

Country/entity	China India
Region	Asia and Pacific
Agreement name	Protocol between the Government of the Republic of India and the Government of the People's Republic of China on Modalities for the Implementation of Confidence-Building Measures in the Military Field Along the Line of Actual Control in the India-China
Date	11 Apr 2005
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Interstate/interstate conflict

Sino-Indian Border Dispute (1962 -)

There are two main areas that are disputed by China and India. These areas are largely unpopulated and are sparse with resources, but strategically important for both powers. Tensions mounted during the 1962 border war and 1986 skirmish. In the North-West there is the Aksai Chin plateau that is administered by China, but is claimed by India. Bordered by Tibet and Xinjiang, this border is approximately 685 miles long. The dispute in the Eastern sector on the tri-border area between India, China and Myanmar is largely due to a disagreement over the McMahon Line named after Sir Henry McMahon, the representative of the Indian Government to the Simla Conference of 1914. The line itself follows the watersheds of the Himalayas from Bhutan to Myanmar. China does not recognise the McMahon line, due to its original imperial context, and their claim runs along the foothills in Indian Territory. The area under dispute covers an area of 36,000 square miles. The Middle sector between Bhutan and Nepal is demarcated by the Himalayan watersheds. The border was confirmed in the British-Chinese Convention of 1890 and was undisputed until a brief standoff emerged in this sector in June 2017 on the Doklam plateau.

Since 2003 intensified efforts by the two powers have resulted in talks on the border issues handled by special representatives. However, the two sides continue to have differing opinions on the location of the 'Line of Actual Control' (LAC), which has led to incursions and military build-ups in 2009, 2013 and 2017.

Close

Sino-Indian Border Dispute (1962 -)

Stage	Implementation/renegotiation
Conflict nature	Territory
Peace process	China-India border dispute peace process

Parties	The Government of the Republic of India and the Government of the People's Republic of China
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Third parties	-
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Description	This agreement seeks to implement previous agreements on the Maintenance of Peace and Tranquillity along the Line of Actual Control in the India-China Border Areas of 7 September 1993 and on Confidence Building Measures in the Military Field along the Line of Actual Control in the India-China Border Areas of 29 November 1996. The parties agreed on modalities to implement the confidence building measures including through procedures for exchange of information regarding troop movements and the conduct of bi-annual meetings on border issues. They also agreed to resolve any agreement violation or need for clarification through diplomatic channels.
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Agreement document	CN_IN_050411_Protocol between India and China.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
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Disabled persons	No specific mention.
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Elderly/age	No specific mention.
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Migrant workers	No specific mention.
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Racial/ethnic/ national group	No specific mention.
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Religious groups	No specific mention.
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Indigenous people	No specific mention.
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Other groups	No specific mention.
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Refugees/displaced persons	No specific mention.
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Social class	No specific mention.
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Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) Page 1, Recalling that both sides are committed to developing their long-term constructive and cooperative partnership on the basis of the Five Principles of Peaceful Co-existence, mutual respect and sensitivity for each other's concerns and aspirations, and equality,

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment

Page 4, Article VI

In accordance with Article VIII of the Agreement on Confidence Building Measures in the Military Field along the Line of Actual Control in the India-China Border Areas signed between the two sides in November 1996,

(a) In case the personnel of one side in the border areas cross over to the other side due to force majeure such as natural disasters:

- i. The side having discovered it should promptly contact and notify the other side;
- ii. The personnel crossing over to the other side should, in the light of the prevailing circumstances, take measures to return to their own side or proceed to places designated by the other side en route to return to their own side;
- iii. The receiving side will provide all possible assistance to the personnel from the other side and ensure their earliest possible return; and
- iv. At the request of the side affected by the natural disaster, the other side may consider all possible measures to help alleviate the situation.

(b) In order to prevent infectious diseases in specific areas on either side in the border areas from spreading to the other side:

- i. Both sides should share relevant information promptly through border meetings or diplomatic channels;
- ii. Each side should take measures to prevent the spread of diseases from spilling onto the other side; and
- iii. At the request of the side suffering from spread of infectious diseases, the other side may consider all possible measures to help alleviate the situation.

Water or riparian rights or access

No specific mention.

Security sector

Security Guarantees

No specific mention.

Ceasefire

Security sector→Ceasefire→General commitments

[Summary] Agreement does not explicitly mention ceasefire, but contains ceasefire conventions, including limitations on military exercises, military movement, etc. See Armed Forces.

Page 2, Article I

In accordance with Article II of the Agreement on Confidence Building Measures in the Military Field along the Line of Actual Control in the India-China Border Areas signed between the two sides in November 1996, the two sides should strictly respect and observe the Line of Actual Control and work together to maintain peace and tranquillity in the border areas.

Page 3, Article IV

In accordance with Article VI of the Agreement on Confidence Building Measures in the Military field along the line of Actual Control in the India-China Border Areas signed between the two sides in November 1996, if the border personnel of the two sides come to a face-to-face situation due to differences on the alignment of the Line of Actual Control or any other reason, they shall exercise self-restraint and take all necessary steps to avoid an escalation of the situation. To this end, they shall follow the procedures as given below:

- (a) Both sides shall cease their activities in the area, not advance any further, and simultaneously return to their bases.
- (b) Both sides shall then inform their respective Headquarters and, if necessary, enter into immediate consultations through border meetings or diplomatic channels so as to prevent an escalation of the situation.
- (c) Throughout the face-to-face situation, neither side shall use force or threaten to use force against the other.
- (d) Both sides shall treat each other with courtesy and refrain from any provocative actions. Neither side shall put up marks or signs on the spots.

Page 4-5, Article VII

The Protocol shall enter into force on the date of signature of this Protocol and will automatically be rendered invalid if the Agreement on Confidence Building Measures in the Military Field along the Line of Actual Control in the India-China Border Areas signed between the two sides in November 1996 ceases to be in force. Subject to agreement after mutual consultations between the two sides, the Protocol may be amended and supplemented at any time.

Police

No specific mention.

Armed forces

Page 2, Article II

In accordance with Article IV of the Agreement on Confidence Building Measures in the Military Field along the Line of Actual Control in the India-China Border Areas signed between the two sides in November 1996,

(a) Both sides shall avoid holding large-scale military exercises involving more than one Division (approximately 15,000 troops) in close proximity to the Line of Actual Control. However, if such exercises are to be conducted, the strategic direction of the main force involved shall not be towards the other side.

(b) If either side conducts a military exercise involving more than one Brigade Group (approximately 5,000 troops) in close proximity to the Line of Actual Control, it shall not be targeted against the other side. The side undertaking the exercise shall give, through Flag Meetings, the other side prior intimation 15 days in advance of the exercise with regard to type, level, planned duration and area of exercise as well as the number and type of units or formations participating in the exercise.

(c) Each side shall be entitled to obtain timely clarification within 15 days from the side undertaking the exercise in respect of data specified in paragraph (b) above of the present article, through Flag Meetings. (d) Each side shall give prior intimation of changes in the timing of any scheduled exercise 15 days in advance, through Flag Meetings.

Page 2, Article III

In accordance with Article V of the Agreement on Confidence Building Measures in the Military Field along the Line of Actual Control in the India-China Border Areas signed between the two sides in November 1996,

(a) In the event of an alleged air intrusion of its controlled airspace by the military aircraft of the other side, either side may seek a Flag Meeting within 48 hours of the alleged air intrusion in order to seek a clarification. The investigation shall be completed by the other side and its results communicated through a Flag Meeting within a period of four weeks.

(b) If a military aircraft of either side is required to fly across the Line of Actual Control or to overfly the airspace of the other side, prior permission shall be sought from the other side according to procedures and formats to be mutually agreed upon.

Page 3, Article IV, ... (c) If a military or civilian aircraft of either side is required to fly across the Line of Actual Control or to land on the other sides of the Line of Actual Control in an emergency situation, the two sides will ensure flight safety in such situations by adhering to procedures to be mutually agreed upon.

Page 4, Article V

In accordance with Article VII of the Agreement on Confidence Building Measures in the Military Field along the Line of Actual Control in India-China Border Areas signed between the two sides in November 1996,

... (c) Both sides shall conduct exchanges between the relevant Military Regions of China and Army Commands of India. Specific arrangements shall be decided upon through mutual consultations between the relevant agencies under the Ministries of Defence of the two sides.

(d) Both sides shall strengthen exchanges between institutions of training of the two armed forces, and conduct exchanges between institutions of sports and culture of the two armed forces. Specific arrangements shall be decided upon through mutual consultations between the relevant agencies under the Ministries of Defence of the two sides.

DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Article V. provides for additional border meetings between the parties, and consultations between Ministries of Defence on both sides, also agreed to conduct exchanges between members of the two armed forces.

Related cases No specific mention.

Source UN Peacemaker; http://peacemaker.un.org/sites/peacemaker.un.org/files/CN%20IN_050411_Protocol%20between%20India%20and%20China.pdf
