideational factors help us to understand the essence of the border conflict.

¹⁷ The 14th Dalai Lama and his followers fled to India to seek political asylum. China suspected that the Indian Government was supporting the subversive activities in Tibet.

¹⁸ The Longju and Konka Pass Incidents are the first two armed clashes on the eastern and western sector respectively. Some comments about these two incidents see Hoffman

¹⁹ For details about the proposals by the two Prime Ministers see *White Paper* 3, pp. 45-50.

The main actors, India and China, were constrained by the structure of the international system, that is, the Cold War. Their relationship changed during the process of systemic interaction. Decision-makers formulated strategies to direct the states' behaviours based on their understandings of their state's interests and identities. For decision-makers in both countries, the bipolar structure of the international system was a reference point in defining the identities and interests of states, according to which they could then define their positions and roles in the world system. Such identities and their related interests were to influence the strategies that were chosen during the Sino-Indian border conflict. In addition, the world views of the decision-makers also had an influence on decision-making. Contrary traditions in the political systems of India and China led to different world views of the respective political leaders. The political leaders in China, represented by Mao, regarded China as a state injured by the aggression and intervention of the imperialist powers of the past. Therefore, the birth of a new China symbolized a break with a humiliating past. In the arena of diplomacy, the basic principles for China in their dealings with other states were non-interference in each other's internal affairs, equal, mutual benefit, and mutual respect for sovereignty and territorial integrity,²⁰ reflecting the moral world in which China would like its diplomacy to be perceived. These principles were later developed and complemented as the *Five Principles of Peaceful Co-existence (Panchsheel)* in the 1954 Agreement with India. Based on these principles, the legacies of imperialist aggression needed to be corrected or rectified through international conventions. However, the *Five Principles* for China did not necessarily rule out the use of war. Contrary to China, the leaders in India, represented by Nehru, did not envisage a sharp qualitative break between the past and the present, between the territorial space and institutions of British India and those of independent India. Hence, all British territorial claims and interests were regarded as India's legitimate inheritance and were to be secured.²¹ Nehru believed that the Forward Policy would not lead to war; it could only spark off sporadic border clashes.²² While China was under pressure from the Soviet Union for a peaceful solution, according to China's identity in the socialist camp, China was not likely to launch a war that would cause its relationship with the Soviet Union to deteriorate. It is regretful that Mao's strategy was not as transparent as it should have been under the Chinese ideological propaganda and their Marxist-Leninist mode of analysis,²³ leading to a misjudgement on the Indian side which heightened misperceptions. This has also led to scholars linking the Chinese attack with the worsening Sino-Soviet

²⁰ See *The Common Program of the Chinese People's Political Consultative Conference* (September 29, 1949), chapter 7, Foreign Policies. This Common Program served as a temporary constitution of China until September 20, 1954.

²¹ See Liu (1994), p. 80.

²² See Bhattacharjea (2001), p. 440.

²³ See two editorial articles of the *People's Daily*: "Revolution in Tibet and Nehru's Philosophy" (May 6, 1959), and "More on Nehru's Philosophy in the light of the Sino-Indian boundary" (October 27, 1962). These articles reflected Mao's understandings of world revolution with specific references to "Indian bourgeois nationalism" under Nehru.

relations.²⁴ However, the deterioration of Sino-Soviet relations, which stemmed from the countries' different approaches to world revolution, was contextual factor and not essential and necessary factor that led to the 1962 border conflict. The essential factor was the identity crisis generated by the challenge to each country's territory. In terms of the constructivist view, the identity of a state implies its interests. India and China are both nation-states based on the Westphalian state principle which prescribes territory, sovereignty, and international legitimacy as the three basic constitutive dimensions of any modern state,²⁵ hence, it could be concluded that sovereign control, territorial integrity and security are essential interests at the core of maintaining the identities of India and China as national states. The threat to their borders, was a threat to their very statehood and thus led to an identity crisis of the state. This situation provoked a strong nationalism in both India and China, which, by September 1962, had escalated to a point where military engagement from both sides was inevitable. The 1962 border conflict was in fact a clash of nationalism over the Himalayan frontiers.

The Mutually Hurting Stalemate

Ripeness comprises two elements: a mutually hurting stalemate, and a sense of a way out. After the 1962 conflict, the bilateral relationship of India and China entered into a frozen state in which neither side was able to win and was thus prepared to make concessions. This phase lasted about ten years until the beginning of the 1970s, when both sides were being harmed by the continuing confrontation.

The two states not only began to ally with each other's adversaries – China with Pakistan, and India with the Soviet Union, thereby, undermining each other strategically, but also began to support those internal forces hostile to one another. The Dalai Lama was allowed to establish his exiled government in North India, and some Indian politicians actively supported the movement for Tibet's independence. On the Chinese side, the Chinese Government offered support to insurgent groups like the Nagas and Mizos in India's Northeast, as well as the Naxalbari movement in the north of West Bengal. On the Sino-Indian border, although there were no major armed clashes occurred after 1962, alleged incidents violating the Line of Actual Control took place frequently and the tension did not ease. Economic relations were suspended at the beginning of the 1960s. From 1962-1976, except in 1964, the trade volume reached \$270, 000, and in the other years, there was no trade between the two countries.²⁶ In June 1967, a diplomatic crisis broke out. China announced the expulsion of two Indian diplomats from Beijing on espionage charges, and withdrew their diplomatic status, opening a public trial. In retaliation, the Indian Government deprived two Chinese diplomats of their diplomatic status and deported them. On 16 June 1967, some Chinese embassy personnel were assaulted and injured by Indian demonstrators in front of the Chinese embassy in New Delhi. In Beijing, Chinese Red Guards besieged the Indian embassy and blocked all the roads to the Indian embassy. This diplomatic crisis ended on 20-21

²⁴ See Raganathan & Khanna (2000), pp. 13-24.

²⁵ See Vasquez (1993), Agnew & Corbridge (1995), Krasner (1999).

²⁶ *Almanac of China Foreign Economic Relations and Trade* (1984), 4, p. 17.

June, when both sides lifted the sieges on the two embassies. These incidents further damaged Sino-Indian relations.²⁷

Constrained by the Cold War, their interests were deeply involved in the superpower rivalry, and each country profited through alliances in order to enhance its position in the confrontation. However, the dispute was not ripe for negotiation, because the signs for a “sense of a way out” had not emerged.

CONFLICT DE-ESCALATION

Sense of a Way Out

At the end of the 1960s and the beginning of the 1970s some significant moves had taken place to reverse the worsening relations. The top leaders of India and China had expressed their will to resume bilateral relations. On 1 January 1969, Indian Prime Minister Indira Gandhi stated in a press conference that the Indian Government would be prepared to try to find a way of solving the dispute with China through talks without any pre-conditions.²⁸ In another message to China, she said during an interview to a journalist in the same month: “*To be frank, the Chinese are not an emotional people, so to some extent relations depend on the world situation. My own way of looking at this problem is that no position is static. No two countries could have been more hostile than America and China, yet they are willing to have a dialogue and even conservative Americans think that a dialogue is necessary.*”²⁹ The Chinese responded positively to Mrs. Gandhi’s message. On 1 May 1970, when Mao met diplomatic representatives at the podium of Tiananmen Square, Mao shook hands with the Indian *charge d’affaires*, Brajesh Mishra,³⁰ and told him, “*India is a great country. The Indian people are a great people. Chinese and Indian people ought to live as friends, they cannot always quarrel.*”³¹ Mishra was authorized to respond that India would be prepared to open a dialogue with China and conveyed the decision of the Indian Government to send an Ambassador to China. Mrs Gandhi and Mao’s words, exchanged in public, could be seen as early signs of a thaw between India and China. However, some of the subsequent events interrupted this process. India moved closer to the Soviet Union, as Mrs. Gandhi saw the threat of the emerging China-Pakistan-US triangle. India signed the Indo-Soviet Treaty and dismembered Pakistan in the third Indo-Pakistan War in 1971, thereby establishing its status as a regional power in South Asia. China regarded the Indo-Soviet Treaty as being directed against itself and Pakistan. Also in the same year, India enhanced its administrative control in the Northeast, declaring NEFA as a centrally administered area named Arunachal Pradesh. Moreover, Sikkim was made a state of India in 1974 through a constitution amendment. China strongly protested against India’s actions in the NEFA and Sikkim. Thus, during 1971-75, the cold relations between India and

²⁷ See Liu (1994), p. 115, Zhang (2004), p. 26.

²⁸ *The Times of India* (January 2, 1969).

²⁹ *Hindustan Times* (January 24, 1969).

³⁰ In July 1961 India withdrew its ambassador, one year later, the Chinese ambassador left his position as well. The bilateral relationship was dropped to a *charge d’affaires* level.

³¹ See Wang (1998), p. 302.

China remained, but the desire for a better bilateral relationship continued. In 1976, both sides finally reached a consensus to restore ambassadorial-level relations. Mrs. Gandhi appointed K. R. Narayanan as Indian ambassador to Beijing, the first after two decades. He took up his assignment in Beijing in July 1976 and soon after, China also posted its ambassador in Delhi. The exchange of ambassadors suggested that relations had emerged out of the deep freeze and entered a period of *détente*.

Border Negotiation

The deep mistrust between the two nations, caused by the 1962 conflict, was the largest hurdle to developing their relations. Hence, as the leaders on both sides decided to improve Sino-Indian relations, the opening of border negotiations was soon put on the agenda by the two governments. By now three institutions had been established to negotiate the border.

The first institution for Indo-China border negotiations were the eight rounds of border talks at the vice-ministerial level, held annually in Beijing and New Delhi alternately from 1981 to 1987. Although eight rounds of official-level talks failed to achieve any breakthrough on the border issue, these talks still had their significance. Firstly, after a prolonged interruption in India-China relations, these talks allowed a friendly and candid exchange of views and enhanced mutual understanding between the two governments. The dialogue itself eased tensions and helped to shape a negotiated solution acceptable to both sides. In addition, through official channels, both sides explored the exchange and cooperation in the areas of economy, trade, culture, science and technology, and the possibility of a corresponding mechanism. Official, semi-official and unofficial exchange increased markedly during this period.

The JWG on the border was another institution of Indo-China border negotiation. Its establishment was fostered by the Indian Prime Minister Rajiv Gandhi's visit to China between 19-23 December 1988. The JWG replaced the border talks at the vice-ministerial level to continue negotiation on the border question between Indian and China. Between 1989 and 1997, the JWG met for ten rounds of talks in Beijing and New Delhi alternately.³² The most significant progress made in this period are two agreements. One was the **Agreement on Maintenance of Peace and Tranquillity along the Line of Actual Control (LAC)**, signed in September 1993 during the visit of Indian Prime Minister Narasimha Rao to China. This agreement emphasizes that the boundaries question should be resolved through consultation and collective efforts. The two sides were instructed to respect and observe the LAC strictly before the border issue was settled, and each side should keep respective military forces in the areas along the LAC to a minimum level. Neither side would use force or threaten to use force against the other, nor undertake specified levels of military exercises in mutually identified zones. The Agreement envisaged the working out of effective confidence building measures (CBMs) in the area along the LAC, and stipulated the solution

³² For more on detailed negotiating process of the JWG meetings of 1992 and 1993 see *memoirs* of former Indian Foreign secretary J. N. Dixit (1995), pp. 229-252.

of any contingencies and problems that might arise along the LAC. Furthermore, each side of the JWG was to appoint diplomatic and military experts, their task being to advise the JWG on matters such as the formulation of implementation measures, and the resolution of differences on the alignment, redeployment and reduction of military forces. This agreement was a big step forward in exploring a border solution and towards eliminating the possibility of military crises such as the Sumdorong Chu crisis of 1986-1987.³³

The other key agreement was the **Agreement on Confidence Building Measures in the Military field along the Line of Actual Control**, signed in December 1996 when the Chinese President Jiang Zemin visited India. The 1996 Agreement went into very great detail about the reduction of military forces, the limiting of tension and dangerous military activities, and discussed the strengthening of exchanges and cooperation between their military personnel in various ways, such as establishing scheduled and flag meetings. As an initial step towards a border settlement, the difficult and ongoing technical task of clarifying the LAC was very useful. The Agreement also discussed the clarification of the LAC with the two sides acknowledging the need to arrive at a common understanding of the alignment of the LAC, and to speed up the process of clarification and confirmation of the line. The segments in which both sides had different perceptions needed first to be clarified. Both sides agreed to exchange maps indicating their respective perceptions of the alignment of LAC as soon as possible.

The third institution has taken the form of the Special Representatives' Meeting. It was established during Indian Prime Minister Vajpayee's visit to China in June 2003. Marked by the conclusion of the **Declaration on Principles for Relations and Comprehensive Cooperation** between India and China, his visit opened a new phase in Sino-Indian relations. The Special Representatives-level talks and the JWG's work do not preclude each other.³⁴ The JWG deals with the technical aspects of the border question such as the clarification of the LAC and the implementation of CBMs,³⁵ while the Special Representatives' Meeting discuss the question at a political level. The major achievement of the Meetings is the **Agreement on Political Parameters and Guiding Principles for the Settlement of the Border Question** which was signed during Chinese Prime Minister Wen Jiabao's visit to India in April 2005. At present, the objective of the Special Representatives' Meeting is to work out an agreed framework for the resolution of

³³ In 1984, the Intelligence Bureau of India opened a post in the Sumdorong valley, which lies in the Tagla ridge north of the McMahon Line and is thus considered by China as its territory. In mid-June 1986, China reoccupied the valley when the Indian detachment left their post for Nyamjang Chu in order to collect their salaries and rations. India condemned the Chinese action on 15 July 1986, with China answering that it was India that had violated and crossed the LAC. Both sides deployed their armies on the border region. See Sawhney (2002), p. 29, Zhao (2000), p. 291.

³⁴ See <http://www.hinduonnet.com/fline/fl2125/stories/20041217001205500.htm>, "On the Right Track," by P.S. Suryanarayana, *Frontline* 21(25) (online edition, December 04-17, 2004).

³⁵ See *The Declaration on Principles for Relations and Comprehensive Cooperation between the Republic of India and the People's Republic of China* (June 23, 2003).

the boundary based on the agreed political parameters and guiding principles. This framework will provide the basis for the delineation and demarcation of the India-China boundary.

Ideational Factors Leading to Negotiation

The conflict de-escalation of the border dispute needs to be situated in the de-freezing process of Indo-Chinese bilateral relations. Mrs. Gandhi and Mao's desire to improve bilateral relations at the beginning of the 1970s indicated the change of perceptions on the part of the political leaders in the Sino-Indian relationship. Although both sides had realized that good relations with each other was in accordance with their national interests, constrained by the Cold War structure, the relationship between India and China improved at a very slow pace between the mid-1970s and the mid-1980s. Between 1989 and 1991, the collapse of Communism in Eastern Europe and the disintegration of the Soviet Union heralded the end of the Cold War. This represented a dramatic turning point in the structures of international politics. The Soviet Union, as the key international factor preventing better relations between China and India, was now removed. With the bipolar structure of the international system collapsing, states began to redefine their identities and interests. Going back to the negotiation table was in China and India's interests in the new situation.

Today India and China are making efforts at adapting themselves to the process of globalization. Identifying themselves as the world's largest developing countries, India and China are facing similar problems and challenges. For example, India and China have broadly similar expectations and reservations towards the WTO and other international trading regimes. Both countries' accommodation of the Uruguay Round (and to the resultant creation of the WTO) has focused on broadly similar issues – technical verification problems and phase-in arrangements of considerable complexity.³⁶ India and China both have Islamic extremist and separatist challenges at home. Hence, anti-terrorism is a common concern and a mutual commitment. On the issue of energy supplies, both countries are facing a growing discrepancy between demand and domestic supply. Their demands on foreign oil and other energy resources are increasing rapidly and have inevitably led to competition. Both have to adjust their policies to find solutions to increasing energy insecurity. Both have realized that a cooperative relationship between India and China on energy issues can avoid costly competition over energy assets abroad. Such commonalities and complementarities in their relationship have constituted a shared interests in cooperation in the new era and brought new momentum to the border negotiations in the form of political parameters and guiding principles for the settlement of the border question and the opening of Border Trade in Nathula.

³⁶ See Clad (2004), p. 269.

BORDER TRADE IN NATHULA AND THE QINGHAI-TIBET RAILWAY

The border trade between India and China is a further issue I would like to focus on. The direct outcome for expanding border trade is to bring peace and economic development between the communities in the border regions. Furthermore, the free flow of both goods and people across borders should expand mutual transparency and thus solidify mutual confidence in their disputed border regions. Through people-to-people contact in the trade transactions, mutual confidence between India and China ought to be strengthened. In addition, the border trade has also greatly facilitated better and cost-effective border management activities by the personnel deployed from both sides in the border regions. Thus, border trade can be seen as a possible tool for facilitating the resolution of the border question.³⁷

During Vajpayee's visit to China in 2003, nine Memoranda of Understanding (MOUs), Executive Programmes and a Protocol were signed, encompassing a wide area of facilitation measures to enhance cooperation between India and China. Among them was a Memorandum on Expanding Border Trade, which is pursuant to the Memorandum on the Resumption of Border Trade signed on 13 December 1991, and the Protocol on Entry and Exit Procedures for Border Trade signed on 1 July 1992. Since the 1991 Memorandum on Border Trade, two routes via Shipki La near Simla and Lipulekh La near the western Nepal-India border have been opened. The opening of these two routes is primarily aimed at enabling pilgrims to reach two Hindu religious sites, Kailash and Mansarova.³⁸ They remain active only between June and September because of bad weather. Hence, they have little significance for trade and commerce, and the infrastructure development has remained negligible. Nevertheless, the opening of these routes has made a huge difference to the lives of people living in the Himalayan region.³⁹ In the new Memorandum of 2003, India and China agreed to designate Changgu of Sikkim state, and Renqinggang of the Tibet Autonomous Region as the venue for border trade market. They also specified the desire to open Nathula in Sikkim as the pass for entry and exit of persons, means of transport and commodities engaged in border trade.

Nathula has historically been Tibet's life-line to the outside world as it is a part of the famed "Silk Road" (see **Map 2**). The trade route through Nathula has a better infrastructure and is expected to remain open throughout the year. Until the 1962 War, traffic across the Nathula Pass accounted for 80 per cent of the total border trade volume between the two countries. Since 2003, negotiations on border trade in Nathula have been held. The reopening of the Nathula pass was set for 6 July 2006. This decision has symbolic significance. It establishes firmly China's recognition of Sikkim as a part of India,⁴⁰ and because the trade through Nathula was suspended since the 1962 war, the re-opening of Nathula is a weighty addition in a series of CBMs that the neighbours had embarked on in recent years. The

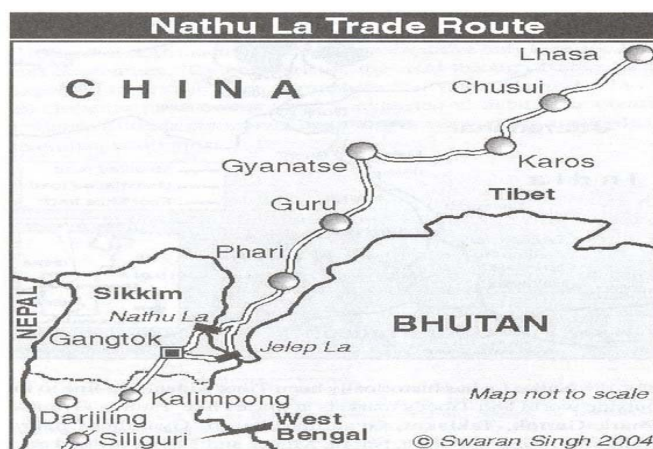
³⁷ See Singh (2005), p. 123.

³⁸ See Singh (2005), p. 124.

³⁹ See Mansingh (2005).

⁴⁰ China had not recognized Sikkim as an Indian state.

Sikkim State Government on the Indian side is predicting that by 2010, the total trade across Nathula could be worth as much as \$1 billion.⁴¹ Most observers might find the figure a little ambitious, but considering that China opened the Qinghai-Tibet railway on 1 July 2006 and plans to extend the railway from Lhasa to Yadong⁴² near the Nathula pass, it is still possible to reach this figure. The Qinghai-Tibet Railway will not only link Tibet with other parts of China, but also boost border trade. The new railway will turn Tibet into the frontier for southern Asian economic communication. India is also predicting a tourist boom for the reopened border and the Qinghai-Tibet Railway. It will provide a direct route between the former Himalayan kingdoms of Tibet and Sikkim, and will allow tourists to travel directly from Tibet to the great Buddhist shrines in Bihar, India.



Map 2 Nathula Pass and Border Trade Point [Singh (2004), p. 126]

The border trade and the new railway will connect south western China and north eastern India – both are underdeveloped compared with other regions in the two countries. The enormous chances brought by the border trade and the railway, and the increasing desire to invest in each others’ markets have helped put aside the decadesold issue of the border question and, instead, trade and economic cooperation are emerging in the foreground.

RIPENESS OF AN ULTIMATE SETTLEMENT?

The border negotiation has taken India and China more than 25 years and has not been resolved yet. Some might criticize the tardiness of the negotiating process, particularly if attention is focused on the issues related to the border and the

⁴¹ See Mansingh (2005).
⁴² Yadong is 300 kilometers from Bhutan’s capital city Thimphu, and 600 kilometers from Dacca, capital of Bangladesh. Among other border ports in Tibet, Yadong is the nearest to the sea.

progress made in other bilateral fields is ignored. Nevertheless, the foremost achievement lies in the negotiation process itself; that the two parties have finally been able to use negotiation to solve an existing dispute following a hiatus of two decades after the 1962 disaster.

In recent years, Sino-Indian relations have entered a new stage of overall development. In this context, it is worth asking whether the time is now ripe for a final settlement of the border dispute? In the following I will attempt to explore this possibility and the potential form of a final settlement. There are three alternative approaches evolved in the past decades: (1) No concessions, with an attempt to impose one's will upon the other; (2) Mutual concessions, with demands that the other surrender more; and (3) Accept the LAC as the first step towards the final settlement.⁴³ The first approach was reflected in the conflict escalation stage. I will focus on the last two approaches which are more relevant to the present conflict de-escalation stage.

Throughout the 1980s neither government was politically prepared to settle the border dispute, nor did they feel any urgency to resolve it. Reflected in the negotiations, both adopted the second approach. At the beginning China offered a package deal, which implied the "East- West swap."⁴⁴ The Indian side hesitated to accept it. India's position was to ensure the McMahon Line as the boundary line in the eastern sector, while attempting to get a sizable piece of territory in the western sector. When India asked China to explain the proposal of package deal, China's position was not the straightforward "East-West swap" which Indian had expected. China's motivation was to ensure the LAC as the boundary in the western sector while demanding that India surrender part of the Tawang Tract in the eastern sector. Another source of trouble was the geographical complexity and the ambiguity of the current LAC. Without clarification there is the danger of violating the LAC, which can lead to military confrontation like that of the Sumdorong Chu crisis in 1986. The third approach regards the clarification of LAC as the first step toward a final settlement, and agrees to settle the border politically. The Sino-Indian agreements signed in 1993 and 1996 for clarification and demilitarization of the LAC were the first steps towards this process. Although they still need some time to delineate the LAC, reduce military forces, and establish CBMs, the two Asian giants have found an agreed line to respect and observe.

Since the establishment of the Special Representatives' meeting both sides have now constructed a three-tiered structure to deal with the sensitive border

⁴³ See Liu (1994), p. 172.

⁴⁴ The so-called "package deal" suggested swapping the eastern sector for the western sector. In fact, it was an old proposal of Chinese Premier Zhou Enlai in 1960. As Atal Bihari Vajpayee as Indian Foreign Minister visited China in 1977, he and Chinese leader Deng Xiaoping discussed the border issue. During their talk, Deng suggested the "East-West swap" again and expressed it more explicitly. He elaborated that India had areas under its control which were rich in natural resources, whereas China had an area that was not economically useful, it would be advisable to have a comprehensive solution on the basis of give-and-take. See Ranganathan & Khanna (2000), p. 166. Now the package deal has become one of the political parameters and guiding principles of the boundary settlement. See *The Agreement on Political Parameters and Guiding Principles* (April 11, 2005).

issue. At the top are leaders of the two countries who have decided to provide the impetus and impart the requisite dynamism; next are the Special Representatives who will oversee and steer the overall negotiations; and the Joint Working Groups, comprising bureaucrats, officials, experts of various sorts, technical personnel, specialists and other representative groups who will engage in the discussions.⁴⁵ The end solution will be a political and package settlement prescribed by the **Agreement on Political Parameters and Guiding Principles** of 2005. The LAC is only a temporary line by definition, and because the settlement will be a political settlement, the final boundary may be different from the current LAC. A package settlement has two possibilities: that China accept the McMahon Line as the basis of defining the Sino-Indian boundary in the eastern sector in return for India's recognition of China's control of Aksai Chin in the western sector, or that mutual adjustments are made in each sector, namely, that India would make concessions in the eastern sector in return for which China would make concessions in the western sector.

Set in the context of the Sino-Indian relationship at present, the tendency of the border negotiations is positive. Nevertheless, there are still impediments to reaching a complete settlement. One impediment is India's 1962 parliamentary resolution.⁴⁶ At the height of the border conflict, on 14 November 1962, the Indian Parliament passed a unanimous resolution stating that India will recover every inch of territory lost to the Chinese. Hence, the concession of Aksai Chin would mean a sell-out of India's national integrity because of this parliamentary resolution, which has never been invoked nor repealed.⁴⁷ Efforts on the part of the Indian Government are still needed to encourage public opinion in favour of a border settlement and to disregard the 1962 Parliamentary resolution. The difficulty of the Chinese Government lies in the Tawang Tract. Because it is the birth place of the 6th Dalai Lama, and until 1951 was under the control of the Tibetan monastery, the Chinese Government regards it as a centre of Tibetan Buddhism. China has claimed that the 90,000 square kilometre territory in the eastern sector south of the McMahon Line is Chinese territory. Together with the sensitivity of Tibet, China would like to regain Tawang to appease Tibetan and domestic nationalist feelings. However, the Indian Government would not concede the territory with its resident population. In addition, Article 7 in the **Agreement on Political Parameters and Guiding Principles** that "*the two sides shall safeguard due interests of their settled populations in the border areas*" is also not a favourable condition for the Chinese interests in this respect.

After more than twenty years of negotiations through the efforts of political leaders, officials and military and diplomatic experts, there should not be many technical problems left. Now the key point is whether the political leaders of India and China have enough political will and determination to resolve the pending border dispute. Negotiation is a game of give and take. Within the framework of the present political parameters and guiding principles, if one side hopes to get a

⁴⁵ See Acharya (2005), p. 321.

⁴⁶ See Maxwell (1970), Liu (1994), Mansingh (2005).

⁴⁷ See Mansingh (2005).

piece of land from the other, it should offer a proper piece of land to the other. From a historical perspective, there is no winner or loser in the whole dispute, both have won and have lost in different respects. In fact, at the end each side will get essentially what it possesses based on the LAC, without much gain or loss. If the politicians of both countries can look beyond the border, they will see that a peaceful and settled boundary between the two largest neighbouring nations in Asia will bring inestimable benefits to their national security, political stability and economic development. Both sides will benefit much more in the future than they suppose to lose at present.⁴⁸ According to the “ripeness” concept of William Zartman, perception is the most important factor to impel progress in negotiation process, hence, we now need a “sense of a way out” in the perception of leaders of India and China for an ultimate settlement. It is time to test the wisdom of the political leaders in how they exercise the principle of give-and-take to find a mutually acceptable solution, while taking into account the interests of the two nations and the popular sentiment of the two peoples.

**CONCLUSION:
BUILDING MUTUAL TRUST THROUGH INSTITUTION-BUILDING**

Since the 1950s, the border dispute has been closely linked to bilateral relations between India and China. It undermined cooperation between the two countries in the early phase of independent statehood. The consequences of the conflict in 1962 have affected their relations ever since. In recent years, the border issue has become relatively less important as the two countries have concentrated on other aspects of their bilateral relations such as trade, energy, and even military ties, yet an unresolved border dispute could have a destabilising effect on bilateral relations. Furthermore, it will hamper joint efforts of counter-terrorism or military exercises in the border areas and the extension of border trade on a full-scale. The resolution of the border dispute is a key point in building the requisite trust for a stable strategic partnership⁴⁹ between India and China. Unless China and India can clearly demarcate their border, any numbers of copies of the bilateral Sino-Indian border memorandum will not expel the ghosts of the 1962 war.

For a long time, many analyses of Sino-Indian relations assumed an underlying element of competitiveness, if not down right rivalry, due to the 1962 conflict and the Cold War between India and China thereafter.⁵⁰ However, as a number of structural and historical conditions have changed, the future bilateral relationship need not necessarily be marked by competition and conflict.

⁴⁸ See Liu (1994), p. 181.

⁴⁹ See *The 2005 Joint Statement and the Agreement on Political Parameters and Guiding Principles for the Settlement of the Border Question* (April 11, 2005). Compared to the Declaration of 2003 between the two Governments, the most significant move in the Joint Statement of 2005 is the way in which they describe the relationship which they are committed to develop. In the 2003 Declaration, the relationship was described as “a long-term constructive and cooperative partnership.” In the 2005 Joint Statement it was elevated to “an India-China Strategic and Cooperative Partnership for Peace and Prosperity.”

⁵⁰ See Garver (2001), Ganguly (2004).

Objectively speaking, at present there is competition as well as cooperation between the two countries, depending on the areas concerned. Competition is not necessarily negative, it can be positive. While competition may be inevitable between India and China in many areas, conflict is avoidable. Today we can expect a more friendly Indo-China relationship based on their steadily widening common interests. Each is taking advantage of the opportunities brought about by globalization for national economic development, whilst also facing challenges. In the course of their development they can learn from each other's experiences, either negative or positive, to formulate policies appropriate to their own conditions. The most powerful drive of amicability between India and China at present is their economic relations, strengthened by the integration of the global economy. Bilateral trade, which started at an extremely low level, reached \$18 billion in 2005, and continues to growing at a high speed. In 1999, the bilateral trade volume was still less than \$2 billion, now China is India's third largest trade partner. The target of \$30 billion set for 2010 is now expected to be reached by 2008.⁵¹ This development shows more optimism and promise for the near future in terms of mutual economic dependence.

At present the main challenge for a strategic relationship to emerge between India and China lies in the insufficient trust, particularly in the sensitive area of security. The 1962 conflict enlarged India's threat perception about China. Such perceptions can be highlighted by the example of the Indian Government disallowing Hong Kong-based Hutchison Port Holdings (HPH), from bidding for projects in Mumbai and Chennai ports in 2006.⁵² With the Western Naval Command's presence there, the Mumbai port was seen as extremely sensitive. The Intelligence Bureau, the Research and Analysis Wing (RAW) and the Defence Ministry warned that allowing the bidders would give China access to the Indian Ocean with serious consequences for Indian maritime security. Allowing the company to develop the Mumbai port would give it an operational base in the port area and allow it a commanding position from which to collect strategic information. In the context of globalization, it is clear that a country's economic development cannot be separated from international cooperation. The intelligence agencies may overstate the fears regarding Chinese companies. Since the Indian Government could still decide otherwise considering the commercial and infrastructural needs, this occurrence reflects not only the fact that India is still deeply wary of China, but also the fact that the mindset of threat still has a deep impact on India's policies towards China.

How can India and China avoid the threat perception in order to develop a more trusting relationship? Now various institutions have been established aimed at facilitating bilateral relations. For example, Foreign Ministers meet annually; contacts between officials and experts are increasing through various Joint

⁵¹ See <http://www.newkerala.com/news3.php?action=fullnews&id=20582>, "India, China Trade to Surpass \$20 Billion before 2008," *Online Newspaper: New Kerala* (July 10, 2006).

⁵² See <http://timesofindia.indiatimes.com/articleshow/1779280.cms>, "Chinese firms may be barred from port race," by Subodh Ghildiyal, *Times of India* (online edition, July 20th, 2006).

Working Groups such as the Joint Economic Group (JEG), the Joint Study Group (JSG) and regular strategic dialogues. The achievements in bilateral relations so far can be attributed to the work of these institutions. Hence, I would argue that institution-building will continue to strengthen exchanges, mutual understanding, and trust between the two countries.

For bilateral relations institution-building at the bilateral level is obvious. Yet institution-building can also take place at the multilateral level. In fact, bilateral relations cannot be separated from a multilateral context, as was the case with the Cold War structure, when Indo-China relations were complicated by their respective relationships with Pakistan and the Soviet Union. Even the border dispute between India and China was not a purely bilateral issue. It involved not only India and China as the main actors, but also Britain, Russia, Tibet at its very beginning, and later Pakistan, the Soviet Union, as well as other common neighbours of India and China. In today's world system, multilateral cooperation is of increasing importance, particularly because both India and China are promoting multi-polarity. Their multilateral cooperation can proceed through their participation in multilateral regimes, particularly at the regional level, such as the Association of South East Asian Nations (ASEAN), the Shanghai Cooperation Organisation (SCO) or the South Asian Association for Regional Cooperation (SAARC). Multilateral regimes are platforms for dialogue among nations as well as tools for checks and balances between them. Therefore, problems that India and China can not solve through bilateral channels may be raised to a multilateral level as a means of seeking a solution through the participation of other countries. In this sense, participation in various multilateral regimes may hold a better prospect for Sino-Indian relations in the future. In order to push the development of multilateral regimes forward, China and India need to accommodate to each other, making concessions in some issues to benefit from others. Another crucial point is that, constrained by a multilateral framework, they will need to appeal rather to peaceful means such as negotiation and mediation than to the use of force to solve their conflicts and problems. Now, at least at a governmental level, both sides have realized the importance of multilateral cooperation and have "*supported multilateral cooperation in Asia, believing that such cooperation promotes mutual beneficial exchanges, economic growth as well as greater cohesion among Asian countries.*" At the same time, "*the two sides viewed positively each others' participation in regional and sub-regional multilateral cooperation process in Asia.*"⁵³ Hence, we have reason to expect that India and China will, through bilateral as well as multilateral channels, learn from each other, understand each other,⁵⁴ and thus, build trusting and peaceful relations, which are crucial for the welfare and prosperity of Asia and the world.

⁵³ *The Declaration on Principles for Relations and Comprehensive Cooperation between the Republic of India and the People's Republic of China* (June 23, 2003).

⁵⁴ Nye (1987) introduced distinction between simple learning (behavioural effects) and complex learning (constructive effects on identities and interests). Learning or "Cognitive Evolution" is also crucial aspect of Constructivist approaches; it is "*the process of innovation, domestic and international diffusion, political selection and effective*

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institutionalization that creates the inter-subjective understanding on which the interests, practices and behaviour of governments are based." See Adler (1997), p. 339.

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