

CHAPTER 4 THE U.N. AS AN IMPARTIAL MODERATOR

(A.) THE BRITISH CALCULATIONS

The U.K. treated the U.N. as a moderator, asking it to come up with a recommended solution either acceptable to both parties or to Britain. The U.K. had not asked the U.N. to arbitrate the dispute and propose a solution which the U.K. would then impose. Britain was quite clear that it would not act alone to impose a solution.

As far as Britain was concerned, the U.N. entered the fray, not to assume responsibility over the Mandate, but to allow the U.K. to continue its authority but with others sharing in the responsibilities. Of course, if the U.N. came up with a solution acceptable to both parties, that would most surely end British responsibility for Palestine. But, if not, which was by far the most likely result, the U.K. would continue if (a) others shared the (economic and military) responsibilities and (b) the solution was acceptable to the U.K. "conscience".

Since the likelihood of a solution acceptable to both parties was remote, Britain was really asking the U.N. to help share the responsibilities without giving the U.N. any authority. Further, Britain would accept U.N. involvement in a solution enforced by Britain only if Britain agreed to the solution. Any requirement of continuing British responsibility and cooperation would be expected if and only if a solution could be reached which was acceptable to Britain, and to the Arabs -- for this is what the British "conscience" required at the time.¹ Bevin had argued that partition had to be ruled out, not because of principle, but because of Arab opposition which was so great that it would undermine the entire British position in the Middle East.

Britain's concern with its future economic and military position in the Middle East was not the only influence on the condition and content of its policy on the Mandate. The domestic political situation in Great Britain, a country about to face its most severe economic crisis, the exasperation over the loss of British soldiers' lives, the huge cost of suppressing the Jewish rebellion and its impact on Britain's military abilities elsewhere, the desperate need to win back American support for British Middle East Policy, all argued for the urgency of Britain altering the terms of the Mandate and getting others (mainly the U.S.) to share the military and economic costs.² If these were the only concerns, clearly Britain would have to abandon the Mandate. But British imperial interests directed the retention of Palestine, but only if it would be retained under different terms and conditions. Essentially what the U.N. was asked to do was to make recommendations to alter the terms and conditions of Britain's authority in Palestine.

But why would Britain expect the U.N. to make recommendations to support British imperial interests by modifying the terms of the Mandate? Did Britain not sense the anti-imperial mood of the post World War II world, particularly on the part of the U.S.A.? Was it not clear that whatever recommendation the U.N. made, it would not be one which included the continuation of a British role in Palestine?

Though the expectations of the U.K. in referring the problem to the U.N. were products of British arrogance and insensitivity to the changing world order, they were also based on some solid calculations. There was no other military force to back any decision except that of Britain. The U.S.

¹cf. CZA ZC/17/21 record of conversation with Nachman Goldmann and referred to in Louis (1948), p. 445.

²"The decisions took place against the great emotional debate about India, the general deterioration of Britain in the Middle Eastern _____, a sense of impending economic disaster, and one of the worst winters in British history." (Louis (1948), p. 452.)

was unwilling to take over military responsibilities in Palestine and the U.S. was not open to an international force which would enable the U.S.S.R., through the U.N., to have a role in the Middle East. Further, the U.K. had the administrative apparatus in place and the only legal authority to be there. Given these military, administrative and legal realities, and given the terms and conditions under which the U.K. referred the problem to the U.N., was it not reasonable to expect that the U.K. would be asked to continue the Mandate, but with the burden shared by others until a final solution could be achieved which would include some form of increased self-government?³

Since Britain had learned through long, hard decades of discussion that concurrence by both parties was not possible, a solution would have to be imposed either from the outside or by one of the parties in a military battle. Britain was not willing to impose a solution alone, and would only impose a United Nations solution if it agreed with it -- e.g., a unitary state with an Arab majority and protection for Jewish minority rights -- namely, a solution which would not endanger Britain's position in the Middle East. However, this put Britain in the "hot seat" of possibly holding up a United Nations solution with which Britain did not agree. So Britain qualified the condition of its cooperation as depending on whether "the United Nations can find a just solution which will be accepted by both parties."⁴ Sir Creech Jones repeated the same qualification in the House of Commons on Tuesday, August 12, 1947.

In sum, the United Nations was handed a problem which it had no unilateral legal authority to resolve. The problem could only be solved in conjunction with the United Kingdom if the solution fit the United Kingdom's preferences.

(B.) U.N. MOTIVES AND EXPECTATIONS OF BRITAIN

Given these terms, conditions, motives and expectations by Britain, the U.N. was motivated to accept consideration of the solution under very limiting conditions because the United Nations lacked the formal legal authority to determine the fate of Palestine but felt it had some legal responsibility to attempt to participate in the determination of the fate of Palestine if Britain did not grant sovereign authority to the inhabitants of the territory. In addition to the limited legal responsibility with respect to the Mandate of Palestine, the United Nations also had a moral responsibility, particularly in the 1940's and particularly for the internationalists. As stated by the New Zealand delegate,

Some way should be found for not one, not some, but all
the United Nations to bear the responsibility of ending
the tragedy of a race sent wandering ... and at the same
time to ensure that is done with the goodwill of the Arab

³"The United Nations would determine the issue in favour of a unitary state, which in turn would conclude a treaty securing the strategic and economic benefits of Britain's traditional _____ empire in the Middle East." (Louis (1948), p. 460; cf. also Horowitz (State _____ in the Making), p. 143.

⁴Sir Alexander Cadogan, May 14, 1947. 52:66-67 or Robinson p. 60-61. Trygve Lie's expectations re Britain were as unreal as his assertion that, "All British reservations had been respected in the November 29 resolution, and so this attitude (the British unwillingness to implement the resolution because it was unacceptable to both Jews and Arabs) caused considerable surprise". (Lie, p. 163) All reservations were not respected and the British requirement that the recommendation must satisfy both Arabs and Jews should not have been surprising at all, since it had been expressed during the debate at the previous special session when UNSCOP was set up.

neighbors and inhabitants of Palestine ... This is a world problem and has got to be a world responsibility.⁵

The United Nations now faced the need to exercise that qualified moral responsibility and absence of legal authority without the agreement of the mandatory authority, Great Britain, to carry out or comply with any recommendation that emerged.

Since it was difficult to conceive of a solution that would be accepted by both Jews and Arabs, it was clear to any realistic, detached observer at the time that the United Nations was being handed a responsibility which it neither had the means nor the authority to carry out.⁶ The Indian delegate expressed his skepticism as follows:

Neither the General Assembly nor the United Nations is going to solve the question which can be settled only by Arabs and Jews with the help of the United Nations.⁷

The Peruvian delegate's doubt was not atypical. He shared, with the representatives of other nations in the General Assembly an uneasiness with regards to the grave international importance of the intervention of the United Nations in the Palestine problem.⁸

Since the earlier Arab attempts to have the Mandate terminated and Palestine granted immediate independence had been defeated, the United Nations had two realistic choices -- to simply act as a moral voice without legal or physical clout to enforce its decision, or to insist on obtaining full or partial legal authority over the Mandate of Palestine to strengthen its hand in dealing with the conflicting parties. The United Nations plunged ahead to develop a moral voice, presumably because the problem was urgent and delegates wanted to avoid additional procedural wrangles but, perhaps, because delegates recognized the U.N. would not obtain the legal authority. The United Nations did not request the United Kingdom to give the United Nations that authority as a condition of involving itself in the matter. Nor did it try to get an agreement with the United Kingdom to abide by its recommendations as a condition for taking on the problem. The United Nations did not even set out the conditions for agreeing to debate the problem, thus placing the onus of responsibility on the United Kingdom if those conditions were rejected.

The Syrian delegate, Mr. El-Khouri, argued that it was incorrect for the United Nations to receive the British request "in its present undefined form", namely that the Palestine question be discussed at the next General Assembly and that a Special Session appoint a Special Committee to do preparatory work.⁹ Though he meant that it was legally incorrect (in this he was wrong, since any

⁵Journal of the General Assembly, First Session, No. 8, January 18, 1946, p. 184-5. check source.

⁶For Dean Rusk, handing the problem over to the United Nations was really a device to shift real responsibility to the United States. cf. FRUS, 1948, p. 559.

⁷_____ 31:141-5.

⁸_____ 71:11.

⁹cf. Robinson p. 49-50. Syria may have been motivated by the desire to gain immediate independence for Palestine.

member can request a special session), and he was motivated the torpedo U.N. involvement not strengthen it, the United Nations assumption of the problem without a clearer delineation of its role was in retrospect politically questionable. It put the United Nations moral authority at stake on an issue which was highly unlikely to be resolved through moral suasion and over which the United Nations lacked the legal or physical power to enforce its decision. But refusal to accept the problem for debate or even the threat of such refusal would seem to be an abnegation of the duties and responsibilities of the U.N. As well, it would allow the problem to fall into the hands of both Jews and Arabs who, by their actions and words, seemed to be ready to settle the problem themselves, by force of arms if necessary.¹⁰

Trygve Lie probably summed up why the delegates, in spite of their skepticism, agreed to tackle the problem. Lie contended that "[m]ost countries expected Britain as the original sponsor of United Nations action to do its utmost toward carrying the action through."¹¹

But there was little evidence to support the claim of an expectation. Hope, perhaps. It was hoped that with the "uncontestable moral force of this report it cannot be vetoed by Great Britain".¹²

There was some evidence that emerged later to indicate that the U.K. would comply with a U.N. resolution. For example, when Eban, in the summer of 1947, went to London to find out what was going on in British minds, friends on The Times told him of a talk with the Prime Minister, who had emphasized that no majority resolution by the United Nations would be flouted. "England will carry out any reasonable decision by the United Nations to the best of its ability", Attlee had asserted,¹³ It must be remembered that the leading Zionists were wary of a precipitate move by Britain to abandon the Mandate.¹⁴ They might have projected their personal wishes onto Britain, making them believe that Britain would cooperate with a U.N. decision. It is not unreasonable that others would project a

¹⁰In reality, the Zionist mainstream leaders did not expect and feared any U.K. abandonment of the Mandate. "Despite their public image of self-assurance and outward calm, neither Ben-Gurion nor Silver took any comfort in the prospect of an early British withdrawal from Palestine. The prospect of anarchy and civil war, following a premature, precipitate British exit, was not one that any responsible leader could have wished for." (Michael J. Cohen, "The Zionist Perspective" in The End of the Palestine Mandate, eds. Louis and Stookey (1986), p. 89.) In the British interpretation, Silver winced at Bevin's threat to abandon the Mandate. (cf. FO 371/52565/E11549.PRO) Ben-Gurion implored Bevin to continue at the February 12th meeting just prior to the final decision. (cf. British note of Bevin/Ben-Gurion meeting, Feb. 12, 1947, SCO 537/2333, PRO cited by Cohen) The Arabs were more divided between those, like the Saudis, backed by the Syrians and Egyptians, who counselled prudence and realism, and the Iraqis, and their arch-enemy, Haji Amin al-Husseini, the deposed Mafti of Jerusalem, who called for action. (cf. Walid Khalidi, "The Arab Perspective", ibid, pp. 111-114.)

¹¹Lie, op. cit., p. 163.

¹²50:37 from Robinson 142.

¹³Horowitz, op. cit. _____.

¹⁴cf. PRO FU 371/52565/E11549 where R _____, the American right-wing leader of the Zionists, is reported to have 'worried' at Bevin's threat to abandon the Mandate; see also PRO CO 537/2333 where Ben Gurion met with Bevin on February 12, 1947 and urged him to continue the Mandate. (cf. Cohen (1986) p. 89)

subjective hope onto an objective situation, but they had reasons to expect such hopes would be fulfilled especially given the increasing dependence of the U.K. on American goodwill. Further, the U.K. had said that it would not abandon the Mandate and "leave the Arabs, the Jews, the Americans, and the United Nations stewing in their own juice". Such an abnegation of responsibility, according to Bevin and Creech Jones, "would be ignoble and would amount to a repudiation of the "sacred trust" of the Mandate".¹⁵

Though the U.N. did not bargain over any terms for accepting the reference of the Palestine problem to itself for a recommendation, the U.N. did have grounds for expecting the U.K. to comply with its recommendation and to continue its responsibilities for administering the Mandate.

Mr. Ponce of Ecuador, who was one of the outspoken skeptics, in his speech on May 8, 1947, overrode his skepticism and was inclined to believe the moral force of the U.N. would be effective and Britain would cooperate.

The impartiality and independence which, to a notable degree, the committee will have, will perhaps give its report an incontestable moral force. We believe that the committee which the Assembly of the United Nations will finally approve can hardly be vetoed by the Mandatory State.¹⁶

(C.) U.N. EXPECTATIONS OF THE ARABS

If there was some indication that Britain would cooperate with a U.N. majority backed plan, what about the Arabs? They had persistently and consistently fought any hint of partition on opening of Palestine to Jewish immigration. Horowitz, one of the young brilliant professionals assigned to diplomatic work in the U.N. in 1947¹⁷ described reports he had heard in England -- that Nokrashi Pasha of Egypt had more important interests and would not get involved in Palestine and that an English officer had said the Transjordan's army would not fight outside the borders of Transjordan.¹⁸

Loy Henderson, a former Ambassador to India, now involved in American State Department work in the Middle East, summed up his view of the Arab reaction, even if partition were recommended. Given their preoccupation and inherent weaknesses and divisions, they would not be expected to provide a united military opposition to a U.N. decision.

- (a) Iraq ... (Nuri's) views of the matter were not strong. Both he and the Regent would make a fuss for forms sake but would be unlikely to do more. There would be rioting in Baghdad.

¹⁵Louis (1986), p. 19. cf. Parliamentary Debates (-- Feb. 25, 1947, col--
-7.

¹⁶50:37, Robinson, p. 59.

¹⁷Horowitz was the author of State in the Making and became Governor of the Bank of Israel.

¹⁸Horowitz, op. cit., p. 183.

- (b) Transjordan. Abdullah would feign opposition and squawk, but would in fact be in favour seeing in partition good chances of extending his domains.
- (c) Syria. Here the opposition would be genuine, strong and noisily vocal.
- (d) Lebanon. Here the Moslems would oppose and the Christians would not care.
- (e) Saudia Arabia. Ibn Saud and his people would be opposed because of native fanaticism and partly because they would at once perceive in partition an increase of strength of the Hashemites. But in the face of the Anglo-American United Front, Ibn Saud's resistance would not be sustained.
- (f) Egypt. The Egyptians would be noisy but the noise would be meaningless. There might be demonstrating and anti-semitic riots in Cairo and Alexandria but they would not last long.¹⁹

The expectations of a modification of Arab intransigence was not substantiated when the special session was being organized. When Lie polled the U.N. members following receipt of the formal request for a special session by the U.K. on April 2, 1947, though he received the approval of a majority of members and convened the meeting on April 28, 1947, he did not receive Arab support. And although the meeting was specifically called as a special session to set up a special committee to consider the problem in preparation for the next regular session of the General Assembly, the Arabs nevertheless attempted to add to the agenda consideration of the substance of the Palestine issue and called for immediate termination of the Mandate and independence. Following the defeat of that motion in the Special Session, the issue was referred to the First Committee, the U.N. body responsible for political recommendations, with Lester Pearson as Chairman.

(D.) THE ROLE OF THE U.S.

If the U.N. proposed partition, and if the British and Americans maintained a united front, the Arabs would be opposed but no military action by the Arab states was expected to take place. If the U.N. proposed a unitary state with autonomy for a Jewish canton or province, with the Jewish autonomous region having the right to control immigration to that region, the Arabs would still be opposed, but so also would the Zionists. Would the Americans budge and support the U.K.? The U.N. could not satisfy both the Arabs and the Jews. It could satisfy both the Americans and the U.K., and alienate only one of the conflicting parties, if and only if both agreed to support either partition, or a unified state as recommended by an independent commission. On military grounds, and on political

¹⁹PRO FO 371/52565. CO 537/1787 November 26, 1946; Also, cf. Louis (1948) p. 450.

ones as well, the issue was not which extreme alternative specific solution was better, but a mode of arriving at one of them which would unite the U.K. and the U.S.A. and only alienate either the Jews or the Arabs, but not both.

In focussing on the issue of relative justice and not the practical problems of implementation, the U.N. perhaps overlooked the importance of a U.K./U.S. agreement which would provide the only practical chance of U.N. success. But perhaps, given the differences in attitudes, interests, foreign policy imperatives and domestic forces, the experience the year before had demonstrated this had only a slightly better possibility of success than an agreement between the Arabs and Jews.

What motivated and determined the U.N. position, however, was not the military considerations or the power politics of the issue, but a moral commitment to do everything in its power to maintain peace and to adjudicate disputes in as impartial a way as possible. The effect of this overwhelming moral consideration and attempt at impartiality was to ignore its own weak political power and legal position, which, if strengthened in advance, might have given the U.N. a firmer control whatever solution emerged. It also seemed to compel the U.N. to underrate the role of the Great Powers. Would moral purity, would an independent and objective process be sufficient itself to unite the Great Powers even if the solution alienated one or even both parties directly involved in the conflict?

Ironically, one force behind the "moral" stance was the United States. Truman refused to even contemplate the use or even threat to use force by the Great Powers to enforce a solution. And he tended to underplay the importance of a position of legal authority for the U.N. Trygve Lie, on the other hand, recognized that the power and commitment of the Great Powers might be required. That is why he wanted the special committee to include the five permanent members of the Security Council.²⁰

(E.) THE COMPOSITION OF THE COMMITTEE -- PRINCIPLES

The First Committee which convened on May 6th was faced with three issues in setting up the special committee: who would be heard, who would do the hearing and what would be heard.

The decision to hear representatives from both the Jewish Agency and the Arab Higher Committee, but no other non-governmental body, was only a suitable compromise arrived at on the first day's session. It was the only appropriate decision if the primary concern of the U.N. was the national rights in a territory not yet controlled by a sovereign state representing the inhabitants of that territory.

Who would hear the testimony and what would they hear? The rest of the debate focussed on the composition and terms of reference of the committee with respect to the issues of contention.

The United States wanted a committee of eleven neutral countries. The U.S. was supported by the U.K. in this, though the U.S.S.R., and "neutral" countries like Canada, were initially opposed.²¹ The make-up of the final committee conformed to the U.S. guidelines, if not all the specifics. The eleven "neutral" countries included two Commonwealth nations -- Canada and Australia (the U.S. had originally suggested New Zealand); two Eastern European nations, Czechoslovakia and Yugoslavia (the U.S. had originally proposed Poland); three Latin American countries -- Guatemala, Peru and Uruguay (the U.S. had originally proposed two -- Brazil and Mexico); two Western European nations -- Sweden and the Netherlands (the U.S. had originally suggested Belgium); and two Asian nations -- India and Iran (the U.S. had proposed Turkey and a third country from the South Pacific - the

²⁰ cf. Lie (1954), p. 160.

²¹ cf. Pearson (1985), p. 60 _____ April 24, 1947, Canada DEA, B-3, Vol. 2152.

Philippine Republic).²² [see appendix 1]

The contending -- and losing -- viewpoint supporting Great Power involvement on the Special Committee was put forward by Argentina. Its delegate proposed that in addition to the five Great Powers, the committee would be made up of an Arab state, three Western states, one South Pacific state and one African state other than Egypt if Egypt was selected as the Arab state for a total of eleven.

The decision that membership should go to "neutral" or "impartial" states on the basis of an equitable geographical distribution and excluding the Big Powers was hotly debated.

On May 8, 1947, Soviet Deputy Foreign Minister Andrei Gromyko, stated that the U.S.S.R. was prepared,

to take upon itself, together with other permanent members of the Security Council and together with the United Nations as a whole, the responsibility not only for the final decisions that may be taken by our organization on the Palestine problem, but also for the preparation of the decisions.²³

Those supporting a big power committee were not restricted to the U.S.S.R. and its satellites in an attempt to insert a Soviet presence into the Middle East. Lester (Mike) Pearson of Canada held the same view.

He thought exclusion of the Great Powers from the committees of investigation would seriously weaken its authority and might result in the submission of an impractical report entirely unacceptable to those states which would have to put it into effect.²⁴

One worry was that the Soviet Union have more clout with a satellite in the guise of a neutral to do its bidding, while the Western "neutral" countries were truly neutral. On the other hand, direct U.S.S.R. involvement in the decision, though not necessarily the enforcement, (troops of neutral countries could be used) could cause even more havoc for the U.N.

Certainly, there was a desire to make the committee neutral. Neutrality entailed an absence of prior commitments. Neutrality entailed an impartial examination of the Palestine question as Dean Acheson argued. But Dean Acheson also argued that Canadians should be included on the committee since Canada did not have, "a really serious Jewish problem".²⁵ It is not clear whether he meant Canada was not troubled by a history of anti-semitism or whether Canada lacked an effective Jewish lobby which so irritated both the State Department and the President. The former might bias Canada against the Jews, the latter in favour of them. The latter is suggested since he ruled out the U.S., but did not rule out Iran or Turkey from being proposed for membership because they might be partial to

²²cf. 9-B-2

²³Izvestila, May 11, 1947, as quoted in S-----? (1986), p. 67.

²⁴Berchson (1985), p. 61. from Canada, DEA files, file 47B (s), SSEA to Canadian Ambassador in Washington, April 18, 1947.

²⁵Canada DEA, B-3, Vol. 2152, April 2, 1947 "Palestine and the Special Assembly of the United Nations". cf. Berchson (1984) p. 63.

Palestinian Arabs because they were overwhelmingly Moslem. Thus, although neutralists ostensibly meant procedural neutrality and neutrality in terms of stated commitments, it did not mean a total absence of bias. Presumably the bias question would be handled by the balance of composition in the membership constituting the committee.

Was the U.N. support of the U.S. strategy of a "neutral" investigating committee correct? Or was Pearson (and Lie and others) correct in anticipating that if the United States, in particular, and the Great Powers, in general, were not included in the decision making process, they would not be truly committed to enforcing the decision?

The worries of Pearson and others seemed to have been warranted by subsequent events. The U.S. did originally commit itself to supporting the Partition recommendation on November 29, 1947, (as we shall see in a subsequent chapter), but backed down from any responsibility for its enforcement. They also attempted to lead a movement to reverse the decision itself. Ivan Rand was Canada's appointee on the Committee and was an influential member. Yet Canada, although it also originally supported the partition resolution, also gave some support to the U.S. move to reverse the decision. This suggests, on the other hand, that American participation in the decision making did not seem to offer any greater grounds for American commitment to the implications of any decision, particularly. The representatives on the committee were to be independent individuals, not government officials, and, therefore, their recommendations _____ any bound any government.

But some might argue that this is not a fair comparison. After all, "Canada's Palestine Policy ... was determined only after the policies of the Great Powers had been discerned, whatever Rand's views".²⁶ Big Power participation might have, at the very least, made the committee much more sensitive to issues of implementation and the effects and roles required of the Great Powers. However, participating in the decision making did not assure that the Small Powers, let alone the Big ones, would be bound by the decisions, it would seem that participation alone could not provide such a guarantee.

(F.) THE COMPOSITION OF THE COMMITTEE -- CRITERIA

If "neutrality" was to be the criteria rather than Great Power involvement, was that criterion fulfilled in setting up the committee? Neutrality meant Arabs and Jews were excluded from membership on the committee.²⁷ Neutrality meant lack of prior stated commitments and procedural fairness. It did not mean absence of bias.

A country or a representative would be considered partial: (a) if it had already expressed a prior commitment to one outcome or another; (b) if its existing commitments predetermined one outcome rather than another; (c) or if it had a vested interest in the outcome. The Arab states were clearly partial. So was the U.K. So were the United States and the U.S.S.R. as major powers committed to securing their interests in this area. Impartial, in a strong sense, could mean not partial to one party in the dispute. In this contest, impartial had a weaker meaning -- not partial to one outcome of the dispute based on prior commitments. It did not mean no partiality at all towards a position. Impartial also meant no specific political interest in the region and, in that sense, required disinterested

²⁶Pearson (1984) p. 113.

²⁷The Arabs made a claim for at least one member on the committee after their opposition to it being set up was defeated. Bill Epstein, a U.N. civil servant, was excluded from the secretariat of the committee because he was Jewish. S. Mahamoud of Egypt, an Egyptian was also left off the secretariat.

parties to be involved in the adjudication.

Of the criteria of impartiality, an absence of prior commitment to a position and an absence of prior involvement in the disputes were absolute prerequisites to membership. The three other criteria of impartiality -- impartiality to the parties, impartiality to positions and a disinterested perspective, were to be handled by the overall composition of the committee rather than on selecting any one individual member for the committees.

A second criteria was "objectivity". The countries chosen and their appointees were expected to consider all factors without distortion. In this respect, the personal qualities of representation was more important than the countries chosen to appoint those representatives.

In addition to impartiality and objectivity, there was the issue of neutrality. Neutrality involved a different consideration. In addition to impartiality, in all the senses indicated above, in addition to the objectivity, the total composition of the committee would have to be neutral. Committees and delegates were not value-free. They would be expected to bring their values and assumptions with them. But by setting up a committee made up of representatives from the various regions of the world and asking those countries to appoint objective members, as long as such appointees did not hold such strong predispositions that they were clearly inclined towards one outcome rather than another, then the overall composition of the committee would ensure neutrality even if no individual representative would be expected to be perfectly neutral.

(G.) THE COMPOSITION OF THE COMMITTEE -- COUNTRY BIASES

On the basis of these criteria, the committee was, if anything, more biased against partition of Palestine than for it if prior values and commitments are taken into account. Canada, made up of two nationalities within one political unit, could be expected to support a unified federal state rather than partition. Further, given its Commonwealth membership as the oldest loyal British domain, and given its record of trying to align its foreign policy with that of Great Britain while expressing an independent right to make foreign policy decisions, Canada would not be expected to support partition. In fact, Canada, given its loyalty to Britain and its own make-up, would be expected to have a strong antipathy to partition. Canada had shown no prior inclination to put forward positions that ran contrary to British interests.

Czechoslovakia, like Canada, was a binational country of Czechs and Slovaks. It was still governed by a democratic coalition. Communist party officials at this time expressed support for parliamentary institutions. The Szklarska Poreba conference of European communist leaders, which founded the Comintern and set out on a path of militancy and, in particular, a goal of establishing people's democracies in Eastern Europe, had not yet been held. (It took place in September of 1947).²⁸ Similarly, the Yugoslavs under Tito were already expressing a line independent of the Soviet Union. Yugoslavia was a multi-national federation which lived in fear that nationalist forces of Serbs,

²⁸ Szklarska Poreba is a Polish Siberian summer resort. cf. Charles Gati, Hungary and the Soviet Bloc, Duke University Press for a description of the Szklarska Poreba conference. The Soviet Union's preference was for an independent, dual, democratic homogeneous Arab-Jewish state, but the U.S.S.R. was not opposed to partition if a homogeneous state could not be implemented. Yaacov Ro'i, "The Soviet union, Israel, and the Arab-Israeli _____" in Michael Confino and _____ Shawn, eds., The U.S.S.R. and the Middle East, Wiley, 1973. The Forgotten Friendship: Israel and the Soviet Bloc, cf. Arnold Kramma, (1974), 19; Ro'i, (1973); Simolansky (1986), p. 68.

Slovenes, Croats, Montenegrins, Albanians, etc., would tear the country apart. Further, Yugoslavia had a significant Muslim minority. Neither Czechoslovakia nor Yugoslavia would be expected to be pro-partition.

Sweden, on the other hand, had allowed partition to take place peacefully. Norway emerged as a separate country in the late nineteenth century through partition. The Netherlands, because of its experience in World War II, would be expected to be very sympathetic to the plight of the Jewish refugees and, therefore, the policies of the Zionists.

But if Sweden and the Netherlands, for different reasons, could be expected to be open to partition as a solution, this would not be true of Iran or India. Iran was a Muslim country, India was a multinational state with a significant Muslim minority and a deep-rooted ideological bias against partition.

That bias was reinforced by its experience in 1947 when, as a result of partition, it suffered a million casualties and had to resettle millions upon millions of refugees.

Only the history of the Latin American members of the committee would not lead one to expect a pro- or anti- partition bias. But there was another sort of bias they did evince and which was shared by the entire committee. "The anti-colonial movement found vociferous representation on the United Nations Special Committee on Palestine."²⁹ This bias the British had totally failed to take into account in their calculations. If they had they would not have been surprised that in the outcome of its deliberations. The one item on which all members of the committee were unanimous was the early termination of Britain's responsibility for the Mandate.

(H.) THE COMPOSITION OF THE COMMITTEE -- INDIVIDUALS

The overall composition of the committee could not be considered ideally neutral but skewed somewhat towards a federal solution with degrees of autonomy for the two national groups. Once the individual appointments were made, the bias of the overall committee against partition was reinforced by some appointments and undermined by others so that the overall effect of the individual appointments was rather neutral. The strongest reinforcement against partition was the Indian appointee, Sir Abdul Rahman, a judge, but one of Muslim background with a history of political opposition to partition in India and the forces of Mahammed Ali Jinnah, the leader of the partition forces and the founder of Pakistan. The Australian appointee, John D.L. Hood, a career diplomat, might be expected to reflect a continuing pro-British bias. Ivan Cleveland Rand, like the Indian appointee and like Emil Sandstrom, Chief Justice of the Supreme Court of Sweden, was also a judge and a member of the Canadian Supreme Court. He could be expected to be pro-Arab or, at least, pro-Britain, in the estimates of both Michael Comay and the Jewish Agency. More to the point, his record in mediating disputes, particularly his famous Rand formula which resolved an old, very rancorous conflict about compulsory membership in trade unions by a Solomon-like formula in favour of compulsory dues but not compulsory membership, suggested a man who would seek compromise and avoid what was considered to be one extreme end of the spectrum of solutions -- partition.

The appointment of Dr. Nicolaas Blom of the Netherlands seemed to offset an expectation that the Netherlands would be expected to be pro-Zionist. Blom had been a former acting Settlement Governor of the Dutch East Indies and was rather inclined to sympathize with the problems of a colonial power. However, if Blom offset the Dutch position in one direction, Dr. Karel Lisicky of Czechoslovakia, a close friend of Ian Masaryk, an open and strong supporter of Zionism, offset the

²⁹Louis, (1984), p. 395.

Czech position in the other direction.

Surprisingly enough, soon after the work of the committee got underway, it emerged that the two strongest pro-partition voices came from Latin America. Dr. Jorge Garcia Granados of Guatemala and Professor Enrique Fabregat, a former Minister of Education from Uruguay, turned out to be ideological liberals who were both anti-imperialist, and hence anti-Britain, and openly sympathetic to the Zionist cause.

Dr. Antonio Garcia-Salazar, a devout Catholic and former Ambassador to the Vatican, was a South American conservative with more interest in the Catholic position than the rights and claims of either the Jews or the Arabs. He was a neutral but not a disinterested party.

Valado Simic, President of the Yugoslav Senate, head of the Yugoslav Bar Association, was a non-communist member of Tito's government and might have been expected to be sympathetic to Zionists and its non-communist led socialist utopianism. As it turned out, he was not.

There was no reason to expect Nasrollah Entezam of Iran to reflect anything but the Iranian position.

This left Chief Justice Sandstrom as both the most illustrious appointee as well as the individual who seemed to offer the greatest neutrality. It was no surprise, then, that he was elected to the chairmanship of the Committee.

(I.) TERMS OF REFERENCE AND SECRETARIAT

On May 15, 1947, the United Nations Special Committee on Palestine (UNSCOP) was created as an "impartial and international and authoritative committee to collect all the pertinent facts, to listen to all the interested parties, to sift the mass of evidence and to draw and present conclusions -- possibly alternative conclusions, investigate all questions and issues relevant to the problem of Palestine, and prepare proposals for the solution of the problem."³⁰ It was the last in a long series of commissions sent to investigate the Palestine problem.

One other issue was staffing. When Britain announced its intention to refer the Palestine issue to the U.N., Lie was preoccupied with whether a small committee, including the Great Powers, should deal with the issue or whether a special committee of the General Assembly should assume initial responsibility for investigating the issue and making a recommendation. This was the political aspect of the problem.

But there was an administrative one, though it tied in with the political issue. It was clear that Ralph Bunche, who headed the Trusteeship Division, anticipated that his division destined to play a prominent role. Following the first information that Britain would be referring the issue to the U.N., Bunche clearly believed that the problem would become the responsibility of both the Security Council and the Trusteeship Division. Working with Robles, the delegate of the Assistant Secretary-General for the Security Council, Sobolev and Epstein from the Department of Security Council Affairs itself, he had a memorandum, which he had drafted, approved that would put the responsibility for the preparation of relevant documentation in the hands of Near East experts appointed from or by the two departments, assisted when required by an expert from the Legal Department and other experts as required. It is clear that in the direction to be given to this working group that it would have extraneous responsibilities, including assembling documentation, commissioning reports and analyzing the present status of the mandate as well as proposals for solutions thus far advanced. Dr. Bunche's original proposal, the

³⁰Vol. 2, Planning Meetings of General Assembly Session 2, 1947, Ad Hoc Committee Report on Palestine, p. 1.

direction would also include presenting alternative proposals, but this was deleted in the final memorandum. Bunche clearly saw the initiative for undertaking the analysis and even proposing solutions should be invested in the hands of experts. Since the working group was to engage in "strictly private" consultations, he did not envisage the procedure entailing a round of public hearings by a commission appointed by the General Assembly. As the Memorandum explicitly stated, "No formal representatives of interested individuals or groups outside of the Secretariat would be invited or entertained, and no formal hearings would be held."³¹ The experts and mandarins would do the analysis and, based on that analysis, the General Assembly or a special session would make its decision.

This is clear because the special working group would not work on procedural issues but on substantive ones.

By March 13, before the Special Session had even been convened, Bunche was proposing Paul Moher, a well known Swedish diplomat with extensive experience in the Middle East, for appointment to the Secretariat of the working group. It may be that Bunche was also motivated to be so proactive on this issue because he was negotiating resuming his academic career by taking a position with either Harvard or the University of Pennsylvania. Though he eventually did receive a handsome offer from the latter university, he eventually turned it down, largely for financial reasons.³²

Within a week of the committee's official creation, they had before them a "Memorandum on the Palestine Problem" dated May 23, 1947 prepared by the expert working group. Dr. Victor Chi-Tsai was appointed by Lie as his personal representative to the secretariat of the Commission. Chi-Tsai dropped Mahmoud and Epstein (from the Department of Security Council Affairs) as prospective members. By the 28th of May, the list of the Secretariat for the U.N. Special Committee on Palestine was announced. Victor Hoo, the Assistant Secretary-General responsible for the Trusteeship Division, (like Lie, an elected official) headed the list and Dr. Alfonso Garcia Robles was named as Principal Secretary. But it was the third name, Dr. Ralph Bunche, Dr. Hoo's Special Secretary who would run the Secretariat and who had already assembled the other twelve senior members of the support staff ___ up by an additional thirty-five junior appointees. Ralph Bunche, an American, was the Director of the Trusteeship Division of the U.N. This appointment immediately strikes one as not following all the criteria of impartiality in excluding any Great Power interest (Dr. Ralph Bunche was a former American State Department employee) and in excluding any commitment to any one outcome since Bunche was involved in, if not committed to, the U.N. trusteeship system. This introduced the prospect of a U.N. interest in the legal successor status as an intermediate role to displace the British role and as a prospective continuing legal player with respect to a portion of the territory -- Jerusalem. In other words, the secretariat was set up to be seen as impartial vis a vis the parties to the dispute but not with respect to prospective outcomes or Great Power regional interests.

The committee clearly did not appoint its own secretariat or even the most serious officers. This was consistent with the U.N. Charter. Article 101 assigned responsibility to appointing staff to the Secretary-General based on "efficiency, competence, and integrity". In Bunche's original memorandum, he had stipulated that the members of the working group "should be selected with a view toward their

³¹ p. 4.

³² cf. U.N. archives, letter to John Gogy, Vice-Provost of the University of Pennsylvania, dated June 11, 1947 and the April/May correspondence with Rupert Emerson of the Department of Government at Harvard. Incidentally, one of the courses that Bunche was asked to teach was on Imperialism.

complete objectivity".³³

(J.) THE BIAS OF THE SECRETARIAT

Since Bunche assumed the leadership of the Secretariat what were his biases? It was clear he shared the anti-imperialist views of virtually all members of UNSCOP.³⁴ It was also clear that he was a dedicated civil servant committed to the highest standards of service. Brian Urquart described him as a "hard taskmaster" with a "meticulous attention to detail and capacity for hard work", "skeptical of facile formulations", committed to "absolute intellectual and personal honesty" and "the kindest and most compassionate of men, the indefatigable friend and chairman of the weak and oppressed".³⁵

By all accounts, Bunche was a most remarkable man. But he was also human. And his own orientation on the issue can be dissected from the "Memorandum on the Palestine Problem" dated May 23rd and presented to the committee when it convened.³⁶ The report is not significantly biased against either the Jewish, the Arab or even, surprisingly the British position. It is biased in favour of internationalism and the U.N. installing a trusteeship backed up by an international police force with perhaps permanent internationalization but with a considerable degree of self-government when the Jews and Arabs learn to live together and embrace a common loyalty as citizens of Palestine.

The bias of the report comes out in the opening paragraph which begins by asserting "that the Arabs and Jews in Palestine constitute two fairly well-balanced forces" and therefore, "the political problem is one of giving rights and privileges to both sides". Not authority to either one or the other or both. Not control. But rights. Since the opening paragraph concludes "that each side has been demanding such a large share of rights and privileges, almost to the exclusion of the other side," the clear implication is that an unbiased intervenor is necessary between such opposing and irreconcilable forces.

The bias of the report does not only emerge in the direction of the Memorandum and its initial characterization of the problem but in its omission. The Report explicitly dismisses not only historical precedents and arguments as relevant, but implies legal issues are irrelevant as well. Nor does the report anywhere take into consideration security concerns -- of the British, for one, but of the Jews and the Arabs as well.

Though Bunche was a strong advocate of self-determination, and though he did not share the League of Nations propensity to respect the status quo internationally, he did share the League vision that self-determination was not the highest principle but had to be subordinated to the principles of peaceful and lawful government. Hence, the fact that the Arabs constituted a majority of two-thirds of the population did not mean that they should be able to determine their own destinies and _____ and

³³ p. 2.

³⁴ Brian Urquart noted that Bunche "represented the new transatlantic order...dedicated believers in self-determination and decolonization, in international order and law, and in Human Rights". (1987), p. 94.

³⁵ Brian Urquart, A Life in Peace and War (1987) p. 127. Urquart is currently working on a biography of Bunche and can be cited as an expert witness having served under him and with him and "spent more hours with Bunche than with anyone else in my life". (p. 125.)

³⁶ The Memorandum _____ the clear hand of Bunche, even using American examples of the size of Vermont and New Hampshire to characterize the small size of Palestine. (p. 29.)

"not make an Arab state obligatory".³⁷ Practical solutions, that is, ones which avoid bloodshed and allow people to live in peace and order under the rule of law, are required, not ideological ones.

One of the more interesting, indeed pedantic biases, is the strong emphasis on the analysis of political linguistics both in the body of the report and the two appendices dealing with the political nuance of the territory in question, 'Palestine' and with the 'Who is a Jew?' question. There is a clear concern for issues of political identity identified by language and concerns.

In the case of Palestine, the analysis makes clear the root is Roman, not Arabic. Prior to the British mandate, the area was regarded by Arabs as part of Southern Syria. The implied conclusion is that continuation of the name Palestine would neither favour the Arabs nor the Jews and was appropriate for a political entity where equality of citizenship would be accorded to Jews and Arabs which is designated as the idealistic vision.

In the analysis of the _____ Jew, the Reports notes that the Kingdom of Israel was restricted to the citizens of the Northern Kingdom whose contemporary survivors are the Samaritans, not the Jews; the Jews are the survivors of the Southern Kingdom and the Babylonian exile. The implication is clear; the designation of the territory as Israel would be even be wrong for the Jews.

The latter is philological and historical _____ especially since the Report acknowledges there would be no revival of Zionism if it had not been for the Jewish religion. And it is in the religious text that the land is referred to as Eretz Israel.

The significance of these minor abstract philological quibbles is that it does not indicate a mind focussed on practical realities but on theoretical purity. Practical realities, such as the powerful forces of competing nationalisms, are simply matters that need to be considered and taken into account. The report stresses, not the Zionist program, but the binationalism of Judah L. Magnes and Hashoma Hatzain which so impressed the Anglo-American Committee of Inquiry. It is acknowledged that there is no parallel on the Arab side, though the Nash ashibis are open to compromise, provided it "was backed up by sufficient international guarantees".³⁸ In any case, the dominant nationalism is not Palestinian but Arab, and more locally, south Syrian.

Before analyzing the role of the incompatible nationalisms, the Report concludes, the idea of 'Palestinism' -- the view that a new sort of Palestinian Oriental culture, in which both Arabs and Jews have an integral part, is emerging...(which) may be the 'wave of the future' for Palestine, since they appeal to the minds and hearts of men of goodwill.³⁹

Ralph Bunche was clearly a man of good will steeped in the Kantian belief in an international order built on pure reason and pure motives.

Arab nationalism is attributed to a product of World War I and the legal (my italics) promises made at the time. (It is clear that law will not be the basis of solving the problem.) It was exacerbated by the achievement of independence and self-government by the surrounding Arab countries. The League of Arab States (Egypt, Syria, Lebanon, Iraq, Trans-Jordan, Saudi Arabia and Yemen)

³⁷ p. 1.

³⁸ p. 6.

³⁹ p. 6.

"provides the framework of Arab nationalism" and "It is this League which has declared Palestine an Arab country which much (sic) eventually become independent".⁴⁰ In other words, outsiders and uncompromising insiders (Haj Amin, the Mafti) are the source of the problem. There is no recognition that it was Britain in the face of the 1936 riots and the 1937 full-scale revolt who brought in the outside Arab states to moderate the forces of local nationalism. This is also true of the Jews for, "The Arab is desperately afraid of the cleverness and aggressiveness of the Jew" who is regarded as an utterly foreign intruder.⁴¹ (In the whole report there is extensive discussion of Christians who are Arabs and Muslims who are Arabs but no mention that half the Jews in the world at the time spoke Arabic and lived in Arab states.) The Balfour Declaration referring to the "existing non-Jewish communities in Palestine" is accepted as an "initial insult" to the Arabs in denying them a distinct identity.

In other words, the Palestinian Arab, like the European Jew (my italics) suffers from "political homelessness" cut off from the surrounding Arabs "by the European-imposed divisions of his native region" and "has not inherited from the past a specifically Palestinian nationalism". The report continues. "Palestine cannot be a Jewish state, nor can there be more Jewish immigration, since the presence of a few more Jews will endanger the predominantly Arab nature of the country" which suggests at least an apparent contradiction with the Report's description of Lebanon as an Arab country though the predominant religion is Christian. But the Report attributes these views as simply those of "the most ardent Arab nationalists".

The analysis of Jewish nationalism attributes its beginnings to just before the origins of Arab nationalism following World War II to twenty years earlier and the publication of Herzl's The Jewish State, but its real beginnings are attributed to the Balfour Declaration and the Mandate which undertook "to guard the rights of the Arabs as well as facilitate the immigration of Jews". (No mention is made in the distinction between the rights acknowledged, fairly or unfairly, to the two groups.) The report notes the presence and growth of anti-Zionist Jews, though the majority of Jew in Britain and America are "swayed" by the Zionists.

In addition to intractable Arab nationalism demanding an Arab state and intimidating moderates and enthusiastic Jewish Zionists demanding a Jewish state and unrestricted immigration, both sides have shared equally in terrorism -- three years each (1936-39 for the Arabs and 1944-47 for the Jews). The Arabs _____ on the Jews prior to 1936 are not regarded as terrorist acts since there was no "training of underground military forces on a large scale".⁴² Both sides are accused of assassinating dissidents of their own persuasion "to keep the more moderate elements from speaking out".⁴³

It is perhaps on this issue that the attempt to balance the strengths and evils of both nationalist movements on both sides. Not that there were not a few assassinations of Jews by Jews,⁴⁴ but the purpose of the assassinations were not to silence dissidents.

The largest omission of the report is a thorough analysis of the situation of the real (not just politically) homeless Jewish refugees. According to the report, the refugees adopted "Palestine-or-

⁴⁰ p. 8.

⁴¹ p. 10.

⁴² p. 15.

⁴³ p. 16.

⁴⁴ cf. REFERENCE NEEDED

nothing" because the refugee problem "has been dealt with inadequately by the great powers and by the United Nations". Resettlement of Jews in other countries is the answer.

Passage of the bill now in the U.S. Congress to admit 400,000 displaced persons as an emergency measure would have considerable effect in reducing the intensity of Jewish nationalism.⁴⁵

The report continues with an acknowledgement of the rights of the three religions and then of the establishment and acceptance of English as an official language and of intercourse between the two linguistic communities. In the short reference to economic issues the main point asserts, according to the prevailing view of the time and in ignorance of such successes as Hong Kong and Singapore, "that Palestine is not naturally a country rich enough to support a dense population".⁴⁶ But the report does acknowledge that the real limitation to immigration is not "economics", but "political absorptive capacity". And the "chief political problem is Jewish immigration". The focus of political organization and the issue of unlimited (the Zionists) or zero (the Arabs) Jewish immigration are "intimately bound up together".⁴⁷

Perhaps the most interesting part of the report is the taxonomy of solutions it provides:

Partition	Unitary			
Independent	Dependent (Trusteeship)			
Arab	Jewish	Binational	U.K.	U.N.
		admin.	admin.	

Federal schemes are omitted altogether. Partition is adamantly opposed by all Arabs who "may put up a considerable fight if a Partition proposal is made". In any case, it is only acceptable to some of the Zionists and then only if it is of sufficient size to absorb the refugees, but even then the partitioned Jewish state would have a large (and difficult) Arab minority of 38 - 49% if the plan is realistic enough to satisfy the Jews and the needed territory for refugees. Mixed towns, such as Jerusalem and Haifa under international or British _____ would exclude Jews and Arabs from membership in a Jewish and Arab state respectively. Transfer of the Arabs is mentioned as a solution to the problem that, "will have to be considered"⁴⁸ if Partition is endorsed. It is clear that this assertion is included not as a desirable prospect but as an undesirable one mitigating against Partition. In sum, partition as a solution of recent vintage runs against the political structures developed to date and against virtually unsurmountable problems. No version of it would satisfy the Arabs or even the Jews. Clearly, the Secretariat at the U.N. did not favour partition.

⁴⁵The dramatic _____, perhaps, but the intensity?
(continue fn. with quote from....)

⁴⁶p. 29.

⁴⁷p. 30.

⁴⁸p. 33.

Of the independent solutions, only the bi-national idea is given serious consideration. The Arab state is dismissed because "it is probable that outside help would be needed for the protection of the Jews".⁴⁹ A Jewish state is not even seen in all of Palestine is not even seen as desirable by the Zionist leadership (Ben-Gurion) and would entail "a war between the Arabs and the Jewish underground".⁵⁰ Further, "the Arab States might withdraw from the United Nations. The Bi-national State may be "the ultimate answer"⁵¹ but it could not be set up immediately given the current lack of trust between the two communities. To remain a dependent political entity, "it would be better for the United Nations to take over" since Britain is "anxious to be relieved of at least some of its responsibilities" and "Both the Jews and Arabs are dissatisfied with the British conduct of affairs."

The report clearly reveals no bias in favour or against Jews or Arabs though it is infused with many misinterpretations and omissions. Nor is it that biased against Britain, lauding the U.K. for its attempt at equality of treatment for Arabs and Jews, but takes no consideration of British imperial (and, hence, military security) interests. The clear bias of the report is in favour of internationalism, even though such a proposal would have to deal with the antipathy of both groups (not mentioned) and the clear contradiction that such a solution would continue the problem of "political homelessness" for both groups and do nothing to solve the problem of immigration of Jews, though the report implies that this should be solved by settling the Jewish refugees elsewhere.

(K.) THE CONDUCT OF THE COMMITTEE

When Trygve Lie convened the first formal session of UNSCOP on May 26, 1947, after dismissing the journalists and reconvening in private session, he followed the British suggestion in sending the committee directly to Palestine to avoid any impression of bias because of pressure from the large Jewish population of New York City.⁵²

The record of the initial discussion of UNSCOP indicates no sensitivity to the issue of impartiality towards one outcome or another. The debate concentrated on the issue of impartiality in dealing with the parties to the conflict as the committee debated how the "interested parties" could make representations to UNSCOP. Great Britain was defined as one of the "interested parties", though the liaison officer appointed by Britain was Donald C. MacGillivray, a civil servant in the colonial office with experience in Palestine and a record of impartiality in his dealings with both Jews and Arabs.⁵³

(L.) THE ARAB POSITION ON UNSCOP

Liaison officers were also to be appointed by the Arab Higher Committee and the Jewish Agency. The refusal of the Arab Higher Committee to appoint a liaison officer and to boycott UNSCOP is generally considered to have been a major blunder by the Arabs.⁵⁴ But from the Arab

⁴⁹ p. 34.

⁵⁰ p. 35.

⁵¹ p. 35.

⁵² cf. PRO FO 371/61778, May 17, 1947. U.K. ambassador as the U.N. to the Foreign Office.

⁵³ cf. Horowitz (), p. 159.

⁵⁴ cf. Pearson (), p. 81.

perspective, there was no alternative if either the tactics or strategy, the circumstances or objectives of the Arab position are taken into account.

At the recent London conference which convened in September of 1946 and aborted at the beginning of 1947, (the failure of which was a factor in Britain's decision to refer the Palestine problem to the U.N. for a recommended solution), the situation had been reversed. The Arabs had attended; the Jews had boycotted the meetings, though informally they maintained a liaison with the British. Yet, when the conference reconvened on January 26, 1947, the Bevin plan put before the Arab delegates was based on provincial autonomy with the right of the Jewish province to control immigration. To the Arabs, this was tantamount to partition.⁵⁵ Even though the Zionists regarded the plan as a move away from partition, to the Arabs it appeared that boycotting conferences had better results than participation.

But boycotting was not just a matter of tactics. It was also strategically crucial. For all along the Arabs maintained that the U.N. had no jurisdiction over or role in Palestine. It was simply the duty of the mandatory authority, Great Britain, to turn their territory over to the inhabitants of the territory to determine their own destiny. Since the majority were Arabs, the territory would become an Arab State.

Circumstances also directed that the Arabs stick to basic principles and not try to work out a compromise position or even get into a position which would reveal their wide differences.⁵⁶ Only a few months earlier, on November 11, 1946, Abdullah had openly expressed his goal of creating a Greater Syria. Egypt was preoccupied with its relations with Britain following the break-up of the talks on revising the Anglo-Egyptian Treaty in December of 1946. Syria backed Egypt, as much to oppose Abdullah's plans, who was believed to have British backing, as to reinforce the Egyptian position. What position could the Arabs have taken before UNSCOP? For example, at the pinnacle of the decision period, after concluding a treaty with Iraq in April, "King Abdullah on August 4, 1947 once again reactivated the issues of "Greater Syria". He called specifically for the formation of a Constituent Assembly to establish "Greater Syria" and unite it with Iraq."⁵⁷

It must be remembered that Abdullah's Greater Syria scheme not only included uniting Syria with Jordan and Iraq, but absorbing Palestine as well. It was hard to argue for self-determination of the Arabs of Palestine if their fate was being determined from on high. Further, it was well known that Abdullah had secret negotiations with the Zionists to partition Palestine and at the very least, to allow the Jews to have almost as much autonomy as envisioned in the Bevin plan. As Farouk had warned, "Abdullah collaborates with the Zionists, who are a greater danger to the Arabs than the British because the danger from Britain is bound to come to an end."⁵⁸

Another fault line ran through the Arab position which threatened an earthquake, this time in league with American economic imperial interests rather than British political and military imperial interests as the focus. The line ran between Riyadh and Damascus rather than Damascus and Amman. Lebanon and Jordan had just concluded an agreement with Britain for an oil pipeline to run from Saudi

⁵⁵cf. Khalidi (1986) p. 114.

⁵⁶op. cit.

⁵⁷cf. Khalidi (1986) p. 115. The partition of Palestine and the annexation of the eastern portion to Transjordan is _____ on the Peel Commission Report of 1937.

⁵⁸Muhsin Barazt, "Mudhakkirat" (Memoirs), al-Hayat, January 16, 1953 as requested in W. Khalidi (1986), p. 116.

Arabia through its territory. Syria had been balking for almost a year when the U.S. suddenly confronted the Syrians with an ultimatum: either agree to the terms or the pipeline would not be built on Syrian territory. Kuwatli of Syria saw himself engaged in a two-front conflict, with Abdullah in Amman allied with the British and possibly with Ibn Saud allied with the Americans. Kuwatli sought to forge a treaty with Saudi Arabia to counter the Transjordanian threat and the alliance with Iraq. But Ibn Saud only saw this as giving an opening to Damascus to take over Saudi Arabia.

The third fault line ran within the Palestine community itself. It was in fact a myriad of splits and divisions; splits between the elite families, the Husseinis and the more moderate Nashashibis, splits between elitist and populist politics, (the Husseinis and Nashashibis versus more populist movements led by Musa al-Alami and Istiquali), splits between middle road populists and the communist League for National Liberation, splits between the urban and rural leadership, and in rural areas, between the aristocratic landowners and the fellahin, splits between Muslims and Christians, split again between the Catholics, who tended to side with the Husseinis and the Greek Orthodox, who sided with the Nashashibis. Finally, the usual generational divisions between the older, more moderate and prudent leaders and the passions of youth cut across all the other divisions.⁵⁹

At a special meeting of the Arab League Council on June 8, 1946, in Bludan, Syria, a new Arab Higher Committee was constituted following many unsuccessful attempts by the Palestine Arabs themselves to select their own unified representative leadership to liase with Great Britain or the U.N. The chairmanship was left open for Hajj Amin al-Husseini, the Mufti of Jerusalem, who was still in exile. Hajj Amin was persona non grata to the British, given his leadership of the 1936-39 revolts and the alliance with the Axis powers during the war. But he was also Abdullah of Jordan's enemy as well as that of Abdullah of Iraq who never forgave Hajj Amin for his leading role in the 1941 Baghdad anti-Hashemite coup d'etat. Jamal Hussein, the Mufti's cousin, was appointed as the Palestinian representative at the Bludan Arab League conference. Though united in form, and though the Arab Higher Committee was recognized by UNSCOP as the sole representative of Palestine Arabs, the divisions remained.

In the frustration of all these divisions, which were exacerbated by the need at the time for the Arab States to show prudence and restraint when dealing with the Great Powers (which then still included Britain), passions, fueled by a strong belief in Arab self-determination and nationalism, poured into the anti-Zionist struggle and the Arab determination that Palestine emerge as an Arab state. Internal rivalries and suspicions amongst the many Palestine Arab factions and among the Arab capitals fuelled extremism rather than moderation, and intensified the opposition to Zionist immigration and any legitimization of Zionist goals, the only key area where compromise was a prerequisite to gaining the ear of any impartial committee of inquiry.

The issue here is not the Arab position, but how it was put. As a product of diehard conviction, the convictions were bound to alienate most committee members. As products of both conviction and national analysis and an understanding, though rejection, of the opinions and arguments of their opponents (particularly before key committee members who came from the judiciary), such an indication of "reasonableness" would have won favour before UNSCOP. The problem, however, was that the Arabs not only rejected the Zionist position but the jurisdiction of the U.N. and the approach adopted to recommend a solution to the problem.

⁵⁹cf. Ann Mosley Lesch (1973), pp. 17-21 and Yehosha _____ (1973), p. 134.

Thus, the Arab Higher Committee, representing the Palestinian Arabs, boycotted UNSCOP on the grounds that its terms of reference did not include termination of the Mandate, that it did not detach the Jewish refugee question from the Palestine problem, and that the natural rights of the Palestinian Arabs were self-evident and not subject to investigation⁶⁰, the same argument used against the creation of UNSCOP in the first place.⁶¹

(M.) THE JEWISH APPROACH TO UNSCOP

The Jews were also divided. In May of 1942 at a Zionist Congress in Chicago at the Biltmore Hotel, a resolution had been passed for the first time demanding that a Jewish State be established and, further, that it be established in all of Palestine.⁶² The Jewish Agency Executive, at a meeting in Paris in August of 1946, backed off from that extreme demand and agreed to accept the partition of Palestine into a Jewish and an Arab state.⁶³ Ben Gurion abstained. This stance was not accepted by either the Irgun, led by Menachem Begin, or the even more radical splinter group, Lehi, led by Yitzchak Shamir, (both future Prime Ministers of Israel). On the dovish side, a small coterie of intellectual leaders, headed by Judah Magnes, President of Hebrew University, opposed partition and the creation of a Jewish State in favour of a binational state.

Among the mainstream who supported partition and the retreat from the Biltmore program, there was a division over strategy. Nahum Goldman and Chaim Weizmann were in favour of openly acceding to partition. Other leaders, notably Rabbi Abba Hillel Silver, the Republican who led the American Zionist movement after the war, and Moshe Sneh, the head of the Hagannah, thought that the Executive agreement arrived at in Paris to negotiate partition gave up the one trump card the Zionists possessed. They were not against partition as a last resort; they were against partition as an initial position. Further, this strategy, they believed, meant that the result would not be partition, but some degree of autonomy which (hopefully) would lead to partition.⁶⁴

In addition differences over the ultimate political end and strategies to achieve it, a deep rift over the tactics of revolt against the British divided the Jewish community in Palestine. Unknown to Chaim Weizmann, the Hagannah and the Irgun coordinated plans of sabotage against the British beginning in October of 1945. By the end of June of 1946, the British organized its most extensive repressive measures, detaining the Jewish Agency Executive and much of the Hagannah command among the 2,700 Jews arrested. Chaim Weizmann threatened to resign from the Jewish Agency and the revolt was called off. But the Irgun was to pull off its most stunning attack on July 22, 1946, the destruction of an entire wing of the King David Hotel, the command centre for the British civil and military administration. This provoked an open split in the Jewish Agency. The Jewish Agency disassociated

⁶⁰Zasloff, p. 55-6.

⁶¹Kadi, p. 43.

⁶²The text of Biltmore program is included in J.C. Horowitz (1956), vol. II, p. 234-235.

⁶³cf. M.J. Cohen (1986), p. 79 and (1982), p. 141-7.

⁶⁴In fact, in _____ record of his meetings in August of 1946, with Nachman Goldmann is noted as demanding an improved provincial autonomy scheme which could move towards partition. FRUS (1946), VII, p. 679-682. cf. also Cohen 1986), p. 87.

itself from the more radical Irgun. There was even some cooperation in assisting the British to round up extremists.

Finally, there was the division in the approach to the critical issue of the Jewish refugees in the camps in Europe. Would the priority be immigration -- obtaining a safe home for them in Palestine even if this meant delaying or even surrendering the claims to a Jewish State? Or would the refugees' interests best be served by holding out for a Jewish State that would, in the long run, ensure that Jews would never again be dependent on the good will of others to find a safe haven? Richard Crossman, as part of the Anglo-American Committee of Inquiry, allegedly asked a Jewish witness in London, "If you had the choice of getting 100,000 refugees from Germany to Palestine or giving up the Jewish State, which would you do?"

At the time, the witness did not answer. Ben-Gurion would later provide leadership on this issue. He argued that the question ought properly to be put to each of the 100,000 and not to those who would not be required to make the sacrifice. He then elaborated:

Suppose Hitler had in his hands a hundred thousand

Englishmen -- prisoners -- and had said to Mr. Churchill:
Either you give me the British Navy or we will slaughter every single one of them..." would you ask Churchill which he would choose? I know what the one hundred thousand Englishmen would answer. Would not they gladly die, rather than yield their Navy?⁶⁵

The choice Ben-Gurion gave to the 100,000 Jewish refugee with one hand he took back with the other by providing a Churchillian answer for them -- that the destiny of their people would have to take priority. His views did not change one iota when the number of Jews in the camps of Europe swelled to a quarter of a million.

(N.) COMPARING JEWISH AND ARAB APPROACHES

Thus, both the Jewish Agency, and the Jews they represented, and the Arab Higher Committee representing the Palestinian Arabs were ridden with splits and divisions. Each focussed on the one issue that _____ most members of the community -- the Arabs on their opposition to a Jewish state and support for a unified Arab state and the Jews on their insistence on an independent Jewish state.

But the Arabs differed in two fundamental respects from the Jews. External forces and not the Palestinian Arabs themselves determined their leadership. And that leadership was compelled to conduct itself to protect Palestinian autonomy against the interests, priorities and concerns of its mentors, the Arab states. Thus, Jamal Husseini, at the Bludan Conference, pointedly asked for help from the Arab "peoples" (who were to be encouraged by the Arab governments) and not the Arab governments themselves.

It reflected Palestinian concern for autonomy, particularly in the face of Abdullah's ambitions, but it also reflected Hajj Amin's concern for the maintenance of his leadership with the least interference from the Arab governments. It is

⁶⁵ Ben-Gurion (1954), p. 209 from his address to the Anglo-American Committee of Enquiry.

revealing that Jamal did not ask for direct military help from the Arab governments.⁶⁶

The second major difference was that the Zionists had built up a system of institutions which allowed for discussion and debate and the determination of policy for Zionists as a whole. The Palestinian Arabs lacked such institutions. Thus, their position was handicapped, on the one hand, by their lack of complete independence and, on the other hand, by the absence of institutionalized pluralism which would allow unity to emerge out of differences rather than as a device to paper over differences.

Ben-Gurion, in an address to Mapai in August of 1946, just before Bevin convened the London conference, recognized this was the real strength of the Zionists.

Neither the antagonism of the outside world with all its perils nor the fear of aggression thence constitutes the major threat or need dismay us, although it would be folly to minimize the risks or delude ourselves as to the intentions of foreign Powers. What may destroy us utterly is a rift in the Yishuv itself or in Zionism or in both, and schism in one leads inevitably to schism in the other. We may be weakened and even undone no less by bending from our policy of independence and letting outsiders appoint our aims and our spokesmen.

Disunity is likely to spring from ideological or domestic differences, which are natural and necessary in an autonomous Yishuv and an unfettered Movement. So long as they come from within and are resolved after free discussion among ourselves, we have nothing to apprehend. But when one party seems to impose its will and policy on the whole by employing external forces and giving them the opportunity they want to pit one Jewish faction against another, we are heading for complete disaster. Zealous guardianship of our unity and independence, inseparable twain, must be our clarion-call; that must precede any plan of action.⁶⁷

The United Nations Special Committee was faced with two adversaries: Palestinian Jews who were overwhelmingly united in their resolve to obtain an independent Jewish state and who had built up the institutions to select their own leaders and resolve their own differences internally, and Palestinian Arabs who were overwhelmingly united in their resolve to prevent the emergence of a Jewish state in favour of a unified Arab state but who lacked the institutions to determine their own leadership and to resolve their differences internally. The Zionists appointed Abba Eban and David Horowitz to work with the Committee as liaison officers and, in fact, to cultivate undecided members of the committee and to keep abreast of the direction of its thinking. The Arab Higher Committee stuck to his resolve to

⁶⁶Khalidi (1986), p. 113.

⁶⁷Ben-Gurion (1954), p. 178.

boycott the Committee, in spite of a public broadcast by Sandstrom on June 16th, shortly after the Committee arrived in Palestine, appealing to Palestinian Arabs to appear before it and assuring the Palestinian Arab Community that the committee was impartial, objective and neutral.

The appeal missed the point. The boycott held firm, first because the Palestinian Arabs refused to grant an outside body, impartial or not, the authority to determine their political future. The Arabs believed (rightly) that such an authority could not possibly support their position once it had granted equal standing to the Jewish Yishuv since their position pointedly precluded giving the Yishuv equal rights on Palestine. Given the very nature of such a committee, it would have a propensity to seek a compromise, i.e., at the very best, recommend some form of federal solution, (cantonal or provincial) with considerable autonomy over immigration, a solution clearly unacceptable to the Arabs. Finally, given that UNSCOP had already decided that the issue of Jewish refugees in Europe would be examined as part of its efforts to determine the future of Palestine, it seemed preordained that UNSCOP would grant the Jews some right to control immigration in all or parts of Palestine.

The Arab Palestinian error was not one of strategy -- boycotting UNSCOP -- but of tactics. The problem was not simply one of denying the legitimacy of the U.N. role, but of demonstrating that lack of legitimacy to the world and, at the same time, making sure that whatever legitimacy the U.N. committee did have would not be lent to the Zionists objectives, even if their own could not gain support through such a body. In other words, UNSCOP could come out supporting the position of the Palestine Arabs, supporting the position of the Zionists or propounding a solution that satisfied neither. Even if the Arabs opted to boycott UNSCOP, thereby diminishing the chances that UNSCOP would support their position, they could have worked informally to chip away at any position which favoured the Zionists.

Why they were unable to do this is not difficult to understand. There were five key factors: first, relying completely on outside powers to forward their cause; particularly when a radical shift of power was underway and that the British, who then held the political and military power, would not have a decisive voice; (increasingly prevalent in international dispute settlement in the twentieth century); secondly, miscalculations on the role of economic influence; third, an underestimation of an influence, that of detached observers that could have important ramifications in legitimizing actions, causes, and political leaders; four, a miscalculation of the real options; and, five, a shift in the source of authority relevant to dispute settlements, including arguments of moral authority used so effectively by the Zionists.

The first error was the most crucial. The error was not simply in overestimating the power of Britain to bring about a solution in their favour, but in relying primarily on any outside power to achieve their goals.

The feeling that, in the last analysis, Britain would not abandon the Palestinians was widely shared among Arab leaders, with the outstanding exception of Palestinian leader Hajj Amin al-Husseini. It derived partly from the Western liberal upbringing of many Arab leaders and partly from their calculation of where British interests lay. But the total neglect of military preparedness may also have reflected a sense of unadmitted impotence and clienthood vis-a-vis Britain -- the perceived real decision maker in the

Arab world.⁶⁸

Thus, when Britain abandoned them following the partition resolution at the U.N., the Arab Palestinians simply shifted their sense of impotence and their self-perceived client status to the Arab states. The Arab Palestinians had not yet come to realize that power fundamentally rests on the creativity and energy of oneself and the willingness to organize that creative energy to defend and foster the causes in which one believes.

The error in the perception of the prime source of power was complemented by an overestimation of the role of economic influence. Thus, the Bludan secret resolutions focussed on threatening British and the U.S. economic concessions if these states failed to support the Palestinian Arabs. However, the resolutions remained secret because the Arab states were themselves economically vulnerable to economic countermeasures. The economic power or influence of Britain and America counted. But the Arabs were still too weak to impose their own economic influence on America, the new economic power in the world. The Arabs also underestimated the role of facts and arguments which could be used to persuade others about the justice of their cause.

Finally, the U.N. lacked any formal authority over the dispute. Britain, which had the military power of coercion, the economic might of the British Empire and the final authority as the Mandatory body. They had asked the U.N., using a special committee, to recommend a solution in order to reinforce a compromise federal solution. The Arabs believed that the real choice was between a federal solution and a unitary state. They wanted to deny formal authority to any body which might reinforce the federal solution. The Arabs also underestimated the role of the U.N. as a moral authority and the effect of this moral authority and the moral factors in the dispute on its individual members and any recommendation they might make. The most fundamental moral factor was the Zionist concession to partition. It was the appearance of compromise in this mode of resolving disputes that was as, if not more important, than the substantive issue itself. While the Zionists maintained an outward claim for assuming control of all of Palestine, their private concession to partition allowed some measure of victory for Arab Palestinians. The Palestinian Arab claims for a unitary Arab State allowed no measure of victory for the Palestine Jews.

UNSCOP faced a situation where justice would be a matter of judgement between and among competing claims and not a proposition deduced from a a priori principle. If the parties appealing to UNSCOP handled their positions properly and sensitively, UNSCOP would end up supporting partition and not a federal solution. The Arab Palestinians did not understand the role of the U.N. as a legitimizing moral authority nor the processes or premises by means of which the conclusions of that moral authority were derived.

The real question that remained was whether the make-up of the committee, the premises of its members, the procedures it used and the persuasive arguments of the Zionists would be sufficient to move the committee from a propensity not to support partition. The failure of the Arab Palestinians was not their inability to obtain UNSCOP support for a unitary Palestinian State, a virtually impossible goal, but their inability to deny a moral and political victory to their enemies and to prevent UNSCOP from supporting partition.

⁶⁸Khalidi (1986), p. 108.

APPENDIX 1

	<u>American Original Plan</u>	<u>American Proposed Plan</u>	<u>Ultimate Composition</u>	
Commonwealth	CANADA NEW ZEALAND		CANADA AUSTRALIA	CANADA
Eastern Europe	CZECHOSLOVAKIA POLAND		CZECHOSLOVAKIA YUGOSLAVIA	CZECHOSLOVAKIA
Latin America	BRAZIL MEXICO	PERU URUGUAY GUATEMALA	PERU URUGUAY	URUGUAY
Asia/ Asia Minor	INDIA TURKEY	IRAN	INDIA IRAN	

Western Europe	SWEDEN or NORWAY BELGIUM	SWEDEN NETHERLANDS	SWEDEN NETHERLANDS
Pacific	PHILLIPINE REPUBLIC	--	--
TOTALS	11	7	11