

The Facts and China's Position
Concerning the Indian Border Troops' Crossing of the China-India
Boundary in the Sikkim Sector into the Chinese Territory

I

1. The Dong Lang area (Doklam) is located in Yadong county of the Tibet Autonomous Region of China. It borders India's Sikkim state on the west and the Kingdom of Bhutan on the south. In 1890, China and the UK signed the *Convention Between Great Britain and China Relating to Sikkim and Tibet* which delimited the boundary between the Tibet region of China and Sikkim. According to the Convention, the Dong Lang area, which is located on the Chinese side of the boundary, is indisputably Chinese territory. For long, China's border troops have been patrolling the area and Chinese herdsmen grazing livestock there. At present, the boundary between the Dong Lang area and Sikkim is a part of the China-India boundary in the Sikkim Sector.

2. On 16 June 2017, the Chinese side was building a road in the Dong Lang area. On 18 June, over 270 Indian border troops, carrying weapons and driving two bulldozers, crossed the boundary in the Sikkim Sector at the Duo Ka La (Doka La) pass and advanced more than 100 meters into the Chinese territory to obstruct the road building of the Chinese side, causing tension in the area. In addition to the two bulldozers, the trespassing Indian border troops, reaching as many as over

400 people at one point, have put up three tents and advanced over 180 meters into the Chinese territory. As of the end of July, there were still over 40 Indian border troops and one bulldozer illegally staying in the Chinese territory.

3. After the outbreak of the incident, Chinese border troops took contingency response measures on the spot. On 19 June, the Chinese side made prompt and serious representations with the Indian side through diplomatic channels to strongly protest and condemn the illegal trespass by the Indian side and demand the immediate withdrawal of the trespassing Indian border troops back to the Indian side of the boundary. China's Ministry of Foreign Affairs, Ministry of National Defense and the Chinese Embassy in India made serious representations with India for multiple times in Beijing and New Delhi, strongly urging India to respect China's territorial sovereignty and immediately pull back its trespassing border troops. The spokespersons of the Chinese foreign and defense ministries spoke in public on various occasions, laid out the facts and truth, stated China's position and released a map and on-the-scene photos showing Indian troops' trespass (see Appendix I).

II

4. The China-India boundary in the Sikkim Sector has already been delimited by the 1890 *Convention Between Great Britain and China Relating to Sikkim and Tibet* (hereinafter referred to as the 1890 Convention, see Appendix II). Article I of this Convention stipulates that "The boundary of Sikkim and Tibet shall be the crest of the mountain range separating the waters flowing into the Sikkim Teesta and its affluents from the waters flowing into the Tibetan Mochu and northwards

into other Rivers of Tibet. The line commences at Mount Gipmochi on the Bhutan frontier, and follows the above-mentioned water-parting to the point where it meets Nipal territory.” (Mount Gipmochi is currently known as Mount Ji Mu Ma Zhen.) The Convention gives a clear and precise description of the alignment of the boundary in this sector. The actual boundary on the ground follows the watershed and its alignment is easily identifiable.

5. After the founding of the People’s Republic of China and the independence of India, the governments of both countries inherited the 1890 Convention and the delimited China-India boundary in the Sikkim Sector as established by the Convention. This is evidenced by Indian Prime Minister Jawaharlal Nehru’s letters to Chinese Premier Chou En-lai, diplomatic notes from the Indian Embassy in China to the Chinese Foreign Ministry, and documents provided by the Indian side in the Special Representatives Talks on China-India Boundary Question (see Appendix III). Each of the two sides has for long exercised jurisdiction over its side of the boundary delimited by the 1890 Convention without any dispute over the specific alignment of the boundary. Once a boundary is established by a convention, it is under particular protection of international law and shall not be violated.

6. Since 18 June, the Indian border troops have illegally crossed the China-India boundary in the Sikkim Sector and entered the Chinese territory. This is an undeniable fact. The incident occurred in an area where there is a clear and delimited boundary. This makes it fundamentally different from past frictions between the border troops of the two sides in areas with undelimited boundary. The Indian border troops’ crossing of the already delimited boundary is a very serious

incident, as it violates China's sovereignty and territorial integrity, contravenes the 1890 Convention and the UN Charter, and tramples grossly on the basic principles of international law and basic norms governing international relations.

III

7. Since the incident broke out, India has invented various excuses to justify its illegal action, but its arguments have no factual or legal grounds at all and are simply untenable.

8. The China-India boundary in the Sikkim Sector has already been delimited, and the Dong Lang area is Chinese territory. China's road building on its own territory is aimed at improving local transportation, which is completely lawful and legitimate. China did not cross the boundary in its road building, and it notified India in advance in full reflection of China's goodwill. The Indian border troops have flagrantly crossed the mutually-recognized boundary to intrude into the Chinese territory and violated China's territorial sovereignty. This is indeed a real attempt to change the status quo of the boundary, and it has gravely undermined peace and tranquility of the China-India border area.

9. India has cited "serious security implications" of China's road building as a justification for its illegal crossing of the boundary. According to UN General Assembly Resolution 3314 adopted on 14 December 1974, no consideration of whatsoever nature, whether political, economic, military or otherwise, may serve as a justification for the invasion or attack by the armed forces of a State of the territory of another State. To cross a delimited boundary and enter the territory of a

neighboring country on the grounds of so-called “security concerns”, for whatever activities, runs counter to the basic principles of international law and basic norms governing international relations. No such attempt will be tolerated by any sovereign State, still less should it be the normal way of conduct between China and India as two neighboring States.

10. Over the years, Indian troops have constructed a large number of infrastructure facilities including roads at the Duo Ka La pass and its nearby areas on the Indian side of the boundary, and even built fortifications and other military installations on the boundary. China, on the contrary, has only had very little infrastructure built on its side of the boundary in the same sector. In recent years, Indian border troops have also obstructed the normal patrols along the boundary by Chinese border troops, and attempted to build military installations across the boundary. In response, Chinese border troops lodged repeated protests and took lawful actions to dismantle the facilities installed by the Indian military on the Chinese side of the boundary. The fact of the matter is it is India that has attempted time and again to change the status quo of the China-India boundary in the Sikkim Sector, which poses a grave security threat to China.

11. The 1890 Convention has made it abundantly clear that the China-India boundary in the Sikkim Sector commences at Mount Ji Mu Ma Zhen on the Bhutan frontier. Mount Ji Mu Ma Zhen is the eastern starting point of the China-India boundary in the Sikkim Sector and it is also the boundary tri-junction between China, India and Bhutan. The Indian border troops’ trespass occurred at a place on the China-India boundary in the Sikkim Sector, which is more than 2,000 meters away from Mount Ji Mu Ma Zhen. Matters concerning the boundary

tri-junction have nothing to do with this incident. India should respect the 1890 Convention and the eastern starting point of the China-India boundary in the Sikkim Sector as established by the Convention. It has no right to unilaterally alter the delimited boundary and its eastern starting point, still less should it violate China's territorial sovereignty on the basis of its untenable arguments.

12. The stability and inviolability of boundaries is a fundamental principle enshrined in international law. The China-India boundary in the Sikkim Sector as delimited by the 1890 Convention has been continuously valid and repeatedly reaffirmed by both the Chinese and Indian sides. Either side shall strictly abide by the boundary which shall not be violated. The Chinese and Indian sides have been in discussion on making the boundary in the Sikkim Sector an "early harvest" in the settlement of the entire boundary question during the meetings between the Special Representatives on the China-India Boundary Question. This is mainly in view of the following considerations. The boundary in the Sikkim Sector has long been delimited by the 1890 Convention, which was signed between then China and Great Britain. China and India ought to sign a new boundary convention in their own names to replace the 1890 Convention. This, however, in no way alters the nature of the boundary in the Sikkim Sector as having already been delimited.

13. The Dong Lang area has all along been part of China and under China's continuous and effective jurisdiction. There is no dispute in this regard. Since the 1980s, China and Bhutan, as two independent sovereign States, have been engaged in negotiations and consultations to resolve their boundary issue. The two sides have, so far, had 24 rounds of talks and reached broad consensus. Although the boundary is yet to be formally

delimited, the two sides have conducted joint surveys in their border area and have basic consensus on the actual state of the border area and the alignment of their boundary. The China-Bhutan boundary issue is one between China and Bhutan. It has nothing to do with India. As a third party, India has no right to interfere in or impede the boundary talks between China and Bhutan, still less the right to make territorial claims on Bhutan's behalf. India's intrusion into the Chinese territory under the pretext of Bhutan has not only violated China's territorial sovereignty but also challenged Bhutan's sovereignty and independence. China and Bhutan are friendly neighbors. China has all along respected Bhutan's sovereignty and independence. Thanks to the joint efforts of both sides, the border area between China and Bhutan has always enjoyed peace and tranquility. China will continue to work with Bhutan to resolve the boundary issue between the two countries through negotiations and consultations in the absence of external interference.

IV

14. Since the incident occurred, China has shown utmost goodwill and great restraint and sought to communicate with India through diplomatic channels to resolve the incident. But no country should ever underestimate the resolve of the Chinese government and people to defend China's territorial sovereignty. China will take all necessary measures to safeguard its legitimate and lawful rights and interests. The incident took place on the Chinese side of the delimited boundary. India should immediately and unconditionally withdraw its trespassing border troops back to the Indian side of the boundary. This is a prerequisite and basis for resolving the incident.

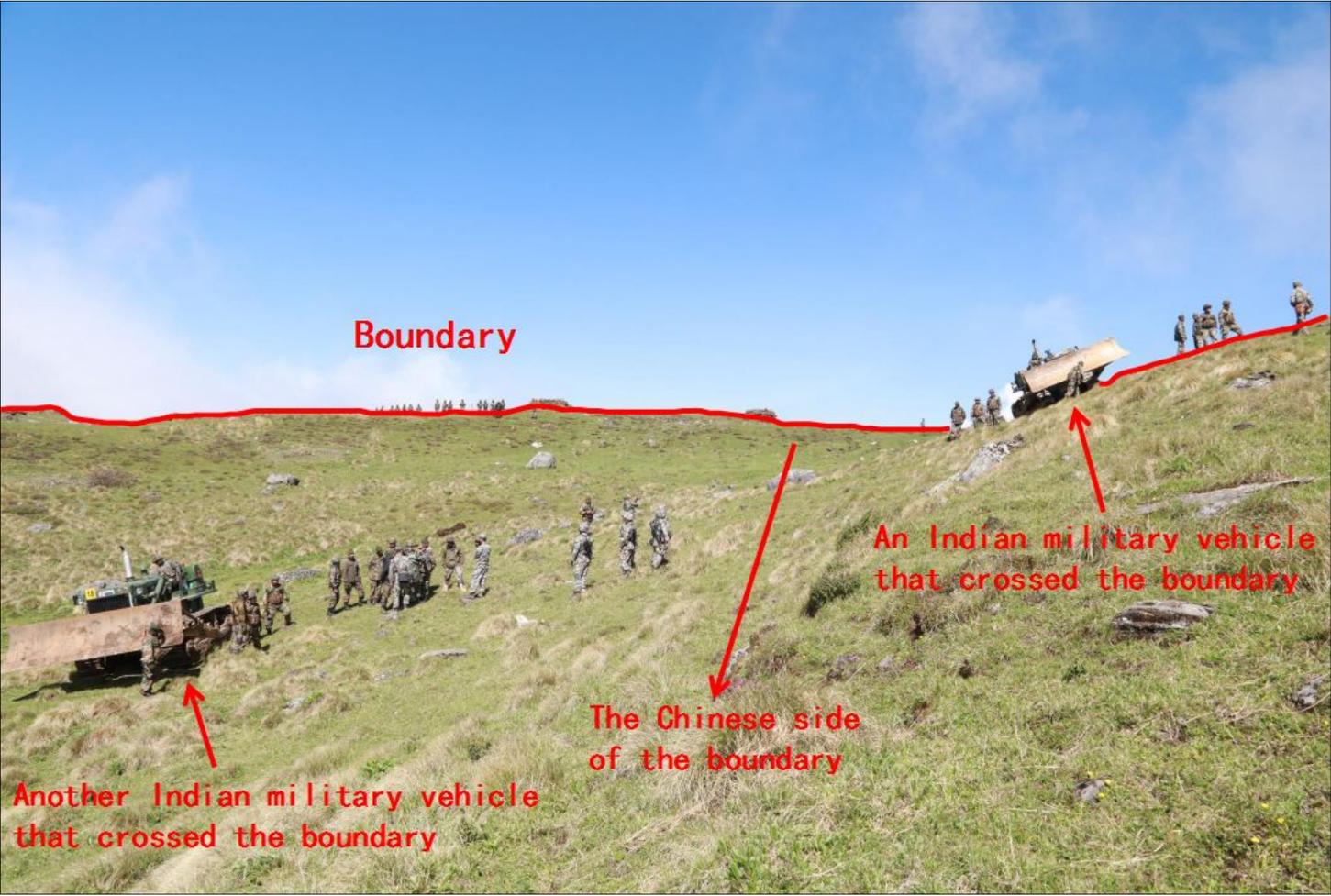
15. China and India are the world's largest developing countries. The Chinese government always values the growth of good-neighborly and friendly relations with India and is committed to maintaining peace and tranquility in the border area between the two countries. The Chinese side urges the Indian government to keep in mind the larger interest of bilateral relations and the well-being of the two peoples, abide by the 1890 Convention and the delimited China-India boundary established therein, respect China's territorial sovereignty, observe the Five Principles of Peaceful Coexistence and other basic principles of international law and basic norms governing international relations, immediately withdraw its trespassing border troops back to the Indian side of the boundary and conduct a thorough investigation into the illegal trespass so as to swiftly and appropriately resolve the incident and restore peace and tranquility to the border area between the two countries. This would serve the fundamental interests of both countries and go along with the shared expectations of countries in the region and the wider international community.

Appendix I

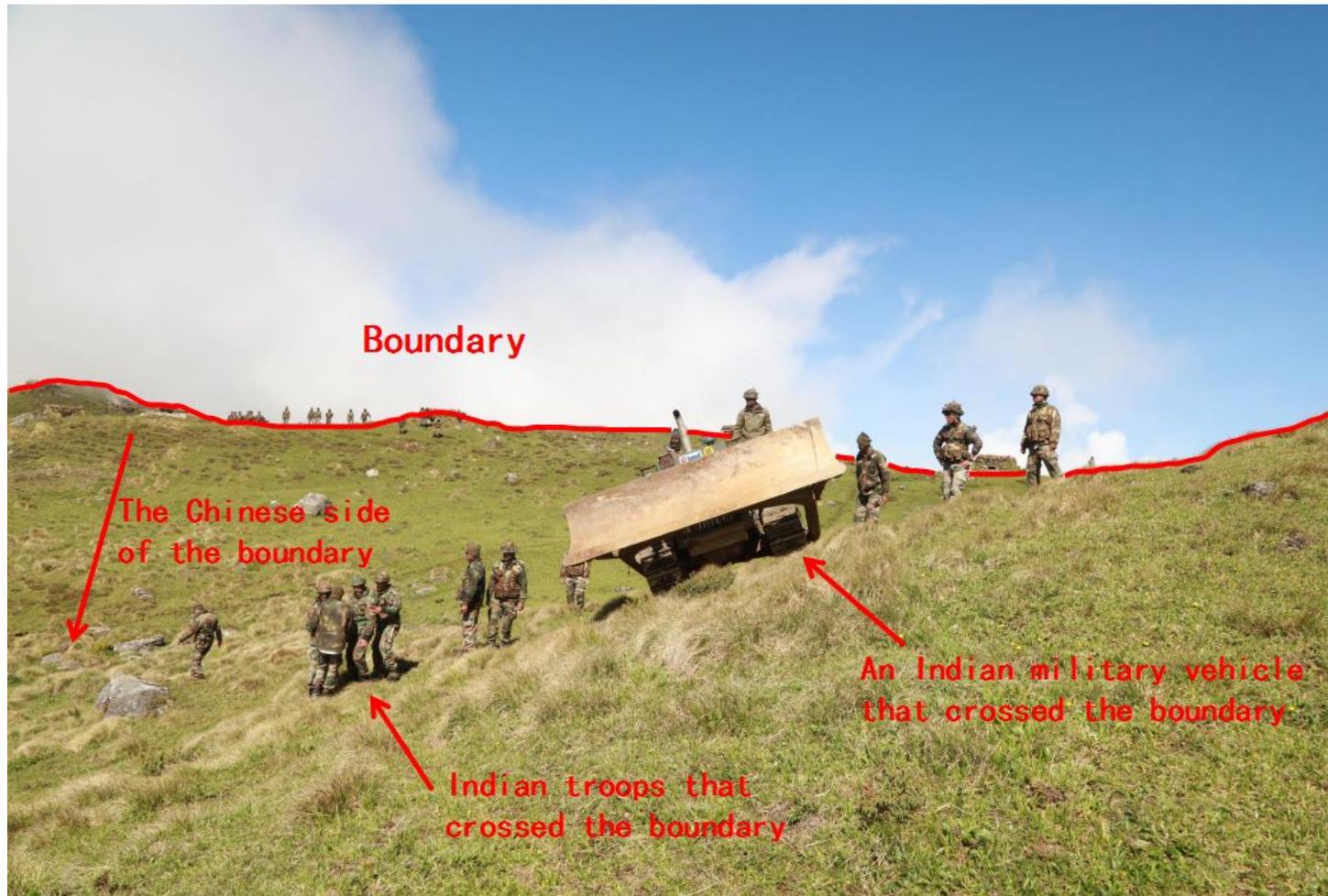
1. Sketch Map of the Site of the Indian Troops' Trespass



2. On-the-Scene Photo I Showing the Indian Troops' Trespass



3. On-the-Scene Photo II Showing the Indian Troops' Trespass



Appendix II

CONVENTION BETWEEN GREAT BRITAIN AND CHINA RELATING TO SIKKIM AND TIBET

WHEREAS Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of China, are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires; and whereas recent occurrences have tended towards a disturbance of the said relations, and it is desirable to clearly define and permanently settle certain matters connected with the boundary between Sikkim and Tibet, Her Britannic Majesty and His Majesty the Emperor of China have resolved to conclude a Convention on this subject, and have, for this purpose, named Plenipotentiaries, that is to say:

Her Majesty the Queen of Great Britain and Ireland, his Excellency the Most Honourable Henry Charles Keith Petty Fitzmaurice, G.M.S.I., G.C.M.G., G.M.I.E., Marquess of Lansdowne, Viceroy and Governor-General of India;

And His Majesty the Emperor of China, his Excellency Shêng Tai, Imperial Associate Resident in Tibet, Military Deputy Lieutenant-Governor;

Who, having met and communicated to each other their full powers, and finding these to be in proper form, have agreed upon the following Convention in eight Articles:—

ARTICLE I.

The boundary of Sikkim and Tibet shall be the crest of the mountain range separating the waters flowing into the Sikkim Teesta and its affluents from the waters flowing into the Tibetan Mochu and northwards

into other Rivers of Tibet. The line commences at Mount Gipmochi on the Bhutan frontier, and follows the above-mentioned water-parting to the point where it meets Nipal territory.

ARTICLE II.

It is admitted that the British Government, whose Protectorate over the Sikkim State is hereby recognized, has direct and exclusive control over the internal administration and foreign relations of that State, and except through and with the permission of the British Government, neither the Ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country.

ARTICLE III.

The Government of Great Britain and Ireland and the Government of China engage reciprocally to respect the boundary as defined in Article I, and to prevent acts of aggression from their respective sides of the frontier.

ARTICLE IV.

The question of providing increased facilities for trade across the Sikkim-Tibet frontier will hereafter be discussed with a view to a mutually satisfactory arrangement by the High Contracting Powers.

ARTICLE V.

The question of pasturage on the Sikkim side of the frontier is reserved for further examination and future adjustment.

ARTICLE VI.

The High Contracting Powers reserve for discussion and arrangement the method in which official communications between the British authorities in India and the authorities in Tibet shall be conducted.

ARTICLE VII.

Two joint Commissioners shall, within six months from the ratification of this Convention, be appointed, one by the British

Government in India, the other by the Chinese Resident in Tibet. The said Commissioners shall meet and discuss the questions which, by the last three preceding Articles, have been reserved.

ARTICLE VIII.

The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible after the date of the signature thereof.

In witness whereof the respective negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quadruplicate at Calcutta, this 17th day of March, in the year of our Lord 1890, corresponding with the Chinese date, the 27th day of the 2nd moon of the 16th year of Kuang Hsü.

Appendix III

A. Letter from Indian Prime Minister Jawaharlal Nehru to Chinese Premier Chou En-lai dated 22 March 1959:

“The boundary of Sikkim, a protectorate of India, with the Tibet Region of China was defined in the Anglo-Chinese Convention 1890 and jointly demarcated on the ground in 1895.”

B. Letter from Indian Prime Minister Jawaharlal Nehru to Chinese Premier Chou En-lai dated 26 September 1959:

“This Convention of 1890 also defined the boundary between Sikkim and Tibet; and the boundary was later, in 1895, demarcated. There is thus no dispute regarding the boundary of Sikkim with the Tibet region.”

C. Note of the Indian Embassy in China to the Chinese Ministry of Foreign Affairs dated 12 February 1960:

“The Chinese Government are aware of the special treaty relations which the Government of India have with Bhutan and Sikkim. In view of this the Government of India welcome the explanations given in the Chinese note relating to the boundaries between Sikkim and Bhutan on the one hand and Tibet on the other. The note states that the boundary between Sikkim and the Tibet region of China has long been formally delimited, and that there is neither any discrepancy on the maps nor any dispute in practice. The Government of India would like to add that this boundary has also been demarcated on the ground.”

D. Non-paper provided by the Indian side during the Meeting of the Working Teams of the Special Representatives on China-India Boundary Question on 10 May 2006:

“(e) Both sides agree on the boundary alignment in the Sikkim Sector.”