

Why History Matters: International Law and the Origins of the Arab-Israeli Conflict

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Noam Chomsky (NC): Well, as I'm sure you know, there's a huge literature on the Israeli-Arab conflict and the general context in which it arises. So you might think that everything has been said, but in fact, there are some substantial gaps, not gaps in the sense that they've never been mentioned, but that they've been insufficiently explored. And in fact, two of them are the subtitle of Viktor's book. First has to do with the period. The vast bulk of the literature begins in 1948-49, the period of the formation of the state of Israel and the destruction of the Palestinians. And in fact, most of it focuses even more narrowly on the period since 1967 and up to the present. Victor in contrast is looking at the period from primarily, there's more, but primarily the period from 1891 to 1949. Well, 1949 is a conventional date. That's the date when the armistice agreements were signed. It established what are now recognised to be the international borders, sometimes called the Green Line, recognised not universally. The United States and Israel do not recognise them and they are in international isolation on that and have been for some 35 years with rare exceptions. But at least formally those are supposed to be the international borders and in that same year Israel was admitted into the United Nations.

So what about 1891? Well, that's the date that you really don't find much in the books on the history of this subject. And Victor selected it, as you can find from reading the book, because it's an important date from a perspective that's marginalised in the West and considered insignificant, namely from the point of view of the indigenous population. It's the date of the first major protest against immigration into Israel from mostly Russia, the Eastern Europe at the time, emigration and land acquisition. It was a verbal protest by what were called notables calling for a restriction on the immigration into their country and a bar to buying up the land, land acquisition, a topic which should come up in tomorrow's discussion of Haiti if it goes into the history. Very critical. In fact, the core of the current catastrophe. But in this case, it's

that kind of topic is not much of concern to Western scholarship and commentary and part of the general marginalisation of people who Woodrow Wilson later called "at a low stage of civilisation" and who therefore don't have comparable rights to civilised people.

The other rather novel aspect of Victor's book is the second part. He investigates these topics and the events that developed with a very close attention to international law as it existed in the 1890 and as it has evolved since, particularly with the post-Second World War period, the founding of the United Nations, a new stage in the evolution of international law, including international humanitarian law, codification of old principles and so on. Well, you'd think that that would be a primary concern for the study of this topic, if only because the founding document for the Zionist movement, as Victor points out, the Basel Declaration in 1897 called for, it said the aim of the Zionist movement is to establish a national home for the Jewish people in accord with public law. Meaning: international law. So that was stressed. Notice it said National Home. It did not say state. In fact, the first time that the Zionist organisation officially committed itself to establishing a state, a Jewish state was in 1942, right here in New York, a meeting of American Zionists at the Biltmore Hotel May 1942 called for the establishment of a Jewish Commonwealth, essentially a state in what was then Palestine. That's actually the first official formulation that was picked up by the World Zionist Organisation, the Jewish Agency, the sort of controlling element very soon. But it was a pretty live issue in the Zionist movement throughout the 1940s, a very contested, a very live issue.

By then I was personally involved, you know, a teenager but politically active in all these things. And I can remember it very well. And it still has a kind of resonance, though, in a different form as events have changed. But the framework of international laws has been and remains a highly significant one from the Basel Declaration in 1897 until today. While exploring this topic in actually unique depth, Victor also looks into closely related issues, namely the understanding, the attitudes, the goals, the intentions of the major actors. Well, at the time it's primarily the British, the imperial powers were then jockeying with each other as to how they would pick up the shreds of the collapsing Ottoman Empire. The British were particularly interested in maintaining control of the area that they carved out as Palestine, including what is now Jordan, an area of a very high geostrategic interest and concern at that time and still today. Today, for somewhat different reasons, but remains so. For the British, in part, it had to do with the protection of the Suez Canal, you know, the passage to India, the jewel in the crown and so on.

But also it was a period in which it was understood that the world economy is going to rest substantially on oil. And that was understood that the US was the largest producer, that the major potential reserves were right there in that region and the Palestine area was of great significance then and still remains in controlling this region. So the British wanted a mandate there and the internal machinations that they went through claiming control of it, which Victor explores, are really quite interesting. In particular, among the British elites, there's a curious combination of antisemitism and philosemitism, which is also found today, right in the United States in fact. In fact it's a major component of American thinking about Israel

Palestine, particularly in the Christian evangelical movements, the largest popular base for what's called support for Israel, support for Israeli policies. And also probably the most anti-Semitic group in the world. And if you look at their doctrines and ideology, they're looking forward to the total destruction of Jews. You can't get more anti-Semitic than that. But they strongly support a reaction that Israel carries out, every aggressive action. George W. Bush is quite close to those groups, incidentally, there is some interesting evidence on that. So it's still alive today. But in Britain, it was very significant, that combination around it and the Second World War period shortly after.

And in fact, there were extraordinary illusions among the British elite about the awesome power of the Jews, how they controlled America. They controlled Russia. Lord Balfour, the author of the Balfour Declaration, apparently thought that Lenin's mother was Jewish. There's tremendous power. That's also something that resonates today, too. There still are remarkable illusions about the Jewish power to control America and control the world and so on. But among the British was very significant. Also a significant, critically, and a topic that Victor goes into is the cynicism with regard to the indigenous populations, the ones "at the low stage of civilisation". The British did manage to gain the mandate, and the mandate, mandatory principles of the League of Nations are very noble and inflated. Mandates were a "sacred trust of civilisation" to be employed by the mandatory power for uplifting and developing the populations and so on. But there was a qualification, Wilson's qualification. These considerations, among the quite interesting topics that he goes into which are very much alive today are the highly contested and complex notions of self-determination, secession, rights of refugees, many such issues today.

In this particular case, it's not quite refugees. It's people who were driven out of their homes and refused re-entry. But all these are topics that Victor explores and in connection with the mandate, it's important to remember that Woodrow Wilson, who was a sort of leading ideological force behind the noble rhetoric, held that with regard to matters of sovereignty, he said, self-determination has to be shared by the colonial power. A mandatory power that's responsible for the welfare of the population must be shared. Their rights have to be taken into account along with the rights of the population they're supposedly uplifting and it's not hard to figure out where that ends up, actually. Haiti, which you, if you're here, you'll be listening about tomorrow is an even more dramatic case of Wilson's utter cynicism and brutality, which comes down to us as "Wilsonian Idealism" when you take classes in international relations and so on. But in this case, Wilson's cynicism was carried over, in fact, inflated by the British, masters of cynicism themselves for hundreds of years. They don't need any lessons. And that's part of the background, which Victor goes into extensively. Also, and this was new to me, I have to say when I read his book, and quite interesting is the attitudes of American Zionists. The most distinguished figure in the American Zionist movement was Justice Louis Brandeis, and Victor unearths, I think this is the first time, at least I've never seen it before, a document in which Justice Brandeis is. Is this new in the literature? The one his talk with Balfour.

Victor Kattan (VK): It's an old document. It's an old document that's been around.

NC: Has it been cited before?

VK: No. Not in the way I quoted it.

NC: I never saw it before anyway. It was a very interesting document. Notes taken by Felix Frankfurter and later Justice, of a conversation between Brandeis and Lord Balfour. Lord Balfour, the author of the Balfour Declaration, in which Brandeis explains to Balfour how he became a committed Zionist. He says that Brandeis says he has no roots in the Jewish community or the Jewish tradition. But he says that as an American, I'm concerned about the flow of Jewish refugees, particularly from Russia, who are coming to the United States. They, it happens to be talking about my parents, among others and he wants to make sure that they don't flood into the United States where we don't like people like that. You know, it was a very racist period, in fact, as always. So, and he says that, Brandeis, that just at that time around, I think maybe 1919, he happened to come across a Zionist pamphlet and he got a sudden insight that this is the solution to the problem of Russian Jews pouring into the United States. Have them off there, you know, in Palestine, irrespective, as always, of the concerns of the indigenous population.

Well, that also has resonance and another relatively unexamined topic, probably because it's too sordid to look at carefully. Namely, immediately after World War Two. And here again, I have strong personal memories. In 1945, there were and the years that followed, there were survivors of the Holocaust living in concentration camps under horrifying conditions. President Truman sent a commission, the Harrison Commission, which reported on them. There weren't any gas chambers functioning. But, you know, other than that, the conditions were not very different from under the Nazis. Well, they didn't come here. And there is a good question. The interesting question is why? Would they have wanted to, you know, half of Europe would have been happy to come here if they could have. Certainly they would have. But they didn't come here. And there are interesting and unpleasant reasons for that, which is another sordid chapter. Brandeis' thinking did have resonance and particularly ugly in this case. Well, I don't want to proceed any further, but Victor's main thesis is that history matters, and I think he shows that quite convincingly. Whatever conclusions one draws from these convoluted and complex and awful, often very painful historical events. Thanks. So you take.

Victor Kattan: Thank you Noam and good afternoon. Thank you for being here. It's a pleasure to be at MIT. Before I start, I should explain perhaps my background and why I was interested in writing this book; I've always been fascinated by history. And my father is actually from...he was born in Bethlehem, in Palestine, and my mother is British. So I was really particularly interested in the British historical period and how they managed to essentially engineer this conflict, which is essentially what I argue in my book, and perhaps I should explain the title "From Coexistence to Conquest". What I essentially argue is that there was no real conflict between Arabs and Jews before the British government arrived with this Balfour Declaration in 1917, and that it was essentially manufactured when Britain became

the mandatory power after that time. The cover of the book is of King Emir Abdullah, the son of Hussein Ibn Ali. Lawrence of Arabia is the man in Arab garb at the back of the picture. And on the far right the man with the hat and the stick is Lord Allenby. And this is a photograph taken from the desert campaign in 1916 when the Arabs and the British governments aligned themselves to expel the Turks from Arabia.

In today's talk, I should... start it... I'm going to break it up. I break it up into several questions. The first question I ask is how did the conflict start? It might be an obvious question, but in fact, I think a few people aren't quite aware with all the history. And then I look at the role of international law and I look at whether the creation of Israel was lawful in 1948-49 before concluding with some explanations as to why perhaps so many peace plans have failed.

I don't know what that is... Someone's cell phone. Now my phone's switched off, so must be someone else's. All right.

Nearly all legal histories. And I kind of wrote this from an international legal perspective, but also took into account the social and political context. Because I place law.... Is not just created in a vacuum, but it's a result of historical circumstances and nearly all legal histories overlook the emergence of Zionism. They don't explain how it emerged out of Europe and they kind of start with the Balfour Declaration and gloss over the World War One period before jumping to the creation of Israel 1948 war or 1967. And obviously, there's this huge gap. And what I essentially argue in my book is that the British mandate of Palestine from 1922 to 1948 was essentially an incubator for all the problems that we face today. Like, for instance, the status of Jerusalem, the border issue, the question of refugees, and also the violence between Arabs and Jews and Palestine was not something new, but has been there from the very beginning. And I, in fact, go through all the various Commissions of Inquiry which look into the reasons for that.

I should also explain that prior to the creation of the League of Nations in 1919, there was no concept of human rights. Human rights didn't really come to the fore until after the Second World War. Even the idea of minority rights only transpired after the League of Nations was established in 1919. The same issue for the principle of self-determination. Although the idea existed, it didn't become an issue for international politics until after the League of Nations. So we are actually... The period in which Zionism emerged with kind of the old system, the balance of power, the old colonial system, the old rules of law. So I kind of explain that in introducing the book from the beginning. And this we also have to understand that in the late 19th century witnessed the collapse of the great empires, the Russian Empire, the Austria Hungarian Empire, the Ottoman Empire, and which witnessed the rise of the rise of nationalism. And in Europe in particular, minorities were singled out for persecution, hence the need for minority treaties. And in particular the Jews were singled out for persecution.

Because in those days, Europe was seen as a kind of... in fact for centuries, Europe had seen itself as a kind of Christian Commonwealth of Europe, and the Jews kind of didn't fit into this distorted framework. Hence this witness, the emergence of what scholars refer to as the Jewish Question. And I think in order to understand Zionism and how the conflict began, we have to have some idea of the Jewish Question because it comes up again and again. And I deal with this in my first two chapters.

Before I get into any further detail, I just want to make three points for clarification. Essentially argue in my book that neither Arabs nor Jews are to blame in any way for starting the conflict. That doesn't mean that they haven't undertaken terrible atrocities in the hundred year period. But when you trace the conflict right back to the moment just before it began. They were not to blame, and rather it was manufactured especially by Britain, but also by Russia, Germany and the European powers. And this is where it's linked to the idea of anti-Semitism and the Jews not belonging to Europe. And then this is how I later connect it to

the question of immigration, which I will go into in the next few slides. And what I do is I use international law as a medium to explain the history, as both sides, the Arab national movement and the Zionist movement frequently resorted to international law to legitimise their movements.

So I'll start with the first question. How did the Arab-Israeli conflict start? The first point to make is it's not biblical. In fact, it's more recent than the Irish conflict, for instance, and it's very much linked to the European expansion into Western Asia. Noam was talking about the trade route to India, the opening of the Suez Canal, which was financed by the British branch of the Rothschild family and also in the late 19th century Britain with the capitulation agreements, Britain took Jews under its protection because Palestine was a holy land, like the Russian Empire, for instance, would look after Russian orthodox subjects, the Greeks, greek orthodox subjects and France and Italy, Roman catholics. So that Britain didn't have anyone to act as a protector. So they took up the Jewish cause then. But this still didn't explain this kind of imperial agenda. Doesn't really explain why Britain would support, would come out with this Balfour Declaration in 1917. There's this part of the story that is missing.

So I will begin with a map of Russia, which might surprise perhaps a few of you. And this is the Pale of Jewish settlement established by Catherine the Great in 1791, prior to the second partition of Poland. The area in orange is the area where there was the largest concentration of Jews living. And they lived there for quite a long time. Conditions were very harsh and their right to work and travel were restricted and in the late 19th century was anti-Semitism. Jews were singled out for persecution, the rise of nationalism. And a lot of them fled to safer climes in Western Europe, Germany, France, the United Kingdom, and especially the United States. Two and a half million Jews made this country their Promised Land rather than Palestine. Although having said that, there was also the first wave of Aliyah. But it was a minuscule movement, if you compare it to the number of Jews who sought to go to the

United States.

And we have to remember that in the early 20th century though, there were no aeroplanes. People used to travel by rail, road and especially by boat, by ships. And in those days, the main way of getting to this country was via the United Kingdom, via the main port cities, Plymouth, Manchester, Liverpool and in these areas a lot of Jews would congregate before they were able to travel to the United States. And this is where I connect the specific interests that Britain had and connect it to immigration, because it led to friction between the communities, bearing in mind that a 100 years ago Britain was a very Anglo-Saxon racist country not used to mass immigration.

And so in the book, I essentially connect kind of all the dots that lead to this, to the issuing of the Balfour Declaration in 1917, the Balfour Declaration, promising the Jews a homeland in Palestine, and it began with the persecution of Jews in the Pale of Settlement and this movement of immigration. And essentially what I did in the book was I was able to connect all the same actors up to this same idea, the idea that by encouraging or nurturing Jewish nationalism in Palestine, Jews would desire to go there of their own volition rather than seeking refuge in the United Kingdom and in this country.

So in 1903, a Royal Commission on Alien Immigration was established by the British government. They usually established these commissions before they passed a major piece of legislation to look into the causes of the exodus and why they were refugees coming into the United Kingdom. On the Royal Commission was someone called Lord Rothschild, who is the addressee of the Balfour Declaration when it begins: "Dear Lord Rothschild" and two individuals were asked to speak before the Commission on Alien Immigration. Bearing in mind this was a domestic UK law and they were not from the UK, the first person was Dr. Theodor Herzl. So when I was doing the research, that name kind of leaped out to me. I thought, Well, why is Herzl speaking before a Royal Commission on Alien Immigration? And I read his diaries, his complete diaries, and I was able to join the dots for someone else called Dr. Adolf Böhm. And essentially what they, what Herzl was arguing, I'll explain this in the next few slides was this idea that it would suit a British domestic interest encouraging Jews to go to Palestine, would lead to less Jews coming into the UK and also into the United States. And a year later, the Zionist lawyer in London drafted what was called the Jewish Colonisation Scheme for East Africa, otherwise known as the Uganda Plan. And the idea was to create a Jewish home in what they thought was Uganda. It later transpired it was Kenya. They hadn't demarcated Africa fully at that point. And the lawyer who drafted this, this colonisation scheme was called David Lloyd George. Now David Lloyd George would become the Prime Minister of Britain in 1916 and then the Aliens Act is eventually passed two years later in 1905 by the Prime Minister at the time who was very vocal in favour of that piece of legislation and his name was Arthur Balfour.

So and of course, bearing in mind that the Uganda plan only came out, it was only discussed in 1903 because Palestine was not a part of the British Empire, was still a part of the Ottoman

Empire. So the British government could not promise a Zionist movement and a possession that did not belong to it. Herzl had travelled to Istanbul to seek the Sultan's support for a homeland in Palestine, but he was turned down, which is why he went to the British. Nothing came of the colonisation scheme for East Africa because the Zionist movement always sought to establish a homeland in Palestine. They looked at the Sinai and Cyprus and other areas that were on the British possessions and that were close enough to Palestine. In fact, a commission was sent to the Sinai, but they said there was not enough water there to support mass settlement. So the plan kind of fell through. But the point is that this idea, this idea of finding the Jewish people a homeland somewhere else to encour..., to discourage them from emigrating to the UK and the US was always there. And what happened in 1917. There are other reasons, too. But what happened in 1917 is that Britain was on the verge of conquering Palestine. It was then able to issue a declaration favouring a homeland in Palestine, which they were unable to do in 1902, 1903, and by that time the same actors are involved. Lord Rothschild, David Lloyd George, Arthur Balfour, and of course Herzl was dead by then, but he was obviously the founding father of the movement. And if we look at the idea... we also have to understand a bit more. In fact, Zionism was not a mass movement. We have to really understand this, it was not a mass movement at the beginning, in the late 19th century, early 20th century.

And indeed, when Herzl tried to, when he had his first Congress in Basel in 1897, he as actually moved from Munich because the rabbis there opposed this idea, he said the idea of encouraging Jews to believe that they belonged to, that their allegiance would be to another country would raise the spectre of dual loyalty. And rather than confronting antisemitism and demanding equal rights for Jews in Europe. A lot of people were saying that Herzl was essentially making the same argument as the classical 19th century anti-Semites were, that the Jews did not in fact belong to Europe. And I'm thinking of people like Johann Gottlieb Fichte and Houston Stewart Chamberlain, for instance, all advocating these points of view.

And indeed, when Herzl came to Britain, he was actually opposed by the Jewish community there. And this is a quote from a book entitled "Aspects of the Jewish Question by a Quarterly Reviewer with a Map" published in 1902, in which Laurie Magnus, the author, argued that "Dr. Herzl and those who think with him are traitors to the history of the Jews, which they misread and misinterpret. They are themselves part authors of the anti-Semitism they profess to slay" and in this regard, I'm reminded of the perceptive observation made by Professor Shlomo Sand, professor of History at Tel Aviv University, in his recent book, "The Invention of the Jewish People" he made the point that "there were times in Europe when anyone who argued that all Jews belonged to a nation of alien origin would have been classified at once as an anti-Semite. Nowadays, anyone who dares to suggest that the people known in the world as Jews, (as distinct from today's Jewish Israelis) have never been, and are still not, a people or nation is immediately denounced as a Jew hater".

So of course, today, you know, no one would... If someone said the Jews now do not have a right to have a homeland in Palestine they'd be classified as an anti-Semite whereas a hundred

years ago if you made that argument, you would have been thought to be anti-Semitic because you're essentially saying that the Jews did not belong to Europe, that they weren't entitled to the same rights as Christian, white Christian Europeans.

And I just want to... This is a quote from, an exact quote from the minutes of the meeting before the Alien Commission in which Herzl made the connection between support for a Jewish homeland and the question of immigration. He said "the solution of the Jewish difficulty is (...) the finding (by the Jews) of a legally recognised home, to which Jews in those parts of the world in which they are oppressed would naturally migrate, for they would arrive there as citizens just because they are Jews, and not as aliens. This would mean the diverting of the stream of emigration from this country and from America, where so soon as they form a perceptible number, they become a trouble and a burden to a land where the true interest would be served by accommodating as many as possible".

So you can see why a lot of people, a lot of Jews would oppose this idea because they seem to be agreeing with the anti-Semitic view that the Jews were indeed a trouble and a burden to the land. And again, this idea, as Noam mentioned, Louis Brandeis, and I'll also give you the quotes in a few slides. But this idea really began with Herzl, and it was picked up again and again later on.

And I'm going to show you another connection. This is Robert's Cecil, who was Parliamentary Under-Secretary of State for Foreign Affairs when the Balfour Declaration was issued, and a very powerful member of the British government, one of the founding fathers of the League of Nations. And this is a letter to Nahum Sokolow as one of the first leaders of the Zionist organisation in 1906. And what's interesting about this quote is from Sokolow's book "The History of Zionism", published in 1919 by Longmans. What's interesting is it begins with the words "apart from all other considerations", so apart from Empire or any other reasons why one could envisage why Britain would support Zionism, he said it appeared to him "that the restoration of the Jewish nation offers a satisfactory solution, if it can be accomplished, of those problems raised by Jewish immigration, which are otherwise very difficult of adjustment".

And I'll show you, this idea didn't begin in 1902 and ended in 1906, but it was kept being discussed right up until 1917 and even afterwards. And this brings me to the man himself. The declaration is named after because it often is unusual when people talking about the history speak with beaming pride about the Balfour Declaration without really knowing the kind of views that Balfour had on this. I'm just going to read out to you two extracts, which I think will make his views clear.

The first is his statement before Parliament at the Second Reading of the Aliens Bill, this is when he was Prime Minister, when he was supporting the Aliens Act, which would restrict Jewish immigration into the United Kingdom. And this is an extract from Hansard, which is one of the official publications of Parliament. And he began by telling Parliament that "a state

of things could easily be imagined in which it would not be to the advantage of the civilisation of the country" - speaking about the United Kingdom - "that there should be an immense body of persons", and he was specifically speaking about Jews, "who, however patriotic, however able, and industrious, however much they threw themselves into the national life, still, by their own action remained a people apart, and not merely held a religion, different from the vast majority of their fellow-countrymen, but only intermarried among themselves". And this extract is interesting. He was speaking before Parliament, speaking before all the politicians in 1905. And what he is essentially saying as he is now speaking about British Jews, he wasn't speaking about the "Ostjuden", those Jews who were fleeing persecution in Eastern Europe and seeking refuge in the United Kingdom. He was speaking about those Jews who already lived in the United Kingdom and had been there for hundreds of years. It didn't matter if they were "patriotic, able or industrious" to use his own words. He still described them as a people apart. So we have to bear in mind the psychology of the author of the Balfour Declaration.

And then just to give you even a clearer view of his views, this I'll read now, a letter from Balfour to Lucien Wolf of the Board of Deputies of British Jews dated 1917. That is the same year in which the Balfour Declaration was read out in parliament. And Balfour was basically refusing to intercede with Russia to ameliorate conditions in the Pale of Settlements. And this is what he told Wolf. He said "it was also to be remembered that the persecutors had a case of their own", that is the Russians, that "they were afraid of the Jews, who are an exceedingly clever people ... Wherever one went in Eastern Europe, one found that, by some way or other, the Jew got on, and when to do this was added the fact that he belonged to a distinct race" - you used to speak about Arabs and Jews as races in those days - "and that he professed a religion which to the people about him was an object of inherited hatred, and that, moreover, he was ... numbered in millions, one could perhaps understand the desire to keep him down".

So I think that gives you a good view of how racist and chilling Balfour was. And I think this provides the backdrop to that famous declaration, which I will read out to you in full. And Noam earlier was talking about this idea of British statesmen thinking that while Jews are also being persecuted in the Pale of Settlement, they are also this powerful entity that controls things, which is kind of an unusual view. And what's interesting about the Balfour Declaration is dated the 2nd of November 1917, which is near to the Bolshevik Revolution. And as Noam said, and as I describe in the book, a lot of Jewish statesmen thought that this was a kind of Jewish conspiracy, that the Russian Empire had collapsed by some kind of Bolshevik conspiracy, which they thought was Jewish. And also in Hungary was the rise of Béla Kun. And then on top of that, you have this connection, as I said, to the idea of restricting Jews coming into the United Kingdom. And at the same time, Palestine is on the verge of being conquered by Lord Allenby.

So it begins "Dear Lord Rothschild" - Rothschild being the same person in the Royal Commission of Alien Immigration all those years ago in 1902 - "I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of

sympathy with Jewish Zionist aspirations" - some scholars have noticed the stress on the Jewish Zionist aspirations, and Zionism is not necessarily historically even a Jewish idea. So perhaps by trying to stress that it was, what they were trying to, you know, point out that this wasn't a British idea but in fact was supported by Jews, although there's evidence to show that in 1917 a substantial number of Jews didn't, especially in the United Kingdom, were opposed to Zionism. And then it goes on to say "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this objective, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine", a novel way of referring to the Arab community of Palestine, who in 1917 formed 93% of the population, "or the rights and political status enjoyed by Jews in any other country".

The first safeguard clause protecting the rights of existing non-Jewish communities was inserted by Lord Curzon, a former Viceroy of India, who came from a very wealthy British family, and he was a young man and travelled to Palestine and he told Balfour that he wouldn't be able to enact his plan without there being substantial opposition from the Indigenous inhabitants. But the second safeguard is the one that is often overlooked. That is the safeguard clause protecting the rights and political status enjoyed by Jews in any other country. Now, if we think that Zionism is supposed to be supported by the Jews, why is there a clause in the Declaration promising them a homeland in Palestine, providing for their, protecting their rights elsewhere?

And the reason was it was opposed by, in fact, a really quite a large number of assimilated, shall we say, British Jews headed by this man, Edwin Montagu, who was then Secretary of State for India. He wrote three memorandums in as many months in which he implored Balfour to abandon his policy. And then in one of the memorandums he actually appended the names of all prominent British Jews who opposed Zionism. And they're really worth looking at, even today, these documents, because he was able to predict what would happen in the future. When he's saying, you know, if you're going to have a Jewish state, how will you determine its nationality? By religion? So he was raising a lot of issues which are quite remarkable, bearing in mind that he was drafting these in 1917.

And to cut a long story short, his main objection was that the British government coming out and supporting Zionism, he thought, was "Anti-Semitic in result" because he didn't leave the grounds for supporting it. He knew it would have been linked to restricting Jews entering the country. But not only that, it would "prove a rallying ground for antisemitism in every country in the world". And indeed he was right because the day after the 1917 Balfour Declaration was issued, the scandalous Czarist forgery, the Protocols of the Elders of Zion, which conjured up this imagined world in which Jews controlled everything, was reprinted with the preface, actually referring to the Balfour Declaration and the 1897 Basel Congress. And in fact, it was reprinted many times throughout the 1920s and 1930s. And according to one scholar, it became the most widely read book after the Bible. And of course, we all know

that the 1920s and 30s were the worst years of anti-Semitism in Europe.

And just to show you that anti-Semitism wasn't restricted to Europe, but also it affected the United States, I want to read out to you the first private US response to the Balfour Declaration by Robert Lansing, who was then US Secretary of State, and he wrote a letter to President Woodrow Wilson. He raised three objections to the Balfour Declaration, the first two make sense, but it's the third point that he raises, which I think will raise a few eyebrows. And it begins "My Dear Mr. President ... We are not at war with Turkey and therefore should avoid any appearance of favouring taking territory from that Empire by force. Second, the Jews are by no means a unit in their desire to re-establish their race as an independent people; to favour one of the other faction, which seemed to be unwise" and then "Third,..." for good measure, he said "...many Christian sects and individuals would undoubtedly resent turning the Holy Land over to the absolute control of the race, credited with the death of Christ", otherwise known as deicide.

And in fact, there's substantial evidence that many of the leading statesmen at the time believed in this, including Mark Sykes of the Sykes-Picot Agreement, was also one of the one of the champions of the Balfour Declaration and responsible in parts for dividing up the Middle East and giving flags and separate names. And he was an ardent Catholic as well. And in those days, they were brought up theologically thinking that the Jews were responsible for killing Christ and obviously affected their thinking still, even when they were working. And this is a quote that Noam mentioned and then I'm going to end the section with this quote. And this is obviously Louis Brandeis, one of the first Jewish members of the US Supreme Court. And these are the minutes taken down of a meeting between him and Balfour on the sidelines of the Paris Peace Conference. And this is two years after the Balfour Declaration was issued when they were discussing whether to incorporate it into the British mandate of Palestine.

So, again, I'm saying in 1902, the idea is first raised by Herzl, it's mentioned by Robert Cecil in 1906, it comes to the fore with the Balfour Declaration in 1917 and again it's being mentioned in 1919. And "As an American (Justice Brandeis)" was noted as saying - these are the notes written down by Felix Frankfurter - "he was confronted with the disposition of the vast number of Jews, particularly Russian Jews, that were pouring into the United States year by year. It was then that by chance a pamphlet on Zionism came his way and led him into the study of the Jewish problem and to the conviction that Zionism was the answer".

I should point out that I think it was 1923 or 1924 the US government placed immigration restrictions following on the practice of the British Aliens Act, and they kept these restrictions on as well for many years. But I'll get back to that. Now, what was the role of international law, as Noam pointed out, I referred to the very first sentence, the very first declaration adopted by the Zionist Congress in 1897 mentions the words public law because the Zionist organisation knew that in order to legitimise their claims, international law was integral to the movement. And it's no coincidence that the Balfour Declaration, when it was

first read out in Parliament, had no legal basis whatsoever. But that changed when it was incorporated into the mandate and sanctioned by the League of Nations. From that moment, Britain was obliged to implement the policy of Zionism and to encourage Jews to find their national home in Palestine.

But of course, this is only one part of the story. There's also the Arab side. And as and when Zionism emerged in the early 20th century, the Arabs also desired to establish an independent kingdom or "confederate of states" in the Arabian Peninsula, and in what people call the Near East, the Middle East, Western Asia, to break away from the Ottoman Turks because they were Arab nationalist, spoke a different language, didn't see themselves as having allegiance to Istanbul. And it was during the First World War when Britain lost the battle of Gallipoli, that the Sharif of Mecca first sounded out the British government to see if they were interested in forging an alliance to expel the Turks from Arabia. And a messenger was sent by courier to Cairo with a letter that was hand-delivered to someone called Sir Henry McMahon, the High Commissioner there. And to cut a long story short, what the Sharif was asking for was that in return for his support he wouldn't issue a declaration of jihad, and he wouldn't actively oppose the British government and would help their campaign against the Turks.

In exchange for that, Britain would recognise the Sherif of Mecca's rights - as being the Hashemite family - to certain territories. And there was an argument over which areas were reserved in the correspondence. It became known as the Hussein-McMahon correspondence, which have been disputed ever since. And it's actually my, I think, ninth University I've spoken in the United States in the last two weeks. And it's bizarre. But this exchange of correspondence, which we think is antiquated today, is the issue that is being raised again and again. I've got some strange emails from people asking me all kinds of questions. And the issue that they raise is this map. Because this map seems to support the Arab interpretation. The issue was whether Palestine was included or excluded in the exchange of letters. And the Zionists... The Israelis have always argued that - it was Israeli scholars - have always argued that Palestine was excluded from the pledge, and the Arabs have always argued no, Palestine was included and then they betrayed the Arabs when they promised the Jews a homeland in Palestine two years later in 1917 in the Balfour Declaration, so Palestine became a twice promised land.

This map was drafted by the Foreign Office cartographer during the First... I think 1919 and it was an interpretation of how he read the pledges. I think it's quite damning because it's not a map produced by the Israelis or the Palestinians or the Zionists and the Arabs, but it's a map produced by the British government interpreting their own obligations, and it clearly shows that Palestine is included in the pledge and the area excluded only amounted to northern Syria and Lebanon where French interests were recognised. The French having an interest in the Christian places in the Maronite community, they wished they had a sphere of influence there for many years.

And I can go into this in more detail if anyone's interested in the questions and answers. But

the conclusions of the Political Intelligence Committee of 1919, which is a Department of the Foreign Office, came to the conclusion that Palestine had been pledged to the Sherif of Mecca in 1915. Now, as we know, two years later, well, a year later, Britain and France concluded what was called the Sykes-Picot Agreement. I mentioned Mark Sykes earlier on. And they kind of divided. So after the Arabs had been promised in this kind of exchange of letters, a confederation of Arab states subject to reservations, they would not become fully independent entities. Britain and France would always have final say. But what I think is interesting about Sykes-Picot, because it's usually seen as a betrayal of the Arab national movement, and that might be so. But what I think is interesting is the area, again, Palestine highlighted in brown here. When you read the actual texts, it specifically mentions that when negotiating its future status, they would consult with the Russian Empire and everyone else and the representatives of the Sherif of Mecca.

Now, why would they want to consult with the representatives of the Sherif of Mecca if he didn't have a claim to it based on the Hussein-McMahon correspondence? This is 1916, Hussein-McMahon correspondence was 1915. The Balfour Declaration was a year later. And I argue this is where the conflict kind of begins, because you have at least two, even if you disagree with the exact clauses in the documents, at least two political communities believed that they had been pledged the same tract of territory. Whether they were right or wrong, I think is irrespective and this leads to a huge mess because after the First World War, Britain realised when they meet at the Paris Peace Conference that they've got these different claims and there's a flagrant contradiction between promising the same territory to two national movements. This is a picture of Prince Faisal, one of the sons of Hussein Ibn Ali, on the steps at the Paris Peace Conference, on the Prince Faisal's left is a Lawrence, Colonel T.E. Lawrence, otherwise known as Lawrence of Arabia.

When Lawrence travelled to Paris, the British government pressed him to stopover in London beforehand, and they wanted him to come to an agreement with Weizmann, who is the leader of the English Zionist group. And so what happened at Paris in 1919, that a lot of individuals and groups heeding Wilson's idea of self-determination presented themselves. They had national nationalist movements, the world over there, and a Zionist organisation was given a platform to speak, as was the Arab national movements. What's interesting about the Faisal-Weizmann agreement, – and it's still mentioned, in fact it's the only agreement, historical agreement of that period mentioned on the website of Israel's Foreign Ministry – is that it amounts to acquiescence by the Zionist organisation to have the right to settle Jews in the land and develop the land. But they are seeking Faisal's acquiescence. They're seeking an agreement from him. Why would they seek that if they didn't believe that he had a claim to the territory in the first place based on these previous agreements? So I think that's quite, quite damning.

Now, what happened in 1919, as I said, is this idea of self-determination or majority rule as one might call it, came to the fore and Wilson spoke about it. He was responding to Lenin and the rise of the Bolsheviks, who were actually the first to really talk about it in public. And

when they were sitting at the Council of Four, which is this kind of round table. The Prime Minister of the United Kingdom there and the Italians and the French and the Americans all arguing about how to, you know, bring order to the Middle East and how to divide it up, divide the spoils between themselves. And Wilson was essentially saying, no, I don't want to do the old system. We're not going to annex the territories. We're going to establish a mandate, sacred trust, a civilisation. We will administer the peoples to eventual self-government. They're not yet there. They're not civilised enough, but they will be after we show them how to govern themselves. The problem and what Wilson wanted is he wanted a commission of with regards to the Middle East, the A-class mandates. He wanted a Commission of Inquiry to go to the Middle East to consult the inhabitants of the territory as to their future wishes. And this became known as the King-Crane Commission of Inquiry, because during the First World War, apart from the Balfour Declaration, the British government and the French had issued other declarations promising the indigenous inhabitants self-rule if they supported the uprising.

So the commission went to the Middle East and they consulted various persons, and they came back with two principles... They came back with many conclusions, but the two principal ones for our purposes was that they opposed the idea of Zionism and establishing a Jewish homeland in Palestine of the Balfour Declaration, and that they opposed Britain being the mandatory power because they didn't trust the old colonial power. They preferred to have the Americans because they liked Woodrow Wilson's idea of self-determination. Now, of course, when the British heard about this report and the French, they weren't very happy about it. So they suppressed the documents, and it wasn't published for three years. In that time, the Balfour Declaration had been incorporated into the mandate and became legally binding. So the issue was kind of moot after that point.

So essentially, in Palestine, you had this conflict. You have the Balfour Declaration promising the Jewish people a homeland and you have 93% of the population who are Arab and are asking for self-rule. So it seemed to many that in fact self-determination did not apply to Palestine, at least in practice, if not in principle. And this is the opinion of Lord Eustace Percy, who was Balfour's private secretary in 1919. And this, the book... This is from a book called "The Responsibilities of the League" and let me read aloud the full quote. He said, "In Palestine, a country peopled for the most part by an Arab race, whose independence they are equally pledged to recognise and guarantee, a 'national home' is to be created for a people whose only connection with that country for 1800 years is one of historic sentiment and religious tradition. This pledge", referring to the Balfour Declaration, "violates all current ideas of self-determination. It stands isolated and unique among the various phases of settlement".

So you can see that one view is that, you know, the British was going to go ahead and violate the idea of self-determination. And indeed, there was a conflict, there is a tussle of power between George Curzon, who would replace Balfour as Foreign Secretary over this question because George Curzon was responsible for the safeguard clause, protecting the rights of the

non-Jewish community, the Arabs of Palestine, and who had a lot of experience administering colonial territories. And he thought the idea was barmy. And in the following, you can see what happens in the following... In a memorandum which Balfour sent to Curzon. It's quite a famous one. Balfour essentially admits that the British government wants to violate self-determination, but it doesn't see how they can do it because of all these other obligations. And a statement begins with the following words. Balfour expresses the opinion that Zionism "is rooted in age-long tradition, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land". In his opinion, that was right. Then he goes on to say, "what I have never been able to understand is how it can be harmonised with the [Anglo-French] declaration, the [League of Nations] Covenant, or the Instructions to the [King-Crane] Commission of Enquiry" and the reason why all these instructions and declarations all spoke of self-determination. So you had this clash and he didn't know how to resolve it.

So essentially what happens is that – I'm jumping many years, 17 years, 20 years now, and in my book explain what happened – there was lots of violence and I go through all the different riots, etc.. But for the purpose of brevity, the British government came up with the idea of partition and dividing Palestine into two states. And this is a statement by William Ormsby Gore, Colonial Secretary, he was speaking before the Permanent Mandates Commission, which was this body that would meet in Geneva every summer. Every mandatory power had to explain how it was administering the mandates. And so they had to go before this commission. And it's interesting because what Ormsby-Gore is essentially saying is he's saying the Balfour Declaration, which he thought was always "a compromise document, was not expressed in definite political terms", and it must actually "disappear and be replaced".

And in exchange, a Jewish state would be established with an Arab state "and a special regime for the holy places". And this is a map of what was called the Peel Partition Plan. The area outlined in red was where they would have envisaged establishing a Jewish state. The rest of the territory would have been an Arab state with Jerusalem, the holy places, and a corridor to Jaffa. The Peel Partition envisaged a population transfer between Arabs and Jews in this project. Although Ormsby-Gore in the same session ruled out forced population transfer, he spoke only of voluntary population transfers. In the interwar years, population exchanges were quite a common phenomenon. Populations were exchanged between Greece and Turkey and later on in the Sudetenland. And so this idea was always there. But what's interesting is the British government considered it and always objected to it which a lot of people haven't really noted.

And I just want to make the point that when we talk, when we hear President Bush or Tony Blair or others talk about the Two State Solution, it's important to note that this is actually a very old idea. It's not something which emerged recently or since the Oslo Peace Process in the early 1990, the Oslo Accords. But it was in fact was implicitly recognised in Article 22 of the League of Nations Covenants, and it was explicitly recognised by Britain in the Peel Partition Plan, which everyone forgets partition envisaged not only the creation of a Jewish

state, but also the establishment of an Arab state, and also in its 1939 White Paper, which actually reversed the idea of partition and went back to a single unitary state. British policy at that time used to zigzag between support for what we would call a two state solution and a one state solution but were never really sure which of the two to choose. They were never sure that partition would be viable. But at the same time they weren't sure that the Jews would be protected within a single unitary state. And then the rest of the world recognised the idea of having an Arab state in the UN Partition Plan of 1947. And now I'm going to explain that in a few more details later.

Now, it's usually pointed out that the Arab states opposed the 1947 UN Partition Plan, but it's not explained why they opposed it. I think the best person to sum up the opposition is a... the first, the leader of the, one of the leaders of the PLO, Yasser Arafat, who speaking before the UN General Assembly in 1973, raised the biblical story of King Solomon, where there was a dispute over the paternity of a child. And he said at the General Assembly - because the UN General Assembly had recommended the partition of Palestine in a very acrimonious vote - he said that "the General Assembly" and he was explaining his view, the Arab national movement's view, "partitioned what it had no right to divide - an indivisible homeland. When we rejected that decision, our position corresponded to that of the natural mother who refused to permit King Solomon to cut her son in two when the unnatural mother claimed the child for herself and agreed to his dismemberment".

In short, what Arafat was saying and what the Arab High Committee was saying is they saw Palestine... They were the majority of the territory and therefore they didn't see why they should have it carved up in any way for people who they viewed as immigrants, even though they faced horrible conditions in Europe, especially after the Holocaust. But there are also other problems with the plan. It was also, from any objective point of view, unfair. It wasn't a balanced plan. And I think this comes out clearly by, funnily enough, a memorandum from Anthony Eden, who was a foreign secretary during the Second World War when he was explaining... Because the British government considered secret partition plans as well. And in 1945, they were debating the merits of another partition plan, which is not well known, but same ideas, the same objections can be raised even more so as the UN Partition Plan. And in this memo, Top Secret Memorandum to Winston Churchill, Eden said "it would not be easy to persuade the Arab Governments that it is that it is equitable or consonant with the mandate, or with the Atlantic Charter, or with our own war-time publicity, to include in the Jewish state all the best land, practically all the industries, the only good ports and about a third of the Arab inhabitants". The reference to the mandate was important because of the principle of self-determination, as well as the Atlantic Charter, which was a precursor to the Charter of the United Nations, and which had a specific clause saying that no territorial changes would be agreed to that did not accord with the freely expressed wishes of the inhabitants of the territory.

And this is a map. This is a map of what they were considering. This is the 1945 Partition Plan. The area outlined in green would have been a Jewish state. Notice that Jaffa in this plan

would have been awarded to the Jewish state. It wasn't awarded to them in the 1947 Partition Plan and there would have been a very large Jerusalem state incorporating Nazareth and Lydda and the Negev would have remained under British military control. Uniting this strategically important Sinai and what was referred to as Transjordan. Now, when we look at that map and look at the green area, which is a Jewish state and in the yellow area, which is the Arab state, and when we compare it to the 1947 UN Partition Plan, you can see that the 1947 UN Partition Plan is much more generous to the Jewish state, which is outlined here in blue, and the Arab state, as outlined in a kind of guess, orange-yellow colour, and approximately 55% of the land was going to be awarded to the envisaged Jewish state, according to the plan, bearing in mind that in 1947 Arabs were still the overwhelming majority, not overwhelming, but still the majority of the population and also the overwhelming majority of landowners. In fact, the Zionist organisation had not purchased more than 10-11% of the land of Palestine from various forms of purchase up until 1947.

And so you can see why the Arabs, at least from their perspective, saw the plan as unfair. But there's an explanation as to why the UN partition plan was much more generous to the Jewish state than the Peel Partition Plan had been ten years earlier. And the reason was the Holocaust. And it becomes very clear from the UN debates... huge tremendous debates about the merits of partition in 1947 and two plans were presented to the General Assembly. There was a majority plan supported by all the Western countries and the minority plan supported by India and the Arab countries and Iran and a few other countries. And the minority plan said that we should keep Palestine intact, don't divide it, allow 100,000 Jews, survivors from the Holocaust to enter Palestine, and there'll be strong safeguard clauses in that agreement. The majority plan supported by the Western countries said, no, that won't work, we'll divide Palestine into two, a Jewish state and an Arab state with Jerusalem as a corpus separatum, as a separate body, as an economic union linking the Jewish and Arab states. Now, the Arabs opposed the idea. Because they were trying to link the creation of a Jewish state and encourage the survivors of the Holocaust to immigrate to Palestine. But we have to bear in mind that at the same time as the Western powers are doing this, they had maintained their immigration quotas on Jews throughout the Second World War and even afterwards, including the United Kingdom and also this country.

And this issue was raised before the UN General Assembly in opposition to partition. And I'm going to read out to you an extract, because I think it really captures the contradiction inherent in the idea. I am going to read out a statement by Sir Mohammed Zafrullah Khan, who was a British trained lawyer from what was then called British India. He then became the first Foreign Minister of Pakistan after the Partition in 1947. A very eloquent lawyer, he argued in favour of the partition of the Punjab for the Muslim League in 1947. And then later on, the British Government brought him on the case to argue against the Partition of Palestine. And later on, Khan would become a judge at the International Court of Justice and eventually its president during two celebrated decisions on Namibia and Western Sahara. And this is a statement that he made before the UN or an extract of a statement that he read before the UN General Assembly when they were debating partition in November 1947. And he's

being very sarcastic when he raised the issue of why, of the novelty or his opposition to the idea of encouraging European displaced persons to go to Palestine when all the great powers had maintained their immigration quotas.

And it begins as follows. He told the UN General Assembly "Shall they", referring to the displaced European Jews, "be repatriated to their own countries?" - he asked - "Australia says no; Canada says no; the United States says no. This was very encouraging from one point of view. Let these people, after their terrible experiences, even if they are willing to go back and not be asked to go back to their own countries... Shall they be distributed among the Member States according to the capacity of the latter to receive them? Australia, an over-populated small country with congested areas, says no, no, no; Canada, equally congested and over-populated, says no; the United States, a great humanitarian country, a small area, with smaller resources, says no. That is their contribution to the humanitarian principle. But they state: let them go into Palestine, where there are vast areas, a large economy and no trouble; they can easily be taken in there".

And when I was doing the research for this book, I was using various libraries and I was at one point... I was at Cambridge and I was looking at... They have all the old files from the League of Nations. Some of them are very difficult to actually locate and they're very old and fading. And I was just struck by this report, and this is only one, a tiny extract from that report. They couldn't fit it all in. And it said the last report on European displaced persons submitted by Sir Herbert Emerson to the League of Nations in 1946, before it was dissolved in September. And he made the point that a lot of surveys went into the concentration camps in Switzerland and in Germany and Poland, and the survivors were asked for four where they would like to be repatriated? If, where would they like to go? And I've only managed to put on two of the surveys, one "carried out by voluntary organisations in the United Kingdom", which said that 75% of the displaced Jewish persons wish to stay there, in the UK and only 25%, namely 12 and a half percent for Palestine. And then they referred to "a comprehensive survey carried out by the International Migration Service in Switzerland showed a surprisingly low proportion of German and Austrian refugees who gave Palestine as their first choice".

I'm not sure if surveys were carried out for Poland or Russia, and maybe they would have come out with different results because obviously some Jews did desire to go to Palestine. But what I think this shows, and this is why I argue that neither Jews - my first point-, but that neither Jews and Arabs are to blame for the conflict and fact that it was manufactured by the great powers becomes very clear when we look at the immigration policies. Where there may be no conflict, if the British government hadn't said, no, you don't, you can't come to our countries, the US, you have to go to Palestine where they knew, they knew full well that there'd been conflicts going back from the from the very moment Britain issued its Balfour Declaration.

So I essentially argue that Palestine was manufactured by outside actors. One question at

least a lot of scholars have argued, is the question of whether the creation of Israel was contrary to international law. I'm not going to go into too much legalities today because it has a lot to do with whether conquest was contrary to international law after 1945 and whether it applied to non-state actors who hadn't yet ratified the UN charter because they weren't states. And there's a whole technical issue which I deal with in the book. But I just want to read out to you an extract from the Peel Commission, which considered the possibility of a Jewish state being established. And they were essentially making the point, if the Arabs acquiesce or sign a Treaty of Cession, then there wouldn't be any issue. But if Palestine, if the use of force was used, there was war or conquest then the issue would be different.

And they essentially said "to foster", you know, looking forward in time. And they said that "To foster Jewish immigration in the hope that it might ultimately lead to the creation of a Jewish majority and the establishment of a Jewish State with the consent, or at least the acquiescence of the Arabs was one thing", although as they already knew and the reason why the Peel Commission was established, was because there was a great Arab, there was an Arab revolt at that time in opposition to Zionism. We have to also remember that, as I said, that the Jews were never a majority in Palestine, even in 1948. And they went on to say "It was quite another to contemplate, however remotely, the forcible conversion of Palestine into a Jewish State against the will of the Arabs. For that would clearly violate the spirit and intention of the Mandate System". The Mandate System, speaking of self-determination and essentially majority rule. And then it took a pun on Wilson's phrase from 1917. They said "It would mean that national self-determination had been withheld when the Arabs were a majority in Palestine and only conceded when the Jews were a majority. It would mean that the Arabs had been denied the opportunity of standing by themselves: that they had, in fact, after an interval of conflict, been bartered about from Turkish sovereignty to Jewish sovereignty".

Now I just want to deal with a few interesting issues that came out of the 1948 conflict. I'm not going to go into all the details of what happened there. And I briefly mentioned the refugee issue, but I want to focus on the border issue because I still think it's an interesting one and one that's still even raised by the Israelis today who often say that the 1949 ceasefire lines are not permanent boundaries and they're still open to negotiation. Of course, the Israelis are arguing with a view to redrawing the boundaries taken to incorporate the large settlement blocs into Israel, which would raise difficulties because those settlements are considered contrary to international law. As the international Court explained six years ago in its advisory opinion.

But what's interesting is that when the State of Israel declared its independence, they specifically cited the UN Partition Plan. And in fact, if you read the text, you'll see that it refers to the UN Partition Plan. But not only that, but the Provisional Government of Israel's ambassador in Washington, when they cable Truman again raised the issue, they said that "I have the honor to notify you that the State of Israel was proclaimed as an independent republic within frontiers approved by the General Assembly of the United Nations and its resolution of November 29, 1947", namely the Partition Plan. But when we look at the same

map I showed you earlier, this is a bit a closer up map. I want to look at the red line this time. These are the 1949 ceasefire lines, the orange area, supposedly part of the Arab states. You can see that at the end of the hostilities, Israel had acquired a substantial chunk of the envisaged Arab state. Bearing in mind that the Arabs already thought that the UN partition plan was unfair because it awarded the majority of the territory to the envisaged Jewish state.

In fact, if you look at the... If it hadn't been for the Battle of Latrun with the Arab Legion, that was Transjordan, this army which held back an attack from the Haganah and the Irgun, we may not even have a West Bank today. But the point is that the...what's interesting is that the negotiation process a year later in Lausanne in 1949, the Americans picked up these points. They picked up the border issue and the refugee issue. And they basically told the Israelis, you've accepted the UN Partition Plan in good faith. That plan had specific provisions for minorities and borders. And then they were saying that "In the interests of a just and equitable solution" of these problems that "Israel should be expected to offer territorial compensation for any territorial acquisitions which it expects to effect" beyond the borders.

So if Israel didn't want to withdraw from the territories that it acquired, then it was expected to offer compensation elsewhere to the envisaged Arab states so that it would be viable, etc.. They also made the point about refugees, that the UN Partition Plan spoke of 400 or 450,000 Arabs living in the Jewish State, only 150,000 Arabs were left after 1949. So the Americans are saying if you really are keen on the UN Partition Plan to have to at least allow those who are envisaged in the plan as living in Israel as a minority to return.

To cut a long story short, the Peace Plan got nowhere and Israel refused to come to an agreement and we are still living with the consequences today. The refugee issue and the borders issue is still.. So-called final status issues, as is the status of Jerusalem. And this is linked to my final point as to why so many peace plans are foundered. The Palestinians usually argue that one of the reasons is that all the issues, that are germane and that are important to them, they are namely Jerusalem, access to water, borders, refugees have never been... Well, they've been subject to negotiation, although no agreement has yet... They have come to no real substantive agreement. But usually what happens is international law is set aside so the refugees can't return even if they have a right under international law because this would affect the demographic character of Israel. And, you know, the boundary issue. Okay, you might have an argument in 1948, but the reality is that Israel has acquired population centres in the West Bank and you have to take into account the facts on the ground.

So what essentially happens is international law is kind of set aside, whereas in other cases it may not necessarily be so. Second point I think is quite important is that there is this culture of blame. The Israelis, Palestinians continue to see each other as enemies. In the short term, you can understand that. But if you have a longer trajectory, you can perhaps understand that neither of them were essentially fighting hundreds of years ago. And if it hadn't again been for the role of Britain manufacturing this conflict, they wouldn't have been

fighting in the first place. And indeed, many Jews lived in the Arab world prior to the emergence of Zionism. And then again, the point is the two state solution looks very unrealistic as long as the settlements are allowed to expand.

And there's another reason and this was raised – this is my last slide, and I'll get the last quote – and this is interesting because it was raised by Philip Jessup. Some of you might know him, his name. A moot court competition is named after him. He was a professor of international law at Columbia University for many years. And he also became the US judge at the International Court of Justice. And reflecting back on his years when he also served as the US representative to the United Nations when the State of Israel declared its independence. He made the following observation in his memoirs, which he called the Birth of Nations, and he said that "Neither I nor my advisers at the United Nations in New York had ever been told that it was the President's policy to recognise the state of Israel. Our official information in the delegation had been to the contrary ... Diplomacy by surprise is a dangerous practice. It may be useful from the point of view of domestic politics, but it can be ruinous to our relations with other countries". And he was talking about the role of special interest groups, which, although not as significant then as they are today, they were still active or smaller groups were active, especially during the passage of the 1947 UN Partition Plan. And it was an election year in 48 when Harry Truman was re-elected. I'm going to conclude with my talk there. This is my website, if you're interested in reading any more articles or if you are not able to acquire the book today, you can also purchase it through my website and I'd be happy to take any questions that you might have. And thank you very much for listening to me.

END

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