

*File NEA*



DEPARTMENT OF STATE  
BRIEFING MEMORANDUM

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To: The Secretary  
From: NEA - Sidney Sober, Acting

Merger of Sikkim with India

On September 5 the Indian Parliament passed a Constitutional amendment incorporating Sikkim as an "associate state." Sikkim's new status represents a distinctly more organic relationship within India than was implied by its status as a protectorate under the 1950 India-Sikkim Treaty. It is not clear the extent to which Sikkim retains its right to "autonomy in regard to its internal affairs" specified in the 1950 treaty. Also uncertain is whether the Chogyal (ruling prince) of Sikkim will agree to maintain his office which in the past has represented the special identity of the Sikkimese state. Indian Foreign Minister Swaran Singh has stated in Parliament that the new relationship can continue with or without the office of Chogyal and has indicated that the new arrangement is irreversible.

Foreign Implications

Peking has reacted strongly to what a September 3 People's Daily article calls the "annexation of Sikkim." The commentator article denounced the Indian "expansionist act" of a "sub-superpower," charged Soviet encouragement and support and, in a departure from recent practice, attacked Indira Gandhi personally. Nepalese Foreign Minister Karki said in the national legislature that "as a close neighbor, Nepal wishes that Sikkim should continue to make progress through the preservation of its traditional entity." In addition, the Government permitted (and probably engineered) large student demonstrations against India in Kathmandu. Indian officials have expressed surprise and unhappiness over the Nepalese reaction.

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### Legal Situation

The legal situation is cloudy, an observation buttressed by the Indian Foreign Minister's statement that the new association is "a political matter and not a question of legal niceties." Internationally recognized attributes of sovereignty including control over defense, foreign affairs and internal communications have been exercised by India under the 1950 Treaty. A brief campaign in 1972-73 by the Chogyal for greater independence was aborted by communal riots in April, 1973. India intervened to supervise elections and the drafting of a "Constitution" (The Government of Sikkim Bill, 1974) which the Chogyal reluctantly signed in July. The Bill makes the Indian Government the final arbiter of disputes between the Chief Executive (appointed by India) and the Sikkim Assembly. The Chogyal retains only titular power.

India explains Sikkim's new status as a response to the Sikkim Assembly's request for participation in the Indian Parliament. It appears that India will defend the new status on the grounds that Sikkim was not sovereign, and that the new association represents Sikkimese desire for greater participation in the political life of India.

### Questions Raised

Critics will argue that India engineered the series of events, including the drafting of the 1974 Sikkim Bill, which have led to Sikkim's absorption into the Indian Union, and that the merger does not represent the wishes of the Sikkimese people. Legal questions are also raised by Swaran Singh's indication that there could be no unilateral decision by Sikkim to revoke associate status. Critics can argue that India's action violates the right of self-determination.

### Indian Motives

Embassy Delhi and we are puzzled why the Indians decided to expose themselves to certain international criticism

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when it already had effective control over Sikkim. Possibly India's confrontation with the Chogyal last year and his continued effort to assert his independent authority prompted India to undertake a "permanent" solution at this time.

### U.S. Interests

The Indian absorption of Sikkim does not directly involve the U.S. We have never questioned India's protecting authority over Sikkim and its new status raises no question of direct American legal obligation to an existing sovereign state. Nevertheless, there is public interest in Sikkim because the Chogyal married socialite Hope Cooke. She is now separated from the Chogyal and living in New York. So far she has made no statement on events, although she was previously outspoken for greater Sikkimese autonomy. We have not been queried by the press about Sikkim. If we are, we plan to take a "no comment" line.

Drafted: NEA/INS:JLeader  
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