

JEWES AND THE UN: THE SEEDS OF DISTRUST

by

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Introduction

This is a long article. It is long because of the methodological insistence that a detailed case study is necessary to adjudicate many of the issues in ethics generally and in international ethics in particular. The conditions creating the United Nations Special Committee on Palestine (UNSCOP) in 1947 and the deliberations of that Committee until it decided to recommend the partition of Palestine will provide the case-study material.

Was “justice” the prevailing criterion when UNSCOP took up the issue of the Palestine question? Certainly, the recommendation was not seen to be just by the Arabs. Further, though most Zionists reluctantly accepted the result as the best they could achieve, this did not mean that they thought it was just. On what basis did the UNSCOP recommend the partition solution?

In the opening chapter of his first full volume on justice, Brian Barry (1989) took up the notion of justice “in the simplest possible kind of case: a conflict between two parties over the division of some particular scarce resource.” (p.9) The territory covered by the Palestinian Mandate was certainly a scarce resource, only slightly over 10,000 square miles. And Jerusalem itself was unique. Further, the territory was coveted by many parties for its geo-strategic value as a land bridge between Europe, Asia and Africa, and by its Arab neighbors, for they saw it as part of the natural Arab bequest following the demise of colonialism. But there were two major parties in conflict – Arabs and Jews. And the conflict was over a scarce resource. Was justice or should justice have been the prevailing criterion for settling the dispute?

Based on this case study, this paper suggests that NO theory of justice can resolve conflicting claims over a specific territory among different claimants. Nor can any theory of justice resolve conflicts over determining who has rights to membership on that specific territory and in the polity that governs it. This paper will argue that the determining norm is not an abstract principle of justice but the least injustice, a very different conception. Further, the paper will argue procedural norms of impartiality are the foundations for reaching a goal of least injustice. Finally, in this effort, the self-interest factors of relevant states are critical components that must be taken into account in understanding how the procedural norms really operate. They are not indifferent to realist claims that self-interest and power are the real determinants. In fact, precisely by taking into account real interests, those charged with being impartial in their considerations can best do their job.

Though self-interest must be taken into account, to the extent that the principles of least injustice are trumped by self-interest, seeds of distrust are sewn in the ability of

international organizations to manage local and regional conflicts. To the extent second order rules of impartiality are not followed, seeds of distrust are sewn in the ability of international organizations to manage local and regional conflicts.

Fifty-two years after the partition resolution on Palestine was first passed in the United Nations, Dr. Yehuda Lancry, Israel's permanent representative to the United Nations, in his maiden speech, denounced several resolutions that he claimed were irresponsible and incompatible with both current realities and the peace process. Those resolutions dealt with borders and refugees. The border issue has not changed in all those years, only the proximity to resolving it. The refugee issue has changed dramatically. In 1947 the central and only issue was that of Jewish refugees. In the past fifty-two years, Palestinian refugees have occupied center stage. During that half century, Israel has distrusted the UN claim to occupy a higher moral ground. Israel has also been a major factor in ensuring that the UN has little role in the current peace process. This distrust has deep roots with greater justification than most Israelis recognize.

The Political and Historical Context

There were two primary claimants to the land in 1947. The Arabs, who had long resided in Palestine and who eventually became known as the Palestinians¹, claimed the land as theirs because they were the majority and further because they had resided on the land continuously for centuries. Palestine was their birthright.² Further, they regarded the British Mandate as null and void with the demise of the League of Nations.³ The Zionists had led the return of the Jews from the diaspora to join a small and old resident Jewish population and wanted to reclaim their ancient homeland. They made their claim based on continuous occupancy for millennia, their settlement and reclamation of land that had been arid, the relative emptiness of the land, the injustice of the Jewish nationality lacking any homeland, and as a solution to the age old problem of anti-semitism. For religious Zionists, the covenant of Jews with God was an additional rationale.

The Zionist push for partition won over the Arab position focused on a unitary Arab state with a Jewish minority. Yet it is the Jews who have distrusted the UN ever since even though the UN special committee recommended partition. Why? It may have been because of the more obvious growing hostility as third world ex-colonial nations became members or because the UN earlier on failed to take action against the Arab states for invading the nascent State of Israel. Whatever the actual reasons, the Jews had reasons to distrust the process that produced the partition resolution. This was not because UNSCOP did not proceed largely according to the principles of neutrality. Rather, to the extent that it did not, other self-interested factors and breaches of the norms of impartiality might have undercut the principle of least injustice and dramatically undermined the partition solution. Further, these self-interested factors and breaches in norms of impartiality adumbrated what would emerge as the norm rather than the exception. Discerning the genetic roots of those breaches helps to identify what went wrong.

The competing claims were not simply about authority over a territory. For even if full authority was not granted, the Arabs and Zionists disagreed on one key aspect of sovereignty – the right of admission of new people into the territory to take up permanent residence. Whatever else the Zionists wanted, they insisted on an explicit undertaking by the United Nations to recognise and preserve the old rights and obligations of the Palestine Mandate, particularly those of Article 6 calling for Jewish immigration and settlement. In opposition, the Arabs wanted the Mandate territories transferred automatically to the people of the territory precisely to eliminate and not merely limit such admissions..

My analysis will be restricted to the recommendation of UNSCOP favouring partition. I will not take up the issue of the UN decision to accept the recommendation or the decision of Britain to walk away from its responsibilities, except insofar as they affected the perception of the UN as an impotent organism. And I will certainly not delve into the issue of violence, as utilized by both the Arabs and Jews, to settle the issue.⁴ Rather, I am concerned with the perception of the UN as a just organism, or more accurately, with the distrust of the UN and its capability of serving ‘just’ causes.

In this case, two key ingredients were present concerning issues of justice - a scarce resource (land and its ability to absorb new inhabitants) and two parties in dispute. But it was hardly a simple case. Five independent commissions had considered the problem before the one I am analyzing, beginning with the American appointed King-Crane Commission in 1919. This was followed by three separate British Commissions of Inquiry set up after an outbreak of Arab violence – the Haycraft Commission in 1921, the Shaw Commission in 1929 and, after the riots of 1936, the Peel Commission of 1937 and its successor, the Woodhead Commission of 1938 to determine boundaries between a Palestine partitioned into Arab and Jewish areas. After WWII, a joint British-American Commission was set up in 1946, the Anglo-American Committee of Enquiry Regarding the Problems of European Jewry and Palestine.⁵ The focus of this paper is on the United Nations Special Committee on Palestine (UNSCOP) formed in 1947.

The Origins of UNSCOP

In February of 1947,⁶ Britain had submitted a final plan to the Jews and Arabs providing for a five-year British trusteeship in preparation for independence. Ninety-six thousand refugees would be admitted over two years. Under the British plan, there could be substantial local autonomy. The British High Commissioner would protect minorities. After four years, a constituent assembly would be elected. If representatives of both sides in the Assembly agreed, an independent state would be established. Failing agreement, the matter would be referred to the Trusteeship Council for advice. The plan was clearly in breach of the mandatory terms since it provided no *national* recognition for the Jews. For the Arabs, the protection granted to minorities was a potential time bomb for them, particularly granting a minority veto rights over independence. Further, the delay and tentativeness of the transfer were totally unacceptable, as was the prospect of 96,000 Jewish entrees over two years. The Arab Higher Committee had by then joined the conference, but that only meant the Arab position had become more intransigent. On the Zionist side, Ben Gurion was back in control; Chaim Weizmann had been humiliated at

the December Zionist congress and Goldmann, leader of the World Jewish Congress, was seen as having overstepped his mandate. Intransigence on all sides had once again become the order of the day.

In April of 1947, at the request of the British Government, the General Assembly of the United Nations convened a special meeting to take up the issue of the Mandate of Palestine. Originally, reference to the UN was to be delayed as long as possible. It had been the least desired option because "it would seriously impair Britain's strategic position and political standing in the Middle East." (Bullock 1983, p. 332) After the war, Britain had envisioned developing an interim solution to the Palestine issue until a distant future when a more permanent solution eventually could be referred to the UN for approval.⁷ The United Kingdom wanted to retain a military presence in Palestine at least as long as the cost of retention of such bases became prohibitive. On the other hand, it wanted to get rid of the enormous burdens of the Mandate. The United Kingdom was fed up with shouldering both the military, economic and the costs of suppressing the Jewish revolt⁸ and the political costs of incurring the wrath of the Arab states. The problem was how and whether to secure its military position in Palestine and still rid itself of the burden of that troubled area. Britain had been unable to square the circle. Further, the UK had not been able to fulfil its responsibilities over Palestine, let alone satisfy the various positions of the Jews and Arabs in the country. Just as before the war, various proposals had been put forth and none had been found to be acceptable.⁹ By 1947, reference of the problem to the UN seemed the only realistic choice.

However, it was an ambiguous reference. When the United Nations was formed after World War II, it did not have any authority over Palestine or responsibility for dealing with the outcome of the emerging conflict. First, the United Nations did not have an automatic responsibility for territories assigned as Mandates by the League of Nations, and hence, had no automatic authority over Palestine or responsibility for dealing with the conflict between Arabs and Jews within Palestine. Further, some argued that it had no supra-national authority whatsoever.¹⁰ Second, until conflict broke out, the United Nations had no responsibility, and if conflict did break out in Palestine, the UN could only assume responsibility if the conflict threatened international peace and security. Many states interpreted this to mean that, unless the conflict in Palestine escalated into an international conflict involving other states in a war, no threat to peace and security existed. If a threat to peace and security was determined to exist, then the Security Council had a clear right, and most would have added at the time, a responsibility to intervene.¹¹

However, since Palestine was a mandate territory, the potential was there for the UN to assume that authority and responsibility.¹² Since Britain finally wanted to get out of its responsibility¹³, the situation was ripe for the UN to take Britain's place. However, the UN opted to accept only an advisory role¹⁴ when Britain chose not to transfer its authority for a decision about Palestine to the UN. Britain merely asked the UN to provide a recommendation to which Britain was free to assent, modify or reject. Instead of transferring authority to the UN or giving independence directly to Palestine, the UK asked the UN to *recommend* the terms of a settlement without binding itself to follow the

recommendation or transferring the authority over the territory to the UN to implement those recommendations.¹⁵ The UN on its own lacked any clear formal authority to implement a solution if one of the parties to the dispute disagreed. In any case, the UN was ill-equipped to assume the responsibilities for even administering the territory. It lacked the political coherence and the administrative expertise to assume governmental functions.¹⁶ Further, the UN lacked the military power to enforce any solution in the sense that it lacked both the coercive means and an unambiguous authorisation to use force within a territory. The UN could rely only on its moral influence.

Palestine was the major test of the moral authority of the United Nations in its early years. The critical factor, when the United Kingdom referred the problem to the United Nations, was moral authority. That meant that any recommendation had to be seen not to be unjust. That was a necessary condition for the UN to be effective. But it was not a sufficient condition, but that is a topic for another paper.

On Justice

In this paper I will argue that the dominant (but not exclusive) principles of UNSCOP were the principles of liberal impartiality. This was what was meant when the United States asked the UN General Assembly to limit its discussion in the special session to the appointment of a *neutral* fact-finding commission and not engage in the discussion of the substance of the issue. (UNGA, Lake Success, 16 April 1947) Further, these were the governing principles when it was constituted. These were the governing principles by which the Commission largely conducted itself. These were the governing principles that largely determined the product. Though dominant, they were not the only factors at work, some of which undercut those principles. A detailed examination of this case permits us to examine such principles when put into practice.

A classical sense of justice entails giving each agent in a dispute his due. Justice is a matter of rights and entitlements. This is difficult to ascertain when the agents are collectivities, and much more difficult when the collectivities are not homogeneous but divided within as well. However, from the perspective of theories of justice, these problems are perceived as practical rather than theoretical.

There are different ethical frameworks that possibly could have dominated the discussion within UNSCOP. A classical sense of justice requires giving to another what is *not* due precisely because injustice is the prevailing condition in the world. (Pieper 1957, p. 109) Justice is subordinate to a more dominant concept of the good. Alternatively, what is due is formulated as entitlement to a fair share of the earth's natural resources. Such formulations go beyond the practical but pose enormous difficulties in ascertaining a 'just' manner for allocating a specific (and small) area of the earth's surface between two competing nations.

Subordinating justice to the good and the right to a fair share in the earth's wealth are both transcendental systems of justice, they have little applicability to the case of the Arab/Jewish dispute over Palestine. A third possible principle of justice, based on the

principle of utility, may have great value to some modern enlightenment theorists. However, a principle of justice based on utility has no applicability to the UNSCOP recommendation, for a fifty year war was a direct consequence of that recommendation. UNSCOP would be deemed wrong and therefore unjust if justice is to be ascertained according to act utilitarianism, whether of the egoistic (where benefits accrue to the agents in dispute) or non-egoistic variety (where benefits accrue to all humanity). Further, it is likely that the participants of UNSCOP knew that their decision was a long shot in preventing the outbreak of war. In spite of that knowledge, the majority in UNSCOP who supported the decision would have claimed that they believed that they had arrived at a just recommendation.

Perhaps their decision could have been said to be one determined by a principle of rule utilitarianism in the sense that the rules according to which they actually operated or the abstract rules implied by their procedures and results were the most just under the circumstances. Rule utilitarianism shares a kinship with other theories of justice which focus on procedures rather than outcomes. If the issue of justice focuses on the way the distribution is determined rather than the substance of the determination, that is a much easier way to adjudicate justice claims. In this regard, two major non-utilitarian competing positions have been put forth. One is a contractarian perspective. Two competing agents decide that, even though the decision is not the best for either party, it is the best under the circumstances. For it is in their mutual advantage to move to a new situation rather than the status quo. The new option has at least the prospect of being better than any other realistic alternative under the given circumstances. All justice does in such a case is underwrite mutually advantageous co-operative arrangements. (Barry 1989, p. 367; see also Gauthier 1986)

Though the applicability of such a theory of justice might be appropriate for the current Middle East peace talks, this position has at least two difficulties in its application to the UNSCOP recommendation and its subsequent adoption by the UN. That recommendation was not acceptable to one of the parties.¹⁷ Further, it was not negotiated between the parties in dispute. That meant that any recommendation of UNSCOP per se could not be just.

A current very dominant position focuses on the impartiality of the process of making decision. Justice cannot be determined only in terms of reconciling conflicts of interest and/or the extent to which the result is a reflection of actual power relations. Quite aside from whether those interests can be ascertained let alone reconciled, or whether the respective power relations can be determined in any real way except by testing them in actual combat (precisely the activity that mechanisms of justice were designed to avoid), impartiality works in one of two ways. Either the intermediary or both parties work on principles acceptable to all. Alternatively, the agents making the determination are presumed to be neutral without allowing their own interests to impact on the decision.

Here again, the reference to the assent of the agents in dispute fails, for the Arabs boycotted the process as well as rejected the result.¹⁸ The only principle of justice that could have been applicable in such a situation was impartiality in the second sense. Now

impartiality is not just neutrality, though it is primarily that with respect to the presupposed status of the persons making the recommendation. (We will soon see that impartiality did not mean neutrality in reference to a common ultimate conception of the good.) But procedural impartiality goes beyond neutrality in both these senses. Impartiality requires that the reasons justifying a decision be both included and consistent. Thus, impartiality is based on the attached rationale, its consistency and neutrality, the latter with respect to the status of the individuals rendering the decision. (cf. Ackerman 1980)

On this basis, the fundamental issue of justice is whether the determination of UNSCOP was just in the sense that it was convincing based on the impartiality principle and, thus, gave legitimacy to the result. This does not mean that it had to convince everyone. For no matter what the report contained or however it was derived, the Arabs were foresworn to denounce any result unless it accorded with the Arab pre-established position. That position insisted upon an immediate end to the Mandate and to Jewish immigration. The issue could not be the utility of the result, but its legitimacy as the only reasonable solution.¹⁹ One could argue that its legitimacy has certainly been upheld if the substance of the current Middle East peace process is any measure.

Such a principle of impartiality makes no reference to a 'veil of ignorance' to prevent those determining the outcome from being given information that might bias their decision. (cf. Rawls 1973) Quite the reverse. The Commission's business was conducted precisely to ascertain what everyone's interests were. Further, the principles were driven by the factual situation on the ground entailing a conflict over the successor authority over a particular piece of territory. There could be no original position informed by this 'veil of ignorance'. The ultimate criterion for measuring the impartiality was the persuasiveness of the position, not to everyone, but to 'reasonably unbiased minds'. There was little expectation that the Arabs could be dissuaded from their determination to press their case.

The impartiality of the case is determined not only by the procedures adopted to arrive at the conclusion, but the way the decision was articulated. A coherent set of ideals with critical force had to be entailed rather than some Rawlsian set of intuitively valid abstract principles. There need be no presumption that a set of first principles existed and that no rational individual could deny their inherent validity. Alternatively, there need be a presumption that humans were only governed by interests and power. This neutral rationality did not privilege any moral authority but maintained a rational neutrality in the effort to develop a self-consistent way of handling a conflict in which neither party could claim complete victory. That means that what was to be distributed could only be what was available. The conclusion had to specify the allocation of that resource to both parties and the method by which the allocation would be achieved. Conformity to these principles assured the neutrality rather than the special interests of any party.

That means the commission had to be governed by two second-order norms. UNSCOP had to describe and critically analyse the possible empirical alternatives and their implications. Secondly, it had to subject each of these alternatives to critical analysis. Was the alternative empirically feasible? Further, and in conformity to a

utilitarian guideline, would that alternative have a greater chance of producing stability than any other alternative?

Essentially, then, such adjudication is a legitimation exercise along the lines that Habermas later advocated. It is not an evaluation exercise according to moral principles independent of political realities. UNSCOP would conform to principles of impartiality if the process and its outcome satisfied the above rational precepts. Like Rawls, there is no need to invoke any communion with a public good. Rather, liberal principles of a shared rationality to create a community of conversation are invoked rather than morality. There are no transcendental first principles. There is neither moral superiority nor any social superiority.

Substantive Justice

If the governing principles of UNSCOP were to be determined by the procedural principles of impartiality, this was not true of the major players. I have already indicated that the governing principle of Arab justice was based on birthright and a natural attachment to the land on which one was born, akin to the ethics of the natural law. But there was a widespread conviction that the Arabs would back down from their intransigent position in the face of UN moral authority. A year earlier at the time of the Morrison-Grady plan, Loy Henderson, a former US Ambassador to India and an American Middle East expert, summed up his expectation that the Arabs would not respond militarily if partition were recommended.²⁰ Given their preoccupation and inherent weaknesses and divisions, they would not be expected to provide a united military opposition to a UN decision. “With respect to 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.” In Transjordan, “Abdullah would feign opposition and squawk, but would in fact be in favour seeing in partition good chances of extending his domains.” In Syria, the opposition would be genuine, strong and noisily vocal. In Lebanon, the Moslems would oppose and the Christians would not care. Ibn Saud and his people of Saudi Arabia “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.” “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.”²¹

The governing principle of the UK was another matter. The British position was *ostensibly* based on what they termed a just solution. Sir Alexander Cadogan, on 14 May stated, “We have tried for years to solve this problem of Palestine ...Having failed so far, we now bring it to the United Nations, in the hope that they can ...find a just solution which will be accepted by both parties.” Of course, no one, least of all Britain after almost thirty years of effort, expected both parties to agree to a solution. 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. The UN presumably would not support the latter. Britain was not willing to impose a solution alone, and would only impose a United

Nations solution if it agreed with it, that is, a unitary state with an Arab majority and protection for Jewish minority rights. This was the only solution that would not endanger Britain's position in the Middle East.

If there could be no solution acceptable to both parties, and, hence, just, the UK wanted to continue to administer the Mandate if (a) others shared the (economic and military) responsibilities and (b) the solution was acceptable to the UK "conscience". Since the likelihood of a solution acceptable to both parties was remote, Britain was really asking the UN to help share the responsibilities without giving the UN any authority. Further, Britain would accept UN involvement in an enforced solution only if Britain agreed to the solution. This meant that Britain's cooperation in the continuation of the Mandate 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. Bevin had argued that partition had to be ruled out, not because of principle, but because of Arab opposition. That opposition was so great that it would undermine the entire British position in the Middle East. As far as Britain was concerned, the UN entered the fray, not to assume responsibility over the mandate, but to allow the UK to continue its authority but with others sharing in the responsibilities. In the absence of a just solution, the UK hoped for a solution that served British interests.

But why would Britain expect the UN 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 USA? Wasn't it clear that whatever recommendation the UN made, it would not be one which included the continuation of a British role in Palestine? Though the expectations of the UK in referring the problem to the UN were products of British arrogance and insensitivity and 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 US was unwilling to take over military responsibilities in Palestine and the US was not open to an international force which would enable the USSR, through the UN, to have a role in the Middle East. Further, the UK 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 UK referred the problem to the UN, was it not reasonable to expect that the UK would be asked to continue the Mandate but with the burden shared by others? That was Britain's expectation until a final solution could be achieved that would outline some form of increased self-government.²²

But the self-interest of the parties on the ground would necessarily take precedence over UK interests by the very nature of such procedural justice. For the issue would remain, by definition, the division of a limited resource between two contending parties. Britain was not a contending party. There was little chance, in the name of peace, that a commission based on principles of administrative justice would continue the Mandate. The experience of the Commission on the ground only reinforced such a presumption.

Given the Arab, Jewish and UK positions, what were the positions of UN members? They could be divided into two primary positions – the internationalists and the skeptical realists. The international position had been stated succinctly a year earlier 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 neighbors and inhabitants of Palestine ... This is a world problem and has got to be a world responsibility.”²³ The Indian delegate at the Special Session of the UN on 18 April 1947 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.” (31:141-5) The Peruvian delegate expressed the doubt of other representatives in the General Assembly. He was uneasy about the grave international importance of the intervention of the United Nations in the Palestine problem. (71:11) In fact, the skeptics seemed to be in the majority. Yet the liberal internationalists won the day. Why? To put it simply, the only item at stake was the UN’s moral authority and influence. The skeptics had no investment in such influence. The internationalists did. Dictated by the primacy given to their moral convictions, they were willing to bet the house, and the skeptics had no reason to prevent them from doing so.

Clearly, the American position was key. If the UN proposed partition, the Arabs would be opposed and, hence, the UK would be opposed. If the UN 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. Then so would the Zionists, and vehemently. But the UK and Americans might be united on that proposal since it would cause the least offence to the Arabs. Would the Americans budge and support the UK and risk the antipathy of its Jewish domestic constituency? The UN could not satisfy both the Arabs and the Jews. Possibly, it could satisfy both the Americans and the UK, and alienate only one of the conflicting parties. This would only happen if and only if both agreed to support a unified state if that was the recommendation of the independent commission. On military grounds, and on political ones as well, the issue was not which extreme alternative specific solution was more just, but a mode of arriving at one of them which would unite the UK and the USA and only alienate either the Jews or the Arabs, but not both. In advance, it was difficult to predict what the American position would be, but the State Department was overwhelmingly favourable to the Arab position. If that was the outcome, a UK/US agreement backed by a UN independent commission would provide the only practical chance of UN success.

As we shall see, the independent commission primarily took the interests of the competing parties into account and not the interests of other powerful states. This could have been adumbrated when the First Committee of the UN convened on May 6th to determine the make-up of the Commission. One of the first issues that faced the First Committee was - Who 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 determined on the first day's session.

The UNSCOP Commission

The primary concern of the UN was the national rights in a territory not yet controlled by a sovereign state representing the inhabitants of that territory. Who should be on the Commission to recommend a solution? The rest of the debate of the First Committee focused 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 UK supported the US. The USSR initially wanted great power involvement.²⁴ This position 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. Other "neutral" countries like Canada supported the Argentinian position.²⁵ The US and UK were opposed. Ironically, the US and UK position - supporting a neutral commission - meant that their interests would be made very secondary in the Commission's deliberations. In the effort to keep the USSR off the Commission²⁶ and to distance themselves from the recommendations, the framework of the commission would produce a result which was neither implementable by the UN nor one which took the respective interests of Britain and the UK into account.

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. In the end, not only was the 'neutrality' issue affirmed, but the make-up of the commission proposed 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 Philippine Republic).

The delegations for those states were:

Australia	John Hood
Canada	Ivan Rand
Czechoslovakia	Carl Lyssicky
Guatemala	Garcia-Granados
India	Rahman
Iran	Entevan
Netherlands	Nicolaas Blom
Peru	Salazar
Sweden	Emil Sandstrom
Uruguay	Fabregat
Yugoslavia	Simic

Neutrality does not entail an absence of prior commitments. Neutrality entails an impartial examination of the Palestine question, as Dean Acheson argued.²⁷ Thus, although neutralism ostensibly meant procedural neutrality and neutrality in terms of stated commitments, it did not mean a total absence of bias. Different political considerations—where the individual comes from and the political weight given to different factors—greatly influences perceptions, deliberations and conclusions. This was particularly true in this case, as different members were clearly influenced by the presence of Muslim populations in their own countries. The bias issue was purportedly handled by the balance of composition in the membership constituting the committee.

The representatives on the committee were to be independent individuals, not government officials. Therefore, their recommendations were not to be influenced by nor bind any government. However, the convictions of its members are critical. The make-up of the committee was critical.

The Predispositions of the Members of the Committee

In documenting bias, for purposes of space, I will concentrate on documenting the bias of the Dutch delegation after initially sketching that of the others. The Latin Americans, who were most remote from the Middle East and had no history of involvement in the dispute, were expected to be the least biased towards either of the parties. As it turned out, though they may have begun from an unbiased view point towards either the Arabs or the Jews, Fabregat of Uruguay and particularly Garcia-Granadas of Guatemala, as Latin American liberals, became the most ardent advocates of the Zionist position. This was only in part a consequence of their political beliefs and what they heard and witnessed as members of the Commission, though the United Kingdom believed this bias was a forgone conclusion. In fact, the UK believed that Fabregat was influenced by both ideology and government instructions, whereas Garcia-Granadas was driven mostly by ideology.²⁸ Salazar of Peru, on the other hand, was an ardent Catholic. Christian, rather than political concerns became the major factor that shifted his vote in one direction or another.

Though the East Europeans were expected to toe the Soviet line, the Soviets surprised the UN when the General Assembly was voting to approve the recommendation of the First Committee to set up UNSCOP, composed of 11 "neutral" states. Gromyko said the Soviet Union would support either partition or a binational unitary state with protection for both Jews and Arabs if that was the recommendation. Since the Jews, with the exception of the Communists and a small elite led by Judah Magnes, were adamantly opposed to a binational state, and the Arabs were just as adamantly opposed to both partition and a binational state, the East Europeans might have been expected to be more inclined to support the Jewish position. This was particularly true of Carl Lissicky of Czechoslovakia who was close to Masaryk, the pro-Zionist Czechoslovakian leader. On the other hand, Czechoslovakia was a binational federal state so that it was not immediately clear that Lissicky would support partition. However, it quickly became clear that Simic of Yugoslavia, a non-communist member of the Yugoslavian bar, would not support partition. As a multi-national federation with a large Muslim minority living in fear that nationalistic forces could tear the country apart, Yugoslavia could be expected to be, and was, anti-

partition. There is so far no evidence to support the widespread Western belief that the East European delegates would be on the committee as pawns of the Soviet Union.

The two Asian states, Iran and India, one a Muslim state and the other a multinational state with a very large Muslim minority, could be expected to be against partition, an expectation fully borne out by the subsequent conduct of members from those states on the committee. Entezam was a Muslim from a majoritarian Muslim state and could be expected to support the Arab struggle. But it was even truer of Judge Rahman, the Indian delegate. Rahman was a Muslim and ardent opponent of the Muslim partition movement.

What of the two commonwealth countries? Could they be expected to be partial to the U.K.? Further, since Canada was also a binational state, would it be inclined to support a federal solution to the Palestine question and oppose partition? The final position of Ivan Rand differed from his initial predisposition. Rand was a typical Canadian and a consummate compromiser. Hood, though this was unknown until recently,²⁹ in fact, opposed partition. He believed that the creation of the State of Israel for a minority of Jews in Palestine, who had been encouraged to immigrate to a majority Arab area, would create a precedent for an international challenge to the restrictive White Australia policy. The Australian delegation was also under orders not to alienate the Arabs as Dr. Evatt, then Foreign Minister of Australia and the head of the UN delegation, had ambitions to become President of the General Assembly. John Hood, though not known at the time, was never neutral and always represented the interests of Dr. Evans, the Australian Foreign Minister as well as the biases shaped by his own past as a colonial administrator,

Of the two West European states, we now know that the Swedish appearance of total detachment was misleading, particularly in the personage of Eric Sandstrom who was particularly proud of Sweden's peaceful method of resolving the dispute with the Norwegians. Further, Sweden could have been expected to be pro-partition given its own peaceful separation from Norway in 1905. Paul Mohn, the Swedish alternate, actually preferred partition even before the committee began its hearings.³⁰ Mohn assumed that there would not be enough room in Palestine for the Jews who wanted to leave Europe and that, therefore, a total solution to the Jewish problem could never be found in that area. For him, the nature of the future government of Palestine had to be the foremost issue for the Commission; he supported partition. However, Supreme Court Justice Sandstrom was not so vocal at the time.

We find the following orientation of the committee prior to the commencement of its work. The Swedish delegation could be presumed to end up supporting partition. Garcia-Granados of Guatemala and Fabregat of Uruguay could be expected, because of their strong liberal convictions, to favour the Jews even if one assumes they were initially neutral. So would Lyssicky of Czechoslovakia. Salazar of Peru, a conservative, was an unknown but soon revealed himself to be a partisan of the Catholic cause. As it turned out, because of Salazar's innate conservatism as a foreign ambassador to the Vatican, and one inclined to vote for the side that guaranteed the internationalization or effective Christian control of Jerusalem, his vote could not be counted to favor partition. Hood, a civil servant from Australia, did not seem at the time to be inclined in either direction and his biases only

became known many years later through archival research. Rand as a liberal might be inclined to follow Granados and Fabregat, but, as a federalist in a binational state with strong ties to Britain, he might be inclined against partition. Simic might (and would) be inclined to oppose partition. Rahman and Entevan of Iran would be expected to support the Arab position.

In other words, the committee seemed reasonably balanced. If the Jews wanted to win support for partition, they would have to sell Fabregat and Garcia-Granados that they too were liberals and that the Arabs were not. They would have to solidify the support of Lyssicky. They would have to try to win over the support of the two Commonwealth members, but even then they would only have a bare majority. To win a clear majority they needed to convince Dr. Salazar and Mr. Blom, or both, to support partition.

The fact was that the Arabs began with four pro-Arab delegates biased against partition - those of India, Iran, Yugoslavia and Australia. The Jews had two strong supporters (the discreet Swedes and the Czechs) and two who would become their strongest supporters, Uruguay and Guatemala. Rand and Salazar were swing votes. The direction of the Dutch delegation could determine the centre of gravity of the Commission.

The Biases of the Dutch

The Dutch appeared neutral; they had not expressed a prior commitment one way or another on the Commission. Further, although we will show that the Netherlands had an inclination and some vested interest, because of foreign policy concerns of their own, in supporting the Arabs, their existing commitments did not in any clear way predetermine their ultimate position.

Initially, Dr. van Roijen, the Ambassador to Canada and the head of the Dutch UN delegation, had been favoured³¹ to be the representative on UNSCOP, but the alternatives ended up to be Nicolaas Blom or Professor van Asbeck.³² The latter might have been elected as Chairman since he was far better known than Sandstrom. He also might have been expected to be more biased **towards** the Zionist position given his unqualified legal advice to Blom that the Mandate clearly and without qualification indicated that the terms of the Mandate favored unlimited immigration for the Jews.³³

Whatever van Asbeck's biases, the point is moot, not only because van Asbeck was not named to the delegation, but because the delegates, as in the Australian case, were not independent of the Foreign Ministry. In contrast, Canada's appointee was specifically told by External Affairs Minister St. Laurent (soon to become Prime Minister) "to act in an independent capacity"³⁴ as much to preserve Canada's flexibility as to ensure that the 'best possible person' would serve with distinction. "The Canadian representative has not been instructed by the Canadian government concerning the policy he is to advocate or support," St. Laurent announced to the House of Commons on May 22, 1947.³⁵

The Dutch delegation also had not received any instructions. However, unlike the Canadian delegates who had true independence, the Dutch delegation had not received

instructions simply because the Foreign Office had not yet decided on what instructions to give. Blom, and Spits, his alternate, like good senior civil servants of a department, had asked for those instructions.³⁶ Though van Asbeck had advised that the Balfour Declaration favored the Zionist position, Blom would not commit himself; the Ministry had not yet adopted an official point of view though Blom asked the Minister for specific directions.³⁷ It was clear that before Blom decided how to cast a vote on the Special Committee he would seek the instructions of the Minister. Though Mr. Blom left for New York without any advice, when the deliberations of the Commission entered a stage at which a position had to be taken, Blom was told to report to the Minister, advise on the position he was inclined to take and then ask how he should vote. Thus, like the Australian delegation, but unlike virtually most of the other delegations, the vote of the Dutch representatives would not be theirs alone to decide. It would reflect the dictates of the Foreign Office as well as the biases of Blom and Spits.

One impression of Dutch bias was that it was pro-British. "The Netherlands delegate, Dr. Nicolaas Blom, was a former acting lieutenant-governor general in the Dutch East Indies who betrayed a slight sympathy for the British Colonial officials who were trying to run Palestine." (Bercuson, p. 9) This is a supposition inferred from Blom's own colonial past and a pro-British Palestinian administration remark. Blom, from the age of 24, had been in the Dutch East Indies since 1923. For a few years he was a judge and later became a civil servant in the Department of Justice. In 1939 he became head of the Department. During World War II he was a member of the temporary Dutch East Indies government functioning in Australia, and for several periods was Acting Lieutenant Governor General.

But the Dutch delegation, when they had to decide on a motion of the UK to narrow the terms of reference of UNSCOP to restrict all discussions only to "the future government of Palestine" rather than "the question of Palestine", voted **against** a British amendment to that effect.³⁸ This was in spite of the fact that the U.K. had supported van Kleffens as its first choice for presidency of the special session of the General Assembly.³⁹ In fact, when van Kleffens was scheduled to leave New York soon after April the 28th, Cadogan sent a telegram marked "of particular secrecy" to the Foreign Office requesting a private word to the Netherlands Foreign Minister requesting that he arrange for van Kleffens to stay in New York for the duration of the Special Session on Palestine. (Op. cit., 17/4) Van Kleffens, however, was unable to preside since he had other commitments. (Op. Cit. 4/27) There is no other indication of a pro-British bias among the Dutch delegation.

Further, Blom's memos to the Foreign Office and Blom's speeches in UNSCOP meetings gave no indication whatsoever of a pro-U.K. bias. In his Report to the Foreign Ministry on July 30th, Blom praised the English as fantastic⁴⁰ for providing a lot of information without any attempt to influence the decision of the Committee. He also noted the irony that the Jews perceived that the English, not the Arabs, were their enemy; this was not his view alone. It was a consensus of the Committee, including by then the most ardent fan of the Zionists, Garcia-Granados of Guatemala.

However, there is evidence of a pro-colonial bias and an anti-terrorist and, perhaps, anti-Zionist bias. Blom and Spits were opposed to taking up the issue, in the deliberations and actions of the Committee, of the three Zionists that the UK had condemned to hang. When the issue was raised about UNSCOP taking up the appeal by the mothers of the three young Jews under threat of execution by the British, Blom and Spits formed one of the three delegations to oppose considering the issue.⁴¹ But the context of the debate makes clear that this was not a stand taken because of a pro-British bias, but because of their beliefs about their limited responsibilities given the terms of reference of the Committee and their total lack of sympathy to terrorists given their own colonial experience in Indonesia. In their July 30th Report, they noted that the real problem was Jewish terrorism and echoed with sympathy the complaints of the English High Commissioner that the Jewish Agency may condemn acts of terrorism in public, but they provide no help in finding the culprits.⁴²

The Dutch colonial experience did influence their views. But it had nothing to do with any particular empathy with the British and everything to do with their own position in Indonesia. The Dutch position was perfectly understandable since the status of the Dutch colony was the most important foreign policy issue for the Netherlands. After the liberation of the Netherlands East Indies from the Japanese, a civil war broke out. There seemed to be no intention to keep the promise Queen Wilhelmina made during the war that Indonesia would be granted independence following the termination of the War. In 1947, police action (as opposed to military action in order to emphasize the domestic character of the dispute) was initiated to repress the insurrection led by Sukarno and widely believed to be a communist led revolt. All Dutch political parties, except the Communists, backed by public opinion in general, supported the repression of the revolt.

When the Special Session of the UN first convened, the Dutch delegates were concerned that the Arab motion, demanding that the U.K. immediately terminate the Mandate and grant independence to Palestine, might receive a majority. They opposed the motion. Nevertheless, they resolved to abstain if a majority appeared likely since they did not want to alienate the Arabs unnecessarily given that they might need Arab support for the Dutch position in Indonesia. The Dutch international image was also of importance.⁴³

The Dutch delegation was not simply concerned with avoiding alienating the Arabs; they wanted the Arabs to identify with the Dutch position in Indonesia and the Indonesians to learn from the Arabs about the dangers of communist infiltration. The Dutch delegation attempted to get an Indonesian advisor appointed to the UNSCOP delegation, an effort eventually frustrated by the shortage of funds in the Netherlands since, as in the UK, the economy had collapsed and Holland was completely dependent on the USA. for hard currency. They knew that the Arabs were afraid of communist penetration (which the Arabs identified with the Socialist Zionists). Oetoyo had heard this directly from the Saudi Arabian delegation. If an Indonesian advisor had been appointed, he, hopefully, would learn to fear communist infiltration in Indonesia. At the same time, he would establish close contact with different Arab institutions.⁴⁴

Blom was more persistent about getting an Arabist as an adviser. Blom went ahead and hired one claiming he did not receive the telegram from the Foreign Office declining his

request. Other than the documented exasperation of the Foreign Office,⁴⁵ it is not clear what such a clearly disobedient reaction meant - a desire and need to understand the Arab position better, a desire to influence the Arabs for future consideration, or both?

Though the Dutch opposed hearing from any Jewish organizations "whose sole purpose is to support the terrorists in Palestine"⁴⁶, they argued for hearing from the Arab High Committee. But the clearest statement of the Dutch delegation concern not to alienate the Arabs by taking any stand directly and clearly opposed to them lest the Arabs oppose the Dutch position in Indonesia came from Blom and Spits themselves in their May 28, 1947 memo to the Foreign Office.⁴⁷

Blom and Spits were unequivocal. They wanted to avoid a strong stand against the Arabs. But that desire was not helped by Arab behaviour.⁴⁸ The Arabs were considered very intolerant, though when they recognized what a bad impression they made on the majority of the delegates at the UN, the Dutch judged that their standpoint became more reasonable. There is some evidence that the Dutch delegates bent over backwards to view the Arab position favorably. When Blom and Spits were touring in Palestine and they visited three Arab factories, nothing untoward is noted in their report.⁴⁹ The lack of comment would go unnoticed unless one had read the remarks of the other delegates, including ones sympathetic to the Arab position, which indicated they were appalled at the widespread use of child labor in these cigarette and textile factories. The indications were that Blom and Spits were not looking for any evidence that would harm the Arab cause.

The Dutch delegation had begun with a pro-Arab orientation, but the Arab boycott of the Commission, the Arab unwillingness to compromise whatsoever and, ultimately, the threat of violence against any solution other than their own extreme one, lost the Arabs the chance of getting the Dutch to oppose partition. When the Indonesian rebels sought to forge an alliance with the Arab states, and the Arab states did not inform the Dutch, this was likely the final straw.⁵⁰

When Blom and Spits reported to the Ministry after they finished their tour of Palestine, they were unequivocal in noting that the only Arab state that was at all conciliatory was Transjordan. The Arab position was generally uncompromising. They wanted Palestine as an independent Arab state, the discontinuation of all immigration and were only willing to allow the Jews that lived in Palestine at the time of the Balfour Declaration, and their progeny, to remain. All others would be considered foreigners. They were adamant about opposing any other solution with violence.⁵¹

Blom followed this paragraph with the conclusion that partition seemed likely. The importance of the Arab failure to inform the Dutch about the Indonesian rebel approach is indicated by the inclusion, in Blom's final summary report to the Foreign Office, of an even more explicit reference to the incident in Beirut. As Blom recounts the story, the Lebanese representative showed he and Spits a cabled message addressed to Azzam Pasha (the Secretary General of the Arab League), signed by Sukarno (Soekarno in Dutch), stating, "Indonesian Muslims fully sympathetic with Arab demands in Palestine problem STOP Wishing you every success."⁵² Evidently the Secretary-General of the UN had received a

similar cable and had planned to inform the Dutch Ministry of External Affairs. The telegram, placing the Arab intransigents on the side of the Indonesian rebels, doomed any possibility of Dutch support for the Arabs.

The shift against the Arabs which led to this conclusion was accompanied by a parallel pro-Jewish shift. If the Dutch delegation was inclined to be pro-Arab, not because of the inherent validity of the Arab position, but because of the political concern for support for the Dutch position in Indonesia, but the positions, attitudes and activities of the Arabs inclined them against their former pro-Arab position, what was the Dutch delegation and Foreign Office attitude to the Jews generally and the Zionist position in particular? Did it offset their pro-Arab bias and reinforce their anti-Arab observations?

If the Dutch were to take a pro-Arab position in Palestine, the problem of the Displaced Persons (DPs) in the camps loomed as a very large problem, particularly for the Dutch. There had to be an alternative destination where the Jews could resettle. The Dutch colony of Surinam was seen as an appropriate destination. The Freeland League had been organized to facilitate Jewish immigration to Surinam. An initial plan to resettle 30,000 European Jews was devised. The question was whether the Freeland League had the financial resources to make the resettlement scheme work.⁵³ The Netherlands Delegation reporting on the scheme expressed high hopes for Jewish immigration to Surinam and requested that Blom and Spits be instructed to negotiate with the Governor of Surinam and the Freeland League.⁵⁴

All this activity was based on the results of a Commission that had been appointed by a resolution on March 18, 1947 (Res. 1166) to conduct discussions and consultations with the Freeland League for Jewish Territorial Organization and to advise on the desirability of fostering Jewish immigration to Suriname. It had visited Suriname in the first half of April. The Commission reported that the number of potential immigrants was not 30,000 or even the 200,000 in the camps, but 1,000,000 Middle and Eastern European Jews who were afraid to stay in their habitual homelands. The Freeland League was seeking to help 500,000 of them and saw Santo Domingo as a possible location for 100,000. Though the Commission thought that unlimited immigration would bring prosperity to Suriname and initially believed that the financial success offered very positive prospects, the initial key inhibiting factor was viewed as political, one not too dissimilar from the problem of Palestine.

The local population consisted of three groups - Creoles, Indians and Javans; the equilibrium of the three groups would be disturbed by a large influx of Jews. Since the smallest of the three populations was 35,000, the maximum absorptive capacity of a new group was seen as slightly less than this number - 30,000 to see how things develop. The Freeland League did not want to start a project with an initial limit on immigration. (Shades of Palestine!). The Dutch interpreted this as a desire for unlimited immigration, which they assessed as too politically risky. There were a number of other issues: Surinamese but not Dutch citizenship for the immigrants, administrative autonomous self-government for the community, Dutch or Yiddish as the language of instruction in schools, tax exemption for

the import of machinery and materials but not for the immigrants, a buyback agreement from the Freeland League of buildings necessary for government functions.

The proposals of the Freeland League were opposed by the Zionists. This, and the provision of an alternative solution for the Jewish refugees of Europe, were winning features for the Dutch. There were many negatives, however. The limited absorptive capacity of Surinam (according to the Dutch) was one. Further, the Dutch did not want any complications in Surinam; since the Colonial Office saw a connection between the Jews and the Communists, this perception did not help the advocates for the League's resettlement proposals.

As it turned out, the key problem turned out to be money: the financial resources were never there to carry out the scheme, so that option was closed. No other alternative for the Jews seemed to be available. If Blom and Spits had been able to propose an alternative to resettlement in Palestine in UNSCOP, would it have influenced the Commission? One of the key pressing issues was - what to do with the Jewish refugees remaining in the camps. Certainly, the evidence suggests that Blom was constantly on the lookout for an alternative to settlement in Palestine for the Jews. In his June 9th Report to the Ministry, he used Paul Mohn's assertion that Palestine offers insufficient space to solve the need for Jewish resettlement (though Paul Mohn supported partition) and suggested Somalia as a site to resettle the Jews.⁵⁵

There is no evidence of an anti-Jewish bias in all these activities. There is evidence, only of a pro-Arab and an anti-Zionist bias. The opposition to giving the Jewish Agency the right to speak in the Special Session, based on the argument about setting a bad precedent⁵⁶, while offering support to the Arab High Committee (see above), was one clear indication. The question was whether the anti-Zionist bias was simply derivative from the urge to cultivate the Arab vote or whether it had an independent basis. When, according to their own reflections, injustice combined with opportunism led to the defeat of their position on the Jewish Agency, they worked to restrict the range of matters on which the Jewish Agency could speak. They ardently opposed allowing Jewish terrorist organizations (the Irgun Leumi) the right to speak. As indicated above, they did seem to identify the Jewish penetration of Palestine with communist infiltration. This evidence suggests not only an initial pro-Arab bias, but an initial anti-Zionist one as well independent of the pro-Arab position.

There was another signal of an attitude unsympathetic to the Zionists by the Dutch delegates on UNSCOP. Blom and Spits opposed visiting the DP camps in Europe. They argued that such visits were entirely unnecessary to fulfil the functions of UNSCOP.⁵⁷ They insisted that they did not want the tragedy of the Holocaust to prejudge the matter. This position went much further than the stand taken by Fack of the Dutch delegation in the UN Special Assembly debate on May 6, 1947. Then, the Dutch supported the U.S. position that a visit to the D. camps in Europe did not have to be an **explicit** part of the terms of reference of the Commission.⁵⁸ The UNSCOP delegation even went further than the instructions received from the Ministry of External affairs advising them not to visit the DP camps, for the advice was not absolute, but was in reference to the timing of the visit. They advised that

the visits not be made before the investigation *in Palestine* is concluded lest it give a wrong impression to the Arabs that the Commission was prejudiced and prejudged the Palestine issue because of the tragic situation in Europe. This suggests that the anti-Zionist bias was held with greater conviction by Blom and perhaps Spits than by the Foreign Office itself.

All these factors were unlikely to have been simply a matter of colonial antipathy to insurrections against imperial authority. Certainly, the Dutch delegation was interested in cultivating not only the Arabs to back their position in Indonesia, but the Indian delegate as well. In the requests of Blom and Spits for an Indonesian adviser mentioned above, they argued that the appointment of van der Meulen would influence, "the relations between India and the Dutch Indies."⁵⁹ The evidence, however, suggests that it was not only the Indonesian position that influenced their initial pro-Arab outlook, but an anti-Zionist one as well. The two sources of bias were, however, interrelated.

There were, however, a number of facts which the Committee heard which made the Dutch consider the Zionist case more favorably. When Blom visited the Roman Catholic, Greek-Orthodox and Armenian patriarchs and the Custos (appointed by the Pope to guard the holy places controlled by the Roman Catholic Church) of the Holy Land, he learned that most Christian Church officials believed that Christian interests would be *in less danger* under a Jewish government.⁶⁰

Further, Blom and Spits were very impressed by the kibbutzim and the agricultural colonies they visited, noting the use of Dutch Friesland cattle which had been crossed with Damascus cattle. The draining of the Hulé swamp by Dutch Jews to turn the area below the Golan Heights into the richest farmland in Palestine impressed the Dutch delegation enormously.⁶¹ Zionist communist terrorists were now taking on the flesh and blood appearance of hard working self-sacrificing idealists who appeared reasonable in discussions. Most Zionists dismissed the idea of a binational state because the Arabs were intransigent in their position and would have veto rights over any important issue, an argument Blom would later use for casting the Dutch delegation vote in favor of partition.

The die was now cast as far as the Dutch delegation was concerned. The visit to the DP camps in Europe was not a factor influencing the recommendation of Blom and Spits. Extreme solutions had been ruled out by the whole Commission. Because of Arab intransigence, a cantonal federation or a binational state also seemed impractical. The Arab extremist position turned the earlier pro-Arab Dutch position around. At the same time, meetings with the Zionists and the contact with their innovations, as well as the situation of the Jewish refugees in Europe, inclined them towards partition in spite of a previous anti-Zionist bias. As per his original instructions, Blom checked with The Hague to see if a stance supporting partition would be acceptable. The Foreign Office had no objections.⁶² In fact, in Blom's final report he explicitly states that the standpoint of the delegation was determined according to received instructions.⁶³ The orientation of the original Dutch delegation to be pro-Arab and anti-Zionist had been totally reversed.

The question was how strong had that turnaround been. The real remaining issues were borders, Jerusalem and an enforcement mechanism. The latter seemed to be beyond

the Commission's terms of reference, though Blom was very farsighted in recommending a UN peacekeeping force. The determination of the border issue, however, did not favor the Jews. Blom, in the final summation of his position, approved by the Foreign Ministry, argued for a part of Palestine assigned to the Jews so that, "on the one hand, the Jews will have a chance for development and also increase in numbers, and on the other hand that the Arabs should not be prevented from living in their own country."⁶⁴ These phrases were code words for **not** granting the Zionists the West Galilee, or the Negev, as Blom makes clear in his conclusion. "I feel - but I say it with all reserve - that no part of the Negev should be given to the Jews anyway. With regard to West Galilee..it could be well that the just solution would be not to include West Galilee in the Jewish state."⁶⁵

As Blom's defence of the Dutch position makes clear, though the Dutch adopted a pro-partition position, they gave the minimum amount of land under debate to the Jewish state. However, they went all the way rhetorically in defending the terms of the Mandate as the legal basis of the solution, viewing immigration as the decisive issue and, in that regard, opposing the restrictions of the 1939 British White Paper. The Dutch support for partition, which would have seemed a remote possibility three months earlier, was now assured, even if the recommendations on borders were far from satisfactory to the Zionists.

Experience and Process

If the predispositions of members of the committee were the only factors affecting decisions, a committee would not have to hold hearings, would not need the benefit of expertise and would not have to conduct fact finding missions. The members could merely meet and vote based on their prior convictions. As indicated by the efforts of the Dutch delegates, the reality is that a number of other factors enter the equation once a committee begins its work. Who and what do the members hear? What do they see? Both of these played a very dramatic role in the consideration of the committee. The product of a commission is in good part the product of the interaction of its members and the guidance of the Chairperson. After all, a Special Commission dealing with a problem in the political arena is being asked to make a judgement. Legal precedent, historical factors, facts, principles, anticipated consequences, existing conditions, the goals of the system—all these must be weighed and balanced in the outcome. The different weights to allocate to the various factors will be influenced by weight of convictions of the members on the Special Committee. Another factor that has a powerful influence on the conduct and consideration of a special committee is the role of the full time mandarins and attached to the committee.⁶⁶

This, of course, presumes that the Committee is independent of the pressures of coercive force or material influence. There is no evidence that coercive power and material influence had any effect on the considerations of the Special Commission. However, neutrality also presumes that the members are not under the authoritative direction of any outside body. This was clearly not the case for the Dutch and the Australian delegates , and possibly Fabregat of Uruguay.

Committees, however, are not just bombarded with facts, experiences, and expertise that interact with their own principles, political concerns, and convictions to produce a particular brew. Committees follow a process. The whole process took approximately three months. The first formal session of the Committee was convened on May 26, 1947 by Trygve Lie. Two days before, the Arab governments, in a meeting at An Shas, called for a total halt to Jewish immigration and insisted on immediate independence for Palestine as an Arab state. By June 3^d the Committee made its initial decision that liaison officers would be appointed from the Jewish Agency, Britain, and the Arab Higher Committee. Only five days earlier, the Arab Higher Committee had its historic meeting in Bludan, Syria. Secret resolutions were passed to impose economic sanctions against the British and Americans.

The substantive work of the Committee began on June 11th with the departure of the main body of delegates and alternates to Palestine. The Arab Higher Committee organised a one-day general strike in the Palestine Arab community to greet the Committee on its arrival. On June 16th the Committee held its first full day session in Jerusalem and met in private with members of the Palestine government. That evening, Sandstrom as Chairman, broadcast an appeal for Arab representatives to come before the Committee.⁶⁷ On June 17th, open hearings began.

June 19th to July 3rd were taken up with site visits beginning in Haifa. It was during this period, on June 29th, that the Stern gang executed three British soldiers in Tel Aviv and wounded three others in Haifa. On July 4th the Committee met with Ben Gurion and, on the following day, with Chaim Weizmann. The latter meeting was followed a day later by the British announcement that Irgun prisoners would be executed. Three days later, two British sergeants were kidnapped by the Irgun. On the day the Committee held its first hearings in Jerusalem, when three convicted Irgun terrorists were sentenced to hang by the British, parents of the three condemned men, made an appeal to UNSCOP. After considerable debate and the opposition of Rahman, Rand and Blom, UNSCOM decided to intervene in light of the UN's call for all parties to refrain from acts of violence. The decision of the British to hang the three terrorists was an inauspicious start. When this was combined with the British unwillingness to appear before the Committee in open session (in spite of the compassion and neutrality of MacGillvary, the UK liaison officer to UNSCOP), the British began with two strikes against them.

The most memorable experience for the Commission, however, occurred on July 18th. The smoking and gashed hull of the Exodus with 4500 Jewish refugees aboard, including dead and wounded from a battle with the British navy, was hauled into Haifa harbour.⁶⁸ Sandstrom and Simic were witnesses to the transfer of survivors, many of the wounded wearing bandages and on stretchers to wire cages aboard the S.S. Ocean Vigour and other British ships for transport back to Europe. On 29 July, the British hung three Irgun terrorists. The Irgun then hung two British sergeants. And the Exodus entered Port-de-Boue, France where they began a hunger strike, refused to disembark and were eventually sent back by force to Hamburg and internment in German camps.⁶⁹ One week later, on August 6th in Geneva, the Special Committee began to deliberate on the contents of its report.

The experiences of the members—what they saw and what they heard—were critical – except, as we shall see, by those predisposed for personal or other reasons not to

be influenced by what they experienced. Experience was probably the most important factor in UNSCOP recommending that the Mandate be discontinued.

A Taxonomy of Alternatives

Those hearings followed the logic of elimination. Instead of beginning with ideal solutions or even desired solutions, the Committee began by eliminating those clearly not desired or least desired. When the Committee convened in Geneva on August 6th, they were presented with a very focussed agenda with an initial brief consideration to history, law, rights, and the genesis of the Palestine question. The members quickly plunged into the necessity for a choice among the alternatives in Sandstrom’s list.

- (a) Jewish state
- (b) Arab state
- (c) bilateral (sic!) state [meant binational]
- (d) federal state
- (e) cantonization scheme
- (f) partition

The list was a lineal one and not a logical classification ordered from the one least likely to be chosen to the last which was picked. Sandstrom also set the stage for majority and minority reports. He suggested that once the committee opted for alternatives, those who voted for that alternative would constitute a sub-committee to deal with the technical issues—boundaries, if required, constitution, facilities (railways, post office, etc.) and Holy Places. The committee would also have to deal with issues of timing and interim measures as well as the Jewish question in general (i.e. the refugees). It was clear that Sandstrom structured the discussion so that the issue of immigration and refugees would be one aspect of the problem, but the central focus would be on the political structure of Palestine.

The following taxonomy reveals the eleven possible alternatives available to the Commission. Those in italics, 5 of the 12 options, were not even considered. Confederation was inserted into the list as last minute proposal:

Dependent Solutions			Independent Solutions		
Trusteeships			Unitary State	Federal	Partition
<i>UK</i>	<i>UN</i>	<i>Alternate State</i>	Arab	Provinces	2 independent states
<i>administration</i>	<i>administration</i>	<i>administration</i>	Jewish	Cantons	<i>1 Jewish and Arab part annexed to Transjordan</i>
			Binational	Confederation	

OPTING FOR INDEPENDENCE

The omission of the Partition alternative with the Transjordan option is easily explained. As the Secretariat Memorandum had stated, “it is doubtful if the Special Committee has any authority to include Trans-Jordan in any proposal scheme of solution.” (p. 31) Dependent solutions (trusteeship under UK, other state or UN auspices

as alternative solutions) were not considered as permanent solutions either, though they were later considered as interim possibilities. Since Trusteeship was the clear choice and impetus of the UN Secretariat as contained in the initial Memorandum prepared for the discussions of UNSCOP, why were the forms of Trusteeship not even considered?

Part of the explanation for the elimination of Trusteeship was the very way the committee proceeded. It went to Palestine to see and hear for itself and was not trapped by the advice of experts. Secondly, the discussion proceeded, not on the basis of the memorandum prepared by the Secretariat before the Committee was even formed, but on one drafted by the Chairman with the assistance of the Secretariat. The list was a practical document structured with the options least desired at first and the Chairman's choice last. It was clear that Sandstrom set the stage for a logic of elimination to select the alternative which provided the 'least injustice' rather than one which set out to implement some ideal of justice.

However, the most important factors that eliminated the idea of continuing dependency was the experience of the committee members in their on-site visits as indicated above. As it emerged in the first meeting to deliberate the content of the Report in Geneva on August 6th, all the members, except Hood and Blom, opted clearly and unequivocally for independence. Rand favoured partition with an economic union. Rahman said, "nothing (was) possible but independence." Salazar asserted that, "Palestine must have self-government." Simic favoured independence, but for "Palestine as a whole". Lisicky said that, "only independence can be the solution." Granados also opted for "immediate independence". Entezam said the "Mandate must end and independence be given to Palestine". Fabregat provided as reasons for opting for independence that the "Work of Jews in Palestine astonished me. Jewish people want independence and we cannot fight this." Sandstrom favoured partition after a short transitory period of a year.

Only Hood and Blom hesitated to support virtually immediate independence. In the case of Hood, it was not that he was against "self-determination and the independence of people". Quite the reverse. He ardently advocated these principles. But since the practicality and workability of partition—the "only answer" he envisioned and to which he saw "no alternative"—seemed questionable, Trusteeship "based clearly on the principle of Charter may be considered." The process of eliminating alternatives forced Hood into a paradoxical position—support for Trusteeship, and hence continuing dependency, while insisting that the solution be governed by principles of independence and self-determination.

Blom was overtly equivocal. "Independence should be the arm of the final solution" but it "might be necessary even to have independence together with some kind of interim/international machinery to arbitrate differences." However, unlike Hood, Blom immediately questioned whether it was possible to have both independence and dependence, even in the weak form of limiting that independence by an arbitration mechanism since that would run counter to the principle of the sovereignty and equality of independent states.

The option of a continuing role for Britain in Palestine could no longer be taken

seriously by the UN Special Committee on Palestine. The hanging of the three Irgun terrorists on July 29th, after UNSCOP had left Palestine, the reprisal hanging by the Irgun of the two captured British sergeants, and the subsequent outburst of antisemitism in Britain⁷⁰ only reinforced the conviction that the British rule in Palestine was over. In light of the adamant Arab and Jewish opposition to an ongoing role for Britain, the determination of both the Jews and Arabs to obtain self-rule, and the deepening opposition in Britain to carry the extremely high costs of further involvement in Palestine, the transfer of the Mandate to a trusteeship administered by Britain, was, quickly rejected by the Committee at its first session, even as an interim measure.

In addition to the way the question was put and the experience of the committee when it was in Palestine, there were three other reasons for negating the possibility of a continuing dependent relationship. One was because the Arabs and Jews demanded it. This was factually true and was undoubtedly an influence. But the claims of both the Jews and the Arabs did not figure significantly in the debates over a solution.

Two other reasons figured prominently in those debates – the legality and workability of the Mandate. They all concurred that the mandate was perfectly legal. This was true even of Garcia Salazar. He claimed that the creation of the Mandate was not legal under international law; for him, it was legal as far as the Powers who signed the Treaty. Hence, since the Mandate was not legal under international law, “it was not binding upon the non-signatory countries...(It is a statement of policy which lays down precise obligations for the Mandatory power and is binding upon the signatory Powers, but has not contractual character, since it was not made with any other state or group of States.” (p. 3)

Sandstrom summarised the arguments for legality in a “Memorandum on Certain Legal Aspects of the Partition Scheme.” He cited the following legal documents: the Treaty of Sevres; the assignment of a mandate for Palestine by the Supreme Allied Powers in April of 1920; the confirmation by the League of Nations on July 24, 1922; and the Treaty of Lausanne that gave final disposition to the claim of the Arab countries in Article 16. The absence of the League did nothing to change the sovereign powers vested in Britain as the mandatory authority. The only basis of a legal claim by the Arabs was possession. Such a claim provides a strong case for the right to rule a country excluding other people. But self-determination as a principle is not absolute. It is qualified, particularly in cases of mixed populations. Further, “Where there exist different nationalities in the same country each group of the population can rely on the principle of possession and self-determination for claiming independent (sic). Nothing in international law prevents granting of independence to the different nationalities. There is no rule in international law which prescribes the indivisibility of a country.” (p. 3) Further, the pledges given to the Jews for a homeland have legal validity which “the promises to the

One further legal issue remained. Though the mandatory Power had the right to implement partition, the UN can recommend a partition solution (or any other) but, “does not seem to have any legal ground to *impose* a solution “*unless the mandate is in due*

Sandstrom concurred that the Mandate was unworkable. He noted, presumably in response to Blom's remark, that it was a "Pity that the League of Nations could not pass judgement on this point" (the limitation of immigration by the British White Paper of 1939). Sandstrom further stated that the "Mandate's commission was unanimously of the opinion that the White Paper was not consistent with any interpretation that could be given to the Mandate". However, Sandstrom seemed more concerned with pushing the committee towards resolving the essential paradox—how to grant self-determination to *both* communities in a way that would not result in war.

Ivan Rand contradicted Sandstrom's assertion that the mandate was merely a

statement of policy. For Rand, it was a legal undertaking. As became evident in his Memorandum presenting a confederation proposal (two states joined in an economic and social union) it was a spiritual obligation as well (a very different one than the “spiritual” politically idealistic plan which he claimed the bi-nationalists were advocating). Initially Rand had claimed that “the sovereign interest in the Commonwealth resides in the United Nations forever” because Palestine was the home of three great world religions.

If anything argued for some continuing trusteeship, this last point, rather than Blom’s problem of enforcement or Hood’s proposal of arbitration, would push for a continuing UN Trusteeship. But Rand was caught up not only by the spirituality of the land but by the uniqueness of the Jewish people. A homeland for the Jewish people was not only a legal provision of the Mandate and a refuge for oppressed Jews, but “as a condition of the rehabilitation of the Jewish spirit.” To accomplish this, Jewish self-government without outside interference was a requisite.

Thus, for very very different reasons—the current unworkability of the Mandate, the failure of the British to fulfill its terms, the demand for independence by both the Jews and Arabs, the support for self-determination, the obligation to allow the Jews to develop their own homeland, to fulfill the Mandate, to provide a refuge for Jews and fulfill their spiritual destiny—the overwhelming thrust of the committee favoured independence as soon as possible. The issue of trusteeship would remain a matter of interim legal succession to allow for enforcement or major concern to Blom and Sandstrom.

A Unitary or a Divided State

The next option to be considered was whether a unitary or a divided Palestine (partitioned or in a federation) was to be considered. Without exception, all the members ruled out both a unitary Arab state, even with the protection of minority rights. Even Rahman did not press for a unitary Arab state, though when polled this was his preference. Entezam thought that a unitary Arab state was just, but politically and militarily impractical. (second session, p. 1) In the fourth session, he supported Rand’s confederation proposal, but in the tenth session he opted for a unitary state. (p. 1)

A Jewish state, a state in which a minority of Jews would rule a majority of Arabs, was not even discussed. The only unitary state idea given serious consideration was the proposal that occupied so much space in the Secretariat Memorandum provided to the Committee when they began. The UN Secretariat had been very impressed by Judah Magnes and the idealism of a binational state. Contrary to Ben-Gurion’s insistence, the Jews did not present a unified voice to the Special Committee. Dr. Judah L. Magnes, from the liberal perspective, and Mapam, representing the Jewish communists, both advocated a binational state. But the case they made before the Committee was weak. It required postponing independence. Secondly, Jewish immigration was to continue until Jews achieved population parity with Arabs, a position which would put Britain in an unbearable position with the Arabs and was totally unacceptable to the Arabs themselves. Finally, the government that would emerge required good will and co-operation between Jews and Arabs. Evidence for that prospect was scarce and in direct conflict with what the committee experienced on its site visits. The proposal was treated with scorn by Ivan Rand when he said that he believed “Magnes is living in a spiritual place -- (he) doesn’t

sense the psychology of the Jewish mass in his bi-national state.” Besides, both Arabs and Jews needed the state as a symbol of identity.

Salazar, who gave the most empathetic expression to the perspectives of both the Jews and the Arabs, ruled out a bi-national state because immigration was the essence of the problem in Palestine. Unlike a cantonal state like Switzerland or a melting pot like the United States, immigration as a humanitarian aspiration, as a political quest, is crucial to the Jews and equally totally unacceptable to the Arabs. Division on such a fundamental issue doomed a bi-national state. Sandstrom was even more scathing in his criticism of bi-nationalism at the opening of the third informal meeting which began at 9:00 p.m. on August 7th in the office of the Chairman. Sandstrom pointed to the contradictions in Magnes’ position, insisting once on a 70:30 ratio and now parity. In addition to the proneness to stalemate pointed out by Fabregat, a bi-national state would be inherently unstable in the context. Sandstrom echoed Salazar’s argument—the problem of immigration was not and would not be resolved by a bi-national idea. Sandstrom cited the cases of Scandinavia—regarded as people of good will—where even there collaboration proved to be impossible between Sweden and Norway and between Denmark and Iceland. An external umpire would be needed and that was as unworkable as the present Mandate. Only Entezam favoured “some bi-national concept” and believed the current stalemate between the Jews and Arabs could be resolved. Granados also leaned towards a bi-national solution.

Federation or Partition—Influences

This left the choice between a federal state and partition. There were a number of factors which shifted the direction of the decision from a federal solution to one favouring partition. One was the strategy of the majority of Zionists. They appeared reasonable and willing to compromise. For although they argued that history, international law (the Balfour Declaration, the League of Nations Mandate, etc.) spoke for a unified Jewish state in the balance of mandatory Palestine under British rule, they indicated indirectly that a partitioned territory into Jewish and Arab states in Palestine would be an acceptable compromise. This strategic decision was reinforced by the efforts of the Jewish Agency to cultivate members of UNSCOP and to present an overall sense of balance in the Jewish presentations.⁷¹

If Dr. Judah Magnes and the Jewish Communists took the high road of utopian idealism detached from the day-to-day realities of Palestine, the Jewish Agency employed traditional political strategies and tactics to argue for partition while presenting the case for a unified Palestine under Jewish rule. On the one hand the committee members were presented with a utopian dream and a distorted myth of Arabs and Jews living side by side in eternal friendship. From the hard-headed politicians, on the other hand, they were given a different historical mythology of idealistic Jews sacrificing to redeem the soil and bringing progress, not only to a wasteland but to the Arabs of Palestine. Ben Gurion recounted his own migration to Palestine over 40 years earlier to work in the little village of Sojera in the Galilee, plowing the field with one hand and holding a rifle with the other. The Jews were painted as the heroic redeemers of the soil through toil who also had to defend themselves from rabid Arabs who attacked their settlements without reason, even though offered the Jewish hand of friendship.

Ben Gurion, mixing lofty ideals with personal tales, presented the same line he had used many times before. It was a replay of his presentation to the Anglo-American Committee of Enquiry—the Jews brought hard work, the Jews brought prosperity, the Jews brought culture, the Jews brought the hands of friendship to the ancient homeland, all within and under international agreements which promised the Jews a homeland in Palestine. When this story of heroism was combined with the story of century after century of victimization culminating in the Holocaust, the marriage of Jewish hero and Jewish victim made a compelling presentation.

But Ben-Gurion's case was not a coherent one. For Ben-Gurion's interpretation of antisemitism was that whenever you have two groups, one strong and powerful, the other weak and helpless, "the strong will always take advantage of the weak." (1994, p. 193) If the Jews were to become the economically, intellectually, politically and militarily powerful group in a united Palestine, would they not then inevitably take advantage of the weaker Arabs? Even in a partitioned state with a large minority of Arabs, would not then the hands of friendship turn into the fist of repression?

Ben-Gurion presented himself as the tough fighter imbued with high ideals.⁷² One could not be sure whether one was watching James Cagney playing in a Hollywood fight picture of Danny Kaye as the Connecticut Yankee in King Arthur's Court, marching between the Confederate and Yankee military positions wearing a Confederate uniform on one half of his body and a Yankee uniform on the other, with the Confederate flag facing one way and the Yankee flag facing the other. The Committee did not require a playful wind to suddenly blow the flags the other way and reveal the subterfuge.⁷³

The case against the continuation of the Mandate and for some Jewish state was reinforced by the vast majority of all Jews who made presentations, whatever their differences. In the plurality of the views presented, there was one case made, free from cant and contradictions, which synthesized high morality with realism, the voice of Chaim Weizmann. Chaim Weizmann, the retired and respected elder statesman of the Zionist cause, stood out as the voice of pure practical reason (in contrast to opportunistic reasoning) applying morality to the situation in Palestine. Though Ben-Gurion stated that Weizmann spoke only for himself,⁷⁴ it was clear that Weizmann's public testimony reinforced the powerful positive impressions of Sandstrom and the other members of UNSCOP who had met with him previously in a private session in Rechovot. Chaim Weizmann's direct, honest and straightforward appeal for partition as the only conclusion that practical and moral reasoning could devise provided the centre point to the hearings. The Committee had been set up to combine competence and high moral character. The Committee members could identify with Chaim Weizmann.

If Chaim Weizmann seemed to walk the fine line of pure practical reason between Jewish utopian, pure, unpractical reason and the opportunistic politics of the Jewish Agency, the Arabs presented themselves as the agents and voice of unreason. It was not simply that the Palestine Arab leadership boycotted UNSCOP. That position, at least had a rationale. But it was irrational when they would not even meet with UNSCOP representatives unofficially or devise a practical strategy. The absolute conviction about the justice of their case was not put forth as an argument. And they ignored a strategy of denying their enemies a victory (which a recommendation for a federal solution would have been) even if they could not obtain UNSCOP support for their own position.

The seeming unreason of the Arab leadership caught up in the lofty rhetoric of pure justice was matched by the unreason of the man in the street and the reality of Arab injustice which the Committee itself witnessed. It was not simply encounters, such as that of Garcia-Granados' alternate who heard accusations that most of the UNSCOP committee members were Jews who deserved to be hanged.⁷⁵ They experienced the general hostility of Arabs towards Jews as Jews. They also saw the squalid conditions and the exploitation of the Arab by their own people, particularly of children in factories.⁷⁶ If Arab Palestinian politicians more than complemented Ben-Gurion's rational political machinations with unreason, Arab Palestine men in the street offset the utopianism of the Zionist pure idealism demonstrating the widespread prejudice and exploitation current in Palestine society.

The only possible counter to Chaim Weizmann by the Arab side was a meeting with the Arab League in Beirut and a subsequent side meeting with Abdullah in Amman. (Abdullah claimed that that he could not meet with the Committee in Jerusalem since Transjordan was not a UN member.) The Arab League members tried to match rhetoric with Ben Gurion. They promised a future friendship of Arabs and Jews matched in Beirut by the Arab League members' mythology of past Jewish-Arab co-operation and friendship that had lasted until the Zionists had come along to disrupt it. However, they decried the Zionists as the source of all evil in the Middle East. At the same time, they provided a very tenuous rationale for the Mufti's alliance with the Nazis in World War II. Their words gave little succour to the committee as they described Jews as a "foreign body" in the Middle East, in language that echoed Hitler's antisemitism. They followed this up with the description of the danger that a foreign body presented if allowed to grow. Violence and radical surgery were necessary to excise that foreign body and protect the integral unity of the Arab people. Mixed in with the rhetoric of a past and future love fest between Jews and Arabs, they proffered a rhetoric of hate. They combined this contradictory position with a totally unrealistic and exaggerated sense of the political power of Great Britain as well as the strength of their own economic power and the susceptibility of Western powers to Arab economic blackmail. Needless to say, not even the pro-Arab members of the Committee were impressed with the Arab League performance.

In Amman, Abdullah was more generous in not demanding the expulsion of the Zionists who arrived subsequent to the Balfour Declaration and in granting all Jews then present in Palestine citizenship. However, he was just as adamantly opposed to further Jewish immigration and a Jewish state in part of Palestine. He, like the Arab leaders in Beirut, provided a foil for Chaim Weizmann. Unlike Ben Gurion, he exuded no personal ambition and reverence for power, impracticality and unwillingness to compromise. His was not the voice of unreason and the denial of any status as a people or a nation to the Jews, as the Arabs then had in Beirut. He did not depict the Jews in language that echoed Hitler's ideology while denying any commonality with that ideology. Abdullah, without the hate, without the contradictions, was as reasonable as the Arab voice could be, but it was far short of what the Committee was looking for.

Federation of Partition—The Debate

Against the weight of prior experience and conviction, these experiences shifted the weight of the case from a federal solution towards partition. Whether that shift could

be maintained and build to a majority and what form it would take depended on the interaction among the committee members and between the members and the secretariat assigned to them to prepare the recommendations.

Simic was first off the mark to defend a federation. A key factor influencing him against partition was that Arabs and Jews were scattered throughout the country. Bi-nationalism for him was a “murky” concept. His proposal, however, was an attempt to give a constitutional federal expression to a bi-national ideal with “equal rights for Arabs and Jews within the framework of a common state.” (August 7, 1947, p. 3) He envisioned the federal government with two houses, one constituted by representation by population, the other with equal representation from both national groups. Arab and Hebrew would both be official languages. Within the federation there would be self-governing units with their own powers. A federal court would have authority to review all laws, including those of the self-governing units. The holy places would be internationalised.

Lyssicky questioned the workability of Simic’s proposal since a common will was lacking in both parties. Blom, too, found no real co-operation between the two communities; this implied that even a federal form of bi-nationalism was unworkable. Entezam was amenable to a bi-national state in Simic’s federal form. Since Rahman opposed partition and really wanted a unitary state with equal rights for all citizens and no community rights, and though he also opposed, by definition, a bi-national state in a unitary or federal form, he too would, by a logic of elimination, end up supporting a federal idea.

The defenders of partition were Sandstrom, Fabregat and Rand, the latter in the form entailing an economic union. Lisicky, in questioning the workability of a federal system, would be left only with partition, but in the third session expressed a preference for Rand’s proposal for partition with a federal component—what became the confederation proposal. Salazar also was inclined toward partition and that gave the partitionist group just under half the members.

The waverers were Granados, Hood, and Blom. Hood, like Blom, questioned how partition could be enforced. Further, within the Jewish state there would inevitably be a problem of a large Arab minority. The key issues for him were immigration, security and the mode of transition. Just as the issue of immigration was the telling one for Salazar in ruling out a federal solution as unworkable, it was that problem that could push Hood toward partition provided the issue of enforcement and transition could be resolved. Federation, on the other hand, “had all of (the) disadvantages of partition and practically none of the advantages.” (Third Session, Minutes, p. 4)

Granados, to answer the problem of immigration raised by Salazar, proposed a cantonal federation with an equal number of Jewish and Arab cantons, but agreed with Sandstrom that this solution did not satisfy the principle of finality. He was open to partition. Blom remained generally sceptical but focussed his scepticism on partition. As he said in the fourth session on August 8th, he was “not in principle against partition...(but was) not yet convinced that partition is the only way out”. Fourth Session, minutes, p. 4)

What would or could cause Granados, Hood, and Blom to shift?

The Role of the Jewish Refugees

In the process, one additional historical factor allegedly pushed the committee towards a recommendation of partition—the plight and wishes of the Jewish refugees in Europe. From the beginning the committee had accepted the principle of a linkage between Jewish refugees in Europe and the future of Palestine. The Arabs had made it clear that they were adamantly opposed to future Jewish immigration, including Abdullah who was the only Arab leader prepared to offer the Jews some form of constitutional protection. Though the committee decided not to visit the camps in Cyprus where the Jewish refugees who had tried to run the British blockade were interned, they received confirmation from the International Refugee Organization that 90 percent of the Jewish refugees wanted to go to Palestine. Their own committee of alternate delegates, headed by Hood and accompanied by Fabregat and Garcia-Granados, set out from Geneva on August 8th to visit the camps just as the committee had begun to deal with concrete alternative solutions to the problem. Hood, who headed the committee, had in fact opposed visiting the camps. When he led the inspection team, he was scrupulous in ensuring that they were not led to see and hear what others wanted them to see and hear. They made their own itinerary, selecting a wide cross section of camps as well as the officials and refugees they would interview. They returned in slightly over a week to Geneva to report on August 16th to the overall committee. The recommendations were clear and unqualified. Even Dr. Ali Abdullah of Iran concurred in the report on the camps. The essence of the report was that:

- (1) Even if alternative options were available for immigration—such as to the United States -- 75 percent of the Jewish refugees would choose to go to Palestine;
- (2) The conditions in the camps two years after World War II had ended were atrocious, even though the refugees received sufficient food and clothing. The sickness and poverty of the Jewish refugees from Romania in the Rothschild Hospital in Vienna made a particular impact on the committee;⁷⁷
- (3) The motives of the refugees were mixed, but belief in Zionism as an ideology was less important than the inability to resume life in Europe haunted by the Holocaust and the fear of rising anti-semitism in Europe since it was now evident even in Great Britain.⁷⁸

Did the plight and wishes of the Jewish refugees shift the weight of opinion of the committee members from federalism to partition? Was the sub-committee's visit to the camps the deciding factor?

The direction of the decision was clear before the visit to the camps. Five favoured or leaned towards partition: Sandstrom, Fabregat, Rand, Lisicky and Salazar. Entezam opposed partition but, contradicting himself, favoured Rand's idea (Fourth Session, p. 2) then a unitary and finally a federal state. Three were opposed: Simic favoured a federal solution; Rahman favoured a unitary state; Granados favoured a cantonal scheme, but was open to partition. Hood and Blom had not committed themselves. Did the report on the camps produce the shift?

One way to judge what influenced the committee members is to note any shifts in thinking between August 8th and August 16th when the sub-committee returned with their

report. Before the committee even left to visit the camps, the issue was no longer partition or federalism, but what form of partition would be adopted and whether there would be any connections between the partitioned parts to form some economic union. Further, Rand had made clear in his discussions with Horowitz⁷⁹ that he favoured the internationalization of Jerusalem. Since Salazar was a conservative Catholic very attentive to the concerns of the church, it was clear that the support of Salazar and Rand for partition would come with a caveat—the exclusion of Jerusalem from either the Jewish or the Arab state.

The debate had moved beyond federalism versus partition, to what form partition would take. Federalism was no longer a serious contender. It could not muster a majority. How did two of the three members opposing partition (including Entezam) shift to support federalism? Did the report on the camps have any impact on the shift in their opinions? Since the shift became formalized when Simic, Rahman and Ertezam agreed to form a working group on a Federal State on August 20th, after the sub-committee had reported, the visits to the camps may have had some impact on the shift. However, from the record of the discussions, if the visit did have effect, it was not an evident or a very important factor.

What about the shift of Granados, Hood and Blom towards partition? Two factors seemed to play an important role in the shift. First, there were the arguments and clear opposition to a binational state, even in a federal form. When Simic brought forth his constitutional federal version of a binational state with a bicameral legislature, with equal Jewish and Arab representation in the upper house, he received no direct support. Only Rahman appeared as a potential ally.

If Rahman, Simic and Ertezam wanted to increase the support for a more pro-Arab position, they would have to unite on a federal solution, solidify Granados' position—who was the most overtly pro-Zionist member and an unlikely ally. Even if they convinced Hood and Blom, who were more sceptical of a federal solution than partition, they would only have five supporters. They just did not have the numbers.

It was not the humanitarian plight of the Jewish refugees in Europe but the politics of the committee that were critical in making federalism a minority recommendation and partition the recommendation of the majority.⁸⁰ But the visit may have had an impact on Hood, who headed the committee and had not made up his mind. It did seem to impact on Blom, who in his memorandum focussed on the process of transition as the essential elements in the solution rather than the solution itself—the need for both a transitional period (an interim trusteeship) and enforcement. The clue to what influenced him is provided in his concern that no solution could be put into effect against the will or possibly even active resistance of both Jews and Arabs. “The willing cooperation of at least one of the communities would be vital if not indispensable.” (p. 7) Partition would earn the enmity of both the Jews and the Arabs.

However, the plight of the refugees did have an impact. Blom echoed others in seeing the issue of immigration as critical. In fact, and opposed to Sandstrom who started with the political structure, for Blom, it was the “essential prelude to a definitive solution”. (p. 3) In contrast to the view that a Jewish state provided the only home for those helpless Jews, Blom saw the situation of the intolerable conditions as a tool to

influence world public opinion and blind people to the Arab fear of a flood of Jewish immigration. He went on to call for easing the plight of the Jewish, the D.P. camps and in Eastern Europe to lessen the pressure of the immigration problem and allay Arab fears. These words do not indicate Blom was influenced by the camp report.

The Influence of Bunche

There was another key factor—Ralph Bunche. Bunche was the key UN civil servant on UNSCOP. Bunche, in his heart of hearts, opposed partition.⁸¹ He questioned the economic viability of what he saw as a truncated Arab Palestinian state and foresaw a reactionary quasi-fascist regime emerging to rule in the Arab territory, thereby threatening the future relationship between the Jewish and Arab states. This would, in turn, threaten the prospect of maintaining peace in the Middle East.⁸² He initially believed that Jews were more interested in saving the remnant in Europe than in a state.⁸³ This echoed a pre-eminent American concern with the refugees. This was probably a key source of the belief that the concern with Jewish refugees and the Holocaust was a decisive factor in the UN's and UNSCOP's deliberations.

Bunche was also aware that partition was unacceptable to Britain. If the British were to be relieved of the Mandate as soon as possible, and, at the same time, assume some responsibility for the transition to a new political era, British co-operation was central. Finally, the U.S. State Department was also not enamoured with partition. Loy Henderson, the head of the office off Near Eastern and African Affairs, thought a partitioned Jewish state was antithetical to the principle of self-determination and even favoured a binational rather than a federal solution.

The drafting of the recommendation for the federal state solution was undertaken by Bunche. Why did Bunche favour federalism if any federal plan required good will between Arabs and Jews and this was the key ingredient “completely lacking” in Palestine and the biggest single flaw he found in all of Rahman's modifications, qualifications and complications.? Because Bunche did not believe in good will to carry out his federal scheme. He believed in the authority that the UN could and would have as the interim ruler of Palestine, with presumably, Britain as the administrator on behalf of the UN. In fact, both the majority and minority reports of UNSCOP would include this recommendation so that the UN would, in fact, be given the interim legal authority it did not have when Britain referred the Palestine problem to the UN.

Thus, the synergy of the politics of the committee and the convictions of its key civil servant, Ralph Bunche, acted to reintroduce the federal option into the committee deliberations. It was not that Bunche acted in any way except as the proper international civil servant. He was scrupulous, almost too scrupulous, in not pushing the committee. Weeks before the deadline for the UNSCOP report, there was little sign of any detailed agreement let alone a completed document. Some argue that if it was not for Bunche, there is every likelihood that there would have been no report. (FRUS, Sept. 24, 1947) It was not simply that Bunche was adept in the politics of moving a committee along, but he was a fount of knowledge and an indefatigable workhorse who strived tirelessly to ensure that a draft paper emerged reflecting the thinking of the committee.

It was precisely because he played this role that he was so influential. In retrospect it seems clear that without his input, the minority report on a federal solution

would have had little substance. In fact, it is just as likely there would have only been one report with three dissenters. If that had been the case, Hood would have had little excuse to abstain based on an objection to a divided report.⁸⁴

The committee recommended a separate status for Jerusalem. This ensured Salazar's support for partition as well. However, the idea that Jerusalem should be dealt with as a separate entity if partition took place was broadly shared by all committee members and was not just a sop to Rand and Salazar to obtain their votes.

If either of the sub-committees of the partition committee had broken down, either on the constitutional issue of the extent of unity between the divided parts, or over the serpentine boundaries of the two states,⁸⁵ if the decision on partition had proven impossible to implement even in the thoughts of the committee members, then the minority federal state proposal of UNSCOP would have emerged victorious. A federal solution was the predisposition of the key civil servant. It was the predisposition of the majority of committee members before they joined UNSCOP. It was the compromise to which those adamantly in favour of either a unitary state or a binational state had reluctantly moved. But it was the compromise and the convictions of the UNSCOP majority partition proposal that enabled a majority in favour of partition to be garnered.

The Key Factors and Final Report

Why did the committee support partition? Not because of the plight of the Jewish refugees in Europe or the guilt over the Holocaust. The humanitarianism of the committee members was not crucial.⁸⁶ However, the disposition of the refugees was a matter of general concern predisposing most committee members to give the Jews control over immigration, whatever solution was chosen. As Abba Eban perceptively reported back to the Jewish Agency on August 4th, "practical considerations" would dictate the solution.⁸⁷ Not compassion. Not abstract reason or pure principles of justice. Not the skill of the Zionist lobbyists or the lack of skill of the Arabs. As the final report accurately noted, it was the reality that already existed in Palestine that was a key determinant of the outcome. The committee ethos and its process allowed what was first a minority position to emerge to the forefront. Two independent communities existed in Palestine. They were mature enough to run their own affairs and possessed the institutions and resources to do so. They lacked the will to do it together. And there was more than enough ill will to prevent any attempts at forced co-operation being successful. The predispositions of UNSCOP may have favoured a federal solution, but the reality of two separate and irreconcilable communities in Palestine and the ethos and politics of the committee led to a majority recommendation in favour of partition.

In 11 of the recommendations, the committee was in unanimous agreement, including 5 important ones. The Mandate would be terminated and independence achieved at the earliest possible date. The authority administering Palestine in the interim between the Mandate and independence should be responsible to the United Nations.⁸⁸ There should be adequate protection of the rights of minorities and of religious interests. Economic unity of Palestine should be preserved as indispensable to the development of the country. Immediate action should be taken on behalf of the displaced Jews in Europe.

The majority of the committee⁸⁹ recommended partitioning Palestine into Jewish and Arab states while placing Jerusalem under an international trusteeship. To the Jews would go approximately 57% of the land—most of the coastal plain (the best agricultural land) including the Eastern Galilee and most of the Negev desert, including the north-east, central and southern portions. Within the Jewish state, the initial population would be approximately 498,000 Jews and 407,000 Arabs. The Arab state, largely in central Palestine, would comprise 725,000 Arabs and 10,000 Jews. Each state consisted of three pieces of territory, meeting at two points. Jewish immigration would be limited to 150,000 persons⁹⁰ for a two-year transition period; thereafter, if independence had not yet been achieved, 60,000 Jews would be allowed to immigrate yearly. On achieving independence, it would be the responsibility of the Jewish state to determine the number of people it felt it could absorb. Though there would be restrictions on the entry of people via the external boundary in the initial two years (that is, on Jewish immigration), the assumption was the boundary between the two states would not be a barrier to the movement of people or goods. The two states would be joined in economic union—covering customs, currency, transportation, joint ports at Haifa and Jaffa—and undertake a common economic program, including land reclamation, soil conservation and irrigation. Independence would be granted when either or both states adopted a democratic constitution, declared its intention to respect holy places, religious and minority rights, and signed a ten-year treaty of economic union. In the interim (conceived of a few years at the maximum) the British would “carry on the administration of the territory of Palestine under the auspices of the United Nations and on such conditions ... as may be agreed upon between the United Kingdom and the United Nations”.

The stated and rhetorical assumption behind the UNSCOP partition plan, which the majority admitted would be difficult to realise, was that: “the setting is one from which, with good will and a spirit of co-operation, may arise a rebirth in historical surroundings of the genius of each people...The Jews bring to the land the social dynamism and scientific method of the West; the Arabs confront them with individualism and intuitive understanding of life. Here then is this close association, through the natural emulation of each other can be evolved a synthesis of the two civilizations.”⁹¹

The minority in UNSCOP, India, Iran and Yugoslavia (all with sizeable Muslim populations) recommended a federal state with Jewish and Arab provinces. A United Nations authority would administer Palestine for a three-year transition period and would draw up a constitution allowing for a two-chamber legislature—one with equal Arab and Jewish representation, one elected by proportional representation. (This was in Simic’s original proposal for a bi-national state.) Until independence, Jewish immigration would be controlled by the United Nations authority. Thereafter, it would be the responsibility of a federal government that, as could be foreseen, would limit immigration severely.

It does not take hindsight to recognize neither plan could likely work unless reinforced with considerable external pressure. The Arabs could not and would not cooperate with a proposal which awarded control of almost 60% of the land to just over one-third of the population. This is quite aside from their complete unreadiness to see any territory whatsoever sliced away from the Arab domain and given away to those whom they regarded as outsiders, as cast-off Europeans. Further, even in the part allocated to

the Jews, Arabs would constitute almost half the population in the beginning. But it would be a Jewish state in which, through immigration, Arabs would become a smaller and smaller minority. Further, the two populations had been at odds over the future of Palestine since the 1920's. The majority solution clearly depended on good will, of which there was little sign. There was a pro-western colonial mentality—that is, the Jews had the industry and skills, coming as they did from the West; the local population was granted an “intuitive understanding of life,” an attribute that said more about the ignorance and romanticism of the West than the character of the local population.

Nor did the minority report have a chance either. Since it clearly rejected the idea of a Jewish homeland and provided for no resolution of the Jewish refugee problem, neither the Jews nor the United States could be expected to live with that solution. Further, before the United Nations, the Arabs had consistently and publicly demanded a unitary state and opposed a federal solution.⁹²

When problems do not admit of any easy, peaceful resolution, and there is no one in a position to impose a solution, then they are usually resolved by power or the threat and fear of power weighed against the potential gains if fighting is avoided. A civil war was clearly imminent, and do what it might to forestall it, the United Nations debate and resolution were more important in providing moral support and legitimation for the Jews and the nascent state of Israel than in heading off the conflict which now appeared inevitable.

Conclusion

It is helpful to review the considerations that made UNSCOP, or, at least the majority in UNSCOP, favour partition. The brief Memorandum in the archives of the UNSCOP committee entitled, "Justification for the Partition Decision" (DAC --13/3.0. 1:1) follows the line of argument of Emil Sandstrom, the Chairman, and is written in the form of a legal brief citing facts, rights and mitigating circumstances. The rights rather than facts are cited first in terms of the valid *and irreconcilable* national rights of the Jewish and Arab communities in Palestine. Regardless of historic or legal claims, the reality of two conflicting groups -- 600,000 Jews and 1,200,000 Arabs -- is fundamental. Only partition could provide a final decision to that reality since, "There is meager (sic) evidence that any hope for political cooperation in Palestine for Arabs and Jews can be justified". (Op. Cit. 6, p. 2) This blow was clearly aimed at the Federal scheme but also at the rationale behind the Zionist case. This is in direct contrast to the centrepiece of the Jewish case as presented by Dr. Silver of the Jewish Agency who argued before the Special Session of the General Assembly setting up UNSCOP that the Jewish case was primarily a legal and historical one.

To treat the Palestine problem as if it were one of merely reconciling the differences between two sections of the population presently inhabiting the country, or of finding a haven for a certain number of refugees and displaces persons, will only contribute to confusion. The Balfour Declaration which was issued by His Majesty's Government as 'a declaration of sympathy with Jewish Zionist aspirations' declares: 'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people. The Mandate, in its preamble, recognizes, 'the historical connection of the Jewish people with Palestine' and 'the grounds for reconstituting' 'their national home

in that country.' These international commitments of a quarter of a century ago, which flowed from the recognition of the historic rights and of present needs, and upon which so much has already been built in Palestine by the Jewish people, cannot now be erased. Certainly, the United Nations, guided by its great principle proclaimed in its Charter, 'to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained', can never sanction the violations of treaties and of international law.⁹³

UNSCOP would not sanction violating the Mandate of the League of Nations, but neither would it make the legality of the Jewish claim and the obligations of international law the centre of its decision.

Partition was based on reality. Partition was final. Partition was based on recognition of rights and claims of both communities. Partition was the only alternative given these realities and goals. It had the additional merit of placing primary economic and political responsibility for its implementation on the two communities themselves rather than on some outside bodies. But the key factor was immigration.

Jewish immigration is the central political issue in Palestine today and is the one factor, above all others, which makes impossible any effective political cooperation between the Arab and Jewish communities in a single state. (clause 8, p. 2)

The Minority Reports of the three dissenters favouring a federal solution was based on controlling immigration of Jews to Palestine, a control placed in the hands of a higher federal structure. The Majority Report recognized that this minority proposal would solve neither the wishes of the Arabs for an Arab unitary state with Jewish minority rights nor the Jewish insistence on their sovereign right to control immigration. Though the proposed Jewish state had to be given the right to control immigration, it did not have to be given the borders necessary to solve the Jewish problem as a whole. The Jews were granted sufficient borders to allow for immigration and further development, but, given the resources and potential development in that territory, not enough to threaten the position of the Arabs.

It is clear that both the Minority and Majority Reports did not envision unlimited Jewish immigration to Palestine, but the Majority Report in granting sovereign control to the Jewish state gave the right to decide on the number of immigrants to that state. The Minority Report ruled out granting such rights. "No claim to a right of unlimited immigration of Jews into Palestine, irrespective of time, can be entertained."⁹⁴ But the Minority Report went further.

No basis could exist for any anticipation that the Jews now in Palestine might increase their numbers by free mass immigration to such extent that they would become the majority of the population in Palestine.

The Jews would not have a right to immigrate. The Arabs would have a right to limit Jewish immigration. The rights of the indigenous population to remain a majority was given primacy. But it was not absolute, since internationals were to mediate between the Jews and Arabs on the federal level guided by the principles of absorptive capacity

and the preservation of an Arab majority. But it was a far cry from the position of the Arab Higher Committee which not only banned future Jewish immigration absolutely, but designated most Jews within Palestine, those who arrived after 1917, as illegals subject to deportation.

Clearly, Jewish immigration was the central dividing point between the Minority and Majority Reports. The view on immigration was in part dictated by the view of Jews and of Jewish nationalism.⁹⁵ Economic union, the gift wrapper of the Majority Report and the legal wrapping of the Majority Report were just that -- wrappings -- a rationale to give a semblance of order and propose a resolution when none seemed to be available. In the Majority Report, the justification ended with a weak plea for economic unity "to the extent feasible" and "consistent with the creation of two independent states". It was an add-on, a desirable feature to secure the economic and social well-being of the inhabitants, but there was no argument for its necessity.

With the existence of two irreconcilable communities, there could be no justice. There could only be the least injustice. Further, the mode of seeking the least injustice by an outside party had to be based on impartiality. But a few members on the committee not committed to an impartial process were almost enough to scupper it and render the results null and void. Here, chance or serendipity intervened. What if Sukarno had not made common cause with the Arab League just before UNSCOP began its final deliberations? What if Evens had been made President of the General Assembly? Would Hood then have voted against partition instead of abstaining? Finally, the final decision, placing primary responsibility on the inhabitants, sovereign control over immigration limited by the land available and the value of economic unity. This was ironic since the parties to the conflict did retain the final determinants of the problem without the moral authority behind partition being reinforced by a military force. The moral authority held up, but just barely. But it was a great cost, for without a realist base for enforcement, that moral authority proved to be empty of meaning. Subsequently, self-interest and scepticism about ethical influences rose to the fore in the UN. Its seeds were already growing within UNSCOP.

ENDNOTES

¹ The Jews in Palestine prior to the independence of Israel were also called Palestinians, for the designation then primarily referred to the residents of the territory rather than to a nationality.

² The Arabs could be interpreted as upholding a natural law version of justice that had largely withered away in the West. Though humans have a capacity for self-determination, that self-determination could only be exercised if it fulfilled Eternal Law. How was that determined? By reference to nature and the natural conditions. Palestinians were *by nature* attached to their land. Divorcing the Palestinians from their land deformed the personality of Palestinians. Thus, the land of Palestine was a birthright of the Palestinians. (cf. Weinreb 1987 who provides an exposition of a Thomist version of natural law most familiar in the West.) This natural law basis for justice had a real impact for Count Folke Bernadotte, the first mediator of the dispute, was a Swede and member of the royal family who seemed to uphold such a view and introduced the principle of the 'right of return' of the refugees based upon it.

³ The Arabs argued that, since the Mandate was an agreement of the League of Nations and the League of Nations had ceased to exist, the Mandate itself was null and void. Therefore, there was no mandate to transfer to the United Nations. With the dissolution of the League, the principle party of the transaction had ceased to exist, and with it had disappeared the legal basis for the mandate. The fate of Palestine must, therefore, be settled by the people of Palestine.

⁴ Saint Thomas (*On the Book of Job*, 8,1) said that justice is not only destroyed by the violent acts of men when they resort to power, but also by the "false prudence of the sage." My question is whether the UN was just in its recommendation, or, alternatively, was UNSCOP falsely prudent?

⁵ At the time of the creation of the Anglo-American Committee of Inquiry in November of 1945, effectively on Truman's terms, the United Kingdom was anxious to resolve the problem of Palestine, hopefully in partnership with the United States. But the UK then still wanted to retain effective control. At that time, perhaps an administrative and military role might have sufficed. However, when the Labour government precipitously decided to withdraw British military units from the Suez Canal Zone, the UK then needed to secure military bases in Palestine. To do so, the U.K. had to retain ultimate authority. Handing the Mandate over to a U.N. trusteeship council would have transferred ultimate authority.

⁶ The British military had persuaded the Cabinet not to abandon the Mandate because of the need for a military base in Palestine. On January 14, 1947, Bevin put three alternatives before the Cabinet: (i) Partition; (ii) Provincial Autonomy (Morrison-Grady); (iii) a Unitary State along the lines of the Arab proposal, but amended to allow some additional Jewish immigration. Geech-Jones, the new Colonial Minister, along with the High Commissioner, Cunningham, favored partition. After further negotiations with the Zionists, Geech-Jones was persuaded by Bevin to back the Bevin February final offer of a Unitary State under British trusteeship. When this offer was rejected by both Jews and Arabs, on February 14, 1947, the British cabinet decided to refer the issue to the U.N. No recommendation accompanied the referral. Further, Britain requested a recommendation to itself, not a binding decision. Lord Tedden dissented, not because of any unfair treatment to Arabs and Jews by this decision, but because he warned that dire consequences would befall Britain if their strategic and military rights in Palestine were lost. (CP(47) 59, Feb. 14, in Cab. 128/9 PRO)

⁷ When Bevin asked the Anglo-American Commission to make a recommendation, he had envisioned that they would push an interim solution "until such time as a permanent solution can be submitted to the appropriate organ of the United Nations". (Parliamentary Debates, House of Commons, vol. 415, col. 1930)

⁸ The terrorist campaign against the British was quickly becoming a war of national liberation even while the Jewish Agency continued to give lip service to condemning terrorist actions. British civilians and dependants were ordered to be evacuated at the end of January. In response to terrorist threats to 'give an eye for an eye', British personnel were confined behind armed encampments. Barclay's Bank in Haifa was bombed, killing two and injuring another four. The next day, on March 1st, the British officers' club in Jerusalem was bombed destroying one wing and killing a dozen officers. The Shell Oil storage tanks in Haifa were sabotaged, destroying ten of them. Four British soldiers were kidnapped and flogged in response to a flogging sentence on an Irgun member. Civilians were kidnapped. The Cairo-Haifa train was mined with five soldiers dead and twenty-three others wounded.

⁹ After the assassination of Lord Moyne, who was a minister of state resident in the Middle East, Sir Edward Gugg, who succeeded Moyne, proposed an international trusteeship over Palestine in April 1945. (F.O. June 29, 1945, E 4775/15/31) The proposal was revived by the Colonial Office in January of 1946, then vetoed by the Foreign Office, and, following the Anglo-American Commission report, was revived

again as a joint proposal of the Foreign Office and Colonial Office. Bevin came up with his own idiosyncratic idea of partitioning Palestine and giving the Arab parts to Transjordan and Lebanon. (A. Bullock 1983, p. 295) The British Cabinet preferred a Provincial Autonomy model to which Ambassador Grady of the U.S. consented. Truman vetoed the Provincial Autonomy Plan proposal of Grady and Morrison. (The plan had first been put forth by Sir Douglas Harris, treasurer of the Palestine administration, and put before the Labour Cabinet in Britain in September of 1945. Henry F. Grady was a lawyer who had served as a special envoy for President Roosevelt. Herbert Morrison was Chairman of the British Cabinet.) This left the British with nowhere to go to find a solution.

¹⁰ Secretary-General, Trygve Lie, implied as much in reducing the U.N. authority to the sum of the wishes of its members at any one time with no supranational authority whatsoever. "The United Nations is a voluntary association of nations committed to common goals. The United Nations is not a supranational authority." (Lie , p. 422) In this interpretation, the United Nations lacks formal jurisdictional authority over its members. (It also implies the U.N. lacks any independent physical force to impose its will). When the Assembly or Councils of the United Nations come to a vote and reach "decisions", they have not passed laws binding on the governments in the ordinary legislative sense. They have adopted "recommendations". ...they have great moral weight, but no government is compelled to follow that course. (op. cit.) In fact, United Nations legal experts at the time determined that the Security Council had the legal authority to partition Palestine by force. Further, the Palestine Commission sent to take over the Mandate from Britain would be the legally constituted government when the Mandate was terminated. (FRUS 1948, p. 701) Further, the U.S.S.R. took the position, supported by a number of other delegates, that the United Kingdom, by referring the problem to the United Nations, in effect gave the United Nations General Assembly the legal authority to deal with the problem.

¹¹ Chapter VII of the U.N. Charter provided both the right and the responsibility to act if a serious threat to the maintenance of international peace was determined to exist. Under Article 25, member states were obliged to comply with a unanimous resolution of the Security Council. This legal right and responsibility quickly became moot once the Cold War began in earnest, but it was a consideration in 1947. "Theoretically there was, at least at the time of the U.N.'s creation, the possibility that the Council would consider the lack of settlement of the substantive issues of a conflict or serious threat to the maintenance of international peace and hence invoke Chapter VII." (David P. Forsythe, *United Nations Peacekeeping; The Conciliation Commission for Palestine*, Baltimore, 1972, p. 7)

¹² Though the United Nations was not the automatic heir of the powers and functions of the League of Nations, in particular its legal authority over mandates, the United Nations was set up with a system of trusteeships which were applicable to three types of territories: territories detached from enemy states as a result of war that were under the temporary governance of the allies; territories voluntarily placed under the trusteeship system by the state responsible for their administration; and former mandate territories where the mandatory authority entered a contractual agreement to transfer the mandate territory to the United Nations trusteeship system. In accordance with the last term, it was up to the mandatory power, the United Kingdom, to initiate any action. But whatever the United Kingdom did, it had to do so with dispatch since Article 80 of the Charter required no "delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system." Britain could transfer the Mandate to a trusteeship by agreement with the United Nations.

¹³ Britain was going through its worst financial crisis. It was deeply involved in Greece. It was faced with the resolution of the Indian crisis. It no longer had the financial wherewithal without American backing to support the large military contingents required to put down a rebellion from either side. And Zionist terrorism had grown exponentially and proved to be much more costly to the British than the Arab uprising had been. As well, with the internment of the Jewish refugees, Britain had lost the public relations battle for world opinion. This became evident when the UNSCOP Commissioners observed the UK repulsion of the *Exodus* from the port of Haifa with the use of military force. Palestine had become a losing cause. "The decisions took place against the great emotional debate about India, the general deterioration of Britain in the Middle East', a sense of impending economic disaster, and one of the worst winters in British history." (Louis 1948, p. 452)

¹⁴ Six options were open to the United Nations in theory. The Security Council could have acted under Chapter VII and assumed military responsibility for the Palestine Mandate in the face of the declining British position and a presumed threat to international peace. Second, the United Nations General Assembly could have assumed interim administrative responsibility for the Palestine Mandate. Third, the

United Nations could have insisted that, if Britain was not able to set the conditions for independence for Palestine, Britain was required to enter into a contract with the U.N. to transfer legal Mandatory Authority to the U.N. Trusteeship Council. Fourth, the United Nations could have unilaterally set conditions for debating the issue of Palestine and offering its recommendations to Britain, requiring Britain to retain the responsibility for their implementation. Fifth, the United Nations could have negotiated conditions for debating the issue of Palestine and offering its recommendations to Britain. Sixth, the United Nations could accept the responsibility for making a recommendation on the disposition of the Mandate on whatever conditions and terms Britain presented. The UN adopted the last option.

¹⁵ In a speech to the House of Commons on February 25, 1947, Arthur Creech-Jones explicitly stated, "We are not going to the United Nations to surrender the Mandate. We are going to the United Nations setting out the problem and asking their advice as to how the Mandate can be administered. If the Mandate cannot be administered in its present form we are asking how it can be amended. (Parliamentary Debates, House of Commons, col. 2013)

¹⁶ The United Nations took on the problem of Palestine without the force, administrative apparatus or clear authority to deal with the issue and at the last minute at the least opportune time and under the worst terms and conditions. That would later reflect that this situation was not the exception, but the rule. Great problems usually come to the United Nations "because governments have been unable to think of anything else to do about them. The United Nations is a last-ditch, last-resort affair, and it is not surprising that the Organization should often be blamed for failing to solve problems that have already been found to be insoluble by governments. (Merrills , pp. 161-2) U Thant went further. Not only did he explain why the U.N. inherits problems in such circumstances, but he blamed the ineffectiveness of the U.N. in such situations **totally** on the members. "It is not generally realized that the failure of the United Nations is the failure of the international community, and the failure to enforce an action is due to the refusal of the party or parties concerned to comply with the Organization's decisions. (op. cit.)

¹⁷ On April 28, 1947 when the First Special Session of the General Assembly opened at Lake Success, the Arab states immediately proposed inclusion of an additional item to the agenda -- "the termination of the Mandate and the declaration of its independence". (A/287-291, cf. Zasloff 1952, p. 50.) The proposal was defeated.

¹⁸ Faris El Khoury, the Syrian delegate to the UN, articulated the Arab opposition to setting up of what was called "a fact-finding" committee and insisted on the immediate setting up of an independent Arab republic. (Lake Success, 16 April 1947) From the beginning to the end of the UNSCOP process, only one solution was acceptable, an independent Palestine, abolition of the Mandate and the cessation of all Jewish immigration. The Palestine Arab High Committee, upon the release of the full UNSCOP report on Monday, 8 September 1947, declared the result, "Absurd, impracticable and unjust." They insisted not only that the Arabs would never accept it, but that, "Not a single Jew will be allowed to migrate to Palestine. Any attempt to impose a solution contrary to the Arabs' birthright will only lead to trouble, bloodshed and

¹⁹ In Indonesia, the United Nations was able to facilitate peaceful change because the essential basis of self-rule had already been agreed upon by the parties. Given the limitations on its powers and authority, in practical terms, the UN is only effective when the member states agree among themselves sufficiently to accept a UN imprimatur. The United Nations was equipped to legitimize political arrangements arrived at by agreement or by force of arms. As Bloomfield (p. 125) so aptly puts it, "Legislating in the United Nations is not the cause of political acceptability, but rather its consequence."

²⁰ Henderson was not alone in making such a prediction. Even prominent Zionists did not expect a military attack against a UN decision. Horowitz was one of the young brilliant professionals assigned to diplomatic work in the UN. In 1947, he described reports he had heard in England. Nokrashi Pasha of Egypt had more important interests and would not get involved in Palestine. An English officer had said the Transjordan's army would not fight outside the borders of Transjordan. (Horowitz, *A State in the Making*, p. 183)

²¹ PRO FO 371/52565. CO 537/1787 November 26, 1946; Cf. also Louis (1948) p. 450.

²² "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).

²³ Journal of the General Assembly, First Session, No. 8, January 18, 1946, p. 184-5.

²⁴ 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." Izvestila, May 11, 1947

²⁵ cf. Pearson (1985), p. 60; April 24, 1947, Canada DEA, B-3, Vol. 2152. Lester (Mike) Pearson of Canada 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. (Bercuson (1985), p. 61; from Canada, DEA files, file 47B (s), SSEA to Canadian Ambassador in Washington, April 18, 1947) The worries of Pearson and others seemed to have been warranted by subsequent events. The U.S. originally committed itself to supporting the Partition recommendation on November 29, 1947, 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 an influential member. Further, although Canada also originally supported the partition resolution, the Canadian government also gave some support to the US move to reverse the decision. This suggests that American participation in the decision making may not have offered any greater grounds for American commitment to the implications of any decision.

²⁶ There was a disadvantage to the neutral proposal in relation to fears of USSR control. The Soviet Union had 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 USSR involvement in the decision was seen as much more risky.

²⁷ Dean Acheson also argued that Canadians should be included on the committee since Canada did not have, "a really serious Jewish problem". (Canada DEA, B-3, Vol. 2152, April 2, 1947, "Palestine and the Special Assembly of the United Nations". cf. Bercuson (1984) p. 63) He, of course, meant that Canada lacked an effective Jewish lobby. He could have meant that Canada was not troubled by a history of anti-semitism. Given Canada's terrible record in dealing with refugees from the Holocaust, and given the open anti-semitism in both English and French Canada at the time, it is highly doubtful that Acheson thought that Canada was free of anti-semitism. In any case, that statement irritated both the State Department and the President who felt that Canada might have been biased in favour of the Jews. Further, although Acheson was a proponent of neutrality and impartiality, Acheson did not rule out Iran or Turkey from being proposed for membership because they might be partial to Palestinian Arabs because they were overwhelmingly Moslem.

²⁸ "Uruguay took a pro-Zionist line throughout. Venezuela, Chile, Guatemala - and to a lesser extent Uruguay - were in the Soviet camp. On the whole Latin Americans have no wish to receive Jews as immigrants. They were very ill-informed about the Palestine problem from the UK point of view." (London: Kew Gardens, FO 371 Ref, 67587A, File 2593, 17/5/47). In fact, in a footnote in a Report on the United Nations Special Assembly on Palestine, written by R.H. Hadow, he refers to his belief that the "Latin American bias in favor of any resolution or policy advocating 'independence' was clearly shown and needs to be borne constantly in mind." On page 2 of the Report, in his reference to Uruguay in paragraph 5, Hadow claimed that, "Zionist pressure - which was commonly believed to accord with secret United States policy - was particularly noticeable in the case of URUGUAY; whose representative, Sr. Fabregat, honestly admitted that his personal predilections, as well as his government's orders (which I saw) gave him no choice in the matter of giving all possible assistance to Zionist aspirations"...as the sole cure for the D.P. problem...Whether these orders reflected a somewhat Utopian one-sidedness to which Uruguay is given, or showed a more worldly desire to fend off requests that Displaced Persons be admitted to Uruguay is difficult to say. But Sr. Fabregat was notably on the Zionist side throughout the Assembly; and he also gave a degree of help and comfort to Mr. Gromyko which Dr. Aranha (who had once befriended him in exile) attributed to his 'red' tendencies." (R.H. Hadow, Counsellor of His Majesty's Embassy, Washington, Report to P. Gore-Booth, *United Nations Palestine Assembly: Latin America*, May 17, 1947, London: Kew Gardens, FO 371 Ref, 67587A File 2593) Hadow also claimed bias on the part of the Guatemalan delegate. "We might run into difficulties if Guatemala were elected - because of Sr. Garcia Granados' personal and governmental views with regard to British Honduras."

²⁹ cf. Howard Adelman, "Australia and the Birth of Israel: Midwife or Abortionist", *Australian Journal of Politics and History*, 1992.

³⁰ Blom, in a June 9, 1947 report to the Department of Foreign Affairs of Holland, noted following a conversation with the Dutch speaking Dr. Paul Mohn, "Hij neemt aan, dat er in Palestina niet voldoende plaats is voor de Joden, die Europa willen verlaten en dat in dat gebied dus nimmer een algehele oplossing van het Joodse probleem zal kunnen worden gevonden. Hij stelt voorop, dat de bestuursvorm van Palestina het

voornaamste vraagpunt voor die Commissie is, staat daarbij persoonlijk een splitsing voor." (MVBZ, Report from N. Blom dated June 9, 1947, p.3)

³¹ MVBZ, cf. the telex dated May 17, 1947 (File 122) #465646 from the Dutch Delegation in New York to the Hague.

³² MVBZ, Minutes of the meeting of the Dutch U.N. Delegation. May 16, 1947.

³³ "Hij (Blom) had tevoren een onderhoud gehad met Prof. van Asbeck, die gelijk reeds eerder gebleken is uit een onderhoud, dat Prof. Francois en ik met Prof. van Asbeck hadden, zich op het standpunt stelt, dat krachtens de Balfour-Verklaring de Joodse zaak, wat Palestina betreft, sterker staat dan die der Arabieren en die, wanneer hij het voor'tzeggen zou hebben, zou gaan in de richting van onbeperkte immigratie en een algemene beslissing ter gunste van de Joden." (MVBZ, Undated telex from the Dutch UNSCOP delegation to the Foreign Office in The Hague dated May 28, 1947 and unnumbered. File 125)

³⁴ DEA files, file 5475-CD-40c, SSEA to the Canadian Ambassador in Washington, May 9, 1947, quoted in Bercuson, p.70.

³⁵ 35. *Hansard*, June 2, 1947, 3708 (Bercuson, p.77)

³⁶ "Mr. Blom, die op 28 Mei a.s. met Mr. Spits naar New-York vertrekt voor de Commissie van Onderzoek inzake Palestina, vroeg mij, of de Minister hem voor deze taak bepaalde instructies zou willen geven" (MVBZ, UNSCOP Delegation, May 28, 1947)

³⁷ "Mr. Blom verklaarde de zaak nog niet voldoende te kunnen beoordelen om zich reeds in de een of andere richting te kunnen vitspreken en ik heb hem gezegd, dat ook de Minister niet een bepaald standpunt heeft ingenomen". (Op. Cit.)

³⁸ "Van belang is een Engelsch amendement, dat de woorden "the question of Palestina" wil vervangen door "the future government of Palestine" om daarmee de besprekingen in aanzienlijk nauwere banen te leiden. Uit Nederlansch oogpunt lijkt dit ongewenst." (MVBZ, Dutch U.N. Delegation Minutes, New York, May 6, 1947, p.2)

³⁹ London: Kew Gardens, British Archives, Foreign Office (henceforth FO), 371, Ref. 67585, 1947, File 2593.

⁴⁰ "De medewerking, welke wij von het Britse maandaatbestuur verkregen, was uitstekend" MVBZ, Blom, July 30th Report to the Foreign Ministry, p. 6, para. 18.

⁴¹ London, Kew Gardens, FO, 371, Ref. 67585, 1947, File 2593.

⁴² The High Commissioner "beklaagde zich er echter over, dat van Joodse zijde onvoldoende medewerking wordt verkregen in het bestrijden van terroristische activiteit. Wel verklaarden de leiders van het Joodse Agentschap zich openlijk tegen de regelmatig bedreven daden van geweldpleging. Doch wanneer het er op aankwam, hun actieve medewerking te verkrijgen in het opsporen of berechten van daders, bleek deze steeds onverkrijgbaar. Geen enkele Jood is bereid als getuige op te treden tegen een gearresteerde Joodse terrorist." MVBZ, Blom Report to the Foreign Ministry, July 30, 1947, p. 6, para. 19.

⁴³ "Hij (De Voorzitter) maakt allereerst melding van het feit, dat de Nederlandsche Delegatie gekant is tegen het opnemen van het door de leden van den Arabischen Bond voorgestelde agendapunt, nl. de be-eindiging van het mandaat van Palestina en de verklaring van onafhankelijkheid van dat land." (MVBZ, UN Dutch Delegation Minutes, May 1, 1947, File 125)

⁴⁴ "De Heer Oetoyo bevestigt dit gerucht. Hij heeft nl. van de Saoedi-Arabische Delegatie vernomen, dat de leden van den Arabischen Bond bang zijn geworden voor communistische penetratie. Naar aanleiding hiervan merkt de Heer Oetoyo op, dat het wellicht wenschelijk is om indien Nederland in de Commissie van Onderzoek wordt gekozen aan de Nederlandschen vertegenwoordiger een Indonesischen adviseur toe te voegen, hetgeen t.z.t. het tegengaan van communistische infiltratie in Indonesie gunstig zou beïnvloeden. Deze Indonesische adviseur immers zou in voorkomende gevallen nauw contact hebben en houden met de verschillende Arabische instanties en daardoor de gevaren van communistische invloed duidelijker gaan inzien en kunnen rapporteren in Indonesie." (MVBZ, Minutes, Dutch U.N. delegation meeting in New York, May 6, 1947)

⁴⁵ MVBZ, Foreign Ministry reply to Blom's telegram received June 20, 1947.

⁴⁶ MVBZ, Minutes of the Dutch Delegation, May 6, 1947

⁴⁷ "In het gesprek heb ik ten allen overvloede nog eens doen uitkomen, dat het met het oog op Nederlandsch-Indie in het algemeen gewenst zal zijn te vermijden, dat van Nederlandse zijde te sterk tegenover de Arabieren stelling wordt genomen." (MVBZ, May 28, 1947, memo)

⁴⁸ "De Arabieren hebben zich tot nu toe als de meest onverdraagzame partij doen kennen. Hun optreden heeft echter in enkele gevallen een zo slechte indruk op de meerderheixx van de gedelegeerden gemaakt, dat zij zich vrij spoedig van hun fout rekenschap gaven en uiteindelijk een meer redelijk standpunt innamen." (MVBZ, From the Netherlands Embassy, Ottawa to Dr. N.S. Blom in New York, dated May 28, 1947, File 125)

⁴⁹ "Ook werden enige Arabische bedrijven bezocht als sigaretten-, textiel- en zeepfabrieken. Herhaaldelijk werd daarbij aan journalisten de toegang geweigerd. Van georganiseerde gesprekken op politiek gebied was daarbij geen sprake, hoogstens konden dergelijke gesprekken een enkele maal met een meer loslippige Arabier worden gevoerd." (MVBZ, Report from Blom and Spits, July, 1947, p. 1)

⁵⁰ "Aan het einde van ons verblijf in Libanon bleek uit de locale pers, welke in die dagen de gebeurtenissen in Indonesie als het belangrijkste nieuws op de voorpagina vermeldde - zonder veel afkeurend commentaar -, dat Hadji Agoes Salim tezelfdertijd Libanon, Syrie en Transjordanie bezocht. Geen der aanwezige Arabische Ministers heeft tegenover ons hiervan melding gemaakt, hoewel Dr. Jamali de Minister van Buitenlandse Zaken van Iraq en zijn collega's Samir Pasha Rifai en Hamid Frangie, respectievelijk van Transjordanie en Libanon hem moeten hebben ontmoet. De Heer Spits en ik hebben het Indonesische vraagstuk met geen van hen aangeroerd, omdat wij onvoldoende op de hoogte waren van de jongste ontwikkelingen, immers alleen beschikten over zeer onvolledige plaatselijke krantenberichten." (MVBZ, Blom, FO Report, July 30, 1947, p. 9, para.)

⁵¹ "De Arabische vertegenwoordigers namen èn in de gezamenlijke beantwoording èn bij de gelegenheden, waarin zij individueel iets aan de beantwoording toevoegden, een volkomen onverzoenlijk standpunt in. Zij eischen, dat Palestina terstond een onafhankelijke Arabische staat zal worden met volledige stopzetting van de immigratie. Zij zijn bereid de Joden, die tentijde van de Balfour-declaratie in Palestina woonden en hun nakomelingen als volledige burgers van het land te erkennen, doch alle andere Joden zullen de status van vreemdeling krijgen of behouden... Toen een lid van de Commissie opmerkte, dat de vroegere tegenstrijdige beloften een typisch voorbeeld waren van een situatie, waarin een compromis dient te worden gezocht, was het antwoord, dat de Arabische Staten hun recht niet deden steunen op enige belofte, maar op het feit, dat zij op hun eigen grondgebied hun eigen regeringsvorm wensen te bepalen. Een belofte van geallieerde zijde gedurende de Eerste Wereldoorlog was daartoe niet nodig en irrelevant. Zij erkennen derhalve niet het bestaan van een situatie, welke een compromis ter oplossing eiste." (MVBZ, Blom, July 30, 1947 Report to the FO, pp. 8-9, para. 28)

⁵² A/AC. 13 Final Report of Blom to FO, p. 25.

⁵³ "In mijn open telegram van 7 Mei j. l., geteekend Snouck Hurgronje 55, mocht ik Uwer Excellentie mededelen, dat onlangs in de New York Times een bericht verschenen was omtrent de toelating van 30.000 Joden, die zich hoofdzakelijk als 'displaced persons' in verschillende Europeesche Kampen bevinden, in Suriname. Uwe Excellentie liet mij in antwoord op mijn desbetreffende vraag weten, dat de besprekingen, welke de Gouverneur van Suriname terzake met de Freeland League voert, nog in een voorlopig stadium verkeren, aangezien de financiële implicaties van het plan groot zijn en voldoende inzicht in de financiële capaciteit van de Freeland League nog ontbreekt." (MVBZ, No. 376/102, New York, May 22, 1947, File 126, Report addressed to Zijner Excellentie Mr. C.G.W.H. Baron van Oosterhout, Minister van Buitenlandse Zaken from the Netherland Delegation which explored the proposal of the Freeland League.

⁵⁴ "Uit deze gedachtenwisseling bleek mij, dat de verwachtingen van de Freeland League ten aanzien van de mogelijkheid voor Joodse kolonisatie in Suriname nog zeer hoog gespannen zijn. Dezer dagen vertrekt Dr. Steinberg zelf opnieuw naar Paramaribo om de besprekingen terzake met de Gouverneur van Suriname voort te zetten." "In verband met verdere mededelingen en verzoeken, die ongetwijfeld aan de Nederlandse Delegatie bij de eerstvolgende Assemblée en wellicht ook aan de Bijzondere Commissie van Onderzoek voor Palestina van de zijde van de Freeland League zullen worden gedaan, zou ik het zeer op prijs stellen, zowel ten behoeve van mijzelf als van de Heren Blom en Spits te mogen vernemen in welk stadium de besprekingen tusschen de Gouverneur van Suriname en de Freeland League zich bevinden." (Op. cit.)

⁵⁵ "Zonder nu hieromtrent reeds een bepaald oordeel uit te spreken en afgezien van de vraag, of het denkbaar is, dat de grote mogendheden Somaliland voor dit doel zouden willen bestemmen, zou ik willen opmerken, dat zulk een bestemming principieel in botsing zou komen met de grondslagen, welke artikel 76 van het Handvest bevat voor het bestuur over Trustgebieden." (MVBZ, Blom Report to the Foreign Ministry, June 9, 1947, p. 3)

⁵⁶ MVBZ, Minutes, Dutch delegation, May 1, 1947.

57. "Omtrent de vraag, of de kampen van displaced persons in Europe zullen worden bezocht, nog geen besluit genomen. De beslissing daaromtrent is na bespreking uitgesteld tot na het bezoek aan Palestina. Hoe de beslissing terzake zal uitvallen, is nog niet te voorspellen. Voorshands wil het mij persoonlijk voorkomen, dat zodanig bezoek niet nodig is." (MVBZ, Undated, File 125, but, by the contents and references presumed to have been written by Blom in the beginning of June.)

58. MVBZ, Minutes of the Dutch delegation, May 6, 1947, New York. "De Heer Fack merkt op, dat hij ten aanzien van het opnemen van eerezinsnede over de kampen van Displaced Persons overleg heeft gepleegd met de Amerikanen, dat de Amerikanen het niet drigend noodig vonden om uitdrukkelijk van de kampen melding te maken, aangezien uit de algemeene termen van de door hen voorgestelde "terms of reference" voor de Commissie van Onderzoek voldoende vrijheid van handelen (bezoeken van D.P. kampen en dergelijke) voortvloeit."

⁵⁹ MVBZ, Blommemo to the Foreign Office, June 9, 1947.

⁶⁰ "Op de desbetreffende vraag, welke ik aan enkele Christelijke Kerkelijke Hoogwaardigheidsbekleders onder vier ogen stelde, o.a. ook aan de Anglicaanse Bisschop, kreeg ik steeds het antwoord, dat onder Joods beheer de Christelijke belangen minder in gevaar gebracht zouden worden dan onder Moslims beheer." (MVBZ, Blom Report, July 30, 1947, p. 3)

⁶¹ "Ook werd een afzonderlijk bezoek gebracht aan de Huloth kolonie, een zes jaar bestaande nederzetting, welke voor het overgrootste gedeelte uit uit Nederland afkomstige Joden bestaat. Dese mensen waren ook nog maar betrekkelijk korte tijd, meest 1939, uit Holland vertrokken. De afhankelijkheid aan het vorige vaderland is bij hen nog groot, in tegenstelling met de gevoelens, welke de Joden over het algemeen tegenover het land hunner herkomst koesteren. Dit doet hen wel een enigszins afzonderlijke positie innemen ten opzichte van andere Joden, hetgeen ertoe drijft elkaar te zoeken. Verwante gevoelens treft men aan bij vele Joodse kolonisten, die vóór hun vertrek naar Palestina bij boeren in Holland een landbouwopleiding genoten. Dergelijke gevoelens verzwakken echter met het opkomen van jongere geslachten, want de jeugd wordt geheel in uitgesproken Zionistisch-Nationale idealen opgevoed, het Hebreeuws wordt de omgangstaal." (Op. cit., p. 3)

⁶² MVBZ, cf. Blom FO Report, Sept. 3, 1947, para. 12, p. 4.

⁶³ "De Delegatie hield bovendien 5 formele delegatie-vergaderingen, waarin de lopende ontwikkelingen werden besproken en het standpunt van de Delegatie telkens werd bepaald overeenkomstig de ontvangen instructies." (MVBZ, Blom, Summary Report, A/AC. 13, pp. 32-33)

⁶⁴ MVBZ, Extract A/Ac.13/P.V.46, September, 1947, p. 2.

⁶⁵ MVBZ, Extract A/AC. 13/P.V. 46, September, 1947, pp 4-5.

⁶⁶ When Trygve Lie sent the committee off to Palestine very shortly after their opening hearings, ostensibly to escape the influence or the perceived influence of the large and powerful Jewish community in New York, the committee also escaped being overwhelmed by UN mandarins and experts. Thus, their statements of facts and analyses were bound to have, and did have, a far more marginal impact than the experience of the committee. Further, though Ralph Bunche accompanied the Commission as its secretary, and wanted a trusteeship solution Palestine, he always behaved as the impeccable mandarin and did not attempt to influence the Commission with his own convictions.

⁶⁷ To compensate for the boycott of the Arab Higher Committee, official delegates of the Arab League for Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen met twice with the Committee in Beirut beginning on July 22nd. There was a second side trip to Amman to meet with Abdullah.

⁶⁸ Michael Cohen provides evidence that the British commander was at the point of giving up and allowing the captain of the Exodus to beach his ship when the Jewish Agency ordered the captain of the Exodus to surrender (1986, p. 81).

⁶⁹ The whole affair, from the first engagement on board ship to the final mishandling of the refugees by British soldiers at Hamburg and then transfer to camps in the British-occupied zone of Germany, was conveyed to the world by a well-oiled publicity machine. The British, and Bevin in particular, were outmaneuvered at every step. The inhumanity of Britain's Palestine policy, in its refugee aspect, was indelibly inscribed on world public opinion. "The Exodus affair....demonstrated to the world quite clearly to what extent the British had lost control over Palestine." (Cohen (1986), 81; 91 cf. Bethell (1978), pp. 316-333) As Wm. Roger Louis phrased it, the Exodus affair was, "a catastrophe for Britain's moral reputation Louis (1984), 464, cf. Cohen (1982) 245.)

⁷⁰ Cohen (1982) 245.

⁷¹ In contrast, in the private and secret meetings with Begin and his extremist group, they made claims even for Transjordan, though even the Irgun offered to guarantee equal rights for Arabs.

⁷² This was Rand's impression of Ben-Gurion. Cf. ISA, File 1, Box 2270, Aug. 6, 1947.

⁷³ cf. Bercuson (1985) 72 taken from a May 15, 1947 memorandum for the Secretary General of the UN to the Canadian Secretary of State for External Affairs in Canada, Canadian Dept. of External Affairs Files, File 5475-CD-1-40. See also ISA, File 1, Box 2270 cited above which refers to the conversation of Rand with Horowitz, August 6, 1947.

⁷⁴ FRUS (1947) July 14, Macatee to Secretary of State, 501.

⁷⁵ Garcia-Granados (1948), 82-3.

⁷⁶ Cf. Blum (1985), p. 85 for an account of the UNSCOP visit to an Arab cigarette factory.

⁷⁷ Garcia-Granados (1948), p. 225.

⁷⁸ Cf. UNSCOP Final Report, p. 15; this explanation is included in the essential conclusions of its subcommittee.

⁷⁹ Israel Archives: Foreign Office, file 1, box 2270, 'Meeting of UNSCOP', "Conversation" with D. Horowitz, August 6, 1947; cf. also Bercuson (1984), pp. 95-96.

⁸⁰ For Ralph Bunche, "in the minds of many Jews the problem of the Jews in the D.P. camps and the plight of the distressed Jews in Eastern Europe is by far the most urgent. Jewish propaganda exploits this situation to the utmost and employs it as a means of encouraging Jewish national aspirations." (pp. 3-4)

⁸¹ Cf. FRUS, September 24, 1947; notes of the US to the UN.

⁸² Israeli Archives, F.O., file 1, box 2270, Bunche, Eban and Horowitz Conversation, August 3, 1947; cf. Bercuson (1984), p. 93

⁸³ op. cit. Bunche, Kohn, Eban conversation, August 14, 1947.

⁸⁴ Wm. Roger Louis (1984), p. 470 is incorrect when he wrote the role in UNSCOP was "eight to three in favour of partition." Even though Hood favored partition, he objected to a majority and minority report and expressed his objection by endorsing the UNSCOP report. (UNSCOP, p. 1; cf. Garcia-Granados, p. 242) Louis was also wrong about the influence of Ivan Rand. It is ironic that Ivan Rand, the man whom Bunche regarded as "an elderly, crotchety gentleman," "the greatest disappointment" in the committee, an incessant talker with nothing to say, should have been considered by the most eminent contemporary historian of this period, was regarded by William Roger Louis to have been, "the greatest single influence within the

Wm. Roger Louis (1984), p. 471. Louis echoed the opinion of Maynard, the Canadian alternate. Canadian DEA, F6, vol. 1048, file 2-4-0. Maynard to SSEA, September 1, 1947, cf. Berca (1984), p. 105) Louis argued that the very shape the partition proposal itself with its recommendations for an economic union and for a separate status for Jerusalem, was primarily the effect of Rand's work. Rand's support also seemed to be important to influence future British cooperation (cf. Horowitz, p. 225). But Rand's position seemed to have little influence especially since a keystone to that position was Britain's willingness to co-operate. Of course, Britain refused to cooperate. Bunche's resentment of Rand is understandable. Rand's early support for partition was crucial. It was Rand who opposed partition unless it was within a larger economic union. Rand concurred in the Jews having sufficient political independence to control immigration but, at the same time, wanted to preserve the integrity of Palestine as one economic and social polis. Rand supported partition when Fabregat's partition proposal was amended to include economic union as a sine qua non and not just a recommended future path for the two independent states. Rand was an influential person on this committee because he was able to exact important changes in the partition proposal to ensure partition had a good majority. But as a condition of enabling that majority to emerge, the straight-forward partition proposal that even Bunche regarded as "far superior" (FRUS, September 24, 1947) to either Rand's initial proposal or the proposal of the final report, had to be severely qualified, modified and encumbered. Further, it meant that Bunche's original propensity for a long-term UN trusteeship or the federal solution that Bunche worked so hard to draft would not succeed, though it was included as a minority report.

⁸⁵ By the 27th of August (four days before the committee was to disband and the report was due to the UN), most members of the pro-partition group had still not been able to propose reasonable boundaries let alone agree on them.

⁸⁶ cf. Wm. Roger Louis (1984), p. 395.

⁸⁷ ISA, F.O. file 38, box 2266, "UNSCOP September Report", August 4, 1947, A.S. Eban.

⁸⁸ It was recognized that the transition to independence would be difficult, and for this reason the administering authority should be responsible to and receive support from the United Nations. "The responsibility for administering Palestine during the transitional period and preparing it for independence will be a heavy one...Certain obstacles which may well confront the authority entrusted with the administration during the transitional period make it desirable that a close link be established with the United Nations...(W)hile being accountable to the United Nations for its actions, the authority concerned should be able to count upon the support of the United Nations in carrying out the directives of that body."

⁸⁹ Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay.

⁹⁰ This represented 60% of the estimated number of Jewish refugees in Europe, 75 % of whom, according to UNSCOP's own conclusion, wanted to go to Palestine even if other avenues for immigration were open.

⁹¹ Council on Foreign Relations, 1947-48, p. 324. From UNSCOP Report to the General Assembly (Official Records of the Second Session of the General Assembly, Supplement II) I, 52.

⁹² This was made clear in Al-Husseini's delivery to the Ad Hoc Committee on 29 September. He refused to address either UNSCOP report because both failed to allow for a unitary Arab state (Ad Hoc p. 11).

⁹³ (70:31) cf. Robinson, pp. 203-204. One argument for the UN not assuming the responsibilities of the Mandate through trusteeship is that the UN would then be legally obliged by the previous terms of the Mandate "until such agreements have been concluded". cf. Articles 7, 79, and 81.

⁹⁴ clause 6, section VII in "Jewish Immigration into Palestine", "Report and Recommendations Presented to the General Assembly by the Representatives of India, Iran and Yugoslavia" dated August 25, 1947 DA6-13\3.0. 1:2, p. 12-13.

⁹⁵ One more item needs to be mentioned -- an item which echoed the original Bunche report's interpretation of Jewish nationalism as merely a product of persecution and not an inherent characteristic of Jews. But supporters of the Minority Report went further in echoing the old canard of double-loyalty. Only this time it was not based on the old rationale that it was a product of Jews being Jews, but on the new grounds that it was a product of Jews being Jewish nationalists. "Before Hitler most Jews in the world were entirely loyal to the particular state in which they had residence, and since, moreover, they had never had the experience of loyalty to a Jewish state, it must be concluded that Jewish nationalism is not nationalism at all in the classic sense, but merely an attitude brought out of the desperation inspired by Jewish persecution in Europe and the fear of persecution to come."