

Agreement Between the Government of the Republic of India and the Government of the People's Republic of China on Confidence-Building Measures in the Military Field Along the Line of Actual Control in the India-China Border Areas

November 29, 1996 (New Delhi)

The Government of the Republic of India and the Government of the People's Republic of China (hereinafter referred to as the two sides),

Believing that it serves the fundamental interests of the peoples of India and China to foster a long-term good-neighbourly relationship in accordance with the 'five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful co-existence,

Convinced that the maintenance of peace and tranquility along the line of actual control in the India-China border areas accords with the fundamental interests of the two peoples and will also contribute to the ultimate resolution of the boundary question,

Reaffirming that neither side shall use or threaten to use force against the other by any means or seek unilateral military superiority,

Pursuant to the Agreement between the Government of the Republic of India and the Government of the People's Republic of China on the Maintenance of Peace and Tranquility along the Line of Actual Control in the India-China Border Areas, signed on 7 September, 1993,

Recognizing the need for effective confidence building measures in the military field along the line of actual control in the border areas between the two sides,

Noting the utility of confidence building measures already in place along the line of actual control in the India-China border areas,

Committed to enhancing mutual confidence and transparency in the military field, Have agreed as follows:

ARTICLE I

Neither side shall use its military capability against the other side. No armed forces deployed by either side in the border areas along the line of actual control as part of their respective military strength shall be used to attack the other side, or engage in military activities that threaten the other side or undermine peace, tranquility and stability in the India-China border areas.

ARTICLE II

The two sides reiterate their determination to seek a fair, reasonable and mutually acceptable settlement of the boundary question. Pending an ultimate solution to the boundary question, the two sides reaffirm their commitment to strictly respect and observe the line-of actual control in the India-China border areas. No activities of either side shall overstep the line of actual control.

ARTICLE III

The two sides agree to take the following measures to reduce or limit their respective military forces within mutually agreed geographical zones along the line of actual control in the India-China border areas:

(1) The two sides reaffirm that they shall reduce or limit their respective military forces within mutually agreed geographical zones along the line of actual control in the India-China border areas to minimum levels compatible with the friendly and good neighborly relations between the two countries and consistent with the principle of mutual and equal security.

(2) The two sides shall reduce or limit the number of field army, border defence forces, paramilitary forces and any other mutually agreed category of armed force deployed in mutually agreed geographical zones along the line of actual control to ceilings to be mutually agreed upon. The major categories of armaments to be reduced, or limited are as follows: combat tanks, infantry combat vehicles, guns (including howitzers) with 75 mm or bigger calibre, mortars with 120 mm or bigger calibre, surface-to-surface missiles, surface-to-air missiles and any other weapon system mutually agreed upon.

(3) The two sides shall exchange data on the military forces and armaments to be reduced or limited and decide on ceilings on military

forces and armaments to be kept by each side within mutually agreed geographical zones along the line of actual control in the India-China border areas. The ceilings shall be determined in conformity with the requirement of the principle of mutual and equal security, with due consideration being given to parameters such as the nature of terrain, road communication and other infrastructure and time taken to induct/deinduct troops and armaments.

ARTICLE IV

In order to maintain peace and tranquility along the line of actual control in the India-China border areas and to prevent any tension in the border areas due to misreading by either side of the other side's intentions:

(1) Both sides shall avoid holding large scale military exercises involving more than one Division (approximately 15,000 troops) in close proximity of the line of actual control in the India-China border areas. However, if such exercises are to be conducted, the strategic direction of the main force involved shall not be towards the other side.

(2) If either side conducts a major military exercise involving more than one Brigade Group (approximately 5,000 troops) in close proximity of the line of actual control in the India-China border areas, it shall give the other side prior notification 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.

(3) The date of completion of the exercise and deinduction of troops from the area of exercise shall be intimated to the other side within five days of completion or deinduction.

(4) Each side shall be entitled to obtain timely clarification from the side undertaking the exercise in respect of data specified in Paragraph 2 of the present Article.

ARTICLE V

With a view to preventing air intrusions across the line of actual control in the India-China border areas and facilitating overflights and landings by military aircraft:

(1) Both sides shall take adequate measures to ensure that air intrusions across the line of actual control do not take place. However, if an intrusion does take place, it should cease as soon as detected and the incident shall be promptly investigated by the side operating the aircraft. The results of the investigation shall be immediately communicated, through diplomatic channels or at border personnel meetings, to the other side.

(2) Subject to Paragraphs 3 and 5 of this Article, combat aircraft (to include fighter, bomber, reconnaissance, military trainer, armed helicopter and other armed aircraft) shall not fly within ten kilometers of the line of actual control.

(3) If either side is required to undertake flights of combat aircraft within ten kilometers from the line of actual control, it shall give the following information in advance to the other side, through diplomatic channels:

(a) Type and number of combat aircraft;

(b) Height of the proposed flight (in meters);

(c) Proposed duration of flights (normally not to exceed ten days);

(d) Proposed timing of flights; and

(e) Area of operations, defined in latitude and longitude.

(4) Unarmed transport aircraft, survey aircraft and helicopters shall be permitted to fly up to the line of actual control.

(5) No military aircraft of either side shall fly across the line of actual control, except by prior permission. Military aircraft of either side may fly across the line of actual control or overfly the other side's airspace or land on the other side only after obtaining the latter's prior permission after providing the latter with detailed information on the flight in accordance with the international practice in this regard.

Notwithstanding the above stipulation, each side has the sovereign right to specify additional conditions, including at short notice, for flights or landings of military aircraft of the other side on its side of the line of actual control or through its airspace.

(6) In order to ensure flight safety in emergency situations, the authorities designated by the two sides may contact each other by the quickest means of communications available.

ARTICLE VI

With a view to preventing dangerous military activities along the line of actual control in the India-China border areas, the two sides agree as follows:

(1) Neither side shall open fire, cause bio-degradation, use hazardous chemicals, conduct blast operations or hunt with guns or explosives within two kilometers from the line of actual control. This prohibition shall not apply to routine firing activities in small arms firing ranges.

(2) If there is a need to conduct blast operations within two kilometers of the line of actual control as part of developmental activities, the other side shall be informed through diplomatic channels or by convening a border personnel meeting, preferably five days in advance.

(3) While conducting exercises with live ammunition in areas close to the line of actual control, precaution shall be taken to ensure that a bullet or a missile does not accidentally fall on the other side across the line of actual control and causes harm to the personnel or property of the other side.

(4) If the border personnel of the two sides come in 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. Both sides shall also enter into immediate consultations through diplomatic and/or other available channels to review the situation and prevent any escalation of tension.

ARTICLE VII

In order to strengthen exchanges and cooperation between the military personnel and establishments in the border areas along the line of actual control, the two sides agree:

(a) To maintain and expand the regime of scheduled and flag meetings between their border representatives at designated places along the line of actual control;

(b) To maintain and expand telecommunication links between the border meeting points at designated places along the line of actual control;

(c) To establish step-by-step medium and high-level contacts between the border authorities of the two sides.

ARTICLE VIII

(1) Should the personnel of one side cross the line of actual control and enter the other side because of unavoidable circumstances like natural disasters, the other side shall extend all possible assistance to them and inform their side, as soon as possible regarding the forced or inadvertent entry across the line of actual control. The modalities of return of the concerned personnel to their own side shall be settled through mutual consultations.

(2) The two sides shall provide each other, at the earliest possible, with information pertaining to natural disasters and epidemic diseases in contiguous border areas which might affect the other side. The exchange of information shall take place either through diplomatic channels or at border personnel meetings.

ARTICLE IX

In case a doubtful situation develops in the border region, or in case one of the sides has some questions or doubts regarding the manner in which the other side is observing this Agreement, either side has the right to seek a clarification from the other side. The clarifications sought and replies to them shall be conveyed through diplomatic channels.

ARTICLE X

(1) Recognizing that the full implementation of some of the provisions of the present Agreement will depend on the two sides arriving at a common understanding of the alignment of the line of actual control in the India-China border areas, the two sides agree to speed up the process clarification and confirmation of the line of actual control. As an initial step in this process, they are clarifying the alignment of the line of actual control in those segments where they have different perceptions. They also agree to exchange maps indicating their respective perceptions of the entire alignment of the line of actual control as soon as possible.

(2) Pending the completion of the process of clarification and confirmation of the line of actual control, the two sides shall work out modalities for implementing confidence building measures envisaged under this Agreement on an interim basis, without prejudice to their respective positions on the alignment of the line of actual control as well as on the boundary question.

ARTICLE XI

Detailed implementation measures required under Article I to Article X of this Agreement shall be decided through mutual consultations in the India-China Joint Working Group on the Boundary Question. The India-China Diplomatic and Military Expert Group shall assist the India-China Joint working Group in devising implementation measures under the Agreement.

ARTICLE XII

This Agreement is subject to ratification and shall enter into force on the date of exchange of instruments of ratification. It shall remain in effect until either side decides to terminate it after giving six months' notice in writing. It shall become invalid six months after the notification.

This Agreement is subject to amendment and addition by mutual agreement in writing between the two sides.

Signed in duplicate in New Delhi on 29 November, 1996 in the Hindi, Chinese and English languages, all three texts being equally authentic. In case of divergence, the English text shall prevail.