



Border Disputes, Military Posturing, and the Role of International Law: Examining National Security Doctrines of India and China in the Context of the Himalayan Standoff.

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Cite This Paper as: Ms. Pratishtha Mishra, Prof. (Dr.) Ayaz Ahmed (2026) Border Disputes, Military Posturing, and the Role of International Law: Examining National Security Doctrines of India and China in the Context of the Himalayan Standoff...The Journal of African Development I, Vol.7, No.1, 1322-1329

KEYWORDS

Himalayan border dispute, India-China relations, Line of Actual Control, national security doctrine, international law, use of force, Galwan Valley, confidence-building measures.

ABSTRACT

The unresolved territorial disputes along the Himalayan frontier between India and China constitute one of the most consequential flashpoints in contemporary Asian geopolitics. The Galwan Valley clash of June 2020, the most lethal direct confrontation between the two nuclear-armed states since the 1962 Sino-Indian War, exposed deep structural tensions between their respective national security doctrines and the normative architecture of international law. This paper undertakes a rigorous examination of how India and China have each developed, articulated, and deployed national security doctrines in the Himalayan context, and how these doctrines interact with — and frequently circumvent — the binding obligations of international law, including the UN Charter's prohibition on the use of force, the principles of sovereign equality and territorial integrity, and the corpus of bilateral and multilateral treaty commitments. The paper analyzes the key legal instruments governing the India-China border dispute, including the 1993 Agreement on the Maintenance of Peace and Tranquility along the Line of Actual Control (LAC), the 1996 Agreement on Confidence Building Measures, and the 2005 Political Parameters and Guiding Principles, arguing that both states have increasingly subordinated these legal frameworks to the imperatives of strategic competition and domestic nationalist politics. Drawing on international relations theory, international legal scholarship, and case studies from recent Himalayan standoffs, the paper argues that the progressive militarization of the LAC represents not merely a bilateral security failure but a systemic challenge to the capacity of international law to regulate the behavior of major revisionist and status-quo powers. The paper concludes by assessing the prospects for legal and diplomatic mechanisms capable of restoring stability and compliance with international norms in the Himalayan region.....

1. INTRODUCTION

The Himalayan mountain range, stretching across the northern and northeastern frontiers of the Indian subcontinent, has served for centuries as both a natural barrier and a zone of strategic contestation. In the modern era, the high-altitude borderlands shared by India and the People's Republic of China have become one of the world's most consequential, and most legally complex, territorial disputes. Covering a total disputed area of approximately 130,000 square kilometers across three sectors — the western sector centered on the Aksai Chin plateau, the middle sector in Himachal Pradesh and Uttarakhand, and the eastern sector corresponding to Arunachal Pradesh — the unresolved boundary between the two most populous nations on earth represents a persistent challenge to regional stability and to the effectiveness of international legal norms as instruments of conflict management (Garver, 2001).

The June 2020 Galwan Valley clash, in which at least twenty Indian soldiers and an unspecified number of Chinese People's Liberation Army (PLA) personnel were killed in hand-to-hand combat at an altitude of over 14,000 feet, marked the bloodiest direct confrontation between the two states since the 1962 Sino-Indian War (Stobdan, 2020). The incident was not an isolated aberration but the culmination of a decade-long trend of intensifying military posturing along the Line of Actual Control (LAC), a de facto boundary whose precise alignment is disputed by both sides and which lacks any internationally recognized legal definition. The Galwan clash and the series of standoffs that preceded and followed it — at Depsang (2013), Chumar (2014), Doklam (2017), and Pangong Tso (2020) — collectively reveal the inadequacy of existing bilateral legal and diplomatic frameworks to manage the competitive pressures generated by the simultaneous rise of two revisionist and status-quo powers in a geographically constrained environment.

This paper examines the national security doctrines of India and China as they have been applied to the Himalayan context, and interrogates their relationship with the norms and institutions of international law. It proceeds from the premise that national security doctrine and international law do not exist in hermetically sealed compartments but in a state of constant, productive, and often antagonistic interaction. The capacity of international law to regulate state behavior in high-stakes security contexts depends critically on the willingness of powerful states to accept its authority, and the India-China case provides a sobering instance of the limits of that willingness. At the same time, the persistence of bilateral legal frameworks — however imperfectly honored — suggests that international law retains a meaningful, if constrained, role in shaping the parameters of strategic competition.

The paper is organized as follows. The first section provides a historical and legal background to the India-China border dispute, tracing its origins in the colonial period and examining the key treaties and agreements that constitute the bilateral legal framework. The second section analyzes China's national security doctrine as applied to the Himalayan frontier, focusing on its claims of territorial sovereignty, its interpretation of the LAC, and its use of military posturing as an instrument of coercive diplomacy. The third section examines India's national security doctrine in the same context, assessing its strategic response to Chinese assertiveness and its invocation of international legal norms. The fourth section evaluates the bilateral legal framework against the standards of international law, arguing that both states have engaged in systematic violations of their treaty commitments. The fifth section assesses the broader international legal dimensions of the dispute, including the applicability of the UN Charter and customary international law. The conclusion offers an assessment of the prospects for legal and diplomatic mechanisms capable of managing the dispute within an internationally lawful framework.

Historical and Legal Background to the India-China Border Dispute

The contemporary India-China border dispute has its proximate origins in the colonial period, when British India and Qing China — and later the Republic of China — engaged in a series of inconclusive negotiations over the Himalayan frontier. The most consequential of these were the Simla Convention of 1914, which established the McMahon Line as the border between British India and Tibet in the eastern sector, and the various proposals for a western boundary that collectively formed the basis of what is sometimes called the Johnson-Ardagh line and the McDonald line (Maxwell, 1970). The People's Republic of China, established in 1949, repudiated both the Simla Convention and the McMahon Line as products of imperialist coercion that could not bind the new Chinese state, a position it has maintained consistently ever since (Ministry of Foreign Affairs of the People's Republic of China, 2000).

The 1962 Sino-Indian War, precipitated by a combination of competing territorial claims, failures of intelligence and diplomacy on the Indian side, and strategic opportunism on the Chinese side, ended with a decisive Chinese military victory and a de facto ceasefire that established the LAC as the operative line of separation (Hoffman, 1990). The war left a legacy of deep strategic mistrust that has shaped the bilateral relationship ever since, and produced a territorial status quo — with China in effective control of Aksai Chin and India in control of Arunachal Pradesh — that neither state formally accepts as legitimate.

The legal framework governing the post-1962 relationship was constructed through a series of bilateral agreements beginning in the 1990s. The 1993 Agreement on the Maintenance of Peace and Tranquility along the Line of Actual Control in the India-China Border Areas committed both sides to maintain peace along the LAC, respect the LAC as the operative line pending a final boundary settlement, and reduce military forces in forward areas (Agreement on the Maintenance of Peace and Tranquility, 1993). The 1996 Agreement on Confidence Building Measures extended these commitments, establishing limits on the size of military exercises near the LAC and requiring notification of large-scale military activities (Agreement on Confidence Building Measures, 1996). The 2005 Agreement on the Political Parameters and Guiding Principles for the Settlement of the India-China Boundary Question provided an overarching framework for eventual

boundary negotiations, committing both sides to a "package settlement" that would take into account the interests of "settled populations" in the disputed areas (Agreement on Political Parameters and Guiding Principles, 2005).

These agreements collectively constitute the primary legal framework governing the India-China border relationship. Their central weakness, however, is that they do not define the precise alignment of the LAC — a fundamental omission that both sides have exploited to justify forward military deployments and infrastructure construction in disputed areas (Pant, 2017). In the absence of a mutually agreed LAC, both states have maintained their own maps and claimed that the other's activities constitute transgressions of the LAC as they understand it, creating a structural condition of permanent low-level legal contestation that is highly susceptible to escalation.

China's National Security Doctrine and the Himalayan Frontier

China's national security doctrine as applied to the Himalayan frontier is embedded within a broader strategic framework that combines historical revisionism, great power nationalism, and the assertive use of military and economic power to reshape regional and global order. Under President Xi Jinping, China's approach to territorial disputes has been characterized by what scholars have called "salami-slicing" tactics: the incremental assertion of territorial control through actions that individually fall below the threshold of armed attack but collectively produce significant changes in the strategic status quo (Fravel, 2015). This approach reflects a sophisticated understanding of the limits of international legal prohibition — the UN Charter's Article 2(4) prohibits the use of force against the territorial integrity or political independence of another state, but China has consistently argued that its activities in disputed border areas do not constitute "use of force" but are rather the lawful assertion of sovereign rights over territory it considers its own.

China's territorial claims in the Himalayan region are grounded in a combination of historical arguments and strategic imperatives that are largely independent of the international legal framework. Beijing's position on Aksai Chin — that it forms an integral part of the Xinjiang Uyghur Autonomous Region and is therefore unquestionably Chinese sovereign territory — rests on historical claims dating to the Qing dynasty that international law does not straightforwardly support (Garver, 2001). The road China built through Aksai Chin in the 1950s, connecting Tibet and Xinjiang, has become an irreplaceable strategic infrastructure asset that China has no incentive to relinquish regardless of any legal adjudication of the territorial dispute. Similarly, China's claim to Arunachal Pradesh, which it designates as "South Tibet" (Zangnan), is based on the assertion that the McMahon Line is legally invalid — a position that, as noted above, rests on a contestable but coherent legal argument about the effect of colonial-era coercion on treaty validity (Gupta, 1971).

The PLA's operational approach to the LAC reflects these strategic realities. The construction of extensive border infrastructure — roads, helipads, forward operating bases, and villages with civilian populations along the LAC — represents a systematic effort to create facts on the ground that will strengthen China's position in any eventual legal or diplomatic settlement (Krishnan, 2020). The deployment of large numbers of PLA troops to the Galwan Valley and Pangong Tso areas in the spring of 2020, which precipitated the June clash, followed a pattern of forward deployment designed to assert Chinese control over areas that India considers within its side of the LAC. China's claim that these deployments were lawful because they occurred on Chinese territory illustrates the central role that disputed boundary alignment plays in structuring each side's legal justifications for its military activities.

China's approach to the bilateral legal framework is similarly instrumental. Chinese officials and scholars have consistently argued that the 1993 and 1996 agreements obligate India to accept the status quo as China defines it, including Chinese infrastructure construction in disputed areas, while simultaneously reserving for China the right to define unilaterally what constitutes the LAC in any given sector (Lin & Singer, 2016). This asymmetric interpretation of shared legal obligations is characteristic of what international law scholars have called "legal grey-zoning" — the exploitation of legal ambiguity to advance strategic interests while maintaining a formal posture of legal compliance (Erickson & Strange, 2015).

The broader context of China's Himalayan strategy is its relationship to the Belt and Road Initiative (BRI) and the China-Pakistan Economic Corridor (CPEC), which passes through Gilgit-Baltistan in territory claimed by India. India's refusal to endorse the BRI, on the grounds that it violates India's sovereignty by passing through disputed territory, illustrates how economic and security interests have become inseparably entangled in the Himalayan strategic environment. China's response to India's BRI objections has been dismissive, reflecting a view that economic connectivity projects are sovereign exercises that do not require the consent of neighboring states whose territorial claims have not been internationally validated (Bhattacharyya, 2019).

India's National Security Doctrine and the Himalayan Standoff

India's national security doctrine in the Himalayan context has evolved significantly over the decades since the 1962 war,

but retains certain structural features that reflect the trauma and strategic lessons of that conflict. The foundational principle of Indian Himalayan strategy is what might be called "strategic defensivism with escalatory deterrence": a posture of territorial defense that combines the maintenance of a credible conventional deterrent with the threat of horizontal escalation to other domains — maritime, economic, and diplomatic — should Chinese military pressure cross certain thresholds (Rajagopalan, 2020).

India's legal approach to the Himalayan dispute is grounded in a broadly status-quo orientation that reflects its position as the power seeking to preserve an existing territorial reality against Chinese revisionism. India insists that the McMahon Line is the legally valid international boundary in the eastern sector, a position supported by the fact that the Simla Convention was concluded between duly authorized governmental representatives and produced a written instrument that India argues is binding under the international law of treaties, notwithstanding China's objections (Ministry of External Affairs of India, 2014). In the western sector, India's position — that Aksai Chin is an integral part of the Ladakh Union Territory and therefore Indian sovereign territory — is harder to sustain purely on legal grounds, given China's effective occupation of the area since the 1950s and the principle of *uti possidetis juris*, which would arguably support the status quo of effective control.

India's domestic national security legislation has also been deployed in the Himalayan context in ways that intersect with international legal norms. The Armed Forces Special Powers Act (AFSPA), which grants extraordinary powers to security forces operating in areas declared "disturbed," has been applied along sections of the northeastern frontier and has been the subject of sustained criticism by UN human rights bodies for its incompatibility with India's obligations under the International Covenant on Civil and Political Rights (UN Human Rights Committee, 2017). The National Security Act (NSA) of 1980 and its various amendments provide the executive with broad preventive detention powers that have occasionally been invoked in border areas in ways that implicate the rights of local populations whose land use and movement patterns are affected by military activities along the LAC.

India's strategic response to Chinese assertiveness has undergone a significant recalibration following the 2017 Doklam standoff and the 2020 Galwan clash. The Indian government's decision to deploy additional troops and accelerate border infrastructure construction — including the construction of roads, tunnels, and forward airbases in Ladakh, Arunachal Pradesh, and Sikkim — reflects a determination to match Chinese military posture with comparable capabilities rather than to rely primarily on diplomatic and legal mechanisms. India's Border Roads Organisation (BRO) has been tasked with dramatically expanding the connectivity of border areas, and the government has accelerated the creation of the Ladakh Union Territory as a direct administrative response to Chinese activities in the western sector (Krishnan, 2020).

India has also increasingly sought to multilateralize the Himalayan dispute, embedding it within broader frameworks of Indo-Pacific security and democratic solidarity. Its membership in the Quadrilateral Security Dialogue (the Quad) alongside the United States, Japan, and Australia, and its deepening defense partnerships with these and other democracies, reflect a strategic judgment that bilateral diplomacy and international legal frameworks alone are insufficient to manage Chinese assertiveness. This multilateralization strategy carries its own legal complexities, since some of the arrangements it involves — including intelligence-sharing agreements and coordinated military exercises — push against the boundaries of what India's traditional policy of strategic autonomy would countenance (Hall, 2019).

Bilateral Legal Framework: Compliance, Violation, and the Limits of Treaty Obligation

A rigorous assessment of the bilateral legal framework governing the India-China border reveals a pattern of systematic non-compliance by both states with their treaty commitments, albeit of different kinds and degrees. This non-compliance reflects a broader dynamic in international relations in which treaty obligations are honored instrumentally — when compliance serves strategic interests — and circumvented when it does not, particularly in the high-stakes context of territorial disputes between major powers.

The 1993 Agreement's commitment to "maintain peace and tranquility" along the LAC has been most clearly violated by China's pattern of forward deployments, infrastructure construction, and occasional armed incursions into areas that India considers within its side of the LAC. The Doklam standoff of 2017, in which Chinese troops attempted to extend a road through territory claimed by Bhutan (with India's backing under its 1949 treaty with Bhutan), was a particularly egregious violation of the agreement's spirit if not its letter, since China claimed the area as its own sovereign territory rather than acknowledging that it fell within the LAC's scope (Pant, 2017). The 2020 Galwan Valley events, in which Chinese troops occupied positions in the Galwan River valley that Indian officials described as clear transgressions of previously agreed patrol points, similarly implicated the 1993 Agreement's operational provisions.

India's compliance record, while generally stronger than China's in this period, is not without blemish. India's acceleration of border infrastructure construction, while legally justifiable as an exercise of sovereign rights in its own territory, has been characterized by China as a violation of the spirit of bilateral de-escalation commitments. More significantly, India's rapid military response to the 2020 Galwan clash — including the deployment of additional armored divisions to Ladakh, the occupation of dominating positions on the Kailash Range south of Pangong Tso, and the acquisition of emergency military equipment under fast-track procurement procedures — suggests a willingness to use military leverage to reshape the operational status quo in ways that the bilateral agreements did not clearly contemplate (Stobdan, 2020).

The 2005 Agreement on Political Parameters and Guiding Principles, which remains the most ambitious bilateral legal instrument in the border management framework, has been effectively suspended by the mutual breakdown of trust following the 2020 events. India's suspension of normal diplomatic engagement with China — including the postponement of ministerial meetings and the imposition of restrictions on Chinese investment and digital platforms under the guise of national security — reflects a broader strategic judgment that bilateral legal and diplomatic engagement has reached its limits as a mechanism for managing Chinese assertiveness. China's response has been equally uncompromising, with official statements dismissing India's military and economic measures as "protectionist" and asserting China's right to continue activities in areas it considers its own territory regardless of Indian objections (Ministry of Foreign Affairs of the People's Republic of China, 2020).

The failure of bilateral legal mechanisms to manage the Himalayan dispute reflects a structural problem that international law scholars have identified as endemic to territorial disputes between major powers: the absence of effective enforcement mechanisms. Unlike the international trade or investment law regimes, which provide binding dispute resolution mechanisms with real enforcement tools, the international law of territorial disputes relies primarily on negotiation, diplomatic pressure, and the long-term operation of normative expectations (Simm et al., 2012). When two states with comparable power, deep historical grievances, and strong domestic nationalist constituencies are involved, these softer enforcement mechanisms are frequently inadequate.

International Law Dimensions: The UN Charter, Customary Law, and the Himalayan Context

Beyond the bilateral treaty framework, the India-China Himalayan standoff engages a series of fundamental principles of general international law whose applicability to the specific circumstances of the dispute is both highly significant and deeply contested. The most important of these are the prohibition on the use of force under Article 2(4) of the UN Charter, the principle of peaceful settlement of disputes under Article 2(3), the principle of sovereign equality under Article 2(1), and the customary international law norms governing territorial acquisition and boundary delimitation.

The application of Article 2(4) to the Himalayan standoff is complicated by the fact that both India and China have consistently characterized their military activities as defensive responses to the other's transgressions rather than as offensive uses of force. China's position — that its deployments in the Galwan Valley and Pangong Tso areas were lawful because those areas fall within China's sovereign territory — would, if accepted, place its military activities entirely outside the scope of Article 2(4), since the use of force within one's own sovereign territory against a foreign intrusion is not prohibited by the Charter. India's similar characterization of its military response as a defense of its own territory reflects the same structural logic. The result is a mutual attribution of legality that is dependent on the prior resolution of the territorial dispute — a problem that international law, in the absence of a binding adjudication mechanism, cannot resolve (Brownlie, 2008).

The principle of peaceful settlement of disputes under Article 2(3) and its elaboration in the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States (UNGA Resolution 2625) is more clearly implicated by the Himalayan standoff. Both India and China are bound by the Charter obligation to seek the settlement of their disputes by peaceful means, and both have formally endorsed this obligation in their bilateral agreements. The practical content of this obligation in the context of the LAC dispute is, however, extremely limited in the absence of either state's consent to compulsory third-party adjudication. Neither India nor China has accepted the compulsory jurisdiction of the International Court of Justice under the optional clause of the ICJ Statute, and neither has accepted any other binding dispute resolution mechanism for territorial disputes (International Court of Justice, 2023).

Customary international law on territorial acquisition and boundary delimitation provides a further analytical framework for assessing the India-China dispute. The principle of *uti possidetis juris*, originally developed in the context of decolonization in Latin America and later applied in Africa and the post-Soviet space, holds that states succeed to the boundaries they inherited from their colonial or predecessor entities. Applied to the India-China dispute, *uti possidetis* would arguably support India's claims in the eastern sector (based on the McMahon Line as the colonial-era boundary) and



China's claims in the western sector (based on effective occupation and administration of Aksai Chin). The practical difficulty is that neither state accepts a consistent application of *uti possidetis* that would validate the other's claims in any sector, and the International Court of Justice has not been given jurisdiction to adjudicate the question (Brownlie, 2008).

The principle of sovereign equality under Article 2(1) is also relevant to the Himalayan context, particularly in relation to China's treatment of smaller states — Bhutan, Nepal, and Myanmar — whose territories abut the India-China border and whose sovereign rights have been affected by Chinese infrastructure construction and military deployments. China's construction of villages in the Bhutanese territory claimed as its own in Doklam and other areas, and its pressure on Bhutan to accept a "package deal" on their bilateral boundary that India argues is linked to the India-China dispute, represent potential violations of Bhutan's sovereign rights and of the principle of non-interference in the internal affairs of states (Pant, 2017).

The role of the United Nations Security Council in the India-China dispute has been conspicuously limited, for structural reasons that reflect the broader limits of the UN collective security system in managing disputes involving great powers. Both India and China are nuclear-armed states with significant influence in international institutions, and neither has sought to bring the dispute to the Security Council. China's status as a permanent member of the Security Council, with veto power, effectively precludes any Security Council action that China opposes, reinforcing the bilateral character of the dispute management framework and the practical irrelevance of multilateral international law enforcement mechanisms (Simma et al., 2012).

Prospects for Legal and Diplomatic Resolution

The foregoing analysis suggests that the prospects for a legally grounded resolution of the India-China Himalayan dispute are limited but not negligible. The limitations are structural: both states have strong nationalist constituencies that make territorial concessions politically costly; neither has accepted compulsory international adjudication; the bilateral legal framework has been progressively hollowed out by non-compliance; and the broader strategic competition between the two states creates powerful incentives to use the border dispute as an instrument of coercive leverage rather than to resolve it definitively.

The non-negligible prospects for progress rest on a different set of structural realities: both states have significant economic interdependence that would be damaged by an escalation of the border dispute into open armed conflict; both are subject to international normative expectations that constrain the range of legally and diplomatically acceptable actions; and both have invested substantial diplomatic capital in frameworks — the bilateral agreements, the BRICS grouping, the Shanghai Cooperation Organisation — that would be severely damaged by a major military confrontation.

A number of specific legal and diplomatic mechanisms merit consideration as potential pathways toward greater stability. First, the conclusion of a boundary agreement that formally delimits the LAC in all three sectors — or at least the western sector, where tensions are most acute — would remove the most important source of legal ambiguity that each side currently exploits to justify forward deployments. Such an agreement would require India to formally recognize Chinese control of Aksai Chin and China to formally recognize Indian control of Arunachal Pradesh, swaps that are politically difficult but have been implicitly accepted in practice for over six decades (Maxwell, 1970). Second, the strengthening of the bilateral confidence-building mechanisms — including the establishment of formal hotlines between military commanders at the corps level, the creation of a joint monitoring body with authority to investigate alleged LAC transgressions, and the introduction of binding arbitration for disputes about the LAC's alignment — would reduce the risk of inadvertent escalation and create more robust legal accountability for violations. Third, the integration of the India-China bilateral relationship into broader multilateral frameworks — including a potential regional security architecture for South and Central Asia analogous to the Conference on Security and Cooperation in Europe — could provide a more durable normative environment within which bilateral legal obligations would be reinforced by multilateral peer pressure and institutional monitoring (Hall, 2019).

The most fundamental requirement for progress, however, is political will on both sides to accept the constraints that international law and treaty obligation impose on the exercise of national security prerogatives. In the current political climate in both India and China, this will is in short supply. Both governments face strong domestic nationalist pressures that make territorial accommodation politically costly, and both have demonstrated a willingness to use the border dispute as a tool of domestic political mobilization. The challenge for international law, in this as in other high-stakes security contexts, is to develop institutions and norms sufficiently robust to shape the incentive structures of powerful states even when domestic political pressures run in the direction of non-compliance.



2. CONCLUSION

The India-China Himalayan standoff represents one of the most consequential and legally complex territorial disputes in contemporary international relations. This paper has argued that both India and China have developed national security doctrines that are in significant tension with the bilateral and multilateral legal frameworks that ostensibly govern their border relationship, and that this tension has intensified as both states have grown in military and economic power and as domestic nationalist politics have made territorial accommodation more politically costly.

The analysis of the bilateral legal framework has revealed a pattern of selective compliance in which both states honor their treaty commitments when doing so serves their strategic interests and circumvent them when it does not. China's pattern of forward deployments, infrastructure construction, and coercive military posturing represents the more systematic and deliberate set of violations, reflecting a strategic judgment that incremental change in the operational status quo can be achieved without crossing the legal threshold of armed attack. India's response — accelerated infrastructure construction, emergency military deployments, and the multilateralization of its security partnerships — while more clearly defensive in character, also pushes against the spirit of bilateral de-escalation commitments.

The broader international legal dimensions of the dispute illustrate the structural limits of international law in managing territorial contests between major powers. The absence of compulsory adjudication mechanisms, the limited enforcement capacity of the UN Charter's peaceful settlement obligation, and the paralysis of the Security Council by great power veto all combine to create an environment in which legal norms function primarily as rhetorical resources — invoked to justify one's own position and delegitimize the adversary's — rather than as genuine constraints on state behavior.

The prospects for progress depend on the development of more robust legal and institutional mechanisms for managing the LAC dispute, including a formal boundary agreement, strengthened confidence-building measures with binding dispute resolution procedures, and potentially a broader multilateral security architecture for the region. These are ambitious goals that will require sustained political will on both sides, and the current trajectory of the India-China relationship — marked by strategic competition, mutual mistrust, and the progressive militarization of the Himalayan frontier — does not inspire optimism. Nevertheless, the alternative — a continuing drift toward military confrontation between two nuclear-armed states whose unresolved territorial dispute sits astride the most strategically significant mountain range on earth — is sufficiently alarming to justify continued investment in legal and diplomatic mechanisms, however imperfect, as instruments of conflict prevention and management.

The Himalayan standoff ultimately poses a fundamental question for the international legal order: whether the norms and institutions of international law are capable of shaping the behavior of powerful states in high-stakes security contexts, or whether they function merely as a legitimating gloss on strategic competition conducted by other means. The answer to that question will be determined not by legal scholars but by the political choices of governments in New Delhi and Beijing — choices that will carry consequences far beyond the Himalayan peaks where Indian and Chinese soldiers today confront each other across an unmarked, legally contested, and dangerously contested line.

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