

Selected Works of Jawaharlal Nehru

Volume 81

476. For the Speaker: Pakistan-China Border Agreement¹

Calling Attention Notice on 25.2.63 by Shri Tridib Kumar Chaudhuri²

I would submit to Mr Speaker that this Calling Attention Notice may not be taken up. The facts are well known and have been stated fully and repeatedly in the press and in statements of the Government of India. In May 1962, the Governments of Pakistan and China announced their decision to negotiate the location and alignment of Kashmir's border with Sinkiang. We lodged protests with both the Governments.

2. The Government of Pakistan and the Government of China announced on December 28, 1962 that they had reached an agreement in principle on the location and alignment of the boundary actually existing between the two countries. The two parties also agreed that the boundary agreement should be signed on this basis as soon as possible.

3. It appears that the Pakistan Foreign Minister is going soon to Peking to sign this agreement.

4. The territory in question is under Pakistan's control. We have already questioned the authority of the two Governments to negotiate this matter and to sign any agreement. We have also made it clear that any agreement, if signed, would not be binding on us. Our legal and constitutional position has therefore, been put on record, and there is little further that we can do in the matter.

5. I would submit that it would not be helpful or appropriate to discuss

¹ Note, 23 February 1963. Selected Works of Jawaharlal Nehru, *Series II*, (thereafter SWJN), (New Delhi, Jawaharlal Nehru Memorial Fund), volume 81.

² RSP.

this matter under a Calling Attention Notice in the Lok Sabha when talks are going on between India and Pakistan.

478. In the Lok Sabha: Pakistan-China Border Agreement³

[Translation begins:

Question⁴: Will the Prime Minister state with reference to the question no. 904 of 21 January 1963, a) Has the Note of Protest sent by Government of India to the Pakistan Government regarding Sino-Pak border treaty drawn any response? b) If yes, what does it say? c) Is the treaty agreement available with us?

Translation ends]

The Deputy Minister in the Ministry of External Affairs (Dinesh Singh):

- (a) No formal reply has been received to our protest note so far.
- (b) Does not arise.
- (c) No Sir.

Harish Chandra Mathur: I think it is very well known that the Foreign Minister of Pakistan is on his way to China to finalise this agreement. May I know what is the Government of India's reaction to this matter?

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Jawaharlal Nehru): The Government of India's reaction is obviously unfavourable. It does not mean either the purpose of the visit is right or the timing of the visit is right. We have made that perfectly clear to the Pakistan Government, and although they have sent us no formal reply, our High Commissioner met the Foreign Minister of Pakistan⁵ and made this perfectly clear; and the Foreign Minister gave some kind of reply to him.

Harish Chandra Mathur: As a matter of fact, the reply has already

³ Oral Answers, 25 February 1963, *Lok Sabha Debates*, Third Series, Vol.XIII, 18th February to 2nd March 1963, pp.903-907.

⁴ Harish Chandra Mathur, Congress; and 13 others.

⁵ Zulfikar Ali Bhutto.

come by their action. No more forceful reply could have been given. What justification remains for our continuing any negotiations with Pakistan on the same subject over which Pakistan is completely ignoring us and hobnobbing with China on the one hand, and on the other, carrying on a violent propaganda against us in Asian countries? Yesterday, one of their Ministers was reported to have said something in Ceylon; they have done the same in Africa also. In the circumstances, does the Prime Minister think there is any justification for continuing negotiations with them with the unsettling effect which it has on our population?

Jawaharlal Nehru: It is rather difficult for me to balance justifications. I think the hon. Member is right in challenging what the Pakistan Government has done and the timing of it. There is certainly some justification for what he has said. Nevertheless, we have to consider everything together; we are considering it and we shall decide as the circumstances induce us to decide. But I cannot definitely say about that matter now.

Sonavane:⁶ It has been reported that Pakistan is going to sign a border agreement with China on the 27th of this month. Have we kept our friendly countries informed of this development and sought their advice in this connection?

Speaker: Our friendly countries?

Sonavane: Friendly countries like the Western countries and the USSR.

Speaker: Nath Pai.⁷

Nath Pai: Is the Government quite sure that this so called pact which is actually an unholy alliance between two countries both of which have

⁶ Congress.

⁷ PSP.

committed aggression against India is limited to demarcating what they call their territory but which is Indian territory, and secondly, that there are no secret clauses in this treaty between these two aggressors of some future concerted action against India?

Jawaharlal Nehru: We do not know anything about this treaty and I cannot answer the hon. Member's question. All that is said is that they are demarcating the boundary as they conceive it.

P.K. Deo:⁸ This morning's paper says that 41 pillars are to be constructed on the so-called Pakistan-Sinkiang border. May I know from which point or tri-junction the construction will start?

Speaker: How could this information be given? Shri Trivedi.

U.M. Trivedi:⁹ In view of our having expressed our disapproval of the visit of their Foreign Minister to Peking, may I know if we have informed Pakistan that all our further negotiations on the question of Kashmir should be immediately dropped?

Speaker: The answer has been given.

U.M. Trivedi: I want to know whether it would be dropped immediately or not.

Speaker: The answer has been given that Government is considering as to what is to be done.

Hari Vishnu Kamath:¹⁰ Has the Government in its protest note to Pakistan signified that the Government would regard the conclusion of such a border agreement as an unfriendly act on the part of Pakistan? Was this matter raised directly or indirectly during the course of the

⁸ Swatantra Party.

⁹ Jana Sangh.

¹⁰ PSP.

discussion at Rawalpindi or Karachi with the Pakistan representative?

Jawaharlal Nehru: Yes, Sir; we have done so and we have further said that whatever agreement they may come to will not be recognised by us.

Inder J. Malhotra:¹¹ May I know if at any time during the recent past the point of view of the United States and the United Kingdom Governments have been communicated to the Government of India regarding this position taken up by Pakistan?

Jawaharlal Nehru: The UK and USA Governments are fairly wide awake and they know very well what is happening. There is no question of our communicating it to them.

Speaker: It is about their communicating to us. Whether they have communicated to us their attitude or reaction—that is the question.

Jawaharlal Nehru: I do not know who is to communicate to whom. But there have been talks about it with their representatives here.

M.S. Aney:¹² In as much as the conduct of the Pakistan representative, Mr Bhutto, amounts to a complete denial of Indian sovereignty over the territories about which negotiations are going on, I want to know what is the common ground on which the two parties cannot negotiate except submitting to the fact that there is a desire ...

Speaker: The same question was put in a different form.

[Translation begins:

Prakash Vir Shastri:¹³ Many aspects of the Kashmir issue are not yet resolved because the UN comes in between and our case is pending with them. Apart from sending Notes of Protest to Pakistan and China, have

¹¹ Congress.

¹² Independent.

¹³ Independent.

we informed the UN regarding this issue? If so, then what is their response?

Dinesh Singh: Our Representatives in the UN have submitted to the Security Council our views regarding this on 4 May and 22 June 1962.

Translation ends]

487. In the Lok Sabha: Sino-Pakistan Border Agreement¹⁴

Hem Barua¹⁵: I call the attention of the Prime Minister to the following matter of urgent public importance and I request that he may make a statement thereon:

"The Sino-Pakistan Border Agreement and the reaction of the Government of India thereto."

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Jawaharlal Nehru): 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. (Placed in Library, See No. LT - 904/63).

2. 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

¹⁴ Calling attention motion, 5 March 1963, *Lok Sabha Debates, Third Series*, Vol. XIV, March 4-16, 1963, pp. 2162-2169

¹⁵ PSP.

year later, that is in February, 1962. On May 3, 1962 the Government 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.

3. 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,¹⁶ in Rawalpindi, and again to Mr Bhutto, later, when the talks were resumed in Delhi, the 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.

4. 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 2,000 square miles under the agreement.

5. According to the survey of Pakistan maps, even those published in 1962, about 1,000 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.

6. Although, according to the agreement, the parties have agreed to delimit the boundary on the basis of 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

¹⁶ Pakistan Foreign Minister.

of Pakistan had supplied to our High Commission, lay, across the Kilik, Mintaka, Khunjerab Passes; but, thereafter, 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 sometime 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 alignment was about 2,100 square miles.

7. 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.

8. 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 honourable 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 principle we have always valued.

9. 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 people 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.

[Translation begins:

Mani Ram Bagri:¹⁷ If the Prime Minister could please translate this in Hindi, it would be very good.

Speaker: This is a very long statement. Translating this would be difficult. You please try to understand the question.

Bagri: Hon. Speaker, if nobody understood then what would happen.

Speaker: You can understand it from any of your friends.

Bagri: My friends are also like me.

Translation ends]

Hem Barua:¹⁸ In view of the fact that the Sino-Pakistan Agreement is a direct affront to us, on the top of which President Ayub Khan has added insult to injury by his statement to the effect that it is Mr Nehru's pride that is standing in the way of an understanding between Pakistan and India on Kashmir—he even ventures to suggest some two other names of Indians who ...

Speaker: Order, order. Such a long statement cannot be allowed.

Hem Barua: May I know why is it that Government have considered it reasonable to pin their faith on the illusion of talks even in the context of this perfidious conduct of Pakistan?

Jawaharlal Nehru: I have already answered that question in the statement that I have made.

¹⁷ Socialist.

¹⁸ PSP.

Hem Barua: I asked why it is considered reasonable even in the context of ...

Speaker: Government's stand has been made clear.

Hem Barua: I have pointed out a new development, and I ask in the context of these developments, why is it that Government considers it still advisable or till reasonable to pin its faith to the illusion of talks with Pakistan?

Jawaharlal Nehru: The only new fact apparently that the hon. Member points out is the statement by President Ayub Khan in which he has expressed his displeasure of me. I am sorry I have displeased him. That is all I can say. But that will not make us change our policies.

Speaker: Shri Priya Gupta, Shri Ram Sewak Yadav.

[Translation begins:

Ram Sewak Yadav:¹⁹ I wish to ask the Prime Minister that keeping in view the agreement that China has reached with Pakistan on the Kashmir border, is the Government rethinking about its stance on the Colombo Proposals?

Jawaharlal Nehru: No, Sir. There is no relationship between the two.

Bade:²⁰ Is it correct that after the China- Pakistan border agreement, it was put up to the UN and there has been a response to our protest note from Pakistan?

Jawaharlal Nehru: I have already stated that last year in May and June the UN Security Council discussed this and we had put in our protest note. As far as I know, now this issue has not reached the UN. We will think about whether it is necessary for us to do so.

¹⁹ Socialist.

²⁰ Jana Sangh.

Speaker: Has there been any reply from Pakistan?

Jawaharlal Nehru: I cannot reply outrightly. Some oral response was there, but there has been no proper written statement from their side.

Onkarlal Berwa:²¹ I want to ask the Prime Minister that does the China-Pakistan border agreement contain anything about any survey by China near the Ladakh area? If yes, then would it not affect our Ladakh strategy?

Jawaharlal Nehru: The agreement reached between them have been stated by me and the newspapers, too, have published it. The member can see them. There is no mention of such a thing in them. What goes on behind the scene, I cannot answer.

Translation ends]

S.M. Banerjee²²: Has the Government of India made it clear to both countries, China and Pakistan, that it repudiates this agreement and that it will not be bound by this agreement at all. India is free to act as it likes?

Jawaharlal Nehru: Yes, Sir, that is clear.

[Translation begins:

Maniram Bagri: Please speak in Hindustani ..

Speaker: Please ask your question.

Maniram Bagri: I will ask, but the grievance against me is ...

Speaker: Please ask your question.

Maniram Bagri: Since the Prime Minister has been trumpeting the world

²¹ Jana Sangh.

²² Independent

over that India's foreign policy is based on Panchsheel. I want to know whether we will be carrying around the corpse of Panchsheel or do we have plans for burying it

Translation ends]

Speaker: That is too wide a question to be answered here.

Hari Vishnu Kamath²³: During the last few months when this rather shady deal was under the consideration of the Governments of China and Pakistan, what measures were taken by our Government to apprise all friendly countries of the matter that was going on between the two countries—particularly by means of pamphlets, maps, etc. so as to enlist their support and sympathy for our case and, secondly, are there reasons to apprehend that there are secret clauses in this agreement between Pakistan and China?

Jawaharlal Nehru: The fact that we placed this matter before the Security Council was an attempt on our part not only to reach the Security Council but all the members thereof. They are perfectly aware of it (Interruption).

Hari Vishnu Kamath: Did our Mission abroad issue maps, etc.?

Jawaharlal Nehru: I could not say whether this was done. But there was no need. Before we know the details of the clauses and detailed terms of agreement, it could not have been done. But the major fact remains that this is part of Jammu and Kashmir State which has been in occupation by the Pakistan Government and they are agreeing to a treaty on this illegally occupied border. That is a major fact. Whether you show it on a map or not, it does not carry one very further.

Hari Vishnu Kamath: But one will understand it better.

Jawaharlal Nehru: We did not know till yesterday what the exact position

²³ PSP.

was.

488. To Chou En-lai²⁴

March 5, 1965

Dear Mr Prime Minister,

Thank you for your letter of 3rd March handed over to the Indian Chargé d'Affaires in Peking.²⁵ He has telegraphed the text of your letter as well as of the Chinese Government's note of March 2. Your Chargé d'Affaires in Delhi also gave copies of these communications to our Foreign Office on the evening of the 3rd.

We have noted the action taken by the Government of China in implementation of their unilateral declaration regarding ceasefire and withdrawals of November 21, 1962. As you know, so far as this declaration is concerned, the Government of India's attitude was communicated to the Government of China in my letter of 1st December 1962 addressed to you and in the note handed over by the Ministry of External Affairs to your Chargé d'Affaires in Delhi on 19th December, 1962.

Since then, as Your Excellency is aware, the six non-aligned Afro- Asian countries met at Colombo on December 10, 1962, to consider what recommendations, honourable to both sides, they might make to resolve the differences between India and China. The discussions of the Colombo Conference countries resulted in the unanimous adoption by the Conference of the Colombo Conference proposals which were communicated both to you and to me and later personally explained by the Hon'ble Sirimavo R. D. Bandaranaike, Prime Minister of Ceylon, during her visit to China from 1st to 9th January, 1963, and her visit to Delhi from 10th to 14th January 1963.

²⁴ Letter to the Prime Minister of China. MEA, File No. C/103(13) CH/63, pp 6-8/corr.

²⁵ See appendix 26.

The Colombo Conference proposals as explained by the Hon'ble Sirimavo R. D. Bandaranaike, Prime Minister of Ceylon, during her visit to Delhi were placed before our Parliament and, after consideration of the proposals in Parliament, I informed the Ceylon Prime Minister that the Government of India accept the Colombo Conference proposals and the clarifications given by the Ceylon Prime Minister during her visit to Delhi in toto. This was on 26th January. I mentioned in this communication that further action to implement the Colombo Conference proposals by direct discussions between India and China of the various points left over for settlement between the two parties concerned can only be taken up after the Government of China have similarly accepted the Colombo Conference proposals without any reservations. The Government of India have since then been waiting for a communication from the Ceylon Prime Minister about acceptance of the Colombo Conference proposals by the Government of China.

You have stated in your message responded positively to the appeal of the Colombo Conference and accepted in principle the proposals of the Conference as a basis for direct negotiations between China and India." This does not constitute an acceptance of the Colombo Conference proposals by China without reservations as China still reserves its two points of interpretation of the Colombo Conference proposals.

I regret I cannot understand your claim that "in order to promote direct Sino-Indian negotiations, the Chinese Government has done all that is possible for it to do". The obvious thing, if the Government of China are sincere in their professions regarding peaceful settlement, is to accept the Colombo Conference proposals without reservations just as the Government of India have done. We can go to the second stage of talks and discussions only thereafter.

It is because of the sincere desire of the Government of India to settle the boundary question peacefully that we accepted the Colombo Conference proposal without any reservation and did not insist on the position stated in my letter of 1st December to you. The Government of China, on the other

hand, do not still accept the Colombo Conference proposals without reservations and insist on unilateral implementation of the Chinese Government's statement of November 21, 1962. This is the only obstacle to the next step of talks and discussions to implement the Colombo Conference proposals with a view to the creation of the appropriate climate for resolving peacefully the differences between India and China on the boundary question.

As you are already aware, I stated in Parliament on 10th December, 1962, that "I am prepared, when the time comes, provided there is approval of Parliament, even to refer the basic dispute of the claims on the frontier to an international body like the International Court of Justice at The Hague". There could be no fairer and more reasonable approach than this proposal for peaceful resolving, of our differences, once the appropriate climate is created.

You have, in your letter, referred to four areas where there is a dispute about ceasefire arrangements. There is no dispute, so far as the Government of India are concerned, with the Colombo Conference proposals in respect of these four areas. The dispute if any, is the one raised by the Government of China with the Colombo Conference countries by their reservation on the Colombo Conference proposals. Once these reservations are dropped, the Governments of India, and China can undertake direct talks and discussions to settle the ceasefire arrangements for the Thagla Ridge area and Longju in the Eastern sector, the maintenance of the status quo in the Middle sector and the question of establishment of civilian posts of both sides in the demilitarised zone of 20 kilometres in the Western sector as required under the Colombo Conference proposals.

I hope that the Government of China will, on fuller consideration, decide to comply with the unanimous recommendations of the Colombo Conference countries and accept the Colombo Conference proposals without any reservations. We can then go on to the next stage of talks and discussions for implementation of these proposals and create the appropriate atmosphere of peace in the border areas to enable us to make

a further attempt to resolve peacefully the differences between India and China on the boundary question.

Please accept, Your Excellency, the assurances of my highest consideration.

[Jawaharlal Nehru]