

SINO-PAKISTAN "AGREEMENT"

March 2, 1963

SOME FACTS

External Publicity Division: Ministry of External Affairs Government of India,
New Delhi

The Sino-Pakistan Agreement, which was signed in Peking on March 2, 1963, is termed 'Provisional', but the elaborate arrangements agreed to-the appointment of a Boundary Commission, setting up of pillars and drawing up of protocols-definitely point against the so-called provisional nature of the agreement Apart from prejudicing the Indian stand regarding the traditional nature of the boundary the very fact that Pakistan has relinquished title on a particular piece of territory which will be under Chinese control, will make it impossible for India to re-negotiate this position

While the Govt. of Pakistan have conceded territory to the Chinese, they have gained nothing definite except to get de facto recognition of their control over occupied Kashmir The Chinese, on the other hand, have secured the territory they wanted and obtained political advantage with a view to establishing their decisive influence over the sub-continent China has bypassed Pakistan's Western allies and succeeded in deploying Pakistan to play the Chinese game in South East Asia, beginning with pressures on India, That Pakistan has actually started obliging China in this matter is clear from the statements made by Pakistan's Foreign Minister in Peking supporting the Chinese official line that India should settle the boundary dispute with China through direct negotiations Like the Chinese, the Pakistan Foreign Minister completely ignored the fact that it is the Chinese' failure to accept the Colombo proposals which is the only obstacle to further talks and discussions between India and China This is not a casual omission but open and deliberate support to China's propagandist pressures against India

New Delhi, March 16, 1963

CONTENTS

	PAGES
1. Historical basis for traditional frontiers of north Kashmir with Sinkiang (West of the Karakoram Pass)	1
2. Pakistan's Overtures to China	3
3. Cession of Indian territory to China by Pakistan as a result of their new alignment	5
APPENDICES:	
APPENDIX I-Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, May 10, 1962	8
APPENDIX II-Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, May, 31, 1962	10
APPENDIX III - Note given by Ministry of External Affairs, New Delhi, to the Embassy of China in India, June 30, 1962	14
APPENDIX IV-Note given by the Ministry of External Affairs, New Delhi, to the High Commission of Pakistan in India, May 10, 1962	18
APPENDIX V-Note given by the High Commission of Pakistan in India to the Ministry of External Affairs, New Delhi, August 9, 1962	20
APPENDIX VI - Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, December 31, 1962	22
APPENDIX VII - Note given by the High Commission for India in Pakistan to the Ministry of External Affairs, Government of Pakistan, Karachi, January 26, 1963	23

APPENDIX VIII –Text of the “Agreement” signed by China and Pakistan in Peking on March 2, 1963	24
APPENDIX IX - Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China, March 2, 1963	29
APPENDIX X- Note given by the High Commission of India in Pakistan to the Ministry of External Affairs, Government of Pakistan, Karachi, March 5, 1963	31
APPENDIX XI – Prime Minister’s statement in the Lok Sabha on Sino-Pakistan Border “Agreement”, March 5, 1963	32

APPENDIX XII – Official Chinese Map of 1917

APPENDIX XIII- Map showing the traditional international frontier, the Chinese Claim Line of 1960 and Pakistan’s 1962 Official Map Alignment and their de facto line of 1961

APPENDIX XIV – Map showing Pakistan & Chinese alignments given in the maps of the so-called “Agreement” of March 2, 1963

APPENDIX XV - Map showing the new alignments of China and Pakistan in relation to the traditional frontier, to Pakistan’s map of 1962 and their de facto frontier of 1961 and the 1960 Chinese Claim Line.

Historical basis for Traditional Frontier of North Kashmir with Sinkiang (West of the Karakoram pass)

Traditional Alignment

The traditional boundary of Kashmir west of the Karakoram Pass is shown on all official Indian maps; it runs along the watershed dividing the tributaries of the Yarkand river and those of the Hunza river. It lies along the Kilik, Mintaka, Karchanai, Parpik and Khunjerab Passes. It then crosses the Shaksgam River and lies along the Aghil mountains, passing across the Aghil, Marpo and Shaksgam Passes, to the Karakoram Pass. This is the traditional and customary watershed boundary. Basis for the Frontier—This traditional boundary alignment is in accordance with geographical principles, tradition and custom and the area was always under Indian jurisdiction until Pakistan's invasion of Kashmir. Both the upper valley of the Khunjerab river and the upper valley of the Shaksgam river, lying south of the Aghil mountains, have always been parts of Hunza. The people of Hunza exercised various rights including cultivation and pasturage and grazing in this area: The Shimshalis of the Darwaza area in particular used the entire area up to the Shaksgam for grazing and extracted salt at various places in the valley. On the other hand, no one from China had ever used this area. The Mir of Hunza exercised authority in this region, maintained posts and collected revenue. The official maps of the Government of India, including the one attached to the 1907 edition of the Imperial Gazetteer of India and the political maps published by the Survey of India, showed this entire region within Indian territory. Official Chinese maps published in 1917, 1919 and 1933 also showed this area as part of India. The Chinese map of 1917, which was reprinted in 1919 and 1933, shows this traditional alignment and is reproduced in Appendix XII.

Early Negotiations

The Mir of Hunza, who became the feudatory of the Maharaja of Kashmir in about 1864, had been utilizing regions north of the traditional boundary for grazing and cultivation. In some British maps a colour wash had been used reaching further north into Sinkiang and covering this area north of the traditional frontier where such grazing and cultivation took place. The British Government, however, recognized the correct traditional frontier in this area and in 1899 authorized Sir Claude McDonald, their Minister in Peking, to make proposals to the Chinese Government for realignment. These compromise proposals envisaged the inclusion within Hunza of the Taghdumbash region, north of both Hunza and the traditional alignment, where the Mir had exercised grazing rights, in return for concessions south of the alignment between the Aghil and the Karakoram ranges. The Chinese Government refused to enter into such an agreement and preferred to abide by the traditional alignment.

In 1927 as a result of an examination on the ground by officials of the Government of India, it was reaffirmed that administration only extended up to the traditional boundary, and consequently in 1936 the Government of India asked the Mir to abandon his grazing rights in the Taghdumbash area. The rectification of the alignment was duly carried out in all maps published by the Government of India after 1947.

The Chinese claim of 1960

At the talks of the Officials of China and India in 1960 the Chinese side presented a map which showed their claim line as running well to the south of the traditional alignment and including an area of about 3700 square miles of Kashmir. The Chinese, however, refused to discuss this matter on the plea that this area was not under India's control.

Pakistan Official Alignment till 1962

It was pointed out to the Pakistan Government that India had no claims to territories north of the traditional frontier in Sinkiang, but the Government of Pakistan continued thereafter to show an alignment far north into Sinkiang, including about 11,000 square miles of territory. This alignment admitted that the frontier was "Undefined".

Pakistan's "de facto line"

As a result of repeated requests by India the Pakistan Government in 1961 sent a map showing what they termed their de facto boundary or their line of actual control. This de facto line ran south of the traditional frontier, the area between them being about 1600 square miles. This line as well as the Pakistan alignment in Sinkiang are shown in map XIII.

2- Pakistan's overtures to China

According to an official announcement in Karachi, the Pakistan Government sounded China informally and sent a diplomatic note on the 28th of March 1961 asking for the demarcation of the boundary. The Chinese Government reacted to this early in February 1962, and on 3rd May 1962 the Governments of Pakistan and China issued a joint communiqué in which they agreed to conduct negotiations. The Government of India protested against this to both the Governments. The notes of protest are given in Appendix I and IV.

In view of this development India's Representative in the Security Council stated his Government's position on the 3rd, and 4th of May and on 22nd of June.

On 3rd May, 1962 Mr Krishna Menon said:

"Although Pakistan has been in unlawful occupation of a part of the Indian Union territory of Jammu and Kashmir and, as admitted by Sir Mohd Zafrulla in his statement on 1st February 1962, Pakistan is committed to the withdrawal of its forces from the State of Jammu and Kashmir, Pakistan has nevertheless sought to negotiate Kashmir's border with Sinkiang with the Government of China We say categorically that Pakistan has no authority to barter away or negotiate any part of Indian territory and any agreements Pakistan may reach with anybody else would have no value in our eyes"

On 4th May, 1962 the Indian Representative added:

"I want to say here on behalf of the Government of India that we shall not be bound by any agreement they may reach, temporarily, permanently, or in any other way We shall not be bound by it or any agreement in which conditions are created inimical to the security of India I want to submit that it is a violation of international law and a disregard of the resolutions of the Security Council to trade in the sovereignty of our territory, which has been agreed to at all times not only by the Security Council itself but by the representative of the United States, Mr Warren Austin, whose statement I read out the other day.

The sovereignty of the territory of Jammu & Kashmir lies with the Union of India Jammu & Kashmir is now part of the Union and therefore it is not in the gift of Pakistan She is not entitled to negotiate with China or anybody else and therefore in entering into international negotiations and trying to play off both sides against the middle she is violating international law"

On 22nd June the Indian Representative returned to the issue and said:

"Over and above this has occurred the situation in which Pakistan today-not for any good reasons, but merely for nuisance value and as

an instrument to pressurize us--has entered into negotiations and, I believe, has concluded agreements with the Central Government of the People's Republic of China. That agreement or negotiation is in total violation of any rights or authority she has, for she has no sovereignty over this State; it is not hers to trade away or to negotiate about. Secondly, it was not necessary even for circumstances relating to her own security. What is more, it has been done on a basis which we cannot accept that is to say, our position in regard to China and her claims, which is not under discussion before the Security Council"

On the eve of the Indo-Pakistan talks on 27-12-62 at Rawalpindi to discuss Kashmir and other related matters, the Government of China and Pakistan simultaneously announced an "agreement in principle" on the alignment of the border between Sinkiang and that part of Kashmir illegally occupied by Pakistan. The leader of the Indian delegation Sardar Swaran Singh immediately made our position clear to President Ayub and to Mr Bhutto in Rawalpindi and did so again to Mr Bhutto when the Indo-Pakistan talks resumed in Delhi on January 16th.

On January 26, the Government of India lodged a protest with the Government of Pakistan against the joint communiqué they had issued on December 26, 1962. The text of this note, to which no reply has been received, is at Appendix VII.

On March the 2nd as a result of the visit of the Foreign Minister of Pakistan Mr Bhutto to Peking, a so-called agreement was announced and maps were issued depicting the new Pakistan and Chinese alignments. This agreement is given in Appendix VIII, and the two alignments which according to the agreement are to be jointly surveyed are shown in the map at Appendix XIV.

Further protest were lodged by India with the Governments of China and Pakistan the texts of which are reproduced in Appendix IX and Appendix X

Cession of Indian Territory to China by Pakistan as a Result of their New Alignment

It is clear that Pakistan has ceded according to her own alignment, published as late as 1962:

- (a) the 11,000 square miles north of the traditional frontier;
- (b) the 1,600 square miles between the traditional frontier and Pakistan's "de facto" line; and
- (c) over a thousand square miles between the Aghil and the Karakoram ranges

This means that Pakistan has ceded from Kashmir State and south of the traditional frontier about 2700 square miles of Indian territory. Despite the reservations inserted in this agreement, it is clear that the Chinese will be free in this newly acquired area to advance their presence, military and civil, from the Aghil range southwards to the Karakoram mountains.

The Foreign Minister of Pakistan, Mr Bhutto, since the signing of this border compact has made some statements which cannot be substantiated by the facts authoritatively presented or published by Pakistan herself. One such statement of Mr Bhutto was that Pakistan has "gained" an area of 750 square miles. This claim, as can be seen from the Maps at Appendix XV, is wholly incorrect in relation to Pakistan's own de facto line and totally incompatible with Pakistan's latest official map.

The Pakistan Foreign Minister has also said that certain barracks and other establishments occupied by the Chinese would have to be vacated in the territory "newly acquired" by Pakistan. This could only mean that the Chinese had already encroached well across the traditional frontier, and presumably even south of the de facto line.

Both the China and Pakistan Governments have repeatedly stated that their agreement only refers to areas which are now controlled by Pakistan. The ceasefire line terminates south-west of the Karakoram Pass and, if it is joined northward with the international frontier, would meet it well west of the Karakoram Pass. A delineation by Pakistan of the boundary up to the Karakoram Pass thus contradicts even the terms of the so-called agreement. Furthermore, Pakistan has no control or presence in the areas immediately south and west of the Karakoram Pass.

It is clear that the main purpose of the Agreement is the desire of both signatories to spite India. Casting aside all her alignments on maps and the evidence of tradition, custom and jurisdiction, Pakistan has accepted the Chinese contention that the boundary requires fresh delimitation. The new alignment, although said to be on the basis of the traditional, customary line, is wholly arbitrary and jumps in places without following any natural features at all.

Kashmir and the UN

By signing this agreement, the Government of Pakistan has unilaterally altered, not only in its own favour but also in favour of another aggressor, China, the basis of the Security Council resolution of January 17, 1948, and the UN Commission resolution of August 13, 1949. The aggressor on whom an obligation had been imposed to vacate his aggression has not only assumed ownership of the part he has unlawfully occupied by invasion, but has traded in the sovereignty of Indian territory, in collusion with China, to the detriment of the territorial integrity and the security of India; and this at a time when the Government of India has been actively engaged in direct talks and discussions with the Government of Pakistan on the question of Kashmir and other related matters with the object of reaching

an honorable and equitable settlement to enable India and Pakistan to live side by side in peace and friendship

APPENDIX I

Note given by the Ministry of External Affairs, New Delhi to the Embassy of China in India, 10 May 1962

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to state that according to a communiqué issued by the Government of the People's Republic of China on the 3rd May 1962 the Governments of China and Pakistan have entered into an agreement "to locate and align their common border"

As the Government of China are aware there is no common border between Pakistan and the People's Republic of China It is the India China boundary which starts from the tri-junction of the boundaries of India, China and Afghanistan at approximately long 74° 34' E and Lat 37° 03' N and runs eastward up to the trijunction of the boundaries of India, Burma and China, There has never been any doubt that the sovereignty over the entire State of Jammu and Kashmir, including that part which is under Pakistan's unlawful occupation, vests solely in the Indian Union The Government of India had so far believed that the Government of the People's Republic of China had accepted this basic position without any reservation This was confirmed by Premier Chou-En-lai when he stated to the Indian Ambassador in Peking on March 16, 1956 "that the people of Kashmir had already expressed their will on the issue of Kashmir's accession to India The same impression was gained at the meeting between the Secretary General of the Indian Ministry of External Affairs and the Chinese Prime Minister in July 1961 At that time it seemed that the Government of China still acknowledged the final accession of the State of Jammu and Kashmir to the Indian Union The Government of India are, in view of this background,

surprised that the Government of the People's Republic of China should have suddenly decided to enter into an international agreement to negotiate the boundary of that part of the State of Jammu and Kashmir which is under the unlawful occupation of Pakistan with the Government of Pakistan. This is a reversal of the attitude of the Government of the People's Republic of China in regard to India's sovereignty over the entire State of Jammu and Kashmir and is obviously a step in furtherance of the aggressive aims that China has been pursuing towards India in recent years.

In lodging an emphatic protest with the Government of the People's Republic of China for this interference with the sovereignty of India over the State of Jammu and Kashmir, Government of India solemnly warns the Government of China that any change, provisional or otherwise, in the status of the State of Jammu and Kashmir brought about by third parties which seeks to submit certain parts of Indian territory to foreign jurisdiction will not be binding on the Government of India and that the Government of India firmly repudiate any agreements provisional or otherwise regarding her own territories arrived at between third parties who have no legal or constitutional locus standi of any kind.

It is clear that the Government of China are in this matter acting in furtherance of their aggressive designs and are seeking to exploit the troubled situation in Kashmir and India's differences with Pakistan for their advantage. The Government of India will hold the Government of China responsible for the consequences of their action.

The Ministry of External Affairs avail themselves of the opportunity to renew to the Embassy of the People's Republic of China the assurances of their highest consideration.

APPENDIX II

Note given by the Ministry of foreign Affairs, Peking, to the Embassy of India in China, 31 May 1962

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of India in China and, with reference to the note of the Ministry of External Affairs of India dated May 10, 1962, has the honour to state the following:

The Indian Government in its note has gone to the length of lodging a protest with the Chinese Government against Sino- Pakistan negotiations for a provisional boundary agreement and wantonly slandering and intimidating China. The Chinese Government categorically rejects the unjustifiable protest of the- Indian Government and, from the Indian Government's Completely unreasonable attitude of imposing its will on others, cannot but draw with regret the conclusion that the Indian Government is bent on making use of the Sino-Pakistan negotiation to whip up anti-Chinese sentiments and aggravate the tension between China and India.

The Indian note alleges that the Chinese Government accepted without reservation the position that Kashmir is under Indian sovereignty, that there is no common boundary between China and Pakistan, and that therefore China has no right to conduct boundary negotiations with Pakistan. This allegation is totally untenable. When did the Chinese Government accept without any reservation the position that Kashmir is under Indian sovereignty? The Indian Government could not cite any official Chinese document to prove this arbitrary contention but, basing itself solely on the guesswork and impression of Indian diplomatic officials who have been to China, insisted that Chinese Government authorities had made

statements to that effect This is not only a unilateral misrepresentation of the fact but a conclusion imposed on others, to which the Chinese Government categorically objects There is a boundary of several hundred kilometers between China's Sinkiang and the areas the defence of which is under the control of Pakistan, and it has never been formally delimited and demarcated If one does not shut his eyes to the facts, how can he assert that there is no common boundary between China and Pakistan? Since both China and Pakistan are sovereign states, why cannot China conduct negotiations with Pakistan to settle the question of the actually existing common boundary so as to maintain tranquility on the border and amity between the two countries? Long before it agreed with the Government of Pakistan to negotiate the boundary question, the Chinese Government had repeatedly proposed, and now still proposes, to conduct negotiations with the Indian Government for the settlement of the Sino-Indian boundary question But the Indian Government has again and again turned down China's proposal, consequently the Sino-Indian boundary question remains unsettled and the situation on the Sino-Indian border becomes increasingly tense Now the Indian Government not only refuses itself to negotiate a settlement of the boundary question with China, but object to China's negotiating a boundary settlement with Pakistan Does it mean that the Indian Government, after creating the Sino-Indian boundary dispute, wishes to see a similar dispute arise between China and Pakistan?

The boundary negotiations between China and Pakistan do not at all involve the question of the ownership of Kashmir The agreement between the Governments of China and Pakistan made it crystal clear that after the settlement of the dispute between Pakistan and India over Kashmir, the sovereign authorities concerned shall reopen negotiations with the Chinese Government on the question of the Kashmir boundary so as to conclude a formal boundary treaty to replace the provisional agreement to be signed

after the Sino-Pakistan negotiations The, signing of such an agreement will only help maintain tranquility on the existing boundary between China and Pakistan, and will in no way prejudice a peaceful settlement of the Kashmir dispute between India and Pakistan The Indian Government is wholly unjustified in objecting to boundary negotiations between China and Pakistan on the pretext of the Kashmir dispute.

With regard to the Kashmir dispute It has been the consistent position of the Chinese Government to be impartial and to wish that India and Pakistan will reach a peaceful settlement This has been, and still is, the Chinese position The Indian Government is clearly aware of this Suffice it to point out the fact that Premier Chou En-lai declared at a press conference in Calcutta on December 9, 1956, that the Chinese Government considered the Kashmir question "an outstanding issue between India and Pakistan" Furthermore, Premier Chou En-lai, together with the late Prime Minister Bandaranaike of Ceylon made an appeal in their joint statement issued on February 5 1957, to India and Pakistan to strive further for a peaceful settlement of the Kashmir question This attitude of the Chinese Government of never getting involved in the dispute over Kashmir can in no way be distorted and is well-known throughout the world

The Chinese Government has always refrained from making any remarks on the historical background of the Kashmir question Nevertheless, the Kashmir question is after all a dispute between two legal governments, those of India and of Pakistan China has diplomatic relations with India and also with Pakistan, and India, too, has diplomatic relations with Pakistan The Chinese Government only hopes that this dispute between India and Pakistan will be settled by them peacefully, and has always been against anyone taking advantage of it to sow discord in the relation between the two countries So far as China is concerned, nothing would be better than a peaceful settlement of this dispute by India and Pakistan through

negotiation However, more than ten years have passed and despite the best wishes and expectations all along cherished by China, this dispute between India and Pakistan remain unsettled In these circumstances, anyone with common sense can understand that the Chinese Government cannot leave unsettled indefinitely its boundary of several hundred kilometres with the areas the defence of which is under the control of Pakistan merely because there is a dispute between India and Pakistan over Kashmir It is entirely necessary, proper, and legitimate and in accordance with international practice for the Chinese Government to agree with the Government of Pakistan to negotiate a provisional agreement concerning this boundary pending a final settlement of the Kashmir question What fault can be found with this? Yet in the note the Indian Government rudely slanders the Chinese Government's agreeing to open negotiations with Pakistan as taking advantage of the difference between India and Pakistan and committing aggression against India But unreasonable assertions can never hold water The fact, on the contrary, is that the Indian Government itself is seeking to make use of the boundary question to sow discord in the relations between China and Pakistan On May 7, 1962, Prime Minister Nehru openly admitted in the Indian Parliament that "we treated the Pakistan Government in a friendly way in these matters because we thought that any action which they might take should be in line with the action we were taking in regard to this border and should not conflict" Small wonder that the Indian Government should get so excited about Sino-Pakistan negotiations Its scheme to sow discord in the relations between China and Pakistan has failed.

The excitement of the Indian Government will only bring results contrary to its expectations Anyone in the world with common sense will ask: Since the Burmese and Nepalese Governments can settle their boundary questions with China in a friendly way through negotiations and since the Government

of Pakistan has also agreed with the Chinese Government to negotiate a boundary settlement, why is it that the Indian Government cannot negotiate and settle its boundary question with the Chinese Government? Such a common-sense query is indeed rather embarrassing. But it is useless to get furious with China. As in the past, the Chinese Government still stands for a friendly settlement of the Sino-Indian boundary question through peaceful negotiations. The Indian Government's unenviable situation on this matter is of its own making. For example, the Indian Government's note says: "It is the India-China boundary which starts from the tri-junction of the boundaries of India, China and Afghanistan and runs east-ward upto the tri-junction of the boundaries of India, Burma and China". Pray, what kind of an assertion is that? Not only are the areas the defence of which is under the control of Pakistan negated, but even Nepal no longer exists, Sikkim no longer exists, and Bhutan no longer exists. This is out-and-out great-power chauvinism. The Indian Government should realize that it is now in the sixties of the 20th century and the cursed era in which great powers controlled everything has gone forever. Anyone who persists in an attitude of great-power chauvinism in international affairs will always knock his head against a stone wall.

The Chinese Government is deeply convinced that it is a good thing to hold boundary negotiations between China and Pakistan, which are in the interests of both friendship among Asian countries and peace in Asia. No slander of any kind can ever distort this fact. The position of the Chinese Government is not difficult for any reasonable person to understand. One who tries to make use of Sino-Pakistan negotiations to whip up anti-Chinese sentiments will only be lifting a rock to crush his own toes in the end. The Chinese Government hopes that the Indian Government will coolly think it over: Would it not be better to make some earnest effort towards a

peaceful settlement of the Sino-Indian boundary question, rather than wasting its strength in such fruitless quarrel?

The Ministry of Foreign Affairs of the People's Republic of China avails itself of this opportunity to renew to the Embassy of India in China the assurances of its highest consideration

APPENDIX III

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 30th June 1962

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the Government of China's note dated 31st May, 1962, regarding Sino-Pakistan agreement "to locate and align" their "common boundary"

The Government of China have made an attempt to minimize the grave implications of the step they have taken to enter into negotiations with Pakistan for the demarcation of Indian territory, and have also brushed aside the legitimate and well- founded objections of the Government of India In this regard as "wanton slander" and "intimidation" The Government of India deplore the use of such expressions which cannot, however, lessen the Government of China's responsibility for having taken a calculated step which is bound to further aggravate tension in the area

It has been argued by the Government of China that "they cannot indefinitely leave unsettled their boundary of several hundred kilometers with the areas the defence of which is under the control of Pakistan merely because there is a dispute between India and Pakistan over Kashmir" To justify their untenable move the Government of China have emphasized a particular necessity which in fact does not exist There is no boundary dispute in this sector of the Sino-Indian boundary and no urgency for a fresh settlement over it Even in 1847, the Government of China had informed the British Government that as the boundary in this sector was sufficiently and distinctly fixed there was no need for any additional measures for rcfixing it The initiative in this matter was for political reasons taken by the Government of Pakistan who had committed aggression in

Kashmir Though the Chinese Government had not responded to this initiative earlier, it is clear that they decided to do so now for possible political advantage to be obtained by exploiting the Indo-Pakistan differences in this matter

The Position stated in the preceding paragraph is confirmed by the earlier Chinese attempts to exploit Indo-Pakistan differences. On 23rd May, 1959, the Chinese Ambassador in New Delhi had mentioned to the Indian Foreign Secretary that India could not afford to have "two fronts" against her Now the Government of China have brought the "two fronts" together against India to further the territorial ambitions of Pakistan and China

It is patent that the Government of China have now taken a new stand on the legal status of Kashmir Hitherto, while not formally declaring their official stand on the status of Kashmir, they had, perhaps with mental reservations of their own, given the impression on a number of occasions that they had, by and large, accepted India's basic position in Kashmir At other times, they had declared themselves against any third party interference in the situation created by Pakistan's aggression in Kashmir. On March 16, 1956, Premier Chou En-lai told the Indian Ambassador in Peking that "the people of Kashmir have already expressed their will" Again on 16th July 1961, at the talks between Premier Chou En-lai and the Secretary-General of the Indian Ministry of External Affairs, Premier Chou En-lai stated that "Pakistan had formally proposed border talks" but emphasized that the Chinese Government "have not discussed with them anything so far" In the same discussions, Premier Chou En-lai went on to ask the Secretary-General, "Can you cite any document to show that we have ever said that Kashmir is not a part of India?" Now this position has been reversed The Chinese note under reply asks, "Can you cite any document to show that we have ever said that Kashmir is a part of India?"

The issue in Kashmir is one of Pakistan's aggression, and there is no room in this for any third party intervention. That, as the Chinese note states, had been acknowledged in the Chinese Premier's press conference in Calcutta on 9th December 1956 and in the Joint statement of Premier Chou En-lai and the late Prime Minister of Ceylon Mr Bandarnaike of 5th February 1957. At a press conference in Karachi on December 24, 1956, Premier Chou En-lai correctly observed "I hope Pakistan and India will settle this question directly between themselves". The advice given by Premier Chou En-lai in his various statements refer to the situation created by Pakistan's aggression in Kashmir and do not question India's sovereignty based on the State's accession to India. Again, in the joint statement issued by Premier Chou En-lai and Prime Minister Cyrankiwicz of Poland in Peking on April 11, 1957, it was stated that the Kashmir question "should be settled by the countries concerned through peaceful negotiations and should not be allowed to be made use of by external forces to create new tensions". The entire evidence cited above supports the view that, until recently, the Chinese Government had declared themselves in favour of the question of Pakistan's aggression in Kashmir being settled peacefully, and against any third party taking advantage of it. However, this stand of the Government of China has changed and a new situation now created by the Sino-Pakistan agreement to demarcate their non-existent common border. In departing from their earlier policy of non-interference in the Kashmir situation, the Government of China are giving legal and moral encouragement to an aggressor State and prejudicing the prospects of a peaceful settlement of the Kashmir issue between India and Pakistan.

There is an out of context reference in the Chinese note to a statement made by the Indian Prime Minister about certain "change of information between India and Pakistan in regard to the border. This step was essential to safeguard India's territorial integrity. The Chinese note has also referred

to the Sino- Indian boundary question and has drawn attention to the settlements which the Government of China have reached with Nepal and Burma It is known that these are common principles which are the basis of the international frontiers of Burma, Nepal and India but this fact has been consistently ignored by the Government of China If the same terms are applied in the case of India, there should be no boundary dispute between India and China.

India has not laid any claims to Chinese territory: nor has she exercised diverse pressures to force these claims on China It is the Government of China who have used force and diverse other pressures and unlawfully occupied 12,000 square miles of Indian territory since 1957.

Only the Government of China's persistent efforts at misrepresentation of facts can explain their deliberate misreading of the description of the India-China boundary given in the Government of India's note of 10th May 1962 The description was not a complete description of the border but only gave two terminal points to show that Pakistan and the People's Republic of China have no common border, whether in the West or in the East Government of India regrets that this limited description has been, deliberately and mischievously twisted by the Chinese authorities in an attempt to cause damage to the existing friendly relations between India and Nepal Bhutan and Sikkim.

The Government of India on their part not only respect the independence and sovereignty of Nepal but are interested in seeing Nepal grow from strength to strength They have full faith in their relations With Nepal, and have no doubt that their age-old fraternal ties with the Kingdom of Nepal will stand the test of time.

The Government of India have special treaty relation with Bhutan and have, at the request of the Government of Bhutan, taken up at various times with the Government of China such matter as Chinese cartographic aggression

on Bhutan, protection of Bhutan's rights and interests in Tibet and violation of Bhutan's air space by Chinese aircraft There can be no question but that, in cooperation with the Government of Bhutan, the Government of India are bound to ensure the protection and Inviolability of the territory of Bhutan.

The Government of India's position in relation to Sikkim is clear The Government of India is responsible for the defence and external relations of Sikkim and no foreign Power has any right to interfere in Sikkim.

The Government of India, while rejecting the Government of China's note under reference, would again reiterate that any change provisional or otherwise, in the status of the State of Jammu and Kashmir brought about by third parties which seeks to submit certain parts of Indian territory to foreign jurisdiction will not be binding on the Government of India, The Ministry of External Affairs renew to the Embassy of the People's Republic of China the assurances of their highest consideration

APPENDIX IV

Note given by the Ministry of External Affairs, New Delhi to the High Commission of Pakistan in India, May 10, 1962

The Ministry of External Affairs present their compliments to the High Commission of Pakistan in India and have the honour to state that according to a communiqué issued by the Government of Pakistan on 3rd May 1962, the Governments of Pakistan and China have agreed to enter into negotiations to locate and align that portion of boundary between India and China west of the Karakoram Pass which is presently under Pakistan's unlawful occupation

When earlier reports about these proposed negotiations appeared in the Pakistan press, the Acting High Commissioner of India had, in his letters No CH/CO/9/61 dated 4th May 1961 and HC/180/61 dated 12th June 1961 to the Foreign Secretary to the Government of Pakistan, conveyed the surprise and concern of the Government of India and pointed out that these reports were confusing as Pakistan and China had no common boundary between them. The Acting High Commissioner of India had also taken the precaution to warn the Government of Pakistan that the Government of India would not be bound by the results of any such bilateral discussions between Pakistan and the People's Republic of China, should these discussions concern the boundaries of the State of Jammu & Kashmir. Despite numerous reports in the press and the Pakistan Government's refusal to provide the clarification sought from them, the Government of India had all this time been disinclined to believe that the Government of Pakistan would in fact enter into negotiations with China in respect of the territory of the State of Jammu & Kashmir which forms an integral part of the Indian Union. The Government of Pakistan are obviously not entitled to

negotiate with China or any other country about territory that is not their own.

As the Government of Pakistan are aware the international boundary alignment in the sector west of the Karakoram Pass of the boundary of Jammu & Kashmir State of India follows well-known natural features, has been recognized in history for all these years, and does not require fresh delimitation The position regarding this boundary was made clear in the Note given to the Pakistan Government at the time of Indian Prime Minister's visit to Pakistan in September 1960 The Government of India will never agree to any arrangements, provisional or otherwise, between the Governments of China and Pakistan regarding territory which constitutes an inalienable part of the Indian Union.

The Government of India lodges an emphatic protest with the Government of Pakistan and warn them of the grave consequences of their action.

The Ministry of External Affairs avail themselves of the opportunity to renew to the High Commission of Pakistan the assurances of their highest consideration

APPENDIX V

Note given by the High Commission of Pakistan in India to the Ministry of External Affairs, New Delhi, August 9, 1962

The High Commission of Pakistan presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to refer to the Note of the Ministry of External Affairs of 10th May, 1962 on the subject of Sino- Pakistan border negotiations as announced in the Government of Pakistan communiqué of 3rd May, 1962.

The High Commission has been instructed to state that the Government of India's "emphatic protest" against the forthcoming border negotiations between the Governments of Pakistan and China is based on their claim to the territory of the State of Jammu and Kashmir as constituting "an integral" and "inalienable part of the Indian Union" This claim, as the Government of India must be only too well aware, has never been recognized by Pakistan nor by the United Nations The Government of India has been left in no doubt about the stand of Pakistan with regard to the status of the State of Jammu and Kashmir According to the relevant Security Council and UNCIP resolutions which constitute an international agreement between Pakistan and India under the aegis of the United Nations Security Council, the State of Jammu and Kashmir cannot be considered to be "an integral" or "inalienable part of the Indian Union" The State is a territory in dispute between Pakistan and India, the question of whose accession to Pakistan or to India is to be decided in accordance with the freely expressed wishes of the people of the State through an impartial plebiscite to be held under the auspices of the United Nations.

Accordingly, the High Commission of Pakistan has been instructed to advise the Government of India that the Government of Pakistan consider the Note

of protest of the External Affairs Ministry of 10th May, 1962 to be totally unjustified and must, therefore, reject it.

In that Note the Government of India have considered it fit to warn the Government of Pakistan of the "grave consequences of their action" with reference to the decision of the Government of the Pakistan to enter into negotiations with the Government of the People's Republic of China with a view to reaching an agreed understanding of the location and alignment of the border between the Chinese province of Sinkiang and the contiguous areas the defence of which is under the control of Pakistan and to sign on this basis, an agreement of a provisional nature.

Such an agreement can in no way prejudice a peaceful and just settlement of the dispute between Pakistan and India over Kashmir-a dispute which remains unsettled since 1947 due solely to the refusal of the Government of India to honour their solemn pledge to the people of Kashmir to Pakistan and to the world, to respect the right of the people of Kashmir to self-determination It is strange that the Government of India should first obstruct and frustrate the attempts of the United Nations and of Pakistan, over the past fourteen years, to settle by peaceful procedures the status of the territory of the State of Jammu and Kashmir and then proceed to question the right of Pakistan to enter into negotiations with China to reach an understanding on the alignment of that portion of the territory for the defence of which Pakistan is responsible.

The High Commission is instructed to state that in proposing to enter into negotiations of this kind, the Government of Pakistan is motivated by its declared and accepted policy of settling all border questions with its neighbours peacefully and by negotiation and to remove any factors which may tend to create any misunderstandings or friction with its neighbours The conclusion of an agreement of a provisional nature, embodying an agreed understanding of the common border between Pakistan and china,

would be a positive contribution to the strengthening of peace in Asia
Therefore, the threat of "grave consequences" to which the Indian Note refers, would appear to be not only gratuitous and wholly unnecessary, but calculated to threaten or intimidate and to prevent Pakistan from pursuing its steadfast policy of removing any possible causes of friction or tension between States by recourse to the peaceful procedure of negotiations in accordance with the Charter of the United Nations.

The High Commission of Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

APPENDIX VI

Note given by the Ministry of External Affairs, New Delhi to The Embassy of China in India, 31 December 1962

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China and has the honour to refer to the communiqué issued by the Chinese and Pakistan Governments on 26th December on their agreement in principle on the alignment of the border between China (Sinkiang) and the territory of Kashmir illegally occupied by Pakistan.

In their note of 30th June 1962, the Government of India had drawn attention to the attempts of the Chinese Government to exploit, for its own ends, the differences on Kashmir between the Indian and Pakistan Governments. Despite the assertion by the Chinese Government that it does not wish to get involved in the dispute, the calculated release of this communiqué at a time when delegations from India and Pakistan were attempting to resolve their differences on Kashmir and related matters is clear evidence of China's desire to exploit Indo-Pakistan differences for its own selfish and expansionist designs.

The joint communiqué is a brazen attempt at legitimization of the gains of aggression in the hope that the Chinese Government will thereby secure Pakistan support to Chinese aggression on India and the gains of this aggression.

The Government of India protest strongly against this aggressive and expansionist move by the Government of China. They repudiate firmly the validity of any agreement involving Indian territory between parties who have no legal or constitutional locus standi whatever in respect of this territory.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the People's Republic Of China the assurances of its highest consideration

APPENDIX VII

Note given by the High Commission for India in Pakistan to the Ministry of External Affairs, Government of Pakistan, Karachi, January 16, 1963

The High Commission for India in Pakistan presents its compliments to the Ministry of External Affairs and has the honour to refer to the communiqué issued by the Pakistan and Chinese Government on 26th December 1962 on their agreement in principle on the alignment of the border between China (Sinkiang) and the territory of Kashmir illegally occupied by Pakistan. The High Commission has been instructed to express the Government of India's surprise and concern at the Government of Pakistan being a party to this communiqué, and to forward a copy of the Government of India's protest lodged with the Government of the People's Republic of China. The High Commission of India avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

APPENDIX VIII

Text of the "agreement" signed by China and Pakistan in Peking on March 2, 1963

The Government of the People's Republic of China and the Government of Pakistan;

Having agreed, with a view to ensuring the prevailing peace and tranquility on the border, to formally delimit and demarcate the boundary between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan, in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation, and on the basis of the ten principles as enunciated in the Bandung conference;

Being convinced that this would not only give full expression to the desire of the peoples of China and Pakistan for the development of good-neighbourly and friendly relations, but also help safeguard Asian and world peace,

Have resolved for this purpose to conclude the present agreement and have appointed as their respective plenipotentiaries the following: -

For the Government of the People's Republic of China Chen Yi, Minister of Foreign Affairs;

For the Government of Pakistan; Mr Zulfikar Ali Bhutto, Minister of External Affairs;

Who, having mutually examined their full powers and found them to be in good and due form, have agreed upon the following:

Article 1

In view of the fact that the boundary between China's Sinkiang and the contiguous areas the defence of which is under the actual control of

Pakistan has never been formally delimited, two parties agree to delimit it on the basis of the traditional customary boundary line including natural features and in a spirit of equality, mutual benefit and friendly co-operation

Article 2

In accordance with the principle expounded in Article 1 of the present agreement, the two parties have fixed, as follows the alignment of the entire boundary line between China's Sinkiang and the contiguous areas the defence of which is under the actual control of Pakistan:

(1) Commencing from its north-western extremity at height 5,630 metres (a peak, the reference coordinates of which are approximately longitude 74 degrees 34 minutes east and latitude 37 degrees 03 minutes north), the boundary line runs generally east-ward and then southeastward strictly along the main water- shed between the tributaries of the Tashkurgan river of the Tarim river system on the one hand and the tributaries of the Hunza river of the Indus river system on the other hand, passing through the Kilik Daban (Dawan), the Mintake Daban (pass), the Kharchanai Daban (named on the Chinese map only), the Mutsjilga Daban (named on the Chinese map only), and the Parpik Pass (named on the Pakistan map only), and reaches the Khunjerab (Yutr) Daban (Pass)

(2) After passing through the Khunjerab (Yutr) Daban (pass), the boundary line runs generally southward along the above-mentioned main watershed upto a mountain-top south of this Dahan (pass), where it leaves the main watershed to follow the crest of a spur lying generally in a southeasterly direction, which is the watershed between the Akjilga river (a nameless corresponding river on the Pakistan map) on the one hand, and the Taghumbash (Oprang) river and the Koliman Su (Oprang Jilga) on the other hand,

According to the map of the Chinese side, the boundary line, after leaving the southeastern extremity of this spur, runs along a small section of the middle line of the bed of the Keliman Su to reach its confluence with the Elechin river. According to the map of the Pakistan side, the boundary line, after leaving the southeastern extremity of this spur, reaches the sharp bend of the Shaksgam or Muztagh river.

(3) From the aforesaid point, the boundary line runs up the Kelechin river (Shaksgam or Muztagh river) along the middle line of its bed to its confluence (reference co-ordinates approximately longitude 76 degrees 02 minutes east and latitude 36 degrees 26 minutes north) with the Shorbulak Daria (Shimshal river or Braldu river).

Main watershed

(4) From the confluence of the aforesaid two rivers, the boundary line, according to the map of the Chinese side, ascends the crest of a spur and runs along it to join the Karakoram range main watershed at a mountain-top (reference co-ordinates approximately longitude 75 degrees 54 minutes east and latitude 36 degrees 15 minutes north) which on this map is shown as belonging to the Shorgulak mountain. According to the map of the Pakistan side, the boundary line from the confluence of the above-mentioned two rivers ascends the crest of a corresponding spur and runs along it, passing through height 6,520 metres (21,390 feet) till it joins the Karakoram range main watershed at a peak (reference co-ordinates approximately longitude 75 degrees 57 minutes east and latitude 36 degrees 03 minutes north)

(5) Thence, the boundary line, running generally southward and then eastward, strictly follows the Karakoram range main watershed which separates the Tarim river drainage system from the Indus river drainage system, passing through the east Mustagh pass (Muztagh pass), the top of

the Chogri peak (K-2) , the top of the broad peak, the top of the Gasherbrum mountain (8068) the Indirakoli pass (names on the Chinese maps only) and the top of the Teram Kankri peak, and reaches its southeastern extremity at the Karakoram pass

(Two) The alignment of the entire boundary line as described in section one of this article, has been drawn on the one million scale map of the Chinese side in Chinese and the one million scale map of the Pakistan side 10 English which are signed and attached to the present agreement

(Three) In view of the fact that the maps of the two sides are not fully identical in their representation of topographical features the two parties have agreed that the actual features on the ground shall prevail, so far as the location and alignment of the boundary described in Section one is concerned, and that they will be determined as far as possible by joint survey on the ground

Article 3

The two parties have agreed that:

(1) Wherever the boundary follows a river, the middle line of the river bed shall be the boundary line: and that wherever the boundary passes through a deban (pass), the water-parting line thereof shall be the boundary line

Article 4

One: The two parties have agreed to set up, as soon as possible, a joint boundary demarcation commission Each side will appoint a chairman, one or more members and a certain number of advisers and technical staff The joint boundary demarcation commission is charged with the responsibility, in accordance with the provisions of the present agreement, to hold concrete discussions on and carry out the following tasks jointly:

(1) To conduct necessary surveys of the boundary area on the ground, as stated in Article 2 of the present agreement, so as to set up boundary markers at places considered to be appropriate by the two parties and to delineate the boundary line of the jointly prepared accurate maps

(2) To draft a protocol setting forth in detail the alignment of the entire boundary line and the location of all the boundary markers and prepare and get printed detailed maps, to be attached to the protocol, with the boundary line and the location of the boundary markers shown on them

Two: The aforesaid protocol, upon being signed by the representatives of the Governments of the two countries, shall become an annex to the present agreement, and the detailed maps shall replace the maps attached to the present agreement.

Three: Upon the conclusion of the above-mentioned protocol, the tasks of the joint boundary demarcation commission shall be terminated.

Article 5

The two parties have agreed that any dispute concerning the boundary which may arise after the delimitation of the boundary line actually existing between the two countries shall be settled peacefully by the two parties through friendly consultations

Article 6

The two parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the people's Republic of China on the boundary, as described in Article Two of the present agreement, so as to sign a formal boundary treaty to replace the present agreement, Provided that in the event of that sovereign authority being Pakistan the

provisions of the present agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between the Peoples Republic of China and Pakistan

Article 7

The present agreement shall come into force on the date of its signature

Done in duplicate in Peking on the second day of March, 1963, in the Chinese and English languages, both texts being equally authentic

APPENDIX IX

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China, March 2, 1963

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China and has the honor to refer to the Chinese Government's note dated the 21st February, 1963, regarding boundary negotiations between the Government of China and Pakistan.

The Government of India reiterate their deep concern at the Chinese Government's persistence in continuing their arbitrary and illegal efforts to "locate and align the boundary" between China and the areas of Kashmir which have been illegally occupied by Pakistan. As has been stated, repeatedly, by the Government of India, any such illegal arrangements involving Indian territory between parties that have no legal or constitutional locus standi is invalid and unacceptable to the Government of India.

The Chinese note asserts that the Chinese Government "has never involved itself in the Indo-Pakistan dispute over Kashmir" This assertion is directly contradicted by the actions of the Chinese Government in entering into negotiations with Pakistan though there is no common border between Pakistan and China. Equally groundless and misleading is the further assertion that "the Sino-Pakistan boundary negotiations and the related agreement have not at all touched upon the ownership of Kashmir" If Pakistan has no common border with China, and China and Pakistan, nevertheless, agree to locate and align a boundary in Kashmir, no further proof is needed to show that the Chinese objective is to come to terms with Pakistan on the question of the ownership of Kashmir, and to involve itself

in its neighbours' dispute in the interests of its expansionist and chauvinistic policies. The absurd claim made in the Chinese note that the boundary negotiation between Pakistan and China has "promoted the friendship between the Chinese and Pakistani people and is in the interests of Asia and the world peace" is, therefore, nothing but an excuse-and a false excuse at that- for the pursuit of exactly the opposite objective, namely, China's insidious policy of poisoning the mutual relations between the countries of Asia and creating tensions and conflict in this region.

In spite of these facts which show direct interference by the Peking Government with Indo-Pakistan relations, the note expresses the insincere hope that the "two sister countries, India and Pakistan, will be able to solve their disputes peacefully" This clearly confirms the fact mentioned in the earlier Indian note, that the boundary agreement manifests the Peking Government's desire to exploit the differences between India and Pakistan on the Kashmir question, to further its own expansionist interests.

It is thus clear that the responsibility for spoiling the relations between China and India and India and Pakistan is not that of India, but that of the Government of China, who are deliberately pursuing a policy intended to destroy the accord and amity which have been developing between India and Pakistan, as a result of the joint talks between the two countries on Kashmir and other related matters. The Chinese Government should certainly know that the statement in their note that "India, encouraged by certain Western Powers, has redoubled its efforts to entice Pakistan into a joint anti-Chinese campaign", is completely baseless, considering the widely known fact that Pakistan is a member of military pacts, including the SEATO which aims at the containment of Chinese expansionism in South East Asia.

The Ministry of External Affairs avails itself of the opportunity to renew to the Embassy of the People's Republic of China the assurances of its highest consideration

APPENDIX X

Note given by the High Commission for India in Pakistan to the Ministry of Foreign Affairs, Government of Pakistan, Karachi, March 5, 1963

The High Commission of India presents its compliments to the Ministry of External Affairs and has the honour to refer to the Sino-Pakistan border alignment agreement signed in Peking on March 2, 1963.

2 The High Commission has been instructed to lodge an emphatic protest against this agreement and to forward a copy of the Government of India's protest dated March, 2, 1963, lodged with the Government of the People's Republic of China.

The High Commission of India avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

APPENDIX XI

SINO-PAKISTAN BORDER AGREEMENT PRIME MINISTER'S STATEMENT

Replying to a calling attention notice regarding the Sino-Pakistan Border agreement, the Prime Minister made the following statement in Lok Sabha on March 5, 1963:

As the House is aware, the representatives of the Governments of Pakistan and the People's Republic of China have signed what has been described as an agreement regarding the alignment of the boundary between Sinkiang and that part of the Indian territory in Jammu and Kashmir which is under Pakistan's illegal occupation. Details of the agreement have already appeared in the press. A copy of the agreement as released by the Government of Pakistan in Karachi is being laid on the Table of the House.

According to details released officially in Karachi, the Government of Pakistan first informally sounded China and then sent a diplomatic note on March 28, 1961, expressing the desire to negotiate demarcation of the boundary. The Chinese Government reacted formally to this offer, about a year later, that is in February 1962. On May 3, 1962, the Governments of Pakistan and China issued a joint communiqué, in which they agreed to conduct negotiations on the subject. We protested against this development to both Governments. In view of these developments, our representative in the Security Council stated our position, authoritatively, during the debates on Kashmir, on May 4 and June 22, 1962.

On the eve of the Indo-Pakistan talks on Kashmir and other related matters, the Governments of China and Pakistan announced an agreement, in principle, on the alignment of the border of the illegally occupied area of Kashmir with Sinkiang Sardar Swaran Singh, Leader of the Indian Delegation, immediately made our position clear to President Ayub Khan and Mr Bhutto in Rawalpindi, and again to Mr Bhutto, later, when the talks were resumed in Delhi, in January last. On January 26, we lodged a protest with the Government of Pakistan against the decision announced in the joint communiqué issued by them on December, 28, 1962. Another protest is being lodged with the Government of Pakistan against the signing of this Sino-Pakistan border alignment agreement in Peking.

It has been stated in Karachi that the difference between the Chinese claim line and the Pakistan claim line was 3,400 square miles. In the final agreement, Pakistan claims to have received 1,350 square miles, including 700 square miles of area which was in China's possession. The Chinese have been given 2,050 square miles under the agreement.

According to the Survey of Pakistan maps, even those published in 1962, about 11,000 square miles of Sinkiang territory formed part of Kashmir. If one goes by these maps, Pakistan has obviously surrendered over 13,000 square miles of territory.

Although, according to the agreement, the parties have agreed to delimit the boundary on the basis of the traditional customary boundary line, including natural features, the boundary, as agreed to, does not do so. The Pakistan line of actual control, according to the map, which the Government of Pakistan had supplied to our High Commission, lay, across the Kilik, Mintaka, Khunjerab Passes; but, thereafter, the line left the watershed and

followed neither the Aghil Range, which is the traditional boundary, nor the Karakoram Range along which the alignment claimed by the Government of China lay. In fact, the Pakistan line of actual control ran along no definite natural features, but cut across the tributaries of the Shaksgam river and sometimes lay half way up the slopes. It then reached the Karakoram Pass. Running south of the traditional alignment, the Pakistan line of actual control surrendered about 1,600 square miles to China. The difference between the Pakistan and Chinese alignments was about 2,100 square miles.

The agreement claims to be provisional, and yet so much haste has been shown in concluding it. It is significant that it is not subject to ratification. Thus the National Assembly, the Press and the public of Pakistan have been given and will be given no opportunity to examine the terms of this agreement.

I have already stated in this House, that we are, naturally anxious to have a settlement with Pakistan; but I cannot help feeling that the joint announcement on December 26, the Pakistan Government's announcement on February 22, to sign the border agreement in Peking, and finally the signing of this agreement have been timed to prejudice the outcome of the joint talks on Kashmir and other related matters. However, as an earnest of our desire for an honorable and equitable settlement with Pakistan we propose to continue with the talks in Calcutta.

I have also stated that a settlement does not mean that we accept whatever is proposed by Pakistan—right or wrong. We cannot abandon the principles we have always valued.

The other party to the agreement, namely China, in spite of its professions that it has never involved itself in the dispute over Kashmir or its absurd claim that the boundary negotiations have promoted friendship between the

Chinese and Pakistani peoples and are in the interests of Asia and world peace, is directly interfering in Indo-Pakistan relations By doing this, China is seeking to exploit differences between India and Pakistan on the Kashmir question to further its own expansionist policy The Government of India have made their position clear in a protest against this agreement which has been lodged with the Government of the People's Republic of China.