

THE PECULIAR CASE OF LADAKH'S EASTERN BOUNDARY

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This file photograph released by the Indian Army on February 16, 2021 shows People Liberation Army soldiers and tanks during military disengagement along the Line of Actual Control at the India-China border in Ladakh. | Photo Credit: AFP

Chinese Foreign Minister Wang Yi is in India and is expected to meet External Affairs Minister S. Jaishankar and National Security Adviser Ajit Doval. The changed global geopolitical situation is a good time to focus on the peculiar case of Ladakh's eastern boundary and the unnecessary ongoing conflict.

There has never been a defined boundary in this area because high watershed frameworks do not apply to the parallel ranges in Ladakh, where the topography shaped both its polity and relations with others. Leh was the 'cross road of high Asia' where traders exchanged goods by barter. Ladakh translates as the 'land of high passes', which defined the limits of its administrative control over trade routes via the Karakoram pass to the north, Demchok to the south and Zojila to the west, triangulating the small settled population limited to the Indus Valley, now with India. Grazing grounds in the south were shared with Tibet. The uninhabited soda plains to the east extending over 100 square miles at a height of 17,000 feet, now disputed between India and China, were of no use and not governed by anyone.

Ladakh emerged as a distinct entity with the Treaty of Timosgang in 1684. This treaty established relations between Leh and Lhasa through trade exchanges. With the Treaty of Chushul in 1842, Ladakh and Tibet agreed to maintain the status quo. The Treaty of Amritsar in 1846 between the East India Company and the State of Kashmir included Ladakh with its eastern boundary undefined, and the focus remained pashmina trade for making shawls.

After Britain took over governance of India, attention shifted to the northern boundary of Ladakh because of the Russian advance into Central Asia. In 1870, a British Joint Commissioner was posted at Leh, who continued good relations and correspondence with the Dalai Lama and the Chinese Amban at Lhasa and with the Kashmir State. Both India and China have relied on the correspondence and travel accounts, which had a very different purpose, obscuring the reality that the customary boundary was defined only for the limited area under human occupation.

The authoritative 'Gazetteer of Kashmir and Ladak', brought out in 1890, states that from the Karakoram to the head of the Changchenmo valley the boundary with 'Chinese Tibet' is "quite doubtful" (the area of the current discussions) and clear only for the area to the south and west which represents actual occupation (currently not disputed). The unoccupied Aksai Chin is described as "neutral territory", suitable for wheeled transport and where the Chinese built their road.

There has been advance in developing a common understanding, moving from establishing respective claims to recognising the ground reality. In 1959, experts of both countries, not unexpectedly, further hardened positions as both sides relied selectively on any correspondence or travel record that would justify their already established stand. In 1993, the signing of an Agreement on the Maintenance of Peace and Tranquillity along the Line of Actual Control brought in diplomats, and the dialogue moved from history to principles. In 2020, the focus shifted to the ground situation and after 15 rounds of talks, the recent joint statement has

highlighted continuing the military and diplomatic dialogue and reaching a mutually acceptable resolution of the remaining issues at the earliest for progress in bilateral relations.

Outside this process, Indian diplomats, Army chief Kodendera Subayya General Thimayya earlier and recently former Commanders of the Leh Corps have characterised the Karakoram watershed as a defensible border, to which the Chinese claim line broadly corresponds, leaving the area where earlier no one exercised control, Aksai Chin, to China. This raises the question why this assertion has been ignored at the political level.

A former Foreign Secretary and Ambassador to China and the U.S. has explained initial decisions as “ineptitude” and the approach as “unrealistic”, arguing that it is necessary to first acknowledge mistakes of the 1950s for moulding a new domestic consensus. For example, following the Seventeen Point Agreement between China and Tibet in June 1951, even as the Chinese moved into Tibet across Aksai Chin, the North-East Frontier Agency was handed over to the Ministry of External Affairs (MEA) but not Ladakh. Examining this Agreement, the MEA felt it was “reasonable” and inexplicably that India had no use for the Consulate in Kashghar across the northern border of Ladakh. In the India-China Agreement of April 29, 1954, it appears that the reference to passes marking the boundary in the central sector was taken as including the passes in Ladakh assuming recognition of the boundary. This led to new official maps in June 1954 with the MEA deciding on ‘the most favorable line’ in eastern Ladakh. As the Ambassador points out, in Parliament, Prime Minister Jawaharlal Nehru never admitted that the entire boundary was unilaterally defined or even that it was in dispute leading to the notion of “Chinese betrayal” in the public imagination.

The year 1954, not 1962, was the turning point in complicating the situation. Unilateral actions in “neutral territory” establishing a strategic road and defining the boundary converted a colonial ambiguity into a dispute, instead of adopting the watershed principle as in the case of the border of all other Himalayan States. The Cold War heightened mistrust, with Pakistan joining the Southeast Asia Treaty Organization and the United States’ covert operation with the brother of the Dalai Lama residing in Kalimpong arming Tibetans.

The solution lies in the equally unique 70-year-old continuing dialogue despite each side calling the other an aggressor and sporadic military incidents. Instead of claims, the growing confidence of both countries should enable them to acknowledge acts of commission and omission in the 1950s as newly independent ancient civilisations extended overlapping sovereignty in the uninhabited area in Ladakh over which neither had ever exercised control.

In what would be a bold political step, agreement on the watershed boundary following a well-established principle would meet the national security concerns of India and China without bringing in intractable issues of sovereignty.

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