

H.V. EVATT
AND THE
ESTABLISHMENT
OF ISRAEL

The Undercover Zionist



DANIEL MANDEL

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The Undercover Zionist
DANIEL MANDEL

University of Melbourne



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*Daniel Mandel
Melbourne 2003*

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1

‘A Wild Colonial Boy’

One early biographer of Herbert Vere Evatt, who knew him intimately for years, entitled his book *Evatt the Enigma*. To assert the enigmatic quality of Evatt’s personality is to be both prudent and well within one’s rights. But there seems no mystery about what others thought of him.

He was a ‘wild colonial boy’, a ‘legal technician’, a man of ‘incompleteness’ and ‘ugly paranoia’, a devious operator who ‘systematically covered up his tracks’, opined career diplomat Sir Walter Crocker. ‘He was aggressive, selfish, suspicious, tortuous and extremely inconsiderate of others, including those who worked for him’, seems the best an opposition figure, Sir Howard Beale, could say of him in retrospect.¹

The Department of External Affairs over which he presided for more than eight years was his fiefdom. Reminiscences of those who worked professionally with Evatt tend to confirm a picture of an exceedingly difficult and temperamental man, egotistical, abrasive and vindictive. William Dunk, Evatt’s first departmental head, left his post, recalled William Forsyth, a colleague, because of an ‘increasing inability to suffer Evatt’.² Evatt saw to it that the young socialist whom he trusted, John Burton,³ assumed the post. Forsyth opposed Burton’s accession and was himself subjected to exile in New York and Washington, suffering petty indignities and insecurity of tenure. Another, Colonel William Hodgson,⁴ Dunk’s predecessor, spent a decade enduring much the same from his political master after being exiled to the High Commission in Ottawa. It was suspected that this was all of a piece with Evatt’s determination to eliminate Burton’s competitors for the top job, as was John Hood’s appointment to Germany. ‘The officials of the External Affairs department seem happiest when furthest away from him’, concluded an Israeli diplomat after but a few weeks acquaintance with Canberra.⁵ Evidently, several officials were afforded the exercise of this dubious privilege.

Evatt could be the bane of their working lives. They were often poorly instructed by him or left high and dry in the sudden contradictions engendered by an unheralded change of tack. He preferred oral to written instructions, especially when on the scene himself, leaving those who followed to ponder tantalising lacunae in the files. Some officials, like William MacMahon Ball, his representative on the Allied Council for Japan, found matters untenable and resigned. Paul Hasluck, overseeing Australia’s United Nations mission in New York, spent a three-month period during 1946 in which over 100 cables he sent to Evatt met with three replies. He too later resigned. Frederic Eggleston, first Australian ambassador to China and previously a conservative Cabinet minister, managed to tolerate Evatt’s behaviour, suffer fewer indignities than were usual and even claimed that he never had a rude word from Evatt, but he was surely an exception. Yet he proves the rule, for he largely agreed with Evatt on international affairs and needed nothing from him, whereas Evatt needed his advice, so he was put up in the Hotel Canberra and given an official car.⁶ Foreign diplomats who dealt with Evatt quickly picked up on the despotic nature of

his ministry. 'I gathered in Canberra that Australia's foreign policy is very much a one-man affair', noted Michael Comay, a Zionist official, 'and that Dr Evatt often fails to take his own permanent officials into his confidence on matters of major policy.'⁷

Indeed, Burton virtually alone seemed privy to Evatt's thinking. The two held many internationalist ideals in common and for the larger part worked harmoniously, although Evatt became aware in 1949 of Burton's own political ambitions to eventually replace him. Burton was wholly in accord with the 'Third Way' policy of resisting entering into the American Cold War camp although he came to feel that Evatt, from about 1947 onwards, proceeded to do just that. Other than these subterranean frictions in the latter days of the Chifley government, they co-operated creatively.⁸

Outside Evatt's inner circle, life could be less congenial. Forsyth was posted to Washington, where his insecurity of tenure only ended when Burton was removed by the Menzies government in favour of Alan Watt and packed off as High Commissioner to Ceylon.⁹ Yet, for all the unpleasant memories the Evatt era affords him, Forsyth gives favourable testimony to much of Evatt's work. He repudiates critics who say Evatt knew little of colonial questions or sought fights about them and grants that Burton shared, in the main, Evatt's ideals. Both men were devoted to the United Nations. It was characteristic of Burton to cable Evatt, as he did over the Indonesian issue in 1947, that Britain's approach 'clearly demonstrates that support for the United Nations is a secondary concern'.¹⁰

But the man whom Evatt trusted, perhaps more completely than any other, was not strictly speaking a diplomat at all, but a personal confidant who pursued the diplomatic briefs Evatt handed him. Sam Atyeo¹¹ was an artist and designer, one of the pioneers of the modernist movement in Australian art and amongst the most dynamic of its number during the 1930s. A graduate of the Melbourne National Gallery School, he carried off a swag of prizes and lost out on a travelling scholarship only because he lampooned his teacher in a risqué picture that was subsequently displayed to traffic-stopping effect in Melbourne's Collins Street. It was while exhibiting in a modern furniture and design store owned by Cynthia Reed that Atyeo met Evatt and his wife, Mary Alice, both modern art enthusiasts. He later exhibited at the Heide Park Gallery of John and Sunday Reed, who had gathered to themselves the pioneers of Australian modernism in Melbourne. Atyeo, his eventual wife Moya, and the Evatts became extremely close friends and saw much of each other during 1938 in Europe, when Evatt was on sabbatical from the High Court and Atyeo on an extended sojourn in France. When Evatt stood down from the High Court in 1940 to pursue a career in federal politics and entered government the following year, he recruited his friend into his service. Atyeo received a 'temporary' diplomatic appointment which was in fact to last a decade, was not officially attached to the Department of External Affairs, and enjoyed unhindered access to the Minister which made him automatically the target of suspicion and jealousy from many career diplomats.¹²

Atyeko's complete independence from the bureaucracy, and dependence on Evatt, was his strength and weakness. He was the factotum to whom the rules did not apply. On Evatt's instructions, he could rifle through private papers and drawers so Evatt might know all that was going on from afar. A convivial, gregarious man, both blunt and sophisticated, larrakin and cosmopolitan, Atyeo alone freely told jokes about Evatt, although he frequently retold Evatt those he heard in private. He could remonstrate with 'the Doc', normally prefacing the point at hand with the words 'Listen, y'old bastard' or some other form of irreverent familiarity. He took the larrakin's pleasure of ruffling feathers and catching the earnest and proper off balance. Normally unflappable British Foreign Office officials could be astounded by Atyeo's off-hand,

coarse exchanges with Evatt, and Winston Churchill found him to be the most foul-mouthed diplomat he had ever met.¹³ He was the sort of man who could tell King George VI, who once found him waiting in a room decorated with Chinese artefacts when Evatt was visiting Buckingham Palace, that he did not think much of the lacquer work. 'Well, don't blame me for it', the King is said to have replied. 'It belonged to my great-great-grandmother, Queen Victoria.'¹⁴

It is impossible to imagine any subordinate other than Atyeo addressing Evatt in writing with lines like these:

*Hope you two are well and behaving yourself [sic]. You never took that holiday I suggested, did you? ... All the best my boy & look after yourself. Love to both. I reckon I'm becoming quite a delegate now with all my experience.*¹⁵

The Opposition took their time attacking the unorthodox appointment of Atyeo but eventually Eric Harrison, Liberal member for Wentworth, rose in the House to attack Evatt for political patronage. There was more than a little truth to this charge and the irregularity of Atyeo's appointment can be gauged from Evatt's defence. Atyeo, replied Evatt to his accuser, was holding down his brief in Paris because, amongst other talents, he spoke fluent French. But he was dismissed from External Affairs in 1950 following the fall of the Labor government, Evatt having interceded unsuccessfully on his behalf. He then moved to Vence in the south of France and harvested grapes until his death in 1990. He is a somewhat neglected figure in the world of Australian art, even though he returned to his easel in the 1960s and was the subject of a retrospective at Heide Park in 1982. Few have looked closely at his association with Evatt, which may yet make a fitting subject for a book or documentary.¹⁶

John Hood¹⁷ was not an obvious member of Evatt's trusted entourage. He was, in fact, a Rhodes scholar with establishment connections; his first wife (to whom he was married during his service with Evatt) was the daughter of Sir James MacLeod. Hood lived several years in London, became a leader writer for *The Times* and had risen to First Secretary within the Department before Evatt became Minister. He had a fluent tongue and a rare talent for pithy, extempore speeches, delivered after nights with little sleep. Many an international committee could be mired in dispute when Hood, turning up late as was his wont, would propose a neat formula which commanded agreement. It is said that the Soviet Union's Andrei Gromyko never forgave Hood, presiding over the Security Council, for ruling him out of order. An orthodox diplomat to be sure but, far from being promoted by Evatt, as has been alleged, he was if anything constrained by him. He received a number of sensitive commissions but scarcely rose to the top as might have been anticipated. According to Forsyth, he became 'the next tall poppy [after Hodgson] farewelled from Canberra'. Hood found himself on annual postings in Europe and running Australia's affairs at the United Nations, but always under Evatt's distant yet despotic direction. He resented being passed over in 1947 as the new minister in Moscow in favour of Alan Watt, his junior. It was only after Evatt and the Labor government were swept from office that Hood received ambassadorial postings.¹⁸

But Hood held one virtue for Evatt over and above his competence. He was one of the 'most accomplished drinkers' produced by the Australian diplomatic service and the gregarious Atyeo was one of the few prepared to make a pretence of keeping up with him.¹⁹ This brought them into some degree of camaraderie and made Atyeo a natural choice of working partner for Hood, or vice versa, where Evatt's aim was to have Atyeo on the spot. Their friendship outlived the circumstances of its origin. Retiring from External Affairs in 1965, Hood became Atyeo's

neighbour in Bar le Loup in the Alps Maritimes, where he grew grapes and roses until his death, one year apart from Atyeo.²⁰

Insufferable and despotic at home, Evatt was the object of suspicion and dislike abroad, a nimble shifter of positions, an inveterate schemer who sought to monopolise the credit for successes along the way. Evatt is 'an aggressive fellow, but intelligent and well informed. His views seem to me to be pretty sound, but his expression of them a little too forceful to make him popular', observed Lester Pearson, then Canadian Deputy Minister for External Affairs, later Nobel laureate and Prime Minister. General Douglas MacArthur, presiding over the Allied occupation of Japan, had a soft spot for Evatt but once jokingly told a Canadian official that 'he was a man who quite often shifted his views'. Felix Frankfurter, the former US Supreme Court justice who would invite Evatt up to Harvard during his New York sojourns, once confided that Evatt's publicly declared principles were often at variance with his intentions. These were the ones who liked him.²¹

'There is no satisfying Evatt,' Ernest Bevin, the masterful and belligerent British Foreign Secretary, wrote from Moscow in March 1947 to his colleague, Lord Addison, the Dominions Secretary. 'He seems to be in an impossible mood, making difficulties for me, wherever he can.' Bevin's ambassador at the United Nations, Sir Alexander Cadogan, liked him even less. 'Evatt, the Australian, who's the most frightful man in the world; he makes long and tiresome speeches on every conceivable subject, always advocating the wrong thing and generally with a view to being inconvenient and offensive to us, and boosting himself.' The American Defence Secretary, James Forrestal, confided in his diary: 'Evatt ... is an active source of both irritation and uncertainty. The result of his activities ... has been to greatly undermine the American position among the neutral nations.' Secretary of State James Byrnes told Forrestal that he believed 'Evatt wants to run the world.'²² The author of Evatt's State Department biographical report, normally a genre of staid analysis, seems to have had no option but to conclude thus,

Although he has been accused of self-seeking even to the point of intellectual dishonesty, it appears to be difficult to decide in some instances whether Mr Evatt is motivated by patriotism or simply by egotism. Personal ambition, however, seems to be recognised as a major motivation, with the Prime Minister or the Governor-Generalship as goal. He has been accused of behaving like the Prime Minister already, and of showing signs of megalomania.²³

With strident ambition, secrecy came naturally, even in small affairs. Wishing to collect the Légion d'honneur, in contravention of the Australian Labor Party's strict opposition to accepting foreign distinctions, Evatt made haste to the Elysée Palace with Francophone subordinate Noel Deschamps in company before word of it could be announced. Upset over something Deschamps had actually done, Evatt took it out on his colleague, Arthur Tange, whose services he did not require that morning. Deschamps, not easily intimidated, remonstrated that it had been all his fault. 'Nothing to do with you Deschamps', shot back Evatt, still glowering at Tange.²⁴

The picture is clear. Though capable of sensitivity and warmth in his close personal relations, Evatt was a stormy and implacable figure unmitigated by mellowness or affability in professional life. Capable of enormous industry and expecting as much from those around him, he lacked the natural clubbiness of politicians, was too distrustful to form close friendships with political colleagues and preferred the solace of friendships outside professional life.²⁵ Taken together, these testimonials suggest a mercurial, unstable man, congenitally incapable of forthright behaviour to a degree unusual even in the corrupting and defamed profession of

politics.

Who was Herbert Vere Evatt and how did he come to rise to high office in his country and within the United Nations?

* * *

The Right Honourable Dr Herbert Vere Evatt, KC, MP, Deputy Prime Minister of Australia, Attorney-General and Minister for External Affairs (1941–49), was, first and foremost, an over-achiever. Prior to his melancholy decline and tragic twilight years, he made an indelible mark in law and politics. A brilliant academic record at Sydney University earned him numerous prizes and a doctorate of law at a time when such a degree was an exotic distinction in the antipodes. No Australian before or since has been appointed to the bench of the High Court at the age of 36. When he left justice for politics after ten years writing judgements that resonate in their implications to this day, he was still in his mid-forties. His horizons seemed boundless.

Yet within a decade as Leader of the Opposition (1951–60), he was a spent force, presiding over a truncated party that he never succeeded in leading into office. Careful judgement of his international statesmanship has been overshadowed by these events which came to overtake his career and reputation, tending to produce symbolic representations of the man, either saint or demon, depending on one's political predilections.²⁶ Examination of his career in international affairs has often replicated these extremes, producing a picture of Evatt as either an altruistic, visionary internationalist, or a self-promoting and jejune amateur who often caused more harm than good.²⁷

Sir Walter Crocker, whose dislike of Zionism was only exceeded by his distaste for Evatt and who therefore warrants attention on both counts, makes the latter case. A diplomat whose career encompassed the British Colonial Service, the League of Nations, the United Nations and later Australian External Affairs, Crocker headed the Africa Section within the United Nations Secretariat from 1946 to 1949 where he cast a disapproving, patrician eye on his fellow countryman. Evatt 'for all his proclaimed interest in modern art, had little culture and virtually no knowledge of literature' nor 'knowledge of or interest in history or historical geography'. He delighted in 'twisting the tail of the British lion', had 'flat diction', an 'ugly querulous voice' and his megalomania was 'already in evidence' in the 1940s. Moreover, Evatt 'left no speech, no phrase even, which is remembered or memorable'; had 'contempt for aristocrats' whom he could scarcely have known, and created 'much disturbance' by assisting the liquidation of colonial empires, Britain's included. His larrikinism and abrasive behaviour complete with embarrassed subordinates and the 'court jester' Atyeo, created a picture as 'thoroughly Australian as galvanised iron, tomato sauce bottles, or fly covers'. In addition, he exhibited physical cowardice typical of the power-hungry.²⁸

Claims like these are of varying merit. The record is too copious to permit doubt of Evatt's irascibility and deceptiveness. His United Nations activity does suggest a naivety about the future prospects and potential of the world body. The course of African decolonisation that Evatt assisted was indeed calamitous.²⁹ However, Evatt's genuine interest in modern art belies assertions of philistinism while the allegation of historical ignorance, when faced with Evatt's obvious achievements as a historian – he wrote an important work on the 1808 Rum Rebellion as well as a solid, if occasionally flawed, biography of the New South Wales premier, William Holman – bespeaks ungenerous partisanship.³⁰

The element of establishment disdain and colonial embarrassment, however, is patent in

Crocker's portrait of Evatt, even had he not provided numerous suggestive pointers elsewhere: the British diplomatic service is being 'diluted' in 'accordance with current prejudices'; Australian diplomats speak with 'poor diction and lack of terseness' in comparison to their British counterparts with 'the traditional public school and pre-war Oxford–Cambridge background'; Sir Alan Watt's 'culture' brought 'great advantages in the way of judgement' as did Sir James Plimsoll's 'culture' and 'elevated character'; Lord Casey 'gave station' to Australia on the international stage as well as changing the image left by 'the Evatt years'.³¹

Crocker's view of Zionism, 'an extreme and exclusive form of nationalism on the part of people of very mixed racial origins', which succeeded by 'guile and force' in the 'destruction of Palestine and the expulsion of the Arab majority in order to create Israel', is an ideological formulation. It relies on defective history and dovetails with a conviction of Jewish disruptive social and cultural influence that he exhibits in abundance. Crocker can be found observing that he was 'struck' by the large number of Jews in a United States being swelled 'deeply and rapidly' with non-Anglo-Saxon immigrants, as a perusal of his local telephone directory in the 1940s would confirm. Jews cannot be 'overlooked anywhere' for qualities good and bad; the American motion picture industry, which is 'essentially Jewish' has 'disseminated moronic vulgarity and corruption'; Jewish influence in finance is too large, opinion too intransigent, Israeli manners too wanting. Having fought hard for their state, they have earned it, but Jews elsewhere ought to move to it or assimilate.³² It occasions little surprise that Crocker joined members of Australia's oldest anti-Semitic organisation, the League of Rights, picketing trials of Nazi war criminals, entertained public doubt on the scope of the Nazi genocide and speculated on the reasons for its alleged inflation.³³

Jews loom large and dark in this picture, and so does Zionism. 'The existence, let alone the rights, of the Arab majority, the two thirds, in Palestine were completely ignored and as far as possible concealed ... the Palestinian Arabs had no hope of getting a hearing at the UN in 1946–48.'³⁴ This remains a curious accounting for the exhaustive, unrestricted and widely reported UN deliberations, involving full Arab participation, on the subject during those years. Essentially, the foregoing amply confirms Crocker as a man of sharp, definitive and unshaded opinions, whose criticisms of Evatt and Jews have this in common: a distaste born of an exquisite sense of social superiority.

The path to understanding Evatt can be illuminated by comparison with Ernest Bevin, the British Foreign Secretary. Bevin was in many ways a very different man. Professionally, especially amongst subordinates, Evatt was widely disliked and resented, whereas Bevin was probably the most beloved Foreign Secretary in history, which is an important index of their differing human qualities. Beyond loyalty to trusted associates, Bevin has also been credited with possessing an attitude that was 'never narrowly sectional'.³⁵ However, for all these important, even basic, distinctions, there were also similarities that were important.

Both were irascible, Evatt with most people, Bevin with political opponents and the middle-class intellectuals of his party. Both men were indifferent orators and had entered government almost at the same time and under the exigencies of war. Neither followed the customary rise from a career on the backbenches. Both were vigorous and energetic in nature and brusque with those who failed to appreciate their insights and opinions. Their similarity extended to aspects of appearance: conspicuous, bulky and determined-looking. Neither man paid the least attention to personal appearance. Anyone confronting a portfolio of Evatt photographs would most likely find a majority of them depicting him with his tie askew or with some other sartorial infelicity, which is scarcely surprising in view of the fact that he was known, when over-extended in

commitments, to retire to bed fully clothed.³⁶

There was also a shared quality of personal abrasiveness and contempt for the niceties of etiquette. Alan Bullock describes Bevin as ‘a man of fierce and often difficult temperament, of formidable confidence and resourcefulness’;³⁷ a picture of irascibility, self-assurance and improvisation which is also perfectly suited to Evatt. Abba Eban devotes to Evatt this colourful and unsparing depiction:

*His self-confidence was absolute. Behind his abrasive exterior lurked an abrasive interior. He never allowed his resolution to be blunted by any confession of fallibility ... Evatt was a contentious man. He did not suffer fools – or for that matter wise men – gladly. He expected deference and was seldom inclined to regard any praise of himself as excessive. There was always the danger that some injury to his vanity or sense of hierarchy might evoke vindictive reaction.*³⁸

Indicative, perhaps, of their similarity is the interesting fact that Eban subsequently lifted his glancingly witty reference to Evatt’s abrasiveness and transferred it, word for word, to his description of Bevin. It is significant, too, that, on Evatt’s death in 1965, *The Times* obituary credited Evatt with a sense of mission similar to that of Bevin.³⁹

The similarities of personal appearance and manner extend to political style and method. Their capacious minds were pragmatic rather than abstract in thought.⁴⁰ Both men shared backgrounds, one as trade unionist, the other as lawyer, in industrial law and arbitration and frequently resorted to the processes of arbitration courts in their political thinking. Bevin instituted the Anglo-American Committee of Inquiry in 1946 because he ‘saw it in terms of the bodies which by arbitration frequently brought about settlements in industrial disputes’.⁴¹ Evatt took a judicial approach chairing the UN Ad Hoc Committee on the Palestine question the following year.

However, neither in policy nor sentiment were Bevin and Evatt similar when it came to Palestine. It is worth noting Bevin’s attitude, since he played so central a role in the Palestine drama. Bevin had long acquaintance of Jews in the trade union movement and had shown them no previous sign of hostility. Ironically, the 1929 White Paper, conceived with a view to limiting Jewish immigration into Palestine, might well have been defeated on account of his intervention with Ramsay MacDonald at the request of Zionists, though he otherwise had no experience of Palestinian affairs and especially Jewish nationalism. When he arrived in 1945 as Foreign Secretary, he brought his usual determination and near-complete unacquaintance with Zionism to an outlook that was in general accord with his cadre of Foreign Office Eastern Department advisers, especially Harold Beeley.⁴²

Animated by a belief, acquired at an early date in his stewardship of the Foreign Office, that the British Labour Party’s pro-Zionist platform was misguided, allied to a long-held, unyielding conviction that Jewishness was devoid of national attributes, Bevin embarked resolutely on a pro-Arab policy on Palestine to which he obdurately clung even when it had been revealed as a stark failure and its continuation an embarrassment to Britain. Convinced that Arabs were downtrodden, he enlisted his considerable energies in their defence as he might have done on behalf of a hapless trade union. His ill-considered and offensive remarks about Jews owed much to this conviction. In consolidating his views of Jewish peoplehood and not anticipating the urgency of the Jewish refugee problem, he was assisted by external political factors and internal governmental developments: various data reached him in a way to confirm his views, and the pro-Zionist advocates within the Labour government like Hugh Dalton and Lord Morrison went to cabinet postings remote from the affairs of the Foreign Office. This tended to reinforce a

predisposition to rigidity of thought that was noted by colleagues like Dalton and the backbencher Richard Crossman. Bevin shared the common inability of self-made men to review their convictions or admit error. He was impatient of intellectuals and indeed, with any line of thinking that did not reflect the insights of his own experience of men and affairs. He believed without question in an international Jewish conspiracy, which had allegedly concocted Britain's isolation in world opinion on the issue. Britain's isolation was not held by Bevin to be the outcome of the actual policy Britain was pursuing under his close direction. Compared by him to the Irish Republicans in their American orchestration, Zionists were held to be land-grabbers into the bargain. Bevin even told Crossman that he would not have been surprised to learn that the Germans had learnt to commit atrocities from the Jews.⁴³

Did the pro-Zionist Crossman artlessly exaggerate for effect out of personal animosity to Bevin? He frequently recounted anecdotes of this kind to Zionist officials. In fact, however, there was something to his charge. Bevin's colleague, Christopher Mayhew, who otherwise shared his Palestine policy, would recount hearing distressedly in personal conversation Bevin's Nazi-Zionist comment amidst a plethora of anti-Jewish remarks quite distinct from the subject of Zionism. Despite evidence of this kind, there has been some reluctance to name Bevin's anti-Semitism. Mayhew himself, elsewhere, denies that this was the case as does Bullock, though a more recent biographer, Peter Weiler, concedes the point, citing Bevin's frequent unflattering references to Jews in the context of both international finance and communism. His public abrasiveness towards Jewish nationalism, even allowing for an intensely combative personality, was sensed even by those in broad sympathy with his objectives to be driven by more than mere policy, the product, as the State Department's Dean Rusk, put it, of a 'great personal irritation'.⁴⁴

Evatt like Bevin, never admitted error and, in so far as his policy on Palestine bore fruit, he had an easier time defending it. As was his wont, once determined upon a course of action, he pursued it with a single-minded consistency worthy of Bevin. This is what occurred with respect to Palestine and his undeviating certitude caused both friends and foes of Zionism many surprises, welcome and unwelcome.

But what influence could an antipodean statesman in the 1940s bring to bear on the world? Today its politicians call Australia a medium power. Self-governing since 1901, Australia had not been fully independent in law and practice until the end of the Second World War. Such was the perceived identity of interests that Britain did not think to appoint a High Commissioner to Canberra until 1931. An official accredited to Switzerland in 1911 became Australia's first diplomatic representative outside Britain; a Trade Commissioner had been posted to New York in 1918, but these were isolated and exceptional appointments. However, a Department of External Affairs was finally detached from the Prime Minister's Office in 1935 and, with the outbreak of the Second World War, ministers were sent to Tokyo, Chungking, Moscow and also to the exiled Dutch government. The group of men who pioneered Australian overseas representation was small; 15 in all. Evatt, as External Affairs Minister in the governments of John Curtin (1941–45) and Joseph Benedict Chifley (1945–49), thus entered upon foreign affairs at the formative moment when war had made urgent the assertion of specific Australian interests. The traumas of a war that reached and on occasion crossed into the Australian continent created a distinctly Australian foreign policy for a nation that had been neither created by war nor urgently evolved in its identity. Scholars of the period have detected a 'fracturing' of the 'imperial imagination' that bound Australia to Britain; others have doubted the maturity of such a profound development, though something of the kind was in the offing. Whatever the pace of this development, Australia was being changed by world events as surely as the wave of post-

war refugees from southern and eastern Europe was creating what was officially designated, in the interests of harmonious integration, 'new Australians'.⁴⁵

How did these developments alter Australia's outlook on the world? Insouciant isolationism was discarded. Successive governments had been disappointed in British and American neglect of Australian regional interests during and after the war. British preoccupation with imperial defence and communications after the fall of Singapore in 1942 had made Australians traumatically aware of their secondary importance to a Britain fighting alone in Europe. Only with the greatest difficulty had the Curtin government effected the return home of Australian forces after Japan commenced threatening Australia from New Guinea in 1942. Neither Britain, the United States nor the Soviet Union invited Australia to the 1945 Potsdam Conference or indeed its predecessors at Tehran and Yalta.⁴⁶

Australia's exclusion extended to its own sphere in the Pacific. It had proved unable, along with other small powers, to influence the occupation of Japan or the terms of the post-war order in the Pacific. Evatt's agitation was responsible for Australia's representation on the Far East Commission, which was responsible for the Allied occupation of Japan. Through William MacMahon Ball, it also represented the British Commonwealth on the Allied Council in Tokyo. But the United States tended to bypass both institutions. As a result, Australia evolved, in the words of Hartley Grattan, an American Pacific expert who knew Evatt well, 'a small power nationalism in a big power world, a rule of law internationalism against a power-politics internationalism ... As a strategy in international relations it was designed to bring security and unalloyed, national independence to Australia.'⁴⁷

This quest was to give Evatt his greatest claim to international fame. In an extraordinary, prodigious performance, he played a formative role at the San Francisco Conference in 1945 that gave birth to the United Nations. Even here, some of his critics have sought to cut him down to size. One, Peter Ryan, denigrates him as one of the wrench-brandishing, pipe-knocking 'minor plumbing contractors' with pretensions to the claim of architect of the world body.⁴⁸ Evatt's peers, many by no means warm to him, disagreed. Lester Pearson described Evatt's role at San Francisco as characterised by 'drive, determination, and ... incredible energy'.

*He was in effect a one-man delegation, as he rushed from committee to committee, urging the Australian viewpoints in all matters, clearly taking great pleasure in contending with the Great Powers and in trying to reduce their representatives to size ... In a sense, he was the outstanding figure of the Conference.*⁴⁹

Evatt was not uniformly successful at San Francisco. He is well-remembered for the battle he lost: attempting to curtail the veto power of the Security Council permanent members. However, he succeeded in extracting concessions from the great powers on the scope of the General Assembly's authority, improving the restrictive Dumbarton Oaks draft to enable the Assembly to consider all matters within the Charter's scope, turning it, as one interviewer put it, paraphrasing Evatt's description, into 'an open forum for the world'.⁵⁰ Hasluck, temperamentally and substantively often at odds with Evatt, was generous in praise of the virtuosity of Evatt's legal draftsmanship at the Conference.⁵¹ Eggleston, by no means blind to Evatt's faults and insisting he was making no defence of Evatt, opined that Evatt's work in San Francisco was not 'merely a Small Power vs. a Great Power campaign. It was a campaign against the defective principles of the Charter'.⁵² The *New York Times* paid Evatt the following tribute:

When Dr. Evatt came here he was a virtually unknown second-string delegate, with the background of a judge and Labor politician. He leaves, recognised as the most brilliant and effective voice of the Small Powers, a leading statesman for the world's conscience, the man who was not afraid to force liberalisation of the League [of Nations] Charter, and who had sense enough not to press his threat so far as to break up the conference.⁵³

The Charter as amended by Evatt succeeded in earning Australia some of the advantages he sought. Amendments to the principles of trusteeship gave Australia influence in the colonial possessions of Portugal, the Netherlands and France that lay within Australia's immediate region. Other Charter provisions, such as those permitting fortification of Class C mandates, enabled Australia to garrison troops in New Guinea. The empire endured, to be sure; this was an intermediate period. The pre-eminence of the United Nations in the new policy was not strictly incompatible with the British orientation in Australian foreign policy, such as Curtin, his first political master, had favoured. Chifley gave him considerable latitude, even whilst occasionally differing in emphasis, and made a point of giving Evatt the public credit due him. Chifley, a former engine driver from Bathurst and autodidact, shared Evatt's views on the United Nations but tended to a more measured estimate of its inherent capacities. He would frequently deputise for Evatt during his absences in New York as President of the General Assembly. Arthur Calwell, the Minister for Immigration, shared a large measure of Evatt's enthusiasm for the world body.⁵⁴ This was as internationalist a set of ministers as could be expected in the parochial climate of the 1940s, in description of which Israel's first representative in the country reported home in 1949:

It is far more insular than South Africa and the only world issues in which its press show any interest at the moment are the dollar crisis and, mildly, Far Eastern affairs. Living is far more expensive than I had expected, and amenities far fewer. Services of every kind are poor, some even primitive. The general excuse is shortage of manpower. The slogan that glares down from posters 'Take it EasySpeed Kills' seems to be taken to heart by everyone, except perhaps, the motorists for whom it is intended.⁵⁵

In short, Australia under Evatt constantly discovered its limits only by testing them. A small or medium power on the margins of international life needed, to some extent, to adopt a posture-as-policy approach. Despite appearances, Evatt was not an unreconstructed internationalist. He did not share utopian fantasies held in some radical circles. When internationalists like Edgar Mowrer urged world government as the only sure instrument to banish war, Evatt dissented: 'what is necessary', he said, 'is to concentrate on making the existing United Nations organisation a success'.⁵⁶ However, the consequent dissent from a consolidated Anglo-American stance in the looming Cold War increasingly complicated Evatt's policy, creating ill-will and suspicion in Washington and London. He persevered in annoying them, at least for a time. Asked by Attlee to join the 'Western Union' of Britain and West European states united in a common anti-Soviet policy, Chifley and Evatt declined. 'We prefer not to allow considerations of strategy to influence our considerations of disputes which can only be settled permanently on a basis of justice.'⁵⁷

It is easy for those who did not live through events to generalise from the digest of history, as is evident in the current fashion to eulogise particular decades with two or three seemingly well-chosen adjectives that in the end can at best be merely allusive. The year 1947 was Janus-faced.

Those then alive and mature looked back to the immediate post-war period, the sense of moment and mission to build a secure world that accompanied the defeat of the Axis powers. They also peered ahead with a sense of foreboding to the Cold War, the superpower antagonism on a world scale that put an indelible stamp on the history of the succeeding half-century. Idealism and anxiety were the mingled temper of the United Nations Organisation that Evatt, knocking pipes and brandishing wrenches but also refining and refashioning blueprints, placed at the centre of his foreign policy.

It was not an approach widely appreciated in his own country. The prevailing conservative attitude to foreign affairs, reflected in popular opinion, was to regard such matters as did not directly concern Australia as arcane activity best left to the great powers. The Liberal–Country Party opposition sought to diminish Evatt’s UN work and to criticise his long absences in New York. It was not unusual for Evatt’s foreign policy statements to be punctuated by opposition interjections belittling his UN preoccupations, the efficacy of its work or Australia’s investment in it.⁵⁸ Chided by Howard Beale in the Parliament for repeatedly referring to the United Nations in his foreign policy statements and not speaking as an Australian, Evatt’s rejoinder was concise: ‘The Honourable Member ... said that I must speak as an Australian. I have never spoken in any other way. Australia’s contribution to international affairs has been made, to a large extent, through the United Nations’.⁵⁹

In the world body Evatt reposed great hopes. Its *raison d’être* was nothing less than the resolution of international conflict, aiming for ‘standards of justice, not those of temporary expediency or power politics’, with full Australian involvement, in illustration of which on at least one occasion he cited Australia’s role in Indonesia, Israel and Hungary.⁶⁰ The arduous pursuit of Australian interests through a rule of law internationalism sometimes rendered Evatt’s professed idealism so naive as to be suspect. But that is the distorted product of hindsight. The Cold War caused the United Nations to mutate into a sometimes mischievous influence in world affairs, in large measure because of the veto power that Evatt had staunchly but vainly opposed at San Francisco. Discord between the great powers, amongst other developments, stultified the world body. The hopeful world of its creators was virtually obsolete by the time Evatt left the arena in December 1949 and the opposition leader, Robert Menzies, indirectly announced the end of the Evatt era earlier that same year: ‘Expediency matters in this world, and if we are confronted by a state of affairs in which we find things challenging the peace of the world and the security and future of our people, it is no use stating airy-fairy legalistic ideals.’⁶¹

However, the short halcyon period after the Second World War when the international body comprised a diverse but more cohesive membership saw it deal with certain international matters with relative swiftness and, on occasion, with modest success. Security Council action could produce results in Azerbaijan and Indonesia. Specialised agencies devoted themselves to their constitutive agendas and even the Assembly’s exhortatory declarations possessed the virtue of eloquence. The parliamentary principle had not yet been perverted by a proliferation of undemocratic member states voting en bloc for each other’s narrow interests and the exclusion of prudential scrutiny. Above all, the United Nations enjoyed a resonance never since recaptured. Eban, who was there at the time, wrote:

The United Nations seemed to matter very much to the world in those days. Its early years, from 1946 to the Korean War in 1950, were its era of promise ... The Foreign Offices of major powers regarded the UN sessions as the landmarks in their diplomatic calendars. In the days before the existence of NATO, the Warsaw Pact and the European Community, the UN was the only convincing expression of

*the multinational idea. In addition to wide coverage by the American and international press, the major organs of the United Nations seemed to evoke a deference in world opinion that made even the most cynical statesman responsive to their voice.*⁶²

The Second World War had been won at enormous cost by an anti-Fascist alliance that had also created the world body. How the chief victors might settle the post-war order remained to be seen. The successor to the League of Nations they had devised was based in New York, but still lacked a permanent home. For the moment, its secretariat, bureaucracy and delegations convened at a disused gyroscope factory at a place on Long Island called Lake Success, more than an hour out of Manhattan. Plenary meetings would overflow to an auditorium at Flushing Meadow in Queen's, since converted to a skating rink, some 15 kilometres away. It was only in 1951, following a huge donation from the Rockefeller dynasty, that a prominent site on the East River was purchased where its present Frank Lloyd Wright-inspired skyscraper, spare and streamlined, but also now looking antiquated before its time, dominates the river. Lake Success has been forgotten. A small brass plaque at the gyroscope factory is all the commemoration available of those halcyon years.

Idealism at San Francisco and later at Lake Success was tempered by the memory, fresh in the minds of everyone involved, that the first attempt to secure the peace by establishing a world body had ended in ignominious failure.

*The League of Nations was the first practical experiment in collective security. It failed. It failed because the major powers, blind to all save the appeal of selfish expediency, withheld from the League of Nations the power without which its authority could not be enforced. Selfish expediency prevailed when Japan invaded Manchuria in 1931. It prevailed when Hitler violated the Treaty of Versailles and reoccupied the Rhineland in 1936. It prevailed in 1938 when Hitler seized Austria and began the destruction of Czechoslovakia. We face today exactly the same challenge. We face it not only in the case of Soviet expansion; we face it equally in the case of Palestine.*⁶³

The words are those of Sumner Welles, the time of writing mid-1948, as the United Nations pondered in an agony of indecision the twin issues of restoring peace and asserting its authority in Palestine which it had voted only the previous November to partition between its Arab majority and Jewish minority. They are reproduced because they convey unselfconsciously the temper of the times: trepidation on the brink of a Cold War, the interrogation mark hanging over the prospect of international co-operation and collective security. It was a time of suspense and danger, preoccupied with vastly complex international arrangements and a profusion of new instruments outlawing wars of aggression, violations of human rights and regulating the peaceful use of atomic energy. What remained of the wartime American–Soviet alliance was unclear, the prognosis gloomy. Genuine elections in the Soviet German zone in 1945 were nullified when socialists out-pollled communists, and the free and fair elections for Poland in 1947, promised at Yalta, were so manifestly fraudulent as to fool no-one. The alternatives of accommodation or containment of the Soviet posture were forming in Western capitals. Internally, the Union of Soviet Socialist Republics was undergoing Stalin's final binge of show trials and expansion of an already swollen gulag. Infinitely less deadly, but deeply divisive, a campaign of anti-communist exposure and denunciation in the United States, encapsulated in memory as McCarthyism, was soon to break out.

Rebuilding Europe, civil war in Greece, a post-war German settlement, the disposition of the former Italian colonies, the future government of Palestine, the Japanese settlement: these were the challenges that preoccupied the international diplomatic calendar for 1947. Of all of these, Palestine seemed the issue of the hour. The fate of hundreds of thousands Displaced Persons (DPs), survivors of Hitler's Third Reich, depended on its outcome and their continuing incarceration in European detention camps transfixed international attention. In Palestine itself, civil disorder, terrorism and retaliatory repression were the order of the day in a League of Nations mandate still enjoying no measure of representative government. Referred by the mandatory power, Britain, to the world body for determination, it seemed particularly unpromising in its prospects for resolution: a magnet for strong passions, a subject done to death by partisanship and propaganda, a seemingly imminent focus of superpower confrontation, and an issue that had resisted negotiated solution and the ingenuity of successive commissions of inquiry over three decades. When it came to the General Assembly, it was known as the 'hot potato' that otherwise ambitious and conscientious internationalists shunned.

How had Palestine emerged to be the question of the moment?

NOTES

1. Walter Crocker, 'The Riddle of Herbert Evatt', *Overland*, Nos 94–5, 1984, p. 74; *Australian Ambassador: International Relations at First Hand* (Melbourne University Press, Carlton, 1971), pp. 113–14; Sir Howard Beale, *This Inch of Time: Memoirs of Politics and Diplomacy* (Melbourne University Press, Carlton, 1977), p. 34. See also Nicholas Whitlam and John Stubbs, *Nest of Traitors: The Petrov Affair* (Jacaranda Press, Milton, Queensland, 1974), p. 29ff.
2. The William Douglas Forsyth papers, 'Memoir's, Bk 2, Pt 1, Ch. 18, pp. 3 and 8, National Library of Australia (hereafter NLA) MS5700.
3. John Wear Burton (1915–). Born Melbourne, educated at the University of Melbourne and the University of London's School of Economics. Head, UN Division, Department of External Affairs (1946–47), Secretary, Department of External Affairs (1947–50), High Commissioner to Ceylon (1951, resigned). Rockefeller Scholar, Australian National University (1962), Reader, International Relations, University College, London (1963–80). Author of *The Alternative* (1954), *Peace Theory* (1962), *International Relations: A General Theory* (1965), *Systems, States, Diplomacy and Rules* (1968), *Conflict and Communication* (1969), and *World Society and Conflict* (1972).
4. Colonel William Roy Hodgson (1892–1958). Born Kingston, Victoria, educated at the Royal Military College, Duntroon, and the University of Melbourne. War service, Australian Imperial Forces, 2nd Field Artillery Brigade; Croix de Guerre avec Palme. Attached to General Staff, Army HQ, Melbourne (1921–34). Assistant Secretary (1934) and Secretary, Department of External Affairs (hereafter DEA) (1935–45), High Commissioner to Canada (1945), Adviser, Australian Delegation to United Nations Conference on International Organisation (1945), Delegate, UN Security Council (1945), Leader, Australian Delegation to UN (1945–46). Minister (1945–48) and Ambassador (1948–49) to France, British Commonwealth Representative, Allied Control Council for Japan (1949–51). OBE.
5. Harry Levin to Michael Comay, letter, 1 September 1949, State Archives of Israel, Jerusalem (hereafter SAI), 2582/12.
6. Warren G. Osmond, *Frederic Eggleston: An Intellectual in Australian Politics* (Sydney, Allen

- and Unwin, 1985), pp. 25–6.
7. Sir Arthur Tange in a letter to the author, 28 February 1996; Alan Rix, 'W. Macmahon Ball and the Allied Council for Japan: The Limits of an Australian Diplomacy under Evatt', *Australian Outlook*, Vol. 42, No. 1, April 1988, pp. 21–2; Paul Hasluck, *Diplomatic Witness: Australian Foreign Affairs 1941–1947* (Melbourne University Press, Carlton, 1980), p. 235; Comay to Moshe Shertok (Head, Political Department, Jewish Agency), letter, 2 May 1947, SAI 2266/15. See also Hartley Grattan, *The United States and the South West Pacific* (Harvard University Press, Cambridge, MA, 1961), p. 188.
 8. P.G. Edwards, *Prime Ministers and Diplomats: The Making of Australian Foreign Policy: 1901–1949* (Oxford University Press, Melbourne, 1983), p. 113; John Burton, *The Alternative: A Dynamic Approach to Our Relations With Asia* (Morgan Publications, Sydney, 1954), p. 89ff.
 9. The following passage relating Burton's swan song from the department gives an index of the disaffection Forsyth felt for him: 'John's odd and unauthorised return from his post a year or two later as a candidate opposing the Government to which he owed his appointment was quite an event. While still a public servant and in their employ he made at Darwin airport a stopover press statement attacking them publicly'. Forsyth papers, 'Memoirs', Bk 2, Pt 1, Ch. 18, p. 28, NLA MS5700.
 10. *Ibid.*, pp. 2 and 28 and 'Memoirs', Box 2, 1941–51: 'The Evatt Years', pp. 235–6; Burton to Quinn, draft cable, 2 September 1947, Australian Archives, Canberra (hereafter AA) A4311 Box 663, Outwards to Dr Evatt file.
 11. Samuel Laurence Atyeo (1910–90), born Melbourne, educated Melbourne Technical College and the National Gallery Art School. Winner, Grace Joel Prize (1930). An artist, designer and architect by profession, exhibiting frequently during the 1930s. Resident in Paris (1936–40). 'Temporary' appointment, Department of External Affairs (1940–50), Head, Australian War Supply Procurement Division, Washington and New York (1941–45), Australian Representative, United Nations Special Committee on Palestine (1947), United Nations Special Committee on the Balkans (1947) numerous other postings in the USA and Europe (1946–50). Retired to Venice, France in 1950 and recommenced painting in 1960. Short biography by Jennifer Phipps, *Atyeo* (Heide Park and Art Gallery with the Victorian Ministry for the Arts, 1982).
 12. Burton in a letter to the author, 26 January 1995; Richard Haese, *Rebels and Precursors: The Revolutionary Years of Australian Art* (Penguin Books, Ringwood, 1981), pp. 19–20; Phipps, *Atyeo*, p. 12; Kylie Tennant, *Evatt: Politics and Justice* (rev. edn, Angus and Robertson, Sydney, 1972), p. 180; Forsyth Papers, 'Memoirs', Bk 2, Pt 1, Ch. 9, pp. 5–6, NLA MS5700.
 13. Peter Crockett, *Evatt: a Life* (Oxford University Press Australia, Melbourne, 1993), p. 162; interview with Noel Deschamps, Melbourne, 8 September 1998; Tennant, *Evatt*, p. 180; Harold Beeley, Middle East adviser to Ernest Bevin, recalled a ribald exchange in the confined space of Evatt's car when once offered a ride; telephone interview with Sir Harold Beeley, London, 24 August 1997; 'The Return of a Prodigal Son', *Australian*, 10 February 1983.
 14. 'Mr Atyeo on Show', *Sun*, 19 August 1963. Atyeo's retelling is careless, Victoria having been the great-grandmother of George VI.
 15. Atyeo to Evatt, letter, 12 March 1947, W.J. Hudson and Wendy Way (eds), *Documents on Australian Foreign Policy 1937–1949* (hereafter *DAFP*), Vol. 12, 1947, p. 33.
 16. *Commonwealth of Australia Parliamentary Debates* (hereafter *CAPD*), House of Representatives, 10 February 1949, Vol. 201, p. 142; Ken Buckley, Barbara Dale and Wayne

- Reynolds, *Doc Evatt: Patriot, Internationalist, Fighter and Scholar* (Longman Cheshire, Melbourne, 1994), p. 419n; Phipps, *Atyeo*, p. 31.
17. John Douglas Lloyd Hood (1904–91). Born Adelaide, South Australia, educated University of Tasmania and Magdalen College, Oxford (Tasmania Rhodes Scholar, 1926). Served on editorial staff, London *Times* (1929–36), Assistant Australian External Affairs Officer, London (1936–39), First Secretary, Department of External Affairs (1939–45), Chargé d’Affaires, Netherlands (1945–46), Political Adviser, Military Mission to Germany and External Affairs Officer, London (1946–47), Australian Representative, United Nations Special Committee on Palestine (1947), United Nations Special Committee on the Balkans (1947), Minister in Charge of UN Mission (1947–50), Ambassador to Indonesia (1950–52), West Germany (1952–56), President, UN Trusteeship Council (1957), Minister, Australian UN Mission (1958–63), Ambassador to Israel (1963–65). CBE 1954.
 18. Ralph Harry, *No Man is a Hero: Pioneers of Australian Diplomacy* (Arts Management, Sydney, 1997), p. 26. I should like to thank Mr Harry for kindly making available to me portions of his book when still in draft form; Howard Adelman, ‘Australia and the Birth of Israel: Midwife or Abortionist’, *Australian Journal of Politics and History*, Vol. 38, No. 3, 1992, pp. 361–2. Hood later admitted that when serving on the United Nations Special Commission on the Balkans, he did not move without Evatt’s knowledge or approbation; Dean Ashenden, ‘Evatt and the Origins of the Cold War: Australia and the US with the UN in Greece, 1946–1949’, *Journal of Australian Studies*, No. 7, November 1980, p. 85n; Forsyth Papers, ‘Memoirs’, Bk 2, Pt 1, Ch. 18, p. 3, NLA MS5700; Atyeo to Evatt, letter, 12 March 1947, *DAFP*, Vol. 12, 1947, p. 33.
 19. Gary Woodard, ‘The Diplomacy of Appeasement’, *Quadrant*, January–February 1999, Vol. 43, No. 1, p. 50.
 20. Interview with Noel Deschamps, Melbourne, 8 September 1998; Harry, *No Man is a Hero*, p. 25. Eban refers elliptically to Hood’s capacity for drink in the briefest of character sketches: ‘John D.L. Hood of Australia was a professional diplomat whose sharp mind was concealed by an easy-going disposition and a very marked taste for conviviality’; Abba Eban, *An Autobiography* (Weidenfeld & Nicolson, London, 1978), p. 77. Others, like Forsyth, saw Hood as ‘habitually taciturn’; Forsyth Papers, ‘Memoirs’, Bk 2, Pt 1, Ch. 9, p. 17, NLA MS5700. Crocker also refers to Hood’s heavy drinking; *Australian Ambassador*, p. 114, leading him to conclude that he ‘had no character’; interview with Crocker, Adelaide, 15 January 2000.
 21. Lester Pearson, *Memoirs 1897–1948: Through Diplomacy to Politics* (Victor Gollancz, London, 1973), p. 273; Macarthur quoted in P.G. Edwards, ‘Evatt and the Americans’, *Historical Studies*, Vol. 18, No. 73, October 1979, p. 551; Eliahu Elath, *HaMa’avak Al HaMedinah* [The Struggle for Statehood] (Am Oved, Tel Aviv, 1979), Vol. 2, p. 350. The author would like to thank Mr Yacov Ekstein for his assistance with the Hebrew text.
 22. Bevin quoted in Buckley, Dale and Reynolds, *Doc Evatt*, p. 415; David Dilks (ed.), *The Diaries of Sir Alexander Cadogan, O.M., 1938–1945* (Cassell, London, 1971), p. 272; W. Millis (ed.), *The Forrestal Diaries* (Viking Press, New York, 1951), pp. 532 and 105.
 23. Quoted in Edwards, ‘Evatt and the Americans’, p. 557.
 24. Interview with Noel Deschamps, Melbourne, 8 September 1998.
 25. Max Freilich, ‘The Controversial Herbert Vere Evatt’, *The Bridge*, Vol. 7, No. 1, February 1972, p. 47.
 26. Bridget Griffin-Foley, ‘“This Thing of Darkness”: Public Representations of Dr H.V. Evatt’,

Public History Review, Vol. 3, 1994, p. 64.

27. Tennant, *Evatt: Politics and Justice* and Alan Renouf, *Let Justice Be Done: The Foreign Policy of H.V. Evatt* (University of Queensland Press, St Lucia, 1983), would represent the former; Crocker, *Australian Ambassador*; and Peter Ryan, 'The Case against Doc Evatt', *Age*, Extra, 7 September 1991, the latter.
28. Crocker, 'The Riddle of Herbert Evatt', p. 74; *Australian Ambassador*, pp. 73–7, 113–14; *Travelling Back: Memoirs of Sir Walter Crocker* (Macmillan, Melbourne, 1981), pp. 196, 204. The assertion of cowardice was never been publicly withdrawn, but Crocker disowned it in a letter to the author, 24 February 2000. There might be additional commentary on Evatt which Crocker declined to put into print, his *Memoirs*, according to its forward, being an abridgement of a draft twice its length whose release Crocker first embargoed until 2000 and since, till his recent death at the age of 100.
29. Evatt's activism on speedy decolonisation earns him his only (disapproving) reference in Paul Johnson's history of the twentieth century; *Modern Times: A History of the World from the 1920s to the 1990s* (Phoenix, London (rev. edn), 1996), p. 466. Evatt secured the tougher US draft Declaration Recognising Non-Self-Governing Territories, which strengthened the provisions of the original British version, and played a major role in enshrining it in the UN Charter (Chapter XI); Brian Urquhart, *A Life in Peace and War* (Harper and Row, New York, 1987), pp. 119–20.
30. See Buckley, Dale, and Reynolds, *Doc Evatt*, pp. 134–5.
31. Crocker, *Australian Ambassador*, pp. 57–66. Similar views are expressed in *Travelling Back*, pp. 183 and 202.
32. Crocker, *Australian Ambassador*, p. 92ff.; *Travelling Back*, pp. 62–3, 106, 166–7; 'The Riddle of Herbert Evatt', p. 74. A possible inspiration for Crocker's views on Jews and Israel could well have been his friend, the British historian Arnold Toynbee, whose own biographer, though insisting that he was no anti-Semite, concedes him to have been 'profoundly unsympathetic to Judaism and to Jews' (William H. McNeill, *Arnold J. Toynbee: A Life* (Oxford University Press, Oxford, 1990), p. 248). Toynbee's views on Jewish qualities and Zionism bear more than a passing resemblance to Crocker's own. Crocker described him as 'one of my heroes' and 'always worth listening to on political questions', which he did on the several occasions Toynbee was his guest on his various postings; *Travelling Back*, p. 183; interview with Crocker, Adelaide, 15 January 2000.
33. 'Crocker to Picket War Case'; 'Angry Sir Walter Goes to War', *Advertiser*, 11 and 13 November 1991; Crocker, *Travelling Back*, p. 106. Subsequent amelioration of such views, offered privately, yielded qualifications as to the one-sidedness of his accounts of Evatt and Zionism, his repudiation of Holocaust revisionism and the intimation that his views owed something to the actions of Zionist extremists, like those that sent a letter bomb to the British mission in New York, resulting in the maiming of the second secretary; interview with Crocker, Adelaide, 15 January 2000. The repudiation of Holocaust revisionism seems to have been a matter of form rather than substance in view of Crocker's cordial contacts until his death with an Australian promoter of Holocaust denial; <http://www.adelaideinstitute.org/newsletters/n185.htm>
34. Crocker, *Travelling Back*, p. 106.
35. Henry Pelling, *A History of British Trade Unionism* (Penguin Books, Harmondsworth, 1963), p.189.
36. Interview with R.J. Hawke, Melbourne, 28 May 1994. Hawke recalls seeing Evatt in 1958 at

- Melbourne's Windsor Hotel waking up and leaping fully clothed from his bed.
37. Alan Bullock, *The Life and Times of Ernest Bevin*, Vol. 3, *Foreign Secretary, 1945–1951* (Heinemann, London, 1983), p. 856.
 38. Eban, *An Autobiography*, p. 91. Elsewhere, Eban said of Evatt: 'Nobody could describe him as an engaging personality ... He was egotistical, brilliant, curt and entirely tolerant of all those who blindly accepted his own views'; quoted in Robert St John, *Eban* (W.H. Allen, London, 1973), p. 221.
 39. Abba Eban, *Personal Witness: Israel Through My Eyes* (G.P. Putnam, New York, 1992), p. 168; *The Times*, 3 November 1965.
 40. Hasluck's description of Evatt on this score is both the most detailed and judicious; see *Diplomatic Witness*, p. 24ff.
 41. Kenneth Harris, *Attlee* (Weidenfeld & Nicolson, London, 1982), p. 392.
 42. Christopher Sykes, *Crossroads to Israel* (New English Library edn, London, 1967), pp. 287–8.
 43. Bevin's conviction that Jews were simply a denomination dated back as far as 1932; Joseph Gorny, *The British Labour Movement and Zionism* (Frank Cass, London, 1983), pp. 216–17. W. Keith Pattison, 'The Delayed British Recognition of Israel', *Middle East Journal*, Vol. 37, No. 3, Summer 1983, p. 413; Martin Jones, *Failure in Palestine: British and United States Policy after the Second World War* (Mansell Publishing, London and New York, 1986), p. 42ff.; Harris, *Attlee*, p. 390; Bullock, *The Life and Times of Ernest Bevin*, Vol. 3, p. 83; Sykes, *Crossroads*, p. 288; 'Report on Visit to London – August 8th to 9th', Eban, memo, 5 August 1947, in Michael Cohen (ed.), *The Rise of Israel. A Documentary Record from the Nineteenth Century to 1948* (Garland Publishing, New York and London, 1987), Vol. 37, *United Nations Discussions on Palestine, 1947*, pp. 61–2.
 44. Jones, *Failure in Palestine*, pp. 275–6; Christopher Mayhew, *Time to Explain: An Autobiography* (Hutchinson, London, 1987), pp. 119–20; Michael Adams and Christopher Mayhew, *Publish it Not ... The Middle East Cover-Up* (Longmans, London, 1975), p. 18. It is difficult to gainsay the comments contained in Mayhew's diary, published 12 years after that statement. Bullock, *The Life and Times of Ernest Bevin*, Vol. 3, pp. 165–9; Peter Weiler, *Ernest Bevin* (Manchester University Press, Manchester and New York, 1993), pp. 170–4. Sykes opines that a charge of anti-Semitism against Bevin is 'not baseless but ... need[s] qualification'; and that he 'came near to anti-Semitism' in his adherence to the Jewish conspiracy theories common to anti-Semites; Sykes, *Crossroads to Israel*, pp. 287–8. Dean Rusk to Robert Lovett, 26 January 1948, in Cohen (ed.), *Rise of Israel*, Vol. 38, *The American Trusteeship Proposal, 1948*, p. 41.
 45. Zelman Cowen, 'One Hundred Years a Nation: Australia Looks to 2001', *Quadrant*, Vol. 41, No. 10, December 1997, p. 32ff.; Pierre Hutton, 'The Importance of Being Ernst: The Forgotten First Australian Official Overseas Representative Outside the British Empire', unpublished monograph. The author is grateful to Mr Hutton for making the manuscript of his monograph available to me. Laurie Hergenhan, *No Casual Traveller: Hartley Grattan and Australian-US Connections* (University of Queensland Press, Brisbane, 1995), pp. 18–9; Woodard, 'The Diplomacy of Appeasement', p. 49; Christopher Waters, *The Empire Fractures: Anglo-Australian Conflict in the 1940s* (Australian Scholarly Publishing, Collingwood, 1995), p. 6; David Lowe, *Menzies and the 'Great World Struggle': Australia's Cold War 1948–1954* (University of New South Wales Press, Kensington, NSW, 1999), p. 8.
 46. Neville Meaney, 'Australia, the Great Powers and the Coming of the Cold War', *Australian*

- Journal of Politics and History*, vol. 38, no. 3, 1992, p. 320.
47. Grattan, *The United States and the South West Pacific*, p. 189.
 48. Peter Ryan, 'Whitewashed by Committee', *Sydney Morning Herald*, 14 May 1994, Spectrum, p. 8a.
 49. Pearson, *Memoirs 1897–1948*, p. 276.
 50. Evatt interview with William Winter, transcript, 6 February 1945, Evatt Collection, Flinders University Library, Adelaide (hereafter EC) UN – Statements and Speeches by Evatt.
 51. Paul Hasluck, 'Australia and the Formation of the United Nations', *Journal of the Royal Australian Historical Society*, Vol. 40, No. 133, 1954, p. 152.
 52. Osmond, *Frederic Eggleston*, p. 247.
 53. *New York Times*, 27 June 1945.
 54. Buckley, Dale and Reynolds, *Doc Evatt*, p. 305; Forsyth papers, 'Memoirs', Box 2, 1941–51: 'The Evatt Years', p. 16, NLA MS5700; Burton to Evatt, confidential telegram, draft, 2 December 1948, EC John Burton file; Alan Watt, *The Evolution of Australian Foreign Policy, 1938–1965* (Cambridge University Press, Cambridge, 1968), p. 44; L.F. Crisp, *Ben Chifley* (Longmans, Green & Co., London, 1963), pp. 287–8; Lowe, *Menzies and the 'Great World Struggle'*, p. 15. On one occasion, Calwell was to cable Evatt in New York: 'we must back United Nations because if U.N.O. fails war is inevitable'; Calwell to Evatt (New York), cable, 5 April 1949, AA A9420/1 3.
 55. Yehuda Harry Levin to Michael Comay, letter, 31 August 1949, SAI 2582/12.
 56. Quoted in Sara Alpern, *Freda Kirchwey: A Woman of the Nation* (Harvard University Press, Cambridge, MA, 1987), p. 172.
 57. Chifley to Attlee, 22 January 1948, quoted in Lowe, *Menzies and the 'Great World Struggle'*, p. 18.
 58. Norman Harper and David Sissons (eds), *Australia at the United Nations* (Manhattan Publishing Company, New York, 1959), p. 302; Burton to Evatt, confidential letter, draft, 2 December 1948, EC John Burton.
 59. *CAPD*, House of Representatives, 21 June 1949, Vol. 202, p. 1220.
 60. Fragment of address, p. 4, n.d., EC Evatt – Misc & Incomplete Papers.
 61. *CAPD*, House of Representatives, 15 February 1949, Vol. 201, p. 268.
 62. Eban, *Personal Witness*, p. 114.
 63. Sumner Welles, *We Need Not Fail* (Houghton Mifflin, Boston, MA, 1948), pp. xxii–xxiii.

2

‘A Rigorous System of Suppression’

Nationalism was the wave of the last century throughout the world. Most nationalisms grow in local soil, as one might expect, but Zionism was different. It was nurtured in Europe. Jews formed together in sufficient numbers and commenced settlement during the nineteenth century in their ancestral homeland in a district of the crumbling Ottoman Empire which, since Roman times, had born the geographic designation Palestine.

Historical events grow out of long processes that might not be obvious to later observers. Lying in the background is the dislocation and surprise experienced by Palestinian Muslims with the collapse of the Ottoman Empire, its replacement by Christian conquerors, and the bestowal of privileges on minority Jews over whom Muslims were accustomed historically to exercising dominion. ‘This feeling of Muslim superiority which a century of reverses at the hands of Europe had shaken but also exacerbated’, writes historian Elie Kedourie, ‘goes far to make intelligible the uncompromising opposition which from the very beginning the Palestinians offered to Zionism.’¹

The convergence, however gradual, of large numbers of a dispersed yet distinct people, unassimilated in their host countries, onto the territory of a former homeland lost in antiquity, is a unique phenomenon. Unsurprisingly, this phenomenon was the product of exceptional causes and conjunctures. Zionism stems from the history of the Jews in Europe. In political, as distinct from religious or cultural form, it was energised by anti-Semitism, in particular, the gentile reaction to the emancipation of Jews in western and central Europe and the intensified reactionary anti-Semitism in eastern Europe during the nineteenth century. Zion loomed large in Jewish memory and liturgy and was indeed the yearned-for destination of many pious Jews. But the spiritual hope was energised into a temporal and political movement by the counter-emancipatory and illiberal European reaction to the growing influence of the newly freed Jews in European life. The French Revolution had ushered into Europe the idea of civic equality on the basis that the Jews abandon their nationality. Stanislas Comte de Clermont-Tonnere had declared in the first debate on the ‘Jewish question’ on 28 September 1789, ‘The Jews should be denied everything as a nation but granted everything as individuals.’ Napoleon’s armies spread this revolutionary but ambivalent innovation to many parts of Europe. The French *philosophes*, moreover, imported anti-Judaism into their hostility to clericalism, ensuring that modern political thought retained an earlier anti-Jewish colouration.²

The gentile reaction to emancipation upset the hopes and calculations of Westernised Jews that anti-Semitism was merely a residual phenomenon. To the contrary, a rise and transformation in anti-Semitism was observed; a rise to the level of populism and politics in western Europe, and a transformation of a religiously inspired antipathy into a racial hostility which was, in theory and eventually in fact, more deadly than its theological precursor. The realisation of this development was personified by Theodore Herzl, who watched in 1894 the degradation of

Captain Alfred Dreyfus, the only Jew on the French General Staff, falsely accused of treason, before a crowd of onlookers shouting virulent anti-Semitic slogans. Herzl left his career as a journalist to found a movement which became known as Political Zionism and which aimed at the restoration of Jewish national independence within which Jews might live freely and develop their culture, secure from the political cataclysms ahead to which Zionists were unusually attuned.

Zionism arose when Palestine was but an administrative district of the Ottoman Empire. The prospects of restoring Jewish sovereignty were then remote. Alternative locales for Jewish self-determination were mooted: Uganda, Madagascar, Siberia; even the Kimberleys in Western Australia. This last is a curious episode in Australian and Jewish history which has been only recently told in any detail. It involved Zionists in strange conflicts of priority, between providing haven for persecuted Jews and doing nothing that would derogate from the primacy of the National Home in Palestine. But in an assimilationist Australia, such a scheme did not find its time or place.³ Zionists had rejected Uganda early in the century. Only Zion energised the national movement. It was there that the first Zionist settlements emerged during the 1880s.

A sense of necessity was the propellant force behind the work of *Herzl*, who approached a bevy of monarchs, sultans, prime ministers and even a pope in the hope of winning international support for re-establishing an autonomous Jewish homeland in Palestine. Herzl failed in his quest for great-power support, but at the time of his death in 1904, he had indeed succeeded in launching a political movement which outlived his efforts and went on to realise his programme. The credit of winning great-power support fell to a successor, a distinguished chemist, Chaim Weizmann, who obtained the support of the war-time British Foreign Secretary, Arthur James Balfour, and the government of David Lloyd George for the re-establishment of a Jewish national home in these terms:

*His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use its best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.*⁴

At that time, there were 512,000 Muslims, 61,000 Christians and 66,000 Jews in Palestine.⁵ It is difficult to isolate a single motive for the issuance of the Balfour Declaration. Balfour himself was enamoured with the ideal of righting a historical wrong, with the propellant force of British imperial might and political idealism behind him, but it is another matter to detect such motivation in his colleagues. Attracting international Jewish support and predisposing Jewish financiers in particular to the allied cause; countering French influence in the Levant by establishing a garrisoned British protectorate; decoupling eastern Jews from Bolshevism and beating the German government to a similar statement of support all played a part in the calculation of men in authority. The British commitment did not explicitly envisage future Jewish statehood in all or indeed any part of Palestine, even if some such prospect in the fullness of time was anticipated by its proponents, especially Balfour and Lloyd George. Supporters of Zionism, like South Africa's Jan Smuts, believed as early as 1918 that a heterogeneous population like that of Palestine required special arrangements other than outright autonomy.⁶

This was not the only British commitment made in respect of the Middle East. Over a period of months during 1915–16, the British High Commissioner in Egypt, Sir Henry MacMahon,

pledged to Sherif Hussein of Mecca that, in return for the support of Arab forces against the Ottomans, the British would facilitate independence for Arab peoples across the Middle East within the form of a British protectorate system. MacMahon's pledge excluded the coastal strip west of Damascus and made no specific mention of Palestine. Additionally, it was expressly conditioned by British commitments, both existing and anticipated, to France and Russia, Britain and France concluding the Sykes–Picot Agreement in 1916, which envisioned a French protectorate over Syria. Beyond committing Britain to the liberation of Arab peoples from Ottoman rule, no undertaking was made to a united Arab kingdom, much less to one within specified borders. This is because MacMahon was both deliberately obscure and unwittingly vague in his efforts to reflect his superiors' wishes to avoid commitment to Hussein, whom the British knew to lack the support of other Arab leaders. Indeed, neither side went further: the British ceased to try and meet Hussein's wishes, and Arabs did not mount a revolt without the prior landing of a British expeditionary force. Britain's promises to Arabs and Jews, in both their concrete and vague aspects, were not incompatible. But simultaneous British transactions with French and Arab interlocutors embarrassed those British officials who had been cultivating Arab elements in Syria with a view to obtaining a future British monopoly of influence in the Middle East.⁷

This embarrassment, a growing sense of the difficulties Zionism posed British strategists and administrators, coupled with an imperfect grasp of their own commitments, resulted in a short space of time in the crystallisation of an orthodoxy. According to this version, Britain had short-changed the Arabs, in particular Faisal, the titular head of T.E. Lawrence's Arab Revolt, by twice promising Palestine in incompatible commitments to Arabs and Jews; the Sykes–Picot Agreement was a further imperialist fraud on the Arab peoples; and the Balfour Declaration became a negligent war-time slip of the pen. Wisdom and morality alike dictated that Britain erase this stain on its diplomacy and honour. The historian Arnold Toynbee first enunciated this version shortly after the war, based on an incomplete and uncritical reading of Foreign Office material; Lawrence himself gave literary expression to the 'betrayal' component in *The Seven Pillars of Wisdom*; and the leading publicist of Arab nationalism, George Antonius, was later to give it classical formulation in his apologia, *The Arab Awakening*. These were to exert in combination a profound influence on officialdom and indeed the public imagination, with baleful consequences upon subsequent events.⁸

When British and Australian forces under the command of General Sir Edmund Allenby occupied Palestine in 1917, following the victories of Gaza, Beersheba and Megiddo, a military administration was established in the conquered territory and Zionism had its first and, as it turned out, only chance of peaceful realisation. D.G. Hogarth, the head of the Arab Bureau at Allenby's headquarters, met at Jidda with Hussein, now nominated king, and explicitly excluded Palestine from the earlier MacMahon pledge, reaffirmed Britain's intention to implement its undertakings in the Balfour Declaration and won what appears to have been Hussein's casual approval. Jewish–Arab agreement was also sought and seemingly found at first in the understanding concluded in June 1918 between Weizmann and Faisal, Hussein's son and claimant to Syria independent of his father's imperial ambitions, in which Faisal accepted Jewish independence within Palestine as complementary to Arab aspirations for independence in Syria generally. Faisal's knowledge and acceptance of the Zionist commitment also emerges from his meeting with Allenby at the Hotel Victoria in Damascus in October 1918.⁹

Had something along these lines occurred, a peaceful outcome might have beckoned. The reality proved different. The Treaty of Versailles and the political code of the League of Nations

represented an innovation in international affairs. Conquered territories were not simply to be disposed of arbitrarily by the victors but were to be held in trust for the benefit of their inhabitants and administered with a view to their eventual self-government. But this is not what occurred, to the benefit of neither Arabs nor Jews, nor even the imperial powers that determined upon the actual arrangements.

The Anglo-French Declaration of 6 November 1918 took the form of a division of the Middle East north of the Arabian peninsula into British and French zones of influence (Russia having withdrawn its claim to an interest in the region). It formalised French authority in Syria and British authority in Mesopotamia and affirmed in form, though not in substance, the independence of its peoples. It made no mention of Palestine and was not intended to apply to it, but neither party said so explicitly. In the event, the Occupied Enemy Territory Administration (OETA), the British military establishment in Palestine, suppressed publication of the Balfour Declaration, which applied to Palestine, but gazetted the Anglo-French Declaration, which did not and to which it had been dispatched in error. By such fragile causes and fickle conjunctures are large problems magnified.¹⁰

In the second half of 1919, the British confirmed the French in their Mandate over Syria (minus Palestine) and withdrew their own forces, and with them, the prospect of Faisal's Syrian kingdom on which his support for Zionism depended. Faisal produced enough dissension to foreclose on an amicable Franco-Arab arrangement in Syria and the French evicted him the following year. The revised version of the war-time Sykes-Picot Agreement that had envisaged French rule in Syria practically vitiated the prospects of Arab acceptance of the Balfour Declaration and caused Palestine, now that Syria was lost to them, to transfix pan-Arabists. They were never reconciled to the Agreement and the understandings that derived from it, chiefly, since the French Mandate over Syria turned into a familiar colonial arrangement, rather than something resembling a League of Nations mandate. Compelled by circumstance to champion Arab rule in Syria at the expense of his earlier dalliance with Zionism, Faisal was eventually compensated by Britain with the monarchy of Iraq. It proved an unstable and violence-prone kingdom until its own bloody dissolution fewer than four decades later, following which it has known even less peace and prudential government. Faisal took no further part in Palestinian affairs, the Hashemite claim to Greater Syria was revived and the prospect of Arab-Jewish agreement on the Jewish National Home receded for ever.¹¹

In Palestine, the OETA proved hostile to Zionism from the outset. Whatever enthusiasm imperial administrators evinced for British immigration into other protectorates, like Kenya and Rhodesia, the OETA was inherently opposed to Jewish immigration into Palestine. The time-honoured practice of gradualism was intrinsically at odds with the course prescribed for it by the Balfour Declaration. Jewish land purchase and immigration were prohibited by military decree. There were officials who urged various anti-Zionist measures and who reassured Arab leaders that they disagreed with policy in Whitehall. This sort of practice seldom produces indigenous calm. In explanation of it, dislike of Jews was more important than sympathy for Arabs in individual cases, though both were widely at work: documented hostility to Jews existed and a paradox of British imperialism was a propensity to side with the poorer, less adept underdog.¹²

The ferment of Arab nationalism in Syria produced similar feeling in Palestine and Arab attacks on two Jewish settlements, resulting in the deaths of seven, occurred in March 1920. These were followed the following month by Arab riots in Jerusalem, which claimed the lives of five Jews and the injury of 211 others (four non-Jews were also killed and 33 wounded). One of its instigators was Haj Amin el-Husseini, the half-brother of the Mufti of Jerusalem, who fled

Palestine and was condemned *in absentia* to 15 years' imprisonment. The OETA urged the disbanding of the Zionist Commission, but the effects of these events were the opposite of what its authors intended. These coincided with the convening of the San Remo Conference by the allied powers to formalise the postwar arrangements in the Middle East, at which the British were awarded the Mandate over Palestine with its commitment to the Jewish National Home not only reiterated but practically reinforced. The Council of the League of Nations approved the Mandate over Palestine to be administered by Britain which in its preamble incorporated the terms of the Balfour Declaration and provided for the establishment of the Jewish Agency for Palestine, a quasi-governmental body representing Zionism, the facilitation of Jewish immigration and the replacement of OETA by a civil administration under a high commissioner. At a time when the Jewish National Home had already proved a complicating factor in the control of Palestine and the post-war settlement, this was a remarkable victory for Zionism. Its great success is lessened, however, by the fact that all the elements that were to exacerbate conflict and eventually produce war – Arab opposition to Jewish nationalism carried to the point of violence and the known active opposition to Zionism of British administrators – were in place and could not be undone. The OETA had succeeded in its short span in making 'every Arab realise that it was absolutely an open question whether a Zionist or an Arab policy was to be eventually adopted, to allow the impression that the policy of HMG could be deflected by the requisite amount of vim and determination'.¹³

The Mandate established, Sir Herbert Samuel, a former cabinet minister as well as a Jew and Zionist sympathiser, was appointed the first of seven high commissioners to rule Palestine. He enacted regulations instituting Jewish immigration and land purchase and establishing Hebrew as an official language. Zionists set about their nation-building during the British Mandate with an enthusiasm and single-mindedness rarely if ever shared by the Mandatory, and never by the Palestinian *effendi* elite, who harboured their own ambitions for power and welcomed no derogation of it to, for the most part, newly arrived, Jews.

In 1922, in response to representations from an Arab delegation, the Colonial Secretary, Winston Churchill, approved the excision of the territory east of the Jordan from the Mandate in addition to affirming that a Jewish National Home was to be established in, rather than over all, Palestine. Transjordan was thereby established and Abdullah, Faisal's brother and Hussein's son and who had been driven from Arabia by the eponymous Saud, became its ruler in close co-operation with his British patrons. Transjordan was to achieve full independence in 1946, though it retained a close association with Britain. But these developments did not alter the fact that an Arab majority and Jewish minority were engaged in an increasing national-religious conflict within the Mandate west of the River Jordan.

Established primarily for persecuted and destitute Jews, the Jewish National Home did not realise a vast influx of Jews from east or west in its first decade; and the numbers who came might have been fewer still had the United States not effectively barred its gates to further mass Jewish immigration in 1924.¹⁴ The Jews of the Soviet Union and Eastern Europe – those most in need – could not always immigrate; and the Western Jews generally stayed home. The first years of British rule thus represented for Zionism a missed opportunity, when Arab-Jewish accord had some small prospect of success and Britain's policy was not dictated by continental exigencies.

In retrospect, Jewish nation-building was insufficiently swift for its own good; and Palestinian Arab reaction, in at least some form, was inevitable. The Jews were undoubtedly returning to the only sovereign home known to their history, but it was already inhabited and had been so for centuries during which the Jewish presence had been small and relatively static. '*Ma è ancora di*

altri ('But it is still the home of other people') had been the response of Italy's King Victor Emmanuel III to Herzl's inquiry if he would support Zionism.¹⁵ It is not in the nature of national movements to recognise counter-claims by minorities. As Antonius put it, 'An historic connection is not necessarily synonymous with a title to possession, more particularly when it relates to an inhabited country whose population claims in addition to an ancient historic connexion of their own, the natural rights inherent in actual possession.'¹⁶

An effendi class less concerned with maintaining repressive control of the virtually destitute *fellahin* (peasants) might have worked co-operatively with the Zionists in a joint project of modernisation. But this would have meant progressive relinquishment of its time-honoured enjoyment of unqualified privilege in the face of rising wages, unionisation of labour and increasing enfranchisement of the *fellahin*. Unsurprisingly, they opposed all such developments, and that meant opposing Zionism. Perhaps no less surprisingly, it resulted in the effendi class, including its leading nationalist members, selling vast tracts of land at inflated prices to Jewish settlers and developers, whilst decrying as national treachery all such sales.¹⁷

British policy had to answer the exceedingly difficult challenge of assisting both peoples to self-government in a form that did not exacerbate the tensions that existed at the outset. It is possible that no policy in the end would have worked, no matter the degree of goodwill, fairness and resolution brought to bear on it, and failures of policy and administration were apt to irretrievably worsen the difficulties.

Samuel's most enduring mistake was to issue an amnesty for Haj Amin el-Husseini. Haj Amin is a figure of unusual importance, for it was he who came to direct the Arab nationalist strategy from beginning to end. A young anti-Jewish rioter, unqualified by age or experience for office (he was 28 at the time and had spent scant time in an Islamic seminary), Haj Amin polled last in the traditional electoral college for the previously unimportant post of Mufti of Jerusalem. His followers, however, intimidated the confirmed Mufti into standing down, with the aid of an anti-Zionist British official who then persuaded Samuel into appointing him the newly styled Grand Mufti in April 1921 as a conciliatory gesture. Three weeks later, anti-Jewish riots in Palestine broke out in Jaffa, in which 43 Jews were killed. Order was restored and prevailed for some years, but the calm proved illusory.¹⁸

International developments in the 1920s and 1930s stymied a settlement. Liberal constitutionalism and democracy proved exotic plants unable to tap deeper nourishment in Levantine soil. Conversely, German and Italian nationalism, in uniting previously fragmented and demoralised linguistic groups under absolutist banners, appeared the wave of the future and resonated with the pan-Arab inclinations of Arab nationalists. The Fascist states possessed the added attraction of being the enemies of Britain, France and Zionism. These conditions foredoomed all British efforts to bring Palestine to self-government.

The Mufti's Arab Higher Committee rejected proposals in 1922 for a Legislative Assembly or even an Advisory Council to be shared with the Jews and was to do so again in 1931. In 1929, a Palestinian Congress elected an Arab Executive interested in representative institutions, but it was out-flanked by the Mufti and Palestine, exceptionally amongst mandated territories, remained to the end without representative institutions. This militated against the emergence of Arab parties, marginalised leaders of realistic outlook and rationalist temperament like Musa ʿAlami and ʿAwni Abd ʿal Hadi, and tended to concentrate power in the hands of the Mufti. He was not the first power-seeker to realise that democracy can be a fatal impediment to single-minded leadership.¹⁹

The Mufti's moment came during a period of relatively low but continuing Jewish

immigration, against a perception that Zionism was out of favour with the Mandatory authorities and at a time of attempted reinstatement of a policy for establishing a legislative council. Daily Arab–Jewish co-existence, especially at the municipal and commercial levels, abided and Arab nationalist agitation had little ruptured it. But religious agitation could rouse Arab masses and this the Mufti succeeded in doing in July 1929 when observant Jews introduced as customary a portable screen to segregate the sexes at prayer at Jerusalem’s Western Wall (the practice had unaccountably lapsed for a few years). The Mufti and his followers seized upon this pretext as an intolerable violation of the status quo, British official solicitude for their reaction was such as to embolden them, and the call went out from mosques to defend the Moslem shrines beyond the Wall from Jewish depredation. Unfounded rumours, which the Mandatory did nothing to disabuse, swept the country of intended or actual Jewish assaults on the Muslim shrines. Pogroms erupted over Palestine, the worst in Hebron, where 60 members of an unprotected Jewish community were killed. The British garrison was under-manned, reinforcements had to be brought from Egypt and the violence was not quelled for several days. In total, 133 Jews were killed and 339 wounded. Suppressing the violence was also costly: 110 Arabs were killed and 232 wounded.²⁰

The events of 1929 largely killed off impetus for binationalism that existed in Jewish ranks. The Revisionist Zionists, a more militant and romantically nationalistic strain of Zionism headed by Vladimir Jabotinsky (so-called because they favoured a revision of the terms of the Mandate to explicitly include Jewish statehood) seemed retrospectively justified in their assertion that confrontation would precede any political settlement with the Arabs. This outlook came to be shared by the Labour Zionist establishment under David Ben Gurion, which proceeded now to give priority to building a defence force, the Haganah. The Revisionist party, Betar, which at this time was greatly increasing its representation in Zionist bodies, was to split from the Haganah in 1931, protesting its purely defensive orientation under a policy of *havlagah* (self-restraint). The Mufti meanwhile emerged with unprecedented prestige in Palestine and beyond, marking the regionalisation of its conflict. He had succeeded in putting it on a religious footing it has never lost. The British now proceeded, or attempted to proceed, on the basis that the Jewish National Home was a policy best diluted and retarded.

A Royal Commission under the chairmanship of Sir Walter Shaw, a former chief justice of the Straits Settlements, was dispatched to Palestine to investigate. It found the riots to be unpremeditated, disbelieved evidence pointing to their instigation by the Mufti and urged tighter control of Jewish immigration as a measure likely to foster calm. The Shaw Commission was followed by a technical commission chaired by Sir John Hope-Simpson, who was then serving with the League of Nations in implementing the Greek–Turkish population transfer. The Hope-Simpson Report produced an erroneously low estimate of the cultivatable land in Palestine. This in turn determined its finding against the prospects of continued Jewish immigration beyond another 50,000 people, though it conceded that continued importation of Jewish capital would afford Palestine general economic benefit. The Colonial Secretary, Sidney Webb, Lord Passfield, ignored this last reservation in favour of Jewish capital and, in a White Paper, approved the report’s other recommendations, the most important of which being that counselling restricting Jewish immigration by criteria other than the conventional one of economic absorptive capacity. Thus was born the British tendency to reward Arab violence in the coin of Jewish liberties, a procedure that was never likely to discourage Arab violence or to induce Arab–Jewish accommodation even had there been no other complexities involved. This marked also the start of a British tendency to speak of the Mandate as an onerous charge imposed by the League of

Nations, whose terms Britain had actually framed. The White Paper in this case, however, was discreetly disowned by the government of Ramsay Macdonald after a skilful campaign of opposition by the World Zionist Organisation, aided by opposition figures in the British parliament, and after Macdonald been persuaded by Weizmann to a Zionist point of view.²¹

The Mufti called for a boycott on both British and Jewish goods and the first exclusively anti-British riots occurred in October 1933, though even this occurrence did not stimulate a reappraisal of the Mufti by the Mandatory. The year 1933 was also when the Nazis came to power in Germany. Jewish immigration, still only a proportion of which was German, increased from relatively stable annual intakes of several thousands to 30,327 in 1933, 42,359 in 1934, and 61,854 in 1935.²² In 1936, the Mufti orchestrated a revolt against the Britain administration.

The Arab Revolt produced the most authoritative of the many commissions of inquiry which punctuated the history of Mandatory Palestine in the form of the 1937 Royal Commission, which proceeded to Palestine under the chairmanship of Lord Peel, twice Secretary of State for India. Its guiding spirit, however, was Reginald Coupland, Professor of Colonial History at Oxford and a member of an earlier royal commission into the Indian civil service who had made the study of the conditions of nationalism his speciality. The Peel Commission presented its report in July 1937, concluding that,

*The government of Palestine is of the Crown Colony type, unsuitable in normal circumstances for governing educated Arabs or democratic Jews. But it cannot evolve, as it has elsewhere evolved, into a system of self-government, since there is no such system which could ensure justice both to the Arabs and to the Jews or in which both the Arabs and the Jews would agree to participate ... In these circumstances, we are convinced that peace, good order and good government can only be maintained in Palestine for any length of time by a rigorous system of suppression ... The establishment of a single self-governing Palestine will remain just as impracticable as it is now ... Manifestly the problem cannot be solved by giving either the Arabs or the Jews all they want. The answer to the question 'Which of them in the end will govern Palestine?' must surely be 'Neither' ... But while neither race can justly rule all Palestine, we see no reason why, if it were practicable, each race should not rule part of it.*²³

The Royal Commission proposed that some 20 per cent of the country come under Jewish rule (chiefly the Galilee and coastal plain), the remainder to be incorporated into Transjordan, with Jerusalem, Bethlehem, their environs, together with a corridor to the sea, remaining under British administration. The Peel Commission's findings met with some Jewish and no Arab support, which is to say that the Mufti rejected the view of Alami and Antonius that it should be accepted as a basis for negotiation, the latter knowing the Mufti too well to even consider voicing it. Anti-British violence returned in September 1937, starting with the assassination by the Mufti's agents of Lewis Andrews, the Acting District Commissioner in Galilee. The revolt required considerable force and many months to repress, the Mufti evading capture by holing up in the Muslim sanctuary, the al-Haram al-Sharif in Jerusalem. He then escaped to Lebanon, his cousin Jamal Husseini to Cairo, the Arab Higher Committee was disbanded and its members deported.²⁴

The government of Neville Chamberlain, initially interested in partition, lost enthusiasm and appointed a technical commission the following year under the chairmanship of Sir John Woodhead, a former administrator in India. In form the commission was ostensibly intended to devise the frontiers and administrative apparatus to give effect to the Peel Commission's plan. In

fact, it repudiated it, citing the impracticality of such a scheme, having been informally advised before arrival in Palestine that partition was no longer the government's objective. The British government endorsed its conclusions and announced a new policy in November 1938.²⁵

The new policy aimed at creating an 'understanding between Arabs and Jews' to which end it proposed 'immediately to invite representatives of the Palestinian Arabs and of neighbouring states on the one hand and the Jewish Agency on the other' to confer in London.²⁶ The Arab Higher Committee participated, though the Mufti himself was excluded. Previously resistant to the efforts of Egypt and Iraq to intervene in Palestinian affairs, Britain now formally invited the Arab powers as full parties to negotiations over Palestine's future that resulted, as inevitably it must have done, in diminishing the prospects of Arab-Jewish accommodation.²⁷ This was consonant with the trend of British foreign policy, which was formally committed to collective security and the League, but in practice opposed to overseas military commitments: Abyssinia was the classic instance. Calling in the mediation of Britain's Arab friends over a dispute which, if not resolved in their favour, would most likely propel them into the Axis camp at a time Europe seemed set on a path to war, was regarded as a prudent device with which to effect a retreat from commitments to the Jews.

Accordingly, an abortive conference convened at St James's Palace in February 1939 with the 'Arabs and Jews'. Arab-Jewish discussion was in fact limited and in the case of Palestinian Arabs non-existent, the latter refusing to sit in the same room with the Jewish Agency, leading Britain to negotiate separately with each delegation. The Jews protested that the governments of Egypt, Iraq, Transjordan, Saudi Arabia and Yemen had no *locus standi*. The British negotiators were by now convinced that their First World War pledges to the Arabs ruled out further honouring the Balfour Declaration; such had been the cumulative impact of the defective scholarship of Toynbee and Antonius, the latter now advising the Arab delegation.²⁸ With a negotiated solution hopelessly out of reach, the Chamberlain government produced in May 1939 a White Paper that provided for a drastic curtailment of Jewish immigration on the eve of the Second World War. The White Paper envisaged the admission of 75,000 Jews to Palestine during the period March 1939 to March 1944, with further Jewish immigration beyond that date being conditional on Arab approval which, as must have been obvious to its originators, would never be forthcoming.²⁹

The White Paper represented effective British submission to Arab demands, though even this was rejected by the Arab Higher Committee, on the Mufti's insistence, despite the advocacy of 'Alami. It amounted to a repudiation of the terms of the Mandate conferred by the League of Nations, as its Permanent Mandates Commission subsequently ruled. The matter was due for reference to the Council of the League but with the outbreak of war in September 1939 the matter could not be pursued further and the League never reconvened.

British and Jewish weakness explain this ominous turn of events on the eve of the Nazi genocide. The Arabs had demonstrated that they might otherwise join Hitler (as Haj Amin and other Arab nationalists did, regardless of the White Paper), but the Jews could turn nowhere but to Britain. Within Palestine, restrictive regulations on Jewish land purchase were issued in February 1940. The Chamberlain government, which was replaced in May with an administration under Churchill following the Nazi invasion of France, had determined on permanent Jewish minority status in Palestine. The land once earmarked for the Jewish National Home, in which Jews were to reside by right, not on sufferance, and whose up-building Britain had once pledged 'its best endeavours to facilitate' had become a country which Jews could neither enter nor freely purchase land therein.

It is unexceptionable to see the White Paper as a final instalment in the appeasement of violent forces at the expense of defenceless small peoples. It was certainly perceived as such by the intended victims; Weizmann recalled Jan Masaryk's bitter prophesy the day after the Munich Agreement truncated Czechoslovakia of further human sacrifice to come.³⁰ It has been argued that it had heartless strategy on its side, the more so, ironically, after the collapse of the appeasement policy towards Germany after the Nazi occupation of Prague in March 1939. A war in Europe seemed imminent and Britain's position in the Middle East, upon whose oil it largely depended, was precarious. Arab goodwill might be the only thing standing in the way of a pro-Axis takeover in the Middle East. This amounts to a negative verdict on much Anglo-French Middle Eastern policy in the inter-war years, the indecisiveness on Palestine, the regionalising of its conflict, above all, the stimulation of pan-Arabism that promoted conflict amongst contenders to its banner and invited Axis overtures to the most ruthless amongst them. The fact that something like the White Paper was needed, or felt to be needed, in 1939 was eloquent testimony to this failure. There is something wrong with alliances and friendships that show every indication of souring the moment one's sworn enemy is in the ascendant.

In fact, the White Paper failed to forestall Arab defections to the Axis cause and only British military strength and resolve prevented an Axis seizure in the Middle East. It is difficult to assign precise credit to the White Paper for the advantages of Transjordanian support and Egyptian and Saudi neutrality that the British were to enjoy in the coming war. In the case of Transjordan, the British Exchequer rather than the Foreign Office is probably owed the credit. If to the White Paper is owed some of these important advantages, it remained nonetheless a vicious measure purchased in ruinous coin, the cost of which included the closure of escape to thousands of European Jews and the emergence of Jewish terrorism in Palestine.³¹

For all this, Axis propaganda and penetration into the Arab world, its governments, councils and press, proved remarkably effective before and during the war and were rarely if ever hampered by the embarrassment of Nazi racial conceptions that actually relegated Arabs to a lowly status. Additionally, Arab nationalists never seem to have minded that their Nazi ally deliberately stimulated the flight of Jews to Palestine whilst their British foe sought to keep them out. During the Second World War, much of North Africa fell into Axis hands. The Mufti was permitted to arrive in Baghdad, where he issued a fatwa against Britain. In April 1941, a pro-Nazi coup in Iraq orchestrated by the Mufti's associate, Rashid Ali, which included a pogrom perpetrated against Baghdad's large and ancient Jewish community, came within an inch of succeeding. Had the British garrison and expeditionary force failed to suppress the uprising, German airborne forces on stand-by in Greece awaiting the outcome would have descended upon Iraq. Palestine itself looked ripe for Nazi invasion in the summer of 1941. As it was, Vichy France offered the support of French forces in Syria to the attempted coup in Iraq and British and Free French forces were obliged to invade the country and pacify it. With Germans advancing on Alexandria in July 1942, a popular pro-Axis rising in Cairo was also just suppressed with little margin for error. Prior to the Allied victory over German forces at El Alamein in October 1942, Egypt adopted a studied neutrality, despite treaty obligations providing for the presence of British military and naval garrisons. The Mufti himself spent the war years in Germany and Italy collaborating with the Axis powers in seeking to undermine Britain in the Middle East, recruit Yugoslav Muslims to the Nazi banner and prevent the escape of Jews from the Reich.

The logic of the White Paper also involved checking the flow of clandestine, illegal Jewish immigration into Palestine. Pressure was brought by London on the Rumanian, Greek and Yugoslav governments to discourage the traffic. Refugee ships, for the most part tenuously

seaworthy, unsanitary and over-crowded, were denied permission to land in Palestine and their human cargo interned outside Palestine. There were tragic episodes of ships that foundered or were scuttled with great loss of life, producing a wave of outrage in Jewish Palestine. This combined with the news of the Nazi crushing of the Warsaw ghetto and the abortive Bermuda Conference on refugees to activate the underground Jewish organisations, the Irgun Zvai Leumi and the Lochamei Herut Yisrael, the latter better known as the Stern Gang. The Irgun grew out of the Jabotinsky's Revisionist movement. The Stern Gang was not above assassination and randomised acts of terror; the Irgun tended to confine itself to assaults on the Mandatory government.

The Jewish tragedy galvanised much of international Jewry, especially in the United States, to the Zionist cause. Weizmann and Ben Gurion, the head of the *yishuv*, the Jewish community in Palestine, addressing a congress of American Zionists at New York's Biltmore Hotel in April 1942, called explicitly for the creation of a Jewish state after the war. Weizmann's attempt to bring this about with British approval almost succeeded. Churchill and his Colonial Secretary, Oliver Stanley, had drawn up a new version of the Peel partition plan, which enlarged the territory of the Jewish state first proposed in 1937, to be established at war's end. Churchill had also pushed through the creation of a Jewish brigade, demanded by Zionists since the outbreak of war, over the opposition of much of the British military establishment. But the assassination in November 1944 of the British Minister of State in Cairo, Lord Moyne, a close personal friend of Churchill, by two Stern Gang assassins, tipped the scales against adoption of the partition plan. The Jewish Agency lent its resources to a campaign of terrorist suppression, called the 'saison', during which 279 Irgun and Stern Gang members were arrested and deported, but the times permitted too little Jewish communal enthusiasm for the task and too much British suspicion of this fact for a new spirit of Anglo-Jewish co-operation to emerge. The remaining months of Churchill's premiership saw no movement on the National Home during which time Britain lent its enthusiastic support to the formation of the Arab League in the view that this would cement British ties with the Arab world. The League's identification in its founding articles of the Palestinian cause as its own and repudiation of any international (including British) dispositive capacity in its affairs never seems to have inhibited British support for it. The Churchill government was replaced at the British general elections in July 1945 by the Labour administration of Clement Attlee. To the surprise and dismay of Jews everywhere, it retained the White Paper and pre-war Chamberlain government policy, which it had pledged to end, while discarding the strongly pro-Zionist platform on which it had campaigned.³²

Attlee and his Foreign Secretary, Ernest Bevin, concluded early that something other than a settlement entailing Jewish statehood in Palestine was essential to retain amicable relations with the Arab powers and thereby secure the Middle East as much as possible from the inroads of a new adversary and potential Arab suitor, the Soviet Union. Opposition to Jewish statehood continued unchanged as the corollary of a policy predicated on securing Arab goodwill. This is what is sometimes called Bevin's Arab policy. But Bevin underestimated the intractability of the Palestine conflict in terms of negotiation and unwisely staked his reputation on producing an arbitrated solution.

Harry Truman, only recently installed in the White House, urged Attlee in July 1945 to admit Jewish displaced persons (DPs) to Palestine, transmitting a harrowing report on the 100,000 DPs still locked into European camps prepared the previous month by his representative, Earl Harrison. Attlee and Bevin rejected any special claim of urgency to deal with Jewish refugees amongst the millions of displaced Europeans and Jewish entry into Palestine, overwhelmingly

favoured by the DPs, was maintained at the meagre level of 1,500 per month. A Jewish armed revolt, this time supported by the Jewish Agency and involving its own forces, the Haganah, in addition to the Irgun and Stern Gang, erupted in October 1945 with a systematic attack on the railways in Palestine in a bid to force Britain's hand.

The British attempted the full rigour of suppression in circumstances vastly more unfavourable than those in which they had sought unsuccessfully to suppress Irish nationalism during 'the Troubles' in 1919–21. Jewish electoral power in the United States was stronger; the humanitarian cause of finding a home for the refugees was a stark need, easily understood and widely shared in the world; and President Truman was in favour of this goal in a way neither President Wilson nor President Harding had supported Irish claims quarter of a century earlier.³³

In November 1945, Bevin announced the formation of an Anglo-American Committee of Inquiry, an expedient aimed at enlisting Anglo-American co-operation on Palestine, in view of the importance of the alliance and British dependence on an American loan then under negotiation. Bevin made the first of many offensive remarks in warning Jews against wanting 'to get too much at the head of the queue' and insisting that he would solve the refugee problem but 'not in the limited sphere presented to me now'. This was an allusion to his intended institution of a vast international effort to resettle the refugees in countries other than Palestine. In fact, the United States did not alter effectively its immigration practices until 1949, too late to effect the outcome in Palestine, and other countries assisted in a solution to the problem in ways too meagre and dilatory to offset its gravity.³⁴

The Anglo-American Committee took evidence in the United States, Britain, Czechoslovakia, Germany, Austria, Egypt, Palestine, Syria, Lebanon, Iraq and Saudi Arabia. Bevin pledged his support for its recommendations on the proviso that these were unanimous. The Committee duly reported in April 1946 in favour of a trusteeship regime that would have amounted in practice to the prolongation of the British Mandate, the abolition of immigration and land purchase restrictions on Jews and the immediate admission of the 100,000 DPs. Truman ended up endorsing this last recommendation while saying little about the others, to the outrage of Whitehall, still fresh from the humiliating experience of negotiating the American loan. Attlee rose in the Commons to criticise Truman's intervention and to insist that the DPs could not be admitted until all Jewish and Arab military forces in Palestine were disarmed. This was rather different from demanding the disbanding of merely the Irgun and Stern Gang, as the Jewish Agency would never have co-operated in disarming the Haganah, and in this objective no British administration was likely to succeed. In Palestine, continuing Stern Gang terrorism now met not only forceful British counter-measures but unauthorised retaliatory atrocities by British personnel as well.

In so far as statehood had been omitted from its recommendations, the Anglo-American Committee's report had fallen considerably short of Zionist hopes. However, in repudiating so completely British immigration restrictions on Jews, the Committee had dealt a blow to Britain's preferred pro-Arab policy in Palestine. Bevin found himself, not for the last time, in the position of having to reject the findings of a commission conceived by himself. Had he acceded to the demand for permitting the DPs to enter Palestine, it is then possible that the case for Jewish statehood would have lost much of its practical urgency, permitting Bevin to do otherwise much as he pleased. In the event, he castigated the Americans for urging this measure because 'they don't want them in New York', a comment which brought Anglo-American relations to a low pass and which scarcely endeared him to Truman, then working strenuously to liberalise American immigration laws.³⁵

In Bevin, Zionism found a determined foe. A mass arrest of Jewish Agency leaders took place in June 1946 and the Irgun blew up the King David Hotel in Jerusalem, the headquarters of the British military administration, causing the death of 91 people. The British General Officer Commanding (GOC), General Sir Evelyn Barker, ordered non-fraternisation with the Jews of Palestine by ‘punishing the Jews in a way the race dislikes as much as any – by striking at their pockets and showing our contempt for them’.³⁶ This was the sort of comment that years of Arab revolt in the 1930s had never inspired in a high official and which highlighted the undercurrent of prejudice that bedevilled British administration. In this unpromising atmosphere, a further Anglo-American consultation in July 1946 produced the Morrison–Grady plan, which conceded the intake of the 100,000 DPs within the framework of provincial autonomy for Arabs and Jews in Palestine, but it failed to win support from either side, nor even from Truman. Instead, in September, Bevin took up the offer of direct negotiations over Palestine with Arab states that had decided to assume direct responsibility for Palestine at the Arab League conference at Bludan the previous May. He proceeded with yet another series of abortive Arab–Jewish conferences on the basis of this proposal in September and the following January, while the Jewish Agency, meeting in Paris in August 1946, modified their Biltmore programme for Jewish statehood in all of Palestine and accepted (without however publicising the fact) the idea of partition. Truman publicly endorsed the proposal on the eve of the Day of Atonement in October, just weeks before the congressional elections in the United States. Both the Jews and Arabs rejected provincial autonomy. Bevin’s frustration with the collapse of his probably unrealistic hopes of clinching Arab–Jewish agreement on this basis knew no bounds.

In these circumstances, it is easy to see why Britain decided to refer Palestine to the United Nations. Palestine was insoluble in terms of negotiation and prohibitively expensive in life and treasure. The casualty figures for 1946 tell the story of that bloody year in Palestine for all concerned: 212 people had been killed; 60 Arabs, 45 British soldiers, 37 unarmed Jews, 26 armed Jews, 29 British police, 14 British civilians, and one other.³⁷ Britain would not shoulder the responsibility of imposing a solution; and any solution short of undivided Arab sovereignty in Palestine would not meet with Arab acceptance. Bevin’s Arab policy had failed at precisely the time he depended most on its success. He was negotiating a difficult treaty with Egypt, the Soviets were attempting to seize north-west Persia with internal Persian connivance and the East–West divide that led to the Cold War was already beginning to manifest itself. What remained, however, of the policy imperative of retaining Arab goodwill, especially during the winter of 1946–47?

The view within the Foreign Office’s Eastern Department was well summarised in a December 1946 memorandum to Bevin from R.G. Howe, its Superintending Undersecretary, to the effect that the creation of a viable Jewish state would involve inequitable consequences for the Palestinian Arabs and deleterious ones for Anglo-Arab relations. These included the security of neighbouring Arab states being thereby threatened, obstacles to the ‘unifying tendencies’ of the Arab League and adding to the territorial disputes of Saudi Arabia and Transjordan by injecting a Jewish state into the Negev.³⁸

In retrospect, there seems scarcely a point on which this analysis was not flawed. A Jewish state need have presented no security risk to any neighbour who declined to attack it; the pro-British orientation and ‘unifying tendencies’ of the Arab League proved chimerical for reasons entirely unrelated to Palestine; Arab territorial disputes, antedating the Palestine issue, would have proceeded in Israel’s absence. Such a policy, however, now clearly dictated withdrawal.³⁹

In 1947, the year Palestine was thrown into the arena of the United Nations, there was no

prospect of a negotiated settlement between Arabs and Jews. The Arab–Jewish conflict was entrenched. The Zionist movement was too strong to be ignored by the Arabs; too weak to be acquiesced in by them without a fight. There was no prospect of a rival nationalist Arab party unseating the Mufti and compromise was accordingly abjured to the bitter end. Haj Amin and the Husseinis were chiefly responsible for this persistence, but the genuinely popular support for their position helped to make a virtue of inflexibility.⁴⁰

On 14 February 1947, Bevin finally announced that Britain would be turning over Palestine to the United Nations for determination of its future. It was now a truly international problem, an arena into which remarkable men might stride, one of whom happened to be Australia’s Herbert Vere Evatt. Before he did so, or even wished to appear to do so, he was approached by anxious Zionist leaders. The Arabs, in contrast, according to a British Foreign Office report, were ‘reasonably happy’⁴¹ with Britain’s referral to the United Nations. Both disputant parties were to be surprised.

NOTES

1. Elie Kedourie, ‘The Arab–Israel Conflict’, in his *Arabic Political Memoirs and Other Studies* (Frank Cass, London, 1974), p. 218.
2. Paul Johnson, *A History of the Jews* (Harper & Row, New York, 1988), p. 304ff.
3. The Kimberley saga has been recounted by Leon Gettler in *An Unpromised Land* (Fremantle Arts Centre Press, South Fremantle, 1993).
4. Walter Laqueur and Barry Rubin (eds), *The Israel–Arab Reader: A Documentary History of the Middle East Conflict* (Pelican Books, Harmondsworth (rev. 4th edn), 1984), p. 18.
5. Statistics quoted in Conor Cruise O’Brien, *The Siege: The Saga of Israel and Zionism* (Weidenfeld & Nicolson, London, 1986), p. 133.
6. Sykes, *Crossroads to Israel*, Ch. 1; Colonel Richard Meinertzhagen, *Middle East Diary, 1917–1956* (Cresset Press, London, 1959), p. 104; Thomas Mansy, ‘Palestine in the United Nations’, Thesis, Department of Political Science, Georgetown University, 1949, Introduction.
7. Kedourie, ‘Cairo and Khartoum on the Arab Question, 1915–18’ in his *The Chatham House Version and Other Middle-Eastern Studies* (Weidenfeld & Nicolson, London, 1970), pp. 13ff.; also ‘The Chatham House Version’, in *ibid.*, pp. 375–7; David Fromkin, *A Peace to End All Peace: Creating the Modern Middle East, 1914–1922* (Penguin, Harmondsworth, 1991), pp. 178ff.
8. T.E. Lawrence, *The Seven Pillars of Wisdom: a Triumph* (Jonathan Cape, London, 1954 edn), pp. 135–6, 464; George Antonius, *The Arab Awakening: The Story of the Arab Nationalist Movement* (Hamish Hamilton, London, 1938), p. 393ff.; Elie Kedourie, *Through the Anglo-Arab Labyrinth: The MacMahon–Husayn Correspondence and its Interpretations 1914–1939* (Cambridge University Press, New York, 1976), pp. 280–5 and ‘The Chatham House Version’, pp. 375–7.
9. Sykes, *Crossroads to Israel*, pp. 38–41; Kedourie, *Anglo-Arab Labyrinth*, pp. 282–4; Chanan Reich, ‘Australia and the Jewish Community of Palestine: 1915–1941’, in Peter Medding (ed.), *Values, Interests, Identity: Jews and Politics in A Changing World (Studies in Contemporary Jewry: An Annual, Vol. 11)* (Oxford University Press, Oxford, 1995), p. 183.
10. O’Brien, *The Siege*, pp. 135–40.
11. Sykes, *Crossroads to Israel*, pp. 36 and 56.
12. Bernard Wasserstein, *The British in Palestine: the Mandatory Government and the Arab–*

- Jewish Conflict, 1917–1929* (Royal Historical Society, London, 1979), pp. 42–8.
13. Horace Samuel, quoted in Sykes, *Crossroads to Israel*, p.46.
 14. Jewish immigration was first reduced to one-tenth, and in the 1930s, to onetwentieth, of the pre-First World War rate; David Vital, *Zionism: The Crucial Phase* (Oxford University Press, Oxford, 1987), p. 372n.
 15. Quoted in John Quigley, *Palestine and Israel: A Challenge to Justice*, Duke University Press, Durham, NC, and London, 1990, p. 47.
 16. Antonius, *The Arab Awakening*, p. 393.
 17. Maurice Samuel, *On the Rim of the Wilderness: The Conflict in Palestine* (Horace Liveright, New York, 1929), pp. 18–119 contains much contemporary detail on the oppressive condition of the *fellahin*, and the land sales of the *effendis*.
 18. Kedourie, ‘Sir Herbert Samuel and the Government of Palestine’, in his *The Chatham House Version*, pp. 60–2; Johnson, *Modern Times*, p. 438. Haj Amin and the policy he compelled the Arab movement to adopt is frequently ignored in sympathetic treatments of Palestinian nationalism. His name appears neither in Maxime Rodinson’s *Israel: A Colonial-Settler State?* (Pathfinder Press, New York, 1973), nor in Edward Said’s *The Question of Palestine* (Routledge & Kegan Paul, London, 1977). Rodinson’s earlier, larger work, *Israel and the Arabs* (trans. Michael Perl and Brian Pearce) (Pelican Books, New York (2nd edn), 1982) refers once to Haj Amin’s propensity for murdering Arab moderates (p. 31).
 19. Sykes, *Crossroads to Israel*, p. 79–81, 128; Eliahu Elath, ‘Conversations with Musa al-^cAlami (Memoir)’, *Jerusalem Quarterly*, Vol. 41, Winter 1987, pp. 41ff. Rodinson makes the common mistake here of believing that the Zionists, rather than the Arab leadership, foiled by their opposition the creation of representative institutions; *Israel: A Colonial-Settler State*, p. 56. As a minority, the Zionists had no reason to welcome an early devolution of powers but the record shows that they were at times prepared to risk such a process.
 20. Maurice Samuel, *What Happened in Palestine: The Events of August, 1929, Their Background and Their Significance* (Stratford Company, Boston, MA, 1929), pp. 85ff.; Sykes, *Crossroads to Israel*, pp. 117ff.
 21. Sykes, *Crossroads to Israel*, pp. 124–9; see also Lisanne Radice, *Beatrice and Sydney Webb: Fabian Socialists* (Macmillan, London, 1984), p. 278; Laqueur and Rubin, *Israel-Arab Reader*, ‘The Macdonald Letter (1931)’, pp. 50–6.
 22. O’Brien, *The Siege*, p. 202.
 23. *Palestine Royal Commission Report, presented by the Secretary of State for the Colonies to Parliament by Command of His Majesty, July 1937* (HM Stationary Office, London, 1937), pp. 372–7.
 24. Elath, ‘Conversations with Musa al-^cAlami’, pp. 54–5.
 25. Laqueur and Rubin, *Israel-Arab Reader*, ‘British Statement of Policy, November 1938’, pp. 62–3.
 26. *Ibid.*, p. 63.
 27. See Elie Kedourie, ‘Great Britain and Palestine: The Turning Point’, in his *Islam and the Modern World* (Holt, Rinehart & Winston, New York, 1980), pp. 94–170.
 28. General Sir Harry Chauvel, commander of the Australian Mounted Desert Corps in Palestine in 1918, had been privy to the Allenby–Faisal meeting in Damascus in October 1918 and, mindful of its implications, sought to bring the record to the attention of British government immediately following the St James’ Conference, but this was vetoed by the External Affairs Minister, Billy Hughes; Reich, ‘Australia and the Jewish Community of Palestine’, p. 189.

29. Laqueur and Rubin, *Israel–Arab Reader*, ‘The White Paper of 1939’, pp. 64–75.
30. Sykes, *Crossroads to Israel*, p. 208.
31. *Ibid.*, p. 210–11.
32. Michael Leifer, ‘Zionism and Palestine in British Opinion and Policy, 1945–1949’, Ph.D. thesis, Department of Politics, University of London, 1959, p. 18 *et seq.*
33. O’Brien, *The Siege*, p. 262.
34. Sykes, *Crossroads to Israel*, p. 297.
35. *Ibid.*
36. Nicholas Bethell, *The Palestine Triangle* (André Deutsch, London, 1979), pp. 267–8.
37. Figures in *ibid.*, p. 276.
38. Quoted in Ritchie Owendale, *Britain, the United States, and the End of the Palestine Mandate, 1942–1948* (Royal Historical Society, Boydell Press, London, 1989), p. 183.
39. See the discussion on the origins of the Arab League in Sykes, *Crossroads to Israel*, pp. 262–4.
40. *Ibid.*, pp. 134–5.
41. Quoted in Bethell, *The Palestine Triangle*, p. 311.

3

‘Questions of Colour and Groups of Nations’

It is not a simple matter to know what Evatt thought of Palestine. For years, he told almost no-one, and rarely without circumlocutions that concealed his intentions. He knew little enough of Jews at first and even less about Arabs, an unsurprising state of affairs for his time and place. Australia at this time adhered to a policy of exclusive European immigration, the ‘White Australia’ policy, of which Evatt was an unexceptional but open advocate.¹ A bipartisan consensus regarded it as a prime national interest, in pursuit of which Evatt laboured at San Francisco to enlarge the scope of domestic jurisdiction in the Charter to exclude national immigration policies from the ambit of potential United Nations intervention.²

In Australia in the 1940s there were few Arabs, and those mostly Lebanese Christians, so the Arab world was no part of Evatt’s formative or daily experience; nor did Australia, a newcomer to the world of diplomacy, have any diplomatic representation in Arab countries other than a trade commissioner in Egypt. The 1947 census revealed only 10,000 Lebanese in Australia. Arabs from Palestine had no presence at all until about that year, with the majority reaching Australia only in the 1960s after oppressive experiences in neighbouring Arab countries where they had arrived as refugees from the first Arab–Israeli war.³

Attitudes of contempt and disdain towards Arabs were held by some Australians, usually those associated at some time or other in their lives with the Middle East. Many Australian First World War veterans (of whom Evatt was not one) developed a distrust and low opinion of Egyptians that another generation of Australian troops also evinced during the Second World War. Theft of equipment and the dubious commercial practices of some local traders fuelled it and Australians would come to blows with them in Cairo’s brothel districts. The dirt and squalor of Cairo made its impression. A prevalent attitude amongst Australians of that generation was that Arabs were often devious and unreliable people; Egyptians in turn regarded the Australians as coarse and ungovernable. Neither side forgot the other and, during the Second World War, the Egyptian government went so far as to request of the British forces that the Second Australian Imperial Force, then en route for service in the Middle East, undergo training in Palestine, not Egypt. General Sir Archibald Wavell, commander of Commonwealth forces, exhorted Australian troops: ‘I look to you to show the Egyptians that their notions of Australians as rough, wild, undisciplined people given to strong drink are incorrect.’ Australian politicians were not immune to the views of some veterans. ‘They are a corrupt people, there is an ignorant proletariat, there is a corrupt bureaucracy,’ opined former Prime Minister Billy Hughes. ‘These Gyppos are a dangerous lot of backward adolescents ... full of self-importance and basic ignorance,’ was Menzies’ view after a short visit in 1950.⁴

These attitudes were imported into Australia with returning servicemen, although it has been

suggested that such attitudes were neither deep nor generalised.⁵ That Evatt absorbed these, however, is undoubted. ‘We Australians, who fought in Egypt, have nothing but contempt for the Gyppos,’⁶ he once remarked in conversation with an Israeli diplomat. Discussions Evatt had with Zionist officials reveal an aggrieved or contemptuous attitude towards their leadership, which mirrored his impatience and distrust of British officials, who also hailed from a hierarchical background. He seems to have been impressed, however, with particular individuals, like Jamal Husseini of the Palestinian Arab Higher Committee, and Fadhil Jamali, the Iraqi Foreign Minister.⁷

Did Evatt’s unfavourable view of Arabs colour his dealings with them? The unyielding and ultimately belligerent opposition of the Arab states to the United Nations decision on Palestine was bound to antagonise its Australian champion, with his devotion to internationalism and the rule of law, even had he lacked a predisposition against them.⁸ But how did Evatt arrive at his view on Palestine and was his approach to international affairs affected by prejudice?

There is little in the record – Evatt’s support for the domestic jurisdiction clause in the UN Charter aside – to suggest that Evatt pursued anything other than a colour-blind policy in international affairs. His loyalty to the founding principles of the Charter – the anti-Fascist alliance – and those countries which had stood for it in the World War goes at least some way towards explaining one notable exception: his support for South Africa after the accession to power of the Nationalist Party and the institution of apartheid.⁹ Evatt, a recognised champion of small nations and peoples seeking independence, as were then still many Arabs, had been in Arabs’ good books when Palestine came on the agenda.

If there was a suspicion that anti-Arab sentiment motivated his policy, a classic instance for assessing this emerged in 1956 with the Suez Crisis, when Evatt was opposition leader and Menzies Prime Minister. An attempted Anglo-French seizure of the Suez Canal zone together with Israel’s invasion of Sinai took place after Egypt’s President Gamal Abdul Nasser nationalised the canal. Egyptian sponsorship of Palestinian armed infiltration into Israel from Egyptian-occupied Gaza, closure of the canal to Israeli shipping, together with a military alliance between Egypt and Syria cemented the previous year, led Israel to fall in with this improvident Anglo-French design. The plan consisted of an Israeli invasion of Sinai to provide the pretext for an Anglo-French occupation of the canal zone for the ostensible purpose of ‘separating the combatants’. The actual purpose was to deal such a military blow to Nasser that his regime would be toppled. It was a doomed business, a profoundly misconceived ruse which backfired on its originators, but which was defended by Menzies.

All the conditions were in place for Evatt to act on anti-Arab impulse: Egypt, a country of which he had a particularly negative opinion, had under Nasser nationalised the Suez Canal, posing, as it was widely supposed, a threat to Commonwealth communications. Evatt was no longer an international statesman, was in opposition, where many things can be said without commitment, and had no foreseeable need to secure Arab goodwill. The governments and press of Australia and Britain were hostile to the Egyptian move, the tenor of opinion was favourable to such a display and Evatt had nothing to lose in following the general sentiment; indeed, the climate for dissent was not congenial. It was also not predicted that the Anglo-French adventure would invite the international condemnation it eventually attracted.¹⁰

In the event, even before the outbreak of hostilities in October, Evatt criticised the policy of confrontation with Egypt:

All this talk about nationalisation is cant and hypocrisy ... I feel confident that what has been done is within the power of Egypt ... Egypt and all the countries of

the Middle East are entitled to their place in the sun and to decent standards of living. We cannot kick them around any more. I do not agree with the violence of Arab nationalism. I know how difficult it is to cope with it.¹¹ The Arabs opposed the plan under which Israel became a nation and a member of the United Nations. Honourable members know what a task was then presented, and this undeclared war, this unfinished war between Israel and Egypt, goes on.¹²

When war erupted, Evatt was right in his instinct that a premeditated plan to attack Egypt had existed all along and in arguing his case he took issue with Menzies' approach to international affairs:

It is all very well for the Prime Minister to talk about questions of colour and groups of nations which happen to belong to Asia or Africa, but they are members of the United Nations. They are entitled to put their views ... the nations which have only recently attained the status of nations are perfectly entitled to express their independent opinions on all these matters.¹³

He was later to be still more forthright in his condemnation of the Anglo-French attack upon Egypt as being both ill-conceived and a violation of the Charter.¹⁴

If there is no doubt that Evatt exhibited certain unfavourable attitudes towards Arabs, there is also no persuasive evidence to suggest that the position he adopted on Palestine owed much to these. For all that, the temptation to ascribe to Evatt's Palestine conduct the workings of prejudice surfaces from time to time. It has been asserted that a deep and unrelieved background of Australian anti-Arabism accounts for Evatt's 'most effective' championship of partition but no evidence has been cited to substantiate this claim. There is enough ambiguity in Evatt's conduct on Palestine to lead one scholar, Howard Adelman, to the view that Evatt was pro-Arab in his policy, which complicates the picture still further.¹⁵

In the more general Australian context, there is little doubt that anti-Arab attitudes prevalent in Australian society mattered little in the formation of opinion. Countervailing factors meant that the public impression of Palestine was a pro-British one, which amounted to a pro-Arab one by default. The Australian press, then dominated by British sources that in combination reproduced the official British view, took an orthodox Whitehall line. There was a marked tendency to sympathise with Britain's immense difficulties in Palestine and to deplore the collapse of public order in the Mandate due the virtual state of emergency under which Palestine was governed owing to the warfare of Jewish dissident groups. The nature of the hostility to the Jewish case stretched from unfavourable and critical organs like the *Sydney Morning Herald* to overtly anti-Semitic publications like *Smith's Weekly* and the *Bulletin*.¹⁶

Moreover, there was neither an Arab nor Jewish vote of any electoral significance, so there were no domestic pressures of this kind, though it has been argued that Evatt's earned the Australian Labor Party (ALP) a large portion of the tiny Jewish vote. He once received notice of a resolution of the St Kilda branch of the ALP, favouring a Jewish state, but such instances are rare.¹⁷ Evatt later observed that 'there was no real opposition to the [Zionist] movement in Australia', which overstates what is nonetheless the fact.¹⁸

Evatt, it is established, knew little about Arabs, nor was he favourably inclined towards them. He also knew little about Jews at first, but a number of important friendships with both Jews and gentiles served to change this. Without these, in a country with merely 35,435 Jews in 1947, Evatt had heard little of Zionism and what he did hear was discordant.¹⁹

Jews had been amongst the arrivals on the First Fleet in 1788, forming communities across the settled parts of the continent but tended, by the turn of the century, to concentrate in the main cities. Australian forces in the First World War had fought alongside the Zion Mule Corps at Gallipoli, composed of Jewish volunteers expelled from Palestine by the Turks. Australian troops had found a warm welcome from Palestine Jewry, the *yishuv*; the Jews being receptive to Australian informality and lack of British reserve, the Australians to their reception from the first Western communities they had encountered on active service. Amongst senior Australian officers who forged warm ties with local Jews was Major-General Sir Thomas Blamey, who became Australian commander-in-chief in the next war. Back home, however, Zionism attained only a modest influence in what was a small Anglo-Jewish community far removed from the plight of East European Jewry, with few of their number to provide enthusiasm for the cause of which they provided the mainstay abroad. Australian Zionism was also chronically short of funds. Some growth was experienced after the First World War, with a small influx of Russian and Polish Jews and the creation of a Union of Sydney Zionists and a Victorian Zionist Organisation, both established by Australian-born Jews.²⁰

In the main, Australian Jews were not as fully committed to Zionism as communities in Britain, South Africa and Canada. An intense British patriotism suspicious of any intimation of divided loyalties was shared by many Jews, including almost invariably the most prominent and established Jews in the country, such as Sir Archie Michaelis, Speaker, after the Second World War, of the Victorian Legislative Assembly; and Sir Samuel Cohen. Probably the best-known rabbinical figure in the country, Jacob Danglow, chief minister of the St Kilda Hebrew Congregation in Melbourne, opposed Zionism, though he came to epitomise to some degree the general sea-change, inasmuch as his opposition eventually waned, to be replaced by some enthusiasm for the Jewish state when it emerged.²¹

The Balfour Declaration made the cause respectable for a time and produced a short period of communal harmony between the Anglo- and East European Jews in support of its aims. This state of affairs was epitomised by the identification with Zionism of Australia's most celebrated Jew, General Sir John Monash. Unusually for an establishment Jew, he felt unease with the tendency to assimilation on the part of the Anglo-Jewish establishment and mediocrity of local Jewish cultural and intellectual life, and agreed to become the first honorary president of the Zionist Federation of Australia and New Zealand. However, the advent of Zionism, already in the 1920s, but especially in the 1930s, produced communal dissension which was aired in the local Jewish press and which grew in proportion to the potential, and later actual, collision of Zionism with British policy in Palestine.²²

Despite Jewish division, the Zionist movement succeeded in drawing the moral and financial support of leading gentile citizens, including the Anglican clergyman Dean Albert Talbot, and the social reformer and one-time New South Wales Minister for Public Health, Dr Richard Arthur. In the 1940s, an Australia–Palestine Committee, modelled on the British original, was established as a forum of association for gentile supporters of Zionism who dissented from the inhumane strategy of the White Paper. The Australia–Palestine Committee established bodies in both New South Wales and Victoria, each headed by prominent citizens. Charles Venn Pilcher, Anglican Bishop Coadjutor of Sydney, and Ian (later Sir Ian) Clunies-Ross, head of the Council for Scientific and Technical Research, were chairmen in New South Wales. Their committee included the Premier, William (later Sir William) McKell. Professor H.A. Woodruff was chairman in Victoria, whose committee included the Premier, Albert Dunstan, the Catholic Archbishop, Daniel Mannix, and the Lord Mayor of Melbourne, Sir Thomas Nettlefold. Pilcher,

Bishop Coadjutor since 1936, was particularly outspoken on the subject of Zionism, using his pulpit in July 1942 to denounce the White Paper. He was later to make representations to Evatt on behalf of Zionism, although his impact might well have been offset by the fervour of his convictions.²³

Australian Zionism, thus, had recorded gains in the public arena and the association of prominent people, even at a time in which the Jewish community remained divided on the issue in the midst of war. The tide was turning in Zionism's favour. Jewish refugees who fetched up in Australia after 1945 usually lacked the Zionist reservations of their established co-religionists.

Australians, however, were markedly hostile to non-British immigration and suspicious of any policy that might complicate imperial interests and their politicians and bureaucrats agreed with them. Immigration officials adopted restrictive procedures for Jewish refugees, and it was something of a triumph that the Conservative government of Joseph Lyons, following the Evian Conference, agreed in December 1938 to admit 15,000 Jewish refugees from Nazi Germany. Both the Labor leader, John Curtin, and the Country Party's John McEwen, later briefly External Affairs Minister, took the opportunity to sound a cautionary note against mass immigration. The outbreak of war in 1939 meant in practice, however, that only 6,475 Jewish refugees reached Australia.²⁴

This gesture in any case remained exceptional. Lyons was to be found urging Britain in February 1939 not to endanger imperial interests by acceding to any scheme of partition or policies that would permit Jewish preponderance in Palestine, a piece of advice that thoroughly accorded with the provisions of the Macdonald White Paper issued three months later. Menzies, Lyons' successor, was later in life to evince a partiality for Zionism, but it was nowhere to be seen in 1939. He rebuffed all pleas, by no means limited to Jewish quarters, to protest the White Paper to Whitehall; to the contrary, he staunchly defended it, as did McEwen. Locked into the canker of narrow interest, with lack of sympathy for Jews rationalised as strategy, it was a small step to dehumanising Hitler's victims by the uncritical acceptance of conspiracy theories nurtured as always by a few genuine seeds. Jewish refugees were not refugees at all, thought Alfred Stirling, the Australian High Commissioner in London, but handpicked agent provocateurs bent on overthrowing British Middle East policy. His successor, Stanley Bruce, the former Conservative Prime Minister, warned Menzies that it was a Nazi plot that Jews fetch up in Palestine to precipitate an Arab revolt. So it was, but the Nazis could never have sought to do so without first turning them into genuine refugees or without enjoying the co-operation of the empire in ensuring that most of them found no other haven. Australia even refused a British request, relayed by Bruce to Menzies, to take in for the duration of the war 3,500 Jews intercepted trying to enter Palestine. Richard Casey, a member of the British War Cabinet and briefly British Minister of State in the Middle East, proved a White Paper supporter, convinced that its alternative – partition – would spell disaster; 'partition is damnation' he declared, and the White Paper 'the lesser of two evils'. He argued the point in Cabinet, albeit ineffectively, with Churchill, who thought it a dishonourable breach of contract.²⁵

With the ALP propelled into government in 1941, Evatt became Attorney-General and Minister for External Affairs. Zionism was no part of his experience. But he was soon to be approached and his relationships with a number of individuals came to matter.

Abram Landa,²⁶ the ALP member for Bondi in the New South Wales Legislative Assembly and many years later a minister in successive New South Wales governments, enjoyed a long and close friendship with Evatt. He supported Zionism, and he made Evatt's acquaintance well before the Second World War, in 1927, when he opened his solicitor's office opposite Evatt's

barrister's chambers in Sydney. Evatt's brother Clive, also a lawyer, introduced the two men and Landa worked on Evatt's campaign for the NSW Legislative Assembly, of which Evatt was already then a member. Landa frequently briefed Evatt and the two formed a close friendship that endured until Evatt's death in 1965.

Evatt had made the acquaintance of Julius Stone²⁷ almost from the moment in 1942 that he arrived from England to assume the chair as Challis Professor of International Law at Sydney University. Stone was a committed Jew with a strong sense of Jewish peoplehood. That Zionism resonated with him is unremarkable, but it was energised by ideals of justice over and above the claims of mere parochialism. If a peculiarly Jewish angle is to be sought in Stone's animating attitudes, it is perhaps along the lines delineated by Jean-Paul Sartre in his observation that the embattled nature of Jewish existence sometimes predisposes Jewish intellectuals to seek the equalitarian touchstones of rationality and justice.²⁸ For Stone, Zionism accorded with the paramount interest of Jewish physical survival in seeking to restore sovereignty to an embattled people. He was resolved to defend it from any attacks that in his belief fell short of comparable ideals. His upbringing had been one of material hardship, his talents alone had propelled him to eminence, and he was an intellectual elitist with a highly developed sense of self-regard. In 1947, he was to charge the Jewish Agency the sum of 1,000 guineas for a legal opinion supporting the Zionist case when he was one of only two authorities the Agency approached for this purpose. The news of his appointment in October 1941 produced an anti-Semitic attack upon him in the NSW legislature, Landa coming to his defence. Once settled, Stone was amongst those responsible for the establishment of the United Emergency Committee for European Jewry, which augmented the Australia–Palestine Committee in drawing public attention to the situation of European Jewry through the support of public figures like Pilcher.²⁹

Influencing Evatt in favour of Zionism, however, was problematic; the chief foe of Zionism happened to be not merely a prominent Jew, but Sir Isaac Isaacs, Australia's most distinguished living Jew and a pre-eminent figure in Australian jurisprudence. Evatt had great regard for Isaacs' approach to law; their positions on constitutional questions often coincided and each frequently consulted the other. To get around Isaacs when appealing to Evatt on Jewish affairs was a tall order. One of the founding fathers of the Australian Constitution, Isaacs had served briefly as Chief Justice of the High Court prior to his appointment as Governor-General in 1931. Like Monash, he was the son of Polish immigrants and therefore rather less well-established than many other Jews, but like Stone had risen to achievement and eminence by dint of superb intellect and application. Unlike Monash, his links to the organised Jewish community were quite casual and remote. He was the very model of the acculturated British–Australian Jew and feared that Zionism, in its clash with Britain, might deleteriously effect the freedoms and acceptance Jews enjoyed within the empire.³⁰

Jurisprudentially, Isaacs held to a doctrinaire conviction that a dilemma of dual loyalty must ineluctably accompany a Jew's, especially a British Jew's, commitment to Zionism. Sometimes Zionists said things that seemed to confirm his fears. In 1937, Isaacs protested against the views of the pro-Zionist rabbi of the Sydney Great Synagogue, E.M. Levy, who had made a statement susceptible to the interpretation that empire Jews were not really Englishmen or, at any rate, were not regarded as such even by friendly gentiles. In May 1939, the British government produced its White Paper restricting Jewish immigration to Palestine. As Britain and Palestinian Jewry were now on a collision course, Isaacs became only more convinced of his original proposition. When Australian Zionists resorted to criticism of the White Paper, Isaacs retaliated. Political criticism in war-time was highly unusual, and though in no way involving dissociation from the war

effort, he viewed it as deeply subversive. Only once was Isaacs to criticise the British administration in Palestine, and that was in reference to the anti-Semitic outburst from General Barker after the King David Hotel bombing. Otherwise, anything that carried the unwanted and undesirable suggestion of divided loyalties provoked him to anger. In avoidance of any such imputation, Isaacs went further than many of his fellow anti-Zionists in rejecting the call for greater Jewish refugee immigration to Palestine which some anti-Zionists nonetheless joined on humanitarian grounds.³¹

Stone, who was nothing if not confident in his own abilities and accustomed to Jewish life in the capital of the empire where Zionism had been endorsed and was still in a sense politically based, commanded the requisite intellectual rigour to challenge Isaacs. He believed Isaacs to be too isolated from Jewish life and affairs to be able to speak authoritatively about them and he resented his willingness to resort to public intervention over any organised Jewish opposition in Australia to British policy in Palestine.

In November 1943, Isaacs made good a threat to go public in the Australian press with an attack on Zionism when the Jewish community ignored his call to cancel a protest meeting on the White Paper. In the columns of the *Hebrew Standard*, the chief organ of Jewish opinion, Isaacs denounced the proposals to rehabilitate European Jews in Palestine; repudiated calls for greater measures to be taken to otherwise effect their rescue; queried what rights Arabs would enjoy in a Jewish commonwealth; and defended the White Paper.³²

Until now, Isaacs had shown little interest in Jewish affairs and Jewish feeling ran high against him. As his biographer, Zelman Cowen, observes, 'Now, it seemed, he had chosen, at a time of unparalleled tragedy, to use his name and influence to brand as traitors to the allied cause fellow Jews who believed strongly in the desperate need to open the gates of Palestine to European Jewish refugees.'³³

Stone took it upon himself to reply in forceful and detailed terms in the same paper. The controversy attracted wider interest, the *Bulletin* seizing upon and adding to it by printing reports of Jewish gun-running into Palestine. Isaacs took the surprising and unbecoming approach of querying Stone's purpose in reproducing his academic post-nominals in his letters.³⁴

Stone did not bemoan the publicity; he welcomed it. He kept a weather eye directed throughout on Evatt, to whom he sent copies of the correspondence. Evatt was initially unimpressed with Stone's foray into bitter debate with Isaacs, and sent him the following message through Colonel Alfred Conlon, a Defence Department official: 'Please tell Stone that he ought to be careful whom he takes on when he comes to a new country.'³⁵ The NSW State Zionist Council, aware that Evatt was engaged closely with Isaacs on constitutional amendments then contemplated by the Curtin government, had put off approaching Evatt the previous year. They were wise to have done so.³⁶

Seeing that Evatt was unmoved by the initial correspondence, Stone set out his views in a detailed 82-page 'Open Letter' to Isaacs, entitled *Stand Up and Be Counted!*, which he later published in bound form in January 1944. It opens with Stone quoting the American jurist, Louis Brandeis: 'The false doctrine that nation and nationality must be made co-extensive is the cause of some of our greatest tragedies.'³⁷ The pamphlet's publication was made possible, in conditions of war-time cost and scarcity, by funding from the Zionist leaders, Horace Newman³⁸ and Max Freilich,³⁹ with a second impression earmarked for wider distribution being undertaken by the Jewish community.⁴⁰

Stone's refutation rested on detailed arguments: that citizenship and nationality were not synonymous and Isaacs' insistence to the contrary was out of step with modern political theory;

the 'extreme Zionism' and its 'pestilential doctrines' which Isaacs disowned were bogeymen of Isaacs' own devising, unrelated to the responsible politics of the Zionist movement; and much of what Isaacs said about resettlement of Jews and the White Paper was wrong-headed and occasionally contradictory. Neither party to this disputation was devoid of merit. Arab minority rights in Israel, as it turned out, were guaranteed, as Stone had indicated they would be, but subject to limitations and controls on security grounds, as Isaacs had predicted. Stone was right to insist that continued Jewish minority status would have stifled the Jewish National Home and Isaacs was in error on the legal issue of citizenship. He was right, however, in predicting that the Zionist venture would inflame the Arab world.⁴¹

So detestable did Isaacs find Stone's rebuttal that Isaacs later refused Stone's effort to heal the breach although there is some doubt if Isaacs maintained his anti-Zionist hostility to the very end of his life in February 1948.⁴² On one occasion Stone was to attest that Isaacs had gone so far as to write to the Vice-Chancellor of Sydney University, Sir Robert Wallace, drawing attention to Stone's 'extreme positions' with a view to his dismissal.⁴³ Landa defended Stone, also writing to Isaacs to criticise his position. He had Evatt's ear, although the certainty that Evatt followed the debate closely has not been established. Eight copies of Stone's pamphlet were requested by the Department of External Affairs in February 1944 and Evatt's private secretary thanked Newman for the copy he had forwarded. If Evatt was not converted to a Zionism of Stone's certitude, it does seem safe to say that the controversy may have softened up the Isaacsian reservations he was likely to have entertained. No record exists to suggest that he consulted Isaacs on the matter. Stone's arguments intentionally and explicitly evoked the pro-Zionism of Brandeis, a judge for whom Evatt entertained a reverential awe and whose own retirement from the Supreme Court emboldened Evatt to leave the High Court in 1940 and seek a career in national politics.⁴⁴

During the Second World War and after, Stone maintained contact with Evatt over many issues, including the subject of Palestine.⁴⁵ However, there is no mention of Stone in Evatt's 1960 Great Synagogue address on Australia's involvement in Israel's creation, although figures like Landa and Freilich receive acknowledgement and this must invite scepticism as to his influence. A paucity of surviving correspondence between the two men forecloses on an answer to this question.⁴⁶

Other Zionists also befriended Evatt. It was during the Second World War that Evatt made the acquaintance of the Sydney-based Zionists, Max Freilich and Horace Newman. Freilich, an immigrant and successful businessman, had met Evatt at least as early as 1942, as a member of a deputation of the NSW Jewish Advisory Board, the Jewish communal roof body, to whom Evatt promised support for European Jewry and their plight 'when the time comes'.⁴⁷ But with Curtin successfully heading off an ALP Conference resolution in December 1943 supporting Jewish statehood, the time had not arrived. A close friendship between the two men developed thereafter. In 1944, Freilich was raising funds for the ALP's referendum campaign. When this met with opposition from the Advisory Board, Newman and Freilich proceeded to make private contributions. Leftwing Melbourne Zionists, Jack Skolnik and Samuel Wynn, had pioneered fund-raising for the government's election campaign in 1943. Their first connection had been Arthur Calwell, the Minister of Immigration, who used to meet them and like-minded Labor supporters in Skolnik's wine shop.⁴⁸ In 1945, Freilich sought Evatt's intercession with Bevin over the post-war prolongation of the White Paper, which the British Labour Party in opposition had promised to repeal. Evatt repeated his assurances of support but doubted he could wield any influence with Bevin, though he was willing for Freilich to cable leading Zionists in Palestine and the United States with the news that he supported their aspirations.⁴⁹

A little later, Newman and Freilich met Evatt before his departure for the San Francisco Conference, seeking a declaration of support for Jewish national aspirations such as had been issued by the New Zealand Prime Minister, Peter Fraser. Evatt replied that he 'believed in deeds and not in words'.⁵⁰ He stated something very similar in April 1945 when the Australia–Palestine Committee, headed by Pilcher and Woodruff, presented petitions to Curtin and Evatt urging support for Jewish statehood. He was to repeat this evasive formula on subsequent occasions.⁵¹

Accordingly, though the Australian Zionists were able to befriend Evatt, maintain useful contact with him, and urge him to adopt a congenial stance at various junctures, there seems little evidence to suggest that their force of character, persuasive acumen or local eminence prevailed upon Evatt in adopting or not adopting some course of action.

The left-wing American publicist, Freda Kirchwey,⁵² is a different case. Little is known and nothing published about the genesis of their friendship which probably dates back to 1938, when Evatt spent a large part of his High Court sabbatical in the United States. Evatt's US visit also led to his first meeting with President Franklin Roosevelt and the jurist, Felix Frankfurter. Kirchwey, a leading influence in liberal American intellectual circles, dedicated her pen and activism to causes sometimes radical in her day: woman's suffrage, prison reform, sexual freedom, birth control, democracy versus fascism, Zionism, collective security, liberal refugee quotas in US immigration policy, and censorship. She left a predominantly journalistic legacy, but amongst her publications is an edited collection of essays by prominent intellectual figures of the day (1924), including one on sexual morality by Bertrand Russell. *The Nation* under her editorship supported republican Spain but maintained space for the republic's critics even though her colleague and lover was Julio Alvarez del Vayo, the republic's last foreign minister and a Soviet enthusiast. After the Second World War, she was prominent in the campaign against McCarthyism and for the peaceful use of atomic energy, the latter subject being one of the issues, along with Palestine, on which she maintained contact with Evatt during the late 1940s.⁵³

The descendant of German immigrants, Kirchwey came from an intellectual family: her father, George Washington Kirchwey, had been Professor of Law at Columbia University. She joined *The Nation* in 1918 at the age of 25 and rose quickly, busying herself even as sub-editor with public figures normally met only by senior editors. In 1918 she met Chaim Weizmann, the pre-eminent figure in political Zionism who had prevailed upon Balfour and the British Cabinet to issue the famous declaration in favour of Jewish national aspirations the previous year, and thereafter never lost her passionate interest in the fortunes of Jewish nationalism. Weizmann, she once observed, 'does not think of Jewish suffering as I do, with sympathy and anger and the repugnance of a person whose whole personal life has been, naturally and without effort, a repudiation of the concept that underlies that suffering'. The selective Nazi offensive against Jews gave her pause for thought. 'It must make other groups examine their souls with some mistrust and ask themselves: Is there in us some taint of barbarism, too, some lurking fascist infection, that we are less hated than the Jews?'⁵⁴ The Palestinian Arab war-time alliance with Hitler confirmed her in her broad Zionist empathy and she often forwarded memoranda on Axis–Arab links to the Truman administration. The State Department, often her target, took her and the *Nation* Associates seriously.⁵⁵ A visit to Palestine in 1946 failed to win her sympathy for an Arab cause frankly predicated on the aborting of Jewish national independence. She found the country an armed camp and marvelled at Jewish 'mingled courage and fatalism. This, clearly, is their last stop.'⁵⁶ Palestinian notables left little mark on her. The former mayor of Jerusalem, Dr Hussein Khalidi, was 'very calm, able, smooth in argument',⁵⁷ but unconvincing in his view that

Britain had promised the Arabs control of immigration into Palestine. Britain, she retorted, had made a great number of broken promises to both sides. The pioneering work of Jewish cities, industries, hospitals and agriculture profoundly impressed her just as the poverty and illiteracy of many Palestinian Arabs shocked her. If she underestimated the nationalist component in Palestinian sentiment, it was on account of a strong antipathy to the Arab ruling class that was propounding a policy she found inequitable.⁵⁸

Kirchwey proved an accomplished rallier of prominent figures to the cause of Jewish refugee intake into both the United States and Palestine. These included Thomas Mann, Reinhold Niebuhr and Eugene O'Neil. She was just the sort of radical intellectual who could impress Evatt and with whom he could enjoy a cordial association. He saw her whenever he was in the United States, attending functions of the Nation Associates and participating in its dinner forums. The two respected each other and, unlike a number of Zionist officials, Kirchwey never distrusted him.⁵⁹

There was another figure, a mutual associate of Evatt and Kirchwey, who brought the Jewish Agency into contact with Evatt, the former US Under-Secretary of State, Sumner Welles. Easily the strongest supporter of Zionism within the former Roosevelt administration, Welles was a proponent of Wilsonian idealism with its uncompromising hostility to colonialism. His consequent attitude of suspicion of British governments was exacerbated by distaste for Bevin. He thought the pre-war British governments reactionary and their hostility to Zionism a function of an imperialist mindset that, far from regarding mandates as a solemn trust, tended to think of them as disposable property. During the war he had been a sympathetic, though largely ineffective, voice within the State Department in favour of alleviating the plight of European Jews.⁶⁰ In March 1947, when the Jewish Agency was casting about to win friends and influence people, Welles advised them to concentrate their diplomatic efforts on small and medium powers, especially the white dominions of the Commonwealth. In particular, he forecast that Evatt especially would repay the effort, as 'he would see opportunities for his own career in the United Nations by politicking in favour of an even-handed settlement'.⁶¹

Felix Frankfurter provides another connection. When Evatt met him, he was Dean of Harvard Law School. Roosevelt was to appoint him to the Supreme Court in 1939, where he acquired a reputation for judicial liberalism at odds with the prevailing currents of establishment attitudes and the high opinion of Evatt, who saw him on his visits to the United States as External Affairs Minister. However, it is a difficult matter to attribute any pro-Zionism in Evatt to Frankfurter. No evidence has been adduced beyond the known facts that Evatt spent several enjoyable sojourns at Harvard, including three visits at Frankfurter's behest during 1947.⁶² There was, in any case, a decline in the closeness between the two men during the war years. Frankfurter exhibited a disinclination to use his good offices with Roosevelt to press Evatt's requests for more arms as well as speedier and greater US commitment in the Pacific theatre of operations. Frustrated, Evatt had commented privately to someone during an Australian embassy dinner in Washington that Frankfurter was a Jew of strange ideas with too much influence on Roosevelt and these words got back to Frankfurter.⁶³

There might have been other influences on Evatt which have gone unrecorded. According to Freilich, Evatt was also close to a Jew in Los Angeles who took an interest in Zionism and of whom Evatt made a point of urging Freilich, in their meeting over the White Paper in 1945 to include in his cables recording Evatt's support for Zionist goals. But Freilich did not record the identity of his friend or what influence he might have exerted.⁶⁴ Among his official advisers, there appears no Zionist champion. Frederic Eggleston had a long acquaintance with members of

the Melbourne Jewish community, his wife's father was Jewish, and he held philo-Semitic ideas tinged, as was common, with Christian supersessionism. He was even partial to the plan for Jewish settlement in Western Australia. But there is no evidence that he supported Zionism or urged it upon Evatt.⁶⁵ In more general terms, Evatt might have been influenced to see Jews as a nation, not simply a religious denomination, as a result of his profound knowledge of the Bible, with a preference for the Old Testament rather than the New. In this context, it might be regarded as significant that Attlee and Bevin, in contrast, had no conception of Jewish nationality.⁶⁶ But there is little further evidence with which to pursue such an enquiry.

Prior to 1947, Evatt had made few public references to Palestine and none that suggested a particular view for its future. What little he said was vague and often en passant and indicates only that he knew it to be a trouble spot in need of a post-war settlement which, as he told the Parliament, should not be determined solely by the major powers.⁶⁷ He was a little more forthcoming in addressing a meeting of Sydney Zionists in March 1946 when he raised the prospect of trusteeship for Palestine and indicated that Australia would assist the Jews to realise better arrangements if elected to the Trusteeship Council. At the time, trusteeship, in the absence of any international recommendation or warrant for Jewish statehood, might have appeared to offer relief from the White Paper.⁶⁸ Two months later, he and Jan Smuts prevailed upon Attlee at a meeting of Commonwealth leaders in May 1946 to tone down a combative British statement on Palestine.⁶⁹ But that was all that could be said about him on Palestine.

Like Kirchwey, Evatt's perception of the issue was shaped, if not confirmed, by his own fleeting visit to Palestine in September 1945. En route to London, Evatt's plane touched down at Lydda. According to both John Hood and Sam Atyeo, who were accompanying him, Evatt was angered by a gratuitous display of anti-Semitism from a British official. The incident, whatever it was (for it was never described) resulted in Evatt confiding to them for the first time in detail his views on Palestine, accurately prophesying some future political division between Jews and Arabs.⁷⁰ Political unity was a chimera and a settlement would therefore have to be imposed; as he was to put it later, 'there was never a choice between United Nations intervention on one hand and settled peace in Palestine on the other'.⁷¹

What then did Evatt do? Here, foreign counterparts have failed to recollect his involvement as they rarely did with other episodes. Clark Clifford, personal aide to President Truman and centrally involved in the drama of the administration's in-fighting on Palestine, was later unable to recall anything Evatt had done with respect to Palestine.⁷² There is no mention of Evatt in relation to Palestine in the memoirs or published diaries of Truman, Marshall, Forrestal, Lie, Atlee or Dalton. Zionist officials like Michael Comay and Eliahu Epstein (later Elath)⁷³ sensed from their meetings with him a self-aggrandising and dissimulating careerist.⁷⁴ Welles was not alone in suspecting a deficit of idealism.

The curiosity of Evatt's case is that ignorance in detail of what he was doing on Palestine is not confined to his foreign colleagues, but extend to his own, including his closest. Burton was perhaps better placed than almost anyone to really know what Evatt was doing, but over forty years later he could recall nothing in relation to Palestine. Despite the closest collaboration in other matters, Palestine, Burton interestingly insists, 'is one topic on which I had little discussion with Evatt'.⁷⁵ Arthur Tange,⁷⁶ although First Secretary in New York during much of the relevant period, was not always present and in any case dealt more with the United Nations specialised agencies.⁷⁷ William Forsyth, officially accredited to the Washington embassy but frequently on the scene in New York, represented Australia on the United Nations Trusteeship Committee,

working on the Statute of Jerusalem in 1948. In his unpublished memoirs, he often refers to his work on the committee and on one occasion indicates a desire to discuss it in some detail, but he did not return to the subject. Though he referred to Evatt's involvement in Palestine in later life, he never elaborated on it.⁷⁸ John Moore, then the Second Secretary in the New York delegation,⁷⁹ should have been well-placed to know something of Evatt's views or policy on Palestine. He was in fact the departmental choice for representing Australia on the United Nations Special Committee on Palestine (UNSCOP), but was passed over for the assignment by Evatt in favour of Hood.⁸⁰ Hood and Atyeo, remembering Lydda in 1945, later insisted that Evatt was moved by idealism to support Zionism.⁸¹ Alan Renouf, too junior then to be closely involved, supported their testimony,⁸² as did A.D. Rothman, a Jewish journalist who experienced a hot-and-cold acquaintance with Evatt from 1938 onwards.⁸³ Others were less sure. Queried on his motives, Moore could only recall that he 'was a very secretive man'.⁸⁴

Clearly, on Palestine, Evatt preferred to leave others in the dark. His unsparing critic, Crocker, was right to conclude that there remains 'astonishingly little documentary evidence' of his policies, including on Zionism. He concludes, 'The full truth about him is not likely to be known ... unless two or three survivors in the know and one in particular, set it down on paper, for he systematically covered up his tracks.'⁸⁵ But Hood and Atyeo are gone and with them the best evidence of all. Be that as it may, Evatt's movements are not shrouded in such impenetrable obscurity as Sir Walter suggests.

NOTES

1. Addressing the International Federation and Trade Unions in 1926, Evatt spoke against the introduction of 'coloured labour', which 'would lower and ultimately destroy the standard of living which had been built up'. Quoted in Buckley, Dale, Reynolds, *Doc Evatt*, p. 61.
2. Gareth Evans, 'Evans on Evatt: Herbert Vere Evatt – Australia's First Internationalist', *Eureka Street*, Vol. 5, No. 8 (October 1995), pp. 26–33 [text of the 1995 Daniel Mannix Memorial Lecture].
3. Nagat Morsy, *The Arab Migrants in Australia* (trans. by Anice Morsy) (Nada Publications, Doncaster, 1988), p. 28; Hani Elturk, *The Palestinians in Australia* (NSW Australian Palestine Association, Top Ryde, New South Wales, 1995), p. 30.
4. Fred Alexander, *Australia Since Federation* (Nelson, Sydney, 1967), p. 215; Trevor Reese, *Australia in the Twentieth Century* (Cheshire, Melbourne, 1964), p. 185; Pierre Hutton, *The Legacy of Suez: An Australian Diplomat in the Middle East* (Macquarie University, Ryde, 1996), ch. 3.
5. H. Neil Truscott, letter to the editor, *Free Palestine*, No. 44, March–April 1987, p. 2.
6. Harry Levin (Israeli Chargé d'Affaires, Sydney) memorandum, 'Minutes of Interviews at Department of External Affairs on Wednesday, August 17, 1949', SAI 2582/12.
7. Buckley, Dale and Reynolds, *Doc Evatt*, p. 414; Evatt, *The Task of Nations* (1949) (Greenwood Press, Westpoint, CT, repr. 1972), pp. 133 and 149.
8. Paul Roe, 'Australia and the Solution to the Palestine Problem: 1946–1949', BA Honours thesis, Department of History, University of New South Wales, Sydney, 1972, p. 54; also 'Dr Evatt's Views Re Palestine and U.S. Foreign Policy,' memorandum of conversation with Evatt by John Ross, 9 November 1948, National Archive and Records Administration, College Park, Maryland (hereafter NARA) RG 84, Box 87, US Mission to UN, 1945–49, Palestine, June–December 1948 file.

9. Addressing the United Nations in October 1947, Evatt stated, 'South Africa was one of the few nations that from the beginning stood firm against aggression. So let those who are ready to pass judgement upon others take all this into account'; quoted in Buckley, Dale and Reynolds, *Doc Evatt*, p. 307.
10. Alexander, *Australia Since Federation*, p. 215.
11. It is after quoting these sentences that one Evatt critic alleges, 'since a thousand Egyptians, mostly civilians, had just been killed in an undeclared war, this unfeeling remark too deserves its place in the annals of White Australian diplomacy'; Caroline Graham, 'White Australian Diplomacy: Menzies and Suez', Australasian Middle East Studies Association, 1988 Annual Conference, Melbourne, unpublished paper, p. 16. As it happens, however, Evatt was speaking during the Anglo-French military build-up in the Mediterranean, five weeks *before* the outbreak of war and the bombing of Egypt.
12. *CAPD*, House of Representatives, 25 September 1956, Vol. 12, pp. 829–36.
13. *Ibid.*, 8 November 1956, Vol. 13, p. 2124.
14. Buckley, Dale and Reynolds, *Doc Evatt*, pp. 400–2; Tennant, *Evatt: Politics and Justice*, pp. 339–41.
15. Caroline Graham, 'Australia's War Image of the Arab: The Origins of Australia's Virulent Anti-Arabism', *Free Palestine*, No. 43, January–February 1987, p. 8; Adelman, 'Australia and the Birth of Israel', pp. 365–6.
16. Roe, 'Australia and the Solution to the Palestine Problem', pp. 17ff.; Rodney Goultman, 'First Principles: H.V. Evatt and the Jewish Homeland', in W.D. Rubinstein (ed.), *Jews in the Sixth Continent* (Allen and Unwin, Sydney, 1986), p. 282. Donald Horne has made the same point; *The Lucky Country* (Penguin, Harmondsworth, 1964), p. 86; W.D. Rubinstein, *The Jews in Australia: A Thematic History*, Vol. 2, 1945 to the Present (William Heinemann Australia, Melbourne, 1991), p. 520.
17. Peter Y. Medding, *From Assimilation to Group Survival: A Political and Sociological Study in Australian Jewish Community* (Cheshire, Melbourne, 1968), p. 248.; A. King (Hon. Secretary, West St Kilda ALP) to Evatt, letter, 14 May 1947, AA A1068 M47/17/3/1. See also Goultman, 'First Principles', p. 263.
18. Evatt, 'Australia's Part in the Creation of Israel' (being the text of the Rabbi L.A. Falk Memorial Lecture delivered at the Great Synagogue, Sydney, 1 May 1960), *Australian Jewish Historical Society Journal and Proceedings*, Vol. 5, January 1961, p. 159.
19. W.D. Rubinstein, *Jews in Australia*, Vol. 2, p. 136, appendix.
20. Detailed discussion of the history of Australian Zionism may be found in Hilary L. Rubinstein, *The Jews in Australia: A Thematic History*, Vol. 1, 1788 to 1945, pp. 529ff., and W.D. Rubinstein, *Jews in Australia: A Thematic History*, Vol. 2, pp. 501ff.; Suzanne Rutland, *Edge of Diaspora: Two Centuries of Jewish Settlement in Australia* (Collins Australia, Sydney, 1988), pp. 141ff.; Alan Crown, 'Demography, Politics and Love of Zion: The Australian Jewish Community and the Yishuv, 1850–1948', in Rubinstein (ed.), *Jews in the Sixth Continent*, pp. 216–61; Reich, 'Australia and the Jewish Community of Palestine', pp. 177–9.
21. A detailed description of the issues which preoccupied Jewish opponents of Zionism is provided by W.D. Rubinstein, 'The *Australian Jewish Outlook* and the last phase of opposition to "Political Zionism" in Australia', in his *Jews in the Sixth Continent*, pp. 303–21; Rabbi John Simon Levi, "'Doubts and fears": Zionism and Rabbi Jacob Danglow', in *ibid.*, pp. 151–68; also Levi's biography, *Jacob Danglow: 'The Uncrowned Monarch of Australian Jews'*

- (Melbourne University Press, Carlton, Victoria, 1995), pp. 257–9.
22. Monash's remarks quoted in Rutland, *Edge of Diaspora*, p. 140; Crown, 'Demography, Politics, and Love of Zion', pp. 231–7; Medding, *From Assimilation to Group Survival*, pp. 32ff.
 23. Max Freilich, *Zion in Our Time: Memoirs of an Australian Zionist* (Morgan Publications, Sydney, 1967), pp. 94ff. A Zionist emissary, Michael Comay, who met Pilcher on a visit to Australia in 1947, noted: 'He is an admirable old man but regarded as something of a crank about Palestine and was finding it difficult to spread his views'; Comay to Gelber, memorandum, 24 May 1948, SAI 127/1. It has been said of Pilcher that he 'made more of a mark in the Jewish community than in Anglican circles ... By comparison, the impact of his years as Assistant Bishop was slight'; Stephen Judd and Kenneth Cable, *Sydney Anglicans* (Anglican Information Centre, Sydney, 1987), p. 229. See also John M. Machover, 'The Story of Australian Jewry's Stand for the Jewish Cause, 1940–1948', *Australian Jewish Historical Society and Proceedings*, Vol. 7, Pt 1, 1971, pp. 36–40.
 24. Roe, 'Australia and the Solution to the Palestine Problem', pp. 20–1. The most thorough consideration of Australian immigration policy with respect to refugees from Nazism is Paul Bartrop, *Australia and the Holocaust 1933–1945* (Australian Scholarly Publishing, Melbourne, 1994); Arthur Calwell, *Be Just and Fear Not* (Lloyd O'Neal, Melbourne, 1972), p. 101.
 25. Reich, 'Australia and the Jewish Community of Palestine', pp. 184–6; Chanan Reich, 'The Policies and Attitudes of Labor and Non-Labor Governments in Australia Regarding the Establishment of a Jewish State: 1932–1949', *Jewish Political Studies Review*, Vol. 12, Nos 1 and 2, Spring 2000; Richard Casey, *Personal Experience, 1939–1946* (Constable, London, 1962), pp. 138–40; Leanne Piggot, 'Lord Casey and the 1939 White Paper: How an Australian British Minister of State Fought to Keep Jews Out of Palestine', *Australian Jewish Historical Society Journal*, Vol. 14, Pt 2, June 1998), pp. 288, 306.
 26. Abram Landa (1902–89). Born in Belfast, immigrated to Australia, 1911, educated the University of Sydney (LLB 1927), a solicitor by profession. Served as MLA for Bondi, NSW Parliament (1930–32, 1941–65) and as NSW Minister for Labour and Industry (1953–56), Housing (1955–65) and Co-operative Societies (1959–67). NSW Agent-General, London (1967–70). CMG 1968. His son, former NSW Ombudsman, David Landa, bears the middle name Evatt.
 27. Julius Stone (1907–85) born in Leeds, educated at Oxford. A world authority on international law and jurisprudence. He taught at the universities of Leeds, Harvard and the Fletcher School of Law and Diplomacy prior to coming to Australia, where he became Challis Professor of International Law and Jurisprudence, Sydney University (1942–72), and later concurrently Visiting Professor of Law, University of New South Wales and Distinguished Professor of Jurisprudence and International Law, Hastings College of Law, University of California (1972–85). Recipient of numerous awards and academic distinctions. Publications include *The Province and Function of Law* (1946), *Quest for Survival* (1961), *The International Court and World Crisis* (1962) and *Israel and Palestine: Assault on the Law of Nations* (1982).
 28. Jean-Paul Sartre, *Anti-Semite and Jew*, (trans. by George J. Becker) (Schocken Books, New York, 1949), pp. 109ff. Sartre, however, complicates an already nebulous issue by insisting that Jewish pursuit of rationality is a form of escape from particularist misfortune to universalist salvation, in line with his conception that positive considerations, such as a rootedness in nationality and religion, do not attach to a Jew's sense of identity ('to be a Jew is

to be thrown into – to be *abandoned* to – the situation of the Jew’, p. 89). It is an over-drawn construct, typical of this French philosopher, which does not fit the facts of Stone’s life, in particular, his proud attachment to his religious tradition.

29. Leonie Star, *Julius Stone: An Intellectual Life* (Oxford University Press, Sydney, 1992), pp. 188–95; Michael Blakeney, ‘The Julius Stone Affair, 1940–1941. A Tang of Anti-Semitism’, *Quadrant*, Vol. 25, No. 5, May 1985, p. 45; unpublished notes of an interview with Stone by Professor Honig, Sydney, 5 March 1985. I should like to express my sincere appreciation to Professor Honig, Deputy Vice-President of the Hebrew University of Jerusalem, who generously made available to me the text of his interviews with several of the protagonists in this drama.
30. See Buckley, Dale and Reynolds, *Doc Evatt*, pp. 84–6; Zelman Cowen, *Isaac Isaacs* (University of Queensland Press, St Lucia, rev. edn, 1993), pp. 225–6.
31. Crown, ‘Demography, Politics and Love of Zion’, p. 240; Rubinstein, ‘The *Australian Jewish Outlook*’, p. 311; Levi, *Jacob Danglow*, p. 246; interview with Cowen, Melbourne, 26 November 1996; Cowen, *Isaac Isaacs*, p. 225–6, 233.
32. Crown, ‘Demography, Politics and Love of Zion’, p. 240ff.; Isaacs in the *Hebrew Standard*, 28 October, 4 and 11 November 1943.
33. Cowen, *Isaac Isaacs*, pp. 235–6.
34. *Ibid.*, p. 236.
35. *Ibid.*, p. 238; Stone in interview with Honig, Sydney, 5 March 1985. The wording differs slightly between the two sources, and it is the unpublished Honig version that is reproduced here.
36. Stone in interview with Honig, Sydney, 5 March 1985; Max Freilich, *Zion in Our Time*, p. 114.
37. Quoted in Julius Stone, *Stand Up and Be Counted! An Open Letter to the Rt. Hon. Sir Isaac Isaacs, P.C., G.C.M.G., on the Occasion of the Twenty-Sixth Anniversary of the Jewish National Home* (Ponsford, Newman and Benson, Sydney, 1944), p. 5.
38. Horace Bohmer Newman (1889–1970). Born in Manchester, raised in Glasgow, emigrated to Australia in the 1920s. Managing Director of Ponsford Newman & Benson Ltd from 1931 until his death. President of the following Jewish organisations: Zionist Federation of Australia and New Zealand (ZFANZ) (1947–49; 1960–68), Executive Council of Australian Jewry (1949–50) and New South Wales Jewish Board of Deputies (1952–55; 1957–67).
39. Max Melech Freilich (1893–1986). Born in Lesko, Galicia, immigrated to Australia in 1929. Managing Director of Safra Australasian Paper Industry Pty Ltd (1932–63). Served as Honorary Treasurer (1947) and later President (1953–8) of the ZFANZ and of the United Israel Appeal (1950–73). Member, General Council, World Zionist Organisation (1946–68). Published a memoir, *Zion in Our Time: Memoirs of an Australian Zionist* (1967).
40. Star, *Julius Stone*, p. 192.
41. Stone, *Stand up and Be Counted!*, pp. 21ff.; Cowen, *Isaac Isaacs*, pp. 237–8.
42. Cowen, *Isaac Isaacs*, pp. 238–9; Landa in interview with Honig, Sydney, 6 March 1985.
43. Stone in interview with Honig, Sydney, 5 March 1985. This is the only source for this particular recollection. It is not something Stone ever mentioned to Cowen when the latter interviewed him when writing Isaacs’ biography; interview with Sir Zelman Cowen, Melbourne, 26 November 1996.
44. Star, *Isaac Isaacs*, p. 193; Goultman, ‘First Principles’, pp. 265–6; Tennant, *Evatt: Politics and Justice*, p. 87.

45. This was not the only unsuccessful proposal to see Evatt awarded the prize. The United States Ambassador to Australia, Robert Butler, proposed to the State Department in 1945 that Evatt be nominated in tribute to his work at the San Francisco Conference, but nothing more was heard of his suggestion; Edwards, 'Evatt and the Americans', p. 550.
46. Star, *Julius Stone*, pp. 197-8; Evatt, 'Australia's Part in the Creation of Israel', pp. 157-9.
47. Quoted in Freilich, *Zion in Our Time*, p. 114.
48. Medding, *From Assimilation to Group Survival*, p. 152. Landa was of the belief that Calwell, crucial as he was to the cause of Jewish immigration, was perhaps slightly less keen on Jewish causes than he appeared to be, but he gave no details; Landa in interview with Honig, Sydney, 5 March 1985.
49. Rutland, *Edge of Diaspora*, pp. 312-13; Freilich, 'The Controversial Herbert Vere Evatt', p. 46.
50. Quoted in Freilich, *Zion in Our Time*, p. 124; Freilich, 'The Controversial Herbert Vere Evatt', p. 45. According to the latter account, many of the delegates were sceptical of Evatt's professions. See also Machover, 'The Story of Australian Jewry's Stand', p. 46.
51. Freilich, 'The Controversial Herbert Vere Evatt', p. 46.
52. Mary Frederika Kirchwey (1893-1976) born, Lake Placid, New York, educated Horace Mann School and Barnard College (BA 1915), a journalist and activist in the cause of female suffrage, prison reform, birth control, censorship, refugees and anti-fascism. General reporter and Sunday feature writer for the New York *Morning Telegraph* (1915-16), editorial staffer, New York *Every Week* (1917-18) and *Sunday Tribune* (1918). Joined *The Nation* (US) as sub-editor (1918-22), then managing editor (1922-38), Vice-President (1922-55), literary editor (1928-29) editor (1932-55) and publisher (1937-43). Vice-President, Committee for a Democratic Spain, Women's International League for Peace and Freedom, Committee for World Development and World Disarmament. Member, National Association for the Advancement of Coloured People, American Civil Liberties Union, International League for the Rights of Man. Biography by Sara Alpern, *Freda Kirchwey: A Woman of the Nation* (1987).
53. Tennant, *Evatt: Politics and Justice*, p. 102; Alpern, pp. vii, 121, 138, 147-8; Freda Kirchwey (ed.), *Our Changing Morality: A Symposium* (Albert & Charles Boni, New York, 1924). Diana Trilling says that her principles of free speech held fast 'at least throughout the forties'; 'The Nation Years', *Nation* (US), 1 November 1993, p. 503; Ralph Harry in a letter to the author, 5 May 1997. Evatt contributed to a Nation Associates forum on the question of Atomic Energy in late 1945; Harry, *No Man is a Hero*, p. 56.
54. Alpern, *Freda Kirchwey*, p. 199.
55. John Ross, the Deputy United States representative at the United Nations in 1947, suggested in that year to Dean Rusk, then Director of the Office of Special Political Affairs, that, on the strength of Kirchwey's activity, a special bureau ought to be set up within the department to study the views of private organisations approaching the government on Palestine; Ross to Rusk, letter, 20 May 1947, NARA RG84, Box 86, US Mission to the United Nations 1945-1949. Records of US Mission to the UN, Palestine 1946-48, October-December 1947 file.
56. Kirchwey to Lillie Shultz, letter, 8 June 1946, Kirchwey Papers, Series 3, Box 14, file 244, Arthur Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University, Cambridge, MA (hereafter SL) MC 280.
57. *Ibid.*
58. Alpern, *Freda Kirchwey*, pp. 196-7.

59. Elath, *HaMa'avak Al HaMedinah*, Vol. 1, pp. 137–8.
60. Benjamin Welles, *Sumner Welles: FDR's Global Strategist: A Biography* (St Martins Press, New York, 1997), pp. 226–8; Sumner Welles, *We Need Not Fail*, pp. 10–11; David Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941–1945* (Pantheon Books, New York, 1984), pp. 80–1 and 179.
61. Quoted in Wm. Roger Louis, *The British Empire in the Middle East, 1945–1951* (Clarendon Press, Oxford, 1984), p. 490. Welles was disappointed with Evatt when Australia became the sole abstainer on the report delivered to the General Assembly by the United Nations Special Commission on Palestine later in the year, commenting elliptically, 'with one exception its members measured up to their responsibilities'; Sumner Welles, *We Need Not Fail*, p. 58.
62. Caroline Graham, 'The Labour Party and the Founding of Israel', *Arena*, Vol. 94, Winter 1991, p. 31.
63. Rothman, 'Evatt and Frankfurter', *Nation* (Australia), 8 April 1967, pp. 14–15. See also Tennant, *Evatt: Politics and Justice*, pp. 102 and 146. Rothman might be going too far in asserting that this episode marked the end of their friendship – Evatt was still to see much of Frankfurter – but it would militate against Frankfurter exerting much Zionist influence on Evatt.
64. Freilich, 'The Controversial Herbert Evatt', p. 46.
65. Osmond, *Frederic Eggleston*, pp. 24–5, 198–200.
66. A.W. Sheppard, 'State of Israel: Australia at its Foundation', *The Bridge*, Vol. 1, No. 1, Autumn 1964, p. 18.
67. Evatt, *Hands Off the Nation's Defences!* (Government Printer, Canberra, n.d. [1947]), p. 2; *CAPD*, 8 September 1944, Vol. 179, p. 610.
68. Goultman, 'First Principles', pp. 270–1.
69. Shertok to Weizmann, letter, 16 May 1946, *Political Documents of the Jewish Agency*, Vol. 1, *May 1945–December 1946* (Hassifriya Hatzionit, Jerusalem, 1996), p. 397.
70. Hood and Atyeo, letter to the editor, *Nation* (Australia), 17 June 1967.
71. Evatt, *Task of Nations*, p. 122.
72. Clark Clifford in a letter to the author, 16 April 1992. The detailed account of his own involvement in the Palestine issue in his memoir, *Counsel to the President: A Memoir* (Random House, New York, 1991), makes no reference to Evatt.
73. It will be noticed, here and elsewhere, that a number of Israeli figures later hebraicised their surnames. This occurred in accordance with a policy laid down by Israel's first Prime Minister, David Ben Gurion, that no serving Israeli diplomat should represent the country abroad bearing anything other than a Hebrew surname. The first Israeli foreign minister, Moshe Shertok, duly became Moshe Sharett but, to avoid anachronism, his original surname, by which he passed during the bulk of this period, is retained where relevant in this study.
74. Michael Comay in an interview with Honig, Jerusalem, 22 January 1985; Elath, *HaMa'avak Al HaMedinah*, Vol. 2, pp. 338–9.
75. Dr John Burton in a letter to the author, 26 January 1995.
76. Sir Arthur Harold Tange (1914–2001). Born in Sydney, educated at the University of Western Australia, entered government service, 1942. First Secretary, Australian UN Mission (1946–48), Counsellor, UN Division, DEA (1948–50), Assistant Secretary, DEA (1950–53), Minister, United States (1953–54), Secretary, DEA (1954–65), High Commissioner to India and Ambassador to Nepal (1965–70), Secretary, DD (1970–79). Co-author, *Australia Foots the Bill* (1942), OBE 1953, CBE 1955, Kt. 1959, AC 1977.

77. Sir Arthur Tange in a letter to the author, 28 February 1996.
78. Forsyth papers. Memoirs, Box 2, 1941–51: ‘The Evatt Years’, p. 199; Bk 2, Pt 1, Ch. 18, p. 14, NLA MS5700; Forsyth in a letter to the editor, *Canberra Times*, 31 December 1987.
79. Moore later served as President of the Conciliation and Arbitration Commission.
80. DEA to Australian UN delegation, cable, 14 May 1947, AA A1838 852/20/2, p. i.
81. Hood and Atyeo in a letter to the editor, *The Nation* (Australia), 17 June 1967.
82. Renouf, *Let Justice Be Done*, pp. 246–7.
83. Rothman, ‘Dr Evatt and Israel’, p. 15.
84. Sir John Moore in a letter to the author, 11 January 1996.
85. Crocker, *Australian Ambassador*, p. 114.

4

‘Explain the Whole Thing to Evatt’

Early in 1947, Bevin had his first taste of an independent line on Palestine from Evatt immediately the matter had been referred to the United Nations. Through the Secretary of State for Dominions, Lord Addison, he had informed Evatt in March 1947 that preparatory work would need to be undertaken by the world body in order to arrive at a decision. Britain favoured the formation of a committee by the five permanent members of the Security Council together with the Netherlands, Czechoslovakia and Brazil to consider the question, with Arabs and Jews excluded from membership but invited to participate in an advisory capacity.¹

Bevin had now been dealing for nearly two years with Evatt, so it would be hard to credit that he was surprised to learn that the Australian disagreed with his proposed course of action. However, Evatt’s objection was sensible: such an ad hoc committee, Evatt argued, would be a blow to British prestige, and could be challenged by the General Assembly, since Chapter XV of the UN Charter, he reminded Addison, conferred no power on the Secretary-General to summon such a committee. Furthermore, no machinery would be provided for determining such a committee’s terms of reference, powers, composition or rules of procedure. Instead, he preferred a fact-finding committee upon whose report the General Assembly could then take a decision, a procedural preference he frequently exhibited on international disputes.²

Addison conceded Evatt’s point about the limitation of the Secretary-General’s powers and particularly the force of his argument on the possibility of a challenge to an ad hoc committee’s status. No UN decision was possible before its September session, necessitating the early creation of an investigative committee. Accordingly, Evatt backed the United States’ recommendation that a Special Session of the Assembly be convened to constitute an investigative committee, to which Britain agreed. On 2 April, the British Ambassador to the UN, Sir Alexander Cadogan, duly placed Palestine on the UN agenda for the Special Session which was scheduled for 28 April.³

On 23 April, Ralph Harry of the Australian UN delegation met with his American counterpart, John Ross, to discuss the Palestine item. It soon emerged that the United States and Britain, and many smaller powers, including Australia, were in agreement that the Arab agenda item could not be approved as a substitute to an investigation. They further agreed that the situation in Palestine offered no outlet other than an official investigation, cumbersome a choice as this was. Harry thought the Jewish Agency ought to be heard; however, aware of the reluctance of the United States to set a precedent for non-governmental representation, he thought this might be avoided by keeping the Assembly discussions to the procedural matter of appointing an investigative committee. (In the end, the United States acquiesced on the proviso that this be regarded as a special case.⁴) The two also discussed the possibility of a Latin American president for the Assembly. The Australians had given no thought to the candidacy of the Brazilian, Oswaldo Aranha. Indeed, Ross noted Australia itself was ‘very interested’ in the presidency for

itself and also the Palestine investigative committee; Hood had been brought in as Colonel Hodgson's alternate for this purpose. On the Committee's composition, Harry urged the creation of a small neutral committee as the best option. If Evatt aimed to impress others with an appearance of objectivity and disinterest on Palestine, he only half succeeded; the Australians looked possibly objective, but clearly interested. Ross minuted: 'the impression which I had from this conversation was that the Australian government claims great objectivity in the whole Palestinian matter and is not only willing but perhaps even eager to play a prominent role in all of the proceedings ... concerning Palestine'.⁵

In discussions the next day with Kirchwey, Ross was apprised that it was Evatt's policy that an investigative committee should be appointed; that its membership should be neutral; and that the situation of Jewish refugees in Europe should be inspected and evaluated in relation to the Palestine issue. Additionally, the committee's terms of reference should be wide and directed towards proposing a political solution in Palestine in which discussions the Jewish Agency should be represented.⁶

A period of three months separated Britain's announcement that it was turning over the matter of Palestine to the United Nations from the creation by the United Nations of a special committee which eventually was endowed with the style United Nations Special Committee on Palestine (UNSCOP).⁷ The Jewish Agency's objectives in this period were, first, the exclusion of Britain and the Arab states from the Committee; second, ensuring that UNSCOP inspect the DP camps; and finally, obtaining Jewish representation with UNSCOP and at the General Assembly in the deliberations that would inevitably follow.

Jewish communities throughout the world, the official Zionist leadership included, were not at all sanguine about the prospects of a favourable outcome stemming from Palestine's referral to the UN. Obtaining support from UN members was now a crucial objective of Zionist diplomacy; there was no telling how vital to the eventual outcome the vote of each country might be. In Australia, the Zionist Federation was urged to make representations to Canberra and Wellington. But this was not a practical matter. As Freilich explained to Moshe Shertok⁸ and other senior officials of the World Zionist Organisation in London early in 1947, an approach to the Australian government would have to be forthcoming from a senior official of the Jewish Agency. So far as Freilich could tell, his point seemed to have been unheeded at the time, but the decision to send an emissary was probably made within days.⁹

Shertok, the Head of the Jewish Agency's Political Department, the de facto foreign minister of a state in the making, dispatched a subordinate, Major Michael Comay,¹⁰ to the Dominions with some such words as these:

*You have to go to New York and on your way go via Australia and New Zealand. There are Labour governments in both countries and through the Socialist International, Ben-Gurion and I know these people. They will be sympathetic. Whether they will be ready to take a line independent of Britain, you will have to find out.*¹¹

Comay arrived in Australia on 30 April after being delayed in Singapore. He had missed his connecting flight by quarter of an hour and found no available seats for the next three months, necessitating a cable to Newman and Freilich, who in turn contacted Evatt, who arranged a VIP priority listing for Comay onboard the Qantas flight the following week. The groundwork for Comay's mission had obviously been laid well, as he met with both Chifley and Calwell the day after his arrival. He found much pro-Zionist enthusiasm in the latter but little in the former,

sensing Chifley to be too solicitous of the view in Whitehall. Calwell told him that Australia possessed only a low threshold of public tolerance for mass immigration. A revival of the old Kimberley scheme was impracticable for that reason, even though Comay could see for himself that Calwell had been 'putting up a first-rate fight' for a liberal immigration policy in the face of a sometimes anti-Semitic press. At best, said Calwell, 'public opinion in Australia would only stand for a certain amount of immigration on an individual basis, with a view to the rapid assimilation of the immigrants'.¹²

After dining with Calwell, Comay went on to meet Chifley. Chifley seemed convinced that any UN commission on Palestine could not do otherwise but include British participation – a noteworthy if understandable misapprehension by the Prime Minister in view of what is now known of Britain's resolve to have no part in UNSCOP's formation and investigations. The two discussed the explosive situation in the Mandate, Comay observing that relaxing immigration controls into Palestine as both the High Commissioner, Sir Alan Cunningham, and the Colonial Secretary, Arthur Creech-Jones, had been urging, might have tranquillised the situation. But Chifley was not receptive to this thinking. He responded that the Anglo-American Committee had produced no solution and the Americans were not sharing the burden involved in opening Palestine to 100,000 Jewish refugees. Chifley's attitude, Comay thought to himself, 'might have been dictated in Whitehall'. Jewish terrorism, Chifley went on, was doing the Zionist cause no good at all, with which Comay agreed, although he regarded it as an insoluble problem whilst the present British policy prevailed. 'Were the Jews united in their resolve to eject Britain?' asked Chifley. Comay answered that British interests in retaining a presence were accepted except in so far as these precluded Jewish independence. All Jews opposed the White Paper, but only a small minority approved of terrorism to bring it to an end.¹³ The two spoke for only 20 minutes and although Chifley often surprised people in being extremely well-informed on foreign affairs and not at all dependent on Evatt for his information, he proved on this occasion non-committal, finally parting with the words, 'explain the whole thing to Evatt'.¹⁴

Despite this inconclusive interview, Comay was not unhopeful, noting in his report with only a little exaggeration, 'it is accepted here that Evatt has Foreign Policy firmly in his own hands, and matters far more than the Prime Minister in this sphere'.¹⁵

Comay, accompanied by Newman, met Evatt and Burton in Canberra on 2 May. There was some flattery by way of introduction in which Comay professed to seek Evatt's advice on account of his unique position in world affairs ('I laid it on thick') to which Evatt warmed immediately, speaking freely and in some detail as to his own position. Prefacing his remarks with the rider that all he was to say was in the strictest confidence, Evatt announced that he was prepared to support a 'liberal' partition scheme for Palestine large enough to support a state; what did the Zionists think? Although partition was not declared Zionist policy – the Paris decision of August 1946 to accept partition in principle was as yet unpublicised – Comay replied that his superiors would probably welcome it.¹⁶ The word 'liberal' may appear tantalisingly vague, but in the context of the history of partition proposals, including the abortive one recommended by the Peel Royal Commission in 1937, Comay could safely deduce that Evatt favoured an enlargement of the disposition in favour of a Jewish state. Comay came armed with maps and engaged Evatt's interest in the practicability of partition. Though still at variance with declared policy, Evatt would not have been entirely unaware of the Zionist interest in partition; he had been receiving communications from Addison that had pointed to this possibility as early as February.¹⁷

There was some desultory talk in which Comay also drew Evatt's attention to the

compatibility of partition with certain Arab powers such as Transjordan and Lebanon, however constrained they might be by the rigours of Arab *esprit de corps* to keep their own counsel. Comay could scarcely have failed to make this point on his mission, but it was a useful one in the context of Evatt's judicial frame of mind. A policy with which generally moderate Arab leaders could privately make their peace was increasingly realistic. Evatt spoke with sympathetic awareness of Jewish powerlessness. He concurred with Comay – 'How can you talk to them when you're emptyhanded?' – before adding some 'unflattering comments on the Arabs'. For good measure he bluntly deplored Britain's abiding solicitude for them 'in view of their war record, as they had hung around the flanks waiting to stab us in the back if things went wrong'. Mindful, however, of the Arab support he had received, and might yet receive, in the United Nations, he intended not to antagonise them before the September session of the General Assembly. He 'mentioned casually that at times the Arabs had supported him at UNO, and some of them had a decent and liberal attitude on some issues – adding hurriedly "not on Palestine of course"'.¹⁸

On specific details surrounding the investigative committee, Evatt claimed to be undeterred at the prospect of Arab participation on the Special Committee if this eventuated; it would give the Jews a propaganda point, he noted mischievously. He supported the widest possible terms of reference for the Committee, which would mean considering the predicament of the Jewish DPs in Europe, and not merely the situation on the ground in Palestine. At this point, Evatt told Burton to instruct the UN delegation accordingly as well as to arrange for Australian candidature for the Committee, though only in circumstances that would assure its success.¹⁹

Evatt, so it appeared, believed in the prospect of an UNSCOP-sponsored and Assembly-approved partition plan. But his confidence was certainly not shared by Comay, who gave voice to his fears to Evatt and in correspondence with Shertok. The question therefore arises as to the reason for Evatt's confidence. Indeed, is it to be taken at face value? Australia had obliged Britain by discouraging Jewish emigration to Palestine. Australia was vigorously campaigning for representation on UNSCOP, but with what end in mind?²⁰ Then again, why was Evatt voicing his support for the Zionists to Comay? There are ways of putting off importunate requests other than appearing to concede them, to the subsequent annoyance of the petitioners.

If Evatt's words have the ring of sincerity, however, they were also vague in important ways. First, he was fudging on what he personally might do to support Zionism. When asked by Comay, he replied that the main onus lay on Washington, but he might be able to stimulate US public opinion by appearing as something of a peacemaker whose proposals went further than those of the US government. Second, he foreshadowed no particular strategy at the United Nations to introduce partition. He said breezily that there were 'fifty different ways of bringing it up'. He spoke with a strategic sense of Jewish suffering, immigration bans and consequent terrorism having at least the virtue of concentrating world attention – 'something like the Irish troubles' – and that the issue now as he saw it was not liberalising immigration but obtaining the vital political decision in September. This was exactly the calculus that Bevin, coming from the other side, had missed in refusing admission of the 100,000 the previous year.²¹ Third, the manner in which Evatt dealt with various Zionist misgivings is ambiguous. He made light of Jewish concern for liaison with the Committee; others might more effectively argue the case from within was his reply. In the same vein, he suggested that the continuation of draconian aspects of British rule in Palestine ultimately might help the Jews in their forthcoming political struggle. Evatt's own participation in the UN process was to be deferred; the September session of the Assembly (by which time the UNSCOP would have presented its report and the vote for

the Assembly presidency held) would be an 'opportune moment' for his labours.

If Evatt meant what he said, what made him so confident of Zionist prospects? In the present state of information, one can only guess the reasons. The two published accounts of the Anglo-American Committee deliberations, one by Britain's Crossman, the other by America's Bartley Crum, it might be argued, could have suggested that a compromise solution of some sort would be produced in the international arena, but Evatt had probably not seen these yet. Evatt's main unofficial source of information on Palestine, Kirchwey, had cabled him a fortnight before his discussions with Comay to urge Australia to take an active part in the approaching Special Session. She believed that Britain and the Arab states had to be excluded from UNSCOP if it were to function impartially. In fact, her ideas about UNSCOP were altogether similar to those later proposed by Australia and accepted by the General Assembly and which Evatt had been pressing on Addison the previous month. The tone of her communication was one of urgency and anxiety.²²

The present position or probable interests of the United States and the Soviet Union could also scarcely have led Evatt to confidently foresee their support for Zionism later in the year. The Ambassador in Washington, Norman Makin,²³ had cabled Evatt in February that the Americans were 'very alive' to the present and potential relations of the Soviet Union with Middle Eastern states. It would have been natural for Evatt to surmise that the United States, like Britain, would incline to a pro-Arab policy for the purpose of forestalling Soviet penetration into the region. It would have been natural also for the Soviets to curry favour with the Arab states, and the most obvious opportunity at hand lay in opposing Zionism. This indeed, was what US Sovietologists believed, and continued to believe, until June 1947. What remains then is the possibility that Evatt presciently appreciated that UN procedure might offer opportunities to Zionism when the time arrived.²⁴

Comay could take heart from this meeting. He proceeded on his mission to South Africa, though not before unintentionally creating controversy in Australia. The publication, *Smith's Weekly*, produced an alarmist report, distorting remarks Comay had made at a meeting, and depicting his visit as a fund-raising drive on behalf of Zionist extremists fighting the British in Palestine. The President of the Executive Council of Australian Jewry, Saul Symonds, denied the allegation in a press statement. The charge was indeed untrue; the Jewish Agency had no control over the activities of the two dissident Zionist groups in Palestine and, in any case, Comay was not raising funds for this or any similar purpose. Indeed, the magazine implicitly conceded later that the precise purpose to which funds would be put was irrelevant; its argument was against the raising of any funds in Australia on behalf of Zionist interests. However, the imputation of fund-raising for terrorism was embarrassing and legal redress was sought, resulting in a libel suit served against the magazine by Dr Fanny Reading, the Vice-President of the Zionist group, Youth Aliyah, before which Comay's misreported remarks had been spoken. The case, heard in May 1949 before Justice Herron of the New South Wales Supreme Court, was lost by Reading because no individual libel had been committed, group libel being then untreated by the law, although Justice Herron regretted this fact in his summing up and took the unusual step of deferring costs.²⁵

The *Smith's Weekly* report led to the Executive Council of Australian Jewry being approached by the government on the matter. The Council truthfully explained that Comay was in Australia for meetings with the government and to address the fundraising appeal of Youth Aliyah, the proceeds of which were earmarked for the settlement in Palestine of Jewish children. There is scant official documentation on the incident; the response appears to have been accepted, even if

a number of Zionist organisations listed previously in the Attorney-General's Department were thought of as 'militant'. It is not impossible, however, that the spectre raised of Zionist violence and extremism explains the action taken, a month after the *Smith's Weekly* report, by the Australian High Commissioner in Wellington, Roden Cutler, to ascertain from the local police the nature of the New Zealand Zionist Council, when he came across a pamphlet published by this group. Cutler was duly informed that the Council was a respectable body.²⁶

While Comay had been touring the Dominions, the Arab agenda item for terminating the Mandate and proclaiming Palestine's independence was examined by the Assembly's General Committee. Egypt, alone amongst the Arab states, was at this time a member of the General Committee; however, all Arab states participated in the debate, following a ruling that states submitting items should participate in their review. Procedural issues ahead of appointing an investigative committee occupied it for six meetings in which the Arab states opposed the creation of the committee. Seeking to have Arab rights in Palestine affirmed in substitution of an inquiry into them, they all submitted identical agenda items calling for the termination of the Mandate over Palestine and declaration of its independence. Australia, represented by Hodgson, argued for the rejection of the Arab agenda item, stating Australia's belief in the principle of full and open debate backed by thorough investigation of the facts. The General Committee adopted this approach and Egypt found itself in a minority of one.²⁷

Affairs now moved to the Assembly itself, where Hodgson spoke for Australia in terms essentially similar to Harry's earlier outline to Ross, adding only that the investigative committee should consist of 11–15 members. He argued specifically against the Argentine plan for a committee embodying the Big Five. The Arab proposal was defeated in the ensuing vote by 24 to 15 votes with 10 abstentions, and the Assembly was now charged with the task of constituting a special committee.²⁸

Britain had left to the Americans the task of presenting and lobbying for the adoption of a list of candidates before the Political Committee, to which this task had been referred. Poland and the Soviet Union insisted on the Big Five. Britain agreed to alter its original proposal for the permanent members plus the Netherlands, Czechoslovakia and Brazil, excluding the permanent members and removed itself from the debate, taking no position on the Committee's projected size and membership. Hodgson proposed an 11-member Committee excluding the Big Five and enjoying the widest terms of reference for the committee. The United States also favoured a committee of 11 and Britain accepted both the US preference and, albeit with reservations, the State Department list which comprised Canada, New Zealand, Sweden, Belgium, Czechoslovakia, Brazil, Mexico, Colombia, Norway and Siam.²⁹

The US list was informally trimmed and amended to seven candidates: Canada, Czechoslovakia, Netherlands, Persia, Peru, Sweden and Uruguay. The changes are obviously significant in the effort to enlarge the South American contingent and include a Muslim country (Persia) to make the whole as ecumenical as possible. Eager to forestall the presentation of a Soviet list, the United States presented its own to the Assembly on 13 May. The proposed membership of the US list was informally discussed with many delegations; its contents were known in the delegates' lounge before the Special Session convened. The list was strongly slanted towards Britain and the United States, with several countries likely to follow whatever lead the Americans might provide. Poland and the Soviet Union were still insisting on the inclusion of the Big Five, the Poles presenting a counter-proposal for a Committee of 11 that included them. The Soviet Deputy Foreign Minister, Andrei Gromyko, proposed a committee exclusively composed of the permanent members. He spoke of their participation as the best

guarantee of whatever solution reached being implemented.³⁰

These proposals were the subject of intense debate prior to the final vote on 13 May. The Soviet list was widely opposed. The last thing either Britain or the United States wanted was Soviet intervention in Palestine, and many nations followed their lead. The proposal adopted was that moved by Australia: that a committee of 11 be appointed excluding the Big Five, adopted by the narrow margin of 13 votes to 11 with 29 abstentions, after the Soviet and Polish proposals had been defeated by large majorities. The Australian proposal had succeeded in breaking the deadlock. The committee's members followed the US list of seven, amended by Chile to include Guatemala and Uruguay and by the United States to include two unnamed states from Asia and the South Pacific. India was approved by 34 votes as against 7 for Siam, and Australia by 21 votes against 20 for the Philippines. The General Assembly then approved the creation of UNSCOP on 15 May by a vote of 47 to 7 with one abstention.³¹

Britain was aghast, its Ambassador, Sir Alexander Cadogan, berating the United States in his report to the Foreign Office for its

*surrender without consulting us to Soviet insistence upon enlarging committee ... [The Soviets have] added Yugoslavia, Guatemala, India and Australia to the original seven on United States list. Except for Australia all these additions were Gromyko's favoured candidates. Their election was adroitly rushed through in full committee to fill the vacuum created by Australian insistence upon a committee of eleven; without any apparent thought on the part of Australia as to who, other than Australia, was to be added to the previously well-balanced list.*³²

Here was a larger committee including a genuine mixture of states. The earlier US list of seven included no nation likely to take an anti-British or anti-American view; the enlarged membership precluded the possibility of so parochial an exercise. Similarly, the Soviets had failed to involve the Great Powers.³³

No less significant is the scope of UNSCOP's brief, being authorised to adopt the 'widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine' and deliver recommendations to the Secretary-General. Fierce Arab opposition during the Special Session had failed to alter its mandate. The Jewish Agency, too, had fared even better than Evatt had expected in winning representation, despite US opposition, to the Political Committee, which was 'really the General Assembly under a different chairman'.³⁴ A Polish proposal requiring that UNSCOP visit the DP camps had been defeated, however, as had been an Australian motion that Britain be given policy recommendations by the Committee. Nonetheless, the whole exercise seemed in line with Evatt's partiality for committees of uncommitted nations. His insistence two years earlier at San Francisco that the Assembly powers be enlarged to permit wide discretion in appointing committees had permitted this result. The creation of UNSCOP marked the culmination of the first phase in Britain's efforts to divest itself of ultimate responsibility for the fate of the Mandate.³⁵

UNSCOP would be following in the steps of several predecessors of which the most recent was the Anglo-American Committee of Inquiry of the previous year. Its investigation of the post-war Palestine situation and the issues affecting it had taken it in due course to the DP camps in Europe. Proceeding from camp to camp, interviewing survivors and their allied supervisory officials, the Committee had confirmed that 98,000 DPs remained incarcerated against their will and that the overwhelming majority wished to proceed to Palestine without delay.³⁶ As the number of Jewish displaced persons mushroomed from the 100,000 figure to nearly 250,000

during 1947, the pressure for the resettlement of these wretched people who had already endured unimaginable suffering grew correspondingly.

The Zionists drew the moral that a visit now by the UN committee to the DP camps in Europe was essential to maintain the conceptual linkage of Jewish homelessness and the situation in Palestine which the British and Arabs were at pains to sever. On 14 May, with the Assembly poised to vote on the Committee the next day, the Jewish Agency debated developments in detail, concluding that partition was the best possibility that might emerge but that it risked being lost in the absence of forthright Jewish support. Without the Zionists indicating the possibility of their acceptance, it was difficult to foresee even friendly governments advancing the proposal. Dr Emanuel Neumann, one of its executive, concluded:

*there is no reason why we should not get other countries who are inclined to the idea of partition – if Australia is, for example – to by all means put that forward. If partition comes, it will come I repeat not because we would want it or appreciate it, but because they may find that this is the only way out of an impasse.*³⁷

He added that if non-governmental organisations like the Nation Associate desired to put forward the plan they too should be encouraged to do so.

UNSCOP was created less than a fortnight after Comay's discussions with Evatt in Canberra. Comay was back in New York by late May. Perhaps sensing that Evatt's Machiavellian approach on Palestine might lead him to disclose little to his own officials in New York, he met John Hood for lunch on 28 May to acquaint him with the results of his Canberra discussions. Hood was eager to learn of his chief's views. Comay recorded: 'I was not surprised [at Hood's ignorance] as I gathered in Canberra that Australia's foreign policy is very much a one-man affair and that Dr Evatt often fails to take his own permanent officials into his confidence on matters of major policy.'³⁸

The concept of partition interested Hood, now that he knew of Evatt's interest in it. Comay stressed that Evatt counted on him to lay the groundwork for his own efforts at the subsequent Special Session of the United Nations. Here, Hood was more reluctant, undoubtedly surmising from Comay's account of the meeting that Evatt preferred that he maintain a discreet neutrality.³⁹ And this is what ensued. Once on the Committee, Hood became enigmatic. He appeared as different things to different men. It would not be unusual for Hood to prove legalistic in Committee discussions, citing correct procedure, often wishing to defer tricky questions altogether. His Guatemalan colleague, Granados, thought this the product of zealous deference to Whitehall. If Hood was sympathetic to Zionism, he never showed it to his colleague. He appeared to Granados remote and taciturn, as any diplomat labouring within the constraints of Evatt's stratagem might have done. In contrast, the Jewish liaison officers who were later appointed to UNSCOP, Aubrey Eban⁴⁰ and David Horowitz,⁴¹ both found Hood to be a hearty, convivial diplomat whose reservations on Zionism melted quickly. In short, he was an unknown quantity.⁴²

Comay and Hood discussed two further matters: the issue of a visit to the DP camps and the question of Jewish liaison with UNSCOP. On the DPs, Hood professed to be in two minds, but accepted the necessity for such a visit by UNSCOP. He was reluctant however to press the case for Jewish liaison with the Committee but he relented to Comay's entreaties and agreed to raise it with the six UNSCOP members he was to meet that same afternoon.⁴³ For all this he knew from Comay that Evatt sought neutrality and this dictated avoiding as far as possible being identified

with Jewish Agency objectives. Following their meeting, Hood informed Comay by telephone that the Committee had deferred decision on the question of Jewish liaison.⁴⁴

NOTES

1. Addison to DEA and DD, cable, 8 March 1947, (received 9 March), AA A1068 M47/17/1/2.
2. DEA to Addison, cable, 17 March 1947, *DAFP*, Vol. 12, p. 16; Christopher Waters, 'Anglo-Australian Conflict Over the Cold War: H.V. Evatt as President of the UN General Assembly, 1948–49', *Journal of Imperial and Commonwealth History*, Vol. 22, No. 2, May 1994, p. 296.
3. Addison to DEA and DD, cable, 21 March 1947 (received 22 March), AA A5954/1 2255/2; A1068 M47/17/1/2; DEA to Addison, cable, 25 March 1947, *DAFP*, Vol. 12, p. 18; Addison to DEA and DD, secret cable, 21 March 1947 (received 22 March), AA A5954/1 2255/2.
4. Robert McClintock to Warren Austin (US Ambassador to the United Nations), memorandum, 9 May 1947, *ibid.* The United States was concerned at the time about setting a precedent for representation of non-governmental bodies which the Soviet Union was then advocating for such satellites as the World Federation of Trade Unions, *Palestine Post*, 15 May 1947. This was also the British reservation; Addison to DEA and DD, cable, 8 March 1947, AA A 5954/1 2255/2. The Jewish Agency's participation in the deliberations of the Political Committee would have been impossible without Soviet support; J. Alvarez del Vago, 'Arabian Nights in Flushing', *Nation*, Vol. 164, 10 May 1947, pp. 534–6.
5. Minute by John Ross (US delegation) on a conversation with Ralph Harry, 23–24 April 1947, NARA RG84, Box 86, Palestine 1946–September 1947 file.
6. Memorandum by Ross on meeting with Kirchwey and Lillie Shultz of *The Nation*, 25 April 1947, RG84, Box 36, US Mission to UN files, Palestine 1946–September 1947 file.
7. Reports in the *Palestine Post*, following the daily usage of UN officials, referred to it at first as the 'Fact-Finding Committee' (15 May), or the '(Palestine) Inquiry Committee' (27 May) etc. It began to refer to it as UNSCOP only after 2 June.
8. Moshe Shertok (later Sharett) (1894–1965) born Kherson, Ukraine. Settled with family in Palestine, 1906. Served as Secretary (1931–33) and Head (1933–48) of the Political Department of the Jewish Agency. After the establishment of Israel, he served as its first Foreign Minister (1948–56) and second Prime Minister (1954–55). Biography by Gabriel Sheffer, *Moshe Sharett: Biography of a Political Moderate* (Clarendon Press, Oxford, 1996).
9. Louis, 'British Imperialism' in Louis and Robert W. Stookey, *The End of the Palestine Mandate*, I.B. Tauris, London, 1986, p. 13; ZFANZ to Jewish Agency, cable, 20 April 1947; Joseph Linton to Arthur Lourie, cable, 18 April, SAI 2266/15; Freilich, *Zion in Our Time*, pp. 157ff.
10. Michael Saul Comay (1908–87) born Cape Town, Union of South Africa. A lawyer by profession, he served in the South African Army (1940–45), attaining the rank of major. Served as representative of the South African Zionist Federation within the Political Department of the Jewish Agency (1946–48), and then as director, Commonwealth Division, Israeli Foreign Ministry (1948–53), Israeli Ambassador to Canada (1953–57) and the United Nations (1960–67), Political Adviser to the Foreign Minister (1967–70), and as Ambassador to Great Britain (1970–73). Author of *Zionism, Israel and the Palestinian Arabs: Questions and Answers* (1981).
11. Comay in interview with Honig, Jerusalem, 22 January 1985.
12. *Ibid.*; Comay to Shertok, letter, 2 May 1947, SAI 2266/15.

13. Comay to Shertok, letter, 2 May 1947, SAI 2266/15.
14. Comay to Shertok, letter, 2 May 1947, SAI 2266/15; Comay in interview with Honig, Jerusalem, 22 January 1985. See also Jones, *Failure in Palestine*, pp. 256–65.
15. Comay to Shertok, letter, 2 May 1947, SAI 2266/15.
16. Ibid.
17. Addison to DEA and DD, secret cables, 4, 10 and 14 February 1947. AA A 5954/1 2255/2.
18. Comay to Shertok, letter, 2 May 1947, SAI 2266/15.
19. Ibid.
20. Adelman, 'Australia and the birth of Israel', pp. 360–1.
21. Comay to Shertok, letter, 2 May 1947, SAI 2266/15.
22. The Jewish Agency subsequently sent copies of both works to both Evatt and Hood; Comay to Evatt, 12 June 1947, EC External Affairs – Palestine file (copy in SAI 2266/15); Lionel Gelber to Hood, 19 May 1947, SAI 2266/15. A copy of Crossman's work is to be found in Evatt's library, now housed in the Evatt Collection at Flinders University in Adelaide. The *Nation* had described Britain's policy in Palestine as a betrayal born of procrastination and insincerity; Editorial, 'Palestine Our Problem', Vol. 164, 1 March 1947, p. 236. See also Elath, *HaMa'avak Al HaMedinah*, Vol. 1, pp. 137–8; Kirchwey to Evatt, cable, 14 April 1947 (received 17 April), EC External Affairs – US file. Kirchwey favoured a committee composed of middle and small powers who were not closely tied to the superpowers; Kirchwey, 'The UN and Palestine', *Nation*, Vol. 164, 26 April 1947, p. 469.
23. Norman John Oswald Makin (1889–1982). Born Petersham, NSW. President, ALP (SA) (1918–19), MHR (ALP) for Hindmarsh (1919–46); Sturt (1954–56); and Bonython (1956–63). Speaker of the House of Representatives (1929–31); Minister for Navy and Munitions (1941–43); Aircraft Production (1943–46); Member, Advisory War Cabinet (1941–45). First Australian Ambassador to the United States (1946–51) and first Australian President of the United Nations Security Council.
24. Makin to Evatt, cable, 6 February 1947, EC Cables – Washington, 1946–49 file; Dubrow (US Embassy, Moscow) to State Department, confidential telegram, 10 May 1947, Cohen (ed.), *Rise of Israel*, Vol. 37, p. 12.
25. 'Australian Jews financing terrorists in Palestine – Killing British Soldiers', *Smith's Weekly*, 7 June 1947; Bernard Hyams, *The History of the Australian Zionist Movement* (Zionist Federation of Australia, Sydney, 1998), p. 73; *Smith's Weekly* Managing Director to Landa, Barton and Company (solicitors), 3 September 1947, SAI 2266/15; Freilich, *Zion in Our Time*, pp. 169–70. A detailed account of the episode is provided by Morris S. Ochert, 'Dr Fanny Reading v. *Smith's Weekly*', *Australian Jewish Historical Society Journal*, Vol. 13, June 1996, Pt 2, pp. 308–42.
26. N.E. McKenna to W.J. Cooper (Attorney-General's Department), letter, 23 September 1947; Notes on 'Major Michael Comay', AA A467, bundle 89/SF42/41; A.R. Cutler to DEA, despatch no. 32, 7 July 1947, AA A 1068 M47/17/1.
27. See L. Larry Leonard, 'The United Nations and Palestine', *International Conciliation*, No. 454, October 1949, pp. 614–16; ORGA, 1947, Vol. 2, First Special Committee, p. 10.
28. 'International Affairs: Cabinet Submission of 22nd May 1947', AA A5954/69 2276/4; Official Records of the General Assembly (hereafter ORGA), 1947, Main Committees, Vol. 3, p. 81; Leonard, 'The United Nations and Palestine', pp. 616–17.
29. Addison to DEA and DD, cable, 8 March 1947; Australian UN delegation (New York) to DEA and DD, cable, 7 May 1947, AA A 5954/1 2255/2.

30. Jorge Garcia-Granados, *The Birth of Israel: The Drama as I Saw It* (Alfred A. Knopf, New York, 1948,) p. 5.
31. David Mayer Hyatt, 'The United Nations and the Partition of Palestine' (University Microfilms, Ann Arbor, MI, 1974), pp. 123-4; Granados, *The Birth of Israel*, p. 5; *Yearbook of the United Nations*, Vol. 1, 1946-47, p. 300.
32. Cadogan to Foreign Office, 14 May 1947, quoted in Jones, *Failure in Palestine*, p. 260. Cadogan, more than his Foreign Office colleagues, was alive to the current Soviet pro-Zionism. Foreign Office attempts, on his advice, to pressure Uruguay and Guatemala into replacing their delegates were fruitless; see Jones, *Failure in Palestine*, pp. 260-5.
33. Neutral observers were said to be in agreement on the balanced composition of the Committee, with Persia and India identified as pro-Arab and Guatemala and Uruguay as pro-Jewish. Interestingly, one report held Australia, along with Canada, the Netherlands and Sweden, to be 'more or less friendly to Britain', but noted that in the cases of Canada and Australia, 'much depends on the men chosen for the job'. *Palestine Post*, 15 May 1947.
34. Comay to Rabbi Max Schenk, 12 June 1947, SAI 2266/15.
35. Hodgson to Evatt, letter, 20 May 1947, AA A1838/283 T5852/19/1.
36. A typical instance was one camp visited by the Committee that held 3,629 Jewish DPs. Of these, none wished to remain in Germany, nine wished to proceed to the United States, one to Australia, and 3619 to Palestine; Bartley C. Crum, *Behind the Silken Curtain: A Personal Account of Anglo-American Diplomacy in Palestine and the Middle East* (Victor Gollancz, London, 1947), p. 75.
37. Extracts from meeting of the Jewish Agency Executive, American section, 14 May 1947, Cohen (ed.), *Rise of Israel*, Vol. 37, p. 28.
38. Comay to Jewish Agency Executive, memorandum, 29 May 1947, SAI 2266/15.
39. *Ibid.*
40. Abba (Aubrey) Eban (1915-2002) born Cape Town, Union of South Africa, educated Cambridge, Research Fellow in Oriental Languages, Pembroke College, Cambridge. Eban subsequently became Israel's Ambassador to the United Nations (1948-59) and the United States (1950-59) and served as a member of the Knesset (1959-88), becoming Minister without Portfolio (1959-60), Minister for Education and Culture (1960-63), Deputy Prime Minister (1963-66) and Foreign Minister (1966-74). Published collection of speeches, *Voice of Israel* (1957), and memoirs, *An Autobiography* (1978) and *Personal Witness: Israel Through My Eyes* (1992) as well as *My People: the Story of the Jews* (1974), *My Country: The Story of Modern Israel* (1975), *The New Diplomacy* (1984) and *Diplomacy for the Next Century* (1998).
41. David Horowitz (1899-1979). Born Drohobycz (then Austrian Galicia). A journalist and economist by profession. Served as Director, Economic Department, Jewish Agency (1935-48); Director-General, Israeli Ministry of Finance (1948-52); Governor, Bank of Israel (1954-71). Awarded the Israel Prize for Social Sciences, 1968. Author of *State in the Making* (1953), *Hemisphere, North and South: Economic Disparity Among Nations* (1966), *The Abolition of Poverty* (1969) and the autobiographical account of the Labour Zionist Movement during the 1920s, *HaEtmol Sheli (My Yesterday)* (1970).
42. David Horowitz, *State in the Making* (Alfred A. Knopf, New York, 1953), p. 162; Eban, *An Autobiography*, p. 77.
43. Comay to Jewish Agency Executive, memorandum, 29 May 1947, SAI 2266/15.
44. *Ibid.*

5

‘A Test of Our Powers, and Our Independence’

There were two meetings of UNSCOP in New York, Justice Carl Sandstrom of Sweden being elected chairman at the second of these on 2 June. At the same meeting, it was decided to extend invitations to both the Jewish Agency and the Arab Higher Committee to attach two liaison officers each with UNSCOP. The former did so with alacrity, appointing Eban and Horowitz. The latter refused, even though the Secretary General of the Arab League, Azzam Pasha, warned against adopting a negative attitude to UNSCOP. A meeting of the Arab Higher Committee and Arab states revealed Egypt, Lebanon and Saudi Arabia leaning towards co-operation with UNSCOP, and Iraq and possibly Syria favouring boycott.¹

UNSCOP was embroiled in procedural and substantive arguments before its members had even departed from New York. The question of visiting the DP camps and contacting Jewish underground groups surfaced immediately. The discussion proved earnest, verging on tense, as all sensitive political questions were to prove in the weeks ahead for this variegated company of previously unacquainted judges and diplomats, drawn from 11 countries on five continents, some operating with complete discretion, others beholden to directives from their governments.

The Committee decided to postpone making a decision, after some advocacy in favour of and against the proposal in which Hood took no part, although at a later stage he suggested that the question be held over. All members were acutely aware that to decide either way was to award one of the two disputant communities in Palestine with a victory and the other with a defeat. Persia and India, the one a Muslim state, the other possessing a large Muslim minority, opposed visiting the camps. Their opposition was skilfully cast in terms of postponing a decision until arrival in Palestine, and the committee agreed to this course.²

The Committee's deliberations on taking testimony from the Jewish underground army, the Irgun, took place in the heightened atmosphere produced by the Irgun's raid on Acre prison, which had freed hundreds of their detained members, including other prisoners. Five Irgun members had been captured in the raid. Under conditions of martial law and with a price on their heads, the Irgun leadership could not be approached conventionally. Granados recommended obtaining British consent for safe conduct of all witnesses appearing before UNSCOP. Hood, as a member of the Balkans Commission the previous year, was known to have conferred with General Markos, the Greek guerrilla leader, and Granados asked Hood for suggestions. Hood equivocated. 'We made arrangements to establish contact', Granados records Hood as saying, 'by, ah, subterranean means ... I think we might do the same here, but perhaps we should defer any decision until we consult the Government in Palestine.' Sandstrom upheld his view.³

Hood and Atyeo met as promised with Comay just prior to their departure for Palestine. Atyeo, who had been in communication by telephone with Evatt the previous evening, told

Comay that Evatt had instructed them to remain 'as non-committal as possible and to avoid being labelled as pro or anti-British, Arab or Zionist'. Atyeo said that India and Persia were known to be pro-Arab, Yugoslavia and Guatemala to be pro-Zionist, and that Australia intended to earn neither label at this stage. Consequently, Evatt did not welcome lobbying from either Arabs or Jews. Atyeo was being free with the information he had at hand and perhaps felt the need to prepare the Jewish Agency for Australia's public approach in the coming weeks. He was noncommittal when Comay queried if such neutrality would be viable at a later stage when recommendations were required from the Committee. This probably means, and subsequent events tend to confirm, that Evatt had not instructed his men in detail. Comay deduced that directions would then be sought from Evatt who would make a tactical decision with regard to his own role within the Assembly.⁴

Meanwhile, Comay did what he could to influence the two men favourably. Kirchwey had spoken to them the same day and enthralled them with the prospect of meeting Weizmann, which Comay undertook to arrange once in Palestine. But Comay already sensed possible difficulties with Atyeo. Following his experience on the Balkans Commission, Atyeo was suspicious of the Soviets, and Comay thought it inadvisable that either of the two Soviet bloc nations represented on UNSCOP should be the ones to make the running on partition if the idea was to command wider support. He told Shertok that some influence over Atyeo might be discreetly obtained if fellow socialists, like Crossman or Michael Foot, with whom Atyeo had been friendly since San Francisco, were to talk to him 'in a way which did not appear to be inspired by us'.⁵

The bulk of UNSCOP members arrived in Palestine on 15 June only after a frosty reception in London, disgraceful accommodation arrangements and flight difficulties.⁶ UNSCOP's hearings commenced the next day in Jerusalem; the Arab community marking the occasion by calling a general strike. There was a series of refusals by the Arab Higher Committee to meet with UNSCOP and present its case. Jamal Husseini of the Arab Higher Committee, and Faris el-Khouri, the Syrian representative to the United Nations, had been in Palestine condemning the decision to send UNSCOP and flatly denouncing the 'policy of procrastination through investigating committees well understood by Arabs; their rights need no bargaining or confirmation'. Arab municipal councillors boycotted UNSCOP on its visit to Haifa, which was one of the few places known for Arab-Jewish co-operation at least on a local level. The Arab Higher Committee never appeared before UNSCOP, which was in any case reluctant to publicly appeal to it to review its stance. Hood, and doubtless his colleagues, quickly realised that they were ordained to 'work here in a state of continuing acute political tension', with no let-up expected from either side.⁷

On their second day of hearings in Jerusalem, UNSCOP was greeted with the news that three Irgun members captured in the raid upon Acre prison had been sentenced to death by the British authorities. Formally requested to intercede by the parents of the condemned men, Committee members hurriedly convened to consider the request. For Granados, the issue was clear: 'Our Committee was now clearly placed before world public opinion. This would be a test of our powers, and our independence.'⁸ Such a contentious and emotive issue naturally attracted worldwide media attention amidst reports of a cabal of maverick British officers waging a punitive counter-terrorism campaign, and the United Nations Secretary-General, Trygve Lie, was seen to dodge the question when asked if UNSCOP had authority to intervene with the Mandatory.⁹

It was Hood, however, who pre-empted desultory informal discussion by insisting that intercession be considered only in a formal meeting. Granados' hackles were immediately raised. He suspected Hood was hoping to constrain the humanitarian impulses of his colleagues by

recourse to official deliberations. This is an interesting index of Hood's posture as perceived by his colleague, buttressed no doubt by Hood's insistence in the succeeding discussion that a request to the British High Commissioner to commute the sentences would constitute intervention beyond UNSCOP's legal competence. Hood stuck to his guns; political repercussions, he said, might also follow if the death sentences were deferred.¹⁰

The distrust appears to have been mutual, Hood describing the arguments put forward by proponents of intercession, ostensibly grounded in humanitarianism, as being actually calculated to embarrass Britain. Hood later described UNSCOP's eventual intercession as 'ill-advised' and 'worse than useless'. He could not stomach the more judgemental style of the Yugoslav, Uruguayan and Guatemalan delegates, whom, he said, wished to conduct a 'super Royal Commission'.¹¹ Hood alone abstained from the Committee's vote to express concern (there were three dissenting votes) and insisted that the minutes so record.¹²

UNSCOP, however, decided upon a communication to be conveyed to Lie, recording that some members wished to express concern as to the likely adverse repercussions in Palestine and to request a commutation of the sentences; a measure which Australia was isolated in opposing. The message was transmitted by Lie to the British. UNSCOP duly received a British response which, combining legalism and pique in equal parts, stated that His Majesty's Government could not regard the imposition of a judicial sentence as an act calculated to disturb the peace in Palestine. In due course, the death sentences were confirmed and tension mounted daily in Palestine as the appointed date of execution drew nearer.¹³

With this baptism of fire, UNSCOP spent its first weeks in Palestine hearing chiefly the Jewish case and visiting various towns and communities. The Arab boycott precluded a hearing of the Arab side; even Arab government officials as were met in the course of investigations declined to comment politically, according to Hood, 'often obviously under intimidation'.¹⁴ Jamal Husseini, heading the Arab Higher Committee with the Mufti's exclusion from Palestine, was 'unable' to meet with Sandstrom, leaving for Beirut 'on several days' private visit' during the Committee's hearings in Jerusalem.¹⁵ The idea of approaching the Arab states for presentation of the Arab case took root, undeterred by fears (unfounded, as it proved) of a public rebuff from them.¹⁶

The profusion of Jewish spokesmen, settlements and industries grated on the travel-weary Hood. 'The programme, suggested mainly by the Jewish Agency and Palestine Government, was unnecessarily encumbered with visits to settlements, factories and the like, more or less of the same type, and could with advantage have been condensed into half the time'.¹⁷ However, although still undecided about the Zionist case, Hood was developing one conviction of potential usefulness to them: he was sceptical of the possibility of a settlement based on Arab-Jewish co-operation. The call of each side for independence in Palestine at the other's expense seemed increasingly unreal to him. Partition, or some form of binational state, seemed at this stage the only feasible alternatives to him and his colleagues. The full-scale hearing of the Jewish case and the Arab boycott of its own were turning delegates towards partition, however reluctantly, in several cases.¹⁸

Tensions in Palestine, never far below the surface, re-emerged in the last days of its hearings in Jerusalem with the arrival of the *Exodus*, bearing 4,500 Jewish immigrants contrary to the laws in force in Palestine. The *Exodus* was a masterly dramatisation of Jewish plight and thus a highly effective piece of propaganda. The ship was controversially intercepted on the high seas by the Royal Navy, 20 miles outside Palestinian territorial waters, grappling irons hurled across her bows and then boarded. Its passengers resisted and one American crewmember was killed.

Towed into Haifa, the passengers were forcibly disembarked. One of the passengers later confided to a British rating that the resistance to disembarkation was largely for the benefit of the world's press.¹⁹

Accounts differ on the effect on members of UNSCOP of the awesome sight of the battered ship, bearing its miserable abundance of human cargo, being escorted at gunpoint into Haifa port on 18 July. Eban, one of the two Jewish Agency liaison officers, was on the quay with Sandstrom and the Yugoslav delegate, Vladimir Simic, who witnessed the pacification of the passengers. They were shocked at the spectacle and buoyed in an emergent conviction that the Mandate should be terminated. In an unminuted meeting, UNSCOP representatives met a crewmember of the *Exodus*, following an appeal from the ship, their chief query being whether or not the British had used excessive force in taking the ship after intercepting it on the high seas. Sympathy for the refugees' plight, however, was largely offset by annoyance at the intentionally propagandist impact of the affair, and a warming in relations between the Palestine government and UNSCOP, with the exception of the pro-Zionists, Granados and the Uruguayan delegate, Enrique Rodriguez Fabregat, can be traced to this period.²⁰

The brutalising and transformational effects of political killing were apparent with the execution of the Irgun gunmen on 29 July and the reprisal hanging on 31 July of two British sergeants kidnapped by the Irgun, their corpses booby-trapped. The revulsion caused by this act, world-wide, but particularly in Britain and the Dominions, without doubt exceeded that caused by any other Irgun outrage, not excluding the King David Hotel bombing in 1946. The year before, the King David Hotel bombing had brought an official outburst of Jew-hatred from the outgoing GOC, General Barker, which had gone around the world. Barker boasted at a dinner party of his willingness to hang Jews. Confirming the death sentences prior to his departure from service in Palestine was his parting shot to the Irgun. Begin vowed that rivers of British blood would flow, though he satisfied himself with the retribution against the guiltless sergeants.²¹

Following the deed, anti-Jewish demonstrations flared briefly in Britain. A synagogue was burnt down in Durham. In Melbourne, a bomb threat was made on the Jewish community offices in Flinders Lane, an event not reported at the time. The *Exodus*, turned away at Bevin's insistence from Palestine, docked at Port-de-Bouc the same day the Irgunists were hanged, the French refusing, on the authority of the Minister for Ex-Servicemen, François Mitterand, to disembark its passengers against their will. Every step in the subsequent drama, right up to their forcible disembarkation by British forces in Germany, was avidly followed by the world's press and sullied Bevin's Palestine policy with an international public aghast at survivors being returned to the scene of their persecution.²²

In Palestine itself, British retaliatory measures included a police sweep upon Jewish municipal leaders, leading to over 60 arrests, which was widely protested abroad. The Jewish Agency building in Jerusalem was bombed; so was the British Department of Labour offices. Arabs attacked a café, killing four Jews. Ten British personnel were killed and 76 injured in the last fortnight of July alone. A leading figure in the shadowy, unlicensed British counter-terrorist war, Major Roy Farran, for many weeks now a fugitive from justice, turned himself in to the British consulate in Damascus. Creech-Jones, the Colonial Secretary in London, tried to cool passions, attesting to the co-operation against terrorism exhibited by the Jewish Agency; others ignored its practical measures and thought its condemnation valueless.²³

Tempers flared abroad. Normally circumspect – which is not to say always unprejudiced – people were moved to outburst. Pre-war arch-appeaser, Lady Astor, was reported in New York saying 'I don't care how many Jews are killed in Palestine. My only interest is in the number of

innocent British who are slaughtered.’ Emanuel Celler, a Jewish Democratic congressman, rose on Capitol Hill to call for the future refusal of a visitor’s visa for Lady Astor. A pro-Zionist committee in New York threatened to parachute Jewish immigrants into Palestine if UNSCOP failed to endorse Truman’s call to admit 100,000 Jewish refugees.²⁴

UNSCOP members were caught up in the passions, the *Exodus* affair especially attracting and repelling goodwill towards the Jewish Agency. The Australians shared in the annoyance, a report reaching home that Hood and Atyeo were ‘daily worried’ by the prospect of Jews wishing to pick up and head to safety in Australia. A peculiar rumour and a marginal phenomenon at most, Jewish Agency disavowal of any such desire failed to dispel their concern.²⁵ Hood noted to Canberra the atmosphere of ‘bewildered tension’²⁶ which marred UNSCOP’s last days in Jerusalem, and Atyeo was heard to say: ‘Give Palestine back to the Turks with a substantial bonus to them for taking it.’²⁷

Aty eo was particularly caught up in the passions of the moment, violently denouncing the Jewish Agency at a cafe one night in Jerusalem already prior to the *Exodus* affair, becoming ‘so vituperative that many of the guests left’.²⁸ Arthur Lourie,²⁹ a Jewish Agency official in New York, informed Kirchwey, who contacted her colleague and confidante, Lillie Shultz, then on the ground in Palestine. ‘The story about [Aty eo] is not surprising although disturbing,’ Shultz later replied. Kirchwey, knowing both Evatt and Atyeo well, decided to get in touch quickly with Evatt.³⁰

The Jewish Agency itself was clearly worried. Arthur Lourie cabled and wrote to Freilich in Sydney to ascertain if Landa (whose close relationship with Evatt Freilich had been extolling only days earlier), or someone else, might intercede with Evatt.³¹ These communications reached Freilich too late for him to approach Evatt, who had departed on 11 July to Japan, taking up a personal invitation from General MacArthur.³² Instead, Freilich contacted Burton at External Affairs, who ‘fully reassured’ him that Hood and Atyeo were under ‘definite instructions’,³³ a reference no doubt to Evatt’s insistence on appearing impartial. In so far as this meant appearing cool to the Zionist case, they were succeeding completely. But by Evatt’s own yardstick, Atyeo had over-stepped the mark. Cabling Evatt personally about Atyeo was considered inadvisable. So it was left to Kirchwey to communicate with him. She meant to see him in Tokyo en route to India, but her trip fell through and telephoning him in Tokyo seemed a poor option to putting down her thoughts carefully on paper, which she proceeded to do.³⁴

In her letter, Kirchwey urged Evatt to take a stand in favour of partition which, she wrote, had been so conspicuously lacking amongst the democratic nations, before expressing concern about Atyeo.

*I am told, for example, that our mutual and good friend, S[am] A[tyeo], is publicly denouncing the Jewish Agency. I do not know whether such denunciation is an expression of pro-Arab sentiment, but certainly it is not evidence of impartiality; nor does it add to the dignity of a United Nations delegation. I have hesitated to mention this to you because of my own warm feelings for A ... It seems to me that our proposals satisfy the basic demands of both peoples, increasing the possibility of peace in the Middle East, and take care of the great human problem of the survivors of Hitlerism. What I would like to know is whether this solution has your support.*³⁵

But this letter did not procure her any reassurance. Evatt’s response only compounded doubts. He instructed Burton to cable Kirchwey that he believed the Palestine issue must come before the

General Assembly. That hardly clarified matters. Was he still optimistic, as he had professed to be, that partition could be introduced easily into deliberations, or was he privately less convinced and unwilling to commit himself? Whatever the truth, Evatt correctly deduced that the next Regular Session would be crucial for the fortunes of Zionism, and he meant to hold aloof till then. Significantly, in what became a familiar pattern in the months ahead, Evatt declined Kirchwey's invitation to attend a Nation Associates dinner forum on the Palestine question in New York in September ('not practicable'), although he was to be in New York at the appointed date. Kirchwey hoped to concentrate attention on Palestine during the General Assembly session, but getting to find leaders willing to commit themselves in advance of a vote was proving a hopeless endeavour. Gromyko and Andrei Vyshinsky had turned down invitations to speak; so had the French Ambassador to Washington, Henri Bonnet. Even Crossman appeared to be hostage to the whims of his editor and it had taken two cables to elicit even a reply from Evatt. He was clearly not about to appear and speak publicly at a pro-Zionist forum, and the prospect of sitting with Masaryk, Spaak, Bidault and Gromyko – so Kirchwey evoked the night – tempted him not one bit. Now was not the time to declare an interest.³⁶

The Atyeo incident marks the first sign of doubt on the part of the Jewish Agency that Australia was favourable to their case, despite forewarnings of aloofness over the next few months (from the offending party himself, Atyeo) and reassurances from Burton which were accepted by the Zionists in Sydney.³⁷ However, the news of Atyeo's conduct and the latest report from Hood (by then in Geneva), forwarded to Evatt by Burton, in which Hood recorded that he had commenced advocating a trusteeship regime for Palestine 'in view of the serious practical objections to partition'³⁸ within UNSCOP, spurred Evatt into action.

Returning by HMAS *Hobart* to Australia, Evatt cabled Burton:

Tell Hood at once that he should not at this stage take any line against partition of Palestine. He has never been authorised to do so and is there solely to report on events and not [repeat not on solutions]³⁹ without prior official consultation with us. This is most urgent. I have had recent complaints of the attitude of one of the Australian representatives on the Palestinian Committee [sic]. They must be reminded that they are a fact-finding body.⁴⁰

It was not, thus, until 11 August⁴¹ that Hood and Atyeo were instructed to drop their opposition to partition, by which time UNSCOP had passed from Jerusalem to Beirut and on to Geneva to compose its reports. Till then, Hood and Atyeo, to the consternation of the Jewish Agency, proceeded to espouse a course of action that Evatt opposed.

NOTES

1. Hood to Evatt, secret cable, 2 March 1947, AA A1838/283 T5852/19/1; *Palestine Post*, 21 May 1947; Hyatt, 'The United Nations and the Partition of Palestine', p. 160.
2. Minutes of the 12th Meeting (private) of UNSCOP, 22 June 1947, United Nations Library-Dag Hammarskjold Library (hereafter UNL), A/AC.13/PV. 1–30; Garcia-Granados, *The Birth of Israel*, p. 26.
3. Ibid., pp. 27–8; Minutes of 4th Meeting (private) of UNSCOP, Lake Success, 6 June 1947, UNL A/AC.13/PV. 1–30; Garcia-Granados, *The Birth of Israel*, pp. 27–8.
4. Comay memorandum to Jewish Agency Executive, 11 June 1947, SAI 2266/15.
5. Ibid.

6. Garcia-Granados, *The Birth of Israel*, pp. 28–30. The Foreign Office explained that no official welcome had been held for UNSCOP as it was not a guest of the government; *Palestine Post*, 13 June 1947. Eban recounts that a similarly poor reception was experienced by those who flew via Malta; *An Autobiography*, pp. 76–8; *Personal Witness*, pp. 96–8. A curiosity of Eban’s accounts is the apparent telescoping of the two separate flights into a single one by all UNSCOP members who travelled via Malta and on which he himself was passenger. Eban also appears to have had second thoughts about the date of the flight, which has moved from ‘early May’ in his earlier account to ‘mid June’ in his latest, the latter one being correct.
7. Jones, *Failure in Palestine*, p. 269; Macatie (US Consul-General, Jerusalem) to Marshall, confidential cable, 11 June 1947, *Foreign Relations of the United States* [hereafter *FRUS*] 1947, United States Government Printing Office, Washington, 1972, Vol. 5, p. 1102; *Sydney Morning Herald*, 21 June 1947; Hood (Jerusalem) to DEA, secret cable, 23 June 1947 (‘UNSCOP 2’) (received 24 June), AA A1838/2 852/19/1/1.
8. Garcia-Granados, *The Birth of Israel*, 56.
9. *Sydney Morning Herald*, 24 June 1947; *Palestine Post*, 20 June 1947.
10. Garcia-Granados, *The Birth of Israel*, pp. 53–7; Minutes of the 9th and 10th Meetings (private) of UNSCOP, Jerusalem, 18 and 20 June 1947, UNL A/AC.13/PV. 1–30.
11. Hood (Jerusalem) to DEA, secret cable, 5 July 1947 (‘UNSCOP 4’) (received 12 July), AA A1838/2 852/19/1/1; ‘Australian delegation. Second Annual Session of the General Assembly of the United Nations. Agenda items nos. 21, 22, 23 – Palestine’, pp. 7–8, AA A4311 Box 663.
12. Hood (Jerusalem) to DEA, secret cable, 23 June and 1947 (‘UNSCOP 3’), AA A1838/2 852/19/1/1; Garcia-Granados, *The Birth of Israel*, pp. 53–62; Minutes of the 12th Meeting (private) of UNSCOP, Jerusalem, 22 June 1947, UNL A/AC.13/PV. 1-30.
13. Hood to DEA, secret cable, 23 June 1947 (‘UNSCOP 3’) (received 1 July); Addison to DEA, secret cable, 28 June 1947 (received 29 June), AA A1838/2 852/19/1/1.
14. Hood (Jerusalem) to DEA, secret cable, 4 July 1947 (‘UNSCOP 4’) (received 12 July), AA A1838/2 852/19/1/1.
15. ‘Australian delegation. Second Annual Session of the General Assembly of the United Nations. Agenda items nos. 21, 22, 23 – Palestine’, p. 7, AA A4311 Box 663.
16. Hood (Jerusalem) to DEA, secret cable, 4 July 1947 (‘UNSCOP 4’) (received 12 July), AA A1838/2 852/19/1/1.
17. *Ibid.*
18. *Ibid.*
19. A detailed account of the episode from all points of view is provided by Bethell, *The Palestine Triangle*, p. 326.
20. Eban, *An Autobiography*, pp. 79-80; *Personal Witness*, p. 100; *Palestine Post*, 20 and 21 July 1947; Jones, *Failure in Palestine*, pp. 272–3.
21. Bethell, *The Palestine Triangle*, p. 267; *Sydney Morning Herald*, 30 July 1947.
22. O’Brien, *The Siege*, p. 275.
23. Freilich, *Zion in Our Time*, p. 187; *Sydney Morning Herald*, 628 July, 7, 12 and 14 August 1947; *Sydney Morning Herald*, 14 August 1947. Farran, a decorated war hero, was wanted for the disappearance and murder of a captured Irgun member, Alexander Rubowitz. Farran was never charged, though his military career ended under a cloud, and in later life he moved to Canada, becoming Solicitor-General of Alberta. See Bethell, *The Palestine Triangle*, pp. 347-8.

24. *Sydney Morning Herald*, 11 August 1947; *Argus*, 18 August 1947.
25. *Sydney Morning Herald*, 15 July 1947.
26. Hood (Beirut) to DEA, secret cable, 26 July 1947 ('UNSCOP 5'), AA A1838/2 852/19/1/1.
27. Repeated by UN official (later Mediator) Dr Ralph Bunche, 17 July, quoted in Jones, *Failure in Palestine* p. 273.
28. Arthur Lourie to Jewish Agency Executive, confidential memorandum 7 July 1947, SAI 2266/15.
29. Arthur Lourie (1903–78), born Johannesburg, South Africa, a barrister by profession. Served as Political Secretary of the Jewish Agency office in London (1933–48) and Director, Jewish Agency UN Affairs Office, New York (1944–48). Entered the Israeli diplomatic service after 1948, serving as Consul-General in New York (1948–53), Ambassador to Canada (1957–59) and Great Britain (1960–65) and as Deputy Director-General of the Ministry of Foreign Affairs (1965–72).
30. Shultz to Kirchwey, letter, 9 August 1947, SL Kirchwey Papers, MC 280, Box 14, file 244; Kirchwey to Evatt, personal and confidential letter, 15 July 1947, EC External Affairs – US file (copy in SAI 2266/15).
31. Freilich to Shertok, letter, 7 July 1947; Lourie to Freilich, cable, 14 July 1947; letter, 15 July, SAI 2266/15.
32. Freilich to Lourie, cable, 17 July 1947, SAI 2266/15; 'Kanimbla Papers' (shipboard newsletter), EC Overseas Trips – 1947.
33. ZFANZ to Lourie, letter, 18 July 1947, SAI 2266/15.
34. Lourie to Freilich, letter, 15 July 1947; Lillie Shultz (Director, *The Nation*) to Lourie, letter, 17 July 1947, *ibid*.
35. Kirchwey to Evatt, personal and confidential letter, 15 July 1947, SAI 2266/15 (copy in EC External Affairs – US file).
36. Invitation, 18 July 1947; Kirchwey to Evatt, cable, 29 July; Kirchwey to Evatt, cable, 9 August; Burton to Kirchwey, draft cable, 11 August 1947, SAI 2266/15; Kirchwey to Lillie Shultz, letters, 30 July & 18 August 1947, HU MC 280, Kirchwey Papers, Box 14, file 244.
37. Freilich makes no reference to the incident in his memoirs.
38. Hood (Geneva) to DEA secret cable, 7 August 1947 ('UNSCOP 6'), AA A1838/2 852/19/1/1; Burton to J.P Quinn (HMAS Hobart) for Evatt, secret cable, 9 August 1947, AA A4311 Box 448, Outwards to Dr Evatt file.
39. Words obliterated in the original. The wording here survives in the slightly different draft version. Evatt to Burton, draft cable, 9 August 1947, AA A4311 Box 448, Japan mission 1947 file.
40. Evatt to Burton, secret cable, received 10 August 1947, AA A1838/2 852/19/1/1.
41. Hand-written note on cable: 'Telegram has been sent 11/8', *ibid*.

6

‘A Narrow Line’

Why did Evatt oppose the line Hood and Atyeo were taking and insist on neutrality? This matter has been raised by Adelman, who concludes that Evatt was anti-Zionist and pro-Arab. His argument is grounded in analysis of Australia’s conduct in UNSCOP and the policy motivations that he deduces to have underlain both Hood’s views and Evatt’s instructions. It is on these grounds that his case must be scrutinised.

Adelman states rightly that Evatt sought to present himself in his published account of his work on the Ad Hoc Committee as an exemplary, impartial chairman who spurred along the Committee to its difficult decision. Indeed, Evatt’s account is almost unrelentingly impersonal: there is not even selective reference to his earlier views on Jews, Arabs or Palestine, or any sense at all that the path he followed might have conflicted with any other objective that interested him. He comments critically on the UNSCOP minority report but, as Adelman observes, it is difficult to know when he formed his view, since he claims to have entered upon the work of the Ad Hoc Committee without prejudices in favour of any particular solution.¹

Adelman asks why, in the end, Hood abstained rather joining the vote with the three UNSCOP members who eventually produced the Committee’s minority report in favour of a unified federal state.² He contends that Australia abstained because of Evatt’s instructions not to oppose partition. But since Adelman believes Evatt to have been against partition and fearful of UNSCOP’s support for it, he is hard-pressed to explain why Evatt so instructed his men. He assumes Evatt’s faithfulness to traditional Australian practice, by which identity of views with Britain might be expected. This might seem at first sight a reasonable assumption. Opposing partition would have been perfectly consistent with Australia’s pre-UNSCOP Palestine policy, its concern at the ramifications for the White Paper policy of supporting Zionism and a general pro-British orientation. It would certainly have accorded with the strong support, even special pleading, that Bruce and Menzies had lent the White Paper in 1939. If retaining Arab goodwill with the onset of the Second World War had been the touchstone in 1939, it remained so with the onset of the Cold War.

The White Australia policy in particular provides a seemingly strong motive for pursuing such a course. Opposing partition, it could be said, was necessitated by the imperative to support the domestic jurisdiction clause in the United Nations Charter, which shielded Australia from potential intervention over its exclusion of Asian immigration. That such thinking existed emerges in a detailed report that Hood wrote later in the year on Australia’s position on Article 73 of the Charter. Article 73, concerning self-determination of peoples, had been drafted largely by Evatt. Initially at San Francisco, Evatt had been a fervent believer in whittling down the scope of domestic jurisdiction, as it permitted Australia a congenial level of influence in other countries’ affairs. But he had made a volte-face and successfully sought to limit its scope when the reciprocal dangers for Australia were pointed out to him.³ In his report, Hood rehearsed the

principles of Article 73, noting that, in determining immigration, the population's wishes were the paramount consideration:

[This means] that a solution which would force the inhabitants, against the will of the majority to accept any alteration in the constitution of its population should be opposed. In fact, from Australia's point of view there would be a narrow line between the United Nations attempting to impose upon the Palestinian Arabs an obligation to admit further Jewish immigrants and the United Nations attempting to open the doors of Australia to Asiatic immigration on the pretext that the Australian immigration policy was contrary to the principle of the Charter in so far as it involved racial discrimination.⁴

However, avoiding setting a precedent on domestic jurisdiction that might redound to Australia's subsequent disadvantage is but one point Hood makes amongst several and in any case appears on page 18 of his memorandum as something of an after-thought. It is not an issue he ever raised in any of his often detailed cables to Canberra whilst serving on UNSCOP. *Pace Adelman*, it has been rightly pointed out that partition obviated the necessity of such considerations by facilitating Jewish immigration into a Jewish state rather than upon an undivided Palestine with an Arab majority. Arab and British opposition to partition would not be taken lightly by Evatt. But the important consideration of domestic jurisdiction would be resolved in the sense that large numbers of Jews would not be imposed on a sovereign Arab state, thus disposing of the risky precedent that had occurred to Hood.⁵

If domestic jurisdiction is a blind alley in the quest for Evatt's motivations, so is the allegedly traditional pro-British orientation Adelman contends to have determined Evatt's policy. In staking this claim, Adelman forgets that earlier in the year, Evatt had been prepared to ignore British concerns on UNSCOP's composition, which elicited a vexed reaction from Cadogan at Lake Success.

As a result, Adelman is left with the contradiction of an allegedly anti-partition Evatt, desirous in August 1947 of Arab support for his candidacy for the General Assembly presidency, fearing that Hood was about to oppose partition. Hood had spoken of sharing in the 'serious practical objections to partition' amongst his colleagues, which suggests that, while partition was being given active consideration, the general inclination at this stage was to oppose it. Thus far, Adelman is on firm ground. But why need Evatt have feared this outcome if he wanted Arab support? This is a riddle that Adelman neither identifies nor solves; or rather, he appears content with the answer that abstention adequately demonstrated the anti-Zionist basis to Australian policy. But this returns us to the original question: why did Australia abstain, rather than supporting the minority federal scheme?

The answer would appear to be that Evatt actually favoured partition, as he had indeed told the Zionists. Neutrality on UNSCOP did not preclude an active subsequent policy. If Evatt's guiding desire was to appease the Arabs now in order to obtain their support later, he need not have bothered with a false show of neutrality for the duration of UNSCOP. Such behaviour makes sense only if Evatt favoured partition but did not wish at this stage to let the Arabs know as much. In accounting for Hood's eventual abstention on Evatt's instructions, Adelman opines 'that the only position [other than abstention] that would not embarrass Australia now was pro-partition',⁶ which is an unsupported and, indeed, unsustainable assertion, at odds with the very insights into Australian foreign policy he provides.

Were there other possible grounds for Australia abstaining? Adelman notes that Australia

consistently favoured neutrality in international bodies whenever there was a failure to reach unanimous recommendations or where the facts themselves were in dispute. This was certainly the practice adopted with regard to the Yalta formula granting the Security Council's permanent members the veto power. A similar policy prevailed on the Balkans Commission on which Hood and Atyeo also served. But Adelman rightly nullifies this point for 'wherever there was an abstention on the procedural principle, there seemed to be a substantive motive for Australia's abstention'.⁷ This is also true: on Yalta, Evatt feared that adoption of the Charter would have been imperilled by a failure to accept conferring the veto power on the Big Five. When the Balkans Commission recommended the release of Greek political prisoners, Australia also abstained, Evatt fearing the setting of a precedent for multilateral intervention in the domestic jurisdiction of states, with consequences for the White Australia policy that have already been discussed.⁸

There are indeed grounds, then, to be sceptical of the procedural principle of abstention. Accordingly, if a motive for neutrality is to be sought in the present case, Evatt's desire to appease the Arabs and leave the road open to subsequently supporting partition is the only sustainable reason. For the moment, he preferred that Hood and Atyeo desist from working against partition and, when Hood foreshadowed opposing partition, he was rebuked and brought into line.⁹

In these circumstances, one can only speculate on Evatt's qualifying phrase, 'at this stage', which might be taken to imply a possible anti-partition vote at a later stage. This is one point that can be construed in Adelman's favour. But even on this score, there are other possibilities consistent with a personal desire on Evatt's part to support partition. If UNSCOP, for example, came out against partition, which he might have presently feared on the strength of Hood's cable, Evatt might have intended only to indicate that he did not wish to foreclose on Australia's support for the idea. Alternatively Evatt might have been telling Hood that only if and when UNSCOP rejected partition would he decide to earn some Arab goodwill by voting with the anti-partition forces. UNSCOP was due to publish its report one month ahead of the vote for the presidency of the Assembly, so a personal motive for Evatt's deviation from partition is a clear possibility in such circumstances. His words may be taken to suggest, therefore, that such a measure was only a possible last resort.

Under any other interpretation, a mystery is created, for there is no reason for Evatt to have declared himself to Comay in favour of partition, when he actually did not have a favourable attitude towards it. But there is more to it than that. As with assessing Evatt's response to Kirchwey, one detects a mixture of conviction tempered by ulterior motives. He intended, or hoped, to support partition during the Session but for personal motives, he was at pains to remain uncommitted at present. He seemed unwilling to work for partition unless he possessed an international framework in which to do so. For the meantime, he preferred that Hood and Atyeo desist from working against the realisation of such a framework.

This also explains Evatt's insistence, in censuring Hood and Atyeo, that UNSCOP's task was delimited to fact-finding. He was wrong, because its explicit mandate empowered it to form proposals for the consideration of the Assembly, but that is beside the point. Whatever UNSCOP's constitutive documents ordained, Hood and Atyeo, in the final analysis, took their orders from Evatt. They were not alone in subordinating their discretion to their political masters. The Dutch representatives, Dr Nicholaas Blom and A.I. Spits, also acted on ministerial instructions. Not coincidentally, both men, like Hood, were career diplomats, very much dependent for preferment on their political masters. They lacked the independence of jurists like

Sandstrom or Canada's representative, Justice Ivan Rand, the latter being specifically encouraged by his government to work independently in accordance with his own understanding of the matter. So the terms of reference were not so much misunderstood as ignored by Evatt. Characteristically, he thought only of the latitude he, not the United Nations, had given his men and was to do so again when they served later on the United Nations Special Commission on the Balkans. The difficulty of working for Evatt is that he expected diligent adherence to his wishes from subordinates while frequently neglecting to adequately instruct them beforehand. This is one example; there were also others.¹⁰

If Adelman is wrong in asserting that Evatt's approach was pro-British and pro-Arab, the underlying mistakes are not difficult to find. Adelman ignores or sidesteps contradictory evidence, such as Australia's scarcely deferential attitude to British wishes. Indications of Evatt's personal pro-Zionist attitude are dismissed as anecdotal and therefore unreliable, although corroborative evidence can be gleaned from the series of cables between Evatt and Burton in the latter half of 1947 and various papers which Adelman did not consult. There is also a lack of clarity in ascertaining Evatt's motives. Evatt, he asserts, was 'pro-Arab', but he does not explain how he knows this, nor does he seem aware of Evatt's unfavourable attitude towards Arabs. Indeed, the interesting question of whether Evatt was personally motivated to undertake new departures from accepted Australian policy is implicitly precluded by an approach which assumes that past practice and a few clear motives must always dictate the choice of men in authority. Accordingly, Adelman's claim of an Evatt pro-Arab policy rests on perceptions of wider political and personal interests which would militate in favour of Evatt supporting Arab positions, which clearly enough suggests convenience and self-interest, rather than conviction, as the motive. That, coupled with the contrary evidence known to Adelman, should have provided a clue. As it is, his approach could work only where Evatt had no other interests. The failure to plot such a distinction underscores the simplistic alternatives embodied in the diametric extremes of clear support or opposition that preoccupy his analysis and which is indeed explicit in its title: 'Australia and the Birth of Israel: Midwife or Abortionist'.

Deprived of hearing the case of the Arabs of Palestine but for some clandestine consultations with certain Arab figures during the last days in Jerusalem, UNSCOP conducted hearings in Beirut to receive testimony from representatives of Lebanon, Egypt, Saudi Arabia and Syria on 22 and 23 July. Transjordan alone declined to provide testimony, but the others transmitted a unified statement through the Lebanese Foreign Minister. There was no substantive deviation from the call for Palestinian Arab independence that had characterised Arab statements since the General Assembly Special Session.¹¹

From Beirut, UNSCOP proceeded to Geneva to write its reports, although not before most UNSCOP members paid a visit on King Abdullah of Jordan. The visit might have appeared controversial and for that reason Hood, along with Granados, Fabregat and the Indian delegate, Sir Abdur Rahman, stayed behind.¹² Once in Geneva, a decision on visiting the DP camps could no longer be deferred. Rahman and the Persian delegate, Nasrollah Entezam, opposed the idea, Fabregat and Granados were staunchly in favour and, 'To our surprise,' writes Granados, 'John Hood of Australia supported us.'¹³ However, Granados distrusted his Australian colleague. His first suspicion was that Hood was considering the possibility that the eagerness of the DPs to go to Palestine might have waned. Although Granados recorded no clue for his suspicion, UNSCOP members had been discussing the possibility of Zionist orchestration of the climate of DP opinion in the camps, so it is possible Hood had this in mind.¹⁴

That UNSCOP should visit the camps was arguably implicit in both its terms of reference and

the machinery created for its investigation. UNSCOP had created four subcommittees at its first meeting in New York on 26 May, the third of which being formed expressly for the purpose of considering the issue of the DPs in Germany. UNSCOP had now to decide if discharging this task necessitated an actual visit to the camps.¹⁵

Officials of the International Refugee Organisation duly confirmed that large-scale Jewish immigration to countries other than Palestine was impracticable. They also put paid to the notion that Zionist propaganda explained the near-unanimity of camp inmates to go to Palestine, though not everyone was convinced; the British UNSCOP liaison reported otherwise to his superiors.¹⁶ A vote was duly taken, which resulted in a 6 (including Australia) to 4 majority in favour of dispatching a subcommittee to the camps, 'Thus disposing,' noted Hood, 'of a question which has been a matter of great controversy since enquiry began.'¹⁷ Hood belatedly decided to join Granados, Fabregat and the other representatives' alternates on the subcommittee visiting the camps, and was thereupon chosen to chair it.¹⁸

Hood was a naturally articulate man, and he tried his loquacious best to explain his shift on a question he had previously sought to put off in terms that probably confirmed Granados in his suspicions.

Although it could still be maintained that there was no basic connection between conditions in the camps and the political problem in Palestine, he had come to the conclusion that there was a connection between the state of opinion in the camps and the state of opinion in Palestine, particularly as regards the motives inspiring the extremist movement in Palestine. The knowledge of the plans by the I[nternational] R[efugee] O[rganisation] for the movement of displaced persons might affect the outlook of some of them.¹⁹

The visit to the camps, conducted during 8–14 August, confirmed the salient points made by the International Refugee Organisation officials. Hood questioned supervisory officials about possible Zionist orchestration of the united front presented for emigration to Palestine and it was conceded that this was a possibility; however, greater stress was placed on the obstacle posed by anti-Semitism in Germany to Jews wishing to leave the camps. The officials added that, as there was no prospect of large-scale Jewish immigration to any country other than Palestine, the question of whether it was unreasonable for refugees to refuse resettlement outside Palestine was academic.²⁰

On return to Geneva, Hood's subcommittee affirmed the 'direct connection' between the Displaced Persons issue and Palestine but declined to make any special recommendation on it.²¹ However, in delivering his report to the rest of the Committee, Hood emphasised that special action was necessary to 'alleviate the present nonexistent prospect of resettlement of these people' and that it was well within UNSCOP's competence to call for international action on this front. But when a vote was taken on the proposal to make the findings public, it was lost. It was now suggested that Hood's proposal might be communicated to Lie, with the decision on its publication left to him, but this too was opposed. Entezam suggested Hood issue a press statement, but this suggestion seems to have involved too much risk to Evatt's directive to remain neutral. Hood responded that in such an event, he would give the views of the subcommittee, not his own.²²

A series of informal committee discussions preceded the framing of the Committee's final recommendations. The Australian position proved fluid. On 1 August, in the first of these, prior to the departure of his subcommittee for the camps, Hood opined that the Mandate had failed, but

that he favoured trusteeship over partition, which Granados again attributed to his solicitude for the British. However, on 7 August, Hood supported none other than Granados in repudiating a unitary regime for Palestine, saying that the co-operation between peoples crucial for such an arrangement was totally lacking.²³ Hood went so far as to indicate that he was 'inclined' towards partition, subject to the provision of a military force by a 'great power' to implement it.²⁴ Atyeo took an opposite tack in a subsequent meeting, stating on 13 August that partition and unlimited Jewish immigration were impossible.²⁵

Hood and Atyeo met on 18 August with the two Jewish Agency liaisons, Eban and Horowitz, and freely discussed the prospect of partition. Evatt's rebuke via Burton would have awaited Hood upon his return to Geneva on 14 August.²⁶ So it is hardly surprising that, personal reservations notwithstanding, nothing of Hood's earlier lukewarmness on partition carried over to these discussions.²⁷

The discussion with Eban and Horowitz dealt substantively with practical aspects of a partition scheme, the Australians sounding them out for their reaction to the imminent scheme for partition as it was taking shape amongst UNSCOP members. Horowitz stressed that viable borders and scope for mass settlement of immigrants required that the Western Galilee and the Negev be included. Atyeo – later described by Horowitz as 'not one of our friends' – indicated on a map that, in his view, Jerusalem and the Jerusalem corridor up to Lydda should be part of an autonomous enclave. Horowitz in turn argued that the inclusion of Jewish Jerusalem in the partition scheme was essential if it were to obtain Jewish acceptance.²⁸

However, two days later, in a UNSCOP meeting, Hood observed that the 'Jews did not want the Negev nor would they invest money in those regions';²⁹ surely a strange observation, since Eban and Horowitz could not have wittingly led him to believe any such thing. What might have happened is that the Jewish Agency's stated calculation of immigrant absorption directed in the proportions of four-urban to one-agricultural might have led Hood to believe that the Zionist proposals for populating and cultivating the Negev were merely talk, a bid for larger territory. The following day, Hood supported the Peruvian delegate Garcia Salazar's plan for an autonomous Jerusalem and a Jewish state from which was excluded Western Galilee and most of the Negev. Eban and Horowitz's advocacy had not succeeded in these matters.³⁰

Now that the moment for framing final recommendations was upon the Committee, Hood was in a dilemma. How was he to balance Evatt's desire for neutrality with non-opposition to partition? He cabled Burton:

We have so far not taken any positive attitude in accordance with what I understood was the general sense of the Minister's wishes and also because of complexity of problem ... At the same time from now onwards it will become increasingly difficult for is [sic] to abstain from taking a position in respect to at least some final recommendations. There is no sign of any intention on part of most other members to refrain from committing [sic] themselves. On the contrary many take view that more positive and explicit recommendations are made [obliterated] better.³¹

Having elliptically answered Evatt's rebuke of the previous week to confine himself to fact-finding, Hood noted that trusteeship was now in ascendancy within the Committee and the Australians shared their colleagues' inclination. Hood requested that he be given discretion to lend his name to one of the proposals under discussion, although he now hinted that he would most likely abstain and would in any case 'take every precaution to avoid undesirable extent of

Australian commitment'. Partition, he added, however, was still under review, and a plan for some measure of economic union between the proposed two states was being formulated in an attempt to meet some of the objections to partition. Abstention would be the course least incompatible with subsequent Australian support for partition from its representative who was privately dubious of it.³²

At this moment no precise plan had yet crystallised. Hood hoped for a single UNSCOP report that would indicate majority opinion without entailing specific commitment from each party, thus permitting him to meet the double stricture of his superior. But if UNSCOP was not tolerating ambiguity by this stage, neither for that matter was Canberra. Burton wanted to know if Hood actually favoured partition, not if he was simply toying with federal proposals because this seemed less contentious with his colleagues.³³

Clearly, Hood had succeeded in impressing External Affairs with the invidiousness of his position. The specialists were now called in to pronounce on the complexities. J.E. Oldham, appointed only earlier in the month as counsellor within the European, American and Middle Eastern Division of the Department, supported Hood's interpretation that UNSCOP's role was to seek practical solutions for the Assembly's consideration. This could include trusteeship. However, he noted that Australian support for partition at a later stage need not be ruled out by Hood taking a different tack within UNSCOP, in view of the international character of UNSCOP's decisions and the intended independence of its members. K.C.O. (Mick) Shann³⁴ in the UN Division concurred. It was thought at first that Hood might be given a free hand in the Committee, providing that he made clear that his vote did not bind Canberra.³⁵ In the end, however, caution prevailed, Evatt tersely instructing Hood, 'Most important we should not be committed to any recommendation.'³⁶

Evatt clearly wanted the picture of neutrality to be preserved as long as possible; preferably, till after the Assembly vote on the presidency. Accordingly, he made the decidedly impractical suggestion to Hood that UNSCOP could complete its report later in New York and that, for the moment, nothing more was required other than a statement of the facts and the framing of alternative solutions without recommendations. But this only underscored Evatt's characteristic failure to appreciate his subordinate's position.³⁷

UNSCOP, in the event, swung towards partition, debating detailed proposals for the division of territory and continued but controlled Jewish immigration.³⁸ Hood was thereupon instructed not to commit Australia to increased immigration for this too would have given the game away. Rather than explicitly opposing this line, however, it was advised that he abstain on this and related matters.³⁹

The moment of decision was upon the Committee whose recommendations were awaited in an agony of suspense around the world. By the time of the final UNSCOP discussions, all delegates had reached the conclusion that the Mandate should be terminated. Since partition was implicit in the prevalent view that neither Jews nor Arabs should achieve undivided sovereignty in Palestine, partition schemes predominated in these proceedings. The scheme along these lines put up by Rand became the embryo of the UNSCOP majority report. Hood worked together with Granados and Fabregat for 12–14 hours a day in this final stage of drafting the majority plan from which he was to abstain. Atyeo assisted in the early stages in preparing the alternate federal scheme.

Australia alone abstained from voting for either scheme and in these last days Hood began to prepare the groundwork for his extraordinary abstention. In the Committee meeting on 27 August, he purported to be surprised, even scandalised, at the lack of discussion on the minority

plan:

By some extraordinary process that I do not understand, [the unitary plan] appears before us in the form of a cut and dried report to the General Assembly. There are members of the Committee – perhaps I am the only one – who wanted to have an objective discussion and objective presentation of the whole range of solutions. I have had no opportunity to discuss this particular scheme, as I had in the case of the partition scheme.⁴⁰

He now pressed Evatt's gambit for a unified report, but this was opposed; a minority report was inevitable. Hood persisted that his view was dictated by 'the proper functions and proper responsibilities of this Committee, namely, fact-finding'. Even had there been unanimity, Hood continued, a report to the Assembly with alternatives was essential. It was an ingenious argument, not borne out by the terms of reference, and Sandstrom rejected it, as did the rest. This left Hood with no choice but to stand apart from his ten colleagues and abstain, which he now did with inevitable clumsiness, citing UNSCOP's terms of reference, which allegedly confined its labours to recording, reporting and fact-finding.⁴¹

UNSCOP's task was completed on 31 August, with a majority report by seven members (Canada, Czechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay) recommending a tripartite partition into Arab and Jewish states and an internationalised zone for Jerusalem and Bethlehem. A minority report signed by three members (India, Persia and Yugoslavia) recommended a federal Palestinian state with minority safeguards.⁴²

UNSCOP's investigations had led to two divergent schemes for the political future of Palestine; but trusteeship was not one of them, partly thanks to Evatt moving decisively to curtail this line of enquiry by Hood and Atyeo. Other UNSCOP members had also evinced interest in the idea. In its place now were partition and a federal state; an important point in view of what was still to come. Faced with the incompatibility of the maximalist claims of both sides, UNSCOP had favoured a territorial compromise as the only full response to the realities observed. A momentous development: an international investigation had by a majority endorsed the prospect of Jewish statehood that had looked fantastically unlikely only months before. Bevin's calculations had been turned on their head and suddenly Zionism was in with a chance.⁴³

Eban and Horowitz spent the evening of 31 August pacing the corridors of the Palais de Nations like expectant fathers. American and French diplomats had been telling them that if partition was dead in the Committee, it would be dead in prospect.⁴⁴ Near midnight they were informed, 'It's a boy', the messenger having no way of realising that similar words had been uttered, 30 years earlier in London by Gilbert Clayton to an expectant Chaim Weizmann, awaiting news of the Balfour Declaration.

NOTES

1. Adelman, 'Australia and the Birth of Israel', p. 355.
2. Ibid., p. 366.
3. Ibid., pp. 365–6; Hasluck, *Diplomatic Witness*, pp. 213–14. Hasluck's account is that of a critic, but it has the ring of truth. The Australian draft resolution on domestic jurisdiction at San Francisco had laid emphasis on the principle of non-intervention; Australian proposal on domestic jurisdiction, 12 June 1945, PRO DO 35 1885.
4. Hood memorandum for autumn session of the General Assembly, quoted in Adelman,

- 'Australia and the Birth of Israel', p. 365. An exhaustive search by Ms Merylyn Minell of the Australian Archives for the file containing the report cited by Adelman failed to locate it.
5. Buckley, Dale, Reynolds, *Doc Evatt*, p. 313.
 6. Adelman, 'Australia and the Birth of Israel', p. 368.
 7. *Ibid.*, p. 358.
 8. *Ibid.*, pp. 357–8.
 9. Atyeo's antics ultimately worried Evatt less and Burton does not recall that the incident caused any problem between them. Dr Burton in a letter to the author, 26 January 1995.
 10. Adelman, 'Australia and the Birth of Israel', pp. 360ff.; Hyatt, 'The United Nations and the Partition of Palestine', pp. 125ff.; Ashenden, 'Evatt and the Origins of the Cold War: Australia and the US with the UN in Greece, 1946–1949', *Journal of Australian Studies*, No. 7, November 1980, p. 85n.
 11. Hood (Beirut) to External Affairs, secret cable, 26 July 1947 ('UNSCOP 5'), AA A1838/2 852/19/1/1; 'Australian delegation. Second Annual Session of the Geneva Assembly of the United Nations. Agenda items nos. 21, 22, 23 – Palestine', p. 8, AA A4311 Box 663.
 12. Garcia-Granados, *The Birth of Israel*, p. 197.
 13. *Ibid.*, p. 211.
 14. Granados was described by Cadogan as an anti-British Soviet stooge; see Jones, *Failure in Palestine*, p. 261; Christopher Sykes, in a work generally incisive and judicious, says Granados' account is 'extreme and sometimes absurd' in its pro-Zionist bias; Sykes, *Crossroads to Israel*, p. 377. In fact, his anti-British bias is the salient point. Eban notes that Guatemala was then embroiled in a territorial dispute with Britain over Belize and that this coloured all of Granados' dealings with the British about whom he was prone to think the worst; Eban, *An Autobiography*, p. 77; *Personal Witness*, p. 98. Elath records that Granados, in the 1950s, served as his country's ambassador to Britain, but his mission was terminated when his relations with British officials fell into disrepair. Granados told Elath, at that time Israel's Ambassador to Britain, that the Foreign Office had intrigued against him as a pay-back for his criticisms of Britain's Palestine policy, Garcia-Granados, *The Birth of Israel*; Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 186. Granados' mistake in the present instance was to assume that Hood was effectively a British stooge within UNSCOP.
 15. Leonard, 'The United Nations and Palestine', p. 630.
 16. Jones, *Failure in Palestine*, p. 273.
 17. Hood (Geneva) to External Affairs, secret cable, 7 August 1947 ('UNSCOP 6') (received 8 August), AA A1838/2 852/19/1/1.
 18. Garcia-Granados, *The Birth of Israel*, p. 213.
 19. Minutes of the 41st Meeting (private) of UNSCOP, Geneva, 28 July 1947, UNL A/AC.13/PV. 1–30. It has been mistakenly asserted that Hood opposed a visit to the camps and this misapprehension, coupled with omission of any description of this visit in his cables, has led to suspicion that he was unsympathetic or worse towards Jews; David J. Bercuson, *Canada and the Birth of Israel: A Study in Canadian Foreign Policy* (University of Toronto Press, Toronto, 1985), p. 92; Adelman, 'Australia and the Birth of Israel', p. 363. Eban and Horowitz both aver that Hood returned from this visit with heightened emotion and a more sympathetic disposition, but anything less in the circumstances would have been unlikely from a man of normal humane impulses; Horowitz, *State in the Making*, p. 184; Eban, *An Autobiography*, p. 83. It is a human characteristic to sympathise with the tangible and the particular, but not with the abstract and the general. Hood might have felt sympathy for the

plight of the survivors of genocide but not necessarily for the Palestinian Jews and the political ramifications of their aspirations. In UNSCOP meetings, but for the issue of the commutation of death sentences for the Irgun men, he had not adopted a position that could be construed as hostile to the Jewish case. A few days earlier, he had even questioned the Yemeni representative on the reason for Yemenite Jews having become refugees in Aden; Minutes of the 39th Meeting (public) of UNSCOP, Sofar, Lebanon, 23 July 1947, UNL A/AC.13/PV. 1–30.

20. *UNSCOP Report*, p. 12; Garcia-Granados, *The Birth of Israel*, p. 228; Minutes of 42nd Meeting (private) of UNSCOP, Geneva, 20 July 1947, UNL A/AC.13/PV. 1–30.
21. ‘Subcommittee Three (Hood)’, undated memorandum, SAI 2270/1.
22. Minutes of 45th Meeting (private) of UNSCOP, Geneva, 22 August, 1947, UNL A/AC.13/PV. 1–30.
23. Garcia-Granados, *The Birth of Israel*, p. 235; UNSCOP Private meeting. Minutes 7 August 1947’, SAI 2270/1.
24. Minutes of morning and afternoon UNSCOP sessions, 7 August 1947, SAI 2270/1. Hood believed that partition would give rise to resistance on both sides, the idea of Jewish resistance suggesting that the partition scheme he had in mind would be unacceptable to the Zionists, as he indeed suggested in a lengthy memorandum on Palestine later in the year, ‘Australian delegation. Second Annual Session of the General Assembly of the United Nations. Agenda items nos. 21, 22, 23 – Palestine’, AA A4311 Box 663. Also minutes of UNSCOP meeting of 6 August, SAI 2270/1. These unofficial UNSCOP minutes, probably passed on to the Israelis by Granados (see Louis, *The British Empire in the Middle East*, p. 491), are not part of the Committee’s formal minutes deposited in the United Nations Library–Dag Hammarskjöld Library. They are nonetheless important since they offer a corrective to the view that Hood was resolutely opposed to partition, as Adelman deduced on the basis of the formal minutes; see Adelman, ‘Australia and the Birth of Israel’, p. 374n.
25. Jones, *Failure in Palestine*, p. 279.
26. Burton made certain to confirm Hood’s receipt of Evatt’s instructions and Hood’s acknowledgement was telegraphed on the day of his meeting with the Jewish Agency liaison officers; DEA to Australian delegation, Geneva, secret cable, 17 August 1947; Hood to DEA, secret cables, 18 August (‘UNSCOP 7’) (received 19 August), AA A1838/2 852/19/1/1.
27. See Hood (Geneva) to External Affairs, secret cable, 18 August 1947 (‘UNSCOP 8’) (received 19 August), AA A1838/2 852/19/1/1. The Jewish Agency record of the meeting described Hood’s tone during this 40-minute encounter as ‘most cordial’; ‘Conversation with the Australian Delegation on August 18th, 1947’, SAI 2270/1.
28. Horowitz, *State in the Making*, p. 212; ‘Conversation with the Australian Delegation on August 18th, 1947’, SAI 2270/1.
29. ‘Meeting of Subcommittee One’, 20 August 1947, SAI 2270/1.
30. Hood to DEA, secret cable, 24 August 1947 (received 25 August) (‘UNSCOP 10’), AA A1838/283 852/19/1/1; ‘Meeting of UNSCOP, 21 August 1947’, SAI 2270/1.
31. Hood (Geneva) to DEA, secret cable, 18 August 1947 (‘UNSCOP 8’), (received 19 August), AA A1838/283 852/19/1/1.
32. *Ibid.*
33. Burton to Hood, cable, 21 August 1947, A1838/283 852/19/1/1.
34. Sir Keith Charles Owen Shann (1917–88), born Melbourne. Second Secretary (1946–47) and First Secretary, Acting Counsellor, UN Division, DEA (1948), Member, Australian UN

Mission, New York (1949–52), Minister (1955–56) and Ambassador (1956–59) to the Philippines, External Affairs Officer, London (1959–62), Ambassador to Indonesia (1962–66), First Assistant Secretary (1966–70) and Deputy Secretary (1970–4) of the Department of Foreign Affairs, Ambassador to Japan (1974–77) and Chairman of the Public Service Board (1977–78). CBE 1964, Knight Bachelor 1980. The nickname ‘Mick’ derives from the impression of an Irish surname when the form ‘K.C.O. Shann’ is spoken.

35. Burton to Hood, cable, 21 August 1947; Oldham memorandum for UN Division, 22 August 1947, Shann memorandum, 22 August 1947; DEA to Hood, draft cable, 22 August 1947, AA A1838/283 852/19/1/1.
36. DEA to Hood, secret cable, 23 August 1947, A1838/283 852/19/1/1. This exchange puts paid to Kawaja’s contention that Hood’s cautiousness was not the result of ministerial direction; Marie Kawaja, ‘H.V. Evatt and the Palestine Question’, in David Day (ed.), *Brave New World: Dr. H.V. Evatt and Australian Foreign Policy, 1941–1949* (University of Queensland Press, St Lucia, 1996), pp. 122–4.
37. DEA to Hood, secret cable, 23 August 1947, A1838/283 852/19/1/1.
38. Hood to DEA, secret cables, 24 August 1947 (‘UNSCOP 10’), (received 25 August), and 28 August (‘UNSCOP 12’), (received 29 August), A1838/283 852/19/1/1.
39. DEA to Evatt, draft cable, 29 August 1947, A1838/283 852/19/1/1.
40. Minutes of the 46th Meeting (private) of UNSCOP, Geneva, 27 August 1947, UNL A/AC.13/PV. 1–30.
41. Ibid.
42. Minutes of the 47th Meeting (private) of UNSCOP, 27 August 1947, UNL A/AC.13/PV. 1–30; Garcia-Granados, *The Birth of Israel*, pp. 241ff.; *Palestine Post*, 18 October 1947. Hood was reported to have worked on both reports; *Sydney Morning Herald*, 1 September 1947.
43. Comay was to observe, ‘So much was built upon the Majority Report of UNSCOP, without which we would have got no-where.’ Comay to B. Gering (Johannesburg), 3 December 1947, *Political and Diplomatic Documents* (hereafter *PDD*), *December 1947– May 1948*, SAI, Jerusalem, 1979, p. 4.
44. Horowitz, *State in the Making*, pp. 181 and 223; see also Eban, *Personal Witness*, p. 102.

7

‘Gravest Challenge Yet to Nations’

The Arab reaction to the findings of UNSCOP was unequivocal and swift. The Political Committee of the Arab League, meeting in Beirut during September, let it be known that economic sanctions were contemplated against the United Kingdom and the United States.¹ The Arab Office spokesman in London, Musa Alami, once an advocate of compromise, greeted the news of the UNSCOP majority report saying that partition was ‘utterly unacceptable to the Arabs’.²

Whatever reservations Evatt might have entertained about partition when he first spoke to Comay of supporting it in March 1947, he was undoubtedly fortified in his support by the UNSCOP majority report. An international body, free of superpower pressure, had pronounced in favour of a scheme to give expression to the national claims of Arabs and Jews in addition to international religious interests. Evatt took a judicial attitude to Arab opposition.

*These threats of violence were quite opposed to the letter and spirit of the Charter of the United Nations and were obviously aimed at intimidating the delegates to the Assembly so as to prevent their deciding in favour of the majority report supporting political partition.*³

The illicit – the word is apposite with Evatt – nature of the Arab response made Evatt sceptical of measures designed to conciliate them. Such measures might fail to conciliate when put to the test and United Nations authority, new and largely untested, could suffer a crippling blow. Palestine was emerging as a litmus test of its effectiveness.

Evatt departed for New York on 4 September to attend the United Nations Special Session, only four days after UNSCOP had published its findings in Geneva.⁴ Prior to both events, Abram Landa, his NSW colleague, arranged for Freilich and himself to meet with Evatt in Canberra.⁵ The Commonwealth Conference was in progress and Evatt kept them waiting as he chaired discussions over the terms for a Japanese peace treaty. Freilich was perturbed about Australia’s neutrality on UNSCOP. When Evatt arrived, he was asked flatly why Hood and Atyeo had not supported partition. Freilich did not record Evatt’s precise answer, but Evatt seems to have allayed his fears, again declaring that he would yet demonstrate his support ‘by deeds’. Unable to speak officially for Zionism, Freilich nonetheless was pressed by Evatt to enlarge upon the Jewish claim for sovereignty in Palestine:

I told [Evatt] that if a viable Jewish state in a considerable part of Palestine was offered to our leaders, I was sure that it would be a basis for agreement. He then asked me whether I thought it feasible that such a solution should give Britain the right of a strategic base in the sovereign Jewish State. I answered again that in my private opinion this could also be a basis of agreement with our

*leaders.*⁶

Freilich correctly deduced from Evatt's line of inquiry that he had foreknowledge of the partition plan being devised at that moment in Geneva. Hood, in fact, had just cabled that a proposal under examination for a Jewish state consisting of the coastal plane from Tel Aviv to Acre, the Jezreel Valley and the territory south of the Sea of Galilee (and possibly even eastern Galilee) was in his view feasible; a useful reminder that he was not so intolerant of partition as Adelman has suggested. Preferring other schemes at various times, dubious of the merits of partition on logistical grounds, Hood was nonetheless open to a workable proposal.⁷

Less reassuring for the Zionists, however, was Evatt's intimation that he sought to be approached neither by Zionists nor Arabs during his sojourn in New York, underlining the disinclination for public partisanship he had expressed four months earlier to Comay. Zionist anxiety at the absence of visible support was at this stage acute. Whitehall was expressing its opposition to partition to every member of the Commonwealth. President Truman had decided in August to defer any policy decision on Palestine until after the United Nations had reached a decision. Michael Comay, in South Africa in late July, conceded to the pro-Zionist Jan Smuts that there was little chance of 'even a decent partition scheme, which was the bare minimum ... in view of British opposition to it, and Washington's present silence'. Smuts strongly advised that the Zionists make their bid for independence now, but then added to Comay's gloom by being non-committal to the suggestion that he rally pro-Zionist forces within the Commonwealth. To the Zionists, active friends and good omens were in short supply; now Evatt was to be incommunicado.⁸

Unlike Arab interests, which were represented through the normal diplomatic channels of several sovereign Arab states, Jewish interests had no comparable outlet other than the opportunities afforded to its non-governmental officials in international forums. There was an understandable Zionist propensity to be absorbed with winning influential opinion or counting the numbers of adherents to their cause. Memoranda, then and later, would eagerly recount which government or official, however minor, had indicated a sympathetic policy. 'It is not by quixotry or chance that the archives of the Foreign Ministry preserve a long report on the prospects of recognition by Liechtenstein,' wrote the first head of Israel's foreign service.⁹

The future inaccessibility of Evatt had weighed on Freilich's mind for some time. He had written to Shertok in July, proposing that Landa be funded to accompany Evatt to New York. In their meeting, Evatt had turned down Landa's suggestion that he be included in the Australian delegation to the General Assembly, but hinted that it might be useful for either Landa or Freilich to attend as an observer. It was thereupon resolved for Landa to join Evatt in New York for one month. There would be nothing inherently conspicuous about the Australian External Affairs Minister being accompanied to the United Nations by a close political colleague from his home state, thereby allaying any of Evatt's anxieties on taking a public stand. On the day of his departure, Evatt telephoned Landa, saying that he expected to see him in New York before long. Evatt was in San Francisco on 7 September, departing two days later for New York, where he arrived on the morning of 12 September, four days prior to the commencement of the Special Session.¹⁰

The Australian Zionists regarded the potential contribution of Landa as of such importance that they started making arrangements even before the Jewish Agency had approved the idea. Freilich took up the matter with Lourie and Shertok in New York, informing them of the meeting with Evatt and of Evatt's impending inaccessibility. Freilich added that arrangements had been made for Landa to leave by 20 September for New York, unless they received word to the

contrary. Newman, attending a meeting of the Zionist Executive in Geneva, also advised Shertok of the potential usefulness of Landa's presence. Shertok approved the idea so persistently advocated and instructed Lourie to cable an invitation to Landa.¹¹

Landa duly departed Sydney on 21 September, over a fortnight behind Evatt, and arrived in New York on 28 September, after travelling by train for four days from San Francisco. On the eve of Landa's departure, the British Cabinet decided to relinquish the Mandate and the Colonial Secretary, Arthur Creech-Jones, announced in New York:

*Our immediate attitude is that we are not prepared to accept the responsibility of imposing a settlement in Palestine by force of arms against the wishes of either or both parties and, failing a settlement to which both Jews and Arabs consent, our only course is to withdraw ... His Majesty's Government has therefore decided that, in the absence of a peaceful settlement, they must plan for an early withdrawal of British forces and of the British administration in Palestine.*¹²

Put simply, Britain was clearing out. The Americans digested this statement with embarrassment. General John Hilldring, the US Under-Secretary of State, told Jewish Agency officials on the scene that the United States had received no prior warning.¹³

The proclamation that Britain would take no action to give effect to partition in the event of its adoption was preceded by two days by a statement from the Arab League in Cairo, in which it vowed to

*resist with all practical and effective means the execution of these [UNSCOP's] proposals, as well as of any other which did not ensure the independence of Palestine as an Arab state. The Arabs of Palestine would never accept any arrangement which would do away with the unity and independence of their country, but would wage war, in which no quarter would be shown, to repel aggression against their country and more particularly so because they know that all Arab countries would stand behind them, support them, and supply them with money, men, and equipment to defend their existence.*¹⁴

In one country after another, editorialists wondered how partition might be effected other than with an Arab revolt and possible invasion. It was a UN problem: the British had said all along they might not involve themselves further and that it was up to the UN to police it. With Britain now to relinquish the Mandate, partition seemed even advisable, if properly enforced; Arab–Jewish agreement, one Australian editorial noted sagely, was not available. The combatants were to fight it out and it fell to Stalin's man at the General Assembly, the show trial prosecutor Andrei Vyshinsky, (reported under an apocalyptic headline typical of the times – 'Gravest Challenge Yet to Nations') to condemn British withdrawal as a proposal for ultimate withdrawal of the Jews from Palestine. This was neither planned nor likely, a typical piece of Soviet conspiracy theory, but in contemplating a form of Jewish defeat it was coming close to the mark.¹⁵

It was in this increasingly apocalyptic atmosphere that the United Nations at Lake Success now took up its deliberations. A procedural quandary had to be first resolved. General Assembly practice was to refer political items to the Political Committee for debate and recommendations. However, the UNSCOP reports, the British 'Question of Palestine' item, and the Saudi–Iraqi item calling for termination of the Mandate and declaration of Palestine's independence contained issues beyond purely Palestinian affairs. Deliberation needed to be both truly

international and specialist. Lie had wanted the Palestine question to go before the General Assembly immediately but the Political Committee had opposed his recommendation, deciding instead to appoint an Ad Hoc Committee. Palestine was to be rehashed in detail; a strong indication of the international reluctance to deal with the question. Accordingly, on 23 September, the General Assembly decided to submit the Palestine question to an Ad Hoc Committee composed of all 57 member-states. The Ad Hoc Committee on the Palestinian Question, as it was termed, was to examine the two UNSCOP reports and propound final recommendations for the Assembly. The representative character of the Ad Hoc Committee meant that its decisions would probably anticipate if not actually determine the ultimate decision of the Assembly.¹⁶

Evatt had thrown himself into the race for votes to become Assembly president. Hood and Atyeo had been active soliciting votes for his candidacy even before his arrival, explicitly telling Arab delegates that a vote for Evatt would help them in their contest with the Zionists, which the Jewish Agency quickly discovered.¹⁷ Makin had also approached the Lebanese representative, Camille Chamoun, who had assured him over lunch that Lebanon would support Evatt's candidacy and would encourage other Arab states to follow suit. The Syrian representative, Faris el-Khoury, who was also present, courteously assured Makin that, in the case of his country, this would amount to 'preaching to the converted'.¹⁸

But Evatt was thwarted by the convergence of the Soviet and Latin American blocs behind Brazil's Oswaldo Aranha, to the relief of the several Jewish Agency hands who distrusted him. It was a deep disappointment for Evatt. Aranha's candidacy might not have emerged at all had the Americans, who were supporting Evatt, made a point of informing the Latin Americans accordingly. Instead, the Latin Americans put up their own candidate with an expectation of American support. In the resultant ballot, though standing with British and US support, Evatt managed only 23 votes against 28 for Aranha and six for Czechoslovakia's Jan Masaryk. The second ballot, with Masaryk out of the race and in which the United States also switched its vote to Aranha – though their officials told the Australians that his candidacy had come as a surprise to them – saw Evatt defeated by Aranha by a vote of 29 to 22.¹⁹

Evatt was frustrated, even incensed. It was characteristic of him to attribute reversal of this type to his own absence at a crucial time or the ignorance of others. He had once regretted being overseas when the Federal caucus elected Chifley as party leader. Now he regretted not being in New York to have done the work of lobbying himself. There were already new faces that could not recall his remarkable performance at San Francisco two years earlier. The Soviets had switched to Aranha. The US change contradicted Washington's stated preference that Aranha stand for the chairmanship of the Assembly's Political Committee, and it also deviated from their procedural policy of supporting the geographical rotation of the Presidency, Latin America having already had its turn.²⁰

However, this concatenation of circumstances meant that Evatt had accumulated some capital for the following year. As he told Kirchwey, the Latin Americans, who then constituted one-third of the chamber, agreed to support Evatt if he would not oppose the candidacy of Dr Jose Arce of Argentina as president of the next Regular Session, early in 1948. The Americans would sense some obligation to support him on the next occasion he stood. In the meantime, Aranha urged Evatt to stand for the chairmanship of the Ad Hoc Committee on the Palestinian Question, the Assembly's 'hot potato'. Evatt was not one to turn down a challenge, especially one vested with authority, and he agreed to stand for what was in effect a consolation prize.²¹ He was elected unanimously although not without a dissenting note being sounded by Yugoslavia, which opined

that, as a representative of a nation within the British Commonwealth, an Australian chairman might be hampered by bias. However, no alternative candidate surfaced; the Americans had exerted pressure to make the election a simple formality so that Evatt might be placated for his earlier loss and they backed him strongly, despite substantial support for Lester Pearson, who had won favour for his work as Chairman of the Political Committee.²²

What practical results would flow from Evatt's election as chairman? A contemporary UN observer, Susan Strange, observed:

*Dr Evatt's qualifications were, first, that he was among the most able and experienced of the leading delegates to the United Nations and that he was known to be a stern chairman who would be more capable than most of hurrying along a committee which, it was clear from the beginning, would take every possible opportunity to put off the evil hour of decision.*²³

Evatt's determination to produce satisfactory results from his committee led him and even the long-suffering Hodgson to underestimate the difficulties initially. Speaking to the Americans, Hodgson said that the Creech-Jones statement on British withdrawal had not surprised the Australians and that he and Evatt believed that the Ad Hoc Committee would 'not take nearly as long as most people expected'. Excepting the Arab representatives, Hodgson anticipated a minimum of debate from member states and the desire of most delegations to conclude the matter 'without too much discussion'.²⁴

What were Evatt's thoughts at this moment? We cannot be entirely certain. An ambitious schemer, who can say that personal ambitions would not override his stated support for Zionist interests? However, to say that he preferred the merits of the Jewish case put him in no moral quandary. Evatt saw the Assembly in this instance as akin to a court of law. It was no reflection on impartiality or justice if one or other of the parties failed to accept the eventual ruling and, indeed, Evatt was to observe with uncharacteristic wryness, '[one might] as well ask a court of justice to decide a case in a way which would be agreed to by both sides'.²⁵ Evatt's estimate appears to be that partition was a practical political possibility. The Committee (and later the Assembly) would see matters that way if forced to a vote. It was his task to ensure that the Committee did not shirk a vote. In this way, Evatt's judicial instincts, sense of fair play and personal outlook came together.

If this was the case, the Jews ought to have been relieved and the Arabs alarmed. The opposite was true. Evatt's cultivation of the Arabs and the seemingly delphic impartiality he adopted on the Committee (a style replicated in his *Task of Nations* account) had the effect of not only convincing the Arabs, but also the Jews, of his lack of conviction on partition. Kirchwey was exceptional amongst Zionist supporters on the scene in her belief that Evatt would not fail them. Eliahu Epstein,²⁶ writing later, noted Evatt's well-deserved reputation in New York as an extremely ambitious man upon whose promises one could not rely.²⁷ Horowitz was more willing than Elath to concede that Evatt's job as Chairman was exceedingly difficult, noting that he 'was at pains not to impugn the impartial character of his office'.²⁸ But these nuances mean little to desperate petitioners. The Jewish Agency was uneasy. It was to remain so as the work of the Committee unfolded.

Ironically, as the Zionists fretted, the Americans and British suspected what the Zionists would have dearly wished to believe. Despite Evatt's desire to appear completely impartial, news of his intended support for partition had reached both the British and Americans. The British had got wind in August of Evatt's stated support for partition, courtesy of a leak from South Africa,

which brought to their notice that Comay, in discussion with Smuts, had intimated that several Australian ministers including Evatt shared Smut's pro-Zionist orientation. The British High Commissioner in Canberra, E.J. Williams, queried Burton on this point and received the evasive reply that Australia had formed no view and was awaiting the findings of UNSCOP.²⁹ Perhaps the British passed on their intelligence to the Americans for, at a meeting of their General Assembly delegation on 15 September, the Secretary of State, George Marshall, told his subordinates that despite Australian abstention within UNSCOP, he now understood that Hood 'would be pushed aside and Dr Evatt would step in and press vigorously for the majority report'.³⁰ Marshall did not disclose how he had come to learn of this and the Australians shed no light on this apparent shift in policy. Queried by the Americans only a fortnight into the work of the Ad Hoc Committee why Australia had abstained on UNSCOP, Evatt offered the wonderfully enigmatic response that 'a judge should state his decision in the clearest terms but could wisely leave his reasons vague'. Atyeo was similarly evasive.³¹

Where did the United States stand on Palestine in September 1947? The Middle East had become a region of great strategic importance to it, as was inevitable in the immediate post-war period and the remorseless rise of the Cold War. Nonetheless, it is worth recounting briefly the historical circumstances in which this development occurred.

The United States had no imperial interests in the Middle East and only recently in its history had it become involved in the extraction and importation of Arabian oil. There was a long and distinguished American Arabist tradition, but it tended to be idealistic and cultural, in contrast to the imperialistic British version. Charles Crane, though not really an Arabist, was the first important American to take strong political positions of an Arabist cast. He gave his name to the King-Crane Commission of 1919, appointed by President Woodrow Wilson in the aftermath of the First World War to ascertain what political settlement should emerge in Asia Minor. That commission had recommended the abandonment of the whole Zionist enterprise. Though an entrepreneur and cultural dilettante rather than a committed scholar, Crane became close with Arab intellectuals and nationalists; George Antonius' seminal statement of Arab nationalism, *The Arab Awakening* (1938), which contended that British promises to the Arabs had been dishonoured by contradictory ones to the Jews, was dedicated to Crane, who financed its publication. Crane had been also involved in negotiating the first US oil concessions in Arabia. He developed and adhered to strong prejudices: in favour of Czarist Russia, China and the Arabs in general; intensely hostile to the Jews and the Japanese. Anti-Semitism predominated still more insistently in his later life; though hating the Bolsheviks, he approved Stalin's anti-Jewish purges and the last letter he wrote in his life was to Hitler, blaming Jews for the problems of the Middle East. Crane was quickly followed in political advocacy by the oil companies.³²

The American University of Beirut, founded in 1871 as the Syrian Protestant College, had institutionalised the American Arabist tradition, but it was only between the wars that its leading lights became strongly anti-British and anti-French, supportive of pan-Arabism and hostile to anything else that might threaten it. Bayard Dodge, who was to retire in 1948 as its president, was neither anti-Semitic nor hostile to Jewish nationalism per se. He understood, however, the depth of Arab opposition to it, which rendered Zionism in his opinion unrealisable, as well as potentially ruinous to US interests in the Middle East. He correctly predicted a future of strife between Arabs and Jews and, less accurately, danger to US oil concessions. Dodge also believed that Soviet Russia would seek to infiltrate the Middle East with Jewish communists via a Jewish state.³³

These views represented the conventional wisdom of the State Department's Office of Near

Eastern, African and South Asian Affairs, headed from 1945 by Loy Henderson. Henderson, possibly the most important and celebrated diplomat in the history of the US foreign service, was unsympathetic to Jews, though considerably less so than a number of American Arabist diplomats of the era; his biographer and others acquit him of a charge of anti-Semitism. He had, however, spent his early years in the State Department investigating Soviet links with US communist organisations. Critics of his diplomacy were often communists or liberals, whose ranks included many Jews. Henderson himself once drew attention to the fact that critics of his anti-Soviet policy and his Palestine policy were often one and the same. He possessed a sense of fighting the same battles with the same people even after the passage of many years and postings. However, his anti-Zionist policy, whatever might have coloured it, was strategically grounded. Henderson had been the leading Soviet expert in the State Department, living eight years in Moscow and the Baltic states, taking a Latvian wife, and seeing firsthand much of the murderous impact of Stalinism, including the show trials. Like his colleagues, George Kennan and Charles Bohlen, he became convinced of the need to contain the Soviet Union's aggressive expansionism after the war and correctly predicted that the US–Soviet war-time alliance would prove ephemeral once the fighting was over. He saw matters in the broad context, was fearless in stating his views and was often shunted aside in consequence. Roosevelt removed him from Moscow to Baghdad, the scene of an anti-Jewish pogrom by a coterie of pro-Nazi army officers in 1941. Here anti-Jewish feeling came out: he had little sympathy for the Baghdadi Jews, holding them at least partly responsible for the hostility they aroused on account of their tacit sympathy with Zionism and the alleged profiteering of Jewish merchants.³⁴

Henderson, contrary to first impressions, was not a typical Arabist diplomat. Neither a professional scholar nor particularly curious about Arab civilisation, he was however a formidable strategist, convinced that US interests would be sabotaged by the triumph of Zionism. Oil was the ultimate determinant of his policy. He correctly anticipated the rise of radical Islamist politics, even if he wrongly predicted that the United States could not hope to have alliances with both Jews and Arabs. He was the classic elitist insider (though of modest social origins), unwilling, like Marshall, to permit other interests, including electoral considerations, to impinge on foreign policy. Moral considerations were dismissed as woolly sentiment, irrelevant and even harmful to the defence of US interests. His colleagues and Truman's foreign policy advisers, Marshall, the Secretary of Defense, James Forrestal, and Department officers like Kennan, Bohlen, Robert Lovett and Dean Acheson, thought similarly. Under Truman, however, the United States had inclined towards Jewish statehood, more as a function of Truman's humanitarian concern to solve the Jewish refugee problem than any firm belief in the correctness of a Jewish state, broadly sympathetic as he was to the Zionist cause.³⁵ The importuning of the pro-Zionists around Truman, David Niles and Clark Clifford, both presidential aides, could rouse Henderson to self-righteousness. A 'mustachioed, balding, tightly controlled and somewhat pompous career diplomat' was Clifford's unsurprising estimate of him.³⁶

In September 1947, Henderson wrote to Marshall that 'the partitioning of Palestine and the setting up of a Jewish State [is opposed] by practically every member of the Foreign Service and of the Department who has been engaged ... with the Near and Middle East'.³⁷ He dismissed the UNSCOP majority report as sophistry that, if accepted, could only be implemented by force, which the United States should not support, as it would be sure to incur Arab enmity. Henderson pulled out every stop to prevent partition and was behind subsequent moves by the State Department to defer or derail its adoption. This would mean much contradiction at the highest level of US policy-making and clashes with the White House until Henderson was removed in

mid-1948 and sent to India as ambassador. It would mean, not infrequently, that some American UN delegates would be unaware of what some of their colleagues were up to. The Zionists were aware of the prevailing wisdom in the State Department and tended to concentrate their rancour on Henderson and their efforts for relief from him in the White House.³⁸

Marshall shared the strategic concerns of Henderson and was prepared to argue for them forcefully with Truman. As the eponymous and rightful author of the Marshall Plan, he was convinced that the Soviets would do what they could to sabotage it, being fully aware of the Plan's dependence on reliable reserves of Middle Eastern oil. In the Defense Secretary, James Forrestal, he had a strong ally. Accordingly, whatever Truman might wish to do – and his mind was not fixed upon a precise course of action – he had dissenters in his administration that he could not lightly dismiss.³⁹

Parallel and contradictory lines of communication and authority formed. Henderson was appointed to advise the United Nations delegation deputy head and representative on the Ad Hoc Committee, Herschel Johnson; Hilldring was also appointed to the delegation by Truman on the advice of Niles in a similar capacity to Henderson. Supportive of Zionism, Hilldring was effectively Truman's watchdog over the State Department, a Bostonian-dominated institution which the Missouri-bred President distrusted and whose officials he often described as 'the striped pants boys'. The Jewish Agency tended to convey information to the United Nations delegation through Hilldring, thereby sidestepping the hostile State Department officials. How these conflicting developments played themselves out would soon become apparent.⁴⁰

NOTES

1. EC Reports and Intelligence Summaries, 1942–47, no. 18/47, 16 October 1947.
2. *Sydney Morning Herald*, 1 September 1947.
3. Evatt, *Task of Nations*, p. 127.
4. Freilich to Shertok, letter, 5 September 1947, SAI 2266/15.
5. Freilich refers to this meeting in his memoirs, but failed to provide an exact date and his memory fails him when he concludes in them that the meeting followed the publication of UNSCOP's reports; Freilich, *Zion in Our Time*, p. 188. That it took place during the Commonwealth Conference, held during 26 August to 2 September, is evident from his letters to Shertok (5 and 18 September) and Lourie (2 September); SAI 2266/15.
6. Freilich to Lourie, letter, 18 September 1947, SAI 2266/15.
7. Ibid.; Hood to DEA, secret cable, 24 August 1947 ('UNSCOP 10') (received 25 August), AA A1838/283/852/19/1/1.
8. Freilich to Lourie, letter, 2 September 1947; Comay to Jewish Agency Executive, confidential memorandum, 31 July 1947, SAI 2266/15; Addison to DEA and DD, top secret cable, 20 September 1947 (received 21 September). AA A5954/1 2255/2; Millis (ed.), *Forrestal Diaries*, p. 303.
9. Walter Eytan, *The First Ten Years: A Diplomatic History of Israel* (Weidenfeld & Nicolson, London, 1958), p. 8.
10. Freilich to Shertok, letters, 7 July and 5 September 1947, SAI 2266/15; Freilich, *Zion in Our Time*, pp. 191–2; Australian Consulate-General, San Francisco, to DEA, secret cable, 7 September 1947 (received 8 September), AA A9420/1 1.
11. Freilich to Lourie, letter, 2 September; Freilich to Shertok, letter, 5 September, Lourie to Shertok, cable, 26 August, Shertok to Freilich, letter, 12 September 1947, SAI 2266/15.

12. Quoted in Evatt, *Task of Nations*, p. 127.
13. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 247.
14. Arab League communiqué on 19 September 1947, quoted in Evatt, *Task of Nations*, p. 126.
15. *Argus*, 3 September 1947; *Herald* (Melbourne), 26 September 1947; 'Will Palestine Be Battlefield For Arabs and Jews?', *Sydney Morning Herald*, 11 September 1947; Editorial 'Palestine is UN Problem', *Herald* (Melbourne), 22 September; Editorial, 'The Dilemma of Palestine', *Sydney Morning Herald*, 24 September 1947.
16. By Saudi Arabia on 7 July and Iraq on 16 July 1947. Copies and Australian UN delegation to DEA, secret cable, 10 July 1947, AA 1838/2 852/10/11, i; Leonard, 'The United Nations and Palestine', p. 640; Evatt, *Task of Nations*, p. 130.
17. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, pp. 201–2.
18. Makin to DEA, cable, 9 September 1947, AA A3300/1 469.
19. Hilldring to Marshall, memorandum, 25 September 1947, NARA RG84, Box 86, US Mission to the UN 1945–49, Records of US Mission to UN, Palestine 1946–48 file; Alan Renouf (Consulate-General, New York) to Burton, secret cables, 19 and 26 September 1947 (received 21 and 27 September respectively), AA A9420/1 1; United Nations Organisation, *Yearbook of the United Nations*, Vol. 1947–48 (Department of Public Information, Lake Success, NY, 1948), p. 28.
20. Evatt, *Task of Nations*, pp. 129–30; Memorandum by John Foster Dulles, 2 October 1947, *FRUS 1947*, Vol. 1, 1971, p. 83.
21. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 201; Susan Strange, 'Palestine and the United Nations', *Yearbook of World Affairs*, 1949, p. 155.
22. Evatt, *Task of Nations*, pp. 129–30; *Palestine Post*, 26 September 1947; Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 245.
23. Strange, 'Palestine and the United Nations', p. 155. Eban concurs: Evatt 'was the kind of man who would give full play to any authority with which he was charged'; *Personal Witness*, p. 116.
24. Memorandum of conversation with Hodgson, 27 September 1948, NARA RG84, Box 57, United States Mission to the UN files.
25. Evatt, *Task of Nations*, p. 128.
26. Eliahu Elath (Epstein) (1903–90) born Snovsk, Russia, settled in Palestine in 1924, educated at the Hebrew University of Jerusalem and the Syrian Protestant College. An Arabist by training, in particular, an expert on the Bedouin. Served as Director, Middle East Section, Political Department of the Jewish Agency (1934–45), Head of the Agency's Political Office, Washington (1945–48), Israel's first Ambassador to the United States (1949–50) and Ambassador to Great Britain (1950–59). President of the Hebrew University of Jerusalem (1962–68). Author of *Israel and Her Neighbours* (1957), *Zionism at the UN: A Diary of the Early Days* (1976) and *HaMa'avak Al HaMedinah* [The Struggle for Statehood] (1979).
27. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 201.
28. Horowitz, *State in the Making*, p. 278.
29. Burton memorandum to Oldham (Middle East section, DEA), 27 August 1947, AA A1068 M47/17/1. Oldham's reply and subsequent instructions (28 August) upon same in pencil.
30. 'Minutes of the Sixth Meeting of the US Delegation to the Second Session of the General Assembly, September 15, 1947, 10 a.m., *FRUS 1947*, Vol. 5, p. 1147.
31. Memorandum of conversation with Evatt and Atyeo by Elwood Thompson (US UN delegation), 17 October 1947, NARA RG84, Box 86, US Mission to the UN files.

32. See Robert Kaplan, *The Arabists: the Romance of an American Elite* (Free Press, New York, 1993), ch. 4.
33. Ibid.; Steven L. Spiegel, *The Other Arab–Israeli Conflict. Making America’s Middle East Policy, from Truman to Reagan* (University of Chicago Press, Chicago, IL and London, 1985), p. 17.
34. H.W. Brands, *Inside the Cold War: Loy Henderson and the Rise of the American Empire, 1918–1961* (Oxford University Press, New York, 1991), pp. 190–2; Kaplan, *op. cit.*, pp. 88, 93–4.
35. Kaplan, *The Arabists*, pp. 89ff.; Ian J. Bickerton, ‘President Truman’s Recognition of Israel’, *American Jewish Historical Quarterly*, Vol. 58, No. 2, December 1968, pp. 173ff.; Michael T. Bensen, *Harry S. Truman and the Founding of Israel* (Praeger, Westport, Conn., 1997).
36. Clifford, *Counsel to the President*, p. 5.
37. Quoted in Kaplan, *The Arabists*, p. 85.
38. ‘Meeting of the United States UN delegation, 15th September 1947’, *FRUS 1947*, Vol. 1, pp. 1147–51; Kaplan, *The Arabists*, p. 96; Elath, *HaMa’avak Al HaMedinah*, Vol. 2, pp. 200–1.
39. See Millis (ed.), *Forrestal Diaries*, p. 359.
40. Spiegel, *The Other Arab–Israeli Conflict*, p. 27.

8

‘What Would You Do About Palestine?’

Evatt opened the proceedings of the Ad Hoc Committee on 27 September. He was now charged with bringing to a conclusion within a matter of weeks the most momentous international question dividing the world and whose answer powerful interests were seeking to postpone. The first thing Evatt sought to establish was his complete independence and the quasi-judicial nature of the proceedings. At his suggestion, the Arab Higher Committee and Jewish Agency were both permitted to participate in the debate. Full and unrestricted discussion took place on both UNSCOP reports and on the Arab item for Palestinian self-determination over its first 17 meetings. The wide latitude given to all sides produced a sedative effect on the passions. The Arab Higher Committee spokesman, Jamal Husseini, the Mufti's cousin, had been calling for a boycott at first with respect to all Committee proceedings other than the Arab agenda item calling for self-determination for Palestine. Instead, Evatt invited him on 29 September to speak for the Palestinian Arabs. Husseini, in outlining his case, presented to Committee members a memorandum drawn up by the Arab League, which rejected a binational solution to the problem. The advocates of binationalism in preceding years had always been Jews and, despite their complete sincerity, the Arabs now rejected the binational idea as a ploy aimed at establishing by stealth Jewish hegemony in Palestine.¹

The case was argued well by its proponents within the circumscribed limits allowed to them by the inflexibility of Arab opinion. For this reason, they were at their strongest in expounding the justice and simplicity of their case and at their weakest in registering how the competing claims of Arab and Jews might be best managed. Debate would occasionally spill over into threat on the Arab side, alternating with dignified and judiciously phrased statements by Husseini and Pakistan's Sir Zafrullah Khan. Khan made possibly the most effective presentation of all, especially when he was charged with advocating the unitary state proposal that became the official Arab and Muslim position.² Evatt admired his eloquence and depth,³ and so too did Hodgson, who told one of his American colleagues that a particularly effective speech by Khan in the Ad Hoc Committee had ‘completely demolished the Jewish case’.⁴ Hodgson, like Atyeo, was not convinced of the virtues of partition and was often free in discussion with others of his various disagreements on policy with Evatt. Like his colleagues, however, he had no measure of influence at all on Evatt, which left him watching in impotent rancour as Evatt stirred up a hornet's nest on one issue after another, including those on which Hodgson had been sedulously engaged in seeking co-operation. Hodgson, a long-suffering subordinate usually resigned to Evatt's diplomatic antics, would occasionally lash out in exasperation. Approaching Harold Beeley, Bevin's senior Middle East adviser, with the news that Evatt was likely to prove obstructive to some position or other advocated by Britain, Beeley asked why, only to be told by Hodgson, ‘Because he's crazy.’⁵

Faced with two UNSCOP reports, Evatt's task was to bring the Committee to examine

solutions based on the alternatives offered. This soon proved an impossible undertaking. The Arab Higher Committee and its Arab supporters not only predictably opposed the majority report, but also, in essence, the minority report advocating federalism. The Arab position, laid down in a Syrian resolution supported by all Arab states, was for a unitary state in which, so their representatives maintained, the Jewish minority would be afforded adequate protection and safeguards. 'This,' writes Evatt, 'made the real issue somewhat clearer.'⁶ A compromise solution was unavailable.

On 9 October, Evatt gave the Ad Hoc Committee five days to produce proposals based on the UNSCOP reports. In the event, he received 17, many dealing with subsidiary points. He knew that little progress would occur unless both superpowers were providing a lead. Granados, a veteran of UNSCOP, urged a revision to its majority report to include enforcement provisions.⁷ This never occurred and was to produce trouble later. Evatt now publicly called upon the Americans to make their 'long-awaited' declaration on Palestine. A correspondent at Lake Success noted: 'Dr Evatt, a firm believer in plain speaking, has acted because he is confronted with an almost impossible situation in the committee.'⁸ On 11 October, the US representative, Herschel Johnson, declared America in favour of partition, with economic union of the two states, subject, however, to redrawing the UNSCOP majority plan's proposed boundaries by excising the Negev desert from the proposed Jewish state. Sparsely populated with nomadic Bedouin, the Negev had been awarded by the UNSCOP majority report to the Jews because it represented the only considerable tract of territory that could be awarded them without transferring a large Arab population into the Jewish state. It was also felt that it might additionally prove its worth for absorbing the anticipated waves of Jewish immigrants. Unable to decisively repudiate partition that had in-principle presidential approval, the Office of Near Eastern Affairs had devised this major territorial revision. Its significance was strategic rather than political. Though it encompassed the Negev coming under Arab rule and providing a land bridge between the Arab countries of North Africa and Asia, it would fail dismally to mollify Arab opposition to partition. But it would communicate US tepidity towards partition to other delegations, with possibly decisive results in the final voting.⁹ Compromise had no place in the simple, violent vision of the Mufti, who responded from Cairene exile with resolute indignation, 'We accept the American challenge and are ready to take the case from the tribunal to the battlefield.'¹⁰

Two days after Johnson's statement, the Soviet Union's Semyon Tsarapkin also lent in-principle support to partition. A single state would have been preferable, Tsarapkin averred, but in the circumstances of Arab-Jewish disagreement, the Soviet Union would support partition. So would the Canadians, despite Creech-Jones leaning on their Foreign Minister, Louis St Laurent, who delivered the Canadian statement to the Committee. South Africa's Gordon Lawrence and New Zealand's Sir Carl Berendsen also lent strong support. General debate in the Ad Hoc Committee concluded on 18 October, following closing speeches by Shertok and Husseini. Partition appeared to lack the necessary two-thirds support, the present estimate being 14 to 10 with the large remainder uncommitted. Lie and Aranha requested of Evatt that Chaim Weizmann, the grand old man of Zionism, though no longer holding titular office, be permitted to make the final address, to which Evatt assented. It proved to be impressive, as often with Weizmann, and Evatt and Landa later met him privately during which Weizmann spoke with great power on the course of Jewish history to this point.¹¹

The easiest, predictable course now open to Evatt was to note the general support for partition registered by the superpowers and to adopt a course congenial to their ends which now

coincided, one would imagine, with his. He did the exact opposite when the Ad Hoc Committee reconvened on 21 October.

The United States and Sweden jointly called for the Committee to proceed solely on the basis of the UNSCOP majority report. This would mean the Committee immediately proceeding to debate boundaries for the two proposed states without further consideration of alternatives. To the surprise of Zionists, their allies and sympathisers, Evatt opposed this from the chair, convinced, so he said, that this would fatally flaw a just consideration of the merits of the case. Instead, he wanted to see detailed plans for the machinery of government intended for both partition and unitary government alternatives. He then plunged the Committee into pandemonium by announcing that he did not intend to bring to a vote the 'basic principles' of the UNSCOP majority report as proposed. Instead, he would appoint a subcommittee to examine the scheme. Evatt said that the minority report would be buried if the majority report formed the sole focus of the Committee's labours and that only the General Assembly could make a decision to discard it.¹²

Things were rarely what they seemed that day and for weeks to come. One imagines Arab delegates taking heart from Evatt's intervention. One assumes American rancour. As it happens, however, the proposal for a subcommittee was actually a US gambit put to Evatt by an unnamed US official who persuaded Evatt to announce it as his own. Epstein got wind of the manoeuvre from a member of the UN Secretariat an hour before the session convened.¹³ In due course, a journalist who had spoken with Atyeo told the Agency that the Americans had approached Evatt because neither they nor Swedes wished to advertise their retreat from partition.

The Zionists immediately assumed it to be a US device for maintaining pressure on them until the hour arrived for debate on the terms of partition. As they were given to understand, the Office of Near Eastern Affairs had proposed that Evatt take responsibility for the initiative. Loy Henderson and Dean Rusk, the head of the State Department's United Nations division, were suspected as its originators. This was the second instalment in their risk-free Arab policy, committing the United States to nothing but the potential fruits of the intended results of their gambit, which might ultimately include thwarting the adoption of partition.¹⁴

Initiating the scheme with Evatt as their stalking horse, however, was not achieved without one spectacular scene. Hilldring, representing the US delegation in the Committee in the absence of Herschel Johnson, took the floor to denounce the proposal even before Evatt could formally propose the formation of the subcommittee. Sceptics aware of the American part in Evatt's proposal wondered ever afterwards if Hilldring's vociferous opposition was merely a carefully choreographed charade or whether, as he later maintained to the Zionists, he was genuinely unaware of the ruse. Since the scheme entailed diverting partition into lengthy reconsideration and guaranteed, for the moment, that other schemes would be actively canvassed by the Ad Hoc Committee, it is fair to surmise that the Zionists were correct in regarding it as a surreptitious venture unknown to the President's watchdog. Hilldring was loath to discuss the United States' part in the affair even years later. The Swedes similarly denied any part in the plot and placed responsibility for the proposal on Evatt's shoulders.¹⁵

Evatt himself never provided the Zionists with a convincing explanation for his conduct. Epstein, who might not have been present at the meeting between Evatt and the Jewish Agency in which the matter was raised, unfortunately did not record in his account what Evatt said. Comay and Lillie Shultz of *The Nation* met with Evatt after these events – and it may be to this meeting that Epstein refers – who told them that his support for forming the subcommittee was but a device aimed at ensuring the success of the majority report. This meeting took place after

Subcommittee II had been formed to examine the minority report, and Evatt explained that his aim was to divert the Arab states to investing all their energies into fashioning their proposal, which would meanwhile permit the partitionists to work unobstructed in their own subcommittee.¹⁶

Evatt's explanation is not entirely convincing, if only because it is not readily apparent how a full-scale study of alternatives would necessarily redound to the benefit of the partition proposal. Yet he used a similar argument in his discussions with Dean Rusk's assistant, Robert McClintock, on 18 October. McClintock demurred, reiterating the official US preference for an early in-principle acceptance of partition in what appears as ignorance of the fact that the subcommittee proposal emanated from his own State Department colleagues, if not actually his own superior. Here, Evatt countered that to accept partition now would merely invite a

*double debate, first on the merits of the majority plan in full committee and second, on those merits in greater detail in subcommittee. He thought it wiser ... to leave the matter in limbo until a sub-committee had worked on what he persistently referred to as 'the American plan' [i.e. the Swedish-American proposal]. I asked the chairman what he thought of the various Arab resolutions dealing with juridical aspects of the Palestine question. I wondered whether the Arab delegations might not insist that they were preliminary questions which should be dealt with first. Dr. Evatt replied that certain of the Arab resolutions were obviously not juridical in essence, but that one of them might indeed be so regarded. He felt however, that they should not be dealt with at this instance of the debate, but should be reserved until the report of the sub-committee on the majority report was returned to the full committee.*¹⁷

McClintock thought Evatt's procedure 'most unwise'. He could not see partition being usefully elaborated unless accepted in principle at the outset.¹⁸ But Evatt was prepared to run risks. Admittedly, there was merit to his view that the procedure he was adopting would in the end produce the least delay but it always entailed the possibility of an alternative scheme emerging. There was never any certainty that matters would take the precise course that he had adumbrated to Comay and Shultz.

What then was Evatt's motive? His desire to win US and Arab favour in his bid for the Assembly presidency in 1948 is the likely key, even as he insisted that the course he was thereby taking would be beneficial to Zionism. Since Evatt had opposed the original American-Swedish proposal on procedural grounds, presenting the subcommittee scheme as his own and agreeing to establish a minority report subcommittee posed him no difficulty and would, indeed, win him plaudits from the Arab delegations. It might be to this very action that the Arabs adjudged Evatt to be favourable to their cause. Granados thought that Evatt would win acclaim for magisterial impartiality that would serve him well when the presidency came up for election. He seems to have acceded to Henderson and Rusk's scheme in order to win personal goodwill even as he always intended to frustrate their objectives.¹⁹

Predictably, Evatt did not mention this labyrinthine drama in his published account. He merely records laconically that he proposed the formation of the first subcommittee in words that can only suggest that the scheme was entirely his own and owed its provenance to no one else. This was clearly not the case; he even cabled Burton a couple of days later, noting *inter alia* that the proposal came from the Americans. But he did not bother to tell Burton of the role he had played in emergence of the US proposal.²⁰

The Arabs saw that an opportunity had been created by Evatt's decision to reject a vote on the US–Swedish proposal in favour of forming a subcommittee to examine it.²¹ Accordingly, the Syrian delegate, Khouri, proposed on 22 October that a subcommittee be established to examine the Arab unitary state proposal. Evatt immediately assented and sided with Khouri against those who now took issue with the proposal for the second subcommittee. Evatt defended the case for a second subcommittee on eminently sound procedural grounds. 'I pointed out that up to the present all that had been advocated by the Arab State [*sic*] was the general principles of a unified state and there was no constitutional proposal detailed to implement the principle.'²²

Matters were not disposed of so simply. Evatt ran into open US and Soviet opposition. Both Hilldring and Tsarapkin opposed the formation of subcommittees. Tsarapkin suggested that full discussion on all proposals leading to a vote take place in full committee, with the winning proposal being thereafter referred to a subcommittee to formulate the detail for its implementation. He suggested voting on the unitary scheme, saying that if it were, as was likely, defeated, there was no need to form a second subcommittee to examine it. Evatt argued strongly against the Soviet proposal, saying it was wrong for the Committee to delimit itself in this way at this stage. Evatt had judged the atmosphere well. The general feeling was so strongly in favour of putting off the ultimate decision that the call for a second subcommittee prevailed even in the face of superpower opposition.²³

The next obstacle was to overcome the call for 'mixed' subcommittees, whereby advocates and opponents of the particular proposal under examination would collaborate in the same subcommittee, a measure that Evatt knew would undoubtedly stultify their work. Venezuela's Pedro Zuloaga and Poland's Ksawery Pruszyński sought out Evatt to persuade him to oppose mixed subcommittees. Venezuela, like a number of other Latin American states with liberal governments, was sympathetic to Zionism; Poland was doing Stalin's tactical pro-Zionist bidding, to which end Pruszyński had been successfully nominated for chairman of Subcommittee I. Zuloaga had known Evatt some years, and distrusted him from experience as an unprincipled opportunist. In view of Evatt's support for the deferring consideration of partition in full committee, they expected a fight. To their surprise, they found him agreeing with them. Evatt surprised them further by intimating confidentially that Australia would support partition. He also consulted Gromyko and Tsarapkin on the composition of the partition subcommittee and won US backing to oppose the proposal for mixed membership even though some of the State Department officials advising their delegation were arguing that only mixed subcommittees would be free from the taint of bias. The Soviets had been proposing a 15-member partition subcommittee including the Big Five, which would have brought Britain and Syria into its deliberations. Evatt had opposed it, and it was defeated in a vote.²⁴

After the preliminary hearings and the sounding out of countries for the various subcommittees, Evatt's sense of the debate thus far indicated 14 supporters of partition and eight favouring a unitary state. These proportions suggested that subsequently obtaining the necessary two-thirds majority for partition in the General Assembly might be difficult if not impossible. The Committee, after debating and repudiating various proposals, handed to Evatt himself the task of constituting the subcommittees. Evatt proceeded to ask each member of the Committee at the adjournment to state its willingness to serve on either of the subcommittees. On the basis of the answers received, he delegated nine members to each of the subcommittees. Subcommittee I (partition) consisted of Canada, Czechoslovakia, Guatemala, Poland, South Africa, USA, USSR, Uruguay and Venezuela. Subcommittee II (unitary government) consisted of Afghanistan, Colombia, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen. Both had until 29

October to present their reports.²⁵

The Zionists remained worried about their capacity to influence the partition debate in Subcommittee I. The Jewish Agency's Abba Hillel Silver wrote to Evatt to urgently request the right of reply to the anti-Zionist statements in the Ad Hoc Committee and also the participation of the Jewish Agency in Subcommittee I's deliberations. Evatt agreed to both after another gesture of even-handedness. The Jewish Agency was awarded advisory capacity to Subcommittee I, the Arab Higher Committee to Subcommittee II, and British delegates were to participate as observers on both.²⁶

Before the end of proceedings on 22 October, a third sub-committee had been established, chaired by Evatt himself, appointed at the suggestion of the El Salvadoran Ambassador, Dr Hector Castro, to work for conciliating the Arabs and Jews. Subcommittee III consisted only of Australia (Evatt), Iceland (Thor Thors – also the Ad Hoc Committee's Rapporteur) and Siam (Prince Subhasvasti Svastivat).²⁷ The Office of Near Eastern Affairs was not so completely taken in by this show of procedural fairness that it was blinded to the risks to its objectives. Evatt was confronted with intrigue as soon as the subcommittees had been named. The Office had succeeded with Evatt's connivance in diverting partition to a subcommittee. Now, in a further attempt to blunt the partition drive, McClintock, Rusk's assistant, who now appears to have become privy to some of his superior's intrigues, approached Pruszyński, chairman of Subcommittee I, to propose that France and Brazil replace Guatemala and Uruguay on the subcommittee. Neither France nor Brazil had lent any support at this stage to partition and both were eventually to do so only with 'some tepidity and reluctance'.²⁸ Guatemala and Uruguay were to be represented by their strongly pro-Zionist UNSCOP delegates, Granados and Fabregat. Pruszyński was unobliging. He wondered aloud why McClintock had not approached Evatt on the subject. McClintock took the hint.²⁹

On the evening following the naming of the subcommittees, Evatt was the guest of honour at a dinner given by the Australian Society of New York, where he was, as he later told in one of his coy published accounts:

*constantly bombarded with messages from one of the delegates asking to see me in connection with the composition of one of the sub-committees. I saw this delegate at the close of the dinner party and he said that his country was dissatisfied with the composition of Sub-Committee 1 and asked me to exclude two countries and replace them with two others.*³⁰

But in 1952, Evatt privately revealed to the Israeli minister in Sydney, Joseph Linton, that the delegate in question had been the United States' Herschel Johnson and that he had been seeking, as McClintock before him, the substitution of Guatemala and Uruguay with France and Brazil.³¹ Evatt refused point-blank, once Johnson confirmed that the Americans had sought the consent of neither Granados nor Fabregat.

Dr Evatt ... replied that that he might have considered making a change if the consent of the two people had been obtained, but he certainly would not do so without it. When Mr J[ohnson] continued to insist that the change must be made, he, Dr Evatt, had angrily replied that if he did not go away immediately he would announce from the rostrum that an attempt had been made by the Americans to put improper pressure on the President [sic] with regard to appointments which were solely within the President's competence. That had put an end to the

*pressure.*³²

So satisfied was Evatt with this episode that one almost forgets the fact that the State Department succeeded at a later stage in foiling the election of Granados and Fabregat to the Palestine Commission.³³ The Zionists, having on this occasion been served so well by Evatt, decided against approaching Hilldring to ascertain what the Americans had been about. Nor did the Jewish Agency approach Tsarapkin, fearing that the irascible Evatt might view such meetings as amounting to circumvention of his authority as Committee chairman. When the story reached them from Kirchwey, however, Shertok and Epstein decided to pay Evatt a visit.

This discussion proved surreal for all concerned. In form, it resembled a meeting of political allies, full of mutual sympathy and generous goodwill. In substance, it was a cloying confabulation, filled with unstated anxieties and contrived utterances that provided no reassurance. Upon Shertok and Epstein entering his room in the Secretariat at Lake Success, Evatt warmly commended the Jewish Agency on the manner and matter of its presentation in the Ad Hoc Committee, particularly the addresses of Weizmann and Silver, as well as Shertok's detailed answers in Committee. He said many delegates unfamiliar with Palestine now understood the situation well. He then addressed the reason for their visit before they had even mentioned the American episode, denouncing the proposal 'of a delegation' to, as he put it, 'widen' Subcommittee I. Evatt said that there had been a real risk that the subcommittee would have become bogged down if extended beyond nine members. Careful not to advertise the American deception, Evatt thus concealed it, and distorted the fact that an outright substitution of two specific delegates had been envisaged, not an enlargement of the sub-committee. Evatt made some emollient parting comments on the partiality for Zionism in Australian society on account of the warm reception Australian soldiers had received in Palestine during both world wars. This made Shertok and Epstein only more suspicious of what Evatt was up to.³⁴

So equivocal had been Evatt's behaviour that Epstein decided to make further enquiries about him. He arranged to see the jurist, Felix Frankfurter, who had known Evatt since 1938 and frequently invited him up to Harvard. Frankfurter confirmed Epstein's distrust. Whatever respect he had for Evatt's judicial accomplishments, he had a less complimentary opinion of Evatt's conduct in the international arena, believing his intentions did not always match his public utterances. Overall, Frankfurter said nothing to assuage Zionist fears. He offered, however, to intercede with Evatt should he prove obstructive.³⁵

Evatt's conduct was mystifying, the more so when one considers that he had foiled one US design (rigging Subcommittee I) after facilitating another (diverting partition to Subcommittee I). Why, then, did he oppose Johnson's overture? Reluctance to provoke an angry reaction from the Latin American bloc, whose future support was no less important to his presidential ambitions than that of the Arabs, presents itself as the obvious reason.³⁶ Though US support was undoubtedly vital to his presidential ambitions, it would have meant little without the backing of Latin America, whose bloc vote had deprived him of the presidency the previous month. He also believed Truman to be out of sympathy with the Arabists who were trying to conduct their own foreign policy to the extent of being prepared to send Johnson to enlist him directly on the matter.³⁷ It was not a case of opposing the United States, merely the machinations of some State Department officials. If the Arab factor was the source of Evatt's unyielding policy of abstention within UNSCOP, these factors appear to have been, at the very least, significant in his decision to frustrate the Office of Near Eastern Affairs. Predictably, Evatt retrospectively named due process and pro-Zionism as his motives, but it never pays to overlook personal ambition in Evatt's case. Such considerations predominate in determining his actions at any given stage,

particularly if the proximate decision was without detriment to a preferred policy. Evatt suited himself without harming the prospects of partition. Whether he would have done so irrespective of the impact on the Zionist cause must remain unknown. He was a cagey man who left no diaries to indicate what he really thought. We must judge from the incomplete record of his words and deeds.

For all this, the Zionists had reason for hope. Dissimulation aside, Evatt's conduct as Chairman was providing a welcome contrast to his first weeks in New York in late September and early October, when he had set himself directly into United Nations business and seen no-one from the Jewish Agency. Michael Comay, within a fortnight of Evatt's arrival, had noted that Evatt was holding himself 'completely aloof'.³⁸ Landa was in contact with him, but it was Hood and Atyeo, instead, who had been Evatt's constant companions, the latter showing himself as 'clearly hostile' to Jewish interests.³⁹ A US delegation member, conversing one day with Atyeo, discovered Evatt's interest in partition when Atyeo commented that this was one question on which he could not agree with Evatt. (Aty eo, however, left New York for Australia in late October when he received the news that his wife was to be hospitalised.⁴⁰)

New Zealand's attitude was also cause for Zionist concern. Comay was still receiving ominous signals, despite Prime Minister Peter Fraser's sincerely pro-Zionist attitude. The New Zealand representative in New York, Sir Carl Berendsen, had referred Comay to J.V. Wilson, his representative on the Ad Hoc Committee, whom he found to be dubious of the merits of the Jewish case and seemingly dismissive of Fraser's earlier words of support, saying that the Creech-Jones statement had altered the situation. Wilson would not even admit to possessing clear instructions to support partition.⁴¹

The British were doing their best to cool enthusiasm for partition amongst the Dominions. They inspired fears of chaos in the absence of practicable enforcement measures for partition that in the event proved well-founded. Whitehall was explicit in disclosing to Dominion governments that it repudiated the US view that it held responsibility to administer the mandate conferred by a defunct League of Nations. To the contrary, it was free to relinquish it any time after serving due notice. Accordingly, in the absence of British willingness to implement any plan not approved by Arabs and Jews, the 'Assembly should not vote on nature of settlement for Palestine independently of enforcement measures'.⁴²

Britain's failure, however, to give a lead in the Ad Hoc Committee or to consult the Commonwealth left an opening for other influences. At first, Dominion support for Zionism appeared brittle, if not wholly insubstantial. New Zealand's ultimate support, however, was shortly thereafter ascertained, though Fraser apparently remained concerned for some weeks after at the lack of enforcement machinery for partition before being reassured by the Americans.⁴³ The Zionists remained in the dark about Australia a little longer. Then, on 24 October, Lourie met with Landa, who was returning imminently to Australia, to hear the news that Evatt intended to seek a definite, pro-partition result from the Ad Hoc Committee. He had confided to him that he would not permit dilatory stratagems to permit the Committee to rise in a state of uncertainty over the future of Palestine. More importantly, whilst Chifley favoured abstention, the decision had been left in Evatt's hands. Evatt remained nonetheless keen 'to delay as much as possible the news of Australia's support for partition'.⁴⁴

This was welcome news for the Zionists. Australia's stance within UNSCOP, Atyeo's behaviour and indeed Evatt's own had combined in their minds to foreshadow the opposite. Landa reproached Evatt for not talking to the Jewish Agency, to which Evatt retorted that if he did, he would then be obliged to meet with Arab leaders and be drawn into an unwanted process

of lobbying. He added that he was well aware of the pressures the Arabs were exerting to garner votes to frustrate partition. It came as a relief to Landa that Evatt finally did meet with Shertok for lengthy and now candid discussions after he himself had left New York for San Francisco.⁴⁵

Other pro-Zionists were now able to get through to Evatt. Always keen to know the tenor of press opinion, Evatt dispatched Atyeo to consult the Australian correspondents in the city, eventually sending word to one of them, A.D. Rothman, to come and see him. Rothman had scarcely appeared before Evatt asked him point-blank, ‘What would *you* do about Palestine?’ Rothman had known Evatt for years and was surprised at the question, for Evatt knew him to favour Jewish statehood. He decided instinctively, however, against direct advocacy and left Evatt this piece of advice:

*You know, Dr, Evatt, all that’s been happening in the United Nations in the last 18 months has been merely a rather prolonged review of what has been happening in Palestine. There hasn’t been in the U.N. a strong and intelligent effort at settlement of the dispute. You know I am a Jew and therefore the wrong man to suggest what should be done in Palestine. Whether you decide on partition is not so important as a decision by the U.N. to take quick action to settle the dispute that’s tearing Palestine apart.*⁴⁶

Rothman was appealing to Evatt’s sense of personal destiny as the international statesman and idealist who alone perhaps might cut the Gordian knot. He then told Shertok of his meeting with Evatt, leaving him aghast when he recounted that he had forfeited an opportunity to argue for partition. Rothman, however, had a high opinion of his own acumen and gleefully told the future foreign minister of Israel that he had a few things to learn about diplomacy, including apparently the value of indirect advocacy.⁴⁷

NOTES

1. Evatt, *Task of Nations*, pp. 132–3; *Palestine Post*, 1 October 1947; Elath, *HaMa’avak Al HaMedinah*, Vol. 2, p. 247.
2. ‘UN Assembly Meeting 1947: Note on Relations between the United Kingdom Delegation and Delegations of India and Pakistan’, confidential memorandum by Curzon (n.d.), Public Record Office, Kew (hereafter PRO) DO 35 3752.
3. Evatt, *Task of Nations*, p. 149.
4. ‘UN Assembly Meeting 1947: Note on Relations between the United Kingdom Delegation and Delegations of India and Pakistan’, PRO DO 35 3752; Evatt, *Task of Nations*, p. 149; Memorandum of conversation with Hodgson by Hayden Raynor (US delegation), 7 October 1947, NARA RG84, Box 57, US Mission to UN files.
5. Hasluck, ‘Australia and the Formation of the United Nations’, p. 221; Crockett, *Evatt: A Life*, pp. 160–1; interview with Sir Harold Beeley, London, 24 August 1997.
6. Evatt, *Task of Nations*, p. 134.
7. *Palestine Post*, 9 October 1947; *Herald*, 11 October 1947.
8. *Herald*, 6 October 1947.
9. Spiegel, *The Other Arab–Israeli Conflict*, p. 28.
10. Quoted in a report in *Argus*, 13 October 1947.
11. Garcia-Granados, *The Birth of Israel*, p. 250; *Herald*, 14 October 1947; *Sydney Morning Herald*, 15 October 1947; *Argus*, 18 October 1947; Elath, *HaMa’avak Al HaMedinah*, Vol. 2,

- p. 320; Landa in interview with Honig, Sydney, 6 March 1985.
12. Evatt (New York) to Burton, secret cable, 26 October 1947 (received 28 October), AA A9420/1 1; *ORGA*, 2nd Session 1947, Ad Hoc Committee, pp. 126ff.
 13. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 327.
 14. *Ibid.*, pp. 327, 335.
 15. *Ibid.*, pp. 327, 330.
 16. *Ibid.* Gouttman, 'First Principles', pp. 279–80. Gouttman's information stems from an interview he conducted in Jerusalem with Michael Comay on 29 February 1984.
 17. Memorandum of conversation with Evatt by McClintock, 18 October 1947, NARA RG84, Box 57, United States Mission to UN file.
 18. McClintock to Lovett, memorandum, 20 October 1948, *FRUS 1947*, Vol. 5, p. 1189.
 19. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 331.
 20. Evatt, *Task of Nations*, pp. 136–7; Evatt to Burton, secret cable, 26 October 1947 (received 28 October). AA A9420/1 1.
 21. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 328.
 22. Evatt, *Task of Nations*, p. 137.
 23. Hyatt, 'The United Nations and the Partition of Palestine', p. 265; Evatt, *Task of Nations*, pp. 135–8.
 24. Evatt, *Task of Nations*, pp. 139–40; Elath, *HaMa'avak Al HaMedinah*, Vol. 2, pp. 330ff.
 25. Leonard, 'The United Nations and Palestine', p. 640; Evatt (New York) to Burton, secret cable, 26 October 1947 (received 28 October), AA A9420/1 1.
 26. Silver to Evatt, letters, 10 and 22 October 1947, SAI 2270/2.
 27. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 328.
 28. Eban to Jewish Agency Executive, memorandum, 'Role of the Security Council in the Implementation of the Assembly's Recommendations', *PDD*, p. 64.
 29. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 338.
 30. Evatt, *Task of Nations*, p. 141; also 'Australia's Part in the Creation of Israel', p. 162. Freilich repeats Evatt's *Task of Nations* account in *Zion in Our Time*, p. 194.
 31. Linton Diary, 20 January 1952, Archive of Australian Judaica, Fisher Library, University of Sydney (hereafter AAJ). According to a variant reference provided by Elath, the United States diplomat was Dean Rusk, but there is no reason to prefer Elath's second-hand version to Evatt's own; Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 334. Rusk, however, might have been the scheme's originator, leading Elath to assume that he had made the approach to Evatt. Neither Rusk nor his biographer refer to the Ad Hoc Committee deliberations, the latter only indicating that what misgivings Rusk held over the advisability of partition were offset by a loyalty to Truman which uniquely enabled him to work towards policy ends uncongenial to him; see Dean Rusk, *As I Saw It* (W.W. Norton, New York, 1990), Ch. 8; Thomas J. Schoenbaum, *Waging Peace and War: Dean Rusk in the Truman, Kennedy and Johnson Years* (Simon & Schuster, New York, 1988), pp. 167–9. As a consequence, Rusk's reputation for anti-Zionism did not prevent him subsequently enjoying an amicable working relationship with the Israelis and, indeed, years later, from being held responsible by State Department Arabists for preparing the groundwork for Israel's successful action in the 1967 Six Day War. See Kaplan, *The Arabists*, p. 157.
 32. Linton Diary, 20 January 1952, AAJ. Evatt evidently relished the story, noting that one of his officials had crawled under the table to deliver to Evatt a note from Johnson requesting to see him and that he had kept Johnson waiting until after the dinner and speeches were over, (at 11

- o'clock, according to his Great Synagogue account). Evatt, *Task of Nations*, p. 141; 'Australia's Part in the Creation of Israel', p. 162; Landa in *Australian Jewish News*, 16 May 1958.
33. In circumstances related in detail by Granados, *The Birth of Israel*, pp. 257-60, which indicate that Johnson was personally opposed to the State Department's machinations.
 34. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, pp. 334, 338-9.
 35. *Ibid.*, p. 350.
 36. *Ibid.*, p. 334.
 37. Landa in interview with Honig, Sydney, 5 March 1985.
 38. Comay to M. Sigalla (General Secretary, ZFANZ), letter, 8 October 1947, SAI 2266/15.
 39. Landa in interview with Honig, Sydney, 6 March 1985.
 40. Memorandum of conversation with Sam Atyeo, 5 November 1947, NARA RG84, Box 87, UN Mission to UN files, Palestine 1947 file. Landa was obviously referring to Atyeo when he told Honig that Evatt had a pro-Arab secretary; interview, 6 March 1985; Burton to Evatt, draft cable, 30 October 1947, AA A9420/1 2.
 41. Memorandum of conversation with Sam Atyeo, 5 November 1947, NARA RG84, Box 87, UN Mission to UN files, Palestine 1947 file. Landa was obviously referring to Atyeo when he told Honig that Evatt had a pro-Arab secretary; interview, 6 March 1985; Burton to Evatt, draft cable, 30 October 1947, AA A9420/1 2; On Zionist diplomacy with New Zealand, see Freilich, *Zion in Our Time*, pp. 189-91, 195-7; Honig interview with Comay, 22 January 1985; Comay to M. Sigalla, letter, 8 October 1947, SAI 2266/15.
 42. Commonwealth Relations Office (hereafter CRO) to Canadian, Australian, New Zealand and South African governments, top secret cable, 15 October 1947, PRO DO 114 /115.
 43. FO brief for UK delegation, UN, April 1948, *The Rise of Israel*, Vol. 38, p. 223; A.D. McIntosh (Permanent Head, Prime Minister's office, NZ) to Freilich, letter, 17 October 1947; Comay to Sigalla, letter, 18 October; Sigalla to Comay, letter, 23 October. SAI 2266/15. Comay to ZFANZ, cable, 6 October; Henry J. Morgenthau (US Secretary) to Walter Nash (NZ Finance Minister), cable, 22 November; Fraser to Morgenthau, cable, 24 November; Morgenthau to Fraser, cable, 24 November; ZFANZ to Comay, cable, 26 November. SAI 2267/37. The New Zealand government informed Great Britain on 21 November that it had determined to support partition. Cable to CRO, London, 20 November (received 21 November). PRO DO 114/115.
 44. Lourie to Shertok, memorandum, 27 October 1947, SAI 2266/15.
 45. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 311; Lourie to Shertok, memorandum, 27 October 1947; Landa to Lourie, letter, 29 October 1947; Lourie to Landa, cable, 28 October 1947,, SAI 2266/15.
 46. H.D. Rothman, 'Dr Evatt and Israel', *Nation* (Australia), 6 May 1967, p. 15.
 47. *Ibid.*

9

‘Naturally, I Am Taking a Purely Objective View’

Why was Evatt opening himself to Zionist advocacy at this late hour? The vote for the Assembly presidency was past, he had lost, and this freed him of any immediate need to curry favour with the Arabs though he and his subordinates were to remain engaged in this effort. Once in New York, efforts to woo the Arab bloc for the 1948 vote intensified even as the Committee worked towards partition. Atyeo’s opposition to partition was known, he was Evatt’s most trusted lieutenant and this effort was principally entrusted to him. According to Landa, Atyeo in turn was being fortified in his advocacy against partition by Arab money: ‘A lot of that was going on.’¹

Evatt’s earlier failure to meet with the Zionists can also be partly explained by the fact that he had been unremittingly absorbed in multifarious committee work. Palestine was obviously the most time-consuming, but he had also spent early October engaged in discussions (by telephone from New York) with Truman and Marshall over the preliminaries for a Japanese treaty.² Burton, concerned that his chief apply himself selectively to advantage, rather self-defeatingly advised him to ‘stay out’ of everything ‘except Palestine Trusteeship and Economic and Social [Council] matters’.³ In fact, Burton assumed that Evatt would stay in New York long enough to stand for the presidency of the Security Council, returning to Australia only in February.⁴ However, within the first week of his chairmanship of the Ad Hoc Committee, Evatt confided to him that

*working on two or three committees at the same time is almost too much. On the Palestine question, the United States will probably, on the vote, accept partition with certain modifications, and that may provide a line for the Committee. Naturally I am taking a purely objective view as Chairman.*⁵

As testimony to this pure objectivity, Evatt had been charged with heading Subcommittee III, devoted to the task of Arab–Jewish conciliation. He was accused then and has been since of making scant effort to conciliate the parties. The charge appears to be justified, inasmuch as nothing came of and little survived as evidence of his work. Some delegates alleged that the subcommittee had not really functioned at all.⁶ Strange concedes that the time for conciliation was long past but also contends that the ‘early and abortive end’ to conciliation efforts permitted the other two subcommittees to drift entirely apart.⁷

Nor do Evatt’s cables to Canberra evoke a picture of sedulous trouble-shooting. He felt it necessary to convey the impression to Burton that he was acting with Olympian impartiality, providing an incomplete account of the US subcommittee episode, and dubiously claiming to have ‘already taken the initiative in a preliminary attempt at conciliation’.⁸ But he failed to

elaborate on his initiative in an otherwise detailed three-page cable devoted entirely to describing the work of the Ad Hoc Committee, suggesting not so much untruthfulness as implicit lack of conviction in this task. Clearly, the task of conciliation had been largely neglected, even though Evatt claimed at the time that ‘everything possible’ had been done.⁹

Whatever the Americans thought of Evatt’s attempts at conciliation, however, the full blame for failure could not later be laid at his door. The Americans themselves were hardly helpful, nor had Evatt been entirely derelict in pursuing compromise. The United States had originally urged Evatt to bring Arab and Jewish representatives together in ‘the hope that, however slim the chance may be, they might reach some form of agreement’.¹⁰ However, when Evatt made the attempt, he was greeted by US tepidity.

On 28 October, Evatt sounded out the State Department’s Charles Bohlen to see if he would meet with Prince Faisal, the Saudi representative. Bohlen was hardly eager. He told Evatt he had met with Faisal already twice and was waiting to see if Faisal would renew their contact. When Evatt repeated his offer to set up a meeting, Bohlen told Evatt to wait for an initiative from Faisal.¹¹ This can hardly have induced Evatt to work assiduously on US–Arab contacts. Even so, Evatt in the end simply addressed identical letters ‘with something of a magisterial ring’¹² to Marshall and King Saud, proposing in his capacity as conciliator that the two meet to explore the prospects of a political solution to Palestine.¹³ Warren Austin, head of the UN delegation, responded a few days later that the Secretary of State had his hands full in Washington preparing for a special session of Congress and a meeting of foreign ministers to take place shortly in London, even though he himself would be willing to meet Faisal.¹⁴ Additionally, Marshall himself told Evatt that the best course was to await the decision of the Ad Hoc Committee, a view ‘to which I had come independently’ Evatt later recalled at his most feline.¹⁵ Accordingly, nothing came of this venture, and there is little reason to suppose that anyone expected otherwise.

The Americans thus were inert, and the Arabs nearly equally so, until it was too late. Shortly after floating his proposal in early November, Evatt suffered a bout of influenza brought on from habitual overwork. Conveniently for him, this occurred in the middle of the Ad Hoc Committee’s three-week recess. Conciliation efforts thereupon lapsed and no more was heard of these until late November. Then, when the partition resolution was on the verge of coming before the Assembly, Khouri told the Americans that the Arabs were prepared to explore the possibility of conciliation, citing a response from King Saud to Evatt’s query, but noted that ‘no reply had been received from Evatt’.¹⁶

The Office of Near Eastern Affairs was unimpressed, and Henderson’s subordinate, Samuel Kopper, delivered himself of this judgement. ‘The abortive and utterly weak efforts of Dr. Evatt to bring conciliation to bear during the General Assembly session can hardly be classed as United Nations conciliation.’¹⁷

Against the charge of inertia and uncharacteristic indolence, Evatt can be defended to a point. The Americans, as their lukewarm response to Evatt’s conciliation initiative shows, were less committed to the task than they sometimes appeared and gave no practical encouragement. Moreover, not all proposals for mediation and compromise were pursued by others. The Turkish representative in New York, Selim Sarper, approached the Americans, optimistic that he had proposals that could help effect a compromise. But Marshall did no more than authorise Johnson and Austin to meet with Sarper, and there is no evidence that Sarper’s proposals, whatever these might have been, were ever relayed to Evatt.¹⁸

Evatt had been persuaded early in his chairmanship of the Committee that an actual

compromise was not available. Hood would have told him as much from his experiences on UNSCOP and Evatt later confined his remarks on Subcommittee III to the following observation:

*A large majority of the delegates would have preferred agreement, but, in the atmosphere and temper of those days, [the Arab states] could hardly have justified their previous boycott of UNSCOP and their refusal at all stages in the Committee work to take any interest in the improvement or modification of the partition plan.*¹⁹

He saw the task of conciliation, though theoretically crucial, as practically irrelevant and in any case altogether subsidiary to that of planning detailed proposals for the consideration and vote of the Assembly. It is here that one can detect Evatt's judicial pedigree. A court of law, particularly in the adversarial system of British countries, serves to bring a sound and informed judgement to complex problems. It permits the fullest presentation of competing claims. It does not seek to reconcile parties. Conciliation tends to take place, if it happens at all, out of court. Where the prospects of conciliation were practically nil, Evatt went through the motions but did not generate his characteristic vigour and persistence. These were reserved for enabling both sides to develop their respective cases unhindered.

Recovering from strain and over-work, Evatt emerged to announce that the Ad Hoc Committee would meet in daily sessions until its work was completed; a clear, public indication that the matter, so far as he was concerned, would go to the vote in the General Assembly before the end of the Special Session.²⁰ At this stage, he was booked to depart on 12 November for London to attend the royal wedding of the Princess Elizabeth to Lieutenant Philip Mountbatten, and he reckoned on finishing with the 'hot potato' by that date. But he was not sanguine about the path ahead, telling Kirchwey that he suspected a long delay would ensue in the subcommittees. Whatever their proposals, however, he intended to force the Ad Hoc Committee to vote on alternatives if no working formula was found. In this way he hoped to produce a decision by about 14 November.²¹

The Committee resumed on 11 November. Three days proved no time at all for his purposes and he cancelled his plans to attend the royal wedding in London. His departure from New York for Australia, now scheduled for 22 November, left only a further week to produce a result. He was also under pressure from home, Chifley favouring abstention on the vote 'if at all possible'.²² However, Evatt expected partition to emerge as the winning scheme and, irrespective of ulterior motives to abstain, his stewardship of the Committee as well as his personal attitude impelled him to underwrite it. The procedure of roll-call voting would have precluded any possibility of inconspicuously failing to support it. To the extent that Evatt wished to avoid offending the Arabs – and that would have been to a large extent – inconspicuous failure to support partition in any case possessed no merit. There were potential kudos to be won only in outright rejection of partition and this Evatt would not do. The fact which doubtless impelled otherwise reluctant nations to vote for partition – the absence of any responsible, realistic alternative – confronted Evatt as well. His words to Burton, nonetheless, also suggest an appreciation of the gravity of the Jewish predicament without partition. 'We really have to choose between recommending a scheme of partition on the one hand and a complete Arabian [sic] unitary State on the other, the latter state puts 600,000 Jews at the mercy of the Arabs.'²³

Evatt doubted if partition would command a two-thirds majority in the Assembly.²⁴ He nonetheless intended to back a possible loser that entailed complications in his relations with the

Arabs. It was never simply a case of his embracing a consensus that had coalesced, as was later suggested.²⁵ With an eye to inevitable Arab disapproval, Evatt was already propounding a rationalisation of Australia's forthcoming stance in procedural terms:

*we consistently stuck to the practice of accepting clear majorities reports after a thorough investigation by a competent commission ...The fact is that today there are two small nations in the Palestine area and for the time being they cannot live or co-operate together under one Government.*²⁶

The partition subcommittee had not been idle during the three-week recess. It had broken into working groups examining boundaries, the question of citizenship, the city of Jerusalem and implementation procedures.²⁷ The subcommittee's report, completed on 10 November, recommended British withdrawal by 1 May 1948; a transitional period of two months to precede the creation of Jewish and Arab states no later than 1 July 1948; and the formation of a United Nations Commission to oversee transition, consisting of three to five states, to be selected from pro-partitionist states by the General Assembly, but responsible to the Security Council.²⁸

Any hope of British co-operation with the partition scheme, however, was dashed by Sir Alexander Cadogan in his statement before Subcommittee I on 13 November. Cadogan indicated that British planning for a military withdrawal by 1 August 1948 was in an advanced stage. British troops, however, would be unavailable for any enforcement measures contemplated by the United Nations at any time during the remainder of their service in Palestine. Perhaps most salient was Cadogan's open admission that Britain intended to wind down its civil administration well in advance of its final evacuation and to assert no responsibility for the maintenance of law and order beyond the limited areas still in British control during the evacuation. Britain was seeking to withdraw without being seen to underwrite partition. Its willingness to co-operate with the proposed United Nations Commission was unconvincingly stated in the terms that Britain would not take any action contrary to a resolution adopted by the General Assembly. So, in the end, a working agreement with the British on partition eluded the subcommittee. Evatt, yet again, had to put off his departure.²⁹

Universities, journals and public meetings were to be disappointed repeatedly in these weeks by his failure to deliver a lecture, provide an article (often repeatedly requested and not infrequently promised), or address a banquet. Self-appointed conciliators sought his attention with their own proposals for solving the Palestine question. He managed to turn up at Harvard to deliver the Oliver Wendell Holmes lectures, in which the *Sturm und Drang* of these days is deeply evident as is a hint of impending decision and satisfaction that the Assembly was proving equal to its responsibilities.³⁰

The Zionists recorded a crucial gain on 19 November. President Truman, who had latterly recoiled against the intensity and persistence of Jewish pressure by banning all visits to the Oval Office by Zionist officials, relented to the pleading of his old business partner from the mid-West, Eddie Jacobsen, and received Weizmann. Weizmann persuaded him of the strategic importance to a Jewish state of the Negev, with its southern port of Eilat. The Office of Near Eastern Affairs was still proposing the excision of the Negev, contrary to the recommendation of Subcommittee I. The US officials were due the very next day to present their proposals to the Ad Hoc Committee and it was in this sense that Herschel Johnson began speaking with Shertok, Horowitz and Eban in the United Nations Delegates' lounge. They had hardly started when they were interrupted by a telephone call from the White House. Hilldring, on Johnson's insistence, took the call, only to return saying that the President himself was on the line from Washington.

Johnson shot up 'like a startled and portly reindeer' and took the call, returning 20 minutes later in acute embarrassment to tell the Zionists, 'What I really wanted to say to you was that we have no changes in the map you suggest.'³¹

The full Ad Hoc Committee resumed on 19 November to consider the reports of both subcommittees and was to remain ensconced in an atmosphere of mounting tension until 27 November.³² Evatt announced that he intended to reach a final vote. This struck some alarm, and it was intimated informally to him that if he were to call for an adjournment, it would be readily accepted. 'I sensed the temptation and danger of delay and at one stage it was almost heartbreaking to notice the drift towards delaying manoeuvres. I opposed delay with everything I had.'³³ A rumoured Arab intention to filibuster was seized upon by Evatt in committee until Jamali, the Iraqi Foreign Minister, categorically denied any intention in words which Evatt, by his own account, accepted without qualification. Pakistan's Khan indicated at one point that he would turn his attention to the report of Subcommittee I at 'a later stage'. Evatt immediately intervened to inform Khan that there would be no 'later stage'.³⁴

On 20 November, Cadogan informed the full Ad Hoc Committee that Britain would devolve authority to neither Arabs nor Jews nor a United Nations Commission for the duration of the Mandate. Cadogan's stated reason was the absence of enforcement measures. Consequently, Evatt adjourned proceedings and hastily reconvened the two subcommittees to revise their schedules for implementation of their respective plans. Sub Committee II made no changes, but Subcommittee I attempted a few. It altered its schedule for transition and statehood in accordance with the timetable cited by Cadogan, receiving in return only a British assurance that it would consult with the proposed Commission in determining a date for the expiration of the Mandate. Contrary to his assurance on 13 November that Britain would not oppose an Assembly decision, Cadogan had now been asked by Bevin to ignore this and state plainly the British policy. The subcommittee agreed on the composition of such a commission, although the original list of five was withdrawn in the Ad Hoc Committee under US pressure. Working to produce a fractious and possibly unworkable commission appears to have been a tactic of last resort by the Office of Near Eastern Affairs.³⁵

When the Ad Hoc Committee reconvened on 22 November, the Arab delegates pressed the primary recommendation tendered by Subcommittee II: referring the question of Palestine to the International Court of Justice in The Hague for an advisory opinion. There was now no outlet; a vote was unavoidable before one of the two reports could be adopted. The French delegate, Alexandre Parodi, moved that the question be put to an immediate vote, Evatt concurred, and a vote was called. The result was the narrowest possible defeat for the Arab proposal; 20 votes to 21 (with 13 abstentions), the casting vote being that of Evatt himself, who caused a sensation by voting from the chair.³⁶

After the defeat of Arab motions, matters moved swiftly. The Arab proposal for a unitary state was defeated on a vote by 29 to 12 with 14 abstentions.³⁷ Partition was then put to the vote. Evatt's announcement of 'Yes' on behalf of Australia, the first affirmation in the alphabetical roll-call vote, produced 'an excited cheer'.³⁸ The result that day, 27 November, was the adoption of partition by 25 votes to 13 with 17 abstentions. This represented an essential but qualified victory for Zionism. Partition had been recommended with one vote short of a two-thirds majority.

In exercising his casting vote against a proposal for judicial review, Evatt's conduct seems uncharacteristic. In fact, he knew a decision would have been derailed by this unpromising reference to The Hague. It was unlikely that any court could render a judgement on purely legal

grounds. The Zionists thought the venture risky. There was always the possibility that the principle of self-determination would end up generally affirmed but specifically denied to Jews if Palestine was treated inflexibly as a single political unit. Evatt's instinct to avoid a reference to the Court, suggested by McClintock in September, had been correct: too much energy had been invested in grappling with the conundrum to make the prospect attractive to over-strained delegates. The law, as Evatt knew, was on his side: the United Nations Charter specifically empowered the Assembly to determine such matters referred by mandatory powers under Article 14. Advising the Security Council on matters of international peace and security was authorised under Article 11. There was also the issue of practicality. The whole Palestine question would have to be reopened to debate in its entirety if a decision was not made by the conclusion of the Special Session. If this occurred, long and costly United Nations efforts would have been nullified, and seen to be have been nullified.³⁹

Other delays were attempted. Subcommittee II called for the acceptance of Jewish refugees by member states. Evatt saw this device for what it was, a measure intended to sidetrack the Committee. He ruled that the proposals for the future government of Palestine did not require the issue of Jewish refugees to be resolved before being voted upon.⁴⁰

If these various stratagems had worked, there can be little doubt that the Ad Hoc Committee would have failed to come to a verdict in time. The Assembly would not have been presented with the partition resolution then or perhaps ever. Zionists who played a part on the scene of these days, now considered momentous in the history of Israel, believed that their cause would have failed. Evatt's opposition to the French motion from the chair, rather than awaiting what would have been a tied vote and then abstaining as was customary, proved vital as both Zionists and their opponents acknowledged.⁴¹ Evatt had smoothed the path to superpower agreement on partition in Committee. Above all, timing was vital. The possibility of US–Soviet accord on Palestine – so fantastic that it had been an unpredicted windfall for the Zionists in 1947 – would have receded under the impact of the emergent Cold War in coming months. Had the decision 'not been taken that year [the Zionists] would not have gotten it', averred Landa many years later. 'The Russians would not have supported it. Dr Evatt knew that, and he insisted on getting it through.'⁴² Shertok agreed.⁴³ The 'window of opportunity' – a phrase popularised decades later by a US Secretary of State, also in respect of the Middle East – most likely would have been closed and sealed for ever.

Evatt's strategy in Committee had worked. His composition of the subcommittees served as he had foretold to foil the Arab offensive against partition. 'Although at the time we felt the two-committee resolution to be a defeat,' writes Horowitz, 'it was in fact a move that turned in our favour.'⁴⁴ The Arabs had too enthusiastically grasped the long rope afforded them. Subcommittee II worked in an atmosphere of devoted anti-partitionism unrelieved by the oxygen of critical advice from disinterested parties; with the exception of Colombia, all the subcommittee members were Arab or Muslim states. The Columbians sought informally to have Evatt widen the subcommittee, to no effect, leading to the resignation of the Colombian subcommittee chairman.⁴⁵

On the overall course of the Ad Hoc Committee's proceedings, Strange argues that Evatt's formation of the sub-committees incited the Arabs to inflexibility in an uncongenially pro-Zionist city against a background of popular pressure at home. This is undoubtedly true, if only to a point. The temper of Arab opinion had scarcely been propitiated by the thorough press coverage of Reuters for the Muslim world. Arab diplomats felt incapable of dissenting from the unitary scheme they had advocated in earlier debate. But one must look back further to see how

hopeless had become the prospects of compromise long before Ernest Bevin turned matters over to the world body. Arabs and their supporters were profoundly stymied by their own insistence, of many years standing, that they would neither yield nor qualify their claims in any part of Palestine. Understandable in terms of genuine attachment and national feeling, it nonetheless made for inflexible policy against urgent claims of Jewish need. A case of absolute priority can only work in a colonial context in which the colonisers pack up and remove themselves to the secure home whence they came. The Jews had none and Palestine was never such an instance. To the extent the familiar colonial formula applied, it was a case of Britain thwarting by its continuing presence two competing national movements.

In these circumstances, the influence upon the final result of the pro-Zionist atmosphere of New York is quite unquantifiable.⁴⁶ Its uniquely Jewish atmosphere has not since prevented Arab countries winning some stunning diplomatic victories at Israel's expense in the United Nations. Strange argues that a broadened subcommittee, working on the minority federal scheme which the Arabs had also rejected, could have inclined Arab delegates to a more realistic view that might have commanded a majority in the Assembly. Certainly, some US officials, and doubtless others, thought this way.⁴⁷ But all the evidence suggests that the Arabs were never prepared to go this far. Federalism possessed no uniquely pacific attributes to recommend it, though this point has sometimes escaped authorities preoccupied with the prospects of Arab acceptance to the neglect of Jewish opposition. It is worth recollecting that Hood, scarcely an enthusiast of partition, had found a federal scheme to be wholly unrealistic. He had been attracted to trusteeship, but the Arab insistence on unitary sovereignty and immediate independence, coupled with UNSCOP's rejection of it, rendered this also a non-starter. Trusteeship came into vogue again only in the first half of 1948, chiefly as a device to frustrate partition. Until then, no one gave it serious consideration once UNSCOP disposed of it.

For all this, if federalism stood to offer the Arabs an eleventh-hour chance to abort Israel in embryo, they now effectively lost it, though this became obvious only at the end of November. Strange concludes:

*the only value, therefore, to the proposal for an Arab unitary State in the Second General Assembly was as a bargaining position from which it might have been possible to get something better [for the Arab side] than outright partition. And as a bargaining position, it was badly overplayed.*⁴⁸

It would be more true to say that it was never played at all.

In these circumstances, it is not stretching credulity to say that Evatt's conduct on this day was possibly vital to the fortunes of Zionism. As one scholar of Arab-Israeli affairs at the United Nations, Zuhair Hamdam, puts it, 'The fact that the Ad Hoc committee adopted the partition resolution undoubtedly was the big step in achieving Zionist aims in Palestine.'⁴⁹

The initially favourable reception Evatt earned from committee members might have emboldened him to think that he had preserved his relations with the Arabs.⁵⁰ Australia's recent support for a resolution declaring Transjordan to be a peace-loving state and therefore implicitly acceptable for admission into the United Nations, for which it had recently made application, might have helped on the day.⁵¹ But it was not to last. Less than a fortnight after the passage of partition, the Iraqi Foreign Minister, Jamali, told Loy Henderson that 'the Arab delegations felt badly disillusioned by the UN's handling of the Palestine case, which they considered a gross injustice ... even Dr Evatt ... had been strongly opposed to the Arabs and had been observed canvassing for partition votes'.⁵² Rumours emerged over succeeding weeks about Evatt's

personal involvement in seeing partition adopted. A few months later, Lionel Gelber of the Jewish Agency learned from Gunnar Hagglof, the Swedish representative, that some delegates

*with whom he had talked felt that they had been manoeuvred during the autumn either by the United States, by Mr Evatt, or both, into making a choice for or against, between partition or some pro-Arab scheme, when they might have wanted to adopt neither or wished still to consider others.*⁵³

It cannot be doubted that such well-founded rumours found their way to Arab representatives in New York.

But for the moment, on 27 November, Evatt enjoyed the kudos before making a hurried departure from New York.

*Great emotion was shown at the end of these proceedings. Jewish people and their supporters had struggled for years to bring about the establishment of a new State of Israel, and tears were streaming down their cheeks as the corridors were still filled. Their display of gratitude towards myself was most touching. I had only done what I believed was just and right as a good United Nations follower. The Mayor of New York, knowing my anxiety to join the afternoon train on my way back to Australia, had provided me with an outrider escort and I had to leave the committee at Lake Success quickly, almost at once.*⁵⁴

Evatt had worked tirelessly to bring the Ad Hoc Committee to produce its recommendation within the duration of the Regular Session of the General Assembly, due to conclude in some 48 hours. Unable to be on hand to observe and steer matters behind the scenes as the Assembly grappled with his Committee's recommendation, he became compelled to do so at a remove.

Evatt left behind in his wake a frenzied scramble as Arabs and Jews, abetted by their allies, turned to every device of influence and persuasion to secure wavering votes. Passionate intercessions, bribery, pressure on delegates and quasi-official interventions back home with their governments resulted in confusion and reversals whose outcome was revealed only when President Aranha swung his gavel to call the vote.

The Arab bloc offered an array of inducements in Central and South America. Chamoun, Khouri, Jamali and his premier, Nuri Said, candidly told Granados that they were pressuring President Arevalo in Guatemala City. Costa Rica was offered Arab support for its candidacy for the Trusteeship Council if it would change its vote. And though Truman was later to deny it, the United States, once having decided on partition, also used pressure to secure votes.⁵⁵ The Irish diplomat and historian Conor Cruise O'Brien recalled:

*When I became a delegate to the United Nations, nine years later, old hands there still often spoke of that traumatic November 29, and of the pressures brought to bear on smaller Governments by the United States – through both official and unofficial channels – resulting in last-minute reversals of instructions, recalls of Permanent Representatives, and in one case a change of Foreign Minister.*⁵⁶

The State Department managed the usual presentation of contrary assurances, with the Under-Secretary of State, Robert Lovett, authorising Henderson to assure Arab delegates that no pressure would be exerted on member states to back partition, despite the positive vote of the United States. Meanwhile, David Niles, the Presidential assistant, instructed Johnson to twist arms if necessary. A committed pro-Zionist, Niles was not averse to countering the bureaucracy

without informing Truman, in the absence of positive contrary instructions from him. Those who were pressured were later reluctant to say so. Congressional figures and US citizens in official and quasi-official positions did much of this unofficially, but the Administration itself was also involved. Presidential confidant Bernard Baruch told China that it would not get a penny in aid without its support for partition. The Philippines government was subjected to pressure from senators and also a call from the White House to its Ambassador at the United Nations, Philippe Romulo, following a speech foreshadowing his vote against partition. Some counter-productive pressure was brought to bear on the Cuban Ambassador and the Greek delegation was unsuccessfully urged by US senators to vote for partition. Liberia and Haiti were similarly urged, successfully, on these occasions.⁵⁷

With two days left before the historic vote, Evatt urged Aranha, through Lie, to avoid the disaster of the United Nations shirking a decision: 'the choice', as he had cabled from Wyoming, 'is now between a complete washout and a positive solution'.⁵⁸ Once in San Francisco, he cabled Makin, urging him to do everything to rally maximum support for partition. He advised him to pursue Siam, which was wavering, and to put the situation in 'the strongest terms to Greece who [*sic*] owe so much to countries like the United States and Australia'. Evatt was also keeping a tight rein on his subordinates. Hodgson had been entirely unconvinced of the merits of partition and had said so to US delegates on at least one occasion.⁵⁹ Evatt instructed Burton to keep Hodgson on a short leash, as he might otherwise 'do a great deal of harm in a little time'.⁶⁰

In New York, the Zionists learnt that the French were hesitating, willing only to support partition if their vote was vital to the passage of the resolution. Parodi had been instructed by his government to seek a delay in which something might develop; it is unlikely anyone could have been realistically expecting an eleventh-hour compromise. The Jewish Agency approached the French Ambassador in Washington, Henri Bonnett, who agreed to try and persuade Parodi not to delay, and also Hilldring and Tsarapkin. They also sought to approach Evatt, only to discover that he had already left New York. Kirchwey, however, knew his whereabouts and immediately entered a telephone booth and reached him in San Francisco before he had boarded the SS *Matsonia*. Evatt agreed at once to contact Aranha to urge him to reject Parodi's suggestion and promised to instruct the Australian delegation to oppose delay if it came to a vote. He also contacted Fraser, asking him to hold the line in the Assembly.⁶¹

Following their conversation, Kirchwey emerged from the telephone booth and, along with Epstein, accosted Parodi, who had suddenly appeared in the corridor, to ascertain why France was proposing a delay. Journalists converged on the scene of this obviously dramatic encounter and Parodi declined to discuss in the limelight what France had in mind. Once inside addressing the Assembly, Parodi said with considerable candour that France understood the position of both sides, but was mindful of its relations with the Arab world. He hinted that partition, though it would lead to war, was the only possible solution. He suggested that the recent Iraqi proposal for further conciliation be given a 24-hour last chance, by which nothing would be lost if no agreement was forthcoming. The French motion was passed by 25 votes to 15.⁶²

The last-minute French gambit indicates with what deep reluctance nations were approaching the final vote.⁶³ Twenty-four hours to explore an even fruitless gesture at conciliation seemed a not unreasonable, indeed a quite prudent, expedient to mollify the Arab countries in their imminent disappointment.

Evatt boarded the *Matsonia* still unsure about the final outcome at Lake Success. Later that day, Makin cabled Evatt onboard ship, confirming Kirchwey's perturbing news about the French gambit. The rest of his cable offered little reassurance. Columbia was requesting that the Ad Hoc

Committee be reconvened for further deliberation, but this motion had not yet been put to a vote. Siam was now without a representative at the Assembly, Prince Subhasvasti, Evatt's silent partner on the moribund Subcommittee III, having embarked for Europe onboard the *Queen Mary*. Haiti seemed to be on the verge of reversing its opposition to partition. Makin was unable to confirm that the Philippines delegation had received new instructions from their government to support partition. The Greek delegation, moreover, was proving implacable in its opposition to partition, having received unequivocal instructions from Athens. As Makin noted, Greece had a sizeable Moslem population to consider. Evatt's work in bringing the General Assembly to embrace partition in that session looked on the verge of collapsing.⁶⁴

The next day, Camille Chamoun, the Lebanese representative, offered the first tactical concession from the Arab states but, on 29 November, it was a classic instance of too little too late. Chamoun proposed revisiting the federal state plan, dormant since its incarnation in the UNSCOP minority report. No consultation, however, with either the Arab Higher Committee or the Jewish Agency had preceded its introduction and Chamoun went considerably further than the original UNSCOP plan to propitiate Arab claims.⁶⁵ This was a non-starter. Twenty-four hours' delay had produced no solution. Partition went to the vote in the General Assembly in an agony of suspense. Again, Australia's 'Yes' marked the first of the affirmative votes that produced a tally of 33 to 13 against with 10 abstentions, the requisite two-thirds majority being thereby secured. Partition had not unravelled, Evatt's work had been salvaged, his subsequent effort had paid off and Jews stood on the brink of independence for the first time since antiquity.

How the decision for partition was produced, and how slender its margin, has been told. But it remains to clear up one last issue. The conjunction of superpower support for partition is usually taken as decisive in having produced the result. Such accord, which made possible though not inevitable the partition decision, could only have occurred before the Cold War had reached its full height, in circumstances in which Stalin was prepared for strategic reasons to entirely neglect traditional Soviet anti-Zionism and arm Israel, and when President Truman could still resist the combined pressures of the State Department, the military service chiefs and the oil companies. Soviet support, according to Laqueur, came just at the right time: 'without it [the Zionists] would not have stood a chance ... a few years later, the decision [in the United Nations] would, in all probability, have gone against Zionism'.⁶⁶ Writes Paul Johnson: 'Israel slipped into existence through a crack in the time continuum.'⁶⁷

But which factors were vital to Israel's emergence? Israel's existence was secured on the battlefield, but only after the decision for partition, made possible only after Britain turned the matter to the United Nations, which in turn only arose from the burdens of administering Palestine. Was the partition resolution, an unenforceable and non-binding decision, a vital link in a chain?

The question can be posed another way. What if partition had failed to command a majority despite US and Soviet support? Would Israel have emerged had the vote gone against Zionism and would the superpowers have supported it? It has been argued that these things might well have come to pass. It is not evident, writes Hillel Halkin,

*in what way history would have changed had the United Nations never voted for partition at all. The British would in all likelihood have withdrawn from Palestine, the Arab-Jewish war would still have broken out, and the State of Israel would still have been established within roughly the same boundaries that it occupied until 1967.*⁶⁸

Laqueur is less certain: without a decision for partition, ‘the Jewish state might nevertheless have come into existence – but without United Nations sanction and international recognition and, generally speaking, under very inauspicious circumstances’.⁶⁹ Halkin responds that this would probably have mattered little: the United Nations has been content to pass resolutions without enforcement, and prowess on the battlefield, not approbation in New York, was decisive.⁷⁰

However, Halkin’s argument is problematic because it fails to take account of the drastically altered conditions in which Israel’s independence struggle would have been waged. The vital moral and material support of the superpowers, upon which it depended, would have been removed. It might be suggested that this need not have been so and that US and Soviet support, based on motives of self-interest, would have flowed regardless. But this is most unlikely. It is not that either side felt bound by virtue of a UN resolution to act or to desist from acting. This would imply a degree of idealism or respect for international opinion conspicuously lacking elsewhere in the international conduct of states. Both the United States and the Soviet Union did indeed support Israel for reasons of perceived self-interest, but it is unwarranted to conclude therefore that their support was in any sense immutable. Both sides could muster sound, self-interested reasons for acting otherwise; indeed, in the United States, such a discord of interests, rising to a cacophonous pitch, was demonstrated in the highest levels of government. The partition resolution offered both powers an opportunity to act in a way not otherwise open to them on congenial terms. Decided differently, the avenue for their support would have been blocked and, at least in the American instance, matters were in any case so finely balanced that there can be no assurance that the United States would have adhered to the policy Truman eventually decided upon.

Certainly, those Zionist diplomats involved in the arduous work of securing support for partition were convinced of its decisive importance to their cause. Abba Eban opines:

*If the United Nations debate had ended in deadlock, it is unlikely that the British, with their massive armies, would have walked out and left us with a vacuum of authority. The strongest probability is that the country would have continued to live under international tutelage, with a joint American–British administration. And if the United Nations had asserted its sovereignty by proclaiming a UN trusteeship, it is unlikely that even President Truman and the Soviet Union would have extended recognition to a Jewish state established in revolt against an international jurisdiction. History, after all, is the story of opportunities; once they are lost they are unlikely to recur.*⁷¹

If this is indeed the case, and it is difficult to gainsay it, then the partition resolution, which had been secured through Evatt’s devious tenacity, must be regarded in turn as a vital link in the chain of developments leading to Israel’s emergence.

NOTES

1. Landa in interview with Honig, Sydney, 6 March 1985.
2. Evatt to General Douglas MacArthur, secret cable, 11 October 1947, AA A9420/1 1.
3. Burton to Evatt, draft cable, 8 October 1947, AA A9420/1 1.
4. Burton to Evatt, secret cable, 9 October 1947, AA A9420/1 1.
5. Evatt (New York) to Burton, secret cable, 8 October 1947 (received 9 October), *ibid*.

6. Leonard, 'The United Nations and Palestine', p. 642.
7. Strange, 'Palestine and the United Nations', p. 157.
8. Evatt (New York) to Burton, secret cable, 26 October 1947 (received 28 October), AA A9420/1 1.
9. ORGA, 2nd Session, 1947, Ad Hoc Committee, p. 146.
10. Gordon Knox (Adviser on Security Council and General Assembly affairs to US mission to the UN) to Johnson, top secret memorandum, 3 October 1947, *FRUS 1947*, Vol. 5, p. 1173.
11. Memorandum of conversation with Evatt by Charles Bohlen, 28 October 1947, NARA RG84, Box 86, US Mission to UN files 1945-49. Records of US Mission, Palestine October–December 1947 file.
12. Tennant, *Evatt: Politics and Justice*, p. 218.
13. Evatt to Marshall, letter, 1 November 1947; Evatt to King Saud, letter, 1 November; EC External Affairs – Palestine file; NARA RG84, Box 86, US Mission to UN files 1945–49. Records of US Mission, Palestine October–December 1947 file.
14. Austin to Evatt, letter, 6 November 1947, NARA RG84, Box 86, US Mission to UN files 1945–49. Records of US Mission, Palestine October–December 1947 file.
15. Evatt, *Task of Nations*, p. 145.
16. Austin to Marshall, cable, 1 December 1947, *FRUS 1947*, Vol. 5, p. 1294. I was unable to find a copy of Saud's reply amongst Evatt's papers.
17. Kopper memorandum, 'The Partition of Palestine and United States Security', 27 January 1948, *FRUS 1948*, Vol. 5, part 2, 1974, p. 564. A State Department Policy Planning Staff memorandum of 20 January 1948 also refers to the absence of UN efforts to conciliate Arabs and Jews, admittedly, more in reference to the last-minute Arab willingness to explore federalism just before the partition vote than to anything anterior, Cohen (ed.), *Rise of Israel*, Vol. 38, p. 14.
18. Austin to Marshall, memorandum, 15 October 1947, NARA RG84, Box 86, US Mission to UN files 1945–49. Records of US Mission, Palestine October–December 1947 file.
19. Evatt, *Task of Nations*, p. 145.
20. 'Dr Evatt Pushes Campaign for Palestine Decision', *Australian Weekly Review* (Australian News and Information Bureau bulletin), Vol. 1, No. 10, week ending 12 November, AA A3300/2 480.
21. Emanuel Neumann to Abba Hillel Silver, Shertok and Lourie, memorandum, 7 November 1947, SAI 2266/15. In view of these circumstances, it seems hard to credit the view that Evatt might have deliberately postponed a decision by the Committee until the Latin Americans had received positive instructions on partition unless he was responsible for the 'long delay' he had apparently foreseen; see Hyams, *History of the Australian Zionist Movement*, p. 75.
22. Burton to Evatt, secret cable, 13 November 1947, AA A9420/1 2.
23. Evatt (New York) to Burton, secret cable, 15 November 1947 (received same day), AA A9420/1 1.
24. Ibid.
25. Adelman, 'Australia and the Birth of Israel', p. 369.
26. Evatt to Burton, secret cable, 15 November 1947 (received same day), AA A9420/1 1.
27. As fate would have it, Herschel Johnson found himself at work with Granados in the implementation working group. Garcia-Granados, *The Birth of Israel*, p. 252.
28. Ibid., pp. 251–4.
29. 'Statement to be made by Sir Alexander Cadogan in Sub-Committee I of the Ad Hoc

- Committee on the Palestinian Question, 13th November 1947', EC External Affairs – Palestine File; *ORGA*, 1947, 2nd Session, Ad Hoc Committee, p. 153; Jones, *Failure in Palestine*, p. 295.
30. For instance, Raymond Denet (Managing Editor, *International Organizations*) to Evatt, letter, 16 October 1947; Evatt's acting secretary to Dennett, 22 October 1947; Evatt's acting secretary to Robert LaFollette (Ball State Teachers College), 18 October 1947; Clifton Forster (Stanford University) to Evatt, 6 October 1947; Evatt to Dr Cleland (Indiana University), 22 November 1947; EC Overseas Trips – 1947; Walter Stace (Princeton University) to Evatt, 21 November 1947, EC External Affairs – Palestine file; Tennant, *Evatt: Politics and Justice*, p. 220.
 31. Eban, *An Autobiography*, pp. 94–5; *Personal Witness*, pp. 119–20. See also Spiegel, *The Other Arab–Israeli Conflict*, p. 28.
 32. Subcommittees' reports in *ORGA*, 2nd Session, 1947, Ad Hoc Committee, pp. 242ff.
 33. Evatt, *Task of Nations*, pp. 148–9.
 34. *Ibid.*, p. 150.
 35. Noel-Baker to DEA and DD, secret cable, 22 November 1947 (received 3 December). AA A5954/1 2255/2; Comay to ZFANZ (Sydney), cable, 13 November 1947, SAI 2266/15; Elath, *HaMa'avak Al HaMedinah*, vol. 2, pp. 412–13; Garcia-Granados, *The Birth of Israel*, pp. 255–8; Jones, *Failure in Palestine*, pp. 302–3.
 36. Evatt, *Task of Nations*, p. 150; Comay to Sigalla, letter, 3 December 1947, SAI 2266/15.
 37. Leonard, 'The United Nations and Palestine', p. 643.
 38. Evatt, *Task of Nations*, p. 162.
 39. Strange, 'Palestine and the United Nations', p. 167; Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 421; Memorandum of conversation with Evatt by Robert McClintock, 18 October 1947, NARA RG84, Box 57, US Mission to UN files.
 40. Strange, 'Palestine and the United Nations', pp. 155–7.
 41. Comay to Sigalla, letter, 3 December 1947, SAI 2266/15; Lourie to Sigalla, letter, 3 February 1948, SAI 125/17; Samuel Kopper, memorandum, 27 January 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, p. 68.
 42. Landa in interview with Honig, Sydney, 6 March 1985.
 43. Shertok to Evatt, letter, 16 May 1949, EC Overseas Trips, 1949. Allowance should be made for the fact that Shertok's view comes in a laudatory letter to Evatt just after Evatt's successful moves to admit Israel to United Nations membership, but the judgement seems accurate enough. Strange, 'Palestine and the United Nations', pp. 154ff.
 44. Horowitz, *State in the Making*, p. 261.
 45. Evatt refers to the Colombian incident, but makes no reference to the cause of their complaint; Evatt, *Task of Nations*, p. 142.
 46. Crocker's argument on this point was noted earlier; *Australian Ambassador*, p. 92; *Travelling Back*, p. 106.
 47. For example, Samuel Kopper: 'It is safe to say that had [the Arab states] shown their willingness to accept a Federal State sooner [than 29 November], partition might have been blocked.' Kopper memorandum, 27 January 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, p. 73.
 48. Strange, 'Palestine and the United Nations', p. 154.
 49. Zuhair Mohammed Hamdam, 'A Study of the Arab–Israeli Conflict in the United Nations During the Period Between 1947 and 1957', Dissertation, Union University Graduate School, Jackson, TN, 1976, p. 84.

50. Evatt to Burton, secret cable, 26 November 1947 (received 27 November), AA A9420/1 1.
51. Australian UN delegation to DEA, secret cable, 25 November 1947 (received 26 November), AA A1838/278 852/20/3, i.
52. Memorandum of conversation with Jamali by Henderson, 11 December 1947, *FRUS 1947*, Vol. 5, p. 1310.
53. Gelber to Jewish Agency Executive, memorandum, 8 April 1948, *PDD*, p. 580.
54. Evatt, *Task of Nations*, p. 163.
55. Garcia-Granados, *The Birth of Israel*, pp. 263–5; Harry S. Truman, *Memoirs*, Vol. 2, *Years of Trial and Hope, 1946–1953* (Doubleday, Garden City, New York, 1956), p. 132; Sumner Welles, *We Need Not Fail*, p. 63.
56. O'Brien, *The Siege*, p. 279.
57. *Ibid.*; Spiegel, *The Other Arab–Israeli Conflict*, pp. 17 and 29; US SD Policy Planning Staff memorandum on Palestine, 20 January 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, pp. 23ff. for section dealing with US pressure on foreign governments.
58. Evatt (Chapenne, WY) to Lie and Andrew Cordier (Assistant to Lie), telegram, 27 November 1947, *DAFP*, Vol. 12, p. 28.
59. Memorandum of conversation with Hodgson by Hayden Raynor (US delegation), 7 October 1947, NARA RG84, Box 57, US Mission to UN files.
60. Evatt to Makin, cable, 27 November 1947. EC External Affairs – Palestine file, relayed by Makin to Burton, secret cable, 28 November (received 29 November). AA A9420/1 1.
61. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, pp. 452–3; AAJ Linton Diary, 20 January 1952.
62. Elath, *HaMa'avak Al HaMedinah*, Vol. 2, p. 453.
63. Strange, 'Palestine and the United Nations', pp. 158–9.
64. Makin to Evatt (SS *Matsonia*), 28 November 1947, EC External Affairs – Palestine.
65. Rusk to Lovett, memorandum, 26 January 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, p. 43.
66. Walter Laqueur, *A History of Zionism* (Weidenfeld & Nicolson, London, 1972), pp. 579–83; see also Kedourie, 'The Arab–Israeli Conflict', p. 223.
67. Johnson, *Modern Times*, p. 485.
68. Hillel Halkin, 'Zionism Revisited: The Historic Enterprise', *Commentary*, Vol. 55, No. 5, May 1973, p. 77.
69. Laqueur, *A History of Zionism*, p. 594.
70. Halkin, 'Zionism Revisited', p. 77.
71. Eban, *Personal Witness*, p. 126.



Figure 1

Trusted subordinate. John Burton with Evatt at the San Francisco Conference, 1945



Figure 2
Sam Atyeo (as depicted by J. Ross), *UNSCOP Jerusalem 1947*



Figure 3
Sam (second from left) and Moya Atyeo (right) with Herbert and Mary Alice Evatt (centre),
Yosemite National Park, 2 July 1945



Figure 4
Sartorial infelicity. Attlee straightens Evatt's tie at the Prime Minister's Conference, London,
1947



Figure 5
Max Freilich and Horace B. Newman, Sydney, 1940s



Figure 6

A guided tour. Macarthur greets Evatt on arrival in Osaka, 26 July 1947



Figure 7
John Hood (as depicted by J. Ross), *UNSCOP Jerusalem 1947*

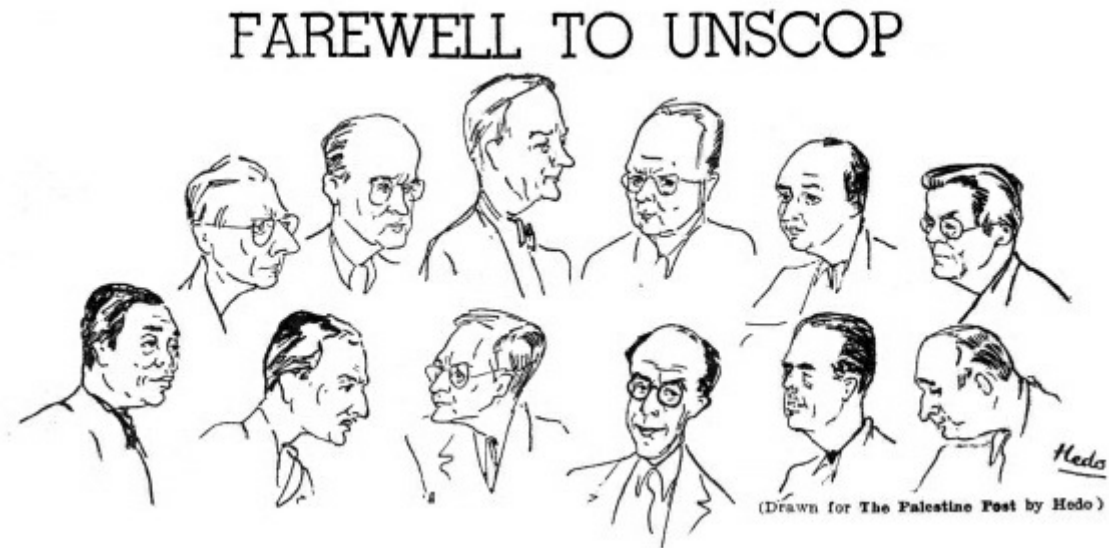


Figure 8
The members of UNSCOP as depicted by Hedo, *Palestine Post*, 18 July 1947



Figure 9
Commonwealth Conference on the Japanese Treaty, Canberra, 26 August to 2 September 1947.
In the front row, from the left, are: Peter Fraser, Lord Addison, Ben Chifley and Evatt



Figure 10
Moshe Shertok (later Sharett) (as depicted by J. Ross), *UNSCOP Jerusalem 1947*

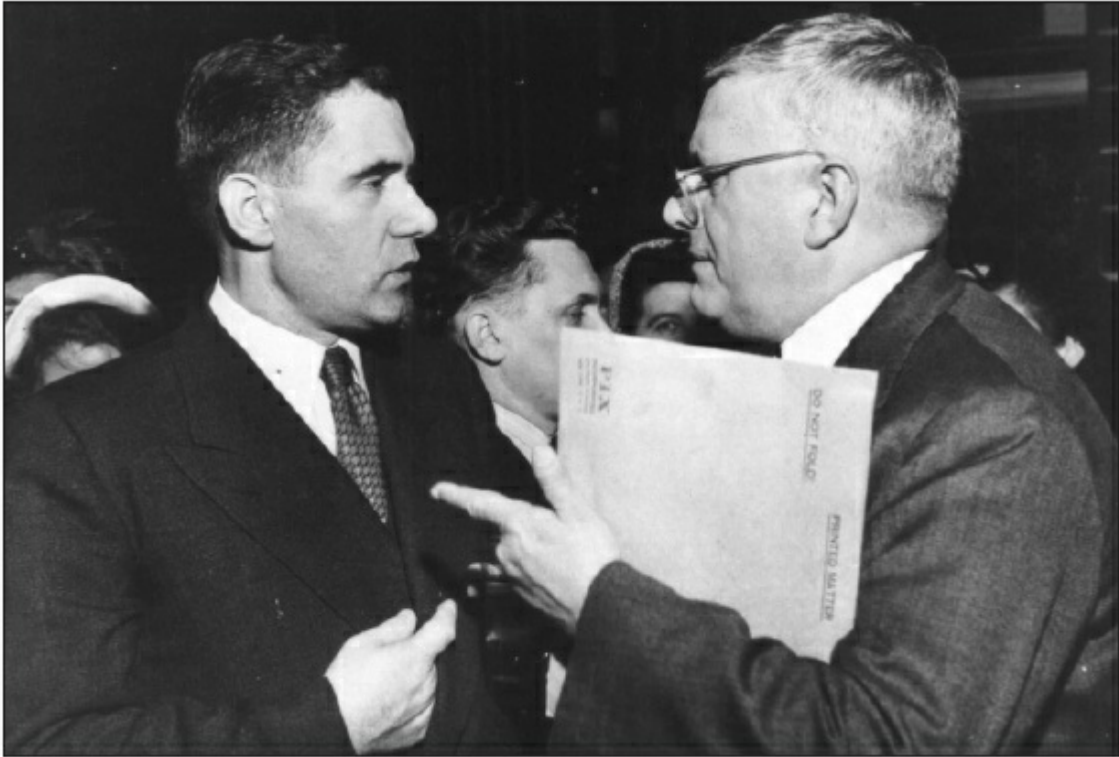


Figure 11
Gromyko and Evatt consult at the UN, New York, 10 November 1947



Figure 12
'Abortive and utterly weak efforts': the members of Sub-Committee III, Lake Success, New

York, 25 September 1947



Figure 13

Masterly inactivity. Evatt and Marshall chat before a meeting of the General Assembly, 23 September 1947



Figure 14

Eliahu Epstein and Freda Kirchwey corner Alexandre Parodi at the UN, New York, 28 November 1947



Figure 15

Evatt confers with Lie, Paris, 24 September 1948



Figure 16
Aubrey (later Abba) Eban (as depicted by J. Ross), *UNSCOP Jerusalem 1947*



Figure 17

‘The most significant moment of my Presidency’: Evatt and Sharett shake hands after Israel is admitted as the fifty-ninth member of the UN, New York, 18 May 1949



Figure 18

Evatt, guest of honour at a Zionist Federation dinner, Sydney, 24 July 1949



Figure 19

Recalling glory days: Evatt and Sharett, Lydda, 2 July 1957

10

‘Intrigues Directed Against the Jewish People’

The passage of partition was followed by the War of the Palestine Succession. The upsurge of conflict and the changing fortunes of the combatants precipitated fresh diplomatic activity. No longer at centre stage in the diplomatic drama, Evatt was nonetheless impelled to maintain a reactive involvement. He quickly discovered that the political victory he had helped achieve for Zionism, while crucial to its fortunes, was not conclusive for its labours.

Returning to Australia, his immediate concern was the domestic political ramifications of the UN decision. He need not have worried about the Jewish reaction. All the same, he wired Burton, asking him to thank Landa for his congratulatory cable and to privately inform prominent Jewish figures who might enquire that he would see them upon his return. Burton was to emphasise Evatt’s truthful description of his successful work in the Ad Hoc Committee as having been achieved in the face of ‘inertia’ and ‘sabotage delays’.¹ Still at sea he received congratulations from Newman and Freilich, as did Chifley and New Zealand’s Peter Fraser. Bishop Pilcher also hailed him as the ‘messiah’ for his work.²

Not all reaction was so favourable and Chifley was asked in the House on 2 December why Australia had voted for a resolution on which Britain had abstained and for which, it was alleged, approving countries had assumed specific obligations to commit armed forces for its implementation. Had the government known what Evatt was about and had it approved Evatt’s action? Chifley was compelled to reply with a greater emphasis on independent Australian discretion than he might have intended. ‘What the United Kingdom did in connexion with voting on the Palestine partition plan is a matter entirely for the government of that country and does not call for comment by the Australian Government.’³ Chifley then professed to be surprised at the ‘presumptuous act’ of questioning a British decision (which in fact had not been questioned) and offered the unconvincing estimate that Britain had abstained because he ‘imagined’ its involvement in Palestine meant that ‘it might not have been regarded as an impartial party to the deliberations’.⁴ The explanation was sheer improvisation, and his unease at the divergence from Britain Evatt had occasioned on a major issue of policy affecting imperial interests was patent. But Chifley was forthright defending Evatt’s vote: ‘It was not a matter of choosing between the bad and the good, but of choosing the least of a number of evils. Throughout the negotiations the Australian Government was kept fully informed, and it approved the vote cast by its representative.’⁵

Upon Evatt’s return to Australia, the Zionist Federation decided to honour him by planting a Jewish National Fund forest in Palestine in his name. He received a standing ovation when he appeared as guest of honour at a banquet it hosted in Melbourne on 18 December in which words of stately tribute were paid to his work as Ad Hoc Committee chairman. Newman remarked,

‘This is the second time in modern Jewish history when the Jews have been able to gather in happiness to honour a great British statesman.’⁶ Profoundly moved, Evatt thanked Newman and other speakers, and replied that, ‘What I did to bring about the decision for setting up a Jewish state in part of Palestine was not an act of favour to the Jews but [was done] because I firmly believe in the justice of the Jewish case.’⁷ His tergiversations in New York, and their occasionally arcane motives, were for the moment behind him.

There was no Jewish vote of electoral consequence in Australia. However, there was certainly a Catholic one, and Evatt was always at pains to cultivate it. The Vatican had long opposed the concept of Jewish statehood in Palestine and had frequently cited the potential for erosion of Catholic liberties enjoyed in the Holy Land in such an event.⁸ This had been the motive for Evatt’s amendments to partition to secure internationalisation of the churches in Jerusalem and Bethlehem. In communication to Burton from the *Matsonia*, Evatt noted his decisive contribution to the passage of the amendments that guaranteed churches against the possibility of discriminatory taxation and which, he pointedly emphasised, were ‘very acceptable to the Catholics in America’.⁹

Evatt was also circumspect with regard to the British reaction to his conduct in New York. Here, as so often, Evatt depersonalised his involvement. Upon returning to Australia, he informed Philip Noel-Baker,¹⁰ Addison’s successor as Commonwealth Relations Secretary since October, that his delegation, ‘like those of Canada, South Africa and New Zealand’, had done their ‘utmost to obtain approval of every UK request dealing with protection of UK troops and UK authority’. The revisions by Subcommittee I to its timetable for terminating the Mandate, Evatt emphasised, had been made with a view to facilitating Britain’s stated schedule for withdrawal as elaborated by Cadogan. There was no talk here of having single-handedly fought sabotage and delay to bring about partition. Only on the potential consequences of the Arab states intervening in Palestine did Evatt offer the view that this would belittle the authority of the United Nations, a clear indication nonetheless of where he stood on the issue.¹¹

Before adjourning on 29 November, the Assembly had appointed Bolivia, Czechoslovakia, Denmark, Panama and the Philippines as members of the Palestine Commission with responsibility for the implementation of partition. On 9 December, the Security Council took official cognisance of partition and the Trusteeship Council commenced deliberations on administering the City of Jerusalem. The British preferred that the Commission assume gradual rather than immediate authority, a preference with which Evatt took issue almost as soon as he had returned to Canberra. In his cable to Noel-Baker, he opposed Britain’s attempts to approach each member of the Commission for the purpose of obtaining a delay:

this may possibly intensify confusion and set the stage for the opening of full scale hostilities at a time that is most conve[nient]¹² to the Arabs who have already been guilty of [an] openly threatening attitude to the United Nations ... the working of the U.N. Commission should be accelerated rather than delayed.¹³

In fact, the Palestine Commission’s work amounted to nothing. Seeking to assume control in British-evacuated areas, the Commission ran up against the insistence of the Mandatory to retain undivided control until the termination of the Mandate. When the Commission planned to depart for Palestine, the British government officially stated it did not welcome its arrival any earlier than the last fortnight of the Mandate. The Commission could therefore undertake no preparatory work towards partition and Jewish immigration could not proceed with Britain’s refusal to open a sea port to vessels bearing refugees.¹⁴ The Security Council was held to have no obligation to

instruct the Commission and indeed, it did not deal with the question of Palestine until 24 February 1948, three months after the passage of partition in the Assembly. By this stage, the Security Council possessed the Commission's first report on Britain's lack of co-operation. The report drew attention to the fact that 'Powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein.'¹⁵ Thereafter, until 1 April, the Security Council was to be consumed in heated debate on Palestine, with the twin questions of effecting peace and partition constantly debated along legal, practical and philosophical lines.

The new year witnessed an alteration in the Security Council's composition that favoured the Arabs.¹⁶ Canada had replaced Australia, and Poland had replaced the Ukraine, which in so far as Palestine was concerned, meant no effective change, but the replacement of Brazil by the Argentine reduced the pro-partitionist majority to the bare minimum of six. This meant a Security Council lacking the requisite seven votes for any resolution aimed at giving effect to partition. Moreover, there were precedents for the Council to refuse accepting responsibilities assigned to it by the Assembly. Even without the change in composition, the diplomatic climate for enforcing partition was lacking. Already on 9 December, the Council, despite superpower support and a clear lead from Hood, serving as President, agitated against even 'taking note' of or 'being seized' by the Assembly's partition resolution.¹⁷ It is here that the reluctance of nations to support partition is most evident.

It is also here that the partition plan's principal weakness can be seen. At the time of the Ad Hoc Committee discussions, proposals for enforcement provisions had been made but none adopted. New Zealand, it will be recalled, had at one point looked like rejecting partition on this account. So had other states. Perhaps it was assumed that in the end Arab defiance would not amount to much, or that Britain, contrary to its repeated assurances, would step in to end fighting. Either way, this signal omission in the partition plan nearly became its undoing.¹⁸

The state of Evatt's feelings on Palestine was quite fixed. He was perturbed to see his work on Palestine being chipped away and developments in each succeeding week during the first months of 1948 seemed to foretell the sabotaging of partition. At a meeting of Commonwealth High Commissioners in London, Australia's Jack Beasley urged Hector McNeil, the Minister of State in the Foreign Office, that Britain give all possible assistance to enable implementing partition. The high commissioners of Canada and India also urged that the Palestine Commission be permitted entry earlier than the last fortnight of the Mandate, but this was refused, McNeil noting that Britain, whilst not relinquishing authority, was 'supplying advice' to the Commission.¹⁹

Anxious for help from friendly quarters, the Zionists sought out Hood, but discovered that he had been recalled to Canberra for consultation. He was, in fact, part of a circle which included Hodgson and Evatt's legal adviser, Sir Frederic Eggleston, assisting Evatt in framing a major foreign policy speech for the autumn parliamentary session and discussing sundry matters. All of them were to be held up in Canberra as Evatt attended to the demands of his multiple briefs and Hood, strangely enough, was also enlisted into assisting Evatt's appearance before the High Court with the result that his short consultation lasted three months during which time the UN mission was without a head.²⁰ So it devolved to Ralph Harry, the First Secretary in New York, to meet and reassure the Zionists about Australian policy. Harry told Lionel Gelber of the Jewish Agency that Australia supported the idea of an international force to supervise implementation of partition, staffed chiefly by the permanent members of the Security Council, and would oppose US objections to the sending of Soviet troops. The Americans feared that Soviet troops, once on the ground in the Middle East, might never leave the area. According to Harry, however, the

absence of a clear timetable for international action was a weakness that might consign the scheme to oblivion. If Evatt so instructed, the Australian delegation might make representations to Security Council members in favour of implementing partition. Harry advised the Jewish Agency to make some judicious leaks about the composition of its provisional government for Palestine, which would indicate Jewish readiness to assume statehood. But Harry had no way of enlightening Gelber as to British intentions: 'As for the United Kingdom,' reported Gelber, 'the Australians are as mystified about its attitude as the rest of us.'²¹

The partition resolution brought about an immediate change on the ground in Palestine and indeed throughout the Middle East. Inter-communal violence between Arabs and Jews became more marked until it was the norm. The British Mandate entered its terminal phase. The day after the resolution at Lake Success, Arab attacks on Jewish life and property commenced in Tel Aviv, Jaffa, Lydda and Jerusalem. Riots broke out against Jewish communities outside Palestine, in Damascus, Aleppo, Baghdad, Cairo, Beirut and Aden. In all, there were several hundred fatalities and dozens of synagogues were destroyed. A holy war was proclaimed by the Ulema at Al-Azhar University in Cairo.²² In Palestine, 869 people on all sides had been killed and 1,909 wounded in hostilities by 1 February 1948.²³

As Palestine disintegrated into violence, international reluctance, politicking and vacillation produced an active relinquishment of UN responsibility. The absence of enforcement provisions in the partition resolution was an obvious defect the Assembly had attempted to make good by appealing to the Security Council to adopt necessary measures for implementation and to consider armed opposition as a threat to international peace and security. The superpowers had exhibited the will to vote in concert on partition. They soon discovered they lacked the will to implement it by sending troops to Palestine. Each suspected the other of seeking to introduce its own forces and that of its allies into the Middle East under the cover of an international police action. Soviet opposition in the Council delayed, then nullified, US efforts to establish an international constabulary. The United Nations rose without endorsing any measures to see its decision implemented and the announcement by Creech-Jones on 11 December 1947 that Britain had decided to terminate the Mandate and evacuate its administration from Palestine on 15 May left only a matter of weeks in which to take steps to avert full-scale warfare. The British Mayor of Jerusalem, R.M. Graves, foresaw the portent correctly enough by late January: 'The news from the UNO is most unsatisfactory. There is no likelihood that an international force will be sent to implement partition, which means that the contestants who are supposed to have had their cause settled in a court of law will be left to fight it out.'²⁴ Hardly a disincentive to Arab states contemplating intervention after the withdrawal of the British garrison.

The military situation during February and March favoured Arab forces: Jewish Jerusalem was encircled; the Jewish settlement bloc at Kfar Etzion to the south had fallen, despite a desperate bid for its defence by a unit of the Haganah, the embryonic Jewish army. The Haganah unit had been entirely wiped out in the attempt. Over 100 Jews died defending the bloc, and the Arab irregulars who had taken it summarily shot more than a score who surrendered. An attack on Tirat Tzvi by the Mufti's Arab Liberation Army led by Fawzi al-Kaukji had been repulsed, but authority in the eastern part of the Mandate was gradually being assumed from departing British personnel by Arab garrisons. The Zionists still remained short of arms, though the Arabs largely assumed otherwise. The Security Council had embargoed arms shipments for Palestine that in reality only affected the Jews who did, however, find a crucial lifeline, courtesy of Stalin, who instructed the Czechs to secretly supply Israel. A UN observer, Colonel Rosher-Lund, was pessimistic of Jewish military fortunes and doubted any heavy military equipment could be

imported into Tel Aviv before the termination in mid-May of the Mandatory, whose acts and omissions were in general favouring the Arabs. Jerusalem's water supply was cut in March, following the occupation of the water pumping station by Iraqi irregulars, after the British Army had sold the land to a local Arab who invited them to stay.²⁵

Calculated atrocities, skirmishes and raiding were taking place across the country, particularly in the Galilee. Jewish forces also attacked Arab villages, killing 10 people at Khissas in December and 11 at Sassa in February. Irregular Arab militias began to enter Palestine's increasingly porous borders, in the face of British inertia despite the availability of a large expeditionary force in Palestine at the time. The Haganah began a remarkably late transformation from a defensive militia into a national army.

Evatt was becoming aware by degrees of British aloofness from any positive action in favour of implementation. In a meeting of Commonwealth High Commissioners in London on 13 February, McNeil had told the representatives that no British contribution to the proposed international force would be made even in the event that it permitted entry to the Commission. Beasley challenged this, contending that a refusal to contribute could be regarded as, in effect, a veto. McNeil denied this.²⁶

In addition to these forecasts of British non-co-operation, it was not long before Evatt learned that Bevin was preparing to accede to Arab calls for British armaments. Evatt addressed his concerns over British policy directly to London in late February, arguing that all British negotiations over the shipment of arms to Arab states under treaty obligations should 'depend on Arabs first showing willingness to support United Nations Decision on Palestine', an argument he pressed with particular reference to the Anglo-Egyptian Treaty.²⁷ The reply from Whitehall arrived a little over one week later. Noel-Baker's response took the form of an avuncular admonition on the difficulties of implementing decisions that failed to win joint Arab and Jewish agreement. He also referred also to second thoughts 'in other quarters especially in the United States of the stark realities of the situation' as the reason for the waning of support for partition. He argued that Britain was better situated to restrain Arabs now that it had entered into treaty relations with Transjordan 'than if we had insisted on preconditions which they undoubtedly would have rejected'. Having lent no support to partition, Britain could scarcely insist that Egypt do so now.²⁸

On 16 February, the Palestine Commission, alone amongst UN organs to express alarm at the rising tide of violence, presented its first report, pointing to the threat to 'the authority and effectiveness of the United Nations'. It made a plea for urgent action, stating that:

*It would be unable to establish security and maintain law and order, without which it cannot implement the resolution of the General Assembly, unless military forces of adequate strength are made available to the Commission when the responsibility for the administration of Palestine is transferred to it ... A dangerous and tragic precedent will have been established if force, or the threat of the use of force, is to prove an effective deterrent to the will of the United Nations.*²⁹

Subsequent events have fully vindicated this bleak prophecy. In subsequent years, the United Nations has moved beyond an inability to enforce its settlements to an increasing incapacity to even agree upon them. The slow eclipse of its democratic majority and the gerrymander inherent in a one state, one vote system, caused constructive diplomacy to desert the Assembly. What serious business remained to be transacted moved to the Security Council, where it stalled on all

but the remote occasions one or other permanent member declined to veto its decisions. This is the United Nations we have today.

When the Security Council reconvened, international inertia was formalised. The policy of the United States mystified everyone. On 24 February, Ambassador Warren Austin rose and addressed the Council, delivering a contradictory exposition of the Council's responsibilities. On one hand, he called for the Council to give due consideration to the threat to the peace posed by attempts to thwart partition. On the other, he asserted that the Charter 'does not empower the Security Council to enforce a political settlement, whether it is pursuant to a recommendation of the General Assembly or of the Security Council itself'. This amounted to saying that physical efforts to eliminate partition could not be opposed by diplomatic efforts to preserve it. Having delivered this paradoxical judgement, Austin then called for the Big Five to consult the Mandatory power and the Palestine Commission in examining the matter, leading all to assume that the United States was winking on its commitment to partition. To confuse matters further, this allegation was vehemently denied by Austin and by Truman himself as soon as it was raised.³⁰

But the drift in US policy was patent in Austin's statement that priority be given to efforts at preserving peace in Palestine, not the Assembly decision for partition. On 5 March, the Security Council voted on a US resolution tendered in February to discuss whether the Palestine situation constituted a threat to peace, 'a proposition which reads somewhat as though they should discuss whether or not the earth was spherical'.³¹ Austin and Marshall denied, however, that this resolution amounted to a US retreat from partition. As late as 14 March, the United States and the Soviet Union were voting in concert for the Council to do everything permissible under the Charter to give effect to partition. But on 16 March, Marshall authorised Austin to propose trusteeship, telling him that Security Council efforts to keep the peace should not run the risk of being interpreted by the Arabs as covert support for partition. Negotiating conditions for immediate peace were to take priority over giving effect to partition.³² It was obviously one thing for the General Assembly, at American behest, to endorse partition, but another for the Security Council to concur with it. Accordingly, on 19 March, a complete reversal of policy was duly enunciated by Austin in the Security Council, in the form of a call for complete suspension of action on partition and the establishment of a 'temporary trusteeship' over Palestine administered by the United Nations.³³

What were the factors underlying the US reversal? There were several: the deepening US confrontation with the Soviet Union, as symbolised by the Czech coup, Stalin's pressures on Finland, the deteriorating situation in Berlin, the prospect of an electoral victory for the Italian communists, for which feared eventuality limited mobilisation was being contemplated. These developments gave added force to the State Department's fears for US-Arab relations, the military establishment's fear of having to commit troops to Palestine, and the belief within the CIA that the Jews would in any case lose. This represented a formidable combination of interests pressing for revising the Palestine settlement that the United Nations had favoured. Previously, there had always been pro-Zionists to dissuade Truman or neuter the efforts of the Office of Near Eastern Affairs. But now Truman was preoccupied with European affairs; still estranged somewhat from the Zionists by the recent intensity of their pressure; Marshall was leading the President in foreign policy; and pro-Zionists like Niles and Clifford were for one reason or another temporarily off the scene. Additionally, Truman was now expected to lose the presidential elections in November, with a consequent diminution of the importance of the Jewish vote. Even electorally, the idea of having to enforce partition with US soldiers (as was

then thought, a prerequisite for giving effect to the resolution) was perceived as being even more damaging to Truman's electoral prospects than alienating American Jews.³⁴

Henderson believed that trusteeship with Soviet disapproval was better than having 10,000 Red Army troops on the ground to enforce partition. Middle Eastern oil production levels would need to be more than doubled to enable the Marshall Plan to proceed smoothly, an increase (it was feared) beyond US power to negotiate in existing circumstances. The State Department had successfully proposed to Truman placing an arms embargo on the Middle East even before the vote on partition. In practice, the embargo was hurting only the Jews, the Arab states having more diverse and reliable sources of weaponry, including Britain. The State Department viewed the importation of arms into Palestine as leading ineluctably to an enlargement of the conflict, which would lead to all the undesirable consequences of direct US involvement. There was also a belief, correct in the strict sense, that effect could not be given to partition on account of Arab opposition. Moreover, the precedent of insisting on Jewish self-determination, implicit in support of partition, might serve as the pretext for the Soviet Union to set up Azeri, Armenian and Macedonian satellites, further impairing the global US position.³⁵

Such, at any rate, were the terms in which George Kennan, the head of the State Department's Policy Planning Staff, expounded on the situation in a memorandum in January. He then added:

*when and if the march of events has conclusively demonstrated that the effort to carry out the partition plan as prescribed by the U.N. General Assembly offers no reasonable prospect for success without the use of outside armed force, we should then take the position that we have been obliged to conclude that it is impracticable and undesirable for the international community to attempt to enforce any form of partition in the absence of agreement between the parties, and that the matter should go back to the U.N. General Assembly.*³⁶

That was precisely the course of action which the United States now adopted, setting an ominous post-war precedent that so closely resembled earlier British attempts to enlist Arab friendship by surrendering to the threat of force. It is probable that the United Nations would have ultimately failed anyway in its quest for collective security, but the Palestine reversal was a watershed demonstration of the impotence of an international consensus against the opposition of a great power. The trusteeship episode was a traumatic experience for all concerned. In seeking words to describe it, one thinks of T.E. Lawrence, introducing his account of the Arab Revolt. 'It aroused mixed feelings and made strong friends and strong enemies, amid whose clashing jealousies its affairs began to miscarry.'³⁷

The American reversal inadvertently landed Truman in an invidious position, partly of his own making. Austin's statement came only the day after Truman had privately reaffirmed his support for partition to Weizmann in a meeting brought about only after much effort by the Zionists to intercede over the policy drift. Truman said that unless the Assembly approved trusteeship, the United States would adhere to partition. Truman, it is now established, had seen the State Department's recommendation for advocating trusteeship, but had probably not grasped its significance so that he was rudely surprised when assurances of US support for partition which he gave to Weizmann that day were abandoned by Austin in the Security Council the next. The first Truman knew of Austin's speech he discovered in his morning paper. Truman had not been consulted about the precise timing of Austin's statement, but he had approved a proposal, received from McClintock through Clifford the previous month, calling for trusteeship in the event of Security Council rejection of implementing partition. In fact, the Council had not voted

down implementation, but recorded opposition to enforcing it; a subtle distinction which was duly exploited by the 'striped pants boys'. Austin proceeded in accordance with what he believed to be presidentially approved policy. Be that as it may, Truman was in a bind, even though Weizmann never doubted Truman's fidelity to his commitments.³⁸

In Palestine, the situation continued to deteriorate. Outrage at civilian casualties spurred both sides to more extreme fighting. On 8 April, an attack by the Irgun upon Deir Yassin, a non-belligerent village on the road near Jerusalem which had, however, been occupied by the Mufti's bands, resulted in fierce house-to-house fighting and some 250 Arab, chiefly civilian, deaths. These included the summary shooting of a score of unarmed civilians. An intended Irgun loud-speaker warning to civilians to leave the area did not materialise, owing to the immobilising of the loudspeaker van. The Irgun prevented inspection by the Red Cross immediately after the fighting. Although a formal apology by the Jewish Agency was published at the time, both Arabs and Jews engaged in Jewish atrocity propaganda, with the occurrences at Deir Yassin particularly magnified by the Arab leadership: the Arabs to arouse defiance (with the opposite result of inducing panic and flight), the Jews to demoralise their adversaries. Irregular Arab forces carried out random attacks on Jewish metropolitan areas, settlements and transportation. A convoy of 77 Jewish doctors, nurses, teachers and students on its way, with prior British approval, to the Hebrew University on Mount Scopus was massacred by irregular Arab forces within a few hundred metres of British military outposts. British forces refused to intervene. Ben Yehuda Street in the Jewish sector of Jerusalem was bombed by Arab terrorists. British favouring of Arabs did not extend, however, to protecting their sectors of the partition plan from Jewish military attack.³⁹

The Arab exodus began in the last months of the Mandate for a combination of reasons that have been the subject of heated debate, the more so in recent years when a group of Israeli academics calling themselves the 'new historians' claimed to have demolished earlier Israeli accounts asserting Arab instigation and tending to ameliorate Jewish responsibility. From the evidence that has emerged, no single explanation aspiring to completeness can withstand scrutiny, but limited by time and place, each has its validity. Accordingly, Palestinians fled on their own initiative or at the instigation of their leaders, especially in the earlier stages of the struggle. Others were driven out, deliberately or otherwise, by Jewish forces or the clash of battle, especially in the later stages of the war. The Arab and Jewish leadership exerted themselves at different times and places to stem the flight and encouraged them to stay, but with limited impact in an arena already poisoned with atrocity propaganda.⁴⁰

The Zionist aim at this stage was to secure the areas allotted to Zionism by partition. Arabs and Jews misjudged each other's intention and strength. Jewish Agency officials, so deft and realistic in New York and London, tended to underestimate the Arab mood in Damascus and Cairo. They attributed decisive importance to the views and impulses of the many Arab diplomats with whom they were acquainted or engaged in clandestine contacts, and paid insufficient attention to what was developing in the streets of Arab cities throughout the Middle East. The Mufti, alone among Arab leaders, welcomed hostilities but opposed the intervention of Arab armies that he knew to be motivated by the acquisitive designs of their leadership. Underestimating the Haganah's strength and determination, he thought that a return to the guerrilla warfare and terrorism of the 1930s would prove adequate for Palestinian purposes. Indeed, his career had produced more extremism in distant Arab lands than within Palestine itself, where the people directly concerned were inclined to greater caution. One US diplomat reported speaking in London to Iraqi officials who indicated that so strong was public sentiment

on Palestine in their country that no Iraqi government could hope to seek compromise and survive.⁴¹

Full-scale war in Palestine was certain, the march of events inexorable, efforts to avert it feeble or non-existent, and the rug had been pulled from under partition by the very power that had solicited the votes to endorse it.

The trusteeship proposal not only traumatised Zionists, but also shocked Evatt into action. His labours stood to be undone and the United Nations was looking degraded. He sought to secure New Zealand's opposition to trusteeship even before it had been formally proposed by Austin, telling Fraser on 15 March that support for the United Nations decision in Palestine was 'an overriding factor' in Australia's position and that it would be contrary to Commonwealth interests to see it opposed. On 22 March, three days after the American volte face, Evatt issued a vigorous and detailed condemnation of the attempt to overturn partition which represents the most complete public statement of his views on the question and is worth quoting in full:

Decisions of a competent international conference should be accepted after there has been full enquiry and fair debate and a just settlement has been reached. Accordingly, any setting aside of the United Nations Assembly decision on Palestine must be closely scrutinised. It is impossible to examine the new plan in detail because nothing definite is known about it. It is said that the 'Trusteeship' will be the new solution. But the word itself is ambiguous. What does it mean? It certainly seems to imply that the peoples to be placed under 'Trusteeship' are not sufficiently 'advanced' for selfgovernment [sic]. Such a suggestion would seem to be untenable in relation either to the Palestinian Arabs or the Palestinian Jews. If however what is now proposed is a temporary United Nations Trusteeship merely for the purpose of carrying out the Assembly's decision it would be a very different matter. But is that intended? The final decision was reached in December [sic] last year after two General Assemblies had dealt most carefully and exhaustively with the matter after all parties were heard and after a special Commission involving very heavy United Nations expenditure had visited Palestine and reported in favour of the principles of the plan ultimately adopted by the Assembly. The plan adopted is inappropriately labelled 'partition' because it involves four separate points: First, economic union of the whole of Palestine under the control of an authority with the majority of the United Nations membership; second, political division of Palestine into two new states, Jewish and Arab; third, United Nations Trusteeship over Jerusalem and Bethlehem; and fourth, full safeguards for the holy places and especially the Christian churches throughout the whole of Palestine. The only alternative plan suggested to the Assembly was to establish a unitary state under Arab domination with no adequate safeguards for the protection either of the Jewish people or of the Christian churches. This alternative was plainly inadmissible and was rejected by an overwhelming majority. The United Nations decision was reached by more than a two-thirds majority, the only dissentients being the Arab States and certain nations very closely associated with them. The decision was a just and impartial one and must not be lightly set aside.

The United Nations did not intermeddle [sic] in the Palestine matter. It intervened only after the United Kingdom Government had especially requested the United Nations Assembly to handle the matter as all previous efforts at

reconciliation had entirely failed. At the United Nations the British Government did not itself propose any solution and announced it would accept the United Nations decision. In these circumstances Canada, Australia, South Africa and New Zealand all supported the proposal finally adopted. After all that had [sic] occurred to throw the solution into the melting pot again may be very damaging to the authority of the United Nations. It has been contended that the 'enforcement' of the Assembly's decision is not possible. Had the great powers who supported the proposal at Lake Success, New York, adhered firmly to it there probably would have been little difficulty. In any event under the Assembly's decision the new Jewish state and the new Arab state was [sic] each to be entitled to establish its own militia forces for the defence of the new territory and this decision clearly carried with it the right of Jews as well as Arabs to import arms and equipment for the purposes of defence. It is impossible to pass final judgement on the new proposal because no one has explained it yet. I was Chairman of the Committee which worked assiduously to obtain a just solution. The Committee repeatedly modified its proposals at the suggestion of the Mandatory Power in order that the United Kingdom should be able to withdraw its forces after its long, its thankless, but on the whole, successful development of the Palestine area since it was captured from the Turks by the British and Australian forces in 1918.

In my opinion, the United Nations decision has been gradually undermined by intrigues directed against the Jewish people. It would be little short of a tragedy if the fundamental rights of selfgovernment were to be denied to both the Jews and Arabs as it is guaranteed to them under the Assembly decision just as religious freedom is also guaranteed to the Christian churches throughout Palestine. The only considerations that influenced the United Nations Assembly were those of justice and fair dealing to all concerned. It would be most disturbing if mere considerations of power politics or expediency were allowed to destroy the decision. However, if a Special United Nations Assembly is called it is hardly likely to accept any plan which involves the annihilation of the previous decision unless new facts of overwhelming cogency are proved to exist.

I need hardly add that under the United Nations Charter the Security Council has no power whatever to overrule the recommendation of the Assembly.⁴²

Stylistic and structural peculiarities aside, Evatt's forthright stand was still a very carefully devised statement – deferential to British sensitivities and burdens; mindful of the interests of the Churches and reluctant to name culprits that had vacillated and thereby encouraged hostilities. In the final analysis, however, it amounted to a unequivocal condemnation of the trusteeship offensive being mounted at Lake Success. The Jewish Agency was delighted, Shertok cabling his gratitude to Evatt on his 'magnificent stand'.⁴³ Pleased as the Jews may have been, however, Evatt seems to have made no impression for the moment. Noel-Baker cabled him on 1 April, noting the international interest in reviewing the resolution of 29 November.⁴⁴ Evatt received word from Hood the same day that a US resolution calling for Lie to convene a special session of the Assembly for this purpose had been passed by the Security Council by a vote of 9 to 0 with 2 abstentions.⁴⁵ Noel-Baker observed, 'In view of intense disturbances which are now occurring in Palestine possibility of which was not taken into account by Assembly in reaching their original decision we think that there might be advantage in Assembly having this opportunity.'⁴⁶

Evatt opposed this emphatically. Due attention to the prospect of opposition, he replied the next day, had been borne in mind throughout the proceedings leading to the decision.⁴⁷ Weakness and vacillation had induced the Arabs to oppose partition by force. The British view, continued Evatt,

*is quite contrary to our knowledge of the proceedings of the Assembly and its Committee dealing with this subject. All aspects were fully considered and we do not consider that the Special Assembly should be asked to reconsider the decision of the Assembly on such grounds as you give.*⁴⁸

Over the next fortnight, Evatt also chided the British with being insufficiently attentive to the task of preserving peace. He instructed Hood to support Lie, who was of one mind with Evatt in regarding the machinations on Palestine as damaging to the world body.⁴⁹ However, Evatt would have been on better ground if his criticisms had come a fortnight later, since the Palestine Commission was then to report that British inertia had scuttled the chance for an orderly implementation of partition.⁵⁰ At present, the British could make much play of the fact that they had foreseen violence in Palestine all along. Evatt was correct in his view that partition had been endorsed in full knowledge, indeed, in response to, the reality of Arab opposition to Jewish nationalism. However, in contending that Arab opposition had developed into armed resistance purely on account of international vacillation, Evatt was undoubtedly wrong, as Noel-Baker made a point of telling him gleefully:

*The United Kingdom Delegation (as well as the Arabs) warned the Assembly at the time against miscalculations on this point. Subsequent events have fully justified that warning and must in our view have shaken the assumptions of many of the supporters of the resolution. The Arabs did not wait for signs of weakness other than those demonstrated in [the] resolution itself before they took measures to resist its application. We were fully prepared as a result of our own long experience in Palestine to find that their demonstration of hostility in New York was not an idle threat but a serious factor in the situation.*⁵¹

Numerous Arab statements after the passage of the resolution, of which Evatt was aware, had clearly indicated that armed intervention would follow in Palestine. For all this, one senses that Evatt was in the end closer to the mark. The Mufti's bands would have doubtless proceeded to fight whatever happened in New York. But few Arab governments were keen on intervention until the popular mood forced their hands. Egypt continued to oppose intervention almost until the very end of the British Mandate. Abdullah proposed that Arab states fund the intervention of the Transjordanian Arab Legion but, as his was obviously a bid to enlarge his own kingdom, they channelled their resources instead to the Mufti's Arab Liberation Army. He then contrived to pressure Iraq into committing its own forces and the failure by May of the Palestinian militias led Egypt to heed the call for its own intervention. A unified Arab command proved impossible, but a general command of Arab forces from Lebanon, Syria, Iraq and Palestine was formed, with Transjordan, Egypt and Saudi Arabia operating independently in the field. The result was the unco-ordinated intervention of Arab armies in pursuit of a Palestinian cause interpreted in keeping with their own interests. In these circumstances, there is little doubt that international vacillation had emboldened the Mufti and the Arab governments, possibly and fatefully tipping the scales in favour of what proved for most of them, not least the Palestinians themselves, an ill-starred venture.⁵²

Be that as it may, what was Evatt to do? The United States would certainly move to take advantage of the Bogota Conference to line up Latin American support for trusteeship, as Hood informed him on 3 April. Pressure on Marshall Plan countries could also be assumed.⁵³ However, Hood provided his Minister with some encouragement and scope for action:

*Delegates not committed to support of United States are, we believe, looking to Australia for a lead following Minister's statement [of 22 March]. It seems likely, however, that if clear line which can attract independent delegations is not available many delegates will commit themselves to support of United States. Earliest possible indication of attitude of Australian delegation will adopt in Special Assembly would be a positive factor in situation.*⁵⁴

Evatt was already at work with Latin America. Even before receiving Hood's cable, he instructed the Australian missions in Santiago and Rio de Janeiro, the only ones in South America, to ensure that the Foreign Ministers of Chile and Brazil receive a copy of his 22 March statement ahead of the Bogota Conference. How much influence this might have was not clear, although the Minister in Rio, Lewis Macgregor, anticipated Evatt by making a point of delivering a Portuguese translation of his statement to the Brazilian Foreign Minister, Dr Paul Fernandes, who perused it in his presence. Macgregor found the Brazilian pessimistic of the prospects of any peaceful result in Palestine unless backed by force, suspicious of Russian willingness to do so, and regretful of the unavoidable reliance of Western powers on Arab oil. Fernandes said he appreciated Evatt's points and would bear them in mind when instructing his delegation in New York. Only two days later, Evatt received word from the High Commissioner in Delhi that Nehru had given consideration to Evatt's statement but that India was still adhering to its original preference for a federal scheme for Palestine. Naturally, Evatt hoped for more from the pro-Zionist Latin Americans but he may just have been sufficiently concerned by India's inflexibility to seek a further formulation of Australian policy from Shann.⁵⁵

In a memorandum dated 6 April, Shann put his finger on the weakness in the partition plan Evatt had skated over on 22 March and 3 April by affirming international vacillation as the real cause of difficulty: the lack of enforcement provisions in the event of it being resisted. Shann believed that in the present circumstances, neither trusteeship nor partition offered a peaceful avenue out of the gathering storm. The former would be resisted by the Jews and the latter by the Arabs. He concluded with an enquiry: 'What political settlement is envisaged if not partition?'⁵⁶

This was something supporters of trusteeship had not yet been asked to answer and it was in effect the question which Evatt instructed Hood that day to put in support of partition. Effect could be given to partition only if nations contributed to a multinational force. As early as October 1947, Chifley had told the Parliament that the government did not intend dispatching troops to Palestine. Evatt's calculation was that no-one had the least enthusiasm for military intervention in support of partition, so this could be safely urged without committing Australia. In the likely event that the Security Council would fail to act to 'restore peace and order in Palestine', Hood was to support the voluntary recruitment of an international militia under the authority of the Palestine Commission to preserve law and order.⁵⁷

The same reluctance to contribute forces that had prevented enforcement of partition began to sound the death knell for trusteeship. It was clear Britain would not enforce partition. Enforcement would require US troops, which would mean partial US mobilisation. If the Truman administration was reluctant to contribute militarily to the enforcement of partition, the idea of contributing militarily to the abortion of partition was farcically senseless.⁵⁸

Austin, however, made his push with diminishing zeal for trusteeship, with another address to the Security Council on 5 April which included a 15-point programme for instituting it. It was in response to this that Evatt took the Americans to task over the whole initiative. The details of Austin's speech were given to him the same day by Kirchwey who immediately contacted him by telephone in Canberra following Austin's press conference.⁵⁹

Without the detail before his eyes and over the telephone, Evatt quickly put his finger on the pitfalls for Jewish statehood. First, the US recommendation (point 6) for a 'democratically elected legislature' for a unitary Palestine (which could only translate into Arab political domination); second, the 'sinister obscurity' (Kirchwey) of the clause dealing with the maintenance of order; and third, the recommendation (point 15) for prompt termination of the proposed trusteeship scheme once that chimera, political accommodation between Arabs and Jews, had been reached. Taken together, here were clearly the elements for cancelling partition, imposing Arab rule on Palestinian Jews and the prolongation of such a scheme into the indefinite future.⁶⁰

Kirchwey urged Evatt repeatedly to come to New York for the Assembly session to help ensure that partition was not scuttled, and relayed to him details of the recent machinations in the Security Council, but Evatt was unable to leave Australia for the next few weeks. He would be in New York only later that year, too late to be of the least value. He wondered aloud: 'Can't you do anything with that little fellow in the White House?', to which Kirchwey replied that the State Department had some 'big fellows' who were dictating US policy, which Evatt took correctly to include Forrestal. He told Kirchwey that he expected 'strategy and not justice' to dictate the outcome, to which Kirchwey responded that even strategically what the United States was proposing was dubious, a reference no doubt to the nightmare of mobilisation in the event that trusteeship was adopted. They briefly discussed the approaching Bogota Conference, Evatt telling Kirchwey that he intended to have someone on the scene keep him informed of developments.⁶¹

Evatt had committed himself to nothing concrete. He anticipated defeat. There might have been no fear of Evatt actually reversing his support for partition, but would he be prepared to continue championing it? From Canberra, this was not a possibility, but he could instruct Hood to hold the line. In the pages of *The Nation*, Kirchwey's colleague, Lillie Shultz, quoted prominently Evatt's denunciation of intrigues against the Jewish people in her analysis of the crisis. Much, she observed, would depend on the Latin Americans (who were said to be offered unnamed US inducements to desert partition) and other small powers, including Australia, if the United Nations were not to 'go into receivership to the military clique which now dominates American foreign policy'.⁶² Appeals were being made to Evatt's sense of self-importance in an effort to enlist his aid.

Evatt now had concrete US proposals, none to his liking. A week passed before he responded directly to the Americans. He had not yet received any explanation of their proposals, a point he thought to make but in the end omitted from his cable to Marshall. The basis of his argument had shifted only slightly from 22 March. Previously, temporary trusteeship, though never welcome, had been conceded to be satisfactory if its sole aim was to implement partition. Clearly now, this was not intended and postponement of partition would not make an eventual settlement easier.⁶³

In the detailed cable he sent to Marshall, Evatt noted with scarcely concealed censoriousness that the decision for partition had been initially supported by the United States after thorough investigation by the Ad Hoc Committee, which, he reminded Marshall, he had chaired, which seems to have been Evatt's way of indicating that he was not a minor antipodean meddler who

knew nothing of the realities of the world. He dismissed the absence of Arab–Jewish political agreement as an unwarranted cause for inertia in the Security Council or for reassessing the merits of partition. It was precisely the absence of agreement and the reality of violent conflict, Evatt argued, which had shaped the original decision. To postpone partition because of the fighting would encourage further resistance to partition. Evatt repudiated specific proposals included in the US 15-point plan in much the same terms he had used with Kirchwey. A ‘democratic legislature’ in Palestine would ‘overwhelm’ the Jewish minority; seeking Arab–Jewish agreement on Jewish immigration was dismissed as a hopeless venture; calling for partition to be suspended pending overall Arab–Jewish agreement was only another way of ensuring that it never occurred. ‘The lack of success of the partition plan,’ concluded Evatt,

*seems to have been due more to the vacillation that has taken place in the attitude of some of the powers most concerned and the absence of positive restraints on the Arabs which it was the duty of all members of the United Nations to exercise in carrying out the decision of the Assembly ... [Palestine] is one example amongst many examples of a present tendency in international relations for decision[s] based on investigation of fact and on justice to be put aside in favour of policies based on strategical considerations and power politics.*⁶⁴

This full-dress rebuttal of the US position, complete with avuncular allusions to the duties of the good international citizen, can have scarcely endeared Evatt to Marshall.⁶⁵

So far, the Americans had been having everything their own way. But now things began to miscarry. On 15 April, Hood cabled Burton with the news that there was little ‘real support’ for trusteeship. The imprecisions of schedule and duration, according to Hood, had resulted in a dwindling of support for the proposal. In these circumstances, the ‘Australian attitude should have ... substantial support’, particularly with Lie supporting Australia’s stance. The United Nations, he added, was suffering from the recent reversals on Palestine, its credibility never lower.⁶⁶

The General Assembly reconvened for a Special Session on 16 April 1948. Hood failed to reach Evatt over the international telephone to inform him that trusteeship was unlikely to command a two-thirds majority and that the Security Council had called for a truce in Palestine by a vote of 9 to 0 with 2 absentions, so he cabled the news instead. Deadlock, he said, would then follow unless there were sufficient votes ‘which would give the United Nations sanction to present Jewish efforts on behalf of themselves in line with intention of November 29th resolution’.⁶⁷

On 19 April, Hood sounded out Shertok to propose reaffirming partition in the wake of trusteeship’s expected defeat but found Shertok wary of the move unless it was timed with special care. Shertok believed that partition would stand if trusteeship was defeated and was thus unconvinced of the merits of a risky manoeuvre to reaffirm it. Hood replied that some reaffirmation might be necessary for the purpose of the Palestine Commission carrying out its duties after the expiration of the Mandate on 15 May. The two discussed protection for Jerusalem. Jewish Jerusalem was desperately beleaguered, and Shertok urged Australia to promote international action for its protection, or else the Haganah would be compelled to attack the Arab sector of the city after 15 May.⁶⁸

The Assembly, in the event, referred the Palestine issue to the Political Committee by a sweeping vote of 44 to 0 with 10 abstentions. On 20 April, in the first of what proved to be 25 meetings, the United States submitted a working paper on trusteeship, based largely on the draft

statute for Jerusalem's internationalisation drawn up by the Trusteeship Council and informal views expressed by Security Council members. However, there was already a crucial difference in the US position. Its representative indicated that trusteeship was not being proposed as a substitute for partition: a specified period for its operation was proposed. Hood addressed the Committee the same day. The General Assembly, he said, had approved practical proposals, not abstract recommendations in voting for partition: why set the resolution aside and thereby spoil UN credibility? Violence in Palestine was deplorable but had not been unanticipated by those who had supported partition.⁶⁹

On 23 April, Hood advised Comay that an alternative to trusteeship needed to be placed before the delegates. Mindful of Zionist concerns, however, he added that it was not his intention to table it until trusteeship had been discarded, an assurance he repeated to Granados, who had wandered up to the two men during the meeting. No other Commonwealth country was taking active steps: Canada was awaiting developments, South Africa had not received definite instructions, New Zealand was still concerned about enforcement.⁷⁰ In fighting trusteeship, Evatt gave Hood a word of advice:

*If enforcement at all for any plan is necessary then enforcement of partition, the United Nations plan, is preferable to enforcement of no plan or a plan which has the backing of neither party. The enforcement argument is, in present circumstances, irrelevant to the nature of the plan, and you should not allow it to be used as an argument against partition.*⁷¹

Evatt's calculation was that to keep the debate in the Assembly until the expiry of the Mandate on 14 May would have a stabilising effect. Hood argued his case accordingly, emphasising that trusteeship might require a more costly investment of manpower than partition. On 29 April, he took the Americans to task over the vagueness of their proposals in the Political Committee. However, the Assembly still decided for the moment to keep the issue in the Political Committee by a large vote from which Australia abstained.⁷²

The separate international regime envisaged in partition was also receiving attention as the siege of the city for which it had been devised proceeded, unhindered by international intervention. Evatt had received news of the French interest in giving effect to the international regime. On 22 March, in pressing for partition, he had referred constantly not only to the key provisions for Arab and Jewish self-determination but also for protection of the Holy Places. He now instructed Hood to take up the cudgels on this point, anxious to maintain Australia's identification with the internationalisation scheme with which he had intervened at the behest of the Churches. Here too, Evatt urged implementation with enforcement measures. He also intimated that Britain need not be entirely immune from Australian criticism; Evatt noted that the first report of the Palestine Commission had indicated that British support on the ground for partition could have had a sedative effect, perhaps allowing the plan to be carried out.⁷³

It was to be fully expected that the air of crisis over Palestine and talk of international constabularies, whether for partition or trusteeship, would transfix UN sceptics in an isolationist Australian climate. Would Australia participate in an international force? The government was already on record affirming it would dispatch no troops to Palestine, but doubts proliferated and, on 22 April, Evatt was again compelled to dispose of this possibility in the Parliament. He had been attacked for policy vagueness, having stated no view in the House in past months other than to reiterate Australian fidelity to UN decisions, a tack he liked to take when disinclined to elaborate. The Liberal Party's Dame Enid Lyons, tired of discovering Australia's policy only

after its enunciation in the United Nations, was loudly asserting that partition was 'quite obviously' a 'ridiculous and stupid decision' and wanted to know what Australia's policy on enforcement would be. 'The time had now come, clearly to state Australia's policy in regard to this matter so that the House may discuss it and come to an opinion upon it before it is communicated to the United Nations.'⁷⁴ Queried also some days later on Australia's siding with the Soviet Union in rejecting the US trusteeship proposal, Evatt replied that the question was wrongly stated: it was, he said, a matter of Australia adhering to the partition resolution, which, together with New Zealand, Canada and South Africa (and he could have added, the United States) it had supported. Revisiting partition was not to be sanctioned 'unless [there were] new facts and not because of violence or threat of violence by anybody'.⁷⁵ It was at this point in the debate that the contingency of sending troops to Palestine was raised. Evatt replied that only the Security Council could pass such a decision and that in any case Australia would not contemplate contributing a force without parliamentary approval.⁷⁶

However, there was never a real possibility of enforcement or Australian contribution to it. Events were pointing to trusteeship coming unstuck and, a little over a week later, Evatt learnt from Makin that Lie was confident that trusteeship was doomed to fail in the absence of a two-thirds majority to rescind partition. Its demise in the Political Committee was accomplished with Britain playing a major part by declining any participation.⁷⁷

The Australian role in producing this outcome was considerable, though it would be difficult to say that it had been actually decisive. Australia had, Hood reported home with satisfaction, met 'a very essential need ... it provided for a long while the only clear-cut line which the Assembly had before it. In this way the approach to eventual formulation of the majority opinion of the Assembly was greatly helped.'⁷⁸

Evatt's partiality for intervention, however, had not been appeased. He now made a further approach to the Americans on Palestine in which he showed little realism. Makin dispatched a letter from Evatt to Truman on 2 May, which Truman read to Lovett the following day. Lovett minuted: '[Evatt] proposed that the only way to save the Palestine situation would be by direct intervention of the Great Powers – thus including the USSR. The President shared my view that such a proposal was preposterous.'⁷⁹

Evatt's proposal consisted of an offer that he, on the strength of his involvement and interest in Palestine, arrange a meeting of the United States, the Soviet Union and Britain to discuss reaching Great Power agreement on the problem. As best as it can be divined, Evatt's purpose was to isolate the Americans amongst the war-time allies since neither Britain nor the Soviet Union could be expected to lend support to trusteeship. Despite the failure of this attempt, Evatt obviously had a partiality for Great Power parleys with himself as a linchpin that never dampened; he was, for example, to recommend a four-power meeting over the Berlin blockade in 1949.⁸⁰ In this instance it was certainly an odd proposal, since the conflict in Palestine had a life of its own, short of massive international intervention which Evatt must have known was never a viable option. But above all, it displayed a refusal to acknowledge the emergent Cold War that had emanated from the disintegrating accord between the superpowers whose last sign of life had been agreement on partition. The United States was not about to submit itself to another disappointing round of seeking agreement with the Soviet Union. As Marshall told Evatt: 'Developments that followed conferences at Teheran, Yalta and Potsdam, as well as the many meetings held for the purpose of negotiating the Peace Treaties, show clearly that agreements reached with the Soviet Government on paper do not in themselves constitute a solution.'⁸¹

Instead, Marshall cited prevention of armed conflict in Palestine as the US priority, which was

as polite a rebuff to Evatt as could have been administered.

With trusteeship shelved, the First Committee approved instead the appointment as Mediator of a Swedish civil servant, Count Folke Bernadotte, by a vote of 35 to 6 with 10 abstentions. Conceived initially as a facilitator of government functions within Palestine, his terms of reference as actually adopted laid emphasis on the task of conciliation. Within the Political Committee, Australia stressed that it would have much preferred a reaffirmation of the partition resolution. Other delegations found the mediation proposal inadequate or unreal; the Czechoslovakian representative observed that events on the ground in Palestine were making partition a reality. With the approval of the mediator proposal, the General Assembly debated the status of the partition resolution right up until the expiration of the Mandate. Legally, the impotent Palestine Commission was to be the immediate successor authority, pending Arab and Jewish action on statehood and in the absence of any alternative approved by the Assembly.⁸² Resolutions proposed successively by Guatemala, Australia and the United States to put Jerusalem under international jurisdiction were voted down, even though the battle for the city had been in progress for weeks. Eban later described the United Nations failure on Jerusalem to have been 'not a passive default, but an active relinquishing of responsibility in a critical hour'.⁸³

There seemed little assurance right up until the termination of the British Mandate on 15 May that a Jewish state would emerge and if so with what support. There had been so many reversals of policy in some capitals that even Evatt was visited some weeks before in Canberra by Newman and Freilich from the Zionist Federation, whom he assured that his support for partition was unswerving.⁸⁴ Finally, on 14 May, the British flag was lowered for the last time over Government House in Jerusalem and the last High Commissioner, General Sir Alan Cunningham, left in an armoured vehicle for Haifa port where he boarded the HMS *Euryalus*, bringing to an end three decades of British rule in Palestine. The next day in Tel Aviv, at an assembly of the Provisional Government of Israel convened in the city's Museum of Modern Art, David Ben Gurion announced the creation of the State of Israel, to which American de facto and Soviet de jure recognition were forthcoming within hours. Tel Aviv was bombed from the air by Egyptian aircraft and Ben Gurion's first prime ministerial broadcast to the new nation was delivered from an air-raid shelter.

NOTES

1. Evatt to Burton, secret cable, 2 December 1947 (received 3 December), AA A9420/1 1.
2. Pilcher to Evatt, letter, 18 January 1948, EC External Affairs – Palestine file.
3. CAPD, 2 December 1947, Vol. 195, p. 2943.
4. Ibid.
5. Ibid.
6. Quoted in Hyams, *op. cit.*, p. 75. The first British statesman to whom Newman was alluding was Lord Balfour.
7. Freilich, *Zion in Our Time*, p. 198.
8. See, for example, Gordon Merriam on President Roosevelt's plan for a Palestine trusteeship, memorandum, 15 October 1943, Cohen (ed.), *Rise of Israel*, Vol. 38, p. 1.
9. Evatt to Burton, secret cable, 2 December 1947 (received 3 December), AA 9420/1 1.
10. Philip John, Baron Noel-Baker (1889–1982). Born London, educated at Haverford College, Pennsylvania, USA, and King's College, Cambridge. Whelwell Scholar (1911), President, Cambridge Union (1912). Served in the Secretariat, League of Nations (1919–22). Sir Ernest

Cassel Professor of International Relations, University of London (192–29). MP (Labour) for Coventry (1929–31) and Derby (1936–70), Lord Privy Seal (1945), Minister of State, Foreign Office (1945–46), Chairman, Labour Party (1946–47), Secretary of State for Air (1946–47) and Commonwealth Relations (1947–50), Minister for Fuel and Power (1950–51). Author of *The Arms Race: A Programme for World Disarmament* (1958), Nobel Peace Prize, 1959, Life Peer, 1977.

11. Evatt to Noel-Baker secret cable, 16 December 1947, EC Cables, London 1947–48.
12. Missing in original.
13. Evatt to Noel-Baker, secret cable, 16 December 1947, EC Cables, London 1947–48.
14. Leonard, 'The United Nations and Palestine', pp. 653–4.
15. Quoted in *ibid.*, p. 656.
16. Lionel Gelber to Jewish Agency Executive, confidential, 28 January 1948, *PDD*, p. 255.
17. 'Role of the Security Council in the Implementation of the Assembly's Recommendations,' Eban to Jewish Agency Executive, memorandum, 16 December 1947, *PDD*, December 1947–May 1948, p. 63.
18. See Leonard, 'The United Nations and Palestine', pp. 646–7.
19. 'Informal note of meeting at the Commonwealth Relations Office, Friday, 30th January, 1948', PRO DO 35 2794.
20. Forsyth papers, Memoirs, Bk 2, Pt 1, ch. 18, p. 15 and ch. 19, unpaginated (p. 3), NLA MS5700.
21. Gelber to Jewish Agency Executive, confidential, 28 January 1948, *PDD*, p. 256.
22. Sykes, *Crossroads to Israel*, p. 345.
23. Leonard, 'The United Nations and Palestine', p. 651.
24. R.M. Graves, *Experiment in Anarchy*, Victor Gollancz, London, 1949, p. 132.
25. Jon and David Kimche, *Both Sides of the Hill. Britain and the Palestine War* (Secker & Warburg, London, 1960), pp. 118–24; Major Vivian (Chaim) Herzog to Shertok, cable, 12 March 1948, Cohen (ed.), *Rise of Israel*, Vol. 39, *The Recognition of Israel, 1948*, p. 3. Graves, *Experiment in Anarchy*, pp. 152, 165.
26. 'Informal note on meeting at the Commonwealth Relations Office, 13 February 1948', PRO DO 35 2794.
27. Evatt to Noel-Baker, secret cable, 27 February 1948, EC Cables, London 1947–48 file.
28. Noel-Baker to Evatt, secret cable, 5 March 1948 (rec. 6 March), *ibid.*
29. Quoted in Welles, *We Need Not Fail*, pp. 68–9.
30. *Ibid.*, pp. 69–70.
31. Sykes, *Crossroads to Israel*, p. 358.
32. Marshall to Austin, letter, 16 March 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, pp. 110–11.
33. Discussion on United States draft resolution for the Assembly to reconsider future government of Palestine in ORGA, 3rd Session 1948, supplement no. 2, *Report of the Security Council to the General Assembly covering the period from 16 July 1947 to 15 July 1948*, pp. 81ff.
34. Spiegel, *The Other Arab–Israeli Conflict*, pp. 32–3; Inverchapel to Foreign Office, 20 March 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, pp. 140–1.
35. Gideon Rufer (later Raphael) to Jewish Agency, memorandum, 20 March 1948; Colonel Hoskins to William Mead, 26 January 1948; Memorandum by the US State Department's Policy Planning Staff on US policy towards Palestine, 20 January 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, pp. 12–6, 142.

36. Memorandum on United States policy on Palestine by US SD Policy Planning Staff (directed by George Kennan), 20 January 1948, *ibid.*, p. 22.
37. Lawrence, *Seven Pillars of Wisdom*, p. 26.
38. Gideon Rufer to Shertok, memorandum, 11 March 1948; Eddie Jacobsen to Mathew Connelly, cable, 15 March 1948, Marshall to Bohlen, 22 March 1948, *ibid.*, pp. 91, 99 and 143; Humelsine to Marshall, 22 March 1948, *FRUS 1948*, Vol. 5, pp. 749–50; Philip C. Jessup, *The Birth of Nations* (Columbia University Press, New York, 1974), pp. 262ff.; Spiegel, *The Other Arab–Israeli Conflict*, p. 34; Eban, *An Autobiography*, p.103; *Personal Witness*, p. 135.
39. Jewish Agency to General Gordon MacMillan, letter, 16 April 1948, Cohen (ed.), *Rise of Israel*, Vol. 39, p. 107; Sykes, *Crossroads to Israel*, pp. 350ff. for still one of the most clear and balanced accounts of a vexed subject.
40. The most discussed of the works of the ‘new historians’ is Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947–1949* (Cambridge University Press, Cambridge, 1987). A critique of the methodology and conclusions of the ‘new historians’ concluding that their verison is exaggerated and in some respects seriously mistaken, is provided by Efraim Karsh, *Fabricating Israeli History: The ‘New Historians’* (Frank Cass, London, 1997).
41. Colonel Harold Hoskins to William Mead (editor, *Reader’s Digest*), 26 January 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, p.36.
42. News release: ‘Palestine Crisis Trusteeship Suggestion. Comment by Australian Minister for External Affairs (Dr. H.V. Evatt)’, 22 March 1948 [misprinted 1947], SAI 125/17; AA A4534/2 43/5/3, i.
43. Shertok to Evatt, cable, 26 March 1948, SAI 125/17.
44. Noel-Baker to Evatt, secret cable, 1 April 1948 (received 2 April), AA A1838/278 852/20/2, v.
45. Australian UN delegation to Evatt and DEA, secret cable, 1 April 1948 (received 2 April), AA A1838/278 852/20/2, v.
46. Noel-Baker to Evatt and DEA, secret cable, 1 April 1948 (received 2 April), AA A1838/278 852/20/2, v. The American Arabists, like Henderson, also believed that supporters of partition had been hoodwinked into thinking of talk of Arab resistance as a bluff; Gideon Rufer to Jewish Agency, memorandum, 20 March 1948, Cohen (ed.), *Rise of Israel*, Vol. 38, p. 142.
47. Evatt had been informed before arriving in New York the previous year that there was little prospect of peaceful enforcement of a decision adverse to either side; ‘Australian delegation. Second Annual Session of the General Assembly of the United Nations. Agenda items nos. 21, 22, 23 – Palestine’, p. 8, AA A4311 Box 663.
48. DEA to Noel-Baker, secret cable, 3 April 1948, AA A1838/278 852/20/2, v; EC Cables London 1947–48 file.
49. Burton to Hood, secret cable, 15 April 1948, AA A1838/278 852/20/2, v.
50. DEA to Australian UN delegation, secret cable, 26 April 1948, EC UN – Cables, NY 1946–48 file.
51. Noel-Baker to Evatt and DEA, secret cable, 12 April 1948 (received 13 April), AA A1838/278 852/20/2, v; EC Cables, London 1947–48 file.
52. Evatt, *Task of Nations*, p. 165; Kedourie, ‘Pan-Arabism and British Policy’, *The Chatham House Version*, pp. 230–1; Zvi Elpeleg, ‘Why Was “Independent Palestine” Never Created in 1948?’, *Jerusalem Quarterly*, Vol. 50, spring 1989, p. 56; Sykes, *Crossroads to Israel*, p. 350; Kimche, *Both Sides of the Hill*, pp. 73ff.; Walid Khalidi, ‘The Arab Perspective’, in Louis and

- Stookey, *The End of the Palestine Mandate*, pp. 118–19.
53. Shultz, 'Palestine: Operation Chaos', *Nation* (US), 17 April 1948, p. 413. Shultz referred in this piece to Evatt's statement on trusteeship in arguing that the small powers alone could prevail on the Americans to jettison trusteeship.
 54. Australian UN delegation to Evatt and DEA, secret cable, 2 April 1948 (received 3 April), AA A1838/278 852/20/2, v.
 55. DEA to Australian embassies, Santiago and Rio de Janeiro, cable, 2 April 1948, *ibid*; Macgregor to Burton, secret memorandum, 2 April 1948, AA A1838/283 852/19/2 i; Australian High Commission (Delhi) to DEA, secret cable, 3 April 1948 (rec. 4 April), AA A1838/278 852/20/2, v.
 56. 'Palestine,' memorandum by Shann, 6 April 1948, AA A1838/278 852/20/2, v.
 57. *CAPD*, House of Representatives, 1 October 1947, vol. 193, p. 336; DEA to Australian UN delegation, cable, 6 April 1948, AA A1838/283 852/19/2 i.
 58. Jones, *Failure in Palestine*, p. 337.
 59. For the full text of this memorandum, see appendix.
 60. 'FK Conversation with Dr Evatt at Canberra – April 5, 1948,' minutes (marked strictly confidential), SAI 125/17.
 61. *Ibid*.
 62. Shultz, 'Palestine: Operation Chaos', *Nation*, 17 April 1948.
 63. Draft aide memoire, n.d., AA A1838/278 852/20/2, v.
 64. DEA to US UN mission, secret cable, 12 April 1948, AA A1838/278 852/20/2, v; copy to Australian UN delegation, secret cable, 12 April 1948, EC UN – Cables, NY 1946–48 file.
 65. The United States Embassy in Canberra requested and received a copy of Evatt's statement; DEA to Hood, secret cable, 12 April 1948, AA A1838/278 852/20/2, v, which invalidates Kawaja's statement that no evidence exists to show that this message was delivered to the United States Embassy in Canberra, Kawaja, 'Australia and the Palestine Question', BA Honours thesis, Department of History, Australian National University, Canberra, 1987, p. 40n. In any case, the message was clearly conveyed to and received by Marshall.
 66. Hood to Burton, secret cable, 15 April 1948 (rec. 17 April), AA A1838/278 852/20/2, v.
 67. Hood to Burton, secret cable, 16 April 1948 (rec. 17 April), AA A1838/278 852/20/2, v; A1838/283 852/19/2 i.
 68. Hood to Evatt and DEA, secret cable, 19 April 1948, AA A1838/278 852/20/2, v.
 69. Leonard, 'The United Nations and Palestine', pp. 661ff. Trusteeship draft statute in *ORGA*, 1948, Second Special Session, *Annex to volumes 1 and 2*, pp. 12–31; Australian UN delegation to Evatt and DEA, secret cable, 20 April 1948 (rec. 22 April), AA A1838/278 852/20/2, v.
 70. Comay memorandum to Jewish Agency Executive, 23 April 1948, *PDD*, pp. 668–9.
 71. DEA to Australian delegation, New York, secret cable, 26 April 1948, EC UN – Cables, NY 1946–48 file.
 72. Australian UN delegation to Evatt and DEA, secret cable, 29 April 1948 (received 30 April), AA A1838/278 852/20/2 v.
 73. DEA to Australian delegation, New York, secret cable, 26 April 1948, EC UN – Cables, NY 1946–48 file.
 74. *CAPD*, House of Representatives, 14 April 1948, Vol. 196, p. 847.
 75. *Ibid.*, 22 April 1948, p. 1027.
 76. *Ibid.*

77. Leonard, 'The United Nations and Palestine', pp. 665–6; Makin to Evatt, secret cable, 3 May 1948 (received 4 May), EC Cables, Washington 1946–49 file. Lie had no doubt of an Arab–Jewish war in Palestine before peace could follow. Fifty years later, that considered view reads optimistically.
78. Hood to Burton, memorandum, 23 June 1948, AA A1838/1 852/9/2, ii.
79. *FRUS 1948*, Vol. 5, p. 987n.
80. Tennant, *Evatt: Politics and Justice*, p. 234.
81. Makin to Evatt, top secret cable, 14 May 1948 (received 15 May), EC Cables, Washington 1946–49; also in *FRUS 1948*, Vol. 5, No. 2, pp. 987–8.
82. Ernest Gross to Robert Lovett, 'Recognition of Successor States in Palestine', State Department memorandum, 10 May 1948, Cohen (ed.), *Rise of Israel*, Vol. 39, p. 144.
83. Eban, *An Autobiography*, p. 113.
84. Minutes of ZFANZ Executive Meeting, 6 and 12 May 1948, SAI 125/17.

11

‘The Use of Force Would Not be Actively Opposed’

The War of the Palestine Succession erupted in full force. There was a deep consciousness on the Israeli side that successes on the battlefield could be whittled away without effective international recognition and support. Requests for prompt recognition were cabled round the world, sometimes repeatedly, since fighting disrupted cable traffic. A request reached Canberra on 17 May. Epstein, now Israel’s representative in Washington, had turned up at the State Department by taxi bearing a letter requesting US recognition in which the word Israel, the name of the new country, barely decided upon, had to be scrawled in by hand. He now wrote to Hood in New York requesting Australian recognition.¹

Instead, Israel found recognition withheld by Britain and much of the Commonwealth. Noel-Baker only hinted at the reasons when, on 16 May, he told Williams, the High Commissioner in Canberra, to address Evatt’s query on British non-recognition in these terms: ‘We see no reason why we should at this stage recognise the Jewish state even de facto and there are positive reasons from the point of view of our relations with the Arabs why we should not do so.’²

From the moment of Israel’s inception, Britain pursued a policy of non-recognition completely at variance with its customary practice of according prompt recognition of effective governments. In departing from convention, it sought the company of the Commonwealth. The reasons for the policy are essential in explaining why Commonwealth conformity was so arduously sought.

The guiding principle, determined by emergent Cold War considerations, which the Foreign Office pursued until other British interests were endangered, was the necessity to avoid alienating the Arab states. Doing otherwise, it was feared, would expose the Middle East to Soviet penetration, and, as Harold Beeley advised Bevin, pro-Western Arab governments could be undermined and toppled, thereby endangering the future of British bases in Iraq, along the Suez Canal and in Cyrenaica.³

These misgivings over the future security of British bases in the event of a different policy turned out to be erroneous. Few of these governments were truly pro-Western; several were toppled despite Britain withholding Israeli recognition, many in part as a result of the military fiasco in Palestine that British policy had emboldened them to embark upon; and the future of British bases in the end owed little to what Britain did or did not do over Palestine. In the 1950s, when superpower accord on Palestine had evaporated and the Cold War had internationalised the conflicts in the Middle East, Britain was compelled to cut its losses and depart, making only one ill-conceived and abortive attempt in 1956 to restore its influence.

In pursuit of this policy, the Foreign Office’s immediate aim, already obvious from Britain’s non-co-operation with partition, was to see its Transjordanian ally install the Arab Legion in the

Arab sectors of Palestine and to consolidate its independence, which had not been recognised by the superpowers. There is no evidence that the Foreign Office planned or realistically expected by these devices to assist in the defeat and dismemberment of Israel, though the contingency had been weighed. Certainly, it entertained the possibility of the Arab Legion occupying at least parts of the Jewish sectors. Recognition of Israel became a trump card, to be played as a quid pro quo for recognition of Transjordan. In the meantime, nothing was to be done which could redound or be construed to Israel's advantage, certainly no admission of the new state to the United Nations.⁴

On what basis could Britain withhold recognition of Israel and urge the Commonwealth to do likewise? On what basis could it oppose Security Council action under Chapter 7 of the Charter to condemn Arab aggression against the new state? The Foreign Office was aware that Israel possessed the usual attributes of statehood and that a legal argument that accorded with international practice would be needed to persuade the Commonwealth and others to follow its lead. It thought at first to rely on the belligerency theory, the idea that what was actually occurring in Palestine was merely a civil war, for which the usual practice is to withhold recognition until the outcome is known. This course was dismissed as insufficiently supportive of the Arab cause. Another legal figleaf was needed and duly found in the concept of *res nullius*, the idea that the former Mandate now belonged to no-one and that, as a consequence, Arab intervention in Palestine did not amount to aggression.⁵ In outlining this position, Cadogan told the Security Council on 18 May that neither a unitary nor divided state had come into being. According to Keith Pattison, a scholar of Bevin's Middle Eastern diplomacy, this was a

*rather obtuse position [and] a legal prescription and foundation for anarchy in Palestine. It is difficult to avoid the conclusion that the British utilised the lack of a precedent for a country terminating a Mandate under the aegis of the United Nations to fashion a legal theory whose intent was to obfuscate the issues.*⁶

A natural corollary of such a stance was to dispute Israel's credentials for recognition on technical grounds, citing its lack of settled frontiers, which Britain now proceeded to do. This was a legal fallacy which Churchill was to expose in the Commons the following January.

*De facto recognition has never depended upon an exact definition of territorial frontiers. There are half a dozen countries in Europe which are recognised today whose territorial frontiers are not finally settled. Surely Poland is one. It is only with a general Peace Treaty that a final settlement can be made.*⁷

Churchill was simply enunciating the customary doctrine on recognition of states. Yet it was with the spurious criterion of unsettled frontiers, allied to strategic arguments, that Bevin attempted to impose his will on the Commonwealth. Bevin's hostility to Israel, his 'streak of bias' as Churchill was to call it in the House of Commons,⁸ inflamed by a UN decision that he had wrongly second-guessed, undoubtedly played its part in his persisting for many months in a policy of non-recognition that the Foreign Office favoured. Indeed, Bevin found himself occasionally hemmed in by Foreign Office sensitivities. At one stage, he considered opening up a consular office in Tel Aviv, a normal pragmatic practice, short of recognition, regularly instituted by governments. This the Foreign Office opposed because it would offend Arab sensibilities.⁹

Faced with this British policy, Evatt's immediate reaction was to propose that Britain and Australia be open to the prospect of recognising not only Israel but also the prospective Arab

state arising in accordance with the partition resolution, a course of action he also urged upon Wellington. While professing to understand the British view, Evatt again struck a note of censure, stating baldly that he had always believed principle to be the best basis for policy.

*Strategic interests in the Middle East might have been best secured by following through the Assembly recommendation by exerting all possible pressure on the Arabs to accept it. It would seem, however, that Arab countries have always been certain that opposition by them to the point of force would not meet with any serious reaction from the Western powers.*¹⁰

Evatt's argument had no immediate effect. Noel-Baker cabled him the same day, saying that Britain would oppose Israeli admission to the United Nations. There was no necessity for admission just because Israel was a new state; Transjordan, said Noel-Baker, was a fully qualified state outside United Nations membership. He did not mention on this occasion that effecting Transjordan's speedy admission was a British priority.¹¹

Even without Noel-Baker's legal objections, and before the Executive Council of Australian Jewry made representations urging Australian recognition, Evatt was already seeking advice on the subject.¹² His legal adviser, Sir Frederic Eggleston counselled against it. The merit to the British argument, Eggleston implied, lay entirely with the uncertainty of the new situation. He doubted that an act of recognition should be made on a purely legal basis and regarded the political situation as militating against recognition. Israel had no defined area of authority, putting out of court de jure recognition and, more debatably, lacked 'regular government', casting doubt on the virtue of de facto recognition. Eggleston concluded, 'The Jewish state cannot be said to be established; its establishment is subject to the arbitrament of war, and premature recognition may lead to an embarrassing result.'¹³

A further opinion on the subject was forthcoming two days later from Noel Deschamps,¹⁴ head since the previous August of the European, American and Middle East Division of External Affairs. He too advised against recognition. The precise boundaries of the state, Deschamps argued, were fluid, the outcome uncertain, and recognition, which would in any case antagonise the Arabs, might embarrass such states as accorded it if the Jews lost. Alternatively, Jewish conquest of the whole of Palestine would embarrass recognising states. Not only would the Middle Eastern position of Australia be thereby weakened, but also the reaction in Indonesia and South-East Asia 'would in all probability be unfavourable'.¹⁵ Malaysia, Deschamps noted, was already incensed at Australia's restrictive immigration policy and Commonwealth unity should be the guiding factor in Australia's decision.¹⁶

Eggleston and Deschamps were reflecting the genuine uncertainty of the times in Israel's prospects of survival and giving considered political rather than legal judgement. Evatt might have approached Stone for his views, but he never appears to have done so, though an Australian Broadcasting Commission radio broadcast by him in late May dealt directly with the matter. Stone repudiated the idea that recognition was premature on account of uncertainty in the new situation: prematurity only arose in the inapplicable instance of secession from the legal sovereignty of an existing state. He objected also to the implication that uncertainty produced by external aggression militated against recognition: 'It is *not* a principle of international law that a new community with an apparently stable government may not be recognised until every predatory nation has had full leave and license to fall upon it by violence and destroy it.'¹⁷

New Zealand was cautiously in favour of recognition, on the basis of its support for partition, and the new state, according to Fraser, was exercising effective control of allocated areas under

the partition plan, which met the customary criteria for de facto recognition. Fraser told Noel-Baker:

*In [recognising Israel] we do not feel that we would be acting in a partisan manner and had the Arab inhabitants of Palestine set up a Government within the territory defined as Arab in the Partition Plan we should be equally willing to accord it early recognition. However, we could not consistently with our past attitude recognise any right which the Arabs might claim to proclaim a United Arab State throughout the whole of Palestine.*¹⁸

This argument would gain force the longer and wider Israel asserted its authority, but it proved too early for it to have decisive sway in the face of British objections. Nevertheless, Fraser would not act precipitately and left himself open, like Evatt, for further British advice. Britain's main concern at this moment, as Noel-Baker explained to Williams in Canberra the next day, was to keep the Arabs on side by seeking to restore Anglo-American co-operation. This meant seeking to prevent the United States, which had already accorded de facto recognition, from recognising exact boundaries, which would enable territorial adjustments, whether through war or negotiations, in favour of the Arab states. It was through such pressure that South Africa, under Smuts, accorded Israel recognition but not to the new state's specific boundaries as outlined in the partition plan.¹⁹

The creation of Israel was producing unrest in Asian Commonwealth countries, reports of which were reaching Canberra. Pakistan had been the scene for inflammatory speeches and large-scale demonstrations against Israel. The Pakistan Constituent Assembly had passed a unanimous motion directing its government to oppose Israel's admission to the United Nations.²⁰ Western diplomats in Asia frequently shared the Muslim sympathies. The US Ambassador in Karachi had told a small deputation that he failed to understand his own country's recognition of Israel. There were prospects of Pakistan sending a token force to Palestine out of Islamic solidarity, reported an Australian High Commission official to Burton, a piece of news 'clearly intended to prompt a warning to you from me against any form of recognition of the Jewish state'.²¹

The attitude of the non-Asian Commonwealth members was insufficient for Bevin's purposes and he wanted no repetition of South Africa's defection. Accordingly, more pressure was applied on Australia: this time, directly on Chifley, rather than Evatt, through the High Commission in Canberra. W.J. Garnett, Williams' official secretary, told Chifley on 25 May that Bevin had learnt of South African recognition with regret:

*The Foreign Secretary is fighting hard to get a settlement on the basis of justice and the Commonwealth and world interests and the United Kingdom Government hope that the other Prime Ministers, recognising this, will hold their hands and that they will in any case do so during the period in which the cease fire is being discussed, which may last for the next two or three days ... If de facto recognition of the Government of Israel by the Union Government should be followed forthwith by similar action by Canada, Australia and New Zealand, the result might well be to stiffen the Arab opposition to accept the cease fire recommendation.*²²

Chifley thereupon deferred the matter for the consideration of the Cabinet on 1 June. Forceful intervention of this kind also led New Zealand to withhold recognition, despite the general

inclination of Fraser's cabinet.²³ Evatt was intensely annoyed at being bypassed by Noel-Baker and insisted on drafting a blistering reply before toning it down. He believed strongly that those who through tepidity and apathy had done nothing to uphold the Assembly's decision had emboldened even reluctant Arab governments to commit forces: 'Our conclusion is that Arab States resorted to armed force in violation of their pledges under the Charter because of their belief that the use of force would not be actively opposed by the United Nations and its Member Governments.'²⁴ He ended by saying that *both* Chifley and he intended recommending de facto recognition in Cabinet the following day. No wedge had been driven between them, Evatt seemed to be saying. The approach to Chifley, however, had resulted in the power of discretion on the subject being removed from Evatt's hands for the first time.²⁵

At this point, Evatt turned to his other department, that of the Attorney-General, and obtained an opinion on recognition from the Solicitor-General, Kenneth Bailey, on 1 June. Bailey effectively diverged from Eggleston and Deschamps, taking a more functionalist view. He affirmed that de facto recognition did not require the prospective state possessing all the usual attributes of statehood. Indeed, a 'strong case' existed for extending de facto recognition in the absence of any other legal authority in the area. Of course, Evatt could rely to some extent for the purposes of recognition on the partition resolution, which appears to be the basis on which Evatt inclined towards recognition, but Bailey opined that Israel 'cannot be said to have come into existence in pursuance of the decision of the United Nations General Assembly'.²⁶

Armed with Bailey's opinion, and discarding the earlier advice of Eggleston and Deschamps, Evatt presented his own submission to the Cabinet later that day. While noting British strategic arguments against immediate recognition, he reproduced New Zealand's dissenting view, with which he then proceeded to concur. Israel, according to Fraser, was

*exercising effective authority over a Jewish area corresponding more or less with that recommended by the Assembly ... and that the requirements of International Law for de facto recognition ... are satisfied and in fact have been satisfied since the termination of the Mandate. Moreover, the view of the United Kingdom Government that Palestine became res nullius on the termination of the Mandate would seem to us to clear a path for the assumption of sovereignty by the inhabitants in accordance with the principle of self determination.*²⁷

Evatt noted that South Africa had extended de facto recognition despite being tendered advice similar to that in Whitehall, before noting that Bailey's view left it 'open to this country to [accord recognition] as a matter of policy, based on our interpretation of the extent to which the Jewish state measures up to the criteria for recognition ... In this respect the arguments put forward by the Prime Minister of New Zealand seem convincing.'²⁸

Be that as it may, the Cabinet decided that day after discussion to extend recognition only on the proviso that Britain do the same, or else agree to some arrangement with Commonwealth members on the matter. The pressure from London was strong and unilateral Australian action was ruled out. This necessarily placed Evatt at a disadvantage in subsequent communications with London. He was now largely dependent on British interpretation of the legal questions. One week later, on 9 June, Noel-Baker informed him that Britain would make a legal judgement on the 'normal criteria'. Noel-Baker singled out the partition resolution as an unsatisfactory basis for recognition, since it had not been implemented in key particulars. This only begged the question of British and Arab non-compliance but by this stage, debate-by-cable was exhausted.²⁹

Evatt was not the sort of man to take defeat easily. The British and Americans had not been

dissuaded from their position by Evatt's vigorous opposition. He had failed to prevail upon Bevin and Noel-Baker; rather, they had prevailed over him and most of the Commonwealth. Evatt had been overruled by Cabinet on the first occasion that Palestine had been brought to it. For the moment, there was little he could do to influence the course of events. But he was determined to do so at the earliest opportunity.

NOTES

1. Shertok to Evatt, secret cable, 16 May 1948, AA A1838/278 851/12/3, i; Epstein to Hood, 15 May 1948, SAI 125/17.
2. Noel-Baker to E.J. Williams (UK High Commissioner, Canberra), telegram, 16 May 1948 (received 17 May), AA A 1838/278 851/12/3, i.
3. Pattison, 'The Delayed British Recognition of Israel', pp. 412ff.
4. *Ibid.*, pp. 418–19.
5. *Ibid.*, pp. 420–1.
6. *Ibid.*, pp. 421–2
7. *Parliamentary Debates Hansard* (hereafter *Hansard*), House of Commons, 26 January 1949, Vol. 460, col. 951.
8. *Ibid.*
9. Pattison, 'The Delayed British Recognition of Israel', p. 414.
10. DEA to Noel-Baker, repeated to PM, NZ, secret cable, dated 18 May (sent 19 May) 1948. AA A 1838/278 851/12/3, i; EC Cables, London 1947–48.
11. Noel-Baker to Evatt, secret cable, 18 May 1948 (received 19 May), AA A1838/278 851/12/3, i.
12. DEA to Saul Symonds (President, Executive Council of Australian Jewry), 26 May 1948, AA A1838/278 851/12/3, i.
13. 'Recognition', Eggleston memorandum for Evatt, 18 May 1948, AA A1838/278 851/12/3, i.
14. Noel St Clair Deschamps (1908–). Born in Brisbane, educated at Cambridge, joined the Australian Department of External Affairs in 1937. Official Representative, New Calendonina (1944–45), Chargé d'Affaires, Soviet Union (1946–47), Head, European, American and Middle Eastern Division, DEA (1947–49), Head, Military Mission, Berlin and Bonn (1949–52), Chargé d'Affaires, West Germany (1952), Counsellor, France (1953–58), Chargé d'Affaires, Ireland (1958–61), Ambassador to Cambodia (1962–69) and Chile (1969–73), President of the Australian Society for Latin American Studies (1974–79).
15. 'Recognition of the Jewish State, 20 May 1948', Deschamps memorandum, AA A1838/278 851/12/3, i.
16. *Ibid.* Deschamps recalled that his advice reflected his inclination on all such questions to cautiously await developments, which were not clear five days into Israel's existence. Interview with Noel Deschamps, Melbourne, 5 May 1999.
17. Quoted in Star, *Julius Stone*, p. 197.
18. Fraser to Noel-Baker, secret cable, 21 May 1948 (rec. 22 May), AA A1838/278 851/12/3, i.
19. Noel-Baker to Williams, Canberra, telegram, 22 May 1948 (received 23 May), AA A1838/278 851/12/3, i.
20. Australian High Commission, Karachi, to DEA, secret cable, 27 May 1948 (received 28 May), AA A1838/278 851/12/3, i.
21. J. Millar (Official Secretary, Australian High Commission, Karachi) to Burton, letter, 24

- May 1948, AA A1838/278 851/12/3, i.
22. Williams to Chifley, 25 May 1948, AA A1838/278 851/12/3, i.
 23. Cutler to DEA, secret cable, 26 May 1948 (received same day); Cutler to DEA, secret cable, 28 May (rec. same day), AA A1838/278 851/12/3, i.
 24. DEA to CRO, draft cable, 31 May 1948, AA A1838/278 851/12/3, i.
 25. Ibid.
 26. 'Israel: Question of Recognition', Bailey to Burton, memorandum, 1 June 1948, AA A1838/278 851/12/3, i.
 27. Evatt memorandum for Cabinet, 'Recognition of Jewish State', 1 June 1948, pp. 2–3, AA A2700 Agendum 1468.
 28. Ibid., p. 5.
 29. 'Minutes of Meeting of Full Cabinet at 2.30 P.M. on Tuesday, 1st June 1948', AA A2703/XR2; Frank Strahan (Secretary to the Cabinet) to Evatt, confidential letter, 2 June, Noel-Baker to DEA and DD, cable, 9 June 1948 (received 10 June), AA A1838/278 851/12/3, i.

12

‘Position is Being Watched Sympathetically’

It took a month for Count Bernadotte, the United Nations Mediator, to prevail upon the warring parties to agree to a truce, which came into effect on 11 June. Bernadotte was well known for his humanitarian efforts to save Jews from the Nazis in the latter days of the Second World War. Less well-known at the time of his appointment was the fact that this Swedish aristocrat preferred dealing with courtly Arab notables over technocratic Jewish officials, disliked partition and did not feel himself bound by its precise terms, since he believed that this would render his task impossible.¹ Neither empowered to hand down decisions nor to make recommendations to the Assembly, Bernadotte’s role was limited to obtaining peaceful agreement between the parties and proposing solutions. However, as no limitation had been placed on his capacity as Mediator, Bernadotte had considerable latitude to make far-reaching proposals. Accordingly, he presented a plan for substantial territorial adjustments to form a federation between the proposed Arab and Jewish states. The Arab state to incorporate Arab Palestine, including Jerusalem in whole, with municipal autonomy for Jewish Jerusalem; Haifa to be internationalised as a free port; and territorial adjustments to favour the Arabs in the Negev and the Jews in the Galilee. Jewish immigration was to be dependent on the agreement of the Palestinian Arab state, or else the binding adjudication of the Economic and Social Council of the United Nations.²

Both Israel and the Arab belligerents were shocked by the plan: the Arabs because it necessitated recognition of Israel, the Jews because of the massive diminution of territory allocated to it under partition and the ceding of immigration control to foreign powers. The Israelis were quite convinced that the Mediator’s scheme was simply a ‘shop-worn British’ plan contrived by Bevin and his ‘alter ego’ Harold Beeley.³ However, neither Bernadotte nor the Foreign Office as yet understood that the Arab states would not accept any proposal that did not encompass Israel’s renunciation of independence. They viewed Bernadotte’s proposal, correctly, as merely another version of partition.⁴

The Israelis were not the only ones surprised by the proposal that included scrapping the internationalisation of Jerusalem. Hood noted on 30 June, ‘So far as I can discover, Bernadotte has given himself a free hand in putting proposals forward and they are not to be taken as emanating from Lake Success.’⁵ Six weeks later he informed Burton that ‘there is a very definite impression that [Bernadotte’s] earlier proposals were altogether premature and he is said to be quite prepared to let events take their course now for some time to come’.⁶ But that was only the situation at the beginning of August. During June and July, his proposals transfixed international observers, whilst the two truces he brokered in this period created a climate in which even Israel’s friends were reluctant to move ahead on recognition.

It was in these unfavourable circumstances that Comay, now heading the Commonwealth Division within the fledgling Israeli Foreign Ministry, sought from Hood an invitation to visit Australia to promote relations and expressed the hope that prior Australian recognition of Israel might be forthcoming.⁷ In fact, he was on the point of departing for Ottawa on a similar exercise where he was to find the Canadians under British constraint.⁸ Australia proved no different. Burton instructed Hood to tell Comay ‘confidentially that [the] position is being watched sympathetically, as he knows, and that not only would there be little advantage in his visit but it might in fact prejudice the attainment of the objectives he seeks’.⁹

Nevertheless, local Zionists persisted to the best of their ability. Newman and Freilich discussed matters several times with Evatt, who insisted truthfully that he was supportive of recognition but was now shackled by the 11 June truce. The Cabinet was adopting the British view, as was New Zealand, that recognition would favour Israel by altering the balance of power between the parties. Despite this, the Israelis hoped that Chifley would advance the cause of recognition on his visit to London in July where, as they urged, general recognition by the Commonwealth should be advocated.¹⁰

The Palestine truce lapsed on 9 July, both sides refusing Bernadotte’s proposals for an indefinite prolongation subject to demilitarisation in both Jerusalem and Haifa. The Jews were willing to permit the former but not the latter; the Arabs neither. A last-ditch effort by Bernadotte on 9 July to secure a ten-day extension met with Jewish acceptance and no reply from the Arabs¹¹ who then, in Lie’s words, renewed attacks ‘even less successful than before’.¹² Taking the Arabs at their word, the Israelis renewed fighting even before the Arabs resumed their own offensive. Arab forces in Ramle and Lydda were driven out together with their populations in fierce fighting. The Israelis also lifted the siege of western Jerusalem, thus sparing themselves the indignity of acquiescence to its demilitarisation under international auspices. In desperation they had been contemplating this proposal on 8 July, but the Arabs parties had in any event rejected it. Bernadotte brought into force a new truce of indefinite duration on 18 July only after the Security Council at his urging adopted a resolution calling for a cease-fire within three days of its adoption on 15 July. The Arabs forces conditioned their acceptance on an end to Jewish immigration and return of some 300,000 refugees to Jewish-held areas. The first was an impossibility for a Jewish state, the second feasible only within the context of a more formal agreement between the belligerents, if not actually full peace treaties. These were the issues, amongst others, which preoccupied the subsequent armistice talks at Rhodes and doomed the quest for a full-fledged peace.¹³

But that is to get ahead of events. The collapse of the first truce on 9 July had the interesting side-effect of incensing Bevin, who was no longer prepared to shield the Arab states from Security Council action. Comay thought this the right psychological moment to urge renewed attempts by the Australian Zionists to secure recognition from Canberra.¹⁴ But he decided against visiting Australia until there was some serious prospect of discussing recognition. The extension of the truce on an indefinite basis, Comay put in writing to Hood, obviated any concern about the effect of recognition on the truce’s durability. Moreover, Bernadotte himself recognised the Israeli government and in his report treated it as a permanent feature in the equation.¹⁵ Hood passed on his letter to Burton, but told Comay not to expect any immediate progress. Both Comay and Eban told him that Israel intended to make an early application for admission to the United Nations. Aware that recognition was still a closed book in Canberra, Hood found Comay and Eban very confident, ‘not to say “uppish”, and they will not be particularly easy for anyone to deal with’.¹⁶

In the meantime, Australian diplomats were careful not to take any action that implied either recognition or non-recognition of the Jewish state. Learning that Evatt was due in London later in the year, Comay cabled Joseph Linton, who was at this time the Jewish Agency representative in London, suggesting that he try and meet Evatt to discuss recognition.¹⁷

Bernadotte had been distracted from mediation by the continuation of hostilities. With the inauguration of the second Palestine truce on 18 July, however, he resumed the search for a far-reaching settlement. Demilitarisation of Jerusalem and resolution of the Palestinian refugee problem were uppermost in his mind as he set about framing a second plan ahead of the General Assembly session due to commence on 21 September.

The categorical rejection by both sides of his original plan impelled Bernadotte to work closely this time with the British and Americans. The British were seeking a Transjordanian takeover of Arab Palestine and, as Bernadotte shared British distaste for the Mufti, he proved willing to accommodate them, despite his original preference for an independent Arab state. The Israelis were keen to have an armistice arranged by Bernadotte, but no binding agreement – they did not trust him. Bernadotte's second and last plan adopted the Anglo-American proposal for the incorporation of Arab Palestine and the Negev into Transjordan. It thus bore such similarity to State Department ideas in the autumn of 1947 that he was suspected, with reason, of complicity with their officials. The territorial alterations in the plan favoured the Arabs, with Ramle and Lydda added to Transjordan. However, there were two major new elements: Palestinian refugees were to have the right to return or to receive compensation if they chose to stay away, and Jerusalem was to be internationalised, as under partition. Bernadotte, having burnt his fingers once, regarded these proposals as tentative.¹⁸

What Bernadotte would have done next will never be known with certainty, for on 17 September he was assassinated in his car in Jerusalem by members of the Stern Gang. The news of his murder reverberated around the world and gave posthumous force to his proposals which were otherwise declining and stood in ironic contrast to his final discussions with the British in which he had stressed the necessity of recognising Israel. Chifley asked Evatt, now in Paris, to convey Australia's condolences to the Swedes. The British campaigned strongly for the adoption of Bernadotte's last plan as representing his testament. On 22 September, Bevin addressed the House of Commons in this sense, arguing that the incorporation of the Arab sectors of Palestine into Transjordan was one point that he held even more strongly than Bernadotte.¹⁹ At the same time, Bevin ignored the one striking innovation in Bernadotte's report: recognition of Israel as a durable presence in the Middle East, a fact which Bernadotte had described as the 'most significant development in the Palestine scene ... The Provisional Government of Israel is today exercising without restrictions on its authority and power, all the attributes of full sovereignty.'²⁰ If Bevin noted these words, it did not seem to make any difference to his non-recognition policy. But in every other particular, Bernadotte's plan was thoroughly to his taste and he now abandoned the pretence of seeking Arab–Jewish agreement and pushed for full implementation of the plan.²¹

Bernadotte had been regarded by the Israelis and their supporters as a British or American lackey. Even his successor, Dr Ralph Bunche, was to be tarred with the same brush by Israeli officials until he proved otherwise and Evatt was similarly receptive to this kind of thinking.²² (In December he was to describe Bunche to Comay as 'essentially a weak person, and very much controlled by the Foreign Office and the State Department'.²³) Perhaps the fault was Bunche's inasmuch as he initially oscillated between a critical attitude towards the plan assuming 'undue rigidity' on the one hand whilst regarding it as representing Bernadotte's 'sacrosanct will' on the

other; within three days of each other, in fact, in conversation with the same Israeli, Horowitz.²⁴ Whatever the case, Bunche was to enjoy a paradoxically greater influence than Bernadotte in Arab circles despite adopting a studious neutrality in contrast to Bernadotte's pro-Arab partiality.²⁵

In the event, Bernadotte's plan, though deeply resented by the Israelis, had not attracted Arab support: it awarded territory to Transjordan, which found favour only with Abdullah, and preserved Israel, if only within precarious dimensions. The plan had enjoyed little prospect of receiving the endorsement of a two-thirds Assembly majority during the second truce. However, on 10 October, the Israelis attacked the Egyptian positions in the Negev after one of their convoys, unescorted by UN observers, was fired upon. Israelis planes attacked Egyptian airfields in Gaza and inside Egyptian territory. By the time the Security Council imposed a new cease-fire on 22 October, Egyptian forces had been repulsed from all positions within the former Mandate short of an enclave in Gaza and Falluja, of which the latter's defending garrison included a colonel by the name of Gamal Abdul Nasser. These events, coupled with Bernadotte's assassination, gave his plan a new lease of life, with the theoretical possibility that the Arab states would embrace it as a last resort, thereby encouraging the Assembly to endorse it. Additionally, the Bernadotte assassination had stymied diplomatic activity. Bunche told Comay not to apply for UN admission now, as any application would face certain defeat.²⁶ Like the Stern Gang's assassination in 1944 of Lord Moyne, their latest assassination had produced detrimental results for Jewish national interests.²⁷

In August, Chifley was in London, and Bevin sounded him out for Australian support for Bernadotte's original proposals. Chifley declined to take a position and insisted on consulting Evatt first. Hood had informed Evatt early in August that the first Bernadotte plan was in eclipse, with Bernadotte himself not planning to reiterate or amend them.²⁸ Then Bernadotte's second plan had proposed similar borders, only this time between Israel and Transjordan. These seemed to have given Evatt his cue. He told Chifley that, in his view, no commitment should be given to Bernadotte's conclusions, otherwise Australia might not be able to exercise its influence in the eventual decision of the General Assembly. 'I had a long conversation with Bernadotte at Geneva meeting and was impressed with his ability and sincerity. At the same time his recommendations will almost certainly be revised as to territorial adjustment.'²⁹ However, Evatt was willing to support the principles of partition that Bernadotte had now enunciated, with its entailment of Israeli sovereignty and an international regime for Jerusalem.³⁰

Evatt and Bevin had probably not discussed Palestine for some time. Indeed, when Evatt visited London in July, the British avoided a full discussion with him on all General Assembly items, at which time Palestine was not even one of the agenda items for discussion between the two men. Instead, the subjects for discussion had been Japan, Indonesia, Germany, relations with Russia, the Western alliance, Greece, Korea, the Antarctic and Malaysia. On several of these matters, the Commonwealth was proving less than united even without the altercation on Palestine. 'It will be a little awkward if Dr Evatt asks detailed questions about the United Kingdom attitude to any of these matters', minuted one British official. 'Dr Evatt will be inclined to ask some leading questions.'³¹

But there was one way conflict could be avoided and that was to support Evatt's candidacy for the presidency of the General Assembly. McNeil had avoided a commitment on the matter to Chifley in July, during the latter's visit, even though he admitted to being fairly confident of Bevin's eventual support. Evatt had been in Canada the same month and had sounded out the Canadians, seeking information on whether he might be opposed. He wanted not only the office,

but to attain it with little or no formal opposition. 'The Canadians rather naturally excused themselves from advising on this embarrassing question', Boyd Shannon, a British High Commission official in Ottawa, notified London on learning of this.

*I think that their private view is that, although Dr Evatt only just missed the presidency at the opening of the 1947 Assembly, he lost a good deal of credit through his handling of the Palestine Committee and his general behaviour in other committees and, as they are at present, would probably not secure election if he stood again at the 1948 Assembly.*³²

However, Shannon added perceptively, 'I merely report this for what it is worth. The Canadian view may be coloured by wishful thinking, because Dr Evatt is by no means popular here.'³³

The Canadians being lukewarm, Bevin had been advised to make no definite commitment, even as the general line suggested by his advisers was to welcome Evatt's candidacy. The Foreign Office also preferred not to discuss the proposed Declaration of Human Rights if Evatt did not himself raise it with Bevin. Beasley raised the presidency issue at the High Commissioner's meeting of 16 July, and was told that it was believed a French president would most likely be elected for the Paris session.³⁴

Probably on the strength of this news, Evatt went straight to Bevin and won a promise of support from him a week ahead of their 27 July meeting.³⁵ Evatt thanked Bevin on learning the news, promptly pocketing his winnings and hinting at the possibility of Bevin leading his campaign, 'specially if it were sponsored by yourself ... I understand you wished to discuss the matter with other members of United Nations with whom you are at present conferring.'³⁶ Following their meeting Evatt was visiting Geneva where he prevailed on McNeil to seek Bevin's permission to proceed with 'usual diplomatic machinery' to secure support for his candidacy.³⁷

Evatt needed all the advocacy he could find in US circles since the State Department was unfavourable and only the previous month had been unwilling to offer him any support. His disagreeable dissent on Cold War solidarity was antagonising them.³⁸ Of all people, Bevin now came to his aid. A British official in Washington, Denis Allen, duly sought out the Americans on Bevin's instructions and discussed Evatt's candidacy with Hayden Raynor in the State Department. Raynor made no bones about American reluctance. The British 'already knew our general thinking on the question of Evatt's candidacy ... there was almost no possibility whatsoever that we would be willing to campaign in Latin America.'³⁹ A week went by without any change in their position. In discussions with both the Americans and Canadians, the British began to stress the element of 'Commonwealth prestige' as a factor in their position.⁴⁰ But vital support was still missing, and the unpopularity in some quarters of Evatt's Palestine involvement was clearly a factor in US thinking. On 3 September, Marshall informed his diplomatic missions in Latin American states that there was 'some doubt that Evatt will continue to press his candidacy, or whether he would be elected, partly because of some lack of enthusiasm about his handling of the Ad Hoc Committee on Palestine last year'.⁴¹ In Paris, Evatt met with Kirchwey's colleague, Lillie Shultz, who reported to Kirchwey that he

expected a tough fight ... he would like to negotiate a deal with Latin America to vote for him as President of the General Assembly in exchange for his word that he would lead the fight to keep the Palestine resolution intact. Although I think

*this is a nasty quid pro quo, since he can hardly renege at this late stage, still I see no reason why the Latin Americans shouldn't vote for him ... You will be very amused as I was by the way Evatt is now preening himself on what he did re Palestine, forgetting entirely that first he doublecrossed, and what he did finally, he did under our pressure.*⁴²

Not only was Shultz possibly over-estimating the decisiveness of the Nation Associates' interventions with Evatt, but his dissimulating conduct the previous year – Shultz singled out for mention the way he had formed the Ad Hoc subcommittees – was evidently not forgotten on either side of the Palestine issue. But the present mattered more and Shultz stressed to Kirchwey that she should tell Evatt when seeing him later in the month in Paris that they were working hard on his candidacy.

Evatt's candidacy might have foundered in a payback typical of diplomatic transactions of this kind, but he was lucky. As with his election to the offending Ad Hoc Committee the previous year, there was no popular alternative candidate. A week after Marshall expressed his doubts, he was telling his UN delegation deputy in New York, Philip Jessup, that he was resigned to supporting Evatt in the absence of a 'strong alternative', but that no campaigning on his behalf would be pursued.⁴³ On 19 September, John Foster Dulles of the US delegation in Paris met Evatt and Atyeo to confirm American support in these terms. Dulles added the sweetener that the US would not support any Latin American candidate with en bloc support and that Evatt in his own campaigning could go so far as to say that he understood that he had US support. Evatt knew a good offer when he heard it and replied that Dulles' position was 'satisfactory and reasonable'. He only asked the Americans if they might disseminate their views on a Latin American candidate more widely, as there was a danger that such a candidate might attract not only Western nations but also Soviet bloc support, tipping the scales against him.⁴⁴

In the event, the Latin Americans decided the next day to throw their weight behind Evatt.⁴⁵ Even now, Evatt hoped for greater US support, presumably in the form of lobbying. He probably prevailed on Bernard Baruch, the influential Washington insider and presidential adviser, to give a strong recommendation to Marshall that would play down Evatt's intractability on issues of US concern. Baruch reportedly 'told Marshall that you were forceful, would not hesitate to explode if things were wrong but that on all occasions you would listen to and chew and digest anything of importance that he might have to say'.⁴⁶

So despite considerable disfavour with the Americans, Evatt ultimately won their support, and the presidency was obtained after a 'senior member' of the Australian delegation lobbied every UN delegation.⁴⁷ Being a frequent target of barbs in the Australian press, even the occasion of Evatt's election as president did not go uncritically recorded. The *Sydney Morning Herald*, noting his reputation as a small nation champion, commented that 'this role has not always seemed consonant with Australia's interests as a member of the British Commonwealth, and Dr Evatt's policies have been, at times, in sharp and undesirable conflict with those of Britain. Palestine was a notable instance.'⁴⁸ Chifley was pleased for Evatt, but noted in a letter to Makin in Washington, 'I am afraid, however, that the part he plays in international affairs is not appreciated by many people in Australia, due, of course, to press criticism.'⁴⁹

Naturally, during these anxious weeks for Evatt, he needed British support, so it is hardly surprising that no dramatic confrontation with Bevin over Palestine occurred in September. The two met, however, on 29 September, Palestine was discussed, Bevin reiterating his opposition to recognition of Israel. A confrontation between the two had been expected, but Evatt did not

pursue the matter.⁵⁰

In fact, there was at least one piece of Anglo-Australian agreement on Palestine at this time: neither intended to recognise the Arab League-sponsored 'Government of All Palestine', which was continuing to seek recognition from assorted governments. The Arab League had previously opposed a Mufti-led Palestinian government-in-exile and rejected his choice of leader for the Army of Liberation. But Bernadotte's first plan, which proposed the award of Arab Palestine to Abdullah, galvanised the League in July into the belated creation of a 'Palestinian Autonomous Administration'; as its name implies, more to curb Abdullah's ambitions than to reintroduce the Mufti's authority, which it did nonetheless. Abdullah's persistence with his own objectives led the League in September to rename it the 'Government of All Palestine', based in Gaza, the one Arab sector not in Transjordanian hands. Abdullah immediately opposed it as unrepresentative and in this his British patron was of service. 'Nothing could be more ill-timed', Noel-Baker was telling Canberra, 'proposal seems open to ... objection that the ex-Mufti could hardly fail to be associated with it with consequent adverse effect on world opinion.'⁵¹ A week later, Ahmed Hilmi Pasha, the Egyptian Premier and acting Foreign Minister,⁵² cabled Evatt fruitlessly for recognition and Noel-Baker dismissed the 'Gaza Government' as a Mufti-tainted Egyptian creation which London was doing all it could to discourage in Cairo and Baghdad.⁵³ Bevin was not about to recognise a government, produced by intra-Arab rivalry, which aimed to deprive Abdullah of any sway in Arab Palestine. The 'Gaza Government', in the event, was recognised by Egypt, Syria, Lebanon and Saudi Arabia, but rejected by Abdullah and, with the defeat of all but his army in the field, he utilised the request of the Jericho Congress of Palestine Arabs to unite Transjordan and the Arab sectors of Palestine in his control.⁵⁴

Once securely in the General Assembly president's chair in Paris, Evatt could turn his attention again to affairs in the Middle East. The Americans were floating a trusteeship scheme for Jerusalem, wherein Israel and Transjordan would hold power in different sectors, with the Holy Places to come under international control, thus necessitating a Christian governor. Bunche had agreed to join in consideration of the scheme, along with Transjordan and Israel.⁵⁵ However, both sides were diffident about the idea, the 'Arabs adopting the usual anti-partition line'.⁵⁶ Australia couched its opposition to the US proposal in the Political Committee in terms of the partition resolution – an 'inescapable act of justice' – that remained unaffected by subsequent events.⁵⁷ However, although Evatt continued to favour Jerusalem's internationalisation, he and others were at this stage prepared to explore different schemes encompassing varying measures of international control. The Israelis were not averse to pursuing this line of inquiry, providing UN membership became part of the overall settlement. In casting an open mind to the idea of international control for the Holy Places, Israel found some support from Australia and France.⁵⁸

Meanwhile, Kirchwey arrived in Paris and met Evatt, who told her that he strongly opposed excising the Negev from Israel, a move that would turn the country into a 'charity state'.⁵⁹ But his straightforwardness for once failed to convince her, for a few weeks later she wrote to him after learning of rumours indicating that Australia was now leaning towards Bernadotte's plan.

*Remembering our conversation in Paris and your very strong words of opposition to the detachment of the Negev from the Jewish state, I could not imagine that any circumstances could conceivably arise which could change your views, particularly since your views were based on principle and practicality both.*⁶⁰

She then pointed out that Truman had been unhappy with Marshall's endorsement of the

proposal and that the Republican presidential candidate, Thomas Dewey, wanted to oppose it as well before appealing, as often before, to Evatt's sense of mission.

*I am overwhelmed by the lack of a voice of morality. You were that voice. Surely you are not going to be silent now? Surely, one of your clarity will not succumb to the notion that peace must be built on betrayal. The Bernadotte plan was conceived in that pattern of betrayal.*⁶¹

Within a week, Kirchwey's doubts could be dispelled. Evatt had been unable to meet the Israelis during his campaign for the presidency. He now sent Hood to Shertok to arrange a meeting.⁶² On 15 October, Shertok and Comay saw Evatt, together with the Australian representatives on the Political Committee, Hood and James Plimsoll, at Evatt's office at the Palais de Chaillot. The Israelis found Evatt 'exceptionally cordial'.⁶³ Evatt said he welcomed the opportunity for discussion because he was anxious to help, speaking also contemptuously of the Arabs, who had voted against him in the Assembly as an act of revenge for his role in pushing through partition the previous year. He then made one of his habitual faux pas by asking Shertok for his estimate of Truman and Dulles, as well as the US delegation. Shertok, mild-mannered and diffident, declined to comment, but this only irritated Evatt, who urged him to put his 'cards on the table' before deciding that a little explanation of his thinking might be necessary. A Conciliation Commission, he began, would be the best way to go about settling boundaries and clarifying the Jerusalem issue as the Political Committee lacked the necessary expertise to deal with these. Shertok wanted its work limited to recommendations but Evatt was confident that such a commission should be able to recommend 'modifications' not only seek 'common ground' between Jews and Arabs. Evatt stressed that he used the word 'modifications' to indicate that the original partition resolution was the basis on which matters must turn; the Israelis need not fear revision in their disfavour, such as removal of the Negev. If such a commission could be appointed at the present Assembly session then Israel should be admitted to the United Nations. Both the partition resolution and Bernadotte's report, Evatt reminded the men, were in 'full accord' on the reality of Israel's statehood.⁶⁴

All this sat well with the Israelis, who had been wary of any commission acting as mediating body with wider powers, which Arkady Sobolev, the Assistant Secretary-General, had been exploring. However, there were doubts about the tactical merits of introducing such a proposal, rather than letting it simply emerge through verbal combat in the Assembly between supporters and opponents of Bernadotte's report. Evatt seemed uneasy about Australia's continuing non-recognition, but he forbore from mentioning the issue and the Israelis did not raise it.⁶⁵ He advised the Israelis not to press at this stage for too much favourable boundary revision and to be more flexible when the Conciliation Commission, when appointed, would turn its attention to recommendations on this point: 'A little flexibility on one point might have its rewards in other directions.' Anglo-American endorsement, continued Evatt, would be of much value to Israel. Hood wondered out loud if a further commission could succeed, without any assurance of Arab-Jewish co-operation, but Evatt replied impatiently that 'it was useless to expect the Arabs to agree to anything'; a formula that was internationally acceptable without Arab support was all that was attainable. Evatt further advised the Israelis to stay in touch with Hood and Plimsoll, who would be working to the ends he had foreshadowed, but assured them that they could also approach him personally if necessary. Lastly, he informed them of an earlier discussion he had held with John Ross of the US delegation, and was hopeful the ideas he had just outlined might be acceptable to the Americans. The meeting broke up, Evatt insisting on the 'absolute

confidentiality' of the discussions which was duly promised by Shertok and Comay.⁶⁶

Evatt was obviously hopeful that his idea might command wider support. To his annoyance, however, the Americans and British proved harder than expected to dislodge from Bernadotte's plan. Once the US presidential elections that surprisingly reconfirmed Truman in the White House were out of the way, Evatt gave vent to one of his hectoring and abrasive confrontations with the Americans, with whom he felt lay the primary responsibility.⁶⁷

On 9 November, during a Security Council meeting, he sent word to Ross, asking him to drop by his office later. Ross did so and was subjected to a 'fairly long harangue' on the US stance on more than one issue, including Palestine. Evatt asked Ross point blank if the Americans intended to delay the question of Israel's admission in the Assembly. Ross denied this as an unfounded rumour. Evatt then asserted that the partition plan, not Bernadotte's, must be the basis for action by the General Assembly. He reiterated his views about the Bernadotte plan being neither sacrosanct nor a basis for a departure from partition, adding that it would fail to command a two-thirds majority. Only the British were in favour and the Americans could control the British, Evatt told a presumably amazed Ross, who inquired gingerly to know how this might be done. Evatt replied bluntly that the United States had economic and therefore political leverage over Britain and this stimulated him to a rancorous review of Britain's spoiling policy on Palestine. He singled out Bevin's Middle East adviser, Harold Beeley, as a 'sort of arch fiend' who had worked sedulously to frustrate every UN effort on Palestine. The British, in any case, had got it all wrong from the military standpoint, he said, recollecting recent news that the British were considering lifting the arms embargo in fear of renewed Jewish offensives.⁶⁸

*The Jews have fought like tigers in a matter of life and death for them ... The Egyptians started the war. They were the first to invade Palestine; they defied the Assembly Committee last year; they defied the General Assembly; they were defying the Security Council; now they had been whipped and shouldn't come screaming to the United Nations. At this point Evatt diverted to attack vigorously United States support for the election of Egypt to the Security Council. He said he thought this was a terrible blunder, that for all of the reasons he had stated Egypt should not be a Member of the Council. They had nothing whatever to contribute. On the contrary, they were just the kind of State which should not be a Member of the Council.*⁶⁹

Evatt then accused the American delegation of undercutting the official US position, which Ross denied emphatically. He thought Evatt was being overly mindful of press reports to the effect that a cabal of foreign policy specialists were stultifying Truman's Palestine policy as they had attempted before and after the Assembly vote on partition (Kirchwey was strong on this suit, and Evatt listened to her). But Ross had nothing to tell Evatt about the type of reception Bernadotte's plan would receive from his government. Evatt appeared to him to be saying that Israel was entitled to the Jewish sector allocated it by partition as well as subsequent territorial gains arising from the war. Ross said his own thinking differed little from Evatt's except with regard to Evatt's 'exclusive emphasis' on partition, which might have a deleterious affect on Israel's territorial position, especially in the Galilee. The fait accompli of Israel's existence was recognised by Bernadotte and Bevin's acceptance of his report amounted to implicit British recognition, all of which augured well for an eventual Arab-Israeli peace settlement. Ross advised Evatt not to brush the Bernadotte Report aside. Evatt replied that reaffirming partition would be the correct basis for setting up a boundaries commission and, while the Bernadotte

Report could be one source of suggestions, it should not be the sole one. Ross thought this approach an oversimplified one that risked the Assembly becoming bogged down in detail. If Evatt responded to this objection, Ross did not record it. Evatt seems to have been influenced by the trusteeship episode earlier in the year which had briefly threatened to postpone if not cancel Jewish statehood. Upholding UN credibility could best be achieved, in his thinking, by reaffirming partition and ending for all time the ambiguity surrounding Israel's status.

Evatt did not confine his exasperation to Ross. Within a couple of days, he returned to the offensive against Noel-Baker, whom he urged not to lift the arms embargo, since it could have the effect of emboldening the Arab states to prolong an already futile war. He also advocated the proposals for a boundary commission that he had pressed on Shertok and Comay in October. 'This might be an immediate powerful influence in averting further armed conflict ... Early recognition of a Jewish state would assist such a proposal. A firmly established Jewish state may exercise considerable stabilising influence in Middle East.'⁷⁰

Increasingly, Evatt was on stronger ground. As Britain discovered when it convened a meeting of Commonwealth leaders in Paris on 17 November, Australia, New Zealand and South Africa were all opposed to Bevin's continuing support for Bernadotte's proposals. All preferred partition as the basis for a settlement. Pakistan remained pro-Arab and India was adopting an open-ended approach, but the Dominions were unequivocal. The British, however, still expected US support for Bernadotte's plan and additionally counted on Washington to pressure Israel into agreement with the Arab states. The General Assembly's Political Committee was now deliberating on the Mediator's report, presented on 18 September, one day after Bernadotte's assassination, and the question of a long-term political settlement. However, the United States had moved away from the plan. Its representative, Philip Jessup, emphasised on 20 November that his government favoured Israeli admission to the United Nations and no diminution without Israeli consent of Israeli territory under partition. These aspects of US policy, however, were not finding their way into the British resolution.⁷¹

Britain's fidelity to Bernadotte did not prevent Australia moving a resolution in the Assembly on 22 November to establish a conciliation commission for a Palestine settlement that would seek to create boundaries in conformity with the partition resolution. There was one portent of bad tidings for Israel: such a resolution envisaged full internationalisation of Jerusalem, which the Israelis had repudiated since lifting the siege of the city the previous July. There was, however, another important element. The draft resolution called for the Assembly to give 'sympathetic consideration' to an application by Israel for admission to the world body. Bevin could no longer prevent Australia and other Commonwealth countries from moving in this direction.⁷² Evatt informed Chifley that he intended making a statement reaffirming partition and that New Zealand and Canada would be acting similarly, though he omitted to mention that his would also call for consideration of Israeli admission to UN membership. His immediate concern was to ascertain if Britain would veto Israeli admission. The likelihood was that it would and he urged Hood to find out. Britain was under continuing pressure to lift its arms embargo on Transjordan. To assist Israeli efforts for recognition was the last thing Britain wanted at this moment.⁷³

The Australian conciliation commission proposal was referred to the Political Committee where Lillie Shultz, Kirchwey's colleague at *The Nation*, kept Evatt informed of developments; as President he necessarily presided over Assembly sessions. In Committee, on 30 November, Britain surprised the Australians by affirming partition for the first time, contrary to the earlier assurance given by McNeil in the Commonwealth Ministers' meeting. Evatt was more upset at

not receiving notice than pleased at this apparent windfall. Beasley in London had explained to Bevin Australia's support for consideration of Israel's application for membership, yet McNeil had made his announcement without informing them. Evatt now attempted to engage the British in co-ordinating a joint text on establishing a commission. This proved impossible. The British, with Canadian support, were pursuing a resolution for a commission to be selected by the Big Five, whereas Evatt wanted, as with UNSCOP, the determination to be open to the whole Assembly and for Australia to be involved. The Australian motion was lost in committee by 15 votes to 16. All the Australian points were then put forward by Hood as amendments to the British resolution, except for the proposal for Israeli admission but this too failed to carry. In the Security Council on 3 December, Australia received strong US support for early recognition of Israel, but opposition from Britain on the grounds of prematurity and doubtfulness in the situation on account of continuing hostilities prevented adoption of a resolution.⁷⁴

The Israelis were not yet giving up hope. On 4 December, the British resolution, with the Canadian amendment for selection by the permanent members, was passed 25 to 21 with nine abstentions and three absentees. Shultz informed Evatt that this result clearly indicated that when voted upon in the Assembly, a two-thirds majority was impossible, even were all the abstainers to vote in favour. Evatt could then introduce a new resolution along his preferred lines. Shultz even suggested the form of an Australian resolution. However, events did not work out this way. When referred back to the Assembly, it decided on 11 December by a vote of 35 to 15 with 8 abstentions to adopt the British resolution.⁷⁵

For all this disappointment for Evatt, the British resolution, as he recognised, was not without advantages to Israel. The dead hand of Bernadotte in his ambitious redefinition of boundaries had been rejected and a Conciliation Commission to effect a final settlement had been established. As Evatt cabled Burton, the 'Arabs have achieved a resolution far worse from their point of view than the original United Kingdom resolution'.⁷⁶ On the other hand, Israel's application for membership had been heard and rejected only under intense British opposition with the result that the Security Council deferred Israel's application to consideration by a special committee on 12 December.⁷⁷

The Conciliation Commission's terms of reference were to promote Arab-Israeli peace and relations. To this end, it was to establish immediate contacts with all parties and assist in the search for a political settlement. It could also assume any of the Mediator's functions as formulated by the Assembly as well as any other functions previously assigned to him by the Security Council or Truce Commission. In the event, Bunche was asked by the Commission to remain in his post as Acting Mediator to assist with armistice negotiations. The determination of the Commission's membership, by the terms of the resolution, fell to the Security Council's permanent membership with the result that France, Turkey and the United States were selected. This was in accordance with British wishes; there had been some support for Australia's candidacy, but the wishes of Arab states had been given weight in preferring Turkey, a Muslim country.⁷⁸ Lester Pearson of Canada approached Evatt in a bid to have these three nominated by Evatt as president, an approach which Evatt at first rebuffed in similar terms to those he had used on another occasion with Herschel Johnson the previous year. Evatt told Pearson that he would not do their 'dirty work' for them and added mischievously that he could not guarantee a slip of the tongue when it would come to nominating members.

In the event, the three were nominated without Evatt help, to Evatt's considerable rancour.⁷⁹

NOTES

1. O'Brien, *The Siege*, p. 298; David J. Bercuson, *Canada and the Birth of Israel*, p. 188.
2. Leonard, 'The United Nations and Palestine', pp. 668–9.
3. 'The Bernadotte Report', strictly confidential memorandum, n.d., SAI 2425/2. The memorandum may have been Eban's. Eban and his colleagues saw Beeley as a particularly hostile and duplicitous adversary. In a meeting with him in August 1947, Eban noted, 'In discussing illegal [Jewish] immigration [to Palestine], [Beeley] affected great concern for legal immigrants who were being penalised by being forced to remain in Germany while the illegals pushed ahead. This solicitude was expressed with some gravity and with as near a straight face as he could muster'; Eban memorandum, 'Report on a Trip to London – August 5th to 9th', SAI 2270/1.
4. Ilan Pappé, *Britain and the Arab–Israeli Conflict, 1948–51* (Macmillan Press, London, 1988), pp. 40–1.
5. Hood to Evatt and DEA, cable, 30 June 1948 (received 2 July), EC UN – Cables, NY 1946–48.
6. Hood to Burton, letter, 6 August 1948, AA A1838/278 851/12/3, i.
7. Comay to Hood, letter, 18 June 1948. SAI 125/17.
8. Comay to Sigalla, letter, 28 June 1948, SAI 125/17; also Australian High Commissioner, Ottawa, to DEA, secret cable, 22 June 1948 (received 23 June), AA A1838/278 851/12/3, i.
9. Burton to Hood (New York), secret cable, 23 June 1948, AA A1838/278 851/12/3, i.
10. Sigalla to Comay, letter, 29 June; Comay to ZFANZ, cable, 9 July, Comay to Sigalla, letter, 9 July 1948, SAI 125/17.
11. Leonard, 'The United Nations and Palestine', pp. 697–8.
12. Trygve Lie, *In the Cause of Peace: Seven Years with the United Nations* (Macmillan, New York, 1954), p. 188.
13. Moshe Sharett, *B'sha'ar Ha'umot: 1946–1949* (Am Oved, Tel Aviv, 1958), pp. 190–1; O'Brien, *The Siege*, p. 301; Leonard, 'The United Nations and Palestine', p. 698; Australian UN delegation to DEA, secret cable, 19 July 1947 (received 20 July), AA A1838/1 191/2/1.
14. Comay to ZFANZ, cable, 9 July 1948; Comay to Sigalla, letter, 9 July 1948; Comay to Sigalla, letter, 20 July 1948, SAI 125/17.
15. Comay to ZFANZ, cable, 9 July 1948; Comay to Sigalla, letter, 9 July 1948; Comay to Sigalla, letter, 20 July 1948, Comay to Ehud Lederberger, letter, 5 August, SAI 125/17; Comay to Hood, letter, 2 August 1948, AA A1838/278 851/12/3, i.
16. Hood to Burton, letter, 6 August 1948, AA A1838/278 851/12/3, i.
17. G.K. Smart (Consul-General, San Francisco) to Makin, 29 October 1948; Makin to Smart, letter, 2 November; Burton to Australian Embassy, Washington, 17 November (received 26 November), AA A3300/1 681; Comay to Linton, cable, 28 July 1948, SAI 125/17.
18. Spiegel, *The Other Arab–Israeli Conflict*, p. 40; Pappé, *Britain and the Arab–Israeli Conflict*, pp. 43–5.
19. 'Minutes of Conversation between Dr Ralph Bunche and Mr D. Horowitz on October 4th 1948', SAI 2425/2. Bunche spoke here of the plan assuming 'undue rigidity'; Burton to Evatt, cable, 18 September 1948, AA A1838/278 852/20/2/1; Pappé, *Britain and the Arab–Israeli Conflict*, pp. 46–7; Noel-Baker to DEA and DD, secret cable, 23 September 1948 (received 24 September), AA A1838/278 852/20/2/1.
20. Quoted in Pattison, 'The Delayed British Recognition of Israel', p. 423.
21. Bevin address to the General Assembly in ORGA, 3rd Session, 1948, *General Assembly 21*

- September–12 December 1948, p. 144; see also Pappé, *Britain and the Arab–Israeli Conflict*, p. 46.
22. Brian Urquhart, a United Nations official, notes that Kirchwey wrote to Lie, asserting that Bunche was undermining partition, to which Lie responded with a ‘blistering rebuttal’. Shultz publicised similar assertions (‘Who Wrote the Bernadotte Plan?’, *Nation* (US), 23 October 1948) and later rebuffed Bunche’s attempts to discuss the matter with her; Urquhart, *A Life in Peace and War*, p. 196.
 23. ‘Note on a Talk With Dr Evatt, 14th December 1948’, Comay memorandum, SAI 2391/35. O’Brien, who worked for a time within the United Nations under Bunche, concedes that Bunche did enjoy a special relationship with the Americans but that he was ‘never less than a conscientious international civil servant’; O’Brien, *The Siege*, p. 298.
 24. ‘Minutes of conversation between Dr Ralph Bunche and Mr D. Horowitz on October 4th 1948’, SAI 2425/2; Pappé, *Britain and the Arab–Israeli Conflict*, p. 47, citing a conversation between the two men on 7 October.
 25. Alec Kirkbride, *From the Wings: Amman Memoirs, 1947–1951* (Frank Cass, London, 1976), p. 55.
 26. *Ibid.*, pp. 39, 60–2; O’Brien, *Britain and the Arab–Israeli Conflict*, p. 300; Shertok to Golda Myerson (Israeli Ambassador, Moscow), 5 November 1948, *Documents on the Foreign Policy of Israel* (hereafter *DFPI*), Vol. 2, *October 1948–April 1949*, Companion Vol. 2, p. 32; Comay to Shertok, confidential memorandum, 27 September 1948, SAI 2425/2.
 27. Moyne’s predecessor in that post had been Australia’s Richard (later Lord) Casey, subsequently Minister for External Affairs and Governor-General of Australia. Moyne had succeeded Casey in 1943.
 28. Chifley to Williams, Canberra, letter, 28 August 1948, AA A1838/1 191/2/1; Hood to Burton, letter, 6 August 1947, AA A1838/278 851/12/3, i.
 29. Evatt to Burton, secret cable, 27 September 1948 (received 28 September), AA A1838/1 191/2/1; A1838/278 852/20/2/1.
 30. *Ibid.*
 31. Archer note, 2 September 1948, PRO DO35 3757.
 32. G.E. Boyd Shannon (British High Commission, Ottawa) to E.R. Carson, CRO, secret letter, 19 July 1948, PRO DO35 3754.
 33. *Ibid.*
 34. ‘Brief on United Nations subjects for use in Secretary of State’s talks with Dr Evatt on 27th and 28th July’, 23 July 1948, PRO DO35 3757; Extract from informal note on High Commissioner’s meeting at CRO, 16 July 1948, PRO DO35 3754.
 35. UK High Commission, Canberra to CRO, telegram, 20 July 1948, PRO DO35 3757.
 36. Burgess (Foreign Office) to McNeil (Geneva) for Bevin, top secret cable, 21 July 1948, PRO 6338 FO800/510.
 37. McNeil to Bevin, secret cable, 2 August 1948, PRO 6338 FO800/510.
 38. Waters, ‘Anglo-Australian Conflict Over the Cold War’, p. 304.
 39. Memorandum of conversation by G. Haydon Raynor with Denis Allen (Counsellor, British Embassy), Washington, 23 August 1948, *FRUS 1948*, Vol. 1, Pt 1, 1974, p. 114.
 40. Memorandum of conversation between Canadian, United Kingdom and United States officials, Ottawa, 30–1 August 1948, *ibid.*, pp. 121–4.
 41. Marshall memorandum to US diplomatic missions in American republics, 3 September 1948, *ibid.*, p. 127.

42. Shultz to Kirchwey, letter, 16 September 1948, SL Kirchwey Papers, MC 280, Box 14, file 240.
43. Marshall to Jessup (Paris), confidential cable, 10 September 1948, *FRUS* 1948, Vol. 1, Pt. 1, p. 132.
44. Memorandum of conversation with Evatt and Atyeo by John Foster Dulles, 19 September 1948, *ibid.*, p. 133.
45. Memorandum of conversation with Joaquin Fernandes (Chile), 20 September 1948, *ibid.*, p. 135; Joaquin Balaguer (Head, Dominican UN delegation) to Australian UN Delegation, letter, 25 September 1948, EC External Affairs – General Assembly.
46. Baruch to Evatt, letter, 28 September 1948, EC Overseas Trips, 1948.
47. Crockett, *Evatt: A Life*, p. 222.
48. *Sydney Morning Herald*, 23 September 1948.
49. Quoted in Crisp, *Ben Chifley*, p. 287. The press was undoubtedly hostile, but Evatt scarcely helped matters by being out of reach and ignoring communications, as at least one editor reproved him; J.J. Simmon (Managing Editor, *Sunday Times*) to Evatt, 11 January 1946, EC Correspondence – Miscellaneous 1946, 1947.
50. Bevin to Evatt, letter, 25 September 1947, EC Overseas Trips, 1948; *Palestine Post*, 31 August 1948.
51. Noel-Baker to Evatt, DEA and DD, secret cable, 22 September 1948 (received 23 September), AA A1838/1 191/2/1.
52. He had been formerly the Transjordanian military governor of Jerusalem.
53. Ahmed Hilmi Pasha to Evatt and DEA, cable, 30 September 1948 (received 1 October); Noel-Baker to Evatt and DEA, cable, 1 October 1948 (received 2 October); Noel-Baker to Evatt and DEA, cable, 12 October 1948, AA A1838/1 191/2/1. In Canberra, the issue did not entirely die down until November, by which time Evatt was again in Paris, when there was some dissent within External Affairs. Someone minuted that the embargo was operating entirely in favour of the Jews and questioned whether this was the desired effect of the policy of non-recognition. All the same, Burton cabled Evatt in support of resisting the All Palestine government's efforts at recognition; DEA to Evatt (Paris), cable, 9 November 1948, AA A1838/1 191/2/1.
54. Pattison, 'The Delayed British Recognition of Israel', p. 426; Zvi Elpeleg, 'Why Was "Independent Palestine" Never Created in 1948?', *Jerusalem Quarterly*, Vol. 50, Spring 1989, pp. 64-7.
55. Australian UN delegation to DEA, secret cable, 15 October 1948 (received 16 October), AA A1838/2 852/10/11.
56. Australian delegation, UN (Paris) to DEA and DD, cable, 16 November 1948 (received 17 November), AA A1838/1 191/2/1.
57. Draft statement by Australian representative, First Committee (p. 3), 19 November 1948, AA A1838/1 191/2/1.
58. Shertok (Paris) to Eytan, cable, 19 October 1948, *DFPI*, Vol. 2, p. 73; Shertok to Golda Meyerson (Israeli Ambassador, Moscow), 5 November 1948, *DFPI*, Companion Vol. 2, p. 32.
59. Kirchwey to Oscar Ewing, letter, 27 September 1948, SL Kirchwey Papers, MC 280, Box 14, file 240.
60. Kirchwey to Evatt, personal letter, 8 October 1948, SL Kirchwey papers, MC 280, Box 14, file 240.
61. *Ibid.*

62. Hood to Comay, letter, 11 October 1948, SAI 2425/2.
63. Comay memorandum, 'Note on a Talk with Dr Evatt, 15th October 1948', SAI 2425/2.
64. Ibid.
65. Meeting of the Israeli UN delegation, memorandum, Paris, 18 October 1948, *DFPI*, Companion Vol. 2, p. 23.
66. Comay memorandum 'Note on a Talk with Dr Evatt, 15th October, 1948', SAI 2425/2.
67. Evatt actually won, but never bothered to collect, a US\$25 wager that Truman would be re-elected; David Karr to Evatt, n.d., EC Overseas Trips, 1948.
68. Crotonate to DEA, telegram, 5 November 1948, EC Cables, London, 1947–48.
69. 'Dr Evatt's Views Re Palestine and U.S. Foreign Policy,' Memorandum of conversation with Evatt by John Ross, 9 November 1948, NARA RG 84, Box 87, US Mission to UN, 1945–49, Palestine, June–December 1948 file.
70. Acting Minister, DEA to High Commission, London, secret cable, 11 November 1948, AA A1838/1 191/2/1.
71. Australian UN delegation (Paris) to DEA and DD, cable, 17 November 1948 (received 18 November), AA A1838/1 191/2/1; Telegram from Crotonate, London, to DEA, 20 November 1948, EC Misc. Correspondence (b); 'Observations on the United Kingdom draft resolution as amended by the United States', Israel delegation (n.d.), AA A4355/2 6/19/2.
72. Australian UN delegation (Paris) to DEA, cable, 22 November 1948 (received 23 November), AA A1838/283 852/10/11, i; Australian UN delegation (Paris) to DEA, cable, 23 November 1948 (received 24 November), AA A1838/1 19/2/1.
73. DEA to Australian UN delegation, Paris, draft cable and cable, 26 November 1948. AA A1838/283 852/10/11.
74. Shultz to Evatt, letter, 4 December 1948, EC External Affairs – Palestine; Australian UN Delegation (Paris) to Acting Minister, DEA, secret cable, 1 December 1948 (received 2 December), AA A1838/1 19/2/1; A1838/1 191/2/1.
75. Shultz to Evatt, letter, 4 December 1949, EC External Affairs – Palestine.
76. Australian UN delegation (Paris) to Burton, secret cable, 6 December 1948, AA A1838/1 191/2/1.
77. Australian UN delegation (Paris) to Acting Minister and DEA, cable, 3 December 1948 (received 4 December), AA A1838/1 191/2/1.
78. Leonard, 'The United Nations and Palestine', pp. 715, 717; Australian UN delegation (Paris) to DEA and DD, cable, 13 December 1948 (received 14 December), AA A1838/1 191/2/1.
79. 'Note on Talk With Dr Evatt, 14th December 1948', Comay secret memorandum, SAI 2391/35.

13

‘As Inevitable as it is Just’

With Bernadotte’s plan finally discarded, the locus of diplomatic activity moved to the twin issues of armistice negotiations and Israel’s international status. Israel’s assertion of control in western Jerusalem and the open-ended prospects for armistice talks were deterring the new Nationalist government in South Africa from according further recognition of Israel or supporting its claims for admission to the United Nations. But with Israel having consolidated itself in the field, the question of recognition was now no longer moot in the political sense that Eggleston and Deschamps had indicated six months earlier. An Israeli state existed with armistice lines to be determined by negotiation.

The opportunity was there now to lift the doubt over Israel’s diplomatic status. For Evatt, however, the immediate, vexing obstacle – British non-recognition and the pressure Bevin had brought to bear to keep the Commonwealth in line behind him – remained. In December he was a guest at a private lunch, together with Stone, at Harvard where the two discussed the admission question for some three hours that afternoon. Evatt was keen to advance Israeli admission, but ruminated on past and anticipated difficulties and here Stone detected ‘the undertone of complaint and the beginning of impatience’.¹

On 11 December, three days after the vote establishing the Palestine Conciliation Commission, Comay managed to see Evatt for a hasty meeting that lengthened to 40 minutes. Although on the verge of leaving New York for home, Evatt was in an expansive mood. Comay thanked him for the efforts of the Australian delegation and regretted that Australia had not been included amongst the members of the Conciliation Commission. This only drew a broadside from Evatt against a variety of people whom he regarded as responsible for the failure of Australia’s bid. Dulles had ‘stayed out of the room to dodge the issue’; the Chinese had let him down, despite promises; Pearson was a ‘slippery customer ... up to his neck’ in intrigue about the Commission.²

But his anger at Britain predominated. Churchill, addressing the House of Commons, had described Bevin’s refusal to endorse the Commission as a ‘sulky boycott’, a phrase Evatt seized upon with relish. He asked Comay if Zionist friends in London could prevail on Churchill to ask a question in the House as to why the British UN delegation, especially Hector McNeil and Harold Beeley, had insisted on the inclusion on the Commission of Turkey in preference to a Commonwealth member like Australia. During the Paris session, he had clashed with McNeil in a massive row. McNeil had accused him of picking a fight with Britain at every opportunity, at which point Evatt had abruptly become conciliatory, adopting emollient words and blaming friction on officials.³ The incident was still on Evatt’s mind. He recounted to Comay how McNeil, at a Commonwealth meeting on 17 November, called by Britain on the issue of Israeli UN membership, had signally failed to garner any support for the British position, even though Britain had carried the day over Australia’s resolution. Evatt conceded that Australia had taken a

risk in proposing an independent resolution that had been defeated, but drew some satisfaction from the fact that the resolution had had its impact. Nonetheless, his failure rankled, his mood was ungenerous and Comay soon found himself defending Hood from a charge of having been ‘a little “inert”’. Comay replied that he thought Hood had stuck to his guns effectively in adverse circumstances.⁴

The two turned to the battles of recent weeks. The Israelis had relented in their opposition to the British resolution at just the right time, thought Evatt, who had not been free to let them know this at the time, but trusted that his views had reached them through Shultz, Granados and others. The shortcomings in the operation of the Commission bothered him little. Its creation had ‘completely wiped out’ the Bernadotte Report, partition had been reaffirmed and the Commission enjoyed no jurisdictional control over Israel. No resolution at all, Evatt reminded him, would have ruined Israel’s chances of admission and left the Security Council in full charge of events in Palestine. At this point, Comay played a strong hand. Could Australia, he asked, continue to defer recognition now that it had been publicly the foremost defender of Israeli independence?

Even Bevin was beginning to find his attitude untenable and I could tell him in confidence that we were now being sounded out [by the British] with a view to establishing some kind of relationship with us. This information incensed Dr Evatt, who burst out that it was just like the British to block Australian recognition and then try to ‘sneak ahead’ of Australia.⁵

Evatt now recounted for Comay how Canberra’s willingness to recognise Israel earlier in the year had been thwarted by Whitehall. In the face of strong pressure, Chifley, ‘a cautious man’, had been unwilling to defy the British. Comay suggested that with the evident failure of British policy, Australia might be willing now to act on its own initiative. Evatt agreed that Australia should proceed irrespective of British wishes and indicated he would recommend this on his return to Canberra. There was, however, a practical difficulty: Evatt was returning by sea via the Cape of Good Hope and would not be back in Canberra until 20 January. Therefore, Evatt tried to prevail on Comay with an invidious request: that Israel seek an effective delay in British recognition to permit other Commonwealth members to enter first into relations. Such an idea ‘would be quite proper ... and do us no harm at all’.⁶

Evatt’s extraordinary idea that a new, small state would delay establishing ties with a major power for the explicit purpose of effecting prior recognition by other states is a glaring example of the way in which personal scores could suddenly predominate with Evatt in the midst of lucid political discussion. Comay handled Evatt as gently as he could. Israel, he responded, would welcome Australian recognition in advance of Britain’s but not if it meant a delay of ‘a couple of months’ in commencing relations with London. Of course, he would pass on Evatt’s ‘unofficial’ view to Shertok at once.⁷ He tried to appeal to Evatt’s desire to secure prior recognition, stressing how prompt action on recognition by Australia could have an important effect on the overall situation. Comay put his arguments in writing to Evatt later that day: Australian recognition would have a salutary effect on Arab–Israeli negotiations and encourage Britain, in its deliberations on the subject, to do likewise. Such a move by Australia, ‘in advance of your own return’ on 20 January would help secure these results.⁸

Evatt tried. At sea, he instructed Burton on 26 December to announce recognition as soon as possible, possibly spurred by the news of Canada according Israel de facto recognition two days earlier. But Chifley had yet to be persuaded to break ranks, and he vetoed Evatt’s instructions. In

the meantime, Australia was still observing the Palestine arms embargo, though permitting the liberal transfer of funds and non-military materiel to Israel despite opposition from the Treasury. In Evatt's absence, Burton rejected an application for exporting armour plating and rifles, at one stage even clothing, but relented on the latter with the onset of the northern winter. Evatt knew the Opposition at home had been carping about his long absence abroad, criticising his involvement in international affairs that held little importance to Australia to the detriment of matters closer to home. His opposite number, Percy Spender, had been depreciating the importance of Australia's role in affairs in Greece, Palestine and Berlin. Chifley, the 'cautious man', had been defending him mightily in the House. Recognition would need careful handling.⁹

As Evatt returned to Australia by sea, other developments supervened to hasten the prospect of British recognition. Ironically enough, these developments centred on perhaps the highest embarrassment Britain had sustained at the hands of the Jews in the recent affairs of Palestine.

From the outset of the Arab–Israeli war, Britain had maintained that any attack on the sovereign territory of its treaty allies, Egypt and Transjordan, would necessitate its military support. On 31 December, Noel-Baker told Canberra that the British had definite information that 'Jewish forces' had reached Egyptian territory. While evacuating Egyptian territory after tactical operations had been completed, Israel had not withdrawn to positions occupied on 14 October as required by the Security Council resolution of 4 November. This had given the British their cue to intervene. They sought to invoke their treaty obligations but were rebuffed by the Egyptians, who wanted no further association with Britain in the war and were indeed now seeking an armistice. This was clearly an astonishing result, the opposite of what Bevin had intended.¹⁰

Despite the rebuff, British forces, under the unusually close supervision of Bevin, remained involved, with the RAF flying reconnaissance missions in the battle zone. On 7 January 1949, Israeli aircraft shot down five RAF planes, four Spitfires and one Mosquito, over Sinai in the area of the Egyptian–Israeli lines. Precisely because of the Anglo-Arab treaties, it was claimed by Israel then and long afterwards to have occurred over Israeli territory but Israeli documents declassified in the 1980s revealed that the incident occurred over Egyptian airspace.¹¹ The British protested furiously. Bevin was still invoking every form of philological ingenuity to avoid recognising Israel and Cadogan's deputy in New York, Sir Terence Shone, delivered a letter of protest over the incident eccentrically addressed to the 'Jewish authorities in Palestine'. Arthur Lourie, deputising for Eban, rejected it as improper for receipt.¹²

The prospect of Britain and Israel finding themselves at war now loomed. The British 'political offensive accompanied by military threats', however, induced Shertok to appeal to Evatt, Pearson, Fraser and Malan to use their 'moderate counsels' with Bevin over the serious possibility of 'lasting embitterment of Anglo-Israeli relations'. Shertok insisted that Israel was threatening no British interest and, while the RAF incident was 'regrettable', the responsibility rested with Britain for engaging in reconnaissance flights over the battle zone. Now a British force was to be dispatched to Aqaba on the possibly contrived invitation of Abdullah.¹³ The next day, Gideon Raphael of the Israeli mission in New York asked Hood and Shann, who was now also on the Australian UN delegation, for Australian intercession with Bevin, Hood promising him a sympathetic relay of his request to Evatt.¹⁴

There was indeed scope for moderate counsels. By now, the contradictions in Bevin's policy were exposing him to unprecedented criticism. Israel existed, armistice talks were due to begin, yet the RAF had been involved in operations near the fighting zone and Bevin was persisting to refuse acknowledgement of Israel's statehood. Until this point, internal British Labour Party

criticism had been limited to people like Richard Crossman and other declared Israel sympathisers. Now, as Beasley reported from London, criticism was coming from 'among groups usually favourable to the Foreign Secretary, and it may be said that the reaction to the deaths of the airmen in this reconnaissance is precisely the opposite of that in the case of the sergeants in 1947'.¹⁵

Evatt thus found plenty of inducement to act on recognition upon his arrival in Australia. Greetings from Bishop Pilcher included the news that both the United States and Britain, according to his information, were to act shortly to recognise Israel de jure. Tange and Deschamps noted that Australia stood to forfeit wheat sales to the new state if recognition was now withheld.¹⁶ Evatt also found other correspondence and reports pointing in the direction of imminent British recognition, including a letter from Attlee to Chifley.¹⁷ Evatt immediately instructed Beasley in London to find out what Bevin intended:

*It is most important that I should know precisely whether and when the United Kingdom Government propose to accord provisional recognition of the State of Israel ... Great pressure was put on us by United Kingdom not to recognise in advance of them and although we favoured recognition we deferred action at their persistent and almost incessant request ... absolute necessity that we should not be one moment behind United Kingdom in recognition. Although in my personal opinion past failure to recognise has been very damaging especially in view of United Nations proceedings. Will you ascertain most immediately from Bevin himself precise situation. I am most anxious about the matter as we have consistently stood by partition plan and United Kingdom policy has been neither loyal to the United Nations nor successful from point of view of power politics and expedience.*¹⁸

Evatt now referred to a lengthy, defensive cable received the previous day from Noel-Baker which was at pains to depict British Palestine policy as coherent in the service of both British and Commonwealth interests and support for the United Nations. Noel-Baker reiterated Britain's adherence to the arms embargo, despite its treaty obligations, which was disadvantaging the Arabs. Britain now accepted that Israel should be established within properly defined borders even though 'we cannot feel that the temper of the Jews as displayed by their recent actions is likely to contribute to this solution above all unless and until the authority of the United Nations can be re-established in the area'.¹⁹ Commonwealth communications meant the necessity of upholding the treaties with Egypt, Transjordan and Iraq and further Jewish attacks would compel Britain to arm these states. There was also a mulish explanation for the RAF dispatching the aircraft that the Israelis had shot down. In short, it was an embittered defence of policies opposed to partition with an apologetic gloss uncongenial to Evatt, who held that Britain had no small part in undermining UN authority which Bevin was now professedly anxious to re-establish. Evatt told Beasley to remind Bevin that Britain, in contrast to the Commonwealth, had first abstained then sought to modify partition. Further,

Australia is entitled to point out that we would have been elected to the [Conciliation] Commission on Palestine but for Bevin's insistence that Turkey should be preferred to Australia in order to appease the Arabs and although Australian troops had taken so prominent a part in the liberation of Palestine from the tyrannies and cruelties [sic] of the Turkish Government in the First World War. In your conversation with Bevin you should not, repeat not give him

*this telegram. You should insist that United Kingdom does not steal a march on Australia in recognition of Palestine for which I have consistently struggled. I believe the State of Israel will become a bulwark of Western civilization in the Middle East.*²⁰

So sensitive did Evatt regard this matter that his cable was directed to Beasley alone and Beasley's reply, which was sent the same afternoon in London, was to be personally deciphered for him. Beasley met that afternoon with Bevin, who told him that recognition was under 'serious consideration' despite differences of opinion within the Cabinet, which was likely to make a decision on 24 January. He would then probably announce recognition in the House of Commons on 26 January. Beasley arranged to receive immediate word on 24 January, which would permit him to inform Evatt the same day, thus enabling Australia to make a 'simultaneous announcement'. In line with the objective of trading British recognition of Israel for US recognition of Transjordan that he had had in mind since at least the previous May, Bevin made a request: that Australia recognise Transjordan as 'it would be not only pleasing to the Arabs but generally do much good'.²¹ The same request had been made of the United States the previous week and the Americans were to oblige Bevin on 31 January. Recognition of his Transjordanian ally would serve the dual purposes of extricating Britain from its discomfiture over Israel while demonstrating that British delay on recognition had not been devoid of purpose or fruitful outcome after all. This was, of course, mere window-dressing: Bevin had been seeking to extricate himself for some time from the policy corner into which he had painted himself. The RAF incident only provided the final spur. In December, he had even considered releasing Jewish DPs from Cyprus and letting them proceed to Israel.²² Pattison concludes, 'The truth was that Bevin had lost the initiative in policy-making and the American decision on Transjordan had rescued him from some of the worst effects of his non-recognition policy.'²³

Evatt informed Beasley on 21 January that the message to be transmitted to Attlee, while 'subject always to Cabinet ratification'²⁴ and thus not due until the next Cabinet meeting on 27 January, would most likely be in terms of recommending simultaneous recognition,²⁵ either that very day or else 28 January. Bevin was increasingly anxious that Britain not be left behind by the Dominions, especially with Canada having already stolen a march on him.

However, Evatt was being unaccommodating, perhaps relishing Bevin's discomfiture. As he instructed Beasley to point out, Australia had twice initiated in the Assembly a proposal for Transjordan's admission to the United Nations and that 'upon suitable occasion after recognition of Israel the position can be restated by External Affairs Minister if United Kingdom so desire'. The British Cabinet had not yet met, and additional time might be needed to bring New Zealand to join a simultaneous announcement, so Evatt urged Beasley to garner support of recognition ahead of the Cabinet meeting in London on 24 January to create the necessary momentum. 'It would be very bad if after all that has happened we were in the heel of the hunt.'²⁶

The scene was set for a watershed debate on the Middle East in the House of Commons. Bevin announced that Israel's existence was a fact that Britain would not seek to undo. In a parting shot at the Americans who had made his preferred policy unworkable, Bevin stated with characteristic bluntness:

I have to be very careful what I say here or I shall be accused of disturbing relations with America; but in defence of His Majesty's Government, I ask the House to realise that at this point the whole question of who should be elected to certain offices in the United States turned on this problem, and the United

*Kingdom had very little latitude after that time.*²⁷

This drew a riposte from Crossman, who took up Bevin's broad hint. 'The point that there are so few Jews here that they can be safely disregarded, electorally, does not make us moral and the Americans immoral, for having regard to the Jewish vote.'²⁸

As a face-saver, Bevin sought the appearance of Commonwealth unity:

*I am not now announcing de facto recognition until I have replies from those Commonwealth countries and the other countries I have named [Brussels Treaty Allies], but I am assuming that these replies will be in during the next few days when a final decision can be made.*²⁹

But this sort of explanation satisfied no-one. The Tories, naturally, were no less critical of those within the government who had turned on Bevin's policy, and Churchill inveighed against Bevin in a memorable speech, which not only rehearsed his own partiality for Zionism but, damagingly for Bevin, excoriated his non-recognition policy:

*I am quite sure that the Right Hon. Gentleman will have to recognise the Israeli Government, and that it cannot be long delayed. I regret that he has not had the manliness to tell us in plain terms tonight, and that he preferred to retire under a cloud of inky water and vapour, like a cuttlefish, to some obscure retreat.*³⁰

Churchill then exposed the sophistry of non-recognition on the professed grounds of war and indeterminate frontiers before concluding with an unusually personal verdict on the government's performance:

*I say that the Conservative Party has done a great task over 25 years, with Parliaments which had a Conservative majority, in trying to build a Jewish National Home in Palestine, and, now that it has come into being, it is England that refuses to recognise it, and, by our actions, we find ourselves regarded as its most bitter enemies. All this is due not only to mental inertia or lack of grip on the part of the Ministers concerned, but also, I am afraid, to the very strong and direct streak of bias and prejudice on the part of the Foreign Secretary.*³¹

The momentum of debate militated in favour of placing the strains and contradictions of past policy behind the British government by embracing recognition. Bloodied and abandoned, Bevin sought and obtained a face-saving simultaneous announcement supposedly indicative of Commonwealth unity. Britain's de facto and Australia's de jure recognition, the first of its kind by a Western country, occurred the next day. De jure recognition disposed of any lingering doubts and stressed, by its unqualified nature, that Australia did not share in Britain's more restrictive expression of the act.³²

In announcing Australian recognition on 7 February, Chifley stated:

*The government of Australia believes that the new nation of Israel will be a force of special value in the world community and it confidently looks to Israel to assist in carrying out the United Nations decision declaring the special international status of Jerusalem as the Holy City. When the application of Israel comes before the General Assembly Australia will warmly support the admission of Israel to the United Nations.*³³

Evatt issued his own magisterial statement, describing Australia's decision 'as inevitable as it

is just'. The legal basis of Israel's existence was 'unassailable' and rested on the decision of the Assembly, 'and it is the established policy of the Australian government and of the Australian Labour movement to give unwavering support to the decisions and principles of the United Nations'. He explained that de facto recognition was inappropriate: Israel was 'the legal successor to the previously existing mandate, not the result of internal revolution'. He then reiterated broader policy:

*This act does not imply anything but friendly relations with the Arab states. Australia was among the first Nations to provide practical relief to Arab refugees when requested to do so last. Moreover, we have always recognised the validity of the action taken when the State of Trans Jordania [sic] was brought into existence.*³⁴

Puzzled by Evatt's use of the form, 'full recognition', Freilich queried Evatt, who replied laughingly that 'nothing could be fuller than full'.³⁵

Scarcely had recognition been accorded by Australia and Britain, Bevin sought to delay Israel's admission to the United Nations. The International Court in The Hague had recently handed down a judgement on the criteria for UN membership for which Williams sought Chifley's view, as Australia was one of the Brussels Treaty powers. His letter was passed on to Burton. The gist of the British argument was that their support for Israel's admission would not improve its standing in the Middle East, yet they felt that their hands were tied by an earlier statement of policy opposing their own use of the veto. Accordingly, Britain was seeking a way out of casting one against an Israeli application. 'We should try to insist on either deferring consideration of Israel, or only dealing with it at the same time as other applications and in particular those of Ceylon and Transjordan.'³⁶ But Evatt was in no mood to be solicitous to Britain in its dilemma. Burton instructed Tange in New York to reply that Australia, having recognised Israel, would support its application on the merits 'regardless of bargains'.³⁷ Burton also advised Chifley to reply to London in similar terms, adding only that if Ceylon and Transjordan were also to be considered for membership Australia would support them as well, and Chifley informed Williams accordingly.³⁸

For all the discomfiture Evatt had caused the British, he remained able to curry favour with them as required. It is an interesting aspect of his work that he could mercilessly inflame friends and enemies without ever quite burning his bridges. Visiting London in March, when the recognition battle was behind them, Evatt could afford to offer emollient words. In conversation with Noel-Baker, he managed to put a positive gloss over British Palestine policy, purporting to admire the way in which the Foreign Office utilised the delayed recognition of Israel to bring about a change in the general situation in Palestine.³⁹

In February, Israel prepared to re-submit its application for UN membership. Evatt took his advocacy of Israel's case further as Assembly President in urging its admission. El Salvador, Denmark and Australia drafted a resolution, successfully moved by El Salvador, inviting Israel to answer questions or make a statement – essentially to state its case – before the Assembly.⁴⁰

On 4 March, the Security Council approved a resolution calling for the General Assembly to favourably consider Israel's application for membership by a vote of 9 to 1 (Egypt) with Britain abstaining, citing the unresolved problems of Israel's attitude towards Jerusalem's status and the Arab refugees.⁴¹ The Council's recommendation was sent on 16 March to Evatt, as Assembly President, though he happened at that moment to be in London.⁴²

In Canberra, Williams was told that Australia favoured Israel's admission to the United

Nations and hoped that its application for membership would ‘be treated on its merits ... divorced from other considerations’.⁴³ The Security Council’s approval was further noted in support of Australia’s stance. New Zealand also made a point of distinguishing its position from that of Britain.⁴⁴

Evatt believed that the Palestinian refugees from the war zone should be treated as a separate humanitarian issue and that their unresolved status as refugees should not impede Israel’s membership. Australia was amongst those contributing to the relief of the refugees, believed to number some 750,000, in accordance with its support for the General Assembly resolution of 19 November 1948 which had established a voluntary refugee relief fund of US\$32 million. Australia had already met Bernadotte’s request on behalf of the refugees the previous August for 1,000 tons of wheat, 50 tons of butter, and 50 tons of cheese. In December, Australia met a request for 6,000 tons of wheat from the programme’s Relief Director. International reaction was forthcoming, but below expected levels of contribution, and in the circumstances, Chifley advised the Cabinet that at this stage Australia supply 1,000 tons of flour ‘until a more substantial response is made from other countries able to help’, which the Cabinet duly approved on 1 March 1949. Later in the month, as further refugee relief, Australia pledged US\$160,000.⁴⁵

Australia continued to argue for Israel’s admission in the Political Committee, where its advocacy did not go unremarked by the Israelis and Australian Zionists. The latter wrote to Chifley to express gratitude for the ‘immeasurable contribution made by Dr H.V. Evatt and the Australian Government’, as did others.⁴⁶ Weizmann thanked Evatt ‘falsomely [*sic*] for his great services to Israel’ when Evatt contacted him. Eban piquantly noted that ‘Evatt fully concurred [with] this estimate. Went off happy, convened press, praising Israel.’⁴⁷

In the General Assembly, Evatt now worked assiduously behind the scenes to procure Israel’s admission. He had stated at the Zionist Federation banquet in January, shortly following his return from New York, that he believed the rejection of Israel’s application for membership at the close of the 1948 session was merely temporary and that admission would certainly come about at the next Assembly session.⁴⁸ He had a consistent record on general policy with which to argue the case. The previous year in the Assembly, when Israel had been non-existent, he had deplored the fact that vetoes on applicant states by Security Council permanent members were frustrating their admission. He had called then for the Assembly to express its views on the merits of each case and to refer its views, if it thought appropriate, to the Security Council. Now he could specifically reiterate these positions.⁴⁹

On 7 April, Evatt and Sharett (as Shertok had now renamed himself) addressed a Nation Associates dinner held on the subject of ‘Peace: How Can it Be Achieved?’ with regard to Jerusalem, Arab refugees and related matters. Evatt was now no longer a secret sympathiser and the occasion was expected to be harmonious. But a discordant note was struck when he took idiosyncratic offence at certain remarks by Sharett. Sharett had praised the United Nations, and Evatt, by implication: ‘The record of the General Assembly ... has been a striking demonstration of the capacity of the U.N. for creative statesmanship – its ability to formulate and morally impose a bold and constructive solution for a complex and international problem.’ Then came the offending words:

It is true that as far as the U.N. is concerned, high purpose in the conception of policy has not been equalled by determination and effectiveness in execution. It was the Defence Army of Israel, and not the Security Council which in the hour of decision in Palestine, saved the moral authority of the U.N. from utter collapse.

*Nevertheless the role of the United Nations in shaping the country's destiny has been decisive ... The Assembly never once swerved from the course it had once adopted.*⁵⁰

Sharett's testimony to the constructive influence of the Assembly under Evatt was obviously insufficient to prevent Evatt reacting angrily to the threatening suggestion that UN's 'moral authority' had required rescue from 'utter collapse'. The idea that Israeli action alone had secured UN ends carried the implication to a supersensitive man like Evatt that UN authority had been providentially screened from being revealed as impotent. Nor had Sharett mentioned Evatt by name in paying tribute to the role of the Assembly, and Evatt may have taken this as further evidence of a belittling of his role. The two were synonymous in Evatt's mind and to diminish one was to diminish the other. It was not a UN failure, but a failure in the conduct of states not living up to their responsibilities that had caused the problem, Evatt retorted caustically.

But the events of that evening proved a passing hiccup. Evatt became increasingly vocal in support of Israel's application. On 20 April, following a meeting with Weizmann, he told a gathering of journalists in New York that Israel's admission was a possibility.⁵¹ At a press conference the next day, he argued that the Security Council had itself recommended admission and the Assembly could not fail to take note: 'Such recommendations being few and far between, this one is bound to have a powerful influence on the Assembly, apart from all other considerations ... Israel has come to stay, will carry out the U.N.'s decisions and will be a powerful force for peace and justice within the U.N.'⁵²

The Assembly's Political Committee considered Israel's application with a degree of intensity no other application had aroused. Eban spent successive days fielding questions in committee from virtually every nation represented on Israeli policy towards the Arab states, the Palestinian refugees, the United Nations, the status of Jerusalem and any other subject that bore on its application. In his closing address to the Committee on 5 May, he rehearsed Israel's consistent willingness to reach peace agreements with all Arab neighbours and reported on the successful conclusion of the Egyptian, Lebanese and Transjordanian armistices. He outlined Israel's proposal for a limited form of international jurisdiction centred on the Holy Places in Jerusalem as a more realistic vision than internationalising the whole city in the current circumstances. He stressed that only as a direct consequence of the war initiated by Arab governments were there Arab refugees, for the alleviation of whose plight they must take primary responsibility. Only peace could create the necessary conditions for solving the refugee crisis, in which event he pledged Israel's contribution. Lastly, in response to the Arab challenge to Israel's eligibility, Eban chastised their representatives for pioneering new norms of international conduct, from the disregard of Assembly decisions to rejection of Security Council directives.⁵³

It was Hood who moved the formal resolution recommending admission. 'In my opinion, Mr. Eban was, on matters of principle, forthright and open. I can earnestly hope that our resolution will be quickly passed.'⁵⁴ The United States, represented by Austin, quickly supported Hood.

On 11 May, Israel's case came to the vote in the Assembly. A hush fell as Evatt, chairing proceedings, announced the results:

*In favour of the resolution recommended by the Ad Hoc Committee, 37; against 12; abstentions 9, every member of the United Nations being present and taking part in the vote. That satisfies the requirement of the Charter of a two-thirds majority and I therefore formally declare Israel admitted to membership in the United Nations.*⁵⁵

A cascade of applause followed this announcement as Evatt sat back in his chair. He then called upon Sharett to take his seat at the platform. Arab delegates staged a walkout. Delivering Israel's maiden address as a UN member, Sharett paid tribute, first to Evatt for his 'outstanding role at decisive stages of the treatment of the problem of Israel by the United Nations' and also to the efforts of the Dominican Republic before repeating the words of Jeremiah as the Jewish people's contribution to UN ideals: 'Nation shall not lift up sword against nation, nor shall they learn war any more.'⁵⁶ The Assembly Session wound up the following week and Evatt's presidency was at an end.

The admission of Israel to the United Nations represents the high-water mark of Evatt's formative influence on the early history of the state and the regard in which the Israelis and Australian Zionists held him. Sharett wrote to Evatt a few days later to express in handsome terms the 'undying gratitude of our people'.⁵⁷ Julius Stone, ensconced at Harvard, praised him on achieving 'yet another miracle'.⁵⁸ Upon his return to Australia, Evatt was accosted by the press for his opinion of his most important work as General Assembly President. He first declined to single out any issue before changing his mind. 'If I were asked what I considered the most significant moment of my Presidency of the Assembly I would say it was the admission of the new state of Israel as the 59th Member of the World Organisation.'⁵⁹ The local Zionists honoured him with a banquet on 24 July at which he spoke in familiar terms to his audience of simply doing his duty: 'because we stand for justice we stand for Israel'. Tributes paid to him that night were, not unexpectedly, unqualified and warm, including one describing Evatt as 'the instrument of God for the rebirth of the Jewish nation', a phrase which apparently impressed him and to which he made frequent reference in later years.⁶⁰

NOTES

1. Quoted in Star, *Julius Stone*, p. 197. Star says this meeting took place 'early in 1949' but Evatt left for Australia the previous December. This meeting marked the start of Stone's efforts to encourage Evatt's continued activism by arranging for wider recognition of his work on the international stage. He was later unsuccessfully to nominate Evatt for the Nobel Peace Prize.
2. December 1948 was a bad month for Evatt's relations with the Americans. In addition to his anger over the Conciliation Commission, Evatt criticised the United States in the Security Council on its lack of involvement in the Indonesian issue, which he argued might have forestalled Dutch occupation. Makin met Lovett following Evatt's statement and was 'deeply apologetic'; Millis (ed.), *Forrestal Diaries*, p. 541.
3. Waters, 'Anglo-Australian Conflict Over the Cold War', p. 305.
4. 'Note on a Talk With Dr Evatt, 14th December 1948,' Comay secret memorandum, SAI 2391/35.
5. Ibid.
6. Ibid.
7. Ibid.
8. Comay to Evatt, letter, 14 December 1948, SAI 2391/35.
9. Evatt to Burton, cable, 26 December 1948, AA A1838/1 191/1/4, i; Reich, 'Policies and Attitudes of Labor and Non-Labor Governments', p. 53; Burton to Evatt, confidential telegram, 2 December 1948, EC John Burton file.
10. Noel-Baker to DEA, secret cables, 31 December 1948 and 4 January 1949, AA A3318 L/49/3/1/8 ii; O'Brien, *The Siege*, pp. 304–5.

11. Tom Segev, *1949: The First Israelis* (Macmillan, London, 1986), pp. 4–5.
12. Eban, *An Autobiography*, p. 137.
13. Comay (Tel Aviv) to Eban (New York), cable, 12 January 1949, *DFPI*, Vol. 2, pp. 364–5. Noel-Baker informed Canberra that Transjordan had requested British protection for Aqaba; Noel-Baker to DEA, top secret cable, 4 January 1949, AA A3318 L/49/3/1/8, ii. Shertok was sticking to the official Israeli version that the RAF incident had occurred beyond Egyptian territory.
14. Raphael to Comay, cable, 13 January 1949, *DFPI*, Vol. 2, p. 370.
15. Australian High Commission, London, to Evatt and DEA, cable, 17 January 1948 (received 18 January), EC Cables, London, January–July 1949.
16. Pilcher to Evatt, letter, 18 January 1949, EC Overseas Trips, 1948; Tange and Deschamps to Cumes, memorandum, 14 December 1948, AA A1838/1 191/1/4, i.
17. Evatt to Beasley, unnumbered cable, 22 January 1949, AA A3318/1 L49/3/18, ii.
18. Evatt to Beasley, top secret cable, 21 January 1949 (received same day), AA A3318/1 L49/3/18, ii.
19. Noel-Baker to Evatt and DEA and DD, confidential cable, 19 January 1949 (received 20 January), EC Cables, Lond. Jan-Jul 1949 file.
20. Evatt to Beasley, top secret cable, 21 January 1949 (received same day), AA A3318/1 L49/3/18, ii.
21. Beasley to Evatt, secret and strictly personal cable, 21 January 1949, AA A3318/1 L49/3/18, ii.
22. Pattison, ‘The Delayed British Recognition of Israel’, pp. 425–6.
23. *Ibid.*, p. 427.
24. Evatt to Beasley, unnumbered personal cable, 22 January 1949, AA A3318/1 L49/3/18, ii.
25. ‘Text of the Chifley reply to PM’s message on Palestine,’ handwritten note, 23 January 1949, AA A3318 L49/3/18, ii.
26. Evatt to Beasley, unnumbered personal cable, 22 January 1949, AA A3318/1 L49/3/18, ii.
27. *Hansard*, House of Commons, 26 January 1949, Vol. 460, col. 935.
28. *Ibid.*, col. 957.
29. *Ibid.*, col. 945.
30. *Ibid.*, col. 951.
31. *Ibid.*, col. 952. Churchill, a pro-Zionist all his political life, had been generally inert on Palestine policy since 1944, when Zionist extremists had assassinated his friend Lord Moyne. It took the débâcle of Bevin’s anti-Zionist policy to stir him to inspiration; Bethell, *The Palestine Triangle*, p. 358; O’Brien, *The Siege*, p. 691n.
32. Gouttman, ‘First Principles,’ p. 290; ‘Minutes of Meeting of Full Cabinet on Thursday, 27th January 1949, at 11 a.m.’, AA A2703/XR2; British de jure recognition of Israel was only forthcoming on 29 April 1950.
33. Quoted in Evatt, *Task of Nations*, p. 271.
34. ‘Recognition of Israel: Statement by Minister of External Affairs – Dr. Evatt’, EC Speeches and Statements 1948–49 (a); AA A3318 L49/3/1/8, i.
35. Freilich, *Zion in Our Time*, p. 211.
36. Williams to Chifley, letter, 21 February 1949, AA A1838 T184/175/9/1, i.
37. ‘Admission of Israel to the United Nations,’ memorandum for Evatt, 24 February 1949, AA A1838 T184/175/9/1, i. Burton’s instructions upon same.
38. Burton secret memorandum for Acting Secretary, Prime Minister’s Department, 1 March

- 1949; Chifley to Williams, letter, 4 March 1949, AA A1838 T184/175/9/1, i.
39. Noel-Baker to Evatt, letter, 12 March 1949, EC Overseas Trips, 1949.
 40. Australian UN delegation (New York) to Evatt and Defence Minister, DEA and DD, cable, rec. 25 February 1949, AA A1838/1 19/2/1; Australian UN delegation to Evatt and DEA, cable, 4 March 1949 (received 5 March), AA A1838/T184 175/9/1, i.
 41. Australian UN delegation to DEA, cable, 5 March 1949, *loc. cit.*
 42. *Jerusalem Post*, 16 March 1949.
 43. DEA memorandum to Attlee and Commonwealth High Commissioners, cable, 11 March 1949, AA A1838/T184 175/9/1, i.
 44. Fraser to DEA and DD Ministers in Cape Town, Ottawa and Canberra, cable, 11 March 1949, AA A1838.
 45. Submission by Chifley to Cabinet, Agendum item 1574, 25 February 1949; memorandum for Chifley from Cabinet Secretary, 1 March 1949, AA A2700 Agendum 1574; Australian UN delegation (New York) to Acting Minister, DEA and DD, cable, received 22 March 1949, AA A1838/1 19/2/1.
 46. Samuel Wynn (President, State Zionist Council of Victoria) to PM's Department, letter, 28 March 1949, AA A1838/12 175/10/1, I; E. Heller (Australian Labour Zionist Party) to Evatt, cable, 6 February 1949, EC Correspondence – Miscellaneous 1948, 1949.
 47. Eban (New York) to Sharett, cable, 21 April 1949, *DFPI*, Vol. 2, p. 584.
 48. Freilich, *Zion in Our Time*, p. 213.
 49. *ORGA*, 1947, 2nd Special Session, 18 April 1947; PRO DO35 3750.
 50. *Palestine Post*, 22 April 1949.
 51. *Ibid.*, 21 April 1949.
 52. *Ibid.*, 22 April 1949.
 53. Eban, *Voice of Israel*, (Horizon Press, New York, 1957), pp. 27–44.
 54. *Palestine Post*, 8 May 1949.
 55. *ORGA*, 1948, 3rd Regular Session, 11 May 1949, p. 331.
 56. *Ibid.*, 11 May 1949, pp. 332ff.
 57. Sharett to Evatt, letter, 16 May 1949, EC Overseas Trips, 1949.
 58. Stone to Evatt, letter, 14 June 1949, EC Overseas Trips, 1949.
 59. Quoted in Freilich, *Zion in Our Time*, p. 218.
 60. *Ibid.*, pp. 218–19.

14

‘It is a Matter of Degree’

With the conclusion of the Arab–Israeli armistice agreements (Egypt 24 February; Lebanon 23 March; Transjordan 4 April), attention shifted inevitably to the most conspicuously unconsummated aspect of partition: the internationalisation of Jerusalem.¹ Integral to the UNSCOP plan and adopted by the Ad Hoc Committee, internationalisation had been opposed by the Arab states. They had cited Article 79 of the Charter, which invalidated the concept of permanent trusteeships and affirmed that only states could institute trusteeships, not the world body. The UN had thereafter failed to adopt provisions for Jerusalem’s protection when the city was besieged by the Arab Legion, despite energetic efforts by some powers, including Australia. During the fighting of 1948, the Security Council, through the United Nations Palestine Commission, had sought to restore peace in the city. But it lacked a constabulary to impose order and hostilities had run their course. In July 1948, the Israelis, by their own efforts, broke the siege on their population. The Israelis now repudiated the concept of unfettered international jurisdiction. Bernadotte had first sought to incorporate Jerusalem in an Arab state before returning to the internationalisation provisions of the partition plan. Partitioned between Israel and Jordan (as Transjordan renamed itself that year) with the Old City and its Holy Places in the latter’s hands, Jerusalem would not be willingly surrendered to international control by either party. Abdullah said such a development would occur only over ‘his dead body’;² Israel asserted that internationalisation should apply solely to an administrative regime limited to the Holy Places. The United States took the line that it would recognise neither Israeli nor Jordanian sovereignty in the city, but nor would it assert exclusive UN jurisdiction. In February 1949, the inaugural session of the Israeli Constituent Assembly was held in Jerusalem, with British, French and American representatives boycotting the session.³

Eban, in the Political Committee on 5 May, had canvassed Israel’s preference for limited internationalisation in two forms. A regime might be set up exclusively in relation to the Holy Places and their immediate environs. Alternatively, the whole city might be technically internationalised, but with international administrative authority extending in reality only to the Holy Places and religious affairs, not to the remainder of the city and to secular aspects of its life and government.⁴

Would Evatt share the Israeli preference? He had been an unwavering champion of the partition plan from the moment of its adoption in November 1947. He had been prepared to fight trusteeship and oppose Bernadotte’s proposals in 1948 because both derogated from the provisions of the plan, though he had shown flexibility on the issue of boundaries in view of the changing military situation in Palestine. There could be little doubt that he would strongly adhere to whatever scheme of internationalisation was adopted by the Assembly. But would he assist the Israelis in their attempts to revise the scheme or would he be content to let matters take their course? The Israelis were to assume one or the other. They did not expect that he might actually

oppose them.

Had so mercurial a man as Evatt possessed a strong motive to satisfy Israel and Jordan in their joint desire to see internationalisation buried or at least restricted, he might well have found the means to oblige them. However, domestic politics were intervening. The Vatican was strongly committed to internationalisation, a reflection of the theological discomfort a renascent Jewish state posed traditional Christian eschatology and the sentiments of Palestinian Catholics.⁵ The British Minister Plenipotentiary to the Holy See, John Perowne, explained the Vatican policy in a communication to London:

*The Vatican would have preferred from the point of view of the fate of the Holy Places and of Catholic interests in Palestine generally, that neither Jews nor Arabs, but a Third Power, should have control in the Holy Land. Such a situation it well knew, however, was unattainable, and in the actual circumstance it preferred the Arabs to the Jews.*⁶

Previously, the Vatican had favoured internationalisation of all Palestine or continuation of the British Mandate: either prospect ensured Christian control. But Bevin's referral of Palestine to the United Nations disposed of the latter prospect and the adoption of partition disposed of the former. During the 1947 General Assembly debates, the Vatican had been silent on Palestine. This was only partly the product of a widespread mistaken prediction that partition would be supported by neither of the superpowers. It was also a result of dissension within the Church between those who were solely concerned with the protection of the Holy Places and the Roman Catholic community in the Middle East, and those who wanted Palestine to be turned into an Arab state. Catholic institutions in Palestine, like the Custodia di Terra Sancta and the Catholic Near East Welfare Association, had both testified before UNSCOP that they had no particular preference on the form of future government providing Catholic interests were protected. But this was not the general Catholic preference, and the ramifications of the second position are clear: Muslim control, though hardly desirable, was preferable to Jewish control of Jerusalem.⁷

A further factor had led the Vatican not to oppose partition and Catholic states to actually support it. Unlike the Arab scheme for a unitary Arab-majority state, partition – thanks to Evatt – provided for the Catholic objective of internationalising Jerusalem. However, with the passage of the partition resolution and especially after the establishment of Israel, it took a more active policy.

Three papal encyclicals appeared. The first, *Auspicia Quaedam*, on 1 May 1948, was essentially non-political in character, expressing concern for the victims of the rising inter-communal violence in Palestine. The second encyclical, *In Multiplicibus*, which was published on 24 October 1948, three months after Jewish forces had broken the siege of Jerusalem, and only two months after a misinformation campaign had alleged Israeli desecration of Catholic churches and intention to expropriate Church property, was more specific. It called for protection of the Holy Places and for Jerusalem to be internationalised. Consistent with partition and general Catholic concerns, it was also a product of the war. Israel's refusal to take in Arab refugees and open its borders to potential enemies increased the Vatican's determination to place the city under a separate regime for the purpose of permitting the return of Arab Christians. An Israeli diplomat, Jacob Herzog, initiated negotiations with Vatican officials but, although each side clarified its respective interests, no common ground could be found on repatriating refugees. Additionally, the Israelis were suspicious of the insistence on internationalising even that portion of the city that it had defended in a long and bloody war. No-one had insisted on it when

Bernadotte had proposed handing over the city to Abdullah.⁸

In early 1949 came the string of armistice agreements that concluded the first Arab–Israeli war. The terms of the Israeli–Jordanian armistice, signed on 4 April, left Jerusalem divided between the former combatants, with the Holy Places in Jordanian hands. Britain began to give unofficial support to Jordan’s proposal for a division of the city in accordance with the armistice. On Good Friday, 15 April 1949, a third encyclical appeared, *Redemptoris Nostri*, which reaffirmed still more strongly the Vatican’s view that Jerusalem and its environs should be placed under an international regime, with the faithful enjoined to urge their governments to work to this end in the United Nations. Clearly, Muslim control of the Holy Places was now insufficient; and Israeli sovereignty in Jerusalem was to be opposed. Cardinal Francis Spellman of New York, who had sought from Evatt the original internationalisation provisions in the partition resolution, wrote to Truman on 29 April to ascertain what the United States would do. Truman had stressed in response the administrative difficulties and costs of internationalisation (an estimated US\$30 million per year) and foreshadowed that a scheme of joint Israeli–Jordanian trusteeship over the whole city with special measures for the preservation and protection of the Holy Places might be practicable. It was not a response that satisfied Spellman: he rejoined that the domestic jurisdiction rights of Israel and Jordan might preclude effective international supervision. Dean Acheson had replied on Truman’s behalf that neither state would be accorded sovereign rights, thus disposing of Spellman’s unwanted scenario. The Church, however, was not satisfied and reiterated its advocacy of full internationalisation.⁹

The Vatican position possessed Australian political ramifications, accentuated by the fact that national elections were due in December 1949. Evatt was exquisitely attuned to the need to do nothing that would alienate Catholic voters in what was expected to be a tight contest. His meeting with Pope Pius XII in Rome on 5 March 1949, en route to London, was widely reported, including his undertaking to push for full internationalisation of the city when the Assembly reconvened later in the year.¹⁰ He maintained a continuing correspondence with the Apostolic Delegate to Australia, who noted approvingly Hood’s statement in the Assembly in support of internationalisation the previous November. The papal representative also emphasised that ‘only *full internationalisation* of the City of Jerusalem and not a mere international control over the Holy Places can be of lasting effect’.¹¹ Evatt wrote to him later in the year, ‘We shall continue to work together for the achievement of this goal so important to the Church and to all Christians as well as being in the long-term interests of Jews and Arabs alike.’¹²

Evatt’s solicitousness of Catholic interests is easy to comprehend and identify. During 1949, he appointed an ecclesiastical adviser to the Australian delegation at the United Nations, a first for a Western country, and a further one on the Hungarian–Bulgarian question. Evatt’s efforts had also assisted the recognition of Catholic health services in the world body, which the Church hierarchy noted appreciatively.¹³

The Vatican’s stand on Jerusalem enjoyed a strong resonance amongst Australian Catholics, who were both largely Labor supporters and generally loyal to the Holy See, especially in the domain of foreign affairs. Sensitive to communist influence in the trade union movement, Australian Catholic organisations were critical of the Chifley government’s socialist policies and the vexed issue of state aid to Catholic schools. On Jerusalem, their press was vocal, from the *Catholic Worker*’s conflated political progressivism and traditional anti-Jewish hostility to the milder but firmly pro-internationalisation line of the Sydney diocesan *Catholic Weekly*. Evatt was acutely aware that his provisions for internationalising Jerusalem had been a key element in persuading Catholic Latin America to support partition and appeasing others in their opposition.

He was particularly anxious to salvage what he could of Catholic support and if his whole policy on Palestine was not to become a bone of contention, his fidelity to internationalisation was crucial. It was not long before he was being approached on the subject of Jerusalem.¹⁴

On 18 May, the Roman Catholic Bishop of Sydney, Eris O'Brien, entrusted a letter to Peter Heydon, the External Affairs Officer in London, to pass on to Evatt, expressing his concern at the apparent drift in Australia's position at the United Nations on Jerusalem. O'Brien had been a member of the Australian delegation in Paris the previous year and had been complimentary at the time of Australia's 'direct, provocative, but generally refreshing' approach to world problems and had conveyed the Church's appreciation to Evatt.¹⁵ Now he wrote to express concern:

There is considerable anxiety amongst many, (and particularly within the Catholic Church universally) at learning that ... Australia appeared to be departing from its policy of internationalised controls and was inclined to entrust the Holy Places to the good-will of Israel and Arabs.

He cited approvingly Hood's 'admirably expressed' support for internationalisation and feared that such clear affirmations of the city's international character risked being watered down in the eventual arrangements for the city.¹⁶

O'Brien then included a personal note:

*Because you know that I do not usually raise petty or sectarian issues, and that I am anxious always to let you know the trend of public opinion, I feel sure that you will appreciate these remarks as being representative of a very wide opinion. Would you kindly consider what I have expressed here? I, and many others, would be grateful.*¹⁷

Clearly, Evatt was being respectfully but firmly informed that internationalisation of Jerusalem was a serious matter of concern to Australian Catholics. He replied swiftly by telegram that he was 'in substantial agreement' with O'Brien, assuring him that 'there is no departure from our policy of Internationalisation'. He was at pains to clarify that his strong support for Israel's admission to the United Nations (though not explicitly raised in O'Brien's letter) implied no diminution of Australia's support for internationalisation: 'In speeches in New York by myself and others we have repeatedly reaffirmed our view [on internationalisation] but we were strongly of the opinion that exclusion of Israel from the U.N. would not assist the objective but on the contrary prejudice it.'¹⁸

Evatt's anxiety for Catholic approval was sensed in turn by those Catholic leaders and their political supporters who now pursued the matter in the confidence that they had some measure of influence over him. Pressure began to mount. On 15 June, a question was put in the Senate by Neil O'Sullivan to Nicholas McKenna, representing Evatt in the upper chamber, as to what action Australia was taking on internationalisation. Evatt had just returned from London and McKenna promised O'Sullivan an early answer.¹⁹ In the House six days later, replying to a question on Jerusalem from a party colleague, the member for Fremantle, Kim Beazley, Evatt took the opportunity again to dissociate his support for Israel's membership from his policy of internationalisation. 'I do not think that membership of the United Nations should be made conditional upon the performance of obligations in that way.' But on internationalisation, he was unequivocal: 'I expect Israel to carry out the undertaking it gave when it applied for admission in the United Nations.'²⁰

Chifley also received representations from Catholic clergy. Reverend M.J. Higgins of

Wentworth approached him first. Unlike O'Brien, he exhibited unreserved anti-Jewish hostility: 'I have spoken to my people of the danger to which these Sacred Places are open. I have reminded them of the abuses to which they were subjected at the hands of the Jews during the course of hostilities, and have referred to what might be further expected at their unchristian hands.'²¹

Chifley responded with an emollient letter that avoided any discussion of the atrocity propaganda and anti-Jewish sentiment contained in Higgins' letter. Instead, he mentioned Australia's record championing an international regime, Israel's proposal for limited internationalisation and its willingness to repair churches damaged in fighting.²²

Two more representations to Chifley quickly followed, the first from the Catholic Bishop of Armidale, New South Wales, Edward Doody, the second from Cardinal Dr Norman Gilroy of Sydney, the latter writing at the behest of the Vatican. Gilroy, who was closely if unofficially associated with the New South Wales branch of the Labor Party, was very much a Vatican man with a strong Roman background. Evatt had interceded in Rome three years earlier in favour of his nomination to the Sacred College of Cardinals.²³ Gilroy was aware that both Chifley and Evatt had already provided reassuring replies on general Catholic queries on Jerusalem. Like O'Brien, he expressed the general Catholic concern that unfavourable governments in either Israel or Jordan might affect freedom of worship in the city. He went further than O'Brien, however, in expressing the hope that 'Arab and Christian refugees' might enjoy a just settlement and also in revealing that Israeli jurisdiction anywhere in Jerusalem – the Holy Places were in Jordanian hands – was the principal concern: 'I feel sure that you and Dr. Evatt will endeavour to bring about a just solution to these problems now, while the opportunity presents itself to do so, and before the State of Israel consolidates its authority in the Holy Land.'²⁴ Chifley reassured Gilroy of Australia's efforts on behalf of internationalisation and said he would be pleased to discuss the matter with Evatt.²⁵

The Catholic press proved even less restrained in Jewish matters than any of the clergymen had been. There was nothing new in the hostile tenor of the Catholic press. There seemed almost no-one in authority prepared to temper passions or even admit that a problem existed. During the war, Jews had attempted to approach Gilroy on a number of occasions, but a meeting never took place; he appeared always to be preoccupied with other matters.²⁶ The *Australian Jewish News*, querying Gilroy on the discrepancy between Catholic opinion and Gilroy's own cordial statements about Jews, was blandly told that any hostility in the Catholic press was solely the responsibility of the journalists concerned.²⁷

This was both untenable and reflected a lack of concern. Catholic publications were not in the habit of printing views unacceptable to the diocesan leadership. The views expressed, encouraged, or at least tolerated, reflected a pastoral utopian wing of Catholic thought, suspicious of democracy, Jews and infidels, and very much under the influence of G.K. Chesterton's writings, such as *The Napoleon of Notting Hill* (1904). Publications like the *Advocate* and *Southern Cross* were freely hostile to Jews and reactionary in temperament. The *Advocate* had backed Nazism during its early years, only changing course when the Catholic Church itself became subject to Nazi pressures within Germany. It presented little information on the prewar persecution of German Jews and deferred mention of the 1935 Nuremberg race laws until well into the Second World War. During the war, the idea that the Mufti was an Axis collaborator was dismissed as pure Zionist propaganda, and the *Advocate* had always taken a pro-Arab stance. The post-war publication of abundant evidence concerning the Mufti's war-time activities never appears to have prompted a review or modification of the *Advocate's* earlier

stance, though Archbishop Mannix could be found in its pages criticising anti-Semitic manifestations within the Catholic community.²⁸

The attitude of the *Advocate* was epitomised by its regular columnist on foreign affairs, D.G.M. (Denys) Jackson, a convert from Anglicanism and an able controversialist. A clue to his character can be gleaned from his pen-name 'Sulla', a tribute to the Roman dictator who abruptly forsook temporal power late in life to turn to the contemplation of literature. Finding solace and security in his adopted faith, Jackson brought a convert's certitude and absence of reserve to the humourless but always pungent expression of his views, which appeared in both the *Advocate* and the *Southern Cross*. During the 1930s, he had applied an apologetic gloss to Hitler and his claims right up to and even beyond Munich. Finally admitting the 'dogmatic' quality of Nazi anti-Semitism in late 1938, Jackson nonetheless never wavered from affirming a rational socio-political basis to Nazi persecution of the Jews and opposing the League of Nations' efforts to assist Jewish refugees as needless in view of Jewry's vast resources. His attacks on Zionism were anti-Semitic in tone and opposed to Jewish national aspirations in detail.²⁹ His staunch anti-communism owed even more to his brand of faith than an admittedly apt appreciation of Stalin's depredations in eastern Europe. He suspected UN purposes, queried its preoccupations and scorned Australia's prominent involvement as 'amateurish bunglings'. Evatt was a frequent target of his barbs, not least on account of his support for Zionism. 'What single concrete achievement on behalf of peace', queried Jackson in January 1949,

*has arisen out of anything that Dr. Evatt and his team have done or attempted? ... Dr Evatt believes in challenging 'settlements by force' in any part of the world: but this does not prevent him from being an active sympathiser with the 'State of Israel', which has been engaged, ever since it came into existence, in 'settling' the Palestine question by illegal force, in defiance of the United Nations.*³⁰

In May, Jackson condemned Israel's admission to the United Nations as exposing the world body to 'deeper contempt and degradation than that which it has already incurred'. What he knew of Palestine's recent history was entirely derivative of attitudes commonly held in many circles: the Balfour Declaration was a 'gross violation of a pledge already given to the Arabs by MacMahon' and had been accomplished 'by the extrusion of the Arabs'.³¹ He poured scorn on Israeli proposals to internationalise the Holy Places:

*These monuments are to be preserved in deserted isolation – their native Christian and Moslem worshippers having been expelled – in the midst of a new Jewish people which detests and despises all that they stand for ... The only hope of averting this is a protest throughout the Christian world of an urgent enough character to force the Western politicians to pay serious attention to the question of the Holy Places.*³²

Jackson exhibited no detailed knowledge of the diplomatic transactions of the First World War (but few anywhere did) or, more remarkably, of the sequence of events that had produced the Arab–Israeli war and the resultant Palestinian exodus and, as an ardent partisan unencumbered by facts, he was hardly alone. Accordingly, one can scarcely credit Gilroy's breezy dismissal of hostility in the Catholic press. The truth was that internationalisation was being zealously pursued by Australian Catholics, with anti-Jewish hostility proving a stimulant.

It was in this unfavourable Australian climate that Israel sought to exercise some influence on Evatt. For the Israelis, international jurisdiction for the Holy Places was one thing, removing

Israeli-held Jerusalem from the sovereign territory of the new state, with one-sixth of the country's Jewish population, was another. In a speech picked up by the Australian press, Sharett, addressing the Israeli parliament, the Knesset, on 15 June 1949, denounced the smear campaign against Israel alleging desecration of Catholic sites and reaffirmed Israel's commitment to freedom of religion in the city.³³

In pursuing the matter in Australia, however, the Israelis now ran into a novel situation which presented unanticipated difficulty. The existence of a Jewish state with accredited representatives in Australia required a new degree of circumspection in the way Israeli representatives and Jewish communal leaders went about their business. There was to be a shift in the conduct of Zionist diplomacy, with the pendulum swinging away from Australian Zionists to Israeli diplomats, as was to be expected. Jewish communal representations had henceforth to be purely communal in character, leaving Israel's political interests to be pursued by its diplomatic representatives. In so far as the representations of Australian Jews and Israelis had in the past corresponded in detail, this had been a distinction of little importance. The Jewish Agency had once welcomed, indeed actively sought, the assistance of local Zionists. But now some demarcation had to be effected, the situation was a new one and rigidity marked the first attempts in Australia to effect a clean division of labour.

The first indication of potential conflict arose earlier in 1949, when Evatt asked both Freilich and Landa to be present at the Assembly session at which Israel entered upon UN membership. Evatt had expected a difficult session dealing with Israel's boundaries and admission and thought that Freilich and Landa could be of some help. However, after consulting the Israeli Foreign Ministry in Tel Aviv, the two were advised that the Israeli government believed their presence unnecessary. The Israeli advice might have reflected Eban's cool relations with Landa. Eban undervalued the Australians, both official and unofficial; Landa thought him a snob. Freilich, being a Zionist office-bearer, reluctantly complied and stayed away, but Landa proceeded to New York as a member of the Australian delegation.³⁴

The issue arose again the moment Israel's first diplomatic representative, Harry Levin,³⁵ arrived in Sydney as Chargé d'Affaires on 14 August 1949. Newman and Freilich had discussions with him the next day at which Levin made it clear that a 'line of demarcation' must be drawn between Israeli and Zionist activities. Both of them agreed with Levin that the political activities at the United Nations were henceforth outside their scope; even the 'episode with Landa' accompanying Evatt to New York would not be repeated. But there were ambiguities, according to Levin, even given the stated division: 'Unfortunately ... the leadership of all the Zionist bodies, including the Funds, is concentrated in the hands of Newman and Freilich. Freilich himself still hopes that somehow he may become identified, directly or indirectly, with the Consulate.'³⁶

It would be difficult for local Zionists to cease all representations that they had been making until Levin's arrival. The community represented by Newman and Freilich would continue to take an interest in government policy towards Israel and duly seek to express it, as indeed has remained the case to this day. But a tension existed. How this tension was played out soon became clear.

Evatt was eager to meet Levin. On 30 July, Makin in Washington had cabled Evatt that he was treating informally representations by Levin, still in the United States, until directed otherwise.³⁷ Makin was immediately instructed to extend fullest courtesy to Levin. 'Presume you know that he is bringing special message to the minister from the Israeli Government.'³⁸ Sharett had written to Evatt ahead of Levin's arrival, taking the opportunity to thank Evatt for his services to

Israel and inviting him to visit the new country when opportunity afforded. He informed Evatt of Israel's disappointment with the work of the Palestine Conciliation Commission – the Mediator had secured armistice agreements between Israel and all contiguous Arab states, but the work of the Commission showed no sign of producing peace treaties: 'So far the Arab states have not made up their minds to enter into real peace negotiations. They cannot even bring themselves to sit with us around a table under the auspices of a United Nations Commission, though direct informal contacts with them have been numerous.'³⁹

The letter from Sharett that Levin carried with him provided Evatt with an overview of the Israeli position on several points, including Jerusalem. Sharett noted Israel's satisfaction with the armistice boundaries, particularly in their potential transformation into final borders in accordance with the General Assembly resolution in Paris. He informed Evatt that Israel had accepted the return of 25,000 Palestinian refugees and would take in more under a scheme of family reunion. Further repatriation and compensation for other refugees would be offered within the context of peace treaties. Internally, Sharett listed the intake of 250,000 Jewish refugees as the biggest burden on the fledgling state: 'Most of the camps of Jewish displaced persons have now been totally liquidated.'⁴⁰

It was in recommending to Evatt the South African-born, English-educated Levin that Sharett put in a word on Jerusalem. 'Incidentally, he lived in Jerusalem throughout the siege and is most intimately acquainted with that city's recent tribulations and present problem.'⁴¹

On 17 August, three days after his arrival in Sydney, Levin, accompanied by his Consul, Gabriel Doron, travelled to Canberra to see Evatt and Burton. They were met by Deschamps and A.H. Loomes, head of the Consular and Legal section. They lunched in 'affable' discussion with the departmental assistant secretary, Dr Anstey Wynes, before meeting the 'amiable but businesslike' Burton. These were first meetings for all concerned. It was not till 4 o'clock in the afternoon that they could talk with Evatt, who was ensconced in the state Premier's conference. He absented himself from the proceedings as soon as he was able, permitting Levin and Burton a preliminary discussion before his arrival.⁴²

The two discussed wider recognition of Israel, especially by India and Pakistan, which Burton thought feasible. He poured cold water on the importance of Pakistan's links with the Arab world. 'They know, like all of us, what the Arabs are worth and they cannot afford to build up policies on sentimental traditions alone.' Asked who could broker Israel's relations with the subcontinent, Burton suggested that Evatt might be well-placed to do this. Levin felt sure this suggestion had been carefully weighed and was not spontaneous. Inquiring of the subjects Evatt wished to canvass, he was told of two: Australian representation in Israel and the status of Jerusalem.⁴³

On the former, Burton told Levin that Evatt wanted to see an early exchange of ministers; the subject was in fact on the agenda for the next Cabinet meeting in two days time and he asked if Levin could ascertain his government's views before then. Levin thought it unlikely that he could produce an answer in time and was surprised at the urgency of the request. Burton explained that imperial communications necessitated direct relations with Egypt, in which event Evatt wanted to institute equal representation in Tel Aviv.⁴⁴

On Jerusalem, Burton recounted for Levin the pressure being exerted by the Catholic clergy for internationalisation of Jerusalem *in toto*. Here Levin could speak with first-hand knowledge. The idea of full internationalisation, he told Burton, elicited total hostility in Jews like himself who had lived through Jerusalem's siege and who vividly recalled UN inaction. Most of the Holy Places, in any case, Levin continued, were in Jordanian hands and to those few in Israeli control,

his government would readily acquiesce in some form of international supervision which did not impinge on Israeli sovereignty in the new city. Burton opined, dubiously on the available evidence, that clarifying the Israeli willingness to accept international safeguards for the Holy Places would make the Catholics less clamorous about internationalisation. Levin sought to ascertain which Catholic clergymen were making representations and, after initial hesitation, Burton told him who they were.⁴⁵

From Burton's office, Levin went to meet Evatt, who greeted him 'in the most cordial terms'. Levin handed him Sharett's letter of introduction and a gift, a souvenir plate, which pleased Evatt as being 'a beautiful idea, beautifully executed'. Levin, as Comay had said of his own earlier introduction to Evatt, 'laid it on pretty thick', noting how the artist, on discovering the identity of its intended recipient, had laboured through the night to finish it in time for Levin's departure from Israel. 'That, I said, was symptomatic of the regard in which he was held in Israel and of our people's gratitude for his decisive support at UNO.'⁴⁶

Obeisance out of the way, the men could proceed to business. Evatt confirmed that he sought to establish ministerial-level representation with Israel. They discussed the recent overthrow of Husni Zaim's regime in Syria, which now foreclosed on the moves towards a peace treaty that Zaim had floated.⁴⁷ Levin underscored the need for stable, democratic Arab regimes, but Evatt was now in an expansive mood and mischievously averred that the current instability might actually be 'good for Israel'. Next they discussed the Security Council's arms embargo on the Middle East, which Evatt described as 'a stupid mistake' before adding 'I suppose that fellow Bevin is behind it'. Levin doubted if the embargo, which he attributed to Anglo-American initiative, would have prevailed had Australia been on the Council. Evatt asked if he could fathom the Americans' attitude.⁴⁸

*I ventured the opinion that by enabling the Arab states to arm themselves they might be preparing some kind of outer barricade for the West. 'Can't they see that if it comes to war, the Russians will take all the arms away in no time?' he said. 'Like you Jews did with the Egyptian tanks. The Americans don't seem to know the Arabs yet. We Australians, who fought in Egypt, have nothing but contempt for the Gyppos.'*⁴⁹

At this stage, Burton joined them and attention turned to the issue of Jerusalem. Levin rehearsed his experiences in the siege and the transformation it had wrought on Israeli opinion, to which Evatt nodded sympathetically, alluding briefly to the pressure he was receiving before dropping the subject. The hint seems to have been there: Evatt could not, or would not, accommodate the Israelis on this one. Levin decided to put off further discussion on the issue to the next meeting.⁵⁰

Evatt now became listless and began to ruminate. Perhaps feeling somewhat regretful for this anticipated failure to assist, he recounted with not a little self-pity all the difficulties supporting Israel had caused him and adumbrated some of his behind-the-scenes work on its behalf which he felt were generally unknown and unappreciated. Turning to Burton, he remarked: 'The Jews in this country might be a little more voluble in their appreciation, don't you think, John?'⁵¹ The Australian press was the next object of his complaint. 'If they approved of something he did, the best they could work themselves up to was to keep silent. If they disapproved, they lashed out violently.'⁵² The nearly hour-long meeting ended with Evatt asking Levin to be in close touch and suggesting he visit him again the following week.⁵³

On his next Canberra visit, on 23 August, Levin met with Burton for three-quarters of an hour.

The two discussed first the proposed exchange of ministers, which Evatt was keen to effect before opening similar contacts with Cairo. Australian passenger and goods traffic through Egypt was frequently disrupted, confided Burton, on account of the fact that 'Australia had been following an international policy which Egypt considers opposed to her interests'. The two discussed trade and related matters before taking up the issue of Indian and Pakistani recognition of Israel they had discussed the previous week. Burton doubted that Australia could have much measure of influence over India – 'we have double-crossed India a few times and she is a little suspicious of us' – whose government also resented Australia having made the issue of Indonesian independence its own. He held out greater prospect of influencing Pakistan.⁵⁴

Burton then raised Jerusalem, citing a scheme for full internationalisation that included provisions for special rights for the Jewish population. Burton lacked the detail to elaborate, and Levin proceeded to argue the pitfalls of such a scheme. Cardinal Tisseront, the Secretary of the Sacred Oriental Association, Levin noted, believed that internationalisation would produce a city of sectarian intrigue and was best avoided, before rehashing his arguments from their last meeting. Burton, for his part, also persisted that Australia was bound to back internationalisation if the scheme was supported by the Assembly. He then added suggestively that these, too, were Evatt's feelings, though he also conceded that internationalisation confined to the Holy Places might meet the spirit of the partition resolution.⁵⁵

Burton had reason to think such an outcome possible. Beasley had cabled from London only three days earlier, outlining British proposals for a comprehensive peace which included full internationalisation but, 'if impossible', partition with an international regime for the Holy Places.⁵⁶ In that event, Burton said, tactical steps would need to be taken to ensure that the scheme was modified in committee and not the subject of open debate in the Assembly. The position was clear: any prospect of Australian support for limited internationalisation depended entirely on the Israelis' success in having the scheme modified appropriately, in the committee stage, and without Australia's involvement. Australia would have no role in machinations to produce this result.⁵⁷

In addition to Jerusalem, there were differences of attitude and nuance on other issues as well. Queried by Burton on the refugee problem, Levin rehearsed Israel's offer of repatriation as determined by economic and security considerations, to which Burton responded that he thought Israel could afford to be more generous, especially as 'Jews know what it means to be refugees'. 'He had in mind,' Levin reported home, 'elderly Arabs and others not able to start life anew.' Levin explained that the 'irrevocable changes' brought by the unsought war might make return less attractive and practicable to resettlement once the detail was explained to the refugees and assistance offered to this end. Sensing Burton to be less than receptive of the Israeli stance, Levin requested that they discuss it again in a later meeting.⁵⁸

Their next meeting took place a fortnight later, on 8 September, at which Burton informed Levin that Evatt would be unable to attend the next session of the Assembly in October. The federal election, now set for 10 December, was increasingly consuming Evatt's time and it would in fact become progressively harder for anyone to see him. This time, Levin spoke with Evatt as well. He had sent ahead a list of headings for discussion and found it before Evatt on his desk when he entered his office with Burton. First, however, Levin handed Evatt Israel's official acceptance of his proposal for an exchange of ministers, which pleased Evatt who inquired if Levin knew who Israel proposed to appoint to Australia, adding, 'I hope it will be you.' Levin, however, had no news for Evatt on that score. Evatt was keen to have the exchange of letters on ministerial representation published immediately, together with the name of Australia's nominee,

which Evatt instructed Burton to give Levin as soon as possible. They touched briefly on Evatt and Mary Alice visiting Israel, a trip Evatt hoped to make in the course of his travels to the Assembly, but it would all have to wait now until after the election, perhaps April or May 1950.⁵⁹

Preliminaries out of the way, the men resumed their substantive talks. On the question of Indian recognition of Israel, Evatt wanted to know what was delaying progress. Levin hinted a third party friendly to both could be of use, but Evatt, who had been glad to assist earlier, was now non-committal when it came to detail, saying only that it needed 'thinking out'. Little had happened since their discussion on 17 August other than some unspoken development that had rendered the idea of Australian mediation less attractive to Evatt. Levin told the Australians that he had information to the effect that Pakistan might recognise Israel even sooner than India and wanted to know their reaction. Evatt replied that it was indeed possible that both might move on recognition, if only for the wrong motives, such as each wishing to garner support for their respective stances over disputed Kashmir.⁶⁰

Jerusalem was discussed next. In the intervening fortnight, Evatt had received an appraisal of the US position on the question from Makin. While still committed formally to full internationalisation, the Americans continued to concede the inevitability of a divided city.⁶¹ This piece of news did not alter Evatt's position. He informed Levin that the Cabinet had decided to support internationalisation. Levin reiterated the depth of Israeli determination to prevent the New City passing out of Israeli jurisdiction after all the tribulations of the past two years. He noted that the Palestine Conciliation Commission's subcommittee had ruled out as unrealistic the prospect of Israel ceding the city and expected a partitioned city as the more likely outcome. The committee, said Levin, was crystallising in its view against full internationalisation and only two or three Latin American states were likely to push strongly for this. In the absence of the agreement of either Israel or Jordan, the United Nations was unlikely to propose anything likely to secure adoption. As to strict fidelity to the partition resolution, he added, both the General Assembly and the Security Council had 'cut themselves lose from those moorings' and no-one could credibly expect Israel to cede Jerusalem any more than to return to the original partition boundaries.⁶²

Levin's argument may not have wanted for cogency, but his seems an unpersuasive line to pursue in discussion with Evatt. From his previous meeting with Burton, Levin knew the order of pressure to which Evatt was being subjected by Catholic figures not to dilute or discard Australian support for full internationalisation. A Cabinet decision to press for full internationalisation could not easily be swept aside. That only 'two or three' Latin American states were pressing remorselessly for full internationalisation meant little when the Vatican was doing the same and when Australia, by force of its past advocacy on Palestine, could hardly adopt an inconspicuous position. The fluidity of the situation, with rumour and counter-rumour as to what the Commission might eventually decide, was not assisting Levin's cause. Any prospect of Australia not opposing Israeli interests lay, as Burton had foreshadowed earlier, in a scheme delimiting internationalisation to the Holy Places being successfully proposed without Australian advocacy. But a vacuum would be filled by the original resolution or some other, unwanted alternative, and Evatt was quick to react to Levin's assertion that the United Nations was backing away from partition. He observed that,

Australia's case for Israel at the last session was itself based on that resolution. Then, however, he added thoughtfully: 'Of course, you may have a legal point there.' He did not seem disposed to give his own opinion on this point, and said

*that the solution was to find a formula that would satisfy the Vatican that internationalisation was being realised while giving the Jews the control that they wanted. I asked what he understood by internationalisation. As far as I knew, every attempt at international control of a city, down to Berlin today had been a failure. 'Don't be afraid of the word "internationalisation",' he said. 'It is a matter of degree. The real question is how much or how little control Israel gets out of the area it wants.'*⁶³

This might well have been the harbinger of Evatt's subsequent strategy: to pursue full internationalisation in a way that in reality would result in Israel and Jordan retaining the control they already exercised outside the Holy Places. Levin responded that there was much to be said for this idea, but that it needed working out. Both agreed that the main point was to keep the issue off the agenda of the next Assembly session. Evatt told the Israeli that he would advise Hood and Shann to remain in contact with Eban, which he did that day, also instructing them to keep him informed on the Commission's thinking on Jerusalem. So, despite the early echo of looming disagreement, there still seemed hope that Evatt might find it possible to support, or at any rate not impede, Israel's quest for limited internationalisation.⁶⁴

The two then briefly turned to the issue of trade, held up by Egyptian embargo on shipping for Israel through the Suez Canal. In response to Australian protests, Burton informed them, the Egyptians had referred the Australians to the Court of Claims, to which Evatt irritably responded that this 'was not good enough'. He seems to have regretted the preoccupation with strategy and potential disagreement with Levin. 'This is not the real talk I wanted to have with you. I am afraid that must wait.' Then, with what one assumes was mischief in his eye and a raised eyebrow to Burton, he added: 'The trouble is, I don't get the right kind of shepherding in this Department. No[w] do I John?'⁶⁵

Before leaving, Levin anxiously asked Burton if Australia could devise a stratagem for effecting Indian and Pakistani recognition before Evatt became too engrossed in the December elections. Burton expected that any action taken would occur quite soon, but he regretted that Evatt's enforced presence in Australia would make it impossible for him to discuss the issue with the right people. Nor was there any hope on the Suez issue either; Australia could do nothing until it had its own representation in Cairo. Lastly, he handed Levin a letter announcing O.C.W. Fuhrman as the first Australian Minister to Israel.⁶⁶

When Burton and Levin met again in Canberra on 21 September, Levin confirmed Israeli acceptance of Fuhrman's appointment to Tel Aviv despite the fact that the Zionists were concerned about it. As Australian Consul-General in Shanghai from July 1947, Fuhrman had opposed granting visas to refugee Jews who fetched up there. Anti-immigration sentiment back home would soon lead the Immigration Minister, Arthur Calwell, to curtail his original plans for sizeable Jewish immigration, but Fuhrman needed little inducement. 'We have never wanted these people in Australia and we still don't want them,' he declared publicly. 'We will issue a few visas to those who have relations there as a gesture.'⁶⁷ He described Shanghai Jews as purveyors of prostitution and anti-British sentiment who were honeycombed with communists, and encouraged an official in the Department of Immigration to agitate against further processing of Jewish immigrants. Fuhrman, a retired army officer, a veteran of the First World War, throughout which he had served in the Australian Imperial Forces, created the impression of being about 120 per cent British. He had for a time been the High Commissioner in London. In tone, demeanour and prejudices, he encapsulated the charms and vices of the British official class. He took unreservedly the Bevin–Beeley line on Palestine and was free amongst colleagues

with his anti-Semitic sentiments. He would take perverse joy in concealing his attitude by a debonair show of good manners with his Israeli interlocutors.⁶⁸

The Australian Jewish Welfare Society, which had direct knowledge of Fuhrman's activities in Shanghai, informed Landa of their concerns, who then informed Evatt. Evatt told Landa he knew little about the man but that there was no other career diplomat he could spare at this point. In view of the continuing criticism he was sustaining due to heavy expenditure on foreign missions, he thought that Fuhrman ought to be sent soon or, most likely, no mission would be established at all after the December elections. The Israelis, who knew all about Fuhrman, also acquiesced in his appointment without demur; the importance of relations outweighed their concern.⁶⁹

Burton also told Levin that there was no movement on the question of India and Pakistan. Informal approaches had been made (presumably by Hood or Makin), but no more. Levin continued his report:

I asked whether he anticipated Australia would play a prominent part at the UN Assembly. He thought not. He confirmed that Dr. Evatt was very distressed at his inability to be present. (My information from other Government sources, is that the interview between Chifley and Evatt, when the former insisted that Evatt stay on to help in the election campaign, was one of the stormiest they have had.)⁷⁰

From separate conversations with Burton and J. F. Hill, who had served in the UN delegation in New York and now headed the UN division within External Affairs, it was clear to Levin that Canberra had not received the Conciliation Commission proposals for Jerusalem. Hood had cabled Evatt on 13 September with the news that the Commission was likely to recommend a compromise between full and limited internationalisation but beyond that little was known.⁷¹

Levin now relayed to Eban in New York the composition of the Australian delegation for the next Assembly and his estimate that Evatt alone would decide Jerusalem policy. 'One MP thinks it would be incredible that any of them should think of advising Evatt. And if they did, he wouldn't even give the appearance of taking notice of them,' wrote Levin.

Australia is not expected to figure prominently at this session or do more than cast along. Knowing Evatt, you will appreciate one reason for this. Another is the election campaign in progress here. The Government is fancied to win, more on the demerits of the Opposition than on its own merits, but it is likely to be a close thing. Lacking a constructive policy, the Opposition are using every stick, however slender, to flay the Government; and the Government's foreign policy, ordinarily of little interest, is also now closely watched. Australia, therefore will play safe at the UN; will try to avoid doing anything that could be interpreted as embarrassing an already embarrassed Britain; will look for opportunities to encourage the Catholics at home (about 25% of the population), but at the same time, because there is a good deal of anti-Catholic feeling (shared, I understand, by Evatt himself), is unlikely to do anything that may suggest toeing a Catholic line.⁷²

There are several notable features here, quite apart from hearsay about Evatt's hostility to Catholics and mistaken predictions about the outcome of the elections. The gist of Levin's report is that no vigorous activity by Australia was to be expected at the General Assembly. This erroneous inference might have been justified, in view of the nature of Levin's discussions in Canberra over the preceding month, had there been no additional factors involved. Burton

particularly had indicated that Australia would have no part in amending or opposing full internationalisation; that would have to be done by others. But the possibility existed that reconciling a scheme of limited internationalisation with the Vatican position might prove impossible and that Evatt might then feel too vulnerable to forbear from supporting its objections.⁷³

NOTES

1. The Israeli–Syrian armistice was concluded only considerably later, on 20 July 1949, and Iraq, not being contiguous with Israel, declined to sign one.
2. Leonard, ‘The United Nations and Palestine’, p. 733.
3. *UNSCOP Report*, p. 57; Shlomo Slonim, *Jerusalem in America’s Foreign Policy, 1947–1997* (Kluwer Law International, The Hague, 1998), pp. 15–16 and 123–4; Leonard, ‘The United Nations and Palestine’, p. 733; Chanan Reich, ‘Religious Values and Political Expediency – Australia and the Question of Jerusalem: 1947–1950’, *Jewish Political Studies Review*, Vol. 6, No. 3, Fall 1994, p. 145.
4. Eban, *Voice of Israel*, pp. 38ff.
5. Gordon Merriam on President Roosevelt’s plan for a Palestine trusteeship, memorandum, 15 October 1943, Cohen (ed.), *Rise of Israel*, Vol. 38, p. 1; Leonard Stein, *The Balfour Declaration* (Valentine Mitchell, London, 1961), pp. 406–10; A.T. Davies, *Anti-Semitism and the Christian Mind* (Herder & Herder, New York, 1969), p. 69; Silvio Ferrari, ‘The Holy See and the Post War Palestine Problem: The Internationalisation of the Holy Places’, *International Affairs*, Vol. 2, No. 12, 1984, pp. 262–3.
6. Quoted in Ferrari, ‘The Holy See’, p. 261.
7. Silvio Ferrari, ‘The Vatican, Israel and the Jerusalem Question: 1943–1984’, *Middle East Journal*, Vol. 39, No. 2, Spring 1985, pp. 318–19; Ferrari, ‘The Holy See’, p. 263.
8. Reich, ‘Religious Values and Political Expediency’, pp. 142–3; Ferrari, ‘The Holy See’, pp. 268 and 272–4.
9. Silvio Ferrari, ‘The Vatican’, p. 321; Rodney Gouttman, ‘Jerusalem from the Antipodes: A Political View, 1947–1967’, *Australian Journal of Jewish Studies*, Vol. 6, No. 2, 1992, pp. 73–4 and 275; Slonim, *Jerusalem in America’s Foreign Policy*, pp. 124–6.
10. Tennant, *Evatt: Politics and Justice*, p. 240. Tennant writes blithely of this meeting: ‘As Evatt’s view chimed with His Holiness’s view he did not hesitate to promise support ... If there was a chance of a disputed city coming under international control, Evatt was for it.’
11. Quoted in *ibid.*, p.240. I did not see the original correspondence in the Evatt Collection.
12. *Ibid.*
13. Eris O’Brien (Catholic Bishop of Sydney) to Evatt, letter, 18 May 1949, EC Overseas Trips, 1949; Archdiocese of Sydney to Evatt, letter, 20 January 1949; O’Brien to Evatt, letter, 28 September 1949, EC Correspondence – Miscellaneous 1948,49; J.D. Simonds (Coadjutor-Archbishop of Melbourne) to Evatt, letter, 5 May 1949; EC Overseas Trips, 1949. Ironically, the ecclesiastical adviser appointed for the 1949 session was Reverend Wilson Macaulay, the former Moderator-General of the Presbyterian Church of Australia, whom the first Israeli Consul-General in Australia, Harry Levin, met before his departure to join the delegation in New York and whom he described as ‘considered very sympathetic to Zionism’. Macaulay had been a member of one of the Australia–Palestine committees; Levin to Eban, letter, 22 September 1949, SAI 2582/12.

14. Rodney Gouttman, 'Follow the Leader: the Australian Catholic Church and the Establishment of Israel', *Menorah*, Vol. 1, No. 1, August 1987, p. 74; D. Whittington, *The House Will Divide* (Lansdowne Press, Sydney, rev. edn, 1969), p. 176; *Sydney Morning Herald*, 20 September 1949; Alan Dalziel, *Evatt – The Enigma* (Lansdowne Press, Sydney & Melbourne, 1967), pp. 59–60; Gouttman, 'First Principles', pp. 292–3.
15. Crotonate to DEA, telegram, 6 December 1948, EC Overseas Trips, 1948.
16. O'Brien to Evatt, letter, 18 May 1949, EC Overseas Trips, 1949.
17. *Ibid.*
18. Evatt to O'Brien, telegram, 28 May 1949, Overseas Trips, 1949. Gouttman errs when he writes that O'Brien called for Israel's expulsion from the United Nations; Gouttman, 'Jerusalem from the Antipodes', p. 75. O'Brien's original letter, which he does not cite, gives no grounds for such a statement. Gouttman appears to have been misled, either by the tenor of Evatt's response, which simply argued that Australia's work for Israel's admission to the United Nations implied no diminution of its zealous support for internationalisation, or by the fact that the third papal encyclical, *Redemptoris Nostri*, as he notes elsewhere, had been regarded as aimed in its timing to thwart Israel's admission to the United Nations. See Gouttman, 'Follow the Leader', p. 75.
19. *CAPD*, Senate, 15 June 1949, Vol. 202, p. 920.
20. *Ibid.*, House of Representatives, 21 June 1949, Vol. 202, p. 1219.
21. Higgins to Chifley, letter, 22 May 1949, AA A461 P350/1/3.
22. Chifley to Higgins, letter, 8 June 1949, AA A461 P350/1/3.
23. Doody to Chifley, letter, 8 June 1949, AA A1838 1042/47; Gilroy to Chifley, letter, 23 June 1949, EC Correspondence – Miscellaneous 1948, 1949; Gouttman, 'Follow the Leader', p. 75; Patrick O'Farrell, *The Catholic Church Community: An Australian History* (University of New South Wales Press, Kensington, rev. 3rd edn, 1992), p. 390; Monsignor T.J. King (Sydney Archdiocese) to Evatt, letter, January 1946, EC Correspondence – Miscellaneous, 1946, 1947. That nomination had angered Calwell, a Melbournian, who remonstrated that it should have gone to the Archbishop of Melbourne, Daniel Mannix, earning a him a rebuke from King for his 'impudent, disrespectful and bitter declaration'; King to Calwell, letter, 27 December 1945, EC Correspondence – Miscellaneous 1946, 1947; also Calwell, *Be Just and Fear Not*, p. 129.
24. Gilroy to Chifley, letter, 23 June 1949, EC Correspondence – Miscellaneous 1948, 1949.
25. Chifley to Gilroy, letter, 28 June 1949, EC Correspondence – Miscellaneous, 1948, 1949.
26. Machover, 'The Story of Australian Jewry's Stand for the Jewish Cause', p. 39.
27. *Australian Jewish News*, 22 July 1949; Gouttman, 'Follow the Leader', p. 76.
28. Gerard Henderson, *Mr Santamaria and the Bishops* (St Patrick's College, Manly, NSW, 1982), p. 63; O'Farrell, *The Catholic Church Community*, p. 390; Rachel Kohn, 'The Catholic Church Press in Victoria and Jewish Issues, 1933–45', *Australian Journal of Jewish Studies*, Vol. 5, No. 2, 1991, pp. 63ff.
29. Kohn, 'The Catholic Church Press in Victoria and Jewish Issues', pp. 78–80; Bob Santamaria, *Daniel Mannix: A Biography* (Melbourne University Press, Carlton, 1984), p. 165; Gouttman, 'Follow the Leader', pp. 78–9.
30. Jackson, Column 'As the Earth Turns', *Advocate*, 27 January 1949, p. 2.
31. *Ibid.*, 19 May 1949, p. 2.
32. *Ibid.*, 9 June 1949, p. 3.
33. *Sydney Morning Herald*, 17 June 1949.

34. Honig interview with Landa, Sydney, 6 March 1985; Freilich, *Zion in Our Time*, p. 217.
35. (Yehuda) Harry Levin (1910–65). Born in South Africa. A journalist by training, he served as the Middle East correspondent of the *Daily Herald* (UK) and later as a broadcaster for the Haganah during part of the siege of Jerusalem, before his appointment as Chargé d’Affaires to Australia and New Zealand (1949–50). Author of *Jerusalem Embattled: A Diary of the City Under Siege* (1950).
36. Levin to Comay, letter, 31 August 1949, SAI 2582/12.
37. Sharett to Evatt, cable, 2 August; Evatt to Sharett, cable, 4 August 1949, Australian Embassy, Washington, to Evatt, cable, received 30 July 1949, AA A1838/12 175/10/1, i.
38. Evatt to Makin, cable, 31 July 1949, AA A1838/12 175/10/1, i.
39. Sharett to Evatt, letter, 10 July 1949, SAI 2385/34 i.
40. Ibid.
41. Ibid.
42. Levin memorandum, ‘Minutes of Interviews at Department of External Affairs on Wednesday, August 17, 1949’, 17 August 1949, SAI 2582/12.
43. Ibid.
44. Ibid.
45. Ibid.
46. Ibid.
47. Segev, *The First Israelis*, pp. 5ff.
48. Levin memorandum, ‘Minutes of Interviews at Department of External Affairs on Wednesday, August 17, 1949’, SAI 2582/12.
49. Ibid.
50. Ibid.
51. Evatt quoted in *ibid.* Evatt also told Landa later that month that the Jews ‘didn’t even give me a testimonial’ even as he proudly displayed the copper plate from Sharett and a silver tea service given to him by an American Jewish organisation, Brit Shalom; Levin to Comay, 1 September 1949, SAI 2582/12. Levin could have added the various Zionist Federation dinners at which Evatt had been guest of honour and lauded in the most generous terms.
52. Within a fortnight, Levin was agreeing with Evatt: ‘The press is engaged in a continuous vendetta against him’; Levin to Comay, letter, 1 September 1949, SAI 2582/12.
53. Levin memorandum, ‘Minutes of Interviews at Department of External Affairs on Wednesday, August 17, 1949’, 17 August 1949, SAI 2582/12.
54. Burton quoted in Levin memorandum, ‘Visit to Canberra, August 23/24, 1949’, 25 August 1949, SAI 2582/12; SAI 2582/18.
55. Levin memorandum, ‘Visit to Canberra, August 23/24, 1949’, 25 August 1949, *ibid*; SAI 2582/18.
56. Beasley to Evatt and DEA, confidential cable, 20 August 1949, EC Cables, London August–November 1949 file.
57. Levin memorandum, ‘Visit to Canberra, August 23/24, 1949’, 25 August 1949, SAI 2582/12; 2582/18.
58. Ibid.
59. Levin memorandum, ‘Visit to Canberra, September 8/9, 1949’, SAI 2582/12; 2582/18.
60. Ibid.
61. Makin to Evatt and DEA, restricted cable, 31 August 1949 (received 1 September), EC Cables, Washington 1946–49 file.

62. Levin memorandum, 'Visit to Canberra, September 8/9, 1949', SAI 2582/12; 2582/18.
63. Ibid.
64. DEA to Hood, cables, 9 September 1949, AA A1838/12 175/10/1, i; EC UN – Cables, New York, 1949.
65. Levin memorandum, 'Visit to Canberra, September 8/9, 1949', SAI 2582/12; 2582/18.
66. Ibid.
67. Gouttman, 'The Two Faces of Fuhrman', *Menorah*, Vol. 4, Nos 1 and 2, Issue 6, December 1990, p. 66.
68. Ibid., pp. 67–8. See also Antonia Finnane, *Far From Where? Jewish Journeys from Shanghai to Australia* (Melbourne University Press, Carlton South, 1999), pp. 190–1; Interview with James Ingram, Canberra, 2 December 2000. Ingram served as Fuhrman's First Secretary in the Tel Aviv mission.
69. Gouttman, 'The Two Faces of Fuhrman', pp. 68–9; Freilich, *Zion in Our Time*, p. 222.
70. Levin memorandum, 22 September 1949, SAI 2582/12; 2582/18.
71. Hood to Evatt and DEA, restricted cable, received 13 September 1949, EC UN – Cables, NY 1949 file.
72. Levin memorandum, 22 September 1949, SAI 2582/12; 2582/18.
73. Ibid.

15

‘More Pious than Pius’

On 27 September, the Palestine Conciliation Commission duly produced its draft statute for Jerusalem. It amounted to a form of limited internationalisation that fell somewhere between the proposals for full and limited internationalisation being pressed by the Vatican and Israel respectively, and was consequently denounced by the Vatican, Arabs and Israelis.

The scheme provided for separate Arab and Jewish zones in the city and the appointment by the United Nations of a High Commissioner to protect the Holy Places, ensure neutrality and demilitarise the city. Two bodies were to be formed: a General Council to maintain law and order, and an international tribunal to arbitrate sectarian conflicts over the Holy Places. All other functions and authority were to be vested in the hands of Israel and Jordan. The Commission’s scheme gave Israel de facto control in the New City, which the Arabs denounced; it foreclosed on it being the Jewish capital and indeed did not decide the issue of sovereignty, which the Israelis denounced. Both sides criticised its provisions on immigration; the Jews for effectively stifling further Jewish immigration, the Arabs for not preventing this surely enough.¹

In an impassioned speech, Sharett criticised the Commission’s proposed Arab–Jewish committee, which he argued could not possibly manage the city’s affairs. He also asserted that the New City was integral to Israel and that the terms for reciprocal demilitarisation were unjust in view of the disparity in the security situation as a whole. Internationalisation, he said, could not and need not go beyond international supervision of the Holy Places. Eban thought it important that the text of this address should be transmitted to Evatt, and Hood accordingly relayed it.²

At the same time, however, Noel-Baker was informing Evatt that,

*should plan be adopted ... Israel Government may be expected to go to considerable lengths to prevent its application. Meanwhile, widespread agitation for incorporation of Jerusalem as Israel capital continues and Israel Government has announced that Ministries of Agriculture, Supply, Education, Health and Social Welfare will be entirely transferred to Jerusalem in the near future.*³

That the precise scheme of limited internationalisation had commended itself to neither Arabs nor Jews was unsurprising. It is less clear why it failed to commend itself to the Vatican. As a memorandum within External Affairs put it,

The Conciliation Commission Plan, while containing certain undesirable features, e.g., the division of the city, contains the least danger of military conflict. The division of the city has been a reality now for some time ... It is difficult to understand Church criticism of this plan, or the proposal that Jerusalem should be incorporated in a Jewish state. Jerusalem has never been an international area and access to Holy Places has apparently always been subject to a guarantee by one government or another ... Finally from the point of view of stability in the

*area, incorporation in the Jewish State might be the best solution.*⁴

For all this, the Vatican strongly opposed the scheme. It felt that it had been misled over partition, thinking that its provisions would ensure a *corpus separatum* for the city. The Vatican ceased now merely to back certain initiatives and pressed for full internationalisation. This took place despite a genuine division of opinion within the Church. There were those, like Cardinal Tisseront, whose views Levin had relayed to Evatt, who believed that full internationalisation would not be implemented even in the unlikely contingency that it was ordained by the United Nations. Tisseront thought Catholic interests would be better secured through negotiations with Israel. But he failed to convince the Pope.⁵

The Vatican believed that, as things stood under the Commission's plan, any subsequent moves by Israel in the city could be shielded from international intervention by the domestic jurisdiction provision in Article 2.7 of the Charter. Catholic bishops in many countries began to lobby their respective governments on the subject.⁶ In Australia, the bishop of Bathurst, J.F. Norton, addressing a rally on 9 October, decried the backing of 'international finance' for Israel and rehearsed atrocity propaganda of Israeli troops desecrating churches.⁷ Whether Evatt learned of this incident or not, he was fully aware of the state of Catholic sentiment from its clergy and press that had been importuning him and Chifley over the past few months. The *Advocate* was editorialising that,

*the Holy Father has made it clear by his attitude that the Great Church of Christendom is as deeply concerned for [Jerusalem's] protection and for the rights of pilgrims and native Christians in Palestine, as in the days when Urban II preached the First Crusade. But he needs the full support of the faithful in all lands.*⁸

Jackson was asserting that Israelis had to be shaken out of their 'defiant obduracy'.⁹

Earlier, it had been possible to favour full internationalisation without foreclosing on a limited scheme that might eventually command wide support, including that of the Vatican. This was no longer possible and Evatt was not prepared to expose himself to criticism that he was failing to back the Vatican position which he was on record as supporting.¹⁰ Now the die had been cast for something larger than the Israelis sought and even this did not meet the Vatican's strictures. Additionally, and importantly, Evatt had been informed by Whitehall that the Vatican was 'very critical' of the Israeli attitude.¹¹

It was at this pass, on 11 October, that Kim Beazley rose in the House to tender a question without notice on Jerusalem. He sought to deflect Evatt from the path he was taking, hinting at Israeli and Jordanian opposition to the plan and wondering aloud if the government would consider supporting a more limited scheme. Evatt poured cold water on his suggestion. The internationalisation of Jerusalem and Bethlehem, Evatt replied was 'one of the essential features' of the partition plan which he had always backed. Their special status was

accorded recognition because of their deep significance to Christians and the Christian Church. This was entirely apart from the necessary protection of the Holy Places, monuments and churches throughout Palestine [emphasis added] ... As Chairman of the Australian Delegation and of the Palestine Committee I adopted this view and so did the vast majority of delegates. We did not agree with the suggestion of the Conciliation group [sic] that there should be any partition of Jerusalem and Bethlehem with sovereignty or control divided between the

*Governments of Israel or Jordania [sic] ... At various times, I have stated, as the Prime Minister has restated, the clear principle that it is not only a question of protecting the Holy Places ... So far as Australia is concerned – and the leaders of all Christian Churches are in agreement – we shall adhere steadfastly to the principle of a U.N. international regime for the whole of Jerusalem and Bethlehem as a corpus separatum.*¹²

As the record of Evatt's discussions with Levin shows, it was so much dissimulation for Evatt to profess that he had *never* considered as acceptable anything other than full internationalisation. Even here he appears to have hedged on the final outcome, for he added, 'I agree with what the honourable member suggests that in any event it should be possible to obtain a decision [from the Assembly] that will ensure the protection of the Holy Places.'¹³ A copy of his answer was sent to Hood in New York.¹⁴

Levin, speaking publicly to a Jewish audience in Sydney on 24 October, avoided the chasm opening up between Israel and Australia. He yet hoped that Evatt could be brought around. Accordingly, even in denouncing full internationalisation (Israel without Jerusalem would be 'a body without a head') and rehearsing Israel's alternative proposal, he referred ambiguously to but one aspect of Evatt's 'striking message' to the United Nations: that urging countries to make their decision after only proper deliberation of every problem.¹⁵ Sharett tried to remonstrate with Evatt from afar. On 6 November, he wrote to him, keenly empathising with international concern for the protection of the Holy Places. In fact, he observed that Israel had been the prime victim of the absence of international protection: 'All the ancient synagogues and religious colleges in the Old City have been practically razed to the ground since the surrender of the Jewish Quarter to the Arab Legion. For nearly two years, access to the Wailing Wall, our oldest religious shrine, has been denied to us.'¹⁶

But Evatt's deliberation now was entirely political. Comay had it right when he wrote to Eban, 'He feels obliged to be more pious than Pius for home consumption, but hopes that some face-saving compromise will emerge ... which will not interfere very much with the de facto situation.'¹⁷ But Evatt now went further. He ceased to merely support full internationalisation and began to actively agitate for it, instructing his delegation to propose in the Political Committee a draft resolution to this effect, which it did on 18 November. Eban, in New York, informed Comay and asked for intervention with Evatt to have the scheme abandoned. The Israelis were at this time seeking alternative formulas and it was Eban's estimate that the more options before the Committee, the less likelihood of any one of them obtaining a majority.¹⁸ Eban was to write,

*We were never able to diagnose the cause for Herbert Evatt's strange obduracy in this matter. He had never struck me as a man of excessive religious piety. It was known that the elections in his country would be tightly fought and that the Catholic vote was of some importance, but it was disconcerting for me to be in such embarrassed conflict with my friend and colleague John D.L. Hood. Moreover, the signal that friends of Israel could insist on the expulsion of our authority from Jerusalem communicated itself from Australia to some Latin American states.*¹⁹

Levin in Sydney tersely telegraphed Evatt, now in the thick of electioneering, begging to see him 'at the earliest possible moment' in any time or place he chose to discuss the matter.²⁰ Evatt

would not see him but Landa told him that Evatt could not act otherwise on internationalisation: he was too far committed on the public record, the Catholic factor in the upcoming elections was weighing upon him and, additionally, it appeared the Cabinet itself was a source of pressure, with nine of 19 ministers being Catholic and responsive to the temper of their constituency. Apparently, however, Evatt had a stratagem based on the following calculation: he believed that if the Assembly could hold over its final decision until the next year, it might not recommend full, unfettered internationalisation, but that it would if voted upon immediately. His resolution, if adopted, could give Israel the actual flexibility it needed, even though it called for full internationalisation.²¹

This is an ingenious rationalisation and might explain why Evatt, a supporter of Israel and mindful of its interests in Jerusalem, came to move a resolution for internationalising the city. Full internationalisation beckoned, an immediate decision would affirm it, but the Australian resolution, once before the Assembly, would meet Evatt's electioneering exigencies, might not be implemented immediately, but prove flexible enough in detail when finally approved to satisfy Israel. How the Australian resolution could perform this complex function was not elaborated, but the possibility that it might have done so exists: the draft possessed a subtle clause calling for a reexamination of the statute for Jerusalem by a committee which would report back in a year's time.²² Such a provision made full internationalisation hostage to the findings of such a committee, and in a climate of some scepticism about authorising a regime opposed by both controlling powers, the whole proposal might be watered down. In the absence of strong contrary evidence of Australian intentions, this seems the likely explanation of Evatt's conduct. If this was the case, events conspired to work out very differently.

The Israelis made the first mistake and, in the circumstances, it is difficult to see how they could have avoided making it. No Israeli government could have viewed a resolution for full internationalisation with equanimity. Ben Gurion was agitated by the Australian move and Sharett's interpretation of it would not have appeased him. 'Practical effect here confusing, harmful, advantageous to State Department and Palestine conciliation commission by making their appear middle course', Sharett had cabled.²³ Eban also expected the Australian resolution to fortify supporters of full internationalisation, though he differed with Sharett on its likely impact on the Commission's proposal: he expected it to weaken it as an alternative. But they concurred that it would have a deleterious impact on Israeli interests.²⁴

Accordingly, and before Comay had received word about Evatt's thinking, the Israeli delegation in New York warned publicly that the Australian resolution would endanger the peace in Jerusalem and make more difficult the task of safeguarding the Holy Places.²⁵ An Israeli attempt to intercede with the Australians failed. As the Americans later learnt from Australia's Terence Glasheen, the Israelis had attempted to place some form of pressure on them (Glasheen did not specify what kind) to prevent them tendering their resolution. They had hoped that Australia might introduce a more favourable resolution, with which they attempted to acquaint the Australians when they were shown Evatt's instead. Arguing the point with 'untactful' and 'injudicious' language proved a mistake, for the news of this episode incensed Evatt, who became more determined than ever to pursue his own resolution.²⁶

Evatt was an enigmatic man, but in this instance it is easy to grasp his reaction. So far as he was concerned, Israeli interests were in little danger. But his own interests were, if Australia did not take a leading role in favour of full internationalisation. For the Israelis to seek to thwart him was infuriating. Shann, who was busily engaged sounding out delegations on the Australian draft, told the Americans that Evatt had every determination to see his resolution adopted.

Randolph Kidder of their delegation minuted:

*Apparently Evatt feels that he was largely responsible for getting Israel into the United Nations, and that Israel has not shown the proper gratitude but, on the contrary, has been extremely difficult in matters of co-operation. Aside from this, Shann pointed out that there are many Catholic voters in Australia and that there will be elections there in three weeks.*²⁷

The Australian initiative caused a commotion. The same day, 19 November, Plimsoll apologised to the Americans that Australia had ‘dropped a brick’ with its resolution.²⁸ Hood must have been sufficiently caught off balance by Evatt’s push to seek clarification from home. Tange happened to be speaking to Evatt by telephone and, relaying Hood’s request for instructions, was told ‘very brusquely’ by Evatt that Hood ought to know his policy or he would have him replaced.²⁹ Hood later spoke to Evatt, stressing the commotion caused and asked, ‘What will I do?’ Evatt replied characteristically, ‘You’ll betray me.’³⁰

Evatt’s resolution had some formidable opponents aside from Israel and Jordan. The United States regarded the Australian scheme as ‘unworkable, and therefore, undesirable’. It opposed Australian efforts to have the Commission reconsider its departure from the exact terms of 1947 provisions, which Evatt was attempting to achieve through the expedient of expanding and diversifying the Commission’s membership.³¹ This was exactly the sort of manipulative stratagem which, when proposed by the Americans in 1947 in reference to the Ad Hoc subcommittee on partition, Evatt had indignantly opposed. The US position, since at least September, was to back the Commission’s recommendation with whatever amendments were necessary to muster broad support. The cost of internationalisation was bound to be prohibitive, and would fall on the United Nations, not merely the city’s inhabitants, who would now require additional security and economic assistance. To impose such a regime in the teeth of Israeli and Jordanian opposition the Americans regarded as beyond the power of the world body. They intended, therefore, to oppose Australia’s appeal for the Commission to reopen the matter. The Americans were vexed by Evatt’s conduct. Tange was accosted by one US diplomat who sarcastically inquired to know how many divisions Australia was making available for the enforcement of a *corpus separatum*.³²

Be that as it may, the Australian resolution was commanding considerable support. Initially, there was speculation that the Australian resolution was merely a tactical device intended to make attractive the Commission’s more qualified proposal, supported by the United States, and that it would garner significant but inadequate support; an interesting index, perhaps, of the reputation Evatt had acquired for supporting Israel. Alternatively, someone had been speaking out of turn. This interpretation, however, soon proved incorrect. On 21 November, Glasheen told the Americans that the Arab and Latin American states were likely to support Australia.³³ This was no more than had been expected by sceptics. However, the next day, John Ross, despite urging the Commission’s plan upon the Israelis, told Sharett and Eban that, in his estimate, the Australians would receive ‘very wide support’. Even in these circumstances, the Israelis were unwilling to consider the Commission’s proposals. Sharett said it was acceptable to the Israelis – if its entire contents were deleted.³⁴

Why did the Israelis oppose the Commission’s proposal and why did it come to command so little support? The Commission’s scheme, though limited, called for measures unacceptable to Israel, including a freeze on its population growth; the maintenance of the existing Arab–Jewish population balance, which would effectively bar Jews from entering on residence in the city; and

complete demilitarisation in favour of a mixed Jewish–Arab council to administer its affairs, which was held to imperil the Jewish population. The Israelis noted that the United Nations had never acquired authority in Jerusalem by any of the means known to international law – cession, occupation, subjugation, accretion or prescription – and that no Assembly resolution could convey title to the world body in defiance of the controlling powers. Israel and Jordan, accordingly, might do as they pleased, including annexing the city. Assembly resolutions carried no mandatory or dispositive effect. But this argument was not pressed in the prevailing climate of enthusiasm for internationalisation, and the Israelis sought to harness that desire to a more limited scheme. The United States and others proceeded on the assumption that the United Nations could assert binding recommendations. In these circumstances, only the alternatives of full or limited internationalisation remained on the table, the Commission’s scheme finding little favour with anyone.³⁵

As a result, support for the Australian resolution continued to build and was indeed discernible even before Hood formally introduced it in the Assembly on 24 November. Hood cabled Evatt on 21 November with the news that only the United States and Israel were definitely opposed; Canada and New Zealand were unenthusiastic but saw no other outlet, the South Africans were in accord, and Britain had only some reservations but McNeil had told him that they would ‘endeavour not to oppose’ the Australians. The Latin Americans were generally favourable; enthusiastic in the case of Brazil and Venezuela. The other Latin Americans, noted Hood, were ‘likely to support, especially after categorical statement by American Catholic Hierarchy in favour of our approach’.³⁶ Three days later, Atyeo estimated that the Australian resolution looked like having the support of 28 countries.³⁷

At least one of Israel’s friends, intervening with the Australians on its behalf, made matters worse for the Israelis. Lie tracked down Atyeo, telling him that he greatly regretted the Australian push. Evatt, said Lie, had been ‘very foolish’ in introducing his resolution which was causing him ‘a great deal of trouble’. The Israelis had approached Lie in desperation, saying that while they knew Evatt to be a man ‘of good will’, he was being ‘advised by some very bad people’. Unfortunately for the Israelis, Lie was relaying this intelligence to one of the ‘very bad people’. He asked Atyeo to telephone Evatt about the matter, which he did, relaying Lie’s comments, one imagines, in colourful detail. ‘The result was that Dr. Evatt ... sent the most “categoric” instructions to Mr. Hood “charging” him to press forward with the Australian resolution.’³⁸ The Israelis now had Evatt offside for the first time.

Representations by other Israel supporters had no effect. Bishop Pilcher in Sydney wrote to Evatt, urging internationalisation to be limited to the Old City but, in the unlikely case that his words would have had any effect, they came in any event too late to affect the introduction of Australia’s resolution.³⁹ On 23 November, Evatt issued a press statement in which he described an international regime as ‘integral’ to the plan, though nothing was said of its intended scope beyond an oblique reference, also contained in the body of the Australian resolution, to the ‘protection of the Holy Places both within and outside Jerusalem ... The Australian proposal is not directed against Israel or the Arabs but is based on loyal adherence to the United Nations principles.’⁴⁰

The Political Committee opened debate on 24 November with two alternatives before it: Australia’s motion for full internationalisation and a Swedish–Dutch plan for limited internationalisation. The Swedish–Dutch plan called for a UN Commissioner to exercise supervision over the Holy Places and ensure access to and noninterference with religious shrines, in respect of which both Israel and Jordan were to commit themselves. Jurisdiction and

administration were otherwise to remain vested in the two powers. This was a plan that might appeal to many if only because it might be accepted by the controlling powers. In these circumstances, Shann was not confident that the Australian plan would win a two-thirds majority.⁴¹

Hood addressed the Committee in a lucid, forceful presentation of the Australian stance from the standpoint of a good UN champion. Something of the ire that the Israelis had raised in Evatt is apparent from the manner and matter of Hood's repudiation of the Israeli case:

*That part of the November [1947] resolution which dealt with Jerusalem was quite categoric in its intention that the Jerusalem area should be not merely a 'special United Nations interest', as other documents circulated to members of the Committee suggest, but should be the subject of specific United Nations guardianship. This intention has been entirely glossed over by the documents which have been circulated to us by the Delegation of Israel on this matter over the past few months ... Moreover, the resolution (273 (III)) which admitted Israel to membership of the United Nations at the second part of the last session of the General Assembly, specifically recalled the resolution of 29 November 1947 and took note of statements made by the representatives of Israel at the time which led us all to hope that Israel, recognising the great debt which she manifestly owes to this organisation, would abide by its recommendations with fidelity and goodwill.*⁴²

Hood even went so far as to attack Sharett:

*the present [Israeli] position of outright rejection of the proposals of the [Palestine] Conciliation Commission, which in our view do not go far enough, is hardly in keeping with the position which was adopted by the Foreign Minister of Israel himself, at that time the representative of the Jewish Agency, in letters to the President of the Trusteeship Council when that Council was considering the question of the Statute of Jerusalem. In particular, I refer to Document T/148 of 9th March, 1948, where, dependent on certain minor alterations which Mr. Sharett was suggesting, the 'willing participation of the Jewish community' in the arrangements under the proposed Statute was definitely envisaged.*⁴³

Hood was giving no quarter; additionally, he was sidestepping UN failure to protect Jerusalem in the subsequent war and the change this had wrought in the Israelis, who were reluctant now to entrust their fortunes in Jerusalem to the ministrations of others. Levin had stressed the point to Evatt and Burton on more than one occasion.⁴⁴ Only in the ensuing debate, on 3 December, did Hood did give some scant attention to the Israeli argument, though hardly in terms likely to recommend themselves to the Israelis. 'We are asked to take into account facts that have arisen in the interval. But how can circumstances affect the conclusion reached by the General Assembly on the basis of the broadest historical reasons?'⁴⁵

Hood's disquisition included lengthy quotation of Australia's earlier support for internationalisation, including Evatt's 11 October answer to Kim Beazley in the House, which had been forwarded to him at the time. Special emphasis, unsurprisingly, was also laid on the interest of the Christian churches. The other noteworthy feature was Hood's proposal that the Commission, in instituting the international regime, should have its membership enlarged from three to seven.⁴⁶

Evatt feared that the British, who regarded his resolution with reserve, might end up opposing him. McNeil had repeatedly promised Evatt, through the Australian delegation, not to embarrass him with taking a harshly critical line on Australia's position, and Atyeo sought to get word of this to Cadogan, who was due to address the Committee. This produced a comical episode. In his haste, Atyeo buttonholed an American whom he mistook for one of Cadogan's entourage and conveyed his concerns before realising his mistake, thus inadvertently informing the Americans of the Australian-British transactions. In the event, Cadogan, once informed, altered his address (an advance copy had been circulated) by the addition of the word 'regretfully' in the passage stating that the United Kingdom was unable to support the Australian resolution.⁴⁷

The surprising result of Australia's advocacy of full internationalisation, opposed by both Israel and Jordan, and with the support of neither of the two Western powers most committed in the region, the United States and Britain, was that it prevailed. Had it gone forward as framed by Evatt, with its provisions for review of the Jerusalem statute by a committee, the Israelis might yet have been able to draw some comfort. But this was not the resolution that prevailed under Australia's name.⁴⁸

The reason for this lay with the Soviets. The Soviet delegate, Tsarapkin, told Sharett on 1 December that Moscow would support the Australian resolution as part of a more pro-Arab posture. In fact, the Soviets went even further and became active in their own right in framing the provisions for internationalisation. The Australian resolution had looked at one stage like failing; an ad hoc committee of 17 members went to work on Soviet and Lebanese amendments. The Soviets wanted to see the Trusteeship Council's 1948 draft statute authorised. Lebanon wanted a new draft statute altogether. There was a serious chance that the resolution would be stymied if agreement could not be found. The Soviets, in their insistence on the old statute, were keen to prevent Britain gaining some foothold in Jerusalem through agreement with Jordan and looked like boycotting the plan as it stood. This might occur if the review by committee stipulated by Evatt was retained. In the ensuing discussions, Australia and Lebanon caved in. Hood doubtless decided that the imperative of seeing Evatt's resolution adopted necessitated concessions; the Soviets after all were not demanding anything not in conformity with the original provisions on the subject and Australia had largely based its case on the partition resolution. As a result of these concessions, the Australian resolution obtained unexpectedly strong support and no other scheme was discussed in committee. A quirk in the voting procedure sealed the sequence of accidents, permitting the Australian resolution to obtain a majority. The Swedish-Dutch plan was not voted upon, even though both the Dutch and Swedes had informally suggested that it be considered first. Had that occurred, it might have passed and supplanted Australia's resolution; but whilst members were willing to vote for a positive scheme, no-one wished to *oppose* full internationalisation.⁴⁹

Accordingly, the Political Committee voted on 7 December on the amended Australian resolution, which passed by 35 votes to 13 with 11 abstentions. Its supporters were the Arab states (other than Jordan); the Soviet Union and its satellites; West Europeans (France, Belgium, Denmark, Luxembourg); the Latin American states (other than Uruguay, Guatemala and Chile) as well as China and Burma. The Commonwealth, Hood's optimism notwithstanding, was conspicuously absent: Britain and South Africa opposed, and New Zealand, Canada and India abstained. Only Pakistan had supported Australia.⁵⁰

Hood confidently cabled Evatt, having been unable to get through by telephone:

there seems little doubt that resolution will secure the necessary two-thirds [in the Assembly] especially as we have continued our work and are confident that

*two abstentions will change to voting in favour and one negative will become abstention. This means the task of opponents to the resolution practically impossible.*⁵¹

The sequence of accidents was not yet spent. In communication with Evatt, Hood made no mention of the Soviet amendments to his resolution. Evatt immediately issued a statement hailing the vote of the Political Committee 'as a full endorsement of the Australian policy of insisting on unwavering support for United Nations principles and loyal implementation of previous General Assembly resolutions'.⁵² Within the General Assembly, it was subjected to criticism, notably from the United States, which regarded it as wholly unrealistic, obviously contrary to the aspirations of the populations concerned, and being additionally quite incapable of implementation. But this argument, vindicated by subsequent events, could not sway Australia's supporters. As Sharett was later to note, the promotion by a largely Protestant country of the Vatican idea made it difficult for Catholic states to take a position any less supportive than Australia.⁵³

Sharett had been authorised to push for adoption of the Dutch– Swedish plan. However, Ben Gurion had also insisted on issuing a defiant statement rejecting internationalisation in the Knesset on 6 December. Its only effect was to alienate the Soviets and deter no-one from voting for the Australian resolution.⁵⁴ In a final address before voting, Sharett made an incisive and passionate rebuttal of the Australian plan. It was, he said, 'an attempt to fly in the face of unchangeable realities, to devise an arrangement utterly impossible of execution, to set the United Nations on a course which seems bound to end in a fiasco, and to leave the Holy Places themselves without adequate protection'.⁵⁵ Jerusalem was being treated as 'an abstraction ... Instead of seeking harmony, so easily attainable, a headlong clash is deliberately produced. The great chance of placing the international regime upon the secure foundations of national consent is recklessly thrown to the winds.'⁵⁶

The Israelis pursued efforts to sway wavering votes. Eban addressed identical letters to the delegations of Burma, Canada, China, Ethiopia, India, Liberia, New Zealand, Norway, Philippines, Siam and Turkey.⁵⁷ In Australia, Levin and the local Zionists made a last-ditch effort to persuade Evatt to withdraw his resolution. Previously, Levin had asked Newman and Freilich to stay out of the matter and, according to Freilich, had kept them 'in the dark'. Now, although contacting Freilich to seek Evatt's private number, Levin still asked him not to raise Jerusalem when he was to meet Evatt, coincidentally, later in the day. Freilich accordingly said nothing until belatedly requested to do so by Levin two days later. Newman and Freilich thereupon raised the matter with Evatt, with Freilich urging Evatt to change tack, even challenging him that 'the loss of Jerusalem would undo all the good that had been done'. But it was too late; Evatt told them the resolution had been passed. 'Taken aback' by Freilich's directness, Evatt sternly asked him why he had not raised the matter two days earlier, when there was still time.⁵⁸

This must surely have been prevarication. There was no chance that Evatt would have withdrawn his resolution, particularly at the eleventh hour. It is not impossible that Freilich embellished Evatt's words, to make the point that his exclusion from the struggle by Levin had harmed Israel. But this much can be said with confidence: Evatt might well have been misled over preceding months by the silence from local Zionists. Affairs had been mishandled. Previously, the local Zionists had sought him out repeatedly. Their representations on substantive matters could always be taken in earnest. It might well have surprised him that he had heard

nothing from them on the matter since at least August. Besides, he had explained away any apparent difficulties in his resolution. If he gave it any thought, it could only be to conclude that his internationalisation push mattered less to the Israelis than Levin was telling him.

In New York, Hood's confidence in increased support turned out this time to be well-founded: the General Assembly put the resolution to a vote on 9 December and it passed by 38 votes to 14 with seven abstentions. Accordingly, Evatt's last act as international statesman was to effect UN support for the complete internationalisation of Jerusalem and its environs. It was never implemented; Israel and Jordan combined to frustrate the plan. Israel defiantly moved its parliament and capital to the New City and Jordan incorporated the eastern sector in an annexation recognised only by Britain and Pakistan. Taking its cue from the United Nations, most nations refused to recognise either act. Few countries subsequently proved willing to move their embassies there. Full internationalisation was a chimera, but Evatt had insisted on it.

This discordant episode in Evatt's relationship with the Israelis was attended by an irony. At the moment that the General Assembly of the United Nations Organisation voted for full internationalisation, Evatt and the Australian Labor Party government of Joseph Benedict Chifley were being swept from office in an election landslide that ushered in the Menzies era.

NOTES

1. Ferrari, 'The Holy See and the Post War Palestine Problem', p. 276.
2. Hood to Evatt and DEA, restricted cable, 27 September 1949 (received 29 September), EC UN – Cables, NY 1949 file.
3. Noel-Baker to Evatt, confidential cable, 28 September 1949 (received 29 September), EC Cables, London, August–November 1949.
4. 'For Mr Tange, "Jerusalem"', memorandum, AA A1838/1 851/12/8, i.
5. Ferrari, 'The Holy See and the Post War Palestine Problem', p. 281.
6. *Ibid.*, p. 278.
7. See Reich, 'Religious Values and Political Expediency', pp. 149–50.
8. Editorial 'The Peace of Jerusalem', *Advocate*, 6 October 1949, p. 6.
9. Jackson, column 'As the Earth Turns', *Advocate*, 29 September 1949, p. 2.
10. Slonim, (*Jerusalem in America's Foreign Policy*, p. 142n) errs when he cites, not only Evatt's electoral calculations, but also his desire to become Assembly president (which he says Evatt became for 1949–50) as his motive for advocating full internationalisation. He appears to have misread Goussman ('Jerusalem from the Antipodes') on this score, attributing Evatt's interest in the appearance of neutrality in 1947 to his stratagems in late 1949. Evatt, of course, served as Assembly President during 1948–49.
11. Crotonate to DEA, cable, 26 September 1949, AA A3318 L49/3/1/8, i.
12. *CAPD*, House of Representatives, 11 October 1949, Vol. 204, pp. 1149–50.
13. *Ibid.*, p. 1150.
14. DEA to Australian UN delegation, unclassified cable, 12 October 1949, EC UN – Cables, NY 1949 file.
15. Levin speech to Women's International Zionist Organisation Conference, Sydney, 24 October 1949, SAI 2584/8.
16. Sharett to Evatt, letter, 6 November 1949, SAI 2443/4.
17. Comay to Eban, letter, 3 November 1949, SAI 2597/1 34.
18. Eban to Comay, cables, 18 and 21 November 1949, SAI 2202/4.

19. Eban, *An Autobiography*, pp. 145–6.
20. Levin to Evatt, telegram, 19 November 1949, EC Correspondence – Miscellaneous 1948, 1949.
21. Comay to Eban, cable, 23 November 1949, *DFPI*, Vol. 4, p. 643.
22. Shultz, ‘The Jerusalem Story’, *Nation* (US), 17 December 1949.
23. Quoted in Gabriel Sheffer, *Moshe Sharett: Biography of a Political Moderate* (Clarendon Press, Oxford, 1996), p. 503.
24. Eban to Comay, telegram, 21 November 1949, SAI 2202/4.
25. *Palestine Post*, 22 November 1949.
26. Memorandum of conversation with Terence Glasheen (Australian delegation) by Harry Howard (US delegation), 21 November 1949, NARA RG84, Box 36, US Mission to the UN 1945–49, US/A/AC 31/241–350.
27. Memorandum of conversation with Shann by Randolph Kidder (US delegation), 19 November 1949, *ibid.* Kidder had been on close terms with Shann during his previous appointment in Canberra.
28. Memorandum of conversation with Plimsoll by John Cabot (US delegation), 19 November 1949, *ibid.*
29. Sir Arthur Tange in a letter to the author, 28 February 1996. Tange was unable to recall the policy question involved, but his identification of the incident to the period immediately preceding the December 1949 elections makes it fairly certain that Jerusalem was the subject. Makin defended Hood and Plimsoll, telling Evatt that they had taken a heavy share of the pressure; Makin to Evatt, 25 November 1949, EC Overseas Trips, 1949.
30. Pierre Hutton in a letter to the author, 4 September 2000. As with Tange, there is some uncertainty that this anecdote attaches to Jerusalem, but the context suggests that Jerusalem was the issue.
31. Memorandum ‘US Attitude Toward Australian Draft Resolution on Palestine’ by John Ross, 23 November 1949, NARA RG84, Box 36, US Mission to the UN 1945–49, US/A/AC 31/241–350 file.
32. Slonim, *Jerusalem in America’s Foreign Policy*, p. 127; Memorandum ‘US Attitude Toward Australian Draft Resolution on Palestine’ by John Ross, 23 November 1949, NARA RG84, Box 36, US Mission to the UN 1945–49, US/A/AC 31/241–350 file; Tange in a letter to me, 28 February 1996.
33. *Palestine Post*, 22 November 1949; Memorandum of conversation with Glasheen by Harry Howard, 21 November 1949, NARA RG84 Box 36, US Mission to the UN 1945–49, US/A/AC 31/241–350 file.
34. Memorandum of conversation between Sharett and Eban with Austin and Ross, 22 November 1949, NARA RG84, Box 36, US Mission to the UN 1945–49, US/A/AC 31/241–350.
35. Slonim, *Jerusalem in America’s Foreign Policy*, pp. 129ff.
36. Hood to Evatt and DEA, secret cable, 21 November 1949 (received 22 November), EC UN – Cables, NY 1949.
37. Memorandum of conversation with Atyeo by Harry Howard, 24 November 1949, NARA RG84, Box 36, US Mission to the UN, 1945–49, US/A/AC.31/241–350 file.
38. *Ibid.*
39. Pilcher to Evatt, letter, 26 November 1949, EC Correspondence – Miscellaneous 1948, 1949.
40. ‘Statement by the Minister for External Affairs, Rt. Hon. H.V. Evatt: Palestine’, 23

November 1949, AA A3318/1 L49/3/1/8, i.

41. Ferrari, 'The Holy See and the Post War Palestine Problem', p. 282; *United Nations Yearbook, 1948–1949*, pp. 191–2; Memorandum of conversation with Shann by Stuart Rockwell (US delegation), NARA RG84, Box 36, US Mission to UN 1945–49, US/A/AC.31/351 file.
42. 'Palestine: Statement by the Representative of Australia (Mr J.D.L. Hood)', 24 November 1949, AA A3318/1 L49/3/1/8, i.
43. Ibid.
44. Levin memoranda, 'Minutes of Interviews at Department of External Affairs on Wednesday, August 17, 1949'; 'Visit to Canberra, September 8/9, 1949', SAI 2582/12.
45. *Palestine Post*, 4 December 1949.
46. 'Palestine: Statement by the Representative of Australia (Mr J.D.L. Hood)', 24 November 1949, AA A3318/1 L49/3/1/8, i.
47. Memorandum of conversation with Atyeo by Stuart Rockwell, 25 November 1949, NARA RG84, Box 36, US Mission to UN 1945–49, US/A/AC.31/241–350 file.
48. Shultz, 'The Jerusalem Story', *Nation* (US), 17 December 1949.
49. Sheffer, *Moshe Sharett*, p. 503; Shultz, 'The Jerusalem Story', *Nation* (US), 17 December 1949.
50. Hood to Evatt, unclassified cable, 7 December 1949 (received 8 December), EC UN – Cables, NY 1949.
51. Ibid.
52. Press release, 'International Regime for Jerusalem', 8 December 1949, AA A3318/1 L49/3/1/8, i.
53. ORGA, 1949, Plenary, 274th meeting, 9 December 1949, p. 579; Fuhrman to DEA, 3 January 1950, AA A5460/1 118/4, ii.
54. Sheffer, *Moshe Sharett*, p. 504.
55. *Palestine Post*, 11 December 1949.
56. Ibid.
57. Slonim, *Jerusalem in America's Foreign Policy*, pp. 140–1n.
58. Freilich, *Zion in Our Time*, pp. 221–2.

Conclusion

What may we conclude of the Palestine episode in Evatt's career? First, that Evatt played a part in the formation of a broad-based UN investigative committee whose majority recommendation of partition was crucial to the subsequent passage of the partition resolution. Second, that partition came to be recommended and voted upon at all by the General Assembly must be ascribed to Evatt's idiosyncratic chairmanship of the Ad Hoc Committee. The international reluctance to endorse any solution was palpable and the obstacles to partition in particular were numerous. We can also conclude that, in a climate of international distrust and upheaval, the vital support of the two superpowers for Israel coming into existence would have been missing without the passage of partition.

Evatt's motives are a rich source of debate for historians. There is an understandable impulse to discover if Evatt acted out of idealism or expediency. He appears in this episode to have pursued both impulses, a reflection perhaps on the self-division some have identified in his character. An informed judgement in this instance, however, would be that Evatt pursued his ideals at considerable risk to his careerist ambitions. On Palestine, if on no other issue, he exhibited, for all that has been noted, considerable consistency and tenacity, eventually at the risk of his fondest ambition – the presidency of the United Nations General Assembly – to further the cause of Zionism which he had adjudged to be right.¹

Accordingly, the element of idealism emerges perhaps more clearly than in many other issues which Evatt pursued as External Affairs Minister. There was a relative absence of domestic political calculations, although Evatt sought to take advantage of the Jewish gratitude he fostered by personally channelling Jewish fund-raising for the ALP.² Domestic calculations emerged but on one occasion to influence events, and then in a negative sense: the Catholic interest in full internationalisation of Jerusalem, and it is certainly possible to argue here that Evatt, unsuccessfully it is true, intended results different from those usually attributed to him.

Once partition was approved, Evatt worked hard to keep the Americans in line and the British from being obstructive. To him, it did not matter that a resolution of the General Assembly lacked binding or legislative force. As he observed, 'under the Charter, the General Assembly is a recommending body, but it possesses no executive authority apart from its power to regulate its internal administrative machine'.³ Julius Stone would have told him as much and indeed, in later life, Stone provided this legal assessment of partition:

the 1947 partition resolution had no legislative character to vest territorial rights in either Jews or Arabs. Any binding force of it would have had to arise from the principle *pacta sunt servanda*, that is, from the agreement of the parties concerned to the proposed plan. Such agreement, however, was frustrated *ab initio* by the Arab rejection, a rejection underlined by armed invasion of Palestine by the forces of Egypt, Iraq, Lebanon, Syria and Saudi Arabia, timed for the British withdrawal on May 14, 1948, and aimed at destroying Israel and at ending even the merely hortatory value of the plan.⁴

Why then did Evatt back partition all the way, even when the Assembly was reconsidering it?

The answer, I believe, provides an insight into much of Evatt's international statesmanship, both its strengths and its limitations. The Assembly, as Evatt saw it, was the international community's natural tribunal and its recommendatory power was sufficient warrant; the Assembly could not be controlled by the superpowers. For one of them to come back early in 1948 and seek to overturn the Assembly's recommendation for the purposes of strategic interests was subversive of the international order vested in the world body on which Evatt pinned his hopes. As he pointed out, the Security Council possessed no power to overturn the Assembly's recommendation. It could not use its legitimate function as guardian of international peace to decide that action consistent with what the Assembly had authorised was itself a threat to peace.

For all this, his reliance on the stature of the Assembly was clearly a weakness in his thinking. It led him to underestimate the difficulty of giving effect to partition and to insert himself as its president in great power parleys where he was clearly unwelcome and unlikely to succeed. Doubtless, Evatt would have despaired of much of the subsequent course of UN history. But at the time the United Nations still appeared as a possible corrective to the old balance of power model of international relations and Palestine proved a litmus test of the capacities and integrity of the organisation. Evatt saw this and acted, as his close contemporaries have acknowledged, with conviction and resolve to see that partition, if not implemented on account of Arab refusal and aggression, could at least serve, as it was intended to do, as the moral and practical warrant for the Arabs and Jews to establish their own states if they asserted the will to do so.

The study of this episode in Evatt's career also highlights aspects of his conduct much remarked upon by historians: his dissimulation, changes of tack and conflicting gestures among other singular discords of will and temperament. It can be seen clearly that such behaviour was present here, with the result that the Arabs felt betrayed, the Jews frequently questioned his fidelity to promises, and the Americans and British were often mystified or outraged. Evatt was slow and qualified in his public commitment to Zionism yet, at the same time, proved resistant to being deflected from it, even before that commitment was public.

Those writers who have detected indecision in Evatt's conduct on Palestine, or who have isolated motives militating against support for partition and Jewish statehood must review the evidence. Taking together the many criticisms they have expressed, there is no sound basis for concluding that Australia lost prestige over Evatt's handling of the Ad Hoc Committee, difficult as it made his subsequent bid for the Assembly presidency; that Evatt opposed partition, whose passage he helped to secure; that he favoured a unitary state, which he rejected; or that he was deferential towards Britain, whose representatives he frequently discomfited. Evatt had succeeded in bringing a vital UN issue to a definite conclusion when the organisation's standing and effectiveness were in doubt. He made it his business to ensure that it adhered to it when powerful forces sought its reversal. As President, he campaigned successfully for the seal to be placed on his labour by Israel's admission to the community of nations. Overall, Palestine must be accounted one of Evatt's successes, not a failure.

History might have looked upon Herbert Evatt more kindly had he not presided over the split of Labor and the electoral decimation of the party he aspired to lead into government. His name became a byword for erratic leadership amongst all but his most fervent defenders. Politically fraught eras tend to eclipse subtlety and moderation of judgement and to produce allegorical figures. For his defenders Evatt was nobility personified, an Othello cut down by devious Iagos. To his enemies, he was simply a mad Moor. The scope of his achievements and failures, as noted at the outset, has often been read in this context. It is little surprise that his foreign policy was the last area to be systematically assessed by scholars or accorded its rightful place in the study of

his life or Australian or world politics. It is the area least fertile for partisan warfare, though not without ammunition for dogged practitioners. The issues which engaged Evatt at the United Nations – the Universal Declaration of Human Rights, the Berlin crisis, the partition of Palestine, atomic energy – can be at best auxiliary to parochial political debates. The Petrov Affair, Menzies' attempts to ban the Australian Communist Party, Evatt's record as civil libertarian, evoke more pungent emotions and militate in favour of a national focus.

But if there has been difficulty according Evatt his due or criticism on Palestine, it owes much to something larger than Australian politics. For the Arab–Israeli conflict has become ideologically overlain just as communism and the Cold War once were and matters of genuine historical interest and enlightenment have been lost from view. The partitioning of Palestine remains perpetually in the present and its continuing presence is itself a function of the unfolding of the events of 1948 and 1949. Had partition been implemented by the great powers, it would have involved bitter conflict and difficulties that doubtless would have endured to the present day. But it is safe to say that the twin impediments to Arab–Israeli peace – the Arab refugee problem, and the political harvest of Arab defeat – need never have emerged to exercise their pervasive and baleful political consequences. Israel's successful resistance to invasion and dismemberment in 1948 humiliated Arab governments, many of which were subsequently toppled internally. Their successors have sought to avenge the humiliation. In particular, Arab sabre-rattling in 1967 resulted in the West Bank and Gaza, the remainder of Mandatory Palestine, being delivered into Israeli hands from Jordan and Egypt respectively, ending an era of autonomous Israeli nation-building and fatefully intertwining anew the fortunes of Israelis and Palestinians.

Detailed rehearsal of the conflict's subsequent history is unnecessary to demonstrate the point. It is sufficient here to point to the collapse of the Oslo peace process in the first year of the new century. That process had several pillars but a single foundation: political accommodation between the two peoples of the former Mandate. Political accommodation is contractual in nature, in which obligations are assumed on agreed terms, designed in this case to bridge the chasm between Israeli sovereignty and Palestinian statelessness. Partition, as we have seen, foundered on Arab rejection. Oslo represented an attempt to restore it. That effort is presently in tatters, beyond redemption for the foreseeable future. Its failure is owed to the ideological basis to the Arab political choices of 1948, not to disagreement on instrumental questions of dividing territory and resources, many of which at least on paper had been resolved in negotiations prior to the outbreak of violence in September 2000. Two sticking points predominated in the Oslo failure – the division of Jerusalem and the Palestinian insistence on a 'right of return' for their refugees to Israel proper. In other words, agreement foundered, not on prosaic issues of borders and controls, but on symbolic ones of identity and rights.

The symbolism of according recognition to Jewish historical and religious connection to Jerusalem holds perturbing implications for Palestinians. The refugee problem is also symbolic. Should the war that produced them have been initiated by the Palestinians and their Arab neighbours? If so, the problem must be kept alive, symbolically and actually, as a lightning rod for political mobilisation. If not, it must be speedily resolved. Yet, resettlement of refugees, with US financial backing, was dismissed out of hand in the last-ditch negotiations in the dying days of the Clinton administration. The insistence that the Palestinian refugee plight, exceptionally among refugee problems of last century, be resolved by repatriation, not resettlement, indicated only an abiding instinct for Israel's demographic dissolution. An agreement that perforce must tacitly invalidate the Arab choices of 1948 was not on offer and political resolution remains out

of reach as before.

A similar process of ideological commitment can be seen at work in academic disputation. An empirical study of conflicting national movements has been frequently discarded in favour of a 'postcolonial' critique that invalidates critical analysis of non-Western societies as irredeemably tainted by the Western political and military might to which it is alleged to be indissolubly linked.

Others have analysed this phenomenon, though systematic study is still in its infancy. Suffice it to say that this discourse has yet to yield a study of the Israeli–Palestinian relationship that is adequate to the record and not characterised by historical heavyhandedness, to put it no more strongly. Edward Said's *Question of Palestine* is a shrill and vigorous polemic which seeks to explain a conflict without reference to the politics that engendered it, necessitating a highly restrictive and sometimes bowdlerised resort to historical sources. It presents a Jewish nationalism systematically purged of its historical communitarianism and the socialist, not to say utopian, visions that energised it, replaced by the racial assumptions and programmes of a European colonialist movement, a representation that validates Palestinian maximalism into the indefinite future. There is no mention, much less discussion, of Haj Amin, the man who disposed of Palestinian political choices for a crucial quarter century preceding the UN deliberations. There is no probing analysis of the ideological style of Arab politics or Palestinian nationalism that brought the Palestinians to the fateful pass of 1948 and 1949.

The irony is that this orthodoxy is thus characterised by a Eurocentric preoccupation with Western power, artefacts and discourses to the virtual exclusion of analysis of Eastern societies on whose explicit behalf its critiques have been assembled. This predisposition finds its parallel amongst those historians who have preoccupied themselves with Israeli decisions and actions, sometimes presuming the unavailability of even limited, accessible official Arab documentary records. This too implies an unreasoning, inauthentic Oriental immobility and lassitude. It is equally the failing of a related discipline, 'post-Zionism', which is best described as an effort to efface Jewish national particularity, a putative demythologising on the basis that Zionism conforms to the colonialist template lately much popularised. Its practitioners sometimes explicitly assumed that dissemination of this ahistorical conception might actually assist the processes of peace and reconciliation. This was nothing other than a conceit that confounded political normalisation with regional assimilation. The failure of Oslo is sufficient commentary on that aspiration.

There is more, however, than academic interest to the insistence on representing Zionism as colonialism, whether or not pure and simple, for it inevitably fuels ideological hostility manifested on a variety of fronts in addition to the battlefield. A staple of the conflict has been perennial efforts of Arab belligerents and their sympathisers to politicise international legal norms by having Israel declared an illegal occupier of the territories it acquired in 1967. (No warrant for either inference obtain in the pertinent Security Council resolutions (242, 338), which mandate only Israeli withdrawal to agreed borders in return for peaceful relations on terms to be negotiated with the Arab belligerents of that war.) The trend can also be observed in efforts to scapegoat the Jewish state as inherently genocidal that was the salient feature of a UN conference ostensibly devoted to racism, held in Durban, South Africa, in 2001. It can also be observed in the push to widen the definition of war crimes to include civilian Jewish settlement of the West Bank and Gaza and the disproportionately heavy expenditure of UN time and business in producing resolutions critical of Israel. In this context, it is worth noting the judgement of an international legal scholar, Geoffrey Best, for it is informed by a sense of

historical context. Decades of war and suffering, writes Best, could have been averted, if the UN (meaning member states) had been able in classic realist style to enforce Israel's establishment and to secure the originally modest borders assigned to it. The speculation is not entirely fanciful. Such forceful action was one of the options in 1947–8, and would have been lawful within the terms of the Charter if the weightier States in the UN had determined to make it so. But the politics of the UN did not permit and the ethos of the age did not press. Relations between Israel and its Arab neighbours got off to a thoroughly bad start ... The superpowers have taken sides, helping their protégés to become armed to the teeth, and more often than not failing to restrain them from desperate actions. One of the hottest episodes of war between Israel and its neighbours, the Yom Kippur War in 1973, brought the superpowers themselves to the brink of armed confrontation, the only known parallel to the Cuban crisis. The military occupation of the West Bank and Gaza Strip which has gone on ever since 1967 and which constitutes a war-consequence without parallel or precedent, has made Israel look like a permanent bender of international law. It has been represented by its enemies as a colonial intrusion of the imperialist USA into the Arab region and, because of Zionism, as a racist state, the only parallel, however debateable a one, to apartheid-era South Africa. Pan-Arab nationalism has received a fillip and a permanent fuelling otherwise unimaginable ... If there really was an opportunity in 1947–8 to enforce a viable sharing of territory in Palestine, a terrible price has been paid, not only by the people who live there but by our whole world, for its being missed.⁵

These are informed insights, sensitive to the exceptional possibilities of historical moments, whose loss forever tragically alters the subsequent course of events. How the partition decision came to be reached, and then sabotaged, has been retold in these pages. To the fashionable, reflexive charge of the United States being the villain in the piece, it is sufficient commentary to recall the actual story of US ambivalence towards, at times obstruction of, Zionism that has been recounted in this narrative. But ideology has never needed a truthful past and its maintenance, reflected in the Oslo failure, shows it is equally as willing to write off the future. This is bad news for the peoples of the Middle East and bad news for historians trying to make sense of its recent history.

For all that, the story of Evatt's brief but stimulating influence on the region cannot be denied and sometimes a story, pursued at the angle of one man's involvement, helps to illuminate the wider history, the choices that were once those of living people. As for a final resolution of a seemingly irresolvable conflict, one might yet originate in improbable beginnings, invisible to contemporaries. This does not mean that Arab–Israeli peace will be a secret when it appears, merely that its emergence cannot be relied upon to announce itself. It is a task for individuals on all sides. Perhaps Chaim Weizmann put it best when appearing before the Peel Royal Commission in 1937. When asked by one of the Commissioners, Sir Horace Rumbold, how he one day envisaged a fully developed Jewish National Home, Weizmann perplexed his listeners by responding that he could not. Astonished, Rumbold persisted, asking him why he could not foresee the completion of Zionism's work. Weizmann replied that just as Britain had been evolved over centuries so that it was impossible to determine when it had become fully formed, so too, it would be impossible to know when the Jewish state was built up and the task at an end.

NOTES

1. Significantly, Evatt's tombstone in Canberra records but one highlight in his career: 'President of the United Nations Assembly'.

2. Levin to Comay, letter, 1 September 1949, SAI 2582/12.
3. Evatt, *Task of Nations*, p. 135.
4. Julius Stone, *Israel and Palestine: Assault on the Law of Nations* (Johns Hopkins University Press, Baltimore, MD, 1982), p. 59.
5. Geoffrey Best, *War and Law Since 1945* (Clarendon Press, Oxford, 1994), pp. 223–4.

Epilogue

The die was cast and Evatt moved off the scene. Few might have guessed that his exit from the international scene would prove permanent. In the meantime, the fervour with which he had pursued full internationalisation mystified even those who understood Evatt's electoral concerns. Eggleston wrote in a letter on 13 December 1949:

*Evatt has left the Government a ghastly problem in his Jerusalem policy. It is his worst yet and that is saying a good deal. How can you establish a government in a country or city against the unanimous will of the inhabitants?*¹

Joseph Linton, less than a fortnight after his arrival in Sydney in June 1950 as Israel's first minister plenipotentiary to Australia, was asked by the Soviet Ambassador, N.M. Lifanov, what had prompted Australia to undertake its push. Linton had no answer.²

Fuhrman arrived to take up his post in Israel. A *Palestine Post* leading article observed *inter alia* of Australia that 'this basic friendship would doubtless have been carried a stage further with Fuhrman's arrival were it not for the unhappy course followed by the Australian delegation at the last Assembly'.³ Fuhrman presented his credentials to Weizmann, now the state's first President, at the Kiryah, outside Tel Aviv, not at the Presidential offices in Jerusalem; the first junior member of the British Commonwealth to take up the Israeli post. He proceeded to transmit reports that indeed indicated a dislike of the Israelis, an incomprehension as to their disquiet over exclusion from Western military alliances and an insistence on seeing the hand of Moscow in Israeli affairs.⁴

In reference to Evatt's resolution on internationalisation, Sharett observed in the Knesset on 4 January 1950:

*Sometimes there is a parliamentary necessity to pay lip service to a principle. But that is one thing and the course which life takes is another. And we made an attempt to clarify the matter also with the previous Australian Government with regard to their true intention. We had conversations with them at their capital. I had a personal exchange of letters with the previous Minister for External Affairs for Australia on the eve of the Assembly's meeting. I sent him a letter from the Kiryah. His reply reached me in New York. I wish to establish only the fact that as a result of this exchange of personal letters it was still not clear to us, nor could it be clear to us, that the Australian Government was about to take a decision of this kind at a given moment.*⁵

Full internationalisation was a Pyrrhic victory for Evatt. It altered not one whit the disastrous outcome of the elections, though it earned him for now the gratitude of the Catholic Church.⁶ For all the continuity that underlay the 1949 political transition in Australia, and has underlain the Middle Eastern policy of successive Australian governments, the ironic exception to this rule was the quest for internationalisation. Burton told Linton in 1950, shortly before his replacement

as Secretary of External Affairs, that foreign policy under Menzies would exhibit continuity. But his successor, Alan Watt, told Linton shortly after that ‘the present government would not be so bound to the past (that is, to Dr Evatt’s espousal of internationalisation) as the last Labor Government’.⁷ Accordingly, when Australia supported a statute for the internationalisation of Jerusalem in Trusteeship Council that passed 9 to 0 with 2 abstentions (United States and Great Britain), it also successfully moved a resolution seeking to engage the co-operation of the controlling powers. Such proposals foundered like subsequent ones on the absence of agreement with Israel and Jordan and internationalisation has remained from that day to this a dead letter.

The Menzies government was interested in formally supporting internationalisation only to the extent necessary to avoid any loss of face involved in an explicit policy reversal. Evatt’s successor as External Affairs Minister, Percy Spender, indicated privately to Freilich in December 1950 that Australia had changed its mind on internationalisation.⁸ Accordingly, Australia supported that month a General Assembly resolution sponsored by Sweden that effectively conceded that Jerusalem would remain divided. However, both Spender and later Casey were unwilling to move the embassy to Jerusalem as indeed were other countries with the exception, at various times, of some Latin American states.⁹ In this climate, it little mattered if a certain official noted in an internal secret memorandum:

The 1949 resolution about Jerusalem was largely my own drafting. You may recall the circumstances ... An election was about to take place in Australia, and the Minister [Evatt] gave instructions that we were to endeavour to get through its first committee a resolution which in effect reflected the position of the Roman Catholic Church. This we succeeded in doing, against the strongly expressed opposition of our traditional friends, including the United States and the United Kingdom, and with the support of not an unimpressive list of countries. The reasons for the Australian action at that time were political rather than those of principle.¹⁰

Be that as it may, the stymied scheme for internationalisation has bedevilled diplomacy between Israel and other countries, including Australia, whose diplomats were normally under instructions to avoid giving any recognition to Jerusalem as Israeli capital.¹¹

Opposition brought Evatt away permanently from the United Nations. With the defeat of the Chifley government, there had been speculation that Evatt would be elected or appointed to high office in the United Nations. Rumour abounded immediately following the vote for full internationalisation, coinciding as it did with the election defeat in Australia, that Evatt might be named Governor of Jerusalem, should the scheme be implemented by the Trusteeship Council.¹² Others subscribed to even more grandiose possibilities: a potential successor to Trygve Lie as Secretary-General, with a good chance of winning the support of Western European and Latin American states.¹³ But he never returned to the international stage. The rest of his political career was largely absorbed with a consuming but frustrated ambition to become the Australian Prime Minister.

While Evatt would divertingly reminisce to Joseph Linton in 1952 of the halcyon days of 1947 and the way he had stymied State Department machinations in the Ad Hoc Committee, Linton’s successor in Sydney, Max Nurock, had a different story to tell in 1953. ‘I was introduced to Dr Evatt, but he was a tired man and showed no special interest when I gave him [Sharett’s] greetings, plus an invitation to visit Israel.’ Mary Alice showed more interest.¹⁴

But perhaps this episode is exceptional for in Opposition Evatt proved a sympathetic supporter

of Israel's rights and interests. In November 1955, Sir Anthony Eden, now British Prime Minister, made a Cold War bid to woo Arab governments. He called for a comprehensive Middle East peace settlement, to be secured by reducing Israel from the 1949 armistice lines and its repatriation of a large number of Palestinian refugees, still in their first generation of forced internment in camps in surrounding states. Casey was broadly supportive, but Evatt opposed Eden, arguing that unreasonable concessions were being asked of Israel. In private to Nurock, Evatt would dilate on his past difficulties with Britain and the United States and speak of Israel as 'an oasis that must be preserved'.¹⁵

The Suez crisis and war the following year, however, caused Evatt to revisit the Arab-Israeli conflict in detail. In contrast to the Menzies government, he regarded the nationalisation of the Suez Canal by the Nasser regime as fully legal and his instinct was for the United Nations to step in and resolve the dispute. His concern for Israel's legitimate rights and opposition to Arab belligerence, however, was evident even as he condemned the Anglo-French build-up and later the Israeli attack on Egypt. In a press statement, Evatt criticised the 'flagrant breach in the case of Israel of the international guarantee of free passage [which] should have been enforced by the U.N. In fact the guarantee was treated as a dead letter mainly because only a small democratic country was involved.'¹⁶

In parliament, Evatt made a still fuller statement:

Since this matter has arisen, the most sickening part of it has been the conservative government of Great Britain has attacked Egypt because of Egypt's wrongful, improper, and violent action in stopping Israel's ships from going through the canal. The Prime Minister repeated that tonight. What was done about it? A resolution was carried when the Labour government was in power in Great Britain, but not a thing was done by the tory [sic] government of Great Britain to ensure that justice is done to the ships of Israel ... Egypt and all the countries of the Middle East are entitled to their place in the sun and to decent standards of living. We cannot kick them around any more. I do not agree with the violence of Arab nationalism. I know how difficult it is to cope with it. The Arabs opposed the plan under which Israel became a nation and a member of the United Nations ... Let the United Nations not dodge that responsibility, as the Conservative government of Great Britain, and other members of the Security Council, including the United States, have dodged it ever since they made a declaration that it was wrongful to keep out Israel's ships.¹⁷

Later, after the eruption of war, Evatt referred in the House to 'the unfortunate case of Israel, against which I do not wish to make any comment. No doubt this long struggle has, in some respects, driven the people of that country to desperation. They have often been attacked, and they saw an opportunity to make a deep advance into Egyptian territory.'¹⁸

A mature acceptance of the just interests of newly independent nations, allied to an appreciation of Israel's insecure predicament in the face of pan-Arab nationalism, are readily apparent. Even one who had 'nothing but contempt for the Gyppos' was able to recognise Egypt's rights, as well as its wrongs, and the rights of those it had wronged. These statements, better than most political utterances on Suez, read extremely well nearly half a century later.

In the press, too, Evatt was vocal in support of Israel's democratic credentials and interests and in repudiating her critics. 'No-one would deny this if the Arab States did not possess most of the oil. It is amazing the sanctity given to oil.'¹⁹

Suez turned out an Anglo-French embarrassment. It did little for Menzies and, in so far as he had foreseen a fiasco, Evatt enjoyed a minor victory over the man he never unseated as Prime Minister. But his role in settling the affairs of the Holy Land was over.

Indeed, Evatt often felt that he had received inadequate recognition from Israelis and, until a trip was arranged and paid for by the Israeli government he did not visit the new country. His eventual visit in July 1957, and one to Australia the previous May by Sharett, now retired from politics, provided occasions for recalling the battles Evatt had waged on Zionism's behalf a decade earlier.²⁰ On this first visit to Australia by a former Israeli Prime Minister, Evatt had words of public praise for his old fellow campaigner within the United Nations, 'tenacity, courage and dedication'.²¹

There is an anecdote that by its nature confirms a case rather than proves it and as a result it belongs at the end rather than the beginning of this study. In Paris in 1948, an Australian journalist, A.W. Sheppard, met the then Permanent Representative of Poland to the United Nations at the Palais de Chaillot. The representative, an assimilated Jew, Dr Julius Katz-Suchy, on hearing that Sheppard was an Australian, felt impelled to say:

*Ah! From Dr Evatt's country. Now there's a great man for you ... Without him the Israelis would never have got in. He bullied, pleaded, cajoled, coaxed until he got the right numbers for them. He made himself their advocate and but for him the victory of their soldiers would have been taken away again.*²²

It is not necessary to concur on the last particular to accept the remainder as a true and proportionate epitaph.

NOTES

1. Quoted in Osmond, *Frederic Eggleston*, p. 288.
2. AJJ Linton Diary, 23 June 1950.
3. *Palestine Post*, 4 January 1950. Fuhrman cabled its contents to Canberra that day; Fuhrman to Spender and DEA, secret cable, 4 January 1950 (received 5 January), AA A1838/12 175/10/1, i.
4. Gouttman, 'The Two Faces of Fuhrman', pp. 68ff.
5. 'Extract from the Foreign Minister's Reply in the Debate on Foreign Affairs in the Knesset, Jerusalem, on 4.1.50', EC External Affairs – Palestine.
6. Gilroy to Evatt, letter, 13 December 1949; O'Brien to Evatt, written letter, 15 December 1949, EC Correspondence – Miscellaneous 1948, 1949; Gouttman, 'First Principles', p. 298.
7. Linton to Eytan, 30 June 1950, SAI 2382/18a.
8. Freilich, *Zion in Our Time*, p. 223.
9. *Australian Jewish News*, 1 August 1952.
10. Quoted in Gouttman, 'Jerusalem from the Antipodes', p. 77.
11. Australian Government to CRO, telegram, 30 December 1949, AA A3318 L49/3/1/8 i.
12. *Palestine Post*, 11 December 1949.
13. Gouttman, 'First Principles', p. 299.
14. Nurock report 'Visit to Canberra', 14 May 1953, SAI 2382/18a.
15. Nurock report, 9 March 1956, SAI 2597/9.
16. Press statement, 'Suez Canal Crisis, Immediate UN Action required', 8 August 1956, SAI 2409/6.

17. CAPD, House of Representatives, 25 September 1956, Vol. 12, pp. 829–36.
18. CAPD, 8 November 1956, vol. 13, p. 2121. Suez caused Menzies to concur with Evatt on this point, eliciting sympathy for Israeli tribulations previously missing. ‘The United Nations made Israel a victim of a double standard of belligerent rights. Egypt sought to justify her denial of passage through the Canal to Israeli ships on the grounds that she was at war and had belligerent rights and thus she had been in contempt of the United Nations for six years. Israel, having accepted the proposition that she was at war with Egypt, attacked, but was ordered out of the Gaza strip and Sinai peninsula; and Egypt still refuses to allow her ships safe passage; I cannot believe this kind of thing is a triumph of international justice.’ Quoted in Meinertzhagen, *Middle East Diary, 1917–1956*, p. 332.
19. Quoted in Tennant, *Evatt: Politics and Justice*, p. 341.
20. Freilich, ‘The Controversial Herbert Vere Evatt’, p. 48.
21. Sheffer, *Moshe Sharett*, p. 923. To judge from the Israeli press report cited in Sheffer, it seems the Israelis, blissfully unaware of Australian Labor’s unyielding opposition to imperial distinctions, were under the impression that their guest was Sir Herbert Evatt.
22. Sheppard, ‘State of Israel: Australia at its Foundation’, p. 18.

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List of Abbreviations

AA	Australian Archives, Canberra
AAJ	Archive of Australian Judaica, Fisher Library, Sydney University
ALP	Australian Labor Party
CAPD	<i>Commonwealth of Australia Parliamentary Debates</i>
CRO	Commonwealth Relations Office
DAFP	<i>Documents on Australian Foreign Policy, 1937-1949</i>
DD	Department of Defence, Australia
DEA	Department of External Affairs, Australia
DFPI	<i>Documents on the Foreign Policy of Israel</i>
DO	Dominions Office
DPs	Displaced Persons

EC	Evatt Collection, Flinders University, Adelaide
FO	Foreign Office, London
<i>FRUS</i>	Foreign Relations of the United States
GOC	General Officer Commanding
<i>Hansard</i>	<i>Parliamentary Debates Hansard</i> (UK)
HMSO	Her Majesty's Stationery Office
IRO	International Refugee Organisation
KP	Kirchwey Papers
MHR	Member of the House of Representatives, Australian Parliament
MP	Member of Parliament (House of Commons), United Kingdom
NARA	(United States) National Archives and Records Administration, College Park, Maryland
NLA	National Library of Australia, Canberra
NSW	New South Wales
NZ	New Zealand
OETA	Occupied Enemy Territory Administration
<i>ORGA</i>	<i>Official Records of the General Assembly</i>

PDD	<i>Political and Diplomatic Documents, December 1947-May 1948</i>
PRO	Public Record Office, Kew, England
SA	South Australia
SAI	State Archives of Israel, Jerusalem
SL	Schlesinger Library
UN	United Nations Organisation
UNGA	United Nations General Assembly
UNL	United Nations Library – Dag Hammarskjold Library, New York
UNO	United Nations Organisation
UNSCOB	United Nations Special Committee on the Balkans, 1947
UNSCOP	United Nations Special Committee on Palestine, 1947
<i>UNSCOP</i>	<i>Report to the General Assembly of the United Nations Special Committee on Palestine, 31 August 1947</i>
US	United States of America
Vic	Victoria
ZFANZ	Zionist Federation of Australia and New Zealand