Ivan Rand and the UNSCOP Papers

Part 1

By John Ross - April 2002

Last December, I found myself disturbed by comments made by Liberal Senator Marcel Prud'homme who, as quoted in Hansard (House of Commons daily debates), gave a particularly vicious diatribe against three of Israel’s prime ministers. He also directed his fellow senators to look back to the United Nations (UN) and the General Assembly resolution of Nov. 29, 1947, in order to find the reason for the current difficulty in the Middle East.

To the applause of his senate colleagues, he said, "[Former Canadian prime minister] Lester Pearson helped implement a report written by another great Canadian from the Supreme Court, which called for two states in the land of Palestine, one for the Jews, one for the Palestinians - of course, with no consultation from the Palestinians."

The intent of Prud'homme's revisit to the past was clearly twofold. Firstly, he wanted all Canadians to believe that as early as 1947; Israel has been acting in defiance of the UN's wishes by preventing the establishment of a Palestinian state. Secondly, he wanted Canadians to take the failure of the creation of a Palestinian state as a personal affront to the memory of two pre-eminent Canadians who supported the rights of the Palestinians.

I have always been aware of the fact that while at Flushing Meadows on Nov. 29, 1947, Pearson, who was then under-secretary of state for external affairs, helped Israel obtain the two-thirds majority vote required to pass the resolution in favour of the partition of Palestine. The Arab nations had sought a unitary independent Palestinian state in which the Jews would have no more than a one-third representation in an elected government, and so it was clearly recognized that a vote in favour of partition was an outright rejection of their position.

Furthermore, the historical record confirms that the Arabs had been consulted and were invited to appear before the UN or its committees. Therefore, I knew Prud'homme was quite wrong in his interpretation of events and that he gave a misleading "spin" on the partition resolution.

But what piqued my interest was the reference to the other Canadian referred to by Prud'homme, Supreme Court Justice Ivan Rand, who drafted the original recommendation that was the basis of the UN resolution. Although the details of his prestigious legal and judicial career were well known, little information has been available about his involvement in making the report. This is because the committee that he served on, the United Nations Special Committee on Palestine (UNSCOP), deliberated in secrecy; their meetings and discussions were never made public.
I wanted to find out more about Rand and his position on Palestine for two reasons. My first objective was to determine if his reasons for partition would either hinder or help present-day Canadian Jewry in combating the countless UN resolutions of that attack Israel’s legitimacy.

My second reason, which was more personal, arose from the fact that Rand founded the University of Western Ontario Law School upon his retirement from the Supreme Court of Canada in 1960, the same law school that I attended.

I first looked for the government-published volume Documents on Canadian External Affairs (1947), which contains all formerly classified memorandums and correspondence of the External Affairs Department of the federal government. In the section on Palestine, I found several interesting telegrams and documents between Pearson, minister of external affairs Louis St. Laurent and Prime Minister Mackenzie King, which indicated that Canada tried strenuously not to be nominated as a member of UNSCOP, and that it lobbied both the United States and the United Kingdom to be kept off the committee.

Only after arm twisting by the United States did Canada reluctantly agree to be one of the 11 "neutral" states (Australia, Canada, Czechoslovakia, India, Guatemala, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia) that would immediately visit Palestine and render a report outlining a solution for the problem by Aug. 31, 1947. But in order to diminish the anticipated political fallout from having been forced to make a decision on the touchy subject, the Canadian government decided that its representative on UNSCOP would be completely independent and not be given any instructions.

Out of a list of seven prominent Canadians, King selected Rand, who departed for Palestine via New York in June 1947. The Department of External Affairs provided Rand with a historical background paper as a guideline, but this memorandum must have been intended to neutralize him from making any decision on Palestine as it spoke of "two great historic tragedies... one Arab, the other Jewish."

The report also advised of the "futility" in determining which people have suffered the worst "catastrophe," and included a Jewish position paper that argued for one unitary Palestinian state and said that partition was not in the best interests of the Jews.

I then decided to call Western's law school to find out if Rand had left behind any memoirs or articles about the time he served on UNSCOP. The library staff said they doubted there would be anything, as Rand never wrote an autobiography, but that they would conduct a search. I was surprised to hear back from the senior librarian a few days later, and quite excited when she told me that she had located an old box marked "Palestine" containing UN papers marked "classified and confidential." I drove anxiously to London to examine the box's contents, and was overwhelmed to see that it contained the complete record of the UNSCOP hearings and deliberations.

Not only did the box also have copies of the position papers of the submissions presented by all of the various local and religious groups in Palestine, but it also contained the
confidential reports of the British high commissioner, the verbatim reporting of all meetings and discussions, the individual position papers of each member of UNSCOP and the working drafts of the final report together with handwritten notes and amendments.

Also kept in the box were two important and interesting files. The first contained Rand's personal correspondence from government officials and various individuals living in Palestine, while the second contained the entire briefing report from External Affairs. No one could have dared imagine a more valuable treasure chest of information pertaining to Palestine in 1947 and so revealing of the world's attitude towards Jews and Zionism.

The material revealed that the UNSCOP delegates were completely divided on what they envisioned for Palestine. On Aug. 27, 1947, only four days before the report was due, the chairman realized they had "too many different proposals" and that "the upshot would be a disjointed, incoherent, and from the point of view of the assembly, largely unintelligible report." The only majority viewpoint at that time was of India, Iran, Yugoslavia and Peru, who announced that they were in favour of a unitary state.

The most gratifying for me, however, was reading that it was Rand who recognized the need for consensus in order to arrive at a single solution that would benefit the Jews. He rose to the forefront in the deliberations and forced his fellow delegates to reconsider their personal positions. By using his great ability as a conciliator, he proceeded to work on a draft final report that would eventually gain the majority support of seven of the 11 delegates.

When the delegate from India chided the other delegates favouring partition for not having specifics on partition boundaries, Rand kept his group working together, saying that it was more important to complete the report with a strong recommendation for partition, and only afterward would it be necessary to settle this issue. When the delegates finally had to delineate the boundaries for the two states, he persuaded his fellow members to give the Jewish state control over the Negev, a decision latter opposed by many countries, including the United States. On Aug. 30, he argued and debated with the Indian delegate to ensure that the background reasons set out in the report were supportive of the historical right for a Jewish national homeland.

The UNSCOP papers clearly demonstrate that without Rand, there would not have been a final report that so thoroughly and persuasively recommended partition as the only viable way of helping the Jews in Palestine and the Diaspora. Without it, it is extremely unlikely that Israel would have obtained the two-thirds majority vote of the General Assembly on Nov. 29, 1947. Our debt to Rand, both as Jews and as Canadians, is immeasurable and should proudly be recorded in the history of Zionism and Israel.
Ivan Rand and the UNSCOP Papers

Part 2

Israel's and Canada's histories deeply intertwined
By John Ross - April 2002

Of the 11 members (Australia, Canada, Czechoslovakia, India, Guatemala, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia) who served on the United Nations Special Committee on Palestine (UNSCOP), Justice Ivan Rand of Canada became the leading implementer of the Zionist dream for a separate independent Jewish state in Palestine.

Rand's role in UNSCOP was quite remarkable because Canada and the United Kingdom (U.K.) had hoped that Rand would recognize that the Balfour Declaration was the source of the problems in Palestine. The decision they had expected from Rand and his fellow UNSCOP members was a final recommendation to simply “amend” the terms of the British Mandate by formalizing the Jewish immigration restrictions set out in the White Paper to be official United Nations (UN) policy.

Such a measure, they believed, would help deflect criticism from the British government and place it upon the UN, thereby allowing the British to continue enforcing their decision to restrict Jewish immigration into Palestine.

It was therefore no accident that, on his way to Palestine in June 1947, Rand received a briefing report from the Department of External Affairs that equated the annihilation of six million Jews by the Nazis to the killing of 800,000 Muslims by the Mongols in Baghdad in 1258. Not only did this memorandum state that it was “futile” to determine whether the Jews of the Arabs had suffered the most, it also suggested that any solution for Palestine must recognize the need to rebuild Islamic culture from the devastation inflicted upon it in the 13th century.

Nor were the words of the British High Commissioner in Palestine unintentional when he advised the UNSCOP members that the thorny issue of immigration into Palestine would soon pass because Jews would not want to immigrate to Palestine once they had been settled in other countries around the world.

Yet a few weeks later, when UNSCOP members had left Palestine and had gone to Geneva, Switzerland, to write their report, Rand distanced himself from the views of the Canadian and British governments. He saw himself as a member of a committee of the UN and accountable only to the UN rather than as a delegate of a country.

On August 6, 1947, Rand prepared his own memorandum for a solution to the problems in Palestine, advocating partition and the establishment of an independent Jewish state.
Over the next three weeks, he gradually convinced a majority of the committee members to adopt this position and to give control over the Negev to the Jewish state. He also single-handedly and successfully opposed the anti-partition members who challenged the validity of the Balfour Declaration as the primary basis for the British Mandate. And he reaffirmed the legality of the Balfour Declaration and suggested it was the White Paper of 1939, with its restrictive limits on Jewish immigration that was the illegal document and the real source of the problems in Palestine.

What caused Rand to so forcefully renounce the political line suggested to him by the Canadian and British governments, and to echo the words of David Ben-Gurion and Chaim Weizmann in their addresses to UNSCOP? It is difficult to find the exact moment when he decided to follow the Zionist position, as this would normally be an exercise in pure speculation. But having read his private correspondence, I would argue that the primary influence on his decision was the contact and correspondence he had with Jews living in Palestine.

Unlike the other UNSCOP members who were isolated and cooped up away from the “rank and file of Palestine,” Rand was invited to many social engagements. He was also extended every kindness from the Jews of Palestine. This was especially true of those Jews who had emigrated from Canada. Their letters to Rand as a “fellow countryman” reflect the sincere graciousness and warm hospitality that epitomized the noble ideals and principles of Zionism. Most importantly, they succeeded in exposing the fallacy that lay behind the anti-partition positions of the British High Commissioner and Canadian External Affairs.

One of Rand's first letters was from Moshe Novomeysky of Upper Talbieh, Jerusalem, who was the directing manager of Palestine Potash Ltd., a public company that had the concession for processing chemicals from the Dead Sea. He thanked Rand for the pleasurable exchange of views they had while spending the afternoon together at the Dead Sea, and asked if they could meet again. One of the leading industrialists of Palestine, Novomeysky planned to build a railway to the Mediterranean. He was also a member of the “Brandeis group,” an economic corporation that had been guided by former Justice Louis Brandeis of the U.S. Supreme Court to invest in Palestine. Rand must have been a most interested audience because, prior to his appointment to the Canadian Supreme Court, he was lead counsel for Canadian National Railways and was deeply involved in many capital projects of this nature.

Rand also received a letter from Bernard Joseph of Rehavia, Jerusalem, and a Canadian lawyer who left Montreal in 1922 to immigrate to Palestine and who became a leading member of the Palestine bar. This letter explains the significance of Rand's interest in the Palestine Economic Corporation as Joseph wrote to Rand that he was “interested to read in the Palestine Post that you recently published an essay on the late Brandeis whose friendship I had the privilege of enjoying.” Rand was quite an admirer of Brandeis, who was a fellow graduate of Harvard Law School and who specialized in business and commercial law. It is most interesting to note the remarkable similarities between these two justices, as their careers, their commitment to higher education and their social
activism on the bench for which they both became famous mirror each other in virtually every respect.

From the collective settlement of Ein Hashofet came a letter from Ms. M. Bloomstone. She warmly invited Rand, as a fellow Canadian, to visit her on the 10th anniversary celebrations of her settlement that was located in the quiet hills of Ephraim. A letter similar in nature arrived from Molly Lyons Bar-David, who, in her own charming and inimitable way, invited Rand to Beth Mamoud at Arnona, Jerusalem, to share in their Shabbat. In extending her heartfelt hospitality, she wrote about her birthplace in Tisdale, Saskatchewan, and proceeded to list some names in the Canadian legal profession in order that Rand might not think her a “terrorist.” But most importantly, she addressed the question of why Jews emigrate from free countries such as Canada to Palestine. The answer, she explained, was that “I couldn't resist the challenge of Palestine and couldn't divorce myself from the fate of my people in Europe, nor ignore the implications of both; this, despite the fact that I was happy in Canada and (except for isolated occurrences and childhood sorry memories) was in no need for personal salvation.”

All of these letters showed Rand the personal and human side of Zionism, and undoubtedly made him much more sensitive and receptive to the need for an independent Jewish state. If these Canadian acts of “kindness” or “chesed” were indeed the spark that enable Rand to write the UNSCOP report that set the wheel in motion toward the United Nations resolution of November 1947, then all Canadian Jewry can take great satisfaction.

It would be a serious mistake to believe that Rand's concern for improving the lives of Jews ceased after he helped to initiate the creation of the State of Israel. In 1950, he wrote and delivered the landmark decision of the Supreme Court of Canada that struck down restrictive covenants that had prevented land from being sold to Jews. The case of Noble and Wolf v. Alley was an appeal from a decision of the Ontario Court of Appeal that had ruled in favour of discrimination against Jews in respect to private property rights. But Rand refused to let stand the argument from the respondent's counsel, who claimed that “his client's property would depreciate in value if Jews were allowed in as owners.” Stopping counsel in mid-speech, Rand said, “If Albert Einstein and Arthur Rubinstein purchased cottages there, the property values would increase, and the association should be honoured to have them as neighbours.”

Rand was a true friend to the Jews of Israel and of Canada. Given the momentous importance of the two contemporaneous and courageous decisions that helped us at home and abroad, we should recognize the fact that the history of Israel and Canada may be far more intertwined than we will ever know.
Ivan Rand and the UNSCOP Papers

Part 3

Excerpt from FAITH AND FULFIMENT

The following background information about Christian Zionist involvement in UNISCOP's work, though not a part of the CJN publication, is presented here to show that Christian action and support for a new State of Israel existed even prior to the 1947 UN "Resolution For The Partition of Palestine".

Indeed, even earlier it was Christian Zionists in the British Government, including Cabinet Members, whose Biblical roots and understanding, led to the passing of the famous Balfour Declaration in 1917 saying in part: "Her Majesty's government views with favour the establishment of a national homeland for the Jewish people in Palestine"; the said provision being incorporated into the adoption of the 1923 British Mandate Provision (which endured until May 14, 1948)

For additional examples of Christian Zionist involvement please see our JUDEO-CHRISTIAN STUDIES Section, particularly the article "The Role of Gentile Christians in The Rebirth of the State of Israel"

CANADA

One of the non-Jewish residents of Jerusalem during the late 1940s, the end of the British Mandate and the first years of Israel's Independence, was a Canadian clergyman, the Rev. William L. Hull. He ran a little Bible shop, first in the Arab section of Jerusalem, and later, when Arab rioting forced him to seek refuge in the Jewish area of the city, on the “Street of the Prophet.” Hull was an old-timer in Jerusalem; everybody knew him and he knew everybody, whether Jew or Arab. For a number of years he published a little periodical, The Voice of Zion, coincidentally the very name later assumed by the Radio Station of the new State of Israel!

Hull was the only Canadian then living in Jerusalem. He was a fundamentalist Protestant, steeped in the Scriptures, at the same time an alert observer of the events which were unfolding around him. When his tour of duty in Jerusalem was over, he published his eye-witness account of what he lived through, as it turned out, years of great moment: The Fall and Rise of Israel. In this account Hull gives the historical background of Israel's return home, coupled with a description of the momentous chain of events that culminated in the Proclamation of the State. His book is a valuable and reliable account of the modern rise of Israel.

When UNSCOP was set up, its Canadian member was Justice I.C. Rand of the Supreme Court of Canada in Ottawa. Justice Rand had only scant information on the problem of Palestine, the Jewish people, the disaster that struck European Jewry under Hitler's Germany, and the urgent necessity for survivors to reach a safe haven for a new
beginning in Palestine. The learned Judge was therefore fortunate, when he arrived in Palestine with UNSCOP, to find in Jerusalem a fellow Canadian, informed, well-versed in the problems, and equipped as well, with the vital spiritual dimension of The Return, without which much of its significance would be lost. Hull became Justice Rand's unofficial advisor and no doubt contributed substantially to the crystallization of the Judge's final stand on the Committee's recommendations: the partition of Palestine and the establishment of a Jewish and an Arab state. Writes Judge Rand in the Foreword to Hull's book:

It was a relief, then, when shortly after my arrival I had the good fortune to meet the author of this book. Here he was, a Canadian... a clergyman… a man of goodwill, well known to and knowing the many religious and racial groups in that amazing galaxy of rivalries and antagonisms. Whatever might be said of the soundness of his judgments, here, I thought, was one whom I could trust to express himself with honesty and frankness. Somewhat to my surprise, I listened to words of high admiration of the Jewish people, their standards of life and tremendous work they had done since returning to their ancient homeland.

In his Preface, Hull said he wished to write “so that the historical background leading up to, and the events which secured the establishment of the new State of Israel, may be more generally known.” He then affirms his Christian approach:

Throughout this book it is assumed that all great events in history happen by the permissive will of God, and are direct results of the faith or lack of faith of people or leaders. Prophets of the Old Testament sounded warnings from time to time against evil and unbelief, and of punishment which would follow these. The Old Testament writings and subsequent history are proof of the truth of their messages. In their prophecy they not only warned of punishment to follow evil, but also told of the wonderful grace of God which He would manifest in forgiving sin, both of individuals and nations. History, then, whether recording a punishment or a blessing, is the fulfillment of prophecy, and this point has been uppermost in my mind while writing this book.

This was Hull's credo, and this was the basis of his interpretation of the U.N. decision of 1947 to partition Palestine and to initiate a Jewish and an Arab state:

In no place in the world did the decision mean more than in Jerusalem. For centuries of time Jews all over the world had taken their oath: “If I forget thee, O Jerusalem… “, and in Jerusalem were those who, inspired by the sacredness of this spot, had come to make their homes there in a life-time remembrance of their oath. … The night of November 29 we slept [Hull relates], but we must have been among the very few in Jewish Jerusalem who did. Our sleep was soon disturbed. There was seven hours difference in time, and it was after midnight when the result of the crucial vote was heard over the air from New York. Sleep fled, the street was full of riotous sound, but a riot of joy. Trucks passed, full of young and old, singing, shouting, waving flags, blowing trumpets. Above all rang out the triumphant cry: Medinat Ha'yehudim! Medinat Ha'yehudim! (A Jewish State!)… All that night and the next day Jewish Jerusalem gave itself over to a time devoted entirely to
rejoicing. Young people danced the hora in the streets, British police and soldiers forgot their anti-Semitism and joined the Jews in their rejoicing, dancing and waving the blue and white flag of Zion. No one who was among the Jews in Jerusalem on Sunday, November 30, 1947, will forget it as long as he lives... We, too, joined the rejoicing crowds, and tears quickly came to our eyes as we met friends and shared their joy with them.

Thus the Rev. Hull, the Canadian Protestant, on the day he witnessed in Jerusalem the first sign of Israel's Homecoming, internationally sanctioned by the U.N.

When on May 14, 1948, David Ben-Gurion pronounced independence, Hull wrote:

> After two thousand years of longing, hoping, suffering, praying the State of Israel was born. “Blessed art Thou, O Lord, our God, King of the Universe, for keeping us alive, preserving us and permitting us to attain this day.” Amen, Amen... People wept unashamedly. It was a historic moment, unique in world history since the day Abraham was called by God from Ur of the Chaldees to leave his home and come to a land he knew not, there to build a nation through which all the world was to be blessed. This day one could almost hear the trumpets sounding, heralding the approach of the Messiah.”

Concluding, Hull says:

> “We believe that true Zionism is a move of God and that those who are true Zionists with a love of the land God has given them will feel the urge to aid actively in Israel the rebuilding of Zion. In responding they will manifest a loyalty to God which transcends any earthly loyalty or obligation.”


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*From the web site christianactionforisrael.org/un/unscop.html*