

HOW NEHRU'S OPTIMISM LED TO THE INTERNATIONALIZATION OF THE KASHMIR ISSUE

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In January 1948, India's Prime Minister, Jawaharlal Nehru, decided to take the issue of Pakistan's support for armed tribesmen invading Kashmir to the United Nations (UN). This decision remains controversial till date, given that it internationalized a bilateral dispute. One explanation that has been proposed for Nehru's behavior is that it was mainly a result of Mountbatten's influence. Another possible explanation is that the decision resulted from a rational cost-benefit analysis. However, in this paper, I show that while Mountbatten's influence was important, it was not the deciding factor for Nehru's decision and that the decision by itself was not a rational one to begin with. I proceed to argue that Nehru approached the UN because he was overly optimistic about India's chances of success, a function of his naivety.

INTRODUCTION

In October 1947, armed tribesmen backed by Pakistan invaded the then-independent princely state of Jammu and Kashmir. Following this, the Maharaja of the State acceded to India, in exchange for the Indian army's assistance in driving out the invaders. As the situation deteriorated, Nehru decided to take the issue of Pakistan's support for the raiders to the UN, instead of attacking their bases in Pakistan, even though there was no guarantee that the UN would support India and condemn Pakistan. In doing so, Nehru internationalized a bilateral dispute for years to come.

In this paper, I will analyze Nehru's decision to take the Kashmir issue to the UN. While some scholars attribute Nehru's decision primarily to Lord Mountbatten's influence, a more rationalist explanation for Nehru's actions focuses on the appeal as a reasonable gamble. However, I will argue that Nehru took the Kashmir issue to the UN because he overestimated the chances of India's success. I will support my argument by explaining that Mountbatten's role, while important, was not the deciding factor; by showing that Nehru was in a position to know that appealing to the UN would not maximize India's strategic interests in Kashmir; and by demonstrating that it was Nehru's naivety that led him to overestimate India's chances of success.

LITERATURE REVIEW

Historically, scholars have attributed Nehru's decision to take the Kashmir issue to the UN primarily to Mountbatten's influence. For example, Sarvepalli Gopal claims that "Mountbatten succeeded in persuading [Nehru] to refer the Kashmir problem to the United Nations" (Gopal 1979, 21-23). Similarly, C. Dasgupta and Naren-

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dra Singh Sarila argue that Nehru “reluctantly agreed” to a compromise in the face of Mountbatten’s non-cooperation and threats to leave India (Dasgupta 2006, 372). Finally, Amiya and B.G. Rao claim that Mountbatten “had a way with Nehru” and that Nehru dismissed the views of his colleagues, who doubted the decision to take the dispute to the UN, in favor of Mountbatten’s requests (Rao and Rao 1974, 271). Nehru shared close relations with Mountbatten, with the latter having been described as Nehru’s “intimate friend and trusted advisor” (Brecher 2015, 240-261). Additionally, Mountbatten had a vested interest in avoiding an inter-dominion war at all costs, for it would go against British interests in the subcontinent, and raise doubts about his competency as Governor-General. Therefore, according to these scholars, it was Mountbatten who played the most crucial role in Nehru’s decision-making process, given his personal relations with Nehru and his interest in the conflict.

It can also be argued that Nehru decided to take the Kashmir issue to the UN because he believed the benefits of doing so justified taking the gamble. Nehru wanted to avoid war with Pakistan at all costs. He did not believe any war between India and Pakistan in Kashmir, despite India’s military superiority in absolute terms, would be favorable to India given its limited lines of communication, the winter climate, and the mountainous terrain. As Nehru explained, “[India’s] main objective in the Kashmir State at present is to rid it of the invader and to establish peace, law, and order” (Gopal 1979, 306). Moreover, India’s appeal to the UN stressed “the special urgency of the Security Council taking immediate action on their request” given how rapidly the military situation in Kashmir was changing (Gopal 1979, 383). Nehru believed that the UN could promptly condemn Pakistan for its aggression and pressurize it to stop supporting the invaders, hence averting war (Kennedy 2012; Gopal 1979, 171). Thus, he considered approaching the UN as a means to exhaust all peaceful options, and the “best course” of action available (Dasgupta 2002, 100; Gopal 1979, 392).

Lastly, it has been argued that Nehru decided to appeal to the UN because he overestimated India’s chances of India’s success at the UN. For example, Andrew Kennedy argues that “it is clear that [Nehru] lodged the appeal with considerable optimism,” and attributes Nehru’s optimism not to circumstantial considerations but to his belief in India’s moral efficacy, his confidence in India’s diplomatic abilities, and his faith in the UN as an organization (Kennedy 2012, 176, 179). Similarly, Srinath Raghavan argues that Nehru’s decision was prompted by his confidence in India’s ability to convince the international community. The decision to go to the UN was ultimately Nehru’s, and one he made despite significant domestic opposition. Therefore, Nehru’s naivety concerning the UN as an organization, India’s diplomatic abilities and its image, and the realpolitik of the time would explain his optimism regarding India’s prospects at the UN despite having no guarantee of success.

ARGUMENT

Mountbatten’s Role

Nehru’s decision to refer the Kashmir issue to the UN cannot primarily be attributed

to his friendship with Mountbatten. Nehru had consistently stood his ground against Mountbatten in the discussions leading up to the appeal to the UN. For example, when Mountbatten repeatedly tried to widen the scope of the reference and insisted that India and Pakistan invite the UN to supervise an impartial plebiscite in Kashmir in December 1947, Nehru was vehemently opposed to the proposal. He said that “[India] would not add this to [its] reference” as it was “entirely a separate matter and much would depend on developments” (Gopal 1984, 383, Volume 4). He also maintained that the raiders must first be driven out of Kashmir, and only then could anything else follow, despite Mountbatten’s insistence to link the issue of the plebiscite with India’s appeal (Dasgupta 2002, 84).

Similarly, when Mountbatten proposed a joint Indo-Pak reference to the UN, Nehru refused. Instead, he found the idea of a unilateral reference by India more appealing, arguing that “an agreed reference would make it a collusive one without any force” (Gopal 1984, 402, Volume 4). Mountbatten also indicated that Nehru should send the draft of India’s appeal to Liaquat Khan before it was sent to the UN (Gopal 1984, 385, Volume 4). Nehru responded by saying that while India would do so, “it could not possibly be a joint reference” and that “it would be for Pakistan to reply to it and for the Security Council then to take action” (Gopal 1984, 385, Volume 4). Moreover, Nehru resisted Mountbatten and Attlee when they argued that India would not have the right to take military action in self-defense once it had referred the matter to the UN, stating that it was well within India’s legal and constitutional rights to defend itself (Dasgupta 2002, 105, 101). Thus, while Mountbatten may have had some influence on Nehru’s decision, his role was not the decisive factor.

A Rational Decision

Although Nehru was not solely motivated by Mountbatten, his decision was not the result of a rational cost-benefit calculus either, as he was aware that it would not maximize India’s interests, and the costs would not justify taking the gamble. Even if the UN agreed to condemn Pakistan, the chapter under which India had filed its appeal meant that any resolution passed on the matter would not be enforceable. The legal ambiguity surrounding the binding nature of UN resolutions under Chapter VI had already come up in Greece’s appeal against Balkan aggression in 1946 – Greece eventually had to explicitly bring up the need for enforceable UN action under Chapter VII (United Nations 1948). Thus, Pakistan could easily ignore the UN’s request without facing any serious consequences, and continue to maintain plausible deniability. Although it could be argued that such an appeal would be beneficial for India in that it would apply considerable political pressure on Pakistan, even if a resolution on the matter was not enforceable, or help boost India’s international standing, it does not explain how a simple condemnation would help India achieve its immediate interests in the matter – driving the raiders out of Kashmir as soon as possible. Given that approaching the UN was seen as India’s last resort, if Pakistan did not comply, India would have been compelled to take military action (Gopal 1984, 383, Volume 4) in Pakistani territory, as the situation in Kashmir was progressively deteriorating (Gopal

1984, 375, Volume 4), which would inevitably have led to war – a possibility Nehru wanted to avoid in the first place.

Moreover, in approaching the UN, Nehru was compromising India's right to act militarily in Pakistan in self-defense. This meant that even if the UN condemned Pakistan, India could no longer legally justify any military action it may have been compelled to take in the future in response to Pakistan's non-compliance. When Nehru finally decided to take the Kashmir issue to the UN, he did so contingent on the preparation of a military plan that would allow India to take military action if absolutely necessary (Dasgupta 2002, 103). However, Article 51 of the UN charter states that "nothing...shall impair the right, the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security" (UN Charter, Article 51). As a result, once the United Nations Security Council seized the matter, India's claims of self-defense would be greatly weakened (Malvina 1996). Even Mountbatten and Atlee had explicitly warned Nehru that such an action would be wrong juridically (Gopal 1984, 420, Volume 4). While this may not have been a huge constraint for a more hawkish leader, given how Nehru had expressed his anxiety "to act in conformity with the letter and the spirit of the Charter of the United Nations" with respect to Kashmir, it is evident that he would be limiting his options by virtue of his appeal (Kennedy 2012, 180). He had even said earlier that it was "prima facie improper for two members to come into direct conflict with each other without reference to the UN" (Gopal 1984, 387, Volume 4; Kennedy 2012, 180).

Lastly, once the UN was involved in the Kashmir issue, the question of the plebiscite was bound to come up, and Nehru was well aware of this possibility (Gopal 1984, 185, Volume 5). However, Nehru had been determined to keep the issue of the plebiscite separate from the immediate question of Pakistani aggression (Gopal 1984, 383). He had maintained that the future of Kashmir was crucial to India's very existence (Dasgupta 2002, 48) and had said that the possibility of a plebiscite would depend on how things progressed in Kashmir (Gopal 1984, 383). Even then, Nehru was only open to the idea of UN supervision of a plebiscite, not the UN conducting one itself. Although India insisted that the issue of conducting a plebiscite in Kashmir was internal, by 1948, there was significant historical precedence of international bodies and conferences having considered plebiscites as being international in nature (Dasgupta 1984, 108). As it turned out, all members of the United Nations Security Council besides the USSR and Ukraine agreed that the issue of the cessation of hostilities could not be separated from that of the plebiscite (Dasgupta 1984, 106).

Nehru's Optimism

In light of the evidence presented above, I would argue that Nehru decided to take the Kashmir issue to the UN because he simply overestimated the chances of India's success. He had been sufficiently warned by his advisors that previous appeals

to the UN of a similar nature had yielded “unsatisfactory results” for the aggrieved party (Kennedy 2012, 177). For example, in December 1946, Greece had brought its dispute with Yugoslavia, Albania, and Bulgaria, for supporting guerilla warfare in its borders, to the United Nations Security Council for resolution under Article 35. However, in September 1947, after the failure to pass any resolutions on it, the issue was removed from the list of matters under consideration in the Council, and the United Nations failed to stop the Balkan states from aiding the guerillas (United Nations 1948, 352; Sfikas 1993). The opposite argument can be made, that cases where the UN had supported the aggrieved party would make Nehru’s decision appear more rational. However, it was unlikely for India to achieve success in the Security Council without the backing of the veto powers and, as I will discuss in detail below, it did not have this. Yet, Nehru decided to make the appeal because he was optimistic about India’s chances of success – a function of his naivety.

Nehru had extreme faith in the United Nations, despite the fact that the UN was a relatively nascent body in 1948 and did not have the most successful track record in the settlement of disputes. He had called it a “force for peace” (Gopal 1984, 477, Volume 1) and had proclaimed that the UN was “an organization which ha[d]... some element of hope in it of pulling [the] world out of the morass in which it ha[d] sunk” (Gopal 1984, 591-592, Volume 4). He was confident in the UN’s abilities to act as a “world parliament” (Malone, Mohan, and Raghavan 2015, 95), as he wrote to the UNSC in 1947, under Chapter VI, arguing that the Dutch invasion of Indonesia threatened international peace and security and required the UN’s attention (Gopal 1984, 378, Volume 3). However, the resolution passed in August called for both parties to cease hostilities, and did not condemn the Netherlands (United Nations 1948, 363). Nonetheless, Nehru continued to maintain his trust in the organization. In a speech he made in India’s Constituent Assembly in March 1948, Nehru called India’s appeal to the UN an “act of faith, because [it] believed in the progressive realization of a world order and a world government” (The Publications Division, Ministry of Information and Broadcasting, Government of India 1961, 451).

Nehru’s belief that the UN would take “prompt action” on Kashmir also reflected his naivety, given that he was aware of the historical delays in its decision-making process (Gopal 1984, 171, Volume 5). In the past, appeals made to the UN under Article 35 had been followed by the establishment of a commission to investigate matters further (United Nations, 1948). Nehru was aware that the UN may send a commission to India (Gopal 1984, 393, Volume 4). Given historical precedence, once a commission had been sent to India, the likelihood of the Council making its recommendation quickly was low. For example, the commission established following Greece’s appeal took four months to make its recommendations, and its report was not considered in the UN until two months after it was released (United Nations 1948, 338-339).

Not only did Nehru display extreme naivety in his assessment of the UN itself, he was also unrealistically optimistic about India’s diplomatic abilities to convince

the UN of its arguments. For example, Atlee and Mountbatten warned Nehru that any military action India may pursue in self-defense after the appeal was lodged in the UN would not only be inconsistent with international law, but would also “gravely prejudice” India’s case, and the UN might even outlaw it (Patel 1971, 221). However, Nehru refuted their claims, saying that he was confident in India’s ability to “adduce the facts which [would] satisfy world opinion, as well as any impartial international body, of the correctness of [India’s] view” (Gopal 1984, 420, Volume 4).

Part of Nehru’s optimism regarding India’s chances to make its case as the victim was naively shaped by how he thought the world conceived of India. Nehru saw India as playing the role of a “peacemaker” in the UN, and as giving “moral tone and backing” to the United Nations Security Council (Gopal 1984, 591-92, Volume 4). To this end, on January 15th 1948, when the Kashmir issue was still at the UN, Nehru agreed to release the 550 million rupees cash balance that India had earlier been withholding from Pakistan among fears of it being used against India in Kashmir. In his speech, Nehru said that India had come to this decision “in the hope that the generous gesture, in accord with [its] high ideals...[would] convince the world of [India’s] desire for peace and goodwill” (The Publications Division, Ministry of Information and Broadcasting, Government of India 1961, 450). Moreover, while arguing for India’s right to self-defense with Mountbatten and Atlee, Nehru said that India in its freedom struggle, had “convincingly demonstrated [its] faith in peaceful methods as a means of resolving political differences” and this would help India make its case (Kennedy 2012, 181).

Nehru’s optimism was also based upon his conviction that since Kashmir had acceded to India, Pakistan’s aggression entailed a violation of India’s sovereignty. Thus, the UN would see it the same way. India’s appeal to the UN explicitly mentioned Kashmir as part of Indian Dominion territory, and hence Pakistan’s actions as “aggression against India” (“Letter from the Representative of India addressed to the President of the Security Council,” 1948). Hence, when the UNSC ignored this aspect, India explicitly expressed its indignation (Korbel 1954, 180). However, this was extremely naive, as Kashmir’s accession had taken place under extraordinary circumstances for which there was a lack of precedence for the international community to go by. As Noel Baker had predicted, the SC would not have condemned Pakistan as an aggressor because “it [would] not rule out events before the accession of Kashmir to India . . . misconduct of the Maharaja’s Dogra troops of his Muslim subjects which inflamed the tribesmen.” (Ankit 2013, 277) Moreover, when the ruler of Junagadh, considered the “mirror image” of Kashmir given its Muslim ruler and Hindu-majority population, acceded to Pakistan, India itself refused to accept the legality of this accession and sent troops into the state to take control of it forcibly (Ankit 2016). Although Nehru acknowledged that the question of Junagadh’s accession would inevitably come up in the UN (Patel 1971, 116), he failed to properly account for the implications of this.

However, I would argue that Nehru’s naivety is most apparent in his decision

to approach the UN despite being aware of the realpolitik of the time. Any resolution condemning Pakistan could not be passed without British and American support; however, the chances of them antagonizing Pakistan were extremely slim, given its strategic value vis-à-vis the Communist threat and the Arab world (Nanda 1975, 52). Even before Partition, the British Chief of Staff had highlighted the strategic importance of Pakistan given the threat of expanding Soviet influence (Ankit 2010, 50). Thus, in December 1947, the Commonwealth Relations Office (CRO) maintained that Britain must back Pakistan on Kashmir “in the interests of Imperial Defense,” and a pro-Pakistan camp had already emerged in London that included Noel-Baker, Britain’s delegate to the UN (Ankit 2010, 51). Additionally, Britain’s abandonment of its mandate in Palestine in 1947 led to immense distrust of the Arab world (Dasgupta 2002, 111). Anxious of losing access to Middle Eastern oil, the CRO cautioned that, if Britain were to side against Pakistan, it would risk antagonizing “the whole of Islam”—a warning included in Atlee’s instructions to the British delegation to the UNSC (Dasgupta 2002, 111-114). Even Gandhi, who had advised Nehru against appealing to the UN, noted that “considerations of international power politics rather than merit would determine the attitude of countries towards the Kashmir issue” (Fisher 1962, 527; Rao and Rao 1974, 275).

Nehru was aware of the lack of support for India in Britain and the US at the time. When Nehru warned Atlee of the invasion of Kashmir and the Maharaja’s plea for assistance, Atlee asked Nehru to refrain from sending in troops (Jha 1996, 97). After Kashmir’s accession to India and the Indian troops’ subsequent entry into the State, Nehru again sent a telegram to Atlee explaining India’s actions, but he received no sympathy. Atlee refused to approve of India’s actions: “I do not think it would be helpful if I were to comment on the action which your government has taken” (Jha 1996, 97). Additionally, in a letter to Ayyangar (head of the Indian delegation to the UNSC), Nehru mentioned that America had been pursuing a policy of supporting Middle Eastern states “in [the] hope that they would...assist America in event of hostilities with U.S.S.R.” (Gopal 1984, 189, Volume 5). He also spoke about how Pakistan had the “geographic advantage of contiguity to Islamic states of the Middle East” and how its “religious affinity with [those] states [was] a psychological asset,” which America would not want to lose by favoring India (Gopal 1984, 189, Volume 5).

Yet it appears that Nehru naively ignored such realist considerations when making his decision. In a letter he wrote to his sister in February 1948, he said that “could not [have] imagine[d] that the Security Council could possibly behave in the trivial and partisan manner in which it functioned” (Gopal 1984, 218, Volume 5). Similarly, in his letter to Menon, Nehru wrote that the UNSC business greatly “depressed and distressed him” and that he “could never have imagined” that the UN would “behave so irresponsibly” (Gopal 1984, 218-219, Volume 5). He also claimed that the UK and the US had “played a dirty role” (Raghavan 2010, 126) and that he was “sick and tired” of the British and the American governments’ attitude in the UN

(Gopal 1979, 62). Moreover, not only did Nehru expect support in the UNSC, he also expected the British service chiefs in the Indian army to abide by his decision to prepare military contingency plans, despite being aware of Mountbatten and Atlee's vehement opposition (Dasgupta 2002, 100). Nehru's naivety here is especially surprising given that India, being newly independent, did not yet have full control over its army and the loyalty of British officers was ultimately to Britain—they could only serve Indian interests as long as these did not clash with British ones (Dasgupta 2002, 109). As it turns out, General Bucher, the Commander-in-Chief of the Indian army, ensured that no such plans were ever made (Dasgupta 2002, 109).

CONCLUSION

By approaching the UN, Nehru made a grave mistake. He internationalized the Kashmir issue for generations to come, allowing external involvement in what would otherwise have been a bilateral dispute between India and Pakistan. Moreover, once the issue was in the grip of the UN, the question of the plebiscite became centralized rather than Pakistan's aggression (Shankar 2018, 46). The resolution the UN eventually passed on the matter did not condemn Pakistan and placed equal responsibility on both sides to ensure the fighting stopped, consistent with previous UN judgements on international disputes at the time. It also called for a plebiscite to be held to determine the future of Kashmir (UN Security Council 1948). However, the resolution was not enforceable and the fighting in Kashmir continued, eventually leading to an all-out war between India and Pakistan—the very thing Nehru had sought to avoid by referring the matter to the UN. Eventually, the conflict in Kashmir became a frozen one and till date remains central to Indo-Pakistan tensions.

Nehru's mistaken decision to take the Kashmir issue to the UN also holds broader lessons in terms of the importance of encouraging dissenting viewpoints within governmental decision-making. Following India's independence, Nehru assumed the responsibilities of both Prime Minister and Minister for External Affairs and completely dominated Indian foreign policy-making to the extent that he ignored the advice of many of his colleagues regarding his reference to the UN while making leaders like Patel reluctant to actively challenge his decision (Kennedy 2012, 184). Therefore, had Nehru not maintained such a singular grip over India's foreign policy in his years as Prime Minister, he could have been made more aware of his own naivety regarding India's uncertain prospects at the UN.

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