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REPORT BY THE SECRETARY-GENERAL RELATING TO AN ASPECT OF THE PROCEDURES EMPLOYED IN OBSERVING AND REPORTING ON THE CEASE-FIRE

1. Reports received by the Secretary-General from United Nations Military Observers on the observance of the cease-fire called for by the Security Council in its resolution 211 of 20 September 1965 indicate that the Observers encounter some special problems in connexion with the procedures of cease-fire observation and reporting. These arise from the fact that two parallel cease-fires exist, namely, one based on the Karachi Agreement between India and Pakistan of July 1949, relating only to Kashmir, and the other being the over-all cease-fire applying to the entire area of conflict, which is based on the acceptance by India and Pakistan on 22 September 1965 of the cease-fire called for by the Security Council in its resolution 211 of 20 September 1965. The sole purpose of this report is to acquaint members of the Council with this aspect of the cease-fire situation which, perhaps, is less obvious than others.
2. On 13 August 1948, the United Nations Commission for India and Pakistan (UNCIP), resolved to submit immediately to the Governments of India and Pakistan a proposal for an immediate cease-fire, and suggested the appointment of military observers to supervise the observance of the cease-fire. The cease-fire came into effect on 1 January 1949, but the formal basis for the activities of UNMCGIP is the Karachi Agreement which was signed by the military representatives of India and Pakistan on 29 July 1949, and which established the Kashmir Cease-Fire Line.
3. The Cease-Fire Line, as described in the Karachi Agreement and by the terms of that Agreement, was to be verified on the ground by local commanders on each side assisted by United Nations Military Observers, and thereafter was to be regarded as the definitive cease-fire line. The Agreement provided, inter alia, that in general troops would remain at least 500 yards from the Cease-Fire Line and that there should be no increase of forces or strengthening of defences. Under the Agreement, UNCIP would station observers where it would be deemed necessary.

4. By subsequent agreed interpretations of the Agreement, a number of points were clarified, including six categories of activity constituting breaches of the cease-fire, viz.:

(a) Crossing of the Cease-Fire Line, or infringement of the provision of the Karachi Agreement concerning the 500 yard zone referred to in paragraph 3 above as interpreted by mutual agreement.

(b) Firing and use of explosives within five miles of the Cease-Fire Line without advising the United Nations Observers well in advance.

(c) New wiring or mining of any positions.

(d) Reinforcing of existing Forward Defended Localities (FDLs) with men or warlike stores, or strengthening of defences in areas where no major adjustments are involved by the determination of the Cease-Fire Line.

(e) Forward movement, from outside the State of Jammu and Kashmir of any warlike stores, equipment and personnel, other than reliefs and maintenance.

(f) Flying of aircraft over the other side's territory.

5. The Chief Military Observer of UNMOGIP has his Observers undertake an impartial investigation of every alleged breach of the Karachi Agreement and, after consideration of the verified facts, submits the finding to each army in order that, with their co-operation, the conditions of the Cease-Fire Agreement may be safeguarded. In short, UNMOGIP functions on the basis of a detailed Cease-Fire Agreement, subsequently clarified by a series of agreed interpretations, with which it has had more than fifteen years of working experience.

6. On the other hand, the sole basis for the supervision of the over-all cease-fire called for by the Security Council resolution, which applies to Kashmir as well as to the areas outside of Kashmir, is the very general mandate given in the Security Council's resolution 211 of 20 September 1965 "to ensure supervision of the cease-fire and withdrawal of all armed personnel" back to the positions held by them before 5 August 1965. Thus, for the cease-fire of 22 September 1965, there is no agreed list of activities which are regarded as constituting breaches of the cease-fire and, especially, there is as of now, no agreed definition and demarcation of the actual over-all cease-fire line itself. In short, the Observers outside of Kashmir are supervising a simple cease-fire in general terms without detailed and agreed definitions of a line or of violations and with no agreed system of operations procedure and relationships with the two opposing armies.

7. These differences of history and of terms of reference find unavoidable reflection in the present observation operation along the original Kashmir Cease-Fire Line and beyond it, and also in the reporting on the observance of the cease-fire in Kashmir and beyond it. United Nations Observers find, for example, that local Indian and Pakistan commanders in the field, many of whom have had experience with cease-fire procedures under the Karachi Agreement, often expect those procedures to be followed under the 22 September cease-fire beyond the Kashmir Cease-Fire Line as well as along it.

8. The Secretary-General, in any case, reports to the Council on the basis of information received from the Military Observers on the observance of the cease-fire throughout the entire area of conflict.

