



CHAPTER FOUR

COMMISSION OF INQUIRY OF 1948

HISTORICAL COMMISSION OF INQUIRY

The Historical Commission of Inquiry (COI) simulates two historical commissions established by the United Nations Security Council to provide in-depth reporting on the facts and developments of a particular dispute. The Commissions may also be empowered by their mandate to serve as mediators in negotiations between the parties to the dispute. At the United Nations, each Commission is unique in membership and purpose. At AMUN, however, for the purposes of our Conference simulation, two disputes which have been the subject of past Commissions will be scrutinized by the same body of experts. These experts will also include representatives from Czechoslovakia and Argentina, nominated by India and Pakistan respectively, and Belgium and Australia, nominated by the Netherlands and Indonesia respectively.

Members of the United Nations can formally raise disputes to the Security Council through Article 35 of the United Nations Charter. The Security Council investigates those disputes through Article 34 of the Charter, historically by forming Commissions of Inquiry. The objectives of the Commission of Inquiry are to investigate the facts and allegations of the disputes, keep the Security Council informed of their findings and developments, and to tender a final report on the facts of the dispute at the conclusion of each investigation. That final report may also include recommendations for future actions that the Commission believes the Security Council should take.

The Commission of Inquiry is a historical simulation. History as it happened is considered to have happened until the start date for the simulation. Events after that date become variable and subject to change through the actions of the experts and simulation staff. This brief is a contemporary perspective of the issues before the Commission as of the start date of the simulation. Events that are ongoing as of the start date are referred to in present tenses, while events that are anticipated to happen after the start date but have not yet happened as of the start date, are referred to in future tenses. **The start date for this year's Commission is 20 January 1948.**

UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

The British East India Company controlled much of the Indian subcontinent after a series of military victories over local Indian powers culminated in the surrender of local forces in 1757. However, in response to the Sepoy Rebellion of 1857, the British government nationalized the East India Company and began its rule of India, known as the British Raj. Over the next 90 years, India's territories were governed by a combination of direct British administration and indirect rule of approximately 400 princely states, each of which retained control over its internal affairs.

Following the upheaval of World War II and facing increasingly nationalist movements within India, the British resolved to emancipate its Indian colony. By 1947, nearly half of its territory on the subcontinent consisted of 562 self-administered princely states, dispersed all over the subcontinent. Overseen by Governor-General Lord Mountbatten,

British India was divided into two independent states: the primarily Muslim Dominion of Pakistan established on 14 August 1947, and the primarily Hindu Dominion of India established on 15 August 1947. The vast majority of principalities have been enveloped by either Pakistan or India due to geography alone.

Kashmir, located along the borders of Afghanistan and China, now straddles the territory of the newly formed states of Pakistan and India. Kashmir (also known as Jammu and Kashmir) is one of the largest principalities of British India. It has been self-administered by the maharaja Hari Singh, whose ancestors conquered and purchased territory in and around the Kashmir Valley throughout the British East India Company's control. The principality was officially recognized by the British government in 1846, and possesses unusual sovereignty in its choice over which new state to join. A second consideration, the preference of the population—or at least its ruler—weighs more heavily for Kashmir.

Kashmir's population is 77 percent Muslim and 20 percent Hindu; it trades primarily with areas now within Pakistan. The name Pakistan itself is tied to Kashmir. Derived from the acronym conceived in 1933, The “k” of Pakistan stands for Kashmir. The new leader of Pakistan, Mohammad Ali Jinnah, and his administration, immediately began courting Singh to join the Dominion of Pakistan.

While the geography of Kashmir has been historically tied to what is now Pakistan, the rulers have come from a century-old line of Hindu maharajas. The strongest political group of Kashmir, the Jammu and Kashmir National Conference (NC), though overwhelmingly Muslim, has close ties to the Indian National Congress, in particular to the Indian Prime Minister, Jawaharlal Nehru, whose family is from the Kashmir Valley. The NC, led by Sheikh Mohammad Abdullah, has been highly critical of the hereditary and autocratic rule of Kashmir as well as the crushing poverty of its Muslim inhabitants.

While most provinces immediately acceded to either India or Pakistan, Kashmir remained open to acceding to either. Singh attempted to keep negotiations open with both states, seeking an arrangement that would preserve the autonomy Kashmir had enjoyed while continuing the powers of the hereditary maharajah. However, as negotiations stalled with India, tribal raiders began to make incursions along the Pakistan-Kashmir border.

In October 1947, after weeks of accusations from Kashmir that Pakistan was supporting raids and rebellion along their shared border, tribal forces moved en masse from Pakistan's North-West Frontier Province into Kashmir. Kashmir's limited defenses were dispersed within days, and the tribal forces moved deep into Kashmiri territory, nearly to the capital city of Srinagar.

Seeing no other option, Singh wrote to Mountbatten requesting his support in approaching India for assistance. India requested the maharaja accede to the Dominion of India, so India would be acting in defense of its own territory. On 26 October 1947, Singh acceded all authority over Kashmir province to India. Sheikh Abdullah also wrote



to the government of India strongly supporting the accession to the Dominion of India. Indian forces arrived in Srinagar within 24 hours and pushed Pakistani forces out of most of Kashmir by the end of November 1947.

On 1 January 1948, the Representative of India submitted a letter to the President of the Security Council, formally issuing a complaint against Pakistan under Article 35 of the United Nations Charter. The letter detailed past incursions into the Punjab and Kashmir regions by Pakistani raiders. It further alleged that Pakistan must be materially supporting these forces and that to effectively repel them, without Pakistani or international assistance, Indian forces would need to move into Pakistani territory. The letter requested the Security Council call upon the Pakistani government to cease its alleged support of the raiders and actively discourage its nationals from participating in invasions of India's provinces.

The Minister of Foreign Affairs of Pakistan responded on 15 January 1948, rebutting India's claims and issuing a complaint against India under Article 35. In its letter, Pakistan alleged genocide of Muslims in Kashmir under Indian rule and claimed that the resistance India is facing in Kashmir is the true voice of Kashmir's people, who are rebelling due to the maharaja's collusion to accede to an oppressive, non-representative government. Pakistan requested that the Security Council call upon the Indian government to stop the genocide of Muslims, arrange for the cessation of fighting within Kashmir, expel all forces not from Kashmir and facilitate a plebiscite to determine the ultimate fate of the Kashmir province.

The Security Council responded on 20 January 1948 by establishing the United Nations Commission for India and Pakistan. The Commission has two functions: "to investigate the facts pursuant to Article 34 of the Charter" relating to allegations of the 1 January and 15 January letters submitted by the parties to the dispute and to exercise a mediatory influence while carrying out and reporting on any directions given to the Commission by the Security Council.

Questions to consider include the following:

- To what extent are India and Pakistan contributing to current unrest within the Kashmir province? What are their goals?
- India and Pakistan have made incendiary, contradictory complaints against each other. How will the Commission conduct its investigation while still maintaining a mediatory influence?
- What steps can the Security Council take to facilitate the Commission's fact finding? What steps need to be taken to reach a peaceful resolution?

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THE UNITED NATIONS COMMITTEE OF GOOD OFFICES ON THE INDONESIAN QUESTION

The Indonesian archipelago, commonly referred to as the Dutch East Indies, had been under the colonial control of the Netherlands since the beginning of the 19th century. This colonial control was disrupted on 10 January 1942, when the Japanese invaded the colony to seize its strategically vital natural resources, particularly oil and rubber. The Dutch military in the colony was overwhelmed in only a few months, and the Japanese occupied the islands for the remainder of the war. During their occupation, the Japanese ordered the internment and deportation of all Dutch citizens, effectively dismantling the Dutch colonial government, and built a new occupation government staffed largely with native Indonesians. The Japanese conscripted several million Indonesians into forced-labor units which were used across Japan's Pacific holdings. As the war turned against them, Japan also created Indonesian military units to police and defend the territory. The Japanese promised eventual independence for the colony as a member of the Greater East Asia Co-Prosperty Sphere, but such promises had only gotten to the stage of the creation of a Preparatory Committee for Indonesian Independence by the time the US dropped an atomic bomb on Hiroshima, Japan.

Indonesian nationalist leaders Sukarno and Mohammad Hatta, who had been leaders on the Preparatory Committee, proclaimed the independence of the Republic of Indonesia on 17 August 1945, two days after Japan's surrender. Troops from the British South East Asia Command eventually arrived on the islands to liberate Europeans and other internees from Japanese prisons and work camps. During the period between the Japanese surrender and the arrival of Allied troops, the Japanese were expected to both disarm and maintain order, which resulted in the widespread transfer of weapons and policing responsibilities to native Indonesian forces. The delayed arrival of Allied troops allowed the new Republic to solidify its political control in the vacuum of the Japanese withdrawal. Scattered violence erupted between Indonesian militias and the British troops, with the largest incident being the death of British Brigadier Aubertin Mallaby and the general destruction of his command in the city of Surabaya on 30 October 1945. The British counterattacked, and fighting consumed Surabaya from 10 to 24 November 1945.

By June 1946, British troops had been replaced by Dutch soldiers and administrators. On the outer islands of the archipelago they met little resistance and re-established Dutch control. On Java and Sumatra, the



two key islands, the Dutch were able to hold the major cities but met resistance in the countryside. Both parties agreed to declare a ceasefire in October 1946 in order to begin negotiations. The result of those negotiations was the Linggadjati Agreement. The Dutch agreed to recognize Republican control over Java, Sumatra and the smaller island of Madura. Both sides agreed to a plan for a semi-autonomous, federal, United States of Indonesia, whose constituent parts would be the Republic and the governments of the Dutch-controlled portions of the archipelago. The ultimate goal of this plan was a Netherlands-Indonesian Union, ruled by the Dutch Queen and consisting of the Netherlands, the United States of Indonesia and all other Dutch colonial territories. The agreement was signed on 25 March 1947. Both sides soon accused the other of violating the ceasefire. At midnight on 20-21 July 1947 the Netherlands initiated an offensive named "Operation Product," which they described as a "police action" in response to Indonesian violations of the Linggadjati Agreement. Through this operation, the Dutch expanded the areas of Java and Sumatra they controlled considerably. The United Nations Security Council passed Resolution 27 on 1 August 1947, calling for a ceasefire. The Dutch announced a ceasefire at midnight on 4-5 August 1947, and the Republican government followed suit.

On 25 August 1947, the United Nations Security Council passed Resolution 31, establishing the Committee of Good Offices on the Indonesian Question "to tender [the Security Council's] good offices to the parties in order to assist in the pacific settlement of their dispute." The Netherlands selected Belgium as its chosen representative on the Committee, and Indonesia chose Australia. On 8 December 1947, the Committee of Good Offices opened its first formal session with representatives from the Republic of Indonesia and the Netherlands onboard the American warship USS Renville anchored in the harbor at Batavia. Negotiations stalled, prompting the Committee to issue its "Christmas Message," laying out a proposal for a settlement of the dispute: the Dutch would withdraw within three months from the areas it had seized since 21 July and allow the Republic to re-establish civilian control; the two sides would work toward the fulfilment of the Linggadjati Agreement. Another round of negotiations produced the Renville Agreement on 17 January 1948. Under the terms of this new agreement, the Netherlands maintain sovereignty over Indonesia until it has been transferred to a federal United States of Indonesia as laid out by the Linggadjati Agreement. The areas occupied by the Dutch since 21 July 1947 are to undergo plebiscites to allow those areas to choose from three options: rejoin the Republic, join one of the Dutch-established states or form their own state within the federal United States of Indonesia.

There remain several unresolved issues hampering the peaceful resolution of the dispute. The current borders on Sumatra and Java, the so-called "Van Mook Line," which was declared by the Dutch on 29 August 1947, greatly exceed the known positions of Dutch forces when the ceasefire went into effect on 5 August 1947. The line excludes the Republic of Indonesia from all major seaports and most of the economically valuable regions of both islands. The Netherlands also continues to maintain a blockade against the Republic of Indonesia. The Republic of Indonesia and the Netherlands both accuse the other of committing violations of the ceasefire. On 11 November, Dutch forces crossed the Van Mook Line and overran the other half of the island of Madura. Formations of the Indonesian army have skirmished with Dutch troops while attempting to move from Dutch-controlled areas to territory controlled by the Republic of Indonesia. Dutch troops killed a number

of civilians in the village of Rawagede on 9 December, but the Netherlands and Indonesia have made different claims regarding the number of deaths and no disciplinary action has been initiated by the Dutch government. The Dutch also claim that Indonesia has not suspended support for guerillas operating in Dutch-held territory.

Questions to consider include the following:

- Does the framework of the Linggadjati Agreement still provide a viable political solution to the conflict?
- What steps can the Security Council take to encourage adherence to its previous Resolutions and ultimately a peaceful resolution to the conflict?
- What role can the Committee of Good Offices play moving forward to mediate a resolution?

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