



American Model United Nations
Commission of Inquiry of 1948

1 Overview

2 3 February 1948

3 The Commission discussed the necessary witnesses that it deemed essential to the deliberations on this ques-
4 tion. The body heard from representatives of Pakistan's government and from Lord Mountbatten's administration.
5 The body also sought testimony from representatives of India and Kashmir-both of the state and rebel forces of
6 Kashmir. Mountbatten's representative reiterated Great Britain's stance on this issue, which did not yield much new
7 information. The representative from Pakistan had many points on which they spoke: the first being India's coercion
8 of Kashmiri accession. The second point was the origins of the rebellion as a response to the Maharaja's repression
9 of the Muslim population, exacerbated by Indian forces, amounting to genocide. The Pakistani government claimed
10 no affiliation with the raiders and that the government was not in support of these actions. Pakistan's representative
11 expressed firm belief that "Kashmir is and should be a sovereign Pakistani territory," but stated that Pakistan was
12 open to an independent Kashmiri state as a possible, peaceful solution to this dispute.

13 16 April 1948

14 Pursuant to understanding all sides of the India-Pakistan-Kashmir issue, the Commission brought in and
15 questioned a representative of the Indian government. The representative said that the Indian government was open
16 to allowing the Commission to help establish and maintain the Plebiscite Administration as directed in Security
17 Council Resolution 43; and India believed that Pakistan was either encouraging or actively supplying the tribal
18 rebels in Kashmir.

19 Following this, the Commission recalled a representative of Pakistan to clarify some questions and concerns.
20 Pakistan restated its claims that the Indian presence in Kashmir was contributing to a genocide of Kashmiri Muslims.
21 It was open to supporting impartial observers as assigned by the Commission for the purpose of administrating the
22 plebiscite as long as Indian forces agreed to withdraw from the region.

23 Both India and Pakistan suggested support for troop withdrawal and demilitarization of Kashmir, but neither
24 state wanted to do this before the other; Pakistan would fulfill its part of Resolution 43 in good faith that India
25 would withdraw at the same time.

26 Russell K. Haight, Jr., a former Brigade Commander of Azad Kashmir forces active between November and
27 December of 1947, noted increasing Pakistani aid to the rebels and that the provisional government increasingly
28 favored Pakistan to such a degree that he believed Kashmir would become a "puppet state" of Pakistan. The
29 Commission asked him if he had ever seen anything similar to genocide in the field, to which he said he did not
30 believe so; he did, however, acknowledge atrocities committed by the Singh government. He also claimed he never saw
31 Pakistani forces active in the field, but he was certain that Pakistan was providing material and logistical support to
32 the rebels. He called the men under his command ill-disciplined; they were allowed by other commanders to indulge
33 in raiding and looting as they fulfilled their objectives. He noted that the majority of the fighters were Kashmiri,
34 and despite the position of the provisional government, they supported Kashmiri independence; they had not, he
35 said, been instigated by Pakistan or its agents and that the initial origins of the Kashmir conflict were local.

36 11 May 1948

37 The Commission brought in Sheikh Mohammad Abdullah and Maharaja Hari Singh to discuss the Kashmir
38 conflict. Abdullah, as the present head of the Kashmiri provisional government, claimed to be the best representative
39 for the Kashmiri people. Speaking in their name, he said that, before the escalation of conflict, the Kashmiri people
40 would have supported independence; considering the present situation, however, he claimed the people will choose
41 India in a future plebiscite to preserve their unity. Abdullah also said that, while the violence had been exacerbated
42 and was currently only possible with extensive Pakistani support, it originated out of opposition to "inequality and
43 oppression" under Maharaja Singh's former government. Abdullah had concerns over a ceasefire owing to the fact
44 that it may end up permanently dividing Kashmir between India and Pakistan.

45 Singh asserted it was "absolutely necessary" to accede to India to preserve the unity of Kashmir, even at the
46 expense of the state's independence. He insisted he did not feel coerced, even though Indian support was conditional
47 upon accession. Singh fully supported a plebiscite as long as it contained the option for Kashmir to maintain

48 independence. He believed the removal of Indian troops from Kashmir during a ceasefire would leave Kashmir in
49 a more vulnerable position. Singh also claimed that Pakistani forces had been operating in Kashmir for months:
50 "Officers of the Pakistani regular army have been present in Kashmir, leading raiders since the beginning of the tribal
51 incursions in September-October of 1947. Pakistani regular army soldiers likely entered Kashmir sometime in early
52 1948, but we have no reports of their presence in fighting until the attacks launched against us on 10 May 1948."

53 Analysis

54 The following is the Commission's analysis of the claims made in the letters from 1 January by India and
55 15 January by Pakistan:

56 Pakistan's Allegations of India Committing Genocide

57 Pakistan claimed that Indian forces occupying Kashmir were executing "an extensive campaign of 'genocide'
58 directed against the Muslim population."

59 Pakistan's representative argued that the demographic distribution of those being killed in the region, who
60 are predominantly Muslim, proves that there is a genocide in progress. However, the demographic distribution of the
61 victims matches the demographics of the conflict region, indicating that there can be no definitive conclusion that
62 this is an organized campaign of genocide.

63 The Indian representative's response to these allegations was explicit denial, further stating that any such
64 allegations were intended to undermine the "internal stability and external authority" of the Indian state.

65 Testimony from Russel K. Haight, Jr. supports claims of atrocities being committed by all parties active in
66 Kashmir, but he does not believe that these atrocities amount to state-sponsored genocide.

67 Sheikh Mohammad Abdullah does not see any evidence of genocide. He admits it is possible for there to be
68 targeted killings as a side effect of the ongoing conflict, but this does not constitute genocide.

69 Based on the aforementioned evidence, the Commission believes that, while there are credible reports of
70 atrocities committed by all sides of the present conflict, Pakistan's claims of genocide against Kashmiri Muslims by
71 India cannot be upheld.

72 Pakistan's Claim of Coerced Accession and Popular Resistance

73 On a "Coerced Accession"

74 Pakistan insists that the accession of Kashmir was a result of coercion by India and that the resistance India
75 is facing is the "true voice" of the Kashmiri people.

76 Singh admitted that accession was a prerequisite for Indian military assistance, but he says, "I was not
77 coerced; it was absolutely necessary."

78 Sheikh Abdullah maintains the same position, believing that relying on Indian support was the only way to
79 ensure Kashmir's survival as a unified region. Abdullah believes that, were a plebiscite held amid the conflict, the
80 Kashmiri people would vote to join India.

81 Neither Singh nor Abdullah view the accession to India as an affirmation of desire to join the Dominion of
82 India. Rather, it was a pragmatic decision made for the preservation of a unified Kashmir. Further, they note their
83 desires to ultimately see Kashmir sovereign and independent.

84 The Commission does not believe Pakistan's claim of a coerced accession can be upheld based on the
85 testimonies provided by the former and current heads of the Kashmiri government.

86 On the Rebels as a "Popular Resistance"

87 Regarding claims of popular resistance, Haight's testimony indicates that, in the initial period of the conflict,
88 the majority of the tribal combatants were of Kashmiri origin and were fighting for a permanently sovereign Kashmir.
89 He alleges that the fighting was precipitated by excesses committed by Maharaja Singh's forces.

90 Sheikh Abdullah supports these claims and states that the origins of the fighting were a result of "inequality
91 and oppression" perpetuated by Singh. Abdullah additionally states that, prior to the outbreak of conflict, the
92 majority of the Kashmiri population would have likely supported independence for Kashmir but that, since the onset
93 of fighting, they have switched their preference to acceding to India.

94 Recognizing Sheikh Abdullah as the longstanding representative of the Kashmiri popular will, the Commis-
95 sion considers his views as an accurate representation of Kashmir's widely-held sentiments.

96 India's Claim of Pakistan Supporting Rebels

97 India alleges that Pakistan has been either supplying the tribal rebels in Kashmir with war materials or
98 actively participating in the conflict in some fashion; Pakistan denies involvement.

99 Based on the evidence the Commission has gathered and the testimonies it has heard, this body was able to
100 establish a timeline of events, which suggests a prolonged and escalating presence of Pakistani forces in the region.
101 The timeline is as follows:

102 September/October 1947: According to the information provided by Maharaja Hari Singh, "officers of the
103 Pakistani regular army have been present in Kashmir leading raiders since the beginning of the tribal incursions in
104 September/October of 1947."

105 October 1947: First official reports of raiders in Kashmir were received.

106 26 October 1947: Singh approved the accession of Kashmir into India.

107 November/December 1947: Russell K. Haight, Jr. was serving in Kashmir as a Brigade Commander at this
108 time; he confirmed previous claims that Pakistan was providing military and logistical support to the tribes but
109 stated that Pakistani forces were not directly involved in combat.

110 1 January 1948: India sent a letter to the Security Council voicing its concerns on the Kashmir conflict;
111 Singh alleges, "Pakistani regular army soldiers likely entered Kashmir in early 1948"

112 7 March 1948: The Commission heard the representative of India, who reiterated the claims stated in the 1
113 January letter.

114 16 April 1948: The Commission heard Haight's testimony.

115 10 May 1948: The Commission received notification that "Pakistani regular army troops are now partici-
116 pating directly in the fighting in Kashmir." Singh corroborated these claims. Further, Indian troops had captured
117 several Pakistani soldiers.

118 11 May 1948: Singh and Abdullah both confirmed ground forces from Pakistan present in Kashmir.

119 6 June 1948: Three brigades of the Pakistani army were confirmed to have been participating in the fighting.
120 Multiple Pakistani soldiers had been captured between 10 May and 6 June.

121 Recommendations

122 The following are the Commission's recommendations for the Security Council pursuant to the information
123 it has gathered:

124 Consequences for Pakistan

125 Recognizing Pakistan's failure to fulfill the obligations given to it by the Council in Resolution 43, the
126 Commission encourages continued punitive measures, up to and including economic sanctions, if Pakistan continues
127 to violate the UN Charter.

128 Repatriation

129 Aware that the present conflict has displaced a large number of Kashmiri residents, the Commission suggests
130 the Council consider repatriation for internally displaced persons and refugees.

131 The Kashmir Plebiscite

132 Understanding that the representatives of both India and Pakistan agreed to respect the outcome of a
133 legitimate vote, the Commission recommends that the pending Kashmir Plebiscite contain three possible outcomes:
134 remain within the Dominion of India, accede instead to the Dominion of Pakistan, or become a sovereign, independent,
135 and unified state.

136 The Commission supports this decision because the testimonies received by both the former and current
137 Kashmir governments, the governments of both Dominions, and several other relevant parties have all agreed that a
138 unified, independent Kashmir is a reasonable compromise that reflects the popular will of the Kashmiri people and
139 could bring a peaceful resolution to the present conflict.

140 Pursuant to this end, we recommend the Council appoint a number of unbiased delegations to oversee the
141 voting procedures of the plebiscite to ensure the validity of the outcome. These delegations ought to be assigned to
142 individual administrative divisions, taking into account the population density and geography of each division.

143 Cessation of Hostilities

144 After hearing the testimonies of the representatives of India and Pakistan, the Commission recommends a
145 temporary cessation of hostilities lasting for three weeks, per India's suggestion; representatives from both states have
146 agreed to allow the frontline as it currently stands to endure through negotiations. The representative of Pakistan
147 agreed to mirror India's actions, and this body expects the parties will act in good faith.

148 The representatives provided the Commission their respective states' negotiating terms, including equitable
149 arrangements and hardline stances. They are as follows:

150 India: Up to 20 days' cessation of hostilities to re-evaluate the present conflict. Would accept the current
151 frontlines as borders during negotiations. Refuses to fully withdraw from Kashmir, citing it as an integral component
152 of Indian territory.

153 Pakistan: Immediate, simultaneous, and complete de-escalation of military pressure by both India and
154 Pakistan, to be done in good faith. Consider the current frontlines as borders during negotiations.

155 Appendices

156 Appendix 1: Interim Report of 3 February 1948

157 This body has discussed the necessary witnesses that are essential to the deliberations on this question.
158 Representatives have been called and heard from Pakistan and Mountbatten's government. Others that this body
159 is waiting to hear from are representatives of India and Kashmir-both of the state and rebel forces of Kashmir.
160 The representative from Mountbatten reiterated Great Britain's stance on this issue, which did not yield much new
161 information. The representative from Pakistan had many points on which they spoke: the first being India's coercion
162 of Kashmiri accession. The second point was the origins of the rebellion as a response to the Maharaja's repression
163 of the Muslim population, exacerbated by Indian forces, amounting to genocide. The Pakistani government claims
164 no affiliation to the raiders and that the government is not in support of these actions. Pakistan fully believes that
165 "Kashmir is and should be a sovereign Pakistani territory," but Pakistan is open to an independent Kashmiri state
166 as a possible, peaceful solution to this dispute.

167 This body wishes to assure the Security Council that we have yet to hear from India, so at this time we are
168 not able to fully analyze this solution. However, based on the statements that we have heard, we are able to say that
169 Pakistan's reluctance to comment on the national origin and central government control over the Northwest Frontier
170 Province may indicate that Pakistan's government is tolerating independent action by local actors in violation of
171 Indian sovereignty.

172 Recognizing that Kashmir and the bordering regions of Pakistan have few lines of transport and openings for
173 large logistical operations, this body recommends that the Security Council take action to better monitor migration
174 and traffic of war materials between the Kashmir-Pakistan border, in cooperation with the Pakistani government, as
175 agreed to by their representative.

176 Appendix 2: Interim Report of 16 April 1948

177 Pursuant to understanding all sides of the India-Pakistan-Kashmir issue, we have brought in and questioned
178 a representative of the Indian government. They said that the Indian government is open to allowing the Commission
179 to help establish and maintain the Plebiscite Administration as directed in Security Council Resolution 43; and India
180 believes that Pakistan is either encouraging or actively supplying the tribal rebels in Kashmir.

181 Following this, we recalled a representative of Pakistan to clarify some questions and concerns. Pakistan
182 restates its claims that the Indian presence in Kashmir is contributing to a genocide of Kashmiri Muslims. It is open
183 to supporting impartial observers as assigned by the Commission for the purpose of administrating the plebiscite as
184 long as Indian forces agree to withdraw from the region.

185 To facilitate the plebiscite, the Commission has been brainstorming potential solutions. Bearing in mind
186 that nothing we have discussed is final, we have been discussing establishing observers as requested by the Security
187 Council in Resolution 43. Additionally, both parties have agreed to UN administration of the plebiscite, and we
188 recommend that the Council direct the necessary resources and personnel to do so.

189 Both India and Pakistan have suggested support for troop withdrawal and demilitarization of Kashmir, but
190 neither state wanted to do this before the other; Pakistan will fulfill its part of Resolution 43 in good faith that India
191 will withdraw at the same time.

192 The Commission recommends, in recognition of the above, that a viable first step in establishing the ceasefire
193 would be for Indian forces to begin disarming National Conference militias as an act of good faith with Pakistan to
194 facilitate the aforementioned border monitoring operations to ensure that war materials are not crossing the Kashmir-
195 Pakistan border. The Commission hopes that, in turn, this will contribute to the establishment of a ceasefire and
196 the withdrawal of Indian troops from the region. The Indian delegation vehemently opposed this suggestion out
197 of concern for the safety of paramilitary forces, however the Commission believes this is a necessary and effective
198 compromise. Recognizing that Indian forces would still have the capacity to maintain peace and conduct operations,
199 the Commission does not feel that this is an unreasonable imposition upon India and is not calling for India to
200 demilitarize.

201 Appendix 3: Interim Report of 11 May 1948

202 Given the recent escalation of violence in Kashmir, it is evident that Pakistan is not abiding by the instruc-
203 tions of the Security Council in Resolution 43. The presence of Pakistani forces in Kashmir, as confirmed by testimony
204 from Sheikh Abdullah, Maharaja Hari Singh, and evidence presented by the Indian government, demonstrates the
205 Pakistani government's unwillingness to fulfill its obligations under Resolution 43. Therefore the Commission rec-
206ommends a formal condemnation of the aforementioned actions of the Pakistani armed forces, and a call for the
207 withdrawal of said Pakistani forces. According to the testimonies of both Singh and Abdullah, the presence of Indian
208 forces in Kashmir and the accession of Kashmir to India, were and still are necessary for the stability and survival
209 of a unified Kashmiri state. All parties have expressed great interest in maintaining a unified Kashmir. For these
210 reasons the Commission does not recommend the withdrawal of Indian forces at this time.

211 Recognizing Pakistan's inability to independently conduct such a campaign as it is currently waging in
212 Kashmir, while still maintaining its capacity for national self-defense, the Commission would also recommend that
213 the Council take actions pursuant to Article 41 of the United Nations Charter. This should include, first and
214 foremost, sanctions on fuel and other materials necessary for warfare.