

EGYPT'S ILLEGAL BLOCKADE OF INTERNATIONAL GULF OF AQABA

The Red Sea, at its northern end, splits up into two sections - the Gulf of Suez, which together with the Suez Canal forms one link with the Mediterranean Sea, and the Gulf of Aqaba, which forms a similar link in conjunction with the land route across southern Israel. Between these two bodies of water lies the peninsula of Sinai.

The 230 mile coastline of the Aqaba Gulf is shared by four countries - Saudi Arabia, Jordan, Israel and Egypt. Its two main ports are Eilat (Israel) and Aqaba (Jordan).

Two uninhabited islands - Tiran and Sanafir - are situated at the southern end of the Gulf, restricting the navigable area between the Gulf and the main body of the Red Sea to a 3 mile channel, between Tiran and the Sinai coast, known as the Straits of Tiran.

The actual sea-lane that can be used by vessels is even narrower, as coral reefs and rocks confine shipping to a 500 yard channel, about 1000 yards from the shore and running parallel to it.

Towards the end of 1949, the Egyptian Government erected military installations on Tiran and Sanafir, as well as at Ras Nasrani on the coastal strip facing those islands. The United States Embassy in Cairo, concerned over the possible significance of this move, addressed an inquiry to the Egyptian Government, and on 28 January 1950 received in reply an aide-memoire stating, in part:

"This occupation being in no way conceived in a spirit of obstructing in any way innocent passage through the stretch of water separating these two islands from the Egyptian coast of Sinai, it follows that this passage, the only practicable one, will remain free, as in the past, in conformity with international practice and recognized principles of the law of nations."

Contrary, however, to the promise and assurance contained in this statement, the Egyptian Government began using its gun batteries at the entrance to the Gulf of Aqaba to block this waterway to all shipping bound for the Israel port of Eilat - this in open violation of international law and of the United Nations Charter.

On 1 July 1951, the "S.S. Empire Roach," a British Vessel bound for Jordan, was fired upon by the Tiran batteries and denied entrance to the Gulf.

On 3 December 1953, Egyptian shore batteries fired at the United States vessel "Albion" at the entrance of the Gulf, bound for Aqaba.

On 1 January 1954, Egyptian gunfire prevented the Italian ship "Maria Antonia" from entering the Gulf.

On April 1955, the British "S.S. Anshun" was fired upon and hit by the Egyptian batteries because she failed to stop and identify herself.

On two occasions the matter was raised in the Security Council. In the autumn of 1951, the Egyptian interference with navigation to Israel and the maintenance of the blockade were strongly denounced as being inconsistent with the establishment of permanent peace in the region. The matter was discussed again by the Council in February and March 1954, when the representatives of several Member States reiterated their condemnation of the Egyptian practice. On this occasion, Mr. (now Sir) Leslie Munro, the representative of New Zealand stated:

"Any impartial survey of events since the Resolution of 1 September 1951 must record that the Egyptian Government has with every appearance of deliberation ignored the injunctions of this Council. This course of conduct, persisted in for over two years, has resulted in many ships which would otherwise have gone on their lawful occasions through the Suez Canal or the Gulf of Aqaba being deterred from trading with Israel or diverted at great cost over other routes to their destination. No government interested in the preservation of the rule of law in international affairs, and least of all any government depending for the livelihood of its people on maritime trade, can contemplate this unhappy state of affairs without an earnest desire to bring it to an end..."

The same view was expressed by other members of the council.

During the Sinai campaign of 1956, the Israel Army took over the Egyptian positions. On 3 November of that year, the guns of Ras Nasrani were spiked, and for the first time in seven years navigation through the Straits of Tiran and in the Gulf of Aqaba was free to the ships and cargoes of all nations as is every other international waterway.

On 1 March 1957, in the General Assembly, the Foreign Minister of Israel, Mrs. Golda Meir, responding to a call from the United Nations that it withdraw from the occupied area, declared the readiness of her Government to quit Sharm El-Sheikh - the point on the mainland opposite Tiran Island - in the confidence that there would be continued freedom of navigation for international and Israeli shipping in the Gulf and through the Straits.

Thus freed from an illegal strangle hold, Eilat, an expanding township of already ten thousand inhabitants, has become a major port of Israel and a center of communications of vital importance. It is the maritime outlet of

the Negev, which is its rapidly - developing hinterland, and it increasingly served international trade between Israel and East Africa, Asia, and the Antipodes. It is joined to the Mediterranean by a major system of highways. An oil pipeline has been laid from Eilat to Haifa, with a branch to the new harbour of Ashdod through this passes the bulk of Israel's oil imports. Plans are settled to extend the Haifa-Beersheba railroad to Eilat.

Here is the full text of what Mrs. Meir said in the General Assembly on 1 March 1957:

"We have repeatedly stated that Israel has no interest in the strip of land overlooking the western coast of the Gulf of Aqaba. Our sole purpose has been to ensure that, on the withdrawal of Israel forces, continued freedom of navigation will exist for Israel and international shipping in the Gulf of Aqaba and the Straits of Tiran. Such freedom of navigation is a vital national interest for Israel, but it is also of importance and legitimate concern to the Maritime Powers and to many states whose economies depend upon trade and navigation between the Red Sea and the Mediterranean Sea.

"There has recently been an increasingly wide recognition that the Gulf of Aqaba comprehends international waters in which the rights of free and innocent passage exists.

"On 11 February 1957, the Secretary of State of the United States of America handed to the Ambassador of Israel in Washington a Memorandum on the subject of the Gulf of Aqaba and the Straits of Tiran.

"This statement discusses the rights of nations in the Gulf on Aqaba, declares the readiness of the United States to exercise those rights on its own behalf, and to join with others in securing general recognition of those rights.

"My government has subsequently learned with gratification that other leading Maritime Powers are prepared to subscribe to the doctrine set out in the United States Memorandum of 11 February and have a similar intention to exercise their rights of free and innocent passage in the Gulf and the Straits.

"The General Assembly's Resolution (II) of 2 February 1957 contemplates that units of the United Nations Emergency Force will move into the Straits of Tiran area on Israel's withdrawal. It is generally recognized that the function of the United Nations Emergency Force in the Straits of Tiran area includes the prevention of belligerent acts.

"In this connection, my Government recalls the statements by the representative of the United States in the General Assembly on 28 January and 2 February 1957, with reference to the function of the United Nations Emergency Force units which are to move into the Straits of Tiran area on Israel's withdrawal. The statement of 28 January, repeated on 2 February, said:

"It is essential that units of the United Nations Emergency Force be stationed at the Straits of Tiran in order to achieve there the separation of Egyptian and Israeli land and sea forces. This Separation is essential until it is clear that the non-existence of any claimed belligerent rights has established in practice the peaceful conditions which must govern navigation in waters having such an international interest."

"...My Government has noted the assurance embodied in the Secretary-General's report of 26 February 1957, that any proposal for the withdrawal of the United Nations Emergency Force from the Gulf of Aqaba area would first come to the Advisory Committee, which represents the General Assembly in the implementation of its Resolution of 2 November 1956. This procedure will give the General Assembly an opportunity to ensure that no precipitate changes are made which would have the effect of increasing the possibility of belligerent acts..."

"In the light of these doctrines, policies and arrangements by the United Nations and the Maritime Powers, my Government is confident that free and innocent passage for international and Israel shipping will continue to be fully maintained after Israel's withdrawal.

"It remains for me now to formulate the policy of Israel both as a littoral state and as a country which intends to exercise its full rights of free passage in the Gulf of Aqaba and through the Straits of Tiran.

"The Government of Israel believes that the Gulf of Aqaba comprehends international waters and that no nation has the right to prevent free and innocent passage in the Gulf through the Straits giving access thereto, in accordance with the generally accepted definition of those terms in the law of the sea.

"In its capacity as a littoral state, Israel will gladly offer port facilities to the ships of all nations and all flags exercising free passage in the Gulf of Aqaba. We have received with gratification the assurances of leading Maritime Powers that they foresee a normal and regular flow of traffic of all cargoes in the Gulf of Aqaba.

"Israel will do nothing to impede free and innocent

passage by ships of Arab Countries bound to Arab ports or to any other destination.

"Israel is resolved on behalf of vessels of Israel registry to exercise the right of free and innocent passage and is prepared to join with others to secure universal respect of this right.

"Israel will protect ships of its own flag exercising the right of free and innocent passage on the high seas and in international waters.

"Interference, by armed force, with ships of Israel flag exercising free and innocent passage in the Gulf of Aqaba and through the Straits of Tiran, will be regarded by Israel as an attack entitling it to exercise its inherent right of self-defence under Article 51 of the Charter and to take all such measures as are necessary to ensure the free and innocent passage of its ships in the Gulf and in the Straits.

"We make this announcement in accordance with the accepted principles of international law under which all States have an inherent right to use their forces to protect their ships and their rights against interference by armed force. My Government naturally hopes that this contingency will not occur.

"In a public address on 20 February, President Eisenhower stated:

"We should not assume that if Israel withdraws, Egypt will prevent Israeli shipping from using the Suez Canal on the Gulf of Aqaba."

"This declaration has weighed heavily with my Government in determining its action today.

"Israel is now prepared to withdraw its forces from the Gulf of Aqaba and the Straits of Tiran in the confidence that there will be continued freedom of navigation for international and Israeli shipping in the Gulf of Aqaba and through the Straits of Tiran."

On May 23, President Nasser, following the hasty and ill-timed withdrawal of the Force at the insistence of Egypt, announced that Egypt had sealed off to ships flying the Israel flag and to ships under other flags with cargoes of a strategic character meant for Israel their free and innocent passage through the international waterway of the Straits of Tiran into and from the Gulf of Aqaba.

On that same day, Mr. Levi Eshkol, Prime Minister of Israel, made the following statement in the Knesset, Israel's Parliament:

"Any interference with freedom of passage in the Gulf and the Straits constitutes a gross violation of international law, a blow at the sovereign rights of other nations and an act of aggression against Israel. As the Knesset is aware, a number of governments, including the major Maritime Powers, have publicly stated since 1957 their intention of exercising their rights to free passage through the Straits of Tiran and the Gulf of Eilat.

"During the past few days, the Government of Israel has been in close touch with the governments that have proclaimed and exercised the principle of free passage in these waters since 1957. After these exchanges, I can say that international support for these rights is determined and widespread.

"And indeed, what is at stake here is a clear and formal international undertaking on compliance with which the maintenance of international law and order depends.

We are confronted with a fateful hour not only for Israel, but for the whole world.

"In view of this situation, I call upon the Powers once again to act without delay for the maintenance of the right to free passage to our southernmost port, a right which applies to every state without distinction. The Government of Israel will adhere to the policy which it announced in the United Nations Assembly on 1 March 1957. Since this statement was made, free passage in the Straits reality, expressed in the form of hundreds of sailings, under dozens of flags and the creation of variegated and developing network of commerce and communications.

"The statement of the Egyptian President is another link in the chain of infractions of law that Egypt has been perpetrating for many years by its blockade in the Suez Canal, in violation of its undertakings to permit free passage through the Canal to all ships of all nations..."

"If a criminal attempt is made to impose a blockade on the shipping of a member of the United Nations, that will be a dangerous precedent, with grave consequences for international relations and the freedom of the seas. The latest development clearly demonstrates the serious significance of Egypt's moves. I call upon the world community to demonstrate practical and effective responsibility for the preservation of peace.

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