CABINET

MIDDLE EAST

Memorandum by the Secretary of State for Foreign Affairs

The Middle East stands on the brink of war as a result of the Egyptian action in removing the United Nations Emergency Force (UNEF) and threatening a blockade of Israel's sea route to the South through the Straits of Tiran. The Middle East is a region in which apart from our general interest in world peace we have great material, strategic and political interests.

2. If an Arab/Israel war broke out, and if it remained isolated, our best intelligence assessments are that the Israelis could probably win, but only after a hard battle and much destruction. Even that judgment is heavily hedged around.

3. If the Israelis stood in danger of losing the Americans have declared that "they could not stand by and see Israel driven into the sea". Equally, if the Israelis were winning, could the Soviet Union stand aside and see the countries they support suffer defeat?

4. I conclude that while it is possible that Israel might restore free passage through the Gulf by her own military action, the greater risk is of an Arab/Israel war escalating. We ought therefore to contribute what we can within our resources to international action to prevent such a war happening.

5. The Israelis will only be deterred from acting themselves to reopen the Straits of Tiran if they feel reasonably assured of an international settlement that keeps the Straits open for at least their oil supplies. And international action must from their point of view seem likely to be both swift and effective. Time is not on their side. Their Government is already under heavy criticism for not having reacted as soon as Egypt struck to remove the United Nations unit at the Straits and before Egypt had had time to assemble her present massive forces.

6. It was this sense of urgency that led the Cabinet to authorise contingency naval planning on an ad referendum basis with the Americans and preliminary diplomatic consultations with other maritime powers about asserting the international interest in keeping the Straits open.
7. Since then France has proposed four-power discussions on the crisis. We immediately welcomed this and I took it up directly with Mr. Kosygin in Moscow. The Prime Minister has been in personal touch during the weekend with President de Gaulle, Mr. Kosygin and President Johnson about speeding up such discussions and Lord Caradon has been pursuing the possibility of four-power discussions at the United Nations.

8. It is now clear that the Soviet Union is not ready for any immediate four-power discussions, though I would not by any means rule this out eventually. We must actively keep the option open. But for the reasons given above we cannot risk delaying the efforts to obtain the widest possible support for the idea of international action to keep the Straits open. If we are to have the best chance of Security Council authority for such a course, there should be active discussions of it now amongst friendly maritime powers. The contingency naval preparations with countries other than America ought also to proceed speedily if the possibility of multilateral escort forces is to be a credible element in a settlement. It may be that the international task force may never need to be activated. But its practicability is an essential factor in deterring both immediate war and in producing a final peaceful settlement that will not involve either Israel or Britain and other countries in a surrender of their essential interests.

9. What are these British interests and how can they be safeguarded? They are described in paragraphs 8 to 16 of the accompanying paper (at Appendix) by Foreign Office officials. The point to which I wish to confine myself here is that there is now no course that avoids putting these interests at some risk. They were endangered from the moment President Nasser ejected the United Nations from the Straits. The real question is which course of events puts our interests least at risk for the shortest period of time. There are three main possibilities:

(a) War started by Israeli action against the blockade of the Straits.
(b) A settlement recognising free passage of the Straits.
(c) A settlement acquiescing in the closure of the Straits.

10. Course (a). We would try to avoid being sucked into an Arab/Israel war except as part of United Nations peace-keeping. But as the officials' paper makes clear, even if we succeeded in staying out, our interests would suffer from identification with Israel in Arab and Soviet propaganda. If the Americans became involved, we should have the agonising choice of measuring the further damage to our interests of supporting them, against the different but grave damage to our interests of parting company with the Americans on such an issue.

11. Courses (b) and (c). The main difference between (b) and (c) is that under (b) the risk to our interests of Arab retaliation is short-term and we can recover from it. Under (c), on the other hand, the risk to our interests is delayed, but is likely to be much more permanent in the end. If Egypt is allowed to settle on the basis of blocking the Straits and retaining her diplomatic/military victory, the longer-term consequences of this appeasement are likely to include the following:
The Jordanian regime will be toppled.

The South Arabian settlement will be impossible except on Nasser's terms.

Other regimes where our interests are concentrated (e.g. in the Persian Gulf) will be open to Nasserist/Soviet penetration. A war to destroy Israel will become inevitable.

12. There are great risks whatever we do (and in doing nothing) but I conclude that it will be wisest to persist with the course on which we are already set. This means pursuing our efforts at the United Nations for a suitable Security Council resolution and at the same time go ahead with the planning of practical multilateral means of keeping the Straits of Tiran open.

G.B.

Foreign Office, S.W.1.

29th May, 1967
Appendix to
G(67)88

MIDDLE EAST CRISIS
Memorandum by Foreign Office Officials

I. The Origin and Nature of the Crisis

It is the aim of this paper to deal with fundamental issues and to recommend a policy for Her Majesty's Government. It does not attempt to give any detailed account of how the present crisis arose so suddenly and unexpectedly, or speculate at any length on the motivations of the parties involved. On the face of it, it has resulted from a series of opportunist moves by President Nasser: a decision that he would have to intervene if Syrian terrorist attacks in Israel led to a large scale reprisal raid, as the Israelis were threatening; a consequent ostentatious movement of large forces into Sinai to deter an expected Israel attack on Syria; as part of this movement, a request to the United Nations Emergency Force (UNEF) to stand aside from the border; when the Commander of the Force objected, a demand for its withdrawal; and finally, when that demand was quickly accepted (perhaps to the surprise of the Egyptians) a decision to close the Straits of Tiran to Israel ships and "strategic cargoes" (mainly oil) bound for Israel.

II. It has always been an ultimate objective of the U.A.R. under President Nasser to eliminate Israel; but in recent years certain conditions have effectively guarded against the risk of a major U.A.R./Israel war. They were:

(a) the presence of the UNEF in Sinai and on the Straits of Tiran;
(b) the Egyptian belief in Israel's military superiority;
(c) the belief that the United States Sixth Fleet would ultimately prevent Israel being overwhelmed.

Over the past week (a) has been eliminated and (b) and (c) have been put in doubt. We still think it unlikely that the...
A.R. is so confident of success that it will attack Israel, and the closure of the Straits of Tiran, which Israel has always had would be a _casus belli_, indicates a willingness to risk conflict which is in contrast with Egyptian attitudes over the last ten years.

3. The effects of the two Egyptian coups - the expulsion of IEF and reclosing of the Straits of Tiran - has been twofold: first, to bring the Middle East to the brink of war, and second, to alter drastically the balance of power in that area to the advantage of the Soviet Union and her clients among the Arab states, at the expense of the United States, ourselves, Israel and friendly Arab states.

4. This change has been achieved by methods which cut at the root of international behaviour. We have not enough information to judge whether or not the U.A.R. was directly stimulated by the Soviet Union, but its course of action has been facilitated by Soviet policies. The Soviet Union has for long pursued, without haste, a policy of increasing its position, and that of its ideology, in the Middle East. It started by favouring Israel against the Arabs, but in the mid-fifties changed sides, and has been able to outbid us for the favours of some Arab countries by open partisanship for the Arabs against Israel, supplying large quantities of arms, and mendacious propaganda typified by the "Pravda" statement of 24 May which gave unconditional support to the U.A.R. Government's actions. But, as elsewhere, the Soviet Union aims to avoid direct involvement in war.

5. There is a danger that the momentum of these successful exercises in brinkmanship will cause the Egyptians to take
more risks. There is disturbing evidence from all the Arab
countries of the way in which the events of the past week are
being celebrated as Arab victories and as a prelude to a successful
campaign against the existence of Israel. Almost all Arabs, even those who are opposed to President Nasser and are threatened
by the present turn of events, share the sense of national
humiliation which the defeat of 1948 brought with it; and a
dangerous head of steam is being built up which could get out of
the control of governments and lead to an attack on Israel.

6. Our estimate, although the Israelis have expressed their
conviction to the contrary, is that there is no such present
intention on the part of the U.A.R. It is probably more likely
that, having achieved these two successes, the Egyptians, with
Russian support, will for the time being adopt the role of
peaceloving guardians of the new situation whilst perhaps offering
some "concessions" of no substance. Any steps taken by countries
wishing to amend the situation will be represented as pro-Israel
and anti-Arab — a point of great importance to us with our stake
in the Arab world (see paragraphs 8 to 15) — and will be unpopular
with the Afro-Asians in New York, especially if they can point to
some alleged "compromise" package offered by the U.A.R. The
attitude of the Security Council when faced with a real and
urgent threat to the peace has been one of the more depressing
aspects of this whole business.

7. The most crucial immediate danger point is the closure
of the Straits of Tiran to Israel shipping. The Israelis
have declared since 1957 that they would treat this as a
onus belli. On the one hand, they are anxious to avoid war
because they know they would at best suffer heavily; they

/have
have postponed the need for a decision to resist, by delaying the arrival of ships at Elath; and they sent their Foreign Minister to Paris, London and Washington to look for some alternative. On the other hand, the Israel Foreign Minister has said that capitulation is impossible; and for the Israelis acquiescence in the present situation would only be a postponement of an inevitable conflict to avoid ultimate strangulation. After this experience it is all the more likely that Israel will embark on the production of nuclear weapons.

II. British Interests

A. Political

3. We are deeply involved in the Middle East, through CENTO, our commitments in the Persian Gulf and South Arabia and our traditional relationships with non-revolutionary as well as revolutionary Arab States. So long as this remains the case, we have an overriding interest in orderly rather than violent change and in preventing the spread of communism or the establishment of other forms of Soviet control over the area. We thus stand to be major losers if President Nasser's present cheap victories are acquiesced in. His enhanced prestige will enable him to intensify with greatly increased chances of success his campaign against "Arab reactionaries and Western imperialists", probably with increased Soviet support. Although all Arab nationalists will applaud him, many of those who are disposed to co-operate with the West will be deeply worried and discouraged if nothing is done to stop him. And our own policies of orderly disengagement in South Arabia and of modernisation in the Gulf will be made even more difficult of fulfilment. These political reverses would have economic consequences (see paragraph 11 below).
9. We also have an interest in acting in the Middle East in concert with our friends and allies, European as well as American. The days are past when we could take effective action on our own. Our national interest requires us to avoid involvement on our own in inter-Arab quarrels or in the Arab-Israel dispute but rather to give our support to international action through the United Nations and, as necessary, outside it to uphold international order.

10. We must recognise that in a crisis such as the present, even if we were to seek to stand aside entirely, we should be widely believed in the Arab world to be on Israel’s side, a belief already being fostered by Soviet propaganda. We cannot therefore by inaction avoid damage to our interests and long term risks to our whole position in the area.

5. Economic

11. We have extensive economic interests in the Middle East which can be summarised as oil, trade, sterling balances held by Arab countries, and transit by sea and air. Whatever the outcome of the present situation they are likely to suffer. The consolidation of the U.A.R. victory could lead to the rapid undermining of the Arab States where our economic interests are concentrated and expanding. Oil supplies would no doubt continue but under more difficult terms and they would probably come under the control of basically hostile and pro-Soviet regimes. In case of war, apart from the disruption of trade and the possible general effect on sterling which would result from political uncertainty or war, we would, even though we stood aside, be regarded as pro-Israel. Action taken to support the principle of freedom of passage will be interpreted as anti-Arab. On the Arab/Israel issue, through conviction
or necessity, all Arab Governments stand together. A clash with them on it incurs risks of the following consequences:

(a) the closure of the Suez Canal to our ships;
(b) interference with oil supplies, either at source by Arab states or in transit;
(c) some sort of an Arab boycott against us;
(d) withdrawal of sterling balances e.g. by Kuwait.

But if Israel takes military action, irrespective of what we do or do not do, we may then in any case be exposed at least to some of the above consequences. This is because, even if we take no positive action, we shall be represented as pro-Israel or anti-Arab.

12. If we take positive action along with the Americans but without the French, the latter might try to represent in the Common Market context that we are dependent on the United States and to that extent non-European.

13. Against this, it is an important general economic interest to defend the principle of free navigation.

C. Strategic

14. There is no direct British strategic interest in the Straits of Tiran in the sense that the carriage of cargoes through the Straits is essential to Britain. But nevertheless we have a general interest in the principle of freedom of passage through international waterways (for legal position see Annex 'C').

Moreover, as is argued below, the successful flouting of this principle in this instance might be expected to encourage infringement of it and a generally more intransigent attitude by the Egyptian Government in other places and on matters in the Middle East where our interests would be directly involved.

/15.
15. Any action which arouses Arab hostility incurs the following risks. (They could also arise eventually if the U.A.R. continued its present course unchecked.)

(a) the closure to us of the Suez Canal with the consequence that our access by sea to the Indian Ocean would have to be by way of the Cape. This would give new significance to Simonstown and generally increase our dependence on South Africa on a continuing basis;

(b) the loss of overflying and landing rights in all Arab countries. If these rights were lost in the Persian Gulf States, the consequences would be that we should be unable to use the CENTO route to the Middle and Far East unless Turkey and India (almost inconceivably) gave us staging rights. In these circumstances the only alternative open to us would be the more expensive and much longer Westabout route, which would be, at best, only a partial palliative. In any event we have not yet made all the preparation necessary for its regular use;

(c) there could be unwelcome repercussions which made our task in South Arabia harder;

(d) we should seriously jeopardise our position in Libya.

16. In addition, the following risks might be incurred in non-Arab countries:

(a) the Cyprus Government might exert pressure against the Sovereign Base Areas with the consequence that our future use of them and possibly, therefore, our ability to make a military contribution to CENTO would be impaired;
(b) we might want to withdraw naval forces from the Far East to assist at the Straits of Tiran (or elsewhere in the Middle East if the conflict had escalated) but by doing so might encourage the Chinese to seize the opportunity to intensify pressure on Hong Kong;

c) we might, in the early stages, at least, need to withdraw temporarily our blockading force in Beira to assist at the Straits of Tiran with the consequence of opening a potentially large breach in our policy of sanctions against Rhodesia, and we should be doing this in a manner likely to draw censure from the Afro-Asian countries.

7. In concluding this section however it should be said that there can be no certainty of avoiding some or all of the disadvantages described above if we remained entirely passive. For instance, if there were an Israeli-Egyptian conflict, even though we kept out, we would in any case be regarded by the Arabs as pro-Israel, with the attendant risk of sabotage of pipelines, oil installations etc., as certain of the Arab States have already threatened. Moreover, whether encouraged by success without war, or under the pressure of war, the Egyptian Government might well take action which would directly involve us, for example by trying to blockade Israel in the Mediterranean, by threatening to close the Canal or even by actually closing it by one means or another.

III. Possible Course of Events

1. Resistance by Israel leading to an Arab/Israel War

13. The Israelis have apparently abandoned for the moment a plan for an air strike against the Egyptian guns and ships at the Straits of Tiran. It is just conceivable that such a
strike might be effective. Our assessment is, however, that Egyptian prestige is too far engaged and that, even if the action began in this limited way, it would lead to a full-scale air battle over Israel and the U.A.R., and land battles in Sinai and to a lesser extent on other fronts.

19. It is still the British and American intelligence estimate that Israel could probably defeat, though at the cost of heavy damage, the U.A.R. and other Arab forces likely to be involved in fighting against her. However, the odds have shortened, and are continuing to shorten, since the Arab build up on the Israel frontiers began.

20. There is a school of opinion in Washington that the best way of meeting the present situation might be for the Israelis to put Nasser to the test on the closure of the Straits of Tiran and exercise the right of self-defence if there was interference with shipping. The Israelis could then deal with the Egyptians without western intervention except in support of international action to bring hostilities to an end. The objection to this thesis is that, unless the Israel victory was extremely rapid, there would be a very real risk of the U.S.S.R. giving military support, probably in the air, to the Arabs. At this point, the danger of a Soviet/American confrontation would be imminent. The decision in Washington appears to have gone against this course.
21. If the battle went against Israel, the U.S. Government would be under the strongest pressure to intervene militarily to prevent Israel being overwhelmed. Here again the risk of direct U.S.S.R./U.S. confrontation would be imminent.

(e) Acceptance of the new situation by Israel

22. As time passes there is a growing chance that under American pressure and exhortations and promises of a political solution, the Israel Government, having failed to act initially, will continue to hold off.

23. If this situation continued indefinitely and no tolerable compromise was achieved internationally, this would amount to capitulation. The consequences for Israel and the West would then be very serious. The shift in the balance of power in favour of the Soviet Union would have been confirmed. The credibility of the U.S. cover to Israel would have been destroyed, the invincibility of the U.A.R. acting under cover of Russian support would have been established. The lessons of the past indicate that it would only be a matter of time before there were further attacks on Israel, on the non-revolutionary Arab states, and on western interests in the area.

(c) A compromise solution brought about by international action

24. Various possibilities are discussed below.

IV. Possible Courses of Action by Her Majesty's Government

The Lessons of History, 1938 and 1956

25. It is inevitable that the character of the events which have produced this critical situation should have suggested comparisons with 1938 and 1956; and it would be as well to
have in mind the lessons to be drawn from those years.
The lesson of 1938 is that, if a Power pursues aggressive and predatory policies amid widespread criticism and gets away with it, that Power will tend to go further and that its ambitions may well grow pari passu with its successes. There may well be no end to the process. The lesson of 1956 is that there is no sense in going to war on something which is not a legitimate casus belli (nationalisation of the Suez Canal in the terms of 1956 conditions) and in employing methods of doing so which go against established democratic and international practices - unless the nation so proceeding has overwhelming power or overwhelming backing.

1938 suffered from wholly faulty diagnosis of the purposes of those involved; it now appears that there was less faulty diagnosis in 1956, in the sense of an appreciation of Middle Eastern people and their purposes, but a totally false estimate of what, in a given situation, we should or could do. We need not make these mistakes this time.

26. Perhaps a nearer parallel than either 1938 or 1956 is the Cuba crisis of 1962, the difference in this case being that there is a double confrontation - between the U.S. and the U.S.S.R. and between Israel and the Arabs, and neither the U.S. nor the U.S.S.R. can wholly control their protégés.
Course A: In the event of an Arab/Israel War

27. Her Majesty's Government have no obligation to intervene militarily in an Arab/Israel conflict. We regard the Tripartite Declaration (which was in any case only a declaration of intent) as inapplicable to present conditions, and the Macmillan statement of 14 May 1963 does not promise, much less commit us to, action outside the United Nations. For us to intervene in an Arab/Israel war on the Israel side would cause us to lose the whole of our economic and strategic interests in the Arab countries. Indeed, however hard we endeavoured to maintain an impartial position our national interests would be threatened, since the Russians would inevitably give full political and propaganda support to the Arabs, and we and the Americans would be identified with Israel.

28. If the Israelis had the upper hand, we would, especially in view of the danger of Russian involvement, need to use such influence as we had to restrain Israel from going too far beyond restoring the status quo ante 16 May.

29. If the Israelis were losing the battle, and the U.S. Government had to intervene militarily to prevent Israel being overwhelmed, we would be under strong pressure from the U.S. Government to join with them. We would be faced with the difficult problem of balancing the damage to our Middle East interests if we did, against the damage to our relations with the U.S. if we did not.

Course B: Acceptance of the New Situation by Israel

30. We would in this case have to face the serious consequences for our own position in the Middle East of this major change in the balance of power (see paragraph 22 above) and for the
world of this successful flouting of the international order.

Course C: A Compromise Solution brought about by International Action

There are four possibilities at present under discussion, which could be pursued separately or in combination. They could remain possible even if, in spite of our attempts to prevent it, war breaks out.

(i) East/West Co-operation

The French are right in saying that the problem could be settled by Quadrupartite co-operation. Although there are good European reasons for welcoming this French initiative, the Foreign Secretary's talks in Moscow have shown that there is no chance of getting any help from the Russians so long as they believe that there is a chance of the U.A.R. getting away with its two victories. At best, there is no possibility of any early result from this.

(ii) Action at the United Nations

Unless the Israel Government takes military action against the U.A.R. in the near future, U.N. pressure is likely to mount for a compromise solution to preserve peace now at the expense of Israel. The Secretary-General has already pointed towards this in his report, which contains references to:

(a) an assurance given him by President Nasser that the U.A.R. will not initiate offensive action against Israel, and the Egyptians' aim to return to pre-1956 conditions and full observance of the Egypt/Israel armistice agreement;
the possibility of the revival of the Egypt/Israel Mixed Armistice Commission providing for a limited form of United Nations presence in the area;

c) the need for control of activities in the Israel/Syria demilitarised zone;

d) the existence on the one hand of legal doubts about the right of innocent passage through the Straits of Tiran and the Gulf of Aqaba, and on the other the dangerous consequences that could ensue from restricting passage;

e) the need for a breathing spell in which to seek solutions for these problems.

35. Countries which wish to avoid taking up a political position will join with the pro-Arab group in drawing attention to doubts whether the Straits of Tiran are an international waterway. As the Annex B shows, the matter is further complicated by the question of belligerent rights. These doubts will combine with the fear of war to incline member States towards an inequitable compromise.

35. For the Israelis the essential feature of any settlement will be the degree of freedom for shipping to transit the Straits. President Nasser has declared in the most uncompromising terms his intention of blocking the passage of all Israeli ships, and ships of other nationalities bearing strategic goods (which we understand to include oil) to Elath.
They also assert the right to stop and inspect ships in order to enforce their restrictions. If Israel were prepared to accept a compromise at all, the minimum terms it would be reasonable to press her to accept are probably the present position with an understanding that oil would not be regarded as a strategic material, and perhaps with some restricted access for Israeli shipping. But as part of such a compromise Israel and other powers would probably have to acquiesce in the position that the U.A.R. has a right to exercise some degree of control over the Straits of Tiran.

(iii) Unilateral action by Her Majesty's Government to open the Straits of Tiran

36. Her Majesty's Government might inform the U.A.R. Government of their intention to maintain, with naval escorting vessels if necessary, the right of passage through the Straits of Tiran by British ships. We could then call on others to follow our lead. Her Majesty's Government have a duty to protect British shipping and this action would be applauded by the British public. At the same time it would help to get the Straits open to all shipping.

37. The objections to this course are these:

(a) President Nasser would probably accept the challenge and stop the passage of our ships unless we had a credible deterrent available. The escorting vessels, which would take time to assemble, would not themselves be able to force a passage if resisted, and we should also have to assemble forces likely to deter the U.A.R. and accept that a consequence could be full scale war with the U.A.R. It is very doubtful whether unilateral British action would deter.
(b) By taking the lead in this way, even in a British as distinct from an Israeli interest, we would dangerously expose our interests in the Arab world, and draw on ourselves reprisals.

c) We cannot count on others following our lead; and opinion in many countries would be prejudiced against the idea of action of this kind by us on account of Suez.

(iv) International action to open the Straits of Tiran

It is possible that the Israel Government could be more easily restrained from acting to open the Straits of Tiran if they were persuaded that countries supporting the principle of freedom of navigation would take effective action to open the Straits. The Israeli Foreign Minister told the Prime Minister on 22 May that this was the course his Government would prefer. It would have the advantage of being action to defend a principle of international law of great importance to all maritime nations rather than action specifically to assist Israel; and a number of countries (including the United Kingdom) committed themselves in 1957 to support the principle of freedom of transit for all through the Straits of Tiran. 35. The Minister of State, Mr. George Thomson, has discussed such a scheme with the Americans and reached agreement ad referendum on both sides. Its essential elements are:

(a) Continued action in the United Nations to get as wide support as possible for the principle of freedom of passage through the Straits of Tiran; so that even if there was a Soviet veto international support for some action could be shown.

/(b)
(b) A joint declaration by interested Governments to assert the freedom of passage through the Straits.

(c) The assembly of naval forces north of the Suez Canal in the Eastern Mediterranean as a deterrent to Egyptian interference; and the provision of escorts for shipping passing through the Straits. Further discussion would be required as to the possible role of a deterrent force in the Red Sea.

40. This plan could be presented as having wide support at the United Nations; and as genuinely international action in defence of an international principle rather than as action to assist Israel. But it would be misleading to suggest that these optimum conditions could ever be achieved. A declaration without teeth would not serve the purpose. Anything involving naval action outside the United Nations is likely to be seen as thinly disguised Anglo-American action in support of Israel. We can expect for it limited practical co-operation from one or two friendly European countries, support in principle from a few others, and reactions ranging from disapproval to hostility in the rest of the world.
11. This is a grim picture; but as explained elsewhere in
the paper we shall incur odium on other counts even if we
remain passive moreover against the difficulties described in
the previous paragraph must be set the following considerations:

(a) Soviet and U.A.R. tactics in this are based on the
assumption that we and the Americans will not take
forceful action and will restrain the Israelis.

(b) The revivified prestige of the U.A.R. could disappear
almost as quickly as it appeared that the run of
unexpected successes had been reversed. A show of
determination could, therefore, change the situation
very quickly, and former friendships might be resumed.

12. Such a course could not be recommended if the other
possibilities were not so much more grim; viz. a full-scale
Arab/Israel war within a matter of days or hours, or a major
setback of western interests in an area of great importance,
combined with a damaging blow to the international order.

13. The practical aspects and the time scale of this course
of action are set out in Annex A. The legal aspects are
discussed in Annex B.

4. Conclusion

(i) The effect of Nasser's action has been to alter
dramatically the balance of power in the Middle East to
the advantage of the Soviet Union and her clients among
the Arab States.

(ii) We should naturally look to the United Nations to
redress the balance. But on present showing it is most
unlikely to do so.

(iii) Action by us either alone or with our friends

would
would be interpreted as action on behalf of Israel. This would entail grave risks for our important interests in the Arab world and in particular for our Middle East oil.

(iv) On the other hand, failure to act could be even more damaging. It might lead to an Arab/Israel war with its risk of a direct confrontation between the United States and the U.S.S.R. Or, if Israel were obliged to accept the blockade of Aqaba, it would result in a Middle East effectively dominated by President Nasser under Soviet protection. All our interests there, including our oil, would then be at Soviet mercy.

(v) Whatever decision we take, therefore, even if it is to do nothing, may result in serious damage to our interests. We have to choose the course which offers the prospect of least damage.

(vi) Opinion, especially in the United Nations, seems to be moving in the direction of a compromise which would accept the withdrawal of UNEF and Egyptian control of the Straits of Tiran and include only nominal concessions to Israel. This would be tantamount to an Israeli surrender and would have the same damaging consequences (see (iv) above).

(vii) Some sort of equitable compromise is necessary if we are to avoid the dangers of war or capitulation. We have to decide what terms would be acceptable and what action we can take to achieve them.

(viii) An equitable compromise would have to provide at the very least for the passage of oil tankers through the Straits of Tiran to Elath. In return the Israelis might...
be persuaded to acquiesce in the exercise by the Egyptians of some degree of control of the Straits.

(ix) The present trend in the United Nations shows little chance of achieving such a compromise unless we and our friends demonstrate our determination to take any action, including the use of naval force, which may be necessary to assert the right of free passage through the Straits of Tiran.

(x) We should therefore press on with the proposals, worked out with the Americans, for a public declaration by the maritime powers and the provision of naval backing on an international basis.

5. Recommendations

(a) We should show our readiness to play a significant part in action with a substantially international character, inside or outside the United Nations, to keep the Straits of Tiran open to international shipping including of course British shipping.

(b) We should work diplomatically and at the United Nations for an equitable compromise.

FOREIGN OFFICE, S.W.1.

29 May, 1967
Tripartite Declaration

Parliamentary Statements by Mr. Macmillan in 1963 and the Prime Minister in December, 1964, and April, 1965

1. On Tuesday, 14th May, 1963, the then Prime Minister, Mr. Harold Macmillan, gave the following written answer to a Question by Mr. Gilbert Longden (Vol. 667, Col. 142 W):

Israel and Arab States (President Kennedy's Statement)

Q. Mr. Longden asked the Prime Minister whether he will publicly associate Her Majesty's Government with the recent officially declared United States policy to the effect that, should Israel or any of the Arab States appear to violate frontiers or armistice lines, the United States of America would take immediate action both within and outside the United Nations to prevent such violation.

The Prime Minister: Yes. I am glad to endorse the President's statement. Her Majesty's Government are deeply interested in peace and stability in this area and are opposed to the use of force or the threat of force there as elsewhere in the world. We are equally opposed to the interference by any country in the internal affairs of another, whether by the encouragement of subversion or by hostile propaganda. I cannot say in advance what action we would take in a crisis, since it is difficult to foresee the exact circumstance which might arise. We regard the United Nations as being primarily responsible for the maintenance of peace in the area. If any threat to peace arises, we will consult immediately with the United Nations and will take whatever action we feel may be required.

2. In the course of the Foreign Affairs Debate on 16th December, 1964, Mr. Butler asked the Prime Minister (Vol. 704, Col. 413):

I should like to ask him, in relation particularly to Israel, whether he endorses the statement made by the former Prime Minister, Mr. Harold Macmillan, on 14th May, 1963, in which he said, supporting President Kennedy's pledge on the Middle East:

"We regard the United Nations as being primarily responsible for the maintenance of peace in the area. If any threat to peace arises we will consult immediately with the United Nations and will take whatever action we feel may be required."

(Official Report, 14th May, 1963: Vol. 667, c. 142)

If the Government would endorse that statement, then I think that it would give great satisfaction to Israel and would be a stabilising factor in Middle East politics.
The Prime Minister replied (Vol. 704, Col. 416):

I hope that I can deal with his questions about the Middle East quite simply. We certainly endorse what the right hon. Gentleman the then Prime Minister said, some two or three years ago, in the quotation made by the right hon. Gentleman.

3. On Tuesday, 13th April, 1965, Viscount Lambton asked the Prime Minister:

"if Her Majesty's Government are still committed to the tripartite agreement".

The Prime Minister's answer and the subsequent exchanges went as follows (Vol. 710, Cols. 1153-5):

Tripartite Declaration

Q.1. Viscount Lambton asked the Prime Minister if Her Majesty's Government are still committed to the tripartite agreement.

The Prime Minister (Mr. Harold Wilson): The Tripartite Declaration of 1950 was intended to express the policy of Britain, France and the United States at that time. It has not been retracted, I expressed the Government's deep concern for the peace and stability of the Middle East when, in the course of the Foreign Affairs debate on 16th December, 1964, I endorsed Mr. Macmillan's statement of 14th May, 1963.

Viscount Lambton: I thank the right hon. Gentleman for his reply and at the same time congratulate him on the fact that his illness was not of the type to necessitate his having a rest. Does his reply mean that England and France still stand by all the intentions of the tripartite agreement?

The Prime Minister: However hard the hon. Member tries he will not manage to attack those who sit on this Front Bench with the vehemence he used in attacking those who preceded us. The noble Lord will realise that at the time of the 1950 Declaration there was a very different situation, in that the three Powers virtually controlled such arms movements as there were. There is now a big difference in the situation, but we feel that the statement made in 1963 is the right one for us to follow, and I give the assurance for which the noble Lord asked.

Mr. Shinwell: Is my right hon. Friend aware that there are differences of interpretation in respect of the tripartite agreement? In the book which I understand my right hon. Friend is now reading on the Suez crisis - or what was alleged to be a crisis - he will find that President Eisenhower and the late Mr. Dulles gave a quite different interpretation from that given by Mr. Harold Macmillan or the United Kingdom Government. Will he take an early opportunity of defining the meaning of the agreement?
The Prime Minister: I went to some lengths on this matter in the debate a fortnight ago on the Middle Eastern question. Certainly in all our contacts with Middle Eastern countries we have been emphasising - particularly in what is the most vital issue at the moment; the question of the water scheme - the need for maximum restraint by all the countries concerned.

Mr. Grimond: Is the Prime Minister aware that it is just because the situation is so different now from what it was when the agreement was brought up that we feel that it should be renegotiated? Am I right in thinking that the agreement is an agreement to maintain the frontiers of Israel, and that if it were invoked we might be forced to go to the aid of one side or the other to put back a frontier, quite irrespective of the rights and wrongs of the initial controversy which had led to the violation of that frontier?

The Prime Minister: The original Declaration, as the right hon. Gentleman knows, was signed at a time when the signatories could regard themselves as virtually the arbiters of Middle East policy. This is no longer the position today, partly because of the intervention of the Soviet Union and other countries, partly because of certain aspects of Israeli and Arab nationalism going far beyond national frontiers in the area. We regard our interest in it now as going far beyond the maintenance of particular frontiers, as the right hon. Gentleman has suggested, and certainly if the circumstances became appropriate, I am sure that there is nothing that the House would like better than to get some kind of agreement on arms supplies, arms control and the banning of nuclear weapons in that area.
INTERNATIONAL ACTION TO OPEN THE STRAITS OF TIRAN

PRACTICAL ASPECTS AND TIMESCALE

For the purposes of the calculations which follow, it has been assumed that the objective is to build up a force which could (with adequate support from units in the Eastern Mediterranean) escort merchant ships through the Straits of Tiran. It is assumed, throughout, that no British or United States units will be able to pass through the Suez Canal from North to South during the period in question.

2. Assuming that the Escort Force required would consist of three Escorts, four mine counter-measure vessels (MCMs) and one supporting tanker, how long would it take to assemble this Force in the Red Sea at the mouth of the Gulf of Aqaba?

At the very earliest an Escort Force, which might initially have to be mainly Anglo-American, could reach the area of the Straits of Tiran by 7th June. This does not take account of the period required for the assembly of a deterrent task force in the approaches to the Red Sea, if one were decided upon, but it is estimated that this could reach the area by approximately the same date. The limiting factor is the speed of the coastal minesweepers, which will arrive at Aden on 2nd June. HMS Hermes, accompanied by a frigate, will reach Aden on 31st May. In the event, the time factor would be dictated by the number of nations participating.

3. How long could this Escort Force remain on station, even if there were no losses requiring replacement?

If need be, the British element of the force could remain on station for two or three weeks, at the cost of some stress to the crews of the minesweepers, which are very small. This is the best guess that can be made in the absence of a detailed plan and the actual time would depend upon the intensity of activity and the availability of support facilities. To retain the force for a longer period would raise problems of roulement and entail bringing large forces to the area and require the provision of increased support facilities for the minesweepers. We are informed that the actual task of sweeping any mines which may already have been laid in the Straits of Tiran would only take a few hours if they were of an unsophisticated type. Other types would take longer. It is not absolutely certain that any have been laid.

4. What other naval forces of allied maritime nations are already within reasonable range?

The USS Fiske (Destroyer) is at Massawa and the USS Joseph P. Kennedy (Destroyer) is due at Aden in two days' time. A United States converted seaplane tender, the Valcour, is at Jedda. In addition, there are one French coastal minesweeper and a very small French patrol vessel at Djibouti. No other allied vessels are known to be in the area south of the Canal. A number of NATO navies have considerable naval forces in the Mediterranean.
5. If there were a call for inclusion in the force of a DLG (guided missile destroyer), how long would it take to get this DLG into position?

We are told that the DLG could arrive off Aden within six days if the order were given today.

6. One of the additional measures which might be taken against the United Arab Republic might be the employment of electronic countermeasures. Would these require additional vessels or aircraft in the immediate area of the Gulf of Aqaba?

No. It is understood that these measures would be undertaken by the units taking part in active operations and would not call for any additional forces in the Straits of Tiran area. The most likely area of such operations would be in the Eastern Mediterranean, where they would be undertaken by forces already there.

7. To what extent, and how soon, can the United Kingdom Sovereign Base Areas (SBAs) in Cyprus become self-defending?

We are told that the SBAs could be made self-defending against possible air and ground attack within the timescale of the preparations of escort operations in the Gulf of Aqaba.

(a) Air Defence

A squadron of Lightning fighters is already in Cyprus. Another squadron could be flown to Cyprus well within the period of preparation (i.e., before 7th June). A section of Bloodhound air defence missiles is at present in Libya and could, together with Bloodhounds from the United Kingdom, be deployed at the SBAs in Cyprus within the same period.

(b) Land Defence

The additional ground forces necessary for the defence of the SBAs could be flown from the United Kingdom within the preparatory period.

8. Additional Naval Units in the Area

Apart from Portuguese naval units in the Mozambique area, there are, as far as can be reliably ascertained without making enquiries in the capitals concerned, no other NATO warships anywhere within reasonable range south of the Canal. But we believe that Ethiopia has at Massawa, in addition to the 1,800-ton training ship "Ethiopia", five small coastal patrol craft and that Iran has in the Khorramshahr area one or possibly two frigates, four coastal minesweepers and one landing ship converted for use as a coastal patrol craft. Clearly none of these has any direct military relevance.

9. Preparations

The fact that preparations were being made would become public knowledge.
NOTE ON LEGAL ASPECTS

A. The right of innocent passage

It is well-established in international law that in time of peace:

(i) The ships of all States are entitled to a right of innocent passage through the territorial sea of another State.

(ii) Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State.

(iii) The coastal State must not hamper innocent passage through the territorial sea.

(iv) The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

(v) Subject to (vi), the coastal State may without discrimination amongst foreign ships, suspend the right of innocent passage temporarily in specified areas of its territorial sea if such suspension is essential for the protection of its security.

(vi) There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign State.

(See Articles 14 to 16 of the Geneva Convention of 1958 on the Territorial Sea).

2. There would appear to be no doubt that ships to and from Eilat (and other ports in the Gulf of Aqaba) are entitled in time of peace to a right of innocent passage through the Straits of Tiran under these rules, and in particular that rule (vi) applies in respect of them. This is so irrespective of whether there is any area of high seas in the Gulf of Aqaba or whether it comprises only territorial waters of the coastal States.

3. In order to gain access to Eilat it is, of course, necessary to pass through Egyptian or Saudi territorial waters both in the Straits of Tiran and in the Gulf of Aqaba itself. There may be some doubt as to whether rule (vi) applies in respect of, for instance, Egyptian or Saudi territorial waters at the northern end of the Gulf, but it is believed that an international tribunal would, in the light of the relevant provisions of the Geneva Convention, be likely to treat rule (vi) as applying throughout the length of the Gulf.

4. There is, however, the question whether the UAR, having regard to the present state of tension between her and Israel, is entitled under the above rules to prevent the passage of ships carrying cargoes of strategic value to Israel on the grounds that such passage cannot be regarded as innocent. There is clearly room for argument on this point, but the better view probably is that the innocency of a
passage must be judged by whether the vessel, while in the course of passage, constitutes a threat to the security of the coastal State and does not depend on the use to which its cargo may ultimately be put. It may, therefore, be argued that the free passage of a vessel carrying strategic materials or oil to Israel does not itself constitute a threat to the security of the UAR, that Israel is perfectly entitled to acquire the equipment necessary for her self-defence and oil for her peaceful needs, and therefore the passage of such vessels may not be interfered with in the absence of a situation entitling the UAR to exercise belligerent rights. Nevertheless, having regard to the present relations between Israel and the UAR, the contrary view might prevail in an international tribunal such as the International Court of Justice.

B. Is the UAR entitled to exercise belligerent rights against Israel?

5. The UAR is not entitled to exercise belligerent rights unless she is at war with Israel. Merely to claim to exercise belligerent rights is not, in itself, sufficient to create a state of war. Therefore, in the absence of a declaration of war by either Israel or the UAR, it is necessary to consider the relations actually existing between the two States.

6. The relationship is a complicated one. It stems from the hostilities that broke out in 1948 and the Armistice Agreement of 1949 between Egypt and Israel. From the legal point of view, it is complicated by the fact that Egypt does not recognise Israel as a State and that Israel no longer regards the Armistice Agreement as in force.

7. Nevertheless, before 1956, the view of Her Majesty's Government was that with the lapse of time it became increasingly difficult to maintain that there was a state of war between Egypt and Israel. Although some doubt arose as a result of the Suez crisis, the view that any state of war has been eradicated by the passage of time now seems to be the better one.

8. Even as long ago as September, 1951, the Security Council (Res. 95) considered "that since the armistice regime, which has been in existence for nearly two and a half years, is of a permanent character, neither party can reasonably assert that it is actively a belligerent or requires to exercise the right of visit, search and seizure for any legitimate purpose of self-defence".

9. On the other hand, the UAR has long maintained that, in spite of the Armistice Agreement, it is in a state of war with Israel, while confirming their adherence to the Armistice Agreement.

10. In these circumstances, while the legal position must remain open to argument, it would be a perfectly respectable view to say that Egypt is not entitled to exercise belligerent rights against Israeli ships.
C. Assertion of the right of innocent passage

11. On the assumption that the UAR is not entitled to interference with the right of innocent passage through the Straits of Tiran, what action by Her Majesty's Government and other Governments, otherwise than under the authority of the United Nations, is permissible to assert the right?

12. In the Corfu Channel Case the International Court held in effect that if a State has a right which it is entitled to exercise and another State wrongly or forcibly persists in interfering with its exercise, the first State is not bound to submit to the lawless use of force by the second but may lawfully assert its right by the threat or use of force. Thus, in circumstances in which Albania was denying the right of passage through the Corfu Channel by the use of shore batteries, the Court upheld the right of the United Kingdom to send warships through the straits with the crews at action-stations prepared to use force in self-defence during the passage if attacked from the shore. On the other hand, the Court declared that subsequent action taken by the Royal Navy to remove mines from the Channel was a violation of Albanian Sovereignty.

13. It appears to follow from this judgment that it would be legitimate for the Royal Navy to escort British flag vessels through the Straits of Tiran and to resist by force any forcible attempt by the UAR to prevent passage. But the threat or use of force against the UAR except for the purpose of actually exercising the right of innocent passage, would be illegal.