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Centre for China Analysis & Strategy
中国分析及策略中心

26 September 2020

‘CHINESE PUBLICATION ASSERTS AKSAI CHIN IS “ILLEGALLY OCCUPIED BY INDIA”

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A lengthy over 23,548-character (Chinese) article re-asserting China’s claim on Aksai Chin and Ladakh and authored by Zeng Hao, Associate Professor of the Law School of Hunan University as part of the phased research of a major National Social Science Fund-2018 project titled "Research on Major International Law Issues in Sino-Indian Relations", was published in the South Asian Studies (Issue 3/2020) of Sichuan University. Incidentally, Sichuan University was designated the nodal University for research on South Asia in 2017 by Chinese President Xi Jinping and allotted considerable funding. This issue of South Asian Studies was released on September 24, 2020.

2. The article asserts that China effectively occupied the Aksai China region and exercised administrative control over it since the middle of the 18th Century in the period of the Qing Dynasty. It says these are the two criteria which determine the legal right of a country’s claim over a territory. Stating that Aksai Chin is “illegally occupied” by India, it says China must further strengthen the control of disputed areas between China and India. It recommends that China take counter-measures and coercive steps such as retaliation and even self-defence to “effectively” defend national sovereignty and security.

3. Earlier, an article in the Zhongguo Qingnian Bao (China Youth Daily), a paper of China’s Communist Youth League (CYL), which has a higher circulation than the People’s Daily, the official mouthpiece of the Chinese Communist Party, had published an article highlighting the cultural, linguistic and other similarities between the people of Tibet and Ladakh and said that Ladakh’s ancient Turbo Dynasty owed allegiance to the Chinese Emperor. This article was published within days of the Chinese intrusion in the Depsang Plains which occurred shortly before the first visit of Li Keqiang as China’s Premier to India in April 2013.

4. More recently in the course of the ongoing stand-off along the LAC including in Ladakh since May this year, China’s claim over Aksai Chin and areas of Ladakh have been reiterated in the statements of the Chinese Foreign Minister Wang Yi and the People’s Liberation Army (PLA)’s Western Theatre Command. This article too specifically mentions that Chinese border guards have since November 7, 1959 been effectively controlling the seven posts of: (i) Gul Lake; (ii) Khurnak Fort (库尔纳克堡/(Kù ěr nà kè bǎo)/ 33.7667°N 78.9877°E); (iii) Kongka Pass (or Kongka La 空喀山口/(Kongke Shankou)/ 34°20’06”N 79°02’07”E); (iv) Shenxian Bay (神仙湾 (Shenxianwan)/ 35°34’10”N 77°50’45”E); (v) Chip Chap River Valley (奇普恰普河 (Qipuqiapuhe) 35.275N, 78.186E); (vi) Hot Springs in the area of Kongka Pass (Kyam)/ 贡嘎山温泉 (Kongga Shanwenquan) 34.30°N 78.95°E); and (vii) Niyagazu north of Bangong Lake.

5. It anticipatedly stressed too that the Qing Dynasty had unified Xinjiang in 1759 and that Aksai Chin, which is located in the southern part of the Hetian region of southern Xinjiang, was included in the Chinese territory. Moreover, in order to set up a military system of government the Chinese government in 1759 set up a Minister of Khotan in Yiliqi (now Hotan), which governed the Aksai Chin region.

6. This article is an effort to build a detailed legal and administrative case to reinforce China's claim and occupation of Aksai Chin. Briefly, the article states that the Chinese government officially incorporated the Aksai Chin region into its national territory and from the middle of the 18th century 'obtained the original source of sovereignty over the region'. Over the next two hundred years, the Chinese government has effectively maintained its territorial sovereignty over this area. On August 21, 1958, India formally claimed sovereignty over "China's Aksai Chin region", which the Chinese government rejected on November 3, 1958 leading to a "conflict of legal opinions or interests" regarding Aksai Chin's sovereignty. It said that judging by the weight of evidence of countries exercising administrative jurisdiction over the region prior to the critical date of November 3, 1958, "we can find that: India has never exercised administrative jurisdiction over the Aksai Chin region, and the evidence it enumerated cannot be used as proof of its territorial sovereignty over the Aksai Chin region". In contrast, China has exercised "long-term, sustained, peaceful and adequate administrative jurisdiction over Aksai Chin with the intention of occupation" and it can be fully concluded that Aksai Chin's sovereignty belongs to China. Insisting that "India's claim of sovereignty against Aksai Chin is illegal and invalid", it asserted too that the Indian government's declaration of "sovereignty" over "China's Aksai Chin" is not "Indian internal affairs", but an internationally illegal act that violates China's sovereign rights and interests and undermines the status quo of the Sino-Indian border. It reiterates that the Chinese government has the right to take corresponding counter-measures against 'India's internationally wrongful acts' in accordance with international law.

7. It listed India's passing of the "Jammu and Kashmir Reorganization Act of 2019" to include "China's Aksai Chin" in the so-called "Ladakh Territory"; comprehensive additions and announcements of Indian Regional names for "southern Tibet"; and the establishment of administrative divisions in disputed areas between China and India illegally occupied by India; as additional violations by India. These it said necessitate effective counter-measures.

8. Publication of this article at this time clearly indicates that China will not relent on its claims and will probably neither withdraw from the areas it has already occupied. Its publication shows also that China began building its case to justify its future actions as part of the 'Three Warfares' (Propaganda, Psychological and Legal) in 2018! As can be discerned from China's social media and the very few articles published in its mainstream media, which portray India as the aggressive power, nationalist sentiments on the issues of sovereignty and territory with India, as well as the Taiwan issue, are high in China. They point to popular support for military action to take over the claimed areas.

NOTE: Place names and locations at Para 4 have been identified by CCAS

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