



Israel's Freedom of Passage in the Suez Canal, 1957–1967

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Abstract Following the Suez War, Israel demanded freedom of passage through the Suez Canal. By July 1957, a tacit understanding was reached in which Egypt acquiesced to passage of Israeli goods on foreign ships. Nevertheless, in March 1959, the Egyptians suddenly breached the agreement. The UNSG subsequently formulated a new tacit arrangement: the “effective stand.” Egypt refused to “play the game” while Israel refrained from military response, recognizing that such a response could endanger the two countries’ only shared interest: an aversion to war.

Keywords Sinai War · Freedom of passage · Dag Hammarskjöld · Gamal Abdel Nasser · Embargo · Straits of Tiran

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At the end of the Sinai War (1956), Israel and Egypt faced a new diplomatic-security situation during which the perceptions, interests, and power dispositions prevailing before the war underwent change. Attendant on these events, the two countries embarked upon a sequence of limited arrangements, agreed upon both formally and informally, arranged by third parties, the chief of which were the United Nations Secretary General (UNSG) at the time, Dag Hammarskjöld, and US government officials.

One of these arrangements was designated to resolve Israel's demand for freedom of passage through the Suez Canal. Documents in Israel's archives, together with documents from the US State Department and UN archives, have recently exposed a fascinating chapter in Egyptian-Israeli relations at the time: the achievement of a tacit understanding, its subsequent disavowal, and the failed attempts to revive that understanding.¹ More importantly, the arrangement, reached through third-party brokerage on the matter of passage of Israeli goods through the Suez Canal, provides a real world, classic example of situations that require tacit understandings. As Nasser was unable to consent in public to Israeli use of the Canal for fear of appearing to submit to Israeli dictates, a covert agreement enabled him to preserve prestige in the Arab world while neutralizing a potentially explosive political situation from the perspective of both sides.

In order to provide a frame of reference for the period under study, we open with a summary of the events relevant to the question at hand.

ISRAEL AND ATTAINMENT OF FREEDOM OF PASSAGE IN THE SUEZ CANAL, 1948–1956

Although Egypt first imposed an embargo on Israeli-owned ships in December 1947, the outbreak of the Arab-Israeli War of 1948 brought about the embargo's immediate expansion to "contraband" goods (i.e., cargoes might strengthen and support the enemy's war efforts) being transported to Israel. An order was issued in February 1950 directing the search of ships and planes and the seizure of cargoes identified as contraband by the Egyptian authorities.²

Israel confined its response to diplomatic activity that included submission of complaints to the Egyptian-Israeli Mixed Armistice Committee (EIMAC), which favored Israel's claims, and finally to the UN Security

Council (UNSC). In September 1950, the UNSC accepted Israel's position in principle and demanded that Egypt end the embargo forthwith.³ In November 1953, however, the embargo was expanded to include ships sailing to Israel under foreign flags as well as all cargoes shipped to and from Israel. Israel again complained before the UNSC in January 1954.⁴ The USSR, however, which had abstained in the 1951 vote, cast a veto in March 1954 against a draft decision favorable to Israel.⁵ At this point Israel decided to "test Egypt by forcing it either to remove the embargo or else stand before the world in an embarrassing situation."⁶ Thus, in September 1954, an Israeli ship (*Bat Galim*) was sent through the Canal as a probe. As expected, it was stopped, and Israel hurried to complain again before the UNSC, but to no avail. Notwithstanding these blows, Israel refrained from using this Egyptian violation of the cease-fire agreement as a *casus belli*, for reasons resting in its lack of sufficient operational capabilities.⁷

THE ATTAINMENT OF A TACIT ARRANGEMENT REGARDING FREEDOM OF PASSAGE IN THE SUEZ CANAL FOLLOWING THE WAR, NOVEMBER 1956–JULY 1957

By November 11, 1956, Israel had declared that withdrawal of its forces from the Sinai was conditional upon UN forces remaining in the Canal's proximity, apparently as a guarantee of its freedom of navigation.⁸ Two months later, in January 1957, the Israeli cabinet decided to demand a formal guarantee of freedom of passage.⁹ However, the subject had not yet arisen on the agendas of either Hammarskjöld or the Western powers. In effect, Israel's demand was backed with little conviction regarding its realization.¹⁰

Israel's attempt to win freedom of navigation through the canal was encouraged by the US President Dwight Eisenhower in an address delivered on February 20, 1957. During his speech, he equated freedom of passage in the Straits of Tiran with freedom of passage in the Canal.¹¹ Despite the US position, Nasser declared on March 11 that he would not allow the passage of Israeli ships through either the Canal or the Gulf of Eilat. At the same time, he nonetheless secretly promised Dr. Ralph Bunche, Hammarskjöld's assistant, to postpone any decision on "important subjects," such as mentioned by Eisenhower.¹²

In the meanwhile, Israel evacuated its forces from the Sinai as UN forces took up positions in the Gaza Strip and the Straits of Tiran (March 7–8). In the UN General Assembly (UNGA), the maritime powers, including the United States, went so far as to authorize Israel's interpretation of her status regarding passage through the Straits, as previously agreed. However, Israel's demand for freedom of passage in the Canal went unanswered.

It must be recalled that negotiations were then underway between Egypt and the Western powers over sensitive issues touching upon the reopening of the Canal after its nationalization and the Anglo-French-Israeli Suez Operation. Hence, there was some concern that launching an Israeli test vessel would consign these efforts to ruin.

Accordingly, Abba Eban, Israel's ambassador to the United States and the United Nations was forced to promise that Israel would refrain from raising the issue before a temporary arrangement was reached and, in any case, consult with the United States before sending ships to the Canal.¹³

UNSG Activities

On March 19, 1957, Hammarskjöld arrived in Cairo for five days of intense discussions with Nasser and the Egyptian Foreign Minister Mohammed Fawzi. Upon his arrival, Hammarskjöld clarified to Fawzi that Egypt was required to take two mandatory steps: (1) to grant an effective role to the UN Emergency Force (UNEF), and (2) to allow unrestricted passage in the Canal. However, while Fawzi hinted at a possible arrangement with respect to the first step and a solution to the Straits problem, he demurred at agreement to the second step. Hammarskjöld was thus forced to raise the issue directly in his conversation with Nasser and Fawzi held four days later. Surprisingly, Nasser did not base his rejection of the demand on his traditional claim that Israel and Egypt were in a state of belligerency, a claim that he knew Hammarskjöld rejected. Instead, Nasser and Fawzi maintained that "Egyptian public opinion and the resulting security problems would make it impossible. They recalled that even the British, with eighty thousand troops in the Canal Zone had been unable to let Israeli ships through."¹⁴

Having failed to achieve progress on this subject, Hammarskjöld decided upon a new tack that would enable him to handle Israeli pressure and simultaneously retain a positive image internationally: linkage between freedom of passage in the Canal and deployment of the UNEF

within Israel's borders. Hammarskjöld indeed held fast to this approach despite the specious character of the linkage, whose construction had not involved the Egyptians.¹⁵ Therefore, when the first convoy passed through the Canal on March 29, 1957, after its clearance, no arrangement on this subject had been devised.

Egyptian Policy and Hammarskjöld's Efforts After the Opening of the Canal

After the failure of his talks on the subject during his visit to Cairo in March, Hammarskjöld continued to seek a secret understanding. To this end he wrote a personal letter to Fawzi on April 3, 1957. Bunche, who conveyed it, made sure to add a verbal admonition from Hammarskjöld, urging Egypt to change its stance.¹⁶ These efforts were in vain: ten days later, the Egyptian Embassy in Washington, DC, published an announcement that Egypt would continue to deny freedom of passage in the Canal and the Gulf of Aqaba to Israel.¹⁷

On April 24, 1957, the United States asked to convene the UNSC in order to discuss the question of passage in the Suez Canal. Egypt, in response, hurried to submit their official Suez Canal declaration to the UN on the same day.¹⁸ In this declaration, Egypt declared that it would grant unhindered passage to every country in accord with the provisions of the 1888 Constantinople Convention, effectively implying no change in Egypt's approach vis-à-vis Israeli ships. This act was construed as a heavy blow to the UNSG and his efforts.¹⁹

On the operational level, Egypt reiterated that it would require all vessels approaching the Canal to identify themselves. In addition, it demanded far-reaching declarations from their captains with respect to their designated destination.²⁰

External Pressures

Renewed anxiety was felt among the Western powers regarding possible Israeli actions that, it was feared, would hinder free movement in the Canal at the very least.²¹ Although Israel told the United States that according to Hammarskjöld, Nasser's resolute opposition to Israeli passage through the Canal did not pertain to Israeli cargo under other flags. By the end of April, Secretary of State Dulles hurriedly proposed that Israel refrain from shipping Israeli cargo at all; other countries applied

similar pressure.²² Still, as tensions regarding the Canal remained too great to be calmed by mere informal indications, the United States was led to attempt creation of a potential modus vivendi between Israel and Egypt regarding the Canal.

Senior US State Department as well as Israeli officials vouched that during the Cairo conversations, Nasser had expressed his intentions only regarding ships carrying the Israeli flag as opposed to the transport of cargo. US officials also recalled that upon his return from talks with Nasser in April, John McCloy, the US emissary to Cairo, had been impressed that “Egypt won’t stop cargo bound for Israel through the Canal with flags other than Israel – even carrying oil.”²³

Accordingly, a number of days after McCloy’s return to Washington, a senior State Department official commented to Shimshon Arad, an Israeli diplomat, that the Canal’s closure to Israeli traffic ran counter to the US position. However, he stressed, “that’s reality” and speculated aloud: “Let’s say that the passage of Israeli cargo on foreign ships doesn’t encounter difficulties from the Egyptians – do you think that it will be possible to make some kind of deal?”²⁴

Israeli Policy Formation, April–June 1957

Parallel to its confrontations with Western powers and the UN, Israel’s political elite pondered the question of sending an Israeli test ship. Should Israel decide to go ahead with the plan, the question then arose as to whether its leaders should content themselves with the passage of merchandise under a foreign flag or, following statements made after the Suez War, demand free passage for ships flying the Israeli flag.

Israel’s decision to send a test ship had, in fact, already been made before the Egyptian Suez Canal Declaration and before any indication of the Western powers’ stance on the issue had become public. The only question that remained was the move’s timing.

Yet, after the picture cleared (i.e., publication of the official Egyptian Suez Canal Declaration and announcement of the stances to be taken by the Western powers) and external pressures mounted at the end of April, Israel began to vacillate. In a Knesset Foreign Affairs and Defense Committee (FADC) meeting held on April 30, a debate took place between doves who surmised that current circumstances were unfavorable to sending a ship through the Canal and hawks who proposed that Israel threaten to mine the Canal if its ships were not granted free

passage. Golda Meir, Israel's Foreign Minister, closed the discussion by dismissing the hawks' proposals, noting that "there is no doubt that the response can only be diplomatic."²⁵

Thus, senior officials in the Israeli Ministry of Foreign Affairs (MFA) had agreed that Israel should focus on obtaining passage of "'prohibited' cargo on an American ship" or, at least, on a ship under the flag of a state that was not a party to the Constantinople Convention.²⁶ Meir was briefed about the options entailed with "the test of Israel's rights": (a) the passage of a ship under an Israeli flag, and (b) the passage of "prohibited" cargo on foreign ships. In any case, the briefing paper concluded, "after the seizure of the Israeli ship, the matter would eventually end up at The Hague [i.e., before the International Court of Justice]."²⁷

At the beginning of June 1957, it was already clear that the prevailing opinion was inclined toward a commercial solution, that is, the use of foreign vessels carrying Israeli cargo. Yet, disagreement continued in the MFA over the feasibility of shipping prohibited Israeli cargo in a foreign vessel. After reviewing a list of political (that is, non-military options), Israel chose what it termed "the decision for a staged test." This test was described by Israel's Ministry of Foreign Affairs as follows: "The government's decision ... is that we shall begin with a foreign flag vessel carrying cargo, among which will be [goods] which appear on the list of prohibited cargo."²⁸ Before turning to the decision's execution, however, we shall examine the main difficulty lurking behind it, which explains the lengthy period of time required to take this decision.

Linkage and the Israeli Political-Legal Quagmire

It is impossible to understand Israeli politics at the time without considering the quagmire in which Israel found itself. The source of this quagmire was the perceived linkage between the question of passage in the Canal and the question of passage in the Straits of Tiran. It was clear to Israeli decision-makers that the struggle over freedom of passage in the Canal—hopeless though it may be—was intended to prevent future confrontations over passage through the Straits of Tiran.²⁹ Israel did declare blockage of the Straits to be a *casus belli*. Yet, despite this outward stance, Israel busied itself with reaching achievements on the ground, such as a steady flow of shipping to and from Eilat, Israel's southern-most port, and recruiting international support, especially from the United States, in

recognition of this fact. Israel thus had an interest in creating a new crisis by threatening to send a test ship and following through on that threat.

At the same time, Israel understood that because of its inability to solve the problem with military force exclusively, it had only one other recourse: the International Court of Justice (ICJ). Still, the linkage between the freedom of passage in the Canal and in the Straits of Tiran meant that every decision regarding freedom of passage would have ramifications on the status of the Straits. That is, a defeat on legal grounds in the case of the Canal would undermine the second achievement, which was declared a *casus belli*: freedom of passage in the Straits.

It is not surprising, then, to discover that Israel was preoccupied with predicting the ICJ's ruling on the matter of the Canal as well as the question of whether it was possible to limit the legal debate to that site. In fact, as Golda Meir announced to members of the FADC: "We don't want this matter to arrive at the Hague, neither the Straits nor the Suez matter."³⁰ Egypt nonetheless signaled that it had no objection to litigation. The US State Department documents teach us that Hammarskjöld understood from Fawzi that Egypt considered resorting to the ICJ an elegant way of resolving the problem. Such a path would free Egypt from taking any initiative or directly agreeing to Israeli passage; it merely would have to obey the ICJ's ruling.³¹

Israel explained its opposition to bringing the issue before the ICJ in these terms: Israel objected to an ICJ hearing "not from the standpoint of our case not being just and supported, rather that bringing the matter to the Hague is likely to obscure and distort our clear rights."³² Not only did Israel sense that Hammarskjöld and the United States were both interested in bringing the issue before the ICJ, it was also experiencing growing anxiety surrounding King Saud's newfound interest, encouraged by Nasser, in Israeli traffic passing through the Straits.³³

Applying the Chosen Political Course

In an attempt to escape from the aforementioned quagmire, Israel finally decided upon "a test in stages." The MFA energetically applied itself to carrying out the decision.

In July 1957, Jerusalem reported to its delegates in the United States that it was Israel's intention to pass through the Canal in the near future. A number of foreign ships were chartered by Zim, Israel's national shipping company, although their manifests listed them as rented to "Middle

East Agencies, New York.” It was explicitly pointed out that they were slated to arrive at Israeli ports. On July 22, 1957, eight months after the conclusion of the Suez Campaign, a second vessel, the Danish ship *Birgitta Toft*, served as the actual test ship for regular cargo as it passed through the Canal on its way to Haifa from Burma. Israel braced itself for a fierce diplomatic struggle should the cargo be confiscated. However, as the American emissary McCloy had hinted, “Egypt turned a blind eye” and the ship was not detained. The fact that Rafi Ayalon, a sailor holding Israeli citizenship, was removed from the ship and arrested by the Egyptians testifies that they were fully aware of the ship’s passage and cargo.³⁴

A week later, another ship, loaded with cargo from Haifa yet this time bearing an Italian flag, passed through the Canal in the opposite direction. The first test had been passed successfully and it appeared that a tacit understanding had been put into practice.

OPERATION OF THE “TACIT UNDERSTANDING,” JULY 1957–MARCH 1959

It now remained for Israel to carry out the next step of its decision: the transfer of “contraband” cargoes through the Canal.

Passage of Contraband Cargo

Israel’s Foreign Ministry was soon requested to carry out “stage two” of its probe of Egyptian intentions. Two conditions were to be met by the move: (a) the goods chosen would be among those the Egyptians regularly confiscated, excluding oil; (b) the ship chosen would bear the flag of an acknowledged maritime power.³⁵ It appeared that calcium carbide was the only substance capable of complying with the conditions of the planned test. Therefore, in a special effort to try and implement “stage two,” 200 tons of the compound was loaded on the *Hobed*, a Norwegian ship chartered by Zim, originally meant to transport fish from South Africa to Israel.³⁶

However, the August 1957 attempt failed, and the ship departed without carrying the test substance. An unanticipated obstacle had arisen: the Norwegian captain had refused to load the calcium carbide together with the original main cargo (fish). In any case, Egypt made a show of

force by detaining the ship for a short time. Israel, on its part, hurried to submit a complaint to the President of the UNSC.³⁷

What is surprising is that the attempt to carry through stage two was never repeated, and the plan remained in abeyance. It has since become clear that preparations were being made to execute the third stage—passage of ships under an Israeli flag—parallel to the attempted implementation of stage two.

Passage of Ships Under the Israeli Flag

It appears that Israel's Foreign Ministry had located and rented a local ship, the *Halkis*, that was suitable for the final stage of the test of Egyptian intentions. However, at this stage, another mishap occurred: the ship went aground in Port Massawa, Ethiopia. The extent of the damage forced Israel to sell the vessel forthwith.³⁸

Two factors apparently explain the cessation in attempts to execute the second and third stages: (a) the understanding that seizure of a ship and confiscation of its prohibited cargo would eventually lead to a petition to the ICJ; and (b) such a step would risk Israel's only tangible accomplishment thus far—free passage of routine cargoes. As routine cargoes comprised the principal cargoes passing through the Canal to and from Israel, practical and economic considerations prevailed over the political ones (declared free passage for Israeli vessels) that were, as explained, rather problematic.

In effect, the main “prohibited” cargo that Israel sought to ship through the Canal was oil from Iran, usually arriving in Eilat and shipped north from there. If tankers could arrive directly at the northern port of Haifa, a route possible only through the canal, Israel might reap substantial savings. It was nonetheless felt that the capture of a ship and the event's repercussions would undermine Iran's willingness to continue to supply Israel with oil.³⁹

Israel, then, could not allow itself to create additional friction—further to the Suez Canal controversy—which might arouse the ire of the international actors on the scene, especially the UNSG. The political context was especially tense as a result of two vitriolic incidents that required Israel to recruit massive international support. The first involved the September 1957 Egyptian seizure of an Israeli fishing vessel, the *Doron*, some 50 kms from the Egyptian coast. However, by the time the crew was released, the “tacit arrangement” regarding the transport of routine cargoes had

already come into effect. An attempt to transport prohibited cargo at this time would have been perceived as an Israeli violation of the *modus vivendi*. The second incident was the arrest of an Israeli sailor on a Dutch ship passing through the Canal and Egypt's subsequent refusal to free him.⁴⁰

In December 1957, Pinhas Sapir, Israel's Minister of Commerce and Industry happily wrote a letter to Ben Gurion attesting to the power of the tacit understanding: "You may be interested to hear that ships are navigating back and forth through the Suez to Haifa without any delays – not even a single day due to the censorship placed on this issue in the press."⁴¹ By March 1959, the IMFA was able to inform its diplomatic staff that 41 ships carrying cargo to and from Israel had passed through the Canal as of July 1957, some even chartered by Israeli companies.⁴²

THE COLLAPSE OF THE "TACIT UNDERSTANDING" AND ISRAEL'S FAILURE TO RESTORE IT, MARCH 1959–JUNE 1960

On February 26, 1959, the Egyptians suddenly detained the Liberian vessel *Capetan Manolis*, en route to the Far East from Haifa.⁴³ Like many vessels in those days, the *Capetan Manolis*, had been chartered by a company acting as a cover for Zim. The vessel's "routine cargo" was confiscated on the claim that the enemy merchandise had been captured in territorial waters.

Israel reasoned at first that a "technicality" was at issue; hence, it proceeded to turn to the UN Secretariat for clarification of the matter while it requested the behind-the-scenes intervention of Ceylon, Liberia, and the United States.⁴⁴ Yet, on March 17, before the Secretariat had managed to respond to the request, the Egyptians confiscated Israeli goods on board the West German vessel *Lealott*, en route to the Far East, which had likewise been chartered undercover by Zim.⁴⁵

This second incident made it clear that something had changed; the violation together with the existence of the "tacit arrangement" was now made public. Israel submitted an initial complaint to the UNSC on the same day, emphasizing Israel's continued right to take such steps as it saw fit, and details on the incident were forwarded to the local media.⁴⁶

Hammarskjöld, who had already fired off a protest to Cairo, applied urgently to Fawzi for a rapid and satisfactory response and proposed

a meeting to be held in Geneva in May. Fawzi did not reply to the message.⁴⁷

In Jerusalem, it was reasoned that the Egyptians would not inflate the violation of the “tacit understanding” because if it did so, it would likely be forced to retreat. That is, Israel believed that Egypt had made a limited probe to test the reactions of the international community. Therefore, this line of reasoning continued, high-pressure tactics from the international community would in all probability move Cairo to alter its position.⁴⁸ Israeli pressure nonetheless drew varied responses.⁴⁹

To Israel’s satisfaction, two ships chartered by Zim passed through the Canal a week later. Based on messages from the United States, Israel believed that the diplomatic pressure initiated had borne fruit. Yet, on the declarative level, Egypt maintained that cargo to and from Israel would not pass through the Canal and stood by its refusal to turn over the cargo confiscated from the first two vessels halted. Bunche’s trip to Cairo (April 20, 1959), meant to deal with the problem, failed; the subject would come up again in a meeting between Bunche, Hammarskjöld, and Fawzi only two weeks later (May 9, 1959) in Switzerland. During the meeting Fawzi justified the ships’ detention on the grounds that “going so far as to charter ships was ‘cheating’ around Egyptian policy.” He clarified that “there has been no change in UAR policy or attitude concerning the passage of Israeli cargo through the Canal. But my government is elaborating the details of this policy and these will be put on the table.” However, although Fawzi refused to say how this policy would be translated in practice, his meeting partners became quite optimistic. As Bunche informed Israel few days afterward, he and Hammarskjöld “do not expect the impounding of cargoes in future.”⁵⁰

To demonstrate that the passage of the two previously mentioned vessels was unexceptional and that the international pressure had done its part, Israel decided to send another Danish vessel, the *Inge Toft*, through the Canal. An additional incentive driving this decision was the fact that the International Bank for Reconstructing and Development (IBRD) was discussing an Egyptian request for a loan in order to widen the Canal. Israel reasoned that if the Egyptians allowed passage of this well-publicized ship through the Canal, they would achieve their aim. Conversely, if the Egyptians confiscated the cargo, it would embarrass the UN and provoke the wrath of the Western powers, which would act to deny Egypt the loan; Israel would again emerge with benefits.⁵¹

Upon arrival at the Canal on May 21 with its “regular” cargo, the *Inge Toft* was indeed detained; Egypt informed Denmark that the cargo would be confiscated. However, as the captain refused to unload the cargo, the vessel remained in Port Said for most of the next nine months. However, before exploring Israel’s response, we should add that the Egyptian reasons for this violation are yet to be revealed.

As such, and in the absence of clear information, we can only assume that a combination of reasons, primarily the establishment of the union between Egypt and Syria the previous year, had inspired the Egyptians to act. The union increased feelings of security among the Egyptians and fed their daring. They apparently believed that Israel would be prevented from responding militarily to any violation of the tacit understanding.

Israel’s Response After the Detention of the Inge Toft

A storm subsequently broke out in Israel; the Knesset convened on July 3, 1957, to discuss the problem under the banner “the Egyptian’s piracy.” The opposition attacked the government for what was perceived as a humiliation. Prime Minister David Ben Gurion, nonetheless responded that “this matter affects not only Israel, but all the world ... **we won’t respond to this by war.**”⁵²

The Legal and Diplomatic Struggle

An overt diplomatic and legal struggle broke out in the aftermath. In addition to the standard justifications for the closure of the Canal to Israel, Egypt now claimed that maritime law allowed for the confiscation of Israeli goods, and the authorities had taken pains not to damage the rest of the cargo or the vessels themselves. Moreover, these actions against “Israeli schemes” (i.e., a fraudulent flag and concealment of the goods’ owners) were necessary to prevent collapse of the Arab boycott. Yet, as before, on the legal level, the problem of “linkage” remained, provoking Israel to seek to prevent the matter from coming before the ICJ, contrary to Hammarskjöld’s wishes.⁵³ On the diplomatic level, it became clear that Israel ought not to pin its hopes on the Western powers because Nasser was involved in a virulent anti-Soviet polemic in the media, and the Western powers therefore refrained from provoking him.⁵⁴

Therefore, Israeli as well as international pressure from Israel’s friends was directed at Hammarskjöld who, after a number of failed attempts

to dissuade the Egyptians to alter their stance, was compelled to depart for Cairo at the end of July in an attempt to straighten out the misunderstandings with Nasser.⁵⁵

Military Response

While Hammarskjöld was arranging the final details for his visit to Egypt, Israel considered a limited military response. In Jerusalem, as reported to its delegates in Washington, frustration and anger prevailed. The prime minister was looking for “a strike against Egypt that would not escalate into war, that would arouse second thoughts on the matter of their policy in the Suez, and that would in any case set the Western powers in motion regarding Cairo.” Following a series of policymaking discussions, the capture of every ship sailing between Egypt and Syria (at the time, the two states acted as one political unit, the United Arab Republic) was selected among the options raised. However, it appears that knowledge of Hammarskjöld’s intention to travel to Cairo, and the realization that any type of military activity would cause automatic failure of his visit, led to abandonment of the military option.⁵⁶

Hammarskjöld’s Compromise: The “Effective Stand”

Hammarskjöld arrived in Cairo in July 1959 to find a way to restore the situation that had prevailed as of 1957–1958. After he failed to change the Egyptian attitude, the Israeli diplomat Michael Comay claimed that “he proposed a shrewd formula that would enable him to save face.”⁵⁷ The arrangement agreed upon with Fawzi on July 2, 1959, what Hammarskjöld later termed “the effective stand,” cargo destined for Israel (imports) would be sent C.I.F. (i.e., Cost, Insurance, and Freight), meaning that they would be under the ownership of the vendor until they arrived in Israel, whereas Israeli cargo (exports) would be sent F.O.B. (Free on Board), that is, the goods would be under the ownership of the purchaser from the moment of their loading onto the vessel.⁵⁸

From a legal standpoint, this “classification” implied that the goods on board a vessel would not be the property of Israel at any time while being transported through the Canal, irrespective of the direction of transit. The rationale behind this formula enabled Egypt to claim publicly that there was no Israeli cargo passing through the Canal. To satisfy the terms of its logic, two conditions were demanded by the Egyptians: (a) the shipments

would not be publicized; and (b) the arrangement would be a matter of “honest trade,” meaning “that no public exploitation of this position would be made” or, using US State Department parlance, “the Egyptians will not allow passage of vessels dispatched for political reasons.”⁵⁹

This was a classic informal arrangement. Accordingly, when Israel requested some form of documentation in regards to the arrangement from Bunche in July 1959, the UN official replied: “Hammar skjöld had prohibited him from sending anything in print.”⁶⁰ Hammar skjöld himself wrote the following to Arthur Luria, the Israeli representative at the UN, on November 9, 1959: “I well know that you would prefer to have something in black on white, but that is what I cannot count on any more in this case than in the many, many other cases in which we have had to live as well as we can with pragmatic solutions never put in writing.”⁶¹

Now it remained for Hammar skjöld to obtain Israel’s agreement, which he had already attempted to secure in July 1959. When presenting the formula to Israel, he stated that he had “reason to believe that if Israel would agree ... the UAR authorities won’t interrupt the vessel.”⁶² Israel, then considering sending a Norwegian vessel, the *Pronto*, empty of cargo through the Canal, received the proposal with reservations, based on negative legal opinions it had received.⁶³ The proposed arrangement was leaked to the Israeli press, which interpreted it as dealing a serious blow to Israeli trade with the Far East. In the absence of a fixed trade route between Israel and the Far East, there was no one that would be willing to buy Israeli goods F.O.B. or worry about their successive passage.⁶⁴

On July 9, Israel announced that its initial response on the matter was unfavorable, and on the following day ordered the Norwegian vessel to pass through the Canal despite the pressure applied by the UNSG and the United States. However, the Egyptians allowed its passage without any hindrance because—according to Hammar skjöld’s interpretation—they were anxious about the West’s response.⁶⁵ Yet, although Ben Gurion saw the new arrangement (i.e., the effective stand) as “meaningless,” Israel continued to examine its actual significance while stressing that the state of secrecy was not acceptable.

On July 12, 1959, Israel decided to reject the arrangement and refrained from sending a ship to further test it (an experiment that earned the title “the quiet test” in Israel). The fear was that the successful passage of a vessel through the Canal would be enough to cause foreign actors to drop the matter. As mentioned above, Israel had a major interest in

keeping the matter high on the international agenda given the perceived linkage.⁶⁶

In the following two months, Egypt tightened its stance on transport through the Canal. In response, Israel served a complaint to the President of the UNSC on August 31, 1959, that related to Egyptian Suez Canal policy in its entirety as of February 1959 and to the continued detention of the *Inge Toft*.⁶⁷ Yet, in his meeting with Golda Meir on September 30, Hammarskjöld declared that in his opinion, “the effective stand” was a temporary pragmatic step meant to earn time until it was possible “at least to return to the 1958 situation, when passage of Israeli cargo through the Canal was tacitly accepted.”⁶⁸ At the end of two weeks, Israel transmitted an official request for handling the affair to Hammarskjöld.

THE LOAN FROM THE IBRD

Considering Israel’s understanding that the arrangement was uneconomical and that shipping exports FOB from Israel was artificial, its agreement to test the arrangement is quite surprising.⁶⁹ As it turned out, however, parallel to the hope that the proposed arrangement was to be a stopgap measure on the way to renewal of the tacit understandings of 1957–1958, Israel’s agreement was related to its desire to torpedo a pending Egyptian request for a loan from the IBRD to upgrade the Canal.⁷⁰

After the Egyptians detained an Israeli ship for two days in October, Israel intensified its pressure on Hammarskjöld. Ministry of Foreign Affairs officials clarified that “matters are dragging on without an end [in sight]; in the meanwhile, the loan will be granted which will put an end to its being employed as a factor in the deliberations with the UAR.” Hammarskjöld replied that he harbored doubts as to “whether that had ever been a factor”⁷¹ in this matter.

In contrast to the Western powers’ past policy of maintaining a low profile regarding passage of Israeli cargoes through the Canal, the anticipated necessity of voting favorably in the matter of the Egyptian loan caused concern given the negative international opinion generated in the wake of Nasser’s policy toward Israeli cargo. The main source of apprehension was the possibility Egypt’s confiscation of Israeli goods shipped through the Canal might come up for discussion at the same time.

As early as August 28, 1959, Selwyn Lloyd, the British Foreign Minister, had hurried to meet with US Secretary of State Christian Herter

in an attempt to forge an agreement on the issue. Should the above-mentioned situation arise, explained Lloyd, he anticipated a strong public backlash in Britain in which the government would find it difficult to explain why Nasser was being granted the loan. Herter clarified that should a discussion arise in the UN, they would make sure that there would be a postponement of the appointed time for the vote on the loan.⁷² Eventually, the two governments decided to leave the question of the vote's timing to the President of the World Bank, Eugene R. Black.⁷³

"The Quiet Test": Testing the "Effective Stand" (the Astypalea)

On November 23, 1959, Hammarskjöld replied to Israel's letter from October by clarifying that he saw the "effective stand" as a proposal for a transition period, which "one could usefully pass on the way back to the 1958 policy" and requested that quiet diplomacy be allowed to work.⁷⁴ On December 9, Avraham Harman, Israel's ambassador to the United States was informed that as long as Hammarskjöld's suggestion had not been implemented, it would be impossible to attempt to postpone granting the loan. Only two days later, Israel hurriedly informed Hammarskjöld and the State Department of the expected sailing of the Greek vessel *Astypalea* toward Port Said on her way to Djibouti in accordance with the supposedly new "effective stand" (its cargo of cement had been purchased F.O.B. in Israel by an Asmara firm under conditions of strict silence). The instructions to the Israeli mission to the UN came straight from the Foreign Minister who, in a highly classified telegram explained: "The object is to launch a political and information campaign on the eve of the World Bank's approval of the loan to Egypt, which is expected on the 21st, in a last attempt to foil that transaction."⁷⁵

Hammarskjöld, who endorsed the step and expressed his belief that the cargo would pass unmolested, alerted Fawzi the next day (December 12) of Israel's intentions and impressed upon him that there would be no publicity involved.⁷⁶ Moreover, he urged Fawzi to ensure that "this first real test of the 'effective stand' formula went smoothly, with strict observation of the rules of the game on both sides." Surprisingly, Fawzi's deputy, Zolfikar Sabry, replied that secrecy had already been violated. Fawzi's evasion of a personal response as well as Sabry's reply enraged Hammarskjöld because, as he explained later to Fawzi, he saw it as a personal affront in light of his own declaration that the condition of secrecy had indeed been met by Israel.⁷⁷ In retrospect, it appears that the

Egyptians saw Hammarskjöld's announcement regarding the *Astypalea's* sailing as "an act of Israeli diplomacy by way of a third party."⁷⁸ On December 17, 1959, upon its clandestine arrival in Port Said, the *Astypalea* was detained despite Hammarskjöld's immediate request to Fawzi that Egypt honor its word.

While Israel imposed a news blackout in order to permit Hammarskjöld's and the United States to act in the matter, the Egyptians defended their actions in the media by claiming that Israel had sent the vessel with the intention of causing an incident so as to prevent Egypt from receiving the loan from the IBRD. Fawzi also noted that there were irregularities in the *Astypalea's* papers.⁷⁹ Yet, Nasser even denied the existence of any sort of arrangement between Fawzi and the UNSG pertaining to the passage of Israeli goods through the Canal.⁸⁰

At first, Israel reasoned that detention of the *Astypalea* was a diplomatic stroke.⁸¹ However, the following day, on December 21, despite the initial optimism, the \$56 million loan to Egypt was approved. due to, *inter alia*, the Bank President's belief, influenced by Hammarskjöld, that approval would enable a return to the understandings achieved in 1958.⁸²

In Israel, it was felt that it had come out with the worst of all possible options; feelings were stormy.⁸³ Bunche, who has been requested by Israeli delegates to the UN to transmit to Hammarskjöld some paragraphs from Meir's planned address at the Knesset in advance, strongly urged Israel not to follow this tack (i.e., public attack) but to no avail.⁸⁴

The spotlight was now turned on Hammarskjöld who, on the day of the loan's approval sent Fawzi a message explaining that he thought it would now be fitting for Egypt to allow the *Astypalea* to pass through the Canal. However, to his surprise, his request met with refusal, and he found himself, as did the President of the IBRD, in a state of embarrassment. His deputies agreed that "the attempt to restore the 1958 conditions in two stages has failed." They promised Israel on Hammarskjöld's behalf that they would keep demanding the ship's free passage.⁸⁵

At first, Bunche was sent to Cairo to set the stage for the UNSG's visit. However, Egyptian policy had become more radicalized and Fawzi refused to see Bunche in the absence of Hammarskjöld. Thus, on January 20, 1960, Hammarskjöld arrived in Cairo for a last diplomatic effort on the subject in general and the *Astypalea's* release in particular. In his first conversation with Fawzi (January 21), the latter explained that from

the vessel's papers it had become apparent this was not in fact a F.O.B. transaction, meaning that the "effective stand" was not an issue. In addition, Fawzi pointed out that the timing of the attempt was "just as the [World] Bank was about to act on the loan to the UAR for the Canal." He thus clarified that for Egypt, this action was intended to block the loan's approval. In response to Hammarskjöld's question as to whether the vessel would be allowed to pass should it turn out that the papers were in order, Fawzi replied that it "might," even though there was a lot of "buzz" over the issue in the Arab countries.

In Hammarskjöld's conversation with Nasser later on the same day, Nasser attempted to link the issue to the Palestinian problem. As to the *Astypalea*, he was angry over a message that had been passed on to him according to which Hammarskjöld had, for the first time, cast doubt on Egypt's good faith. In his opinion, Egypt had not broken its word because "in the first place, there was no agreement, as often alleged." And he had refrained from publicly declaring that merely to avoid embarrassing the UNSG. Second, Israel had rejected the "effective stand" in a declaration on August 26, 1959, which was published in all the Arab countries and was very embarrassing to the UAR. Third, the timing proved that this was not honest trade but a deliberate test designed to "embarrass the UAR's application to the bank for the Canal loan."⁸⁶

The next day, Hammarskjöld left Cairo angrily and Nasser rushed to announce that no agreement had been reached regarding the passage of Israeli cargo through the Canal, that there never was such an agreement, and that the two ships, the *Inge Toft* and the *Astypalea*, would be allowed to pass only after their cargo had been confiscated.⁸⁷

When Israel sent an informal representative to Hammarskjöld to make threatening allusions to an offensive operation, the UNSG himself made use of this channel to clarify that he was not completely gullible and that he well knew what was behind the ship's mission.⁸⁸ Furthermore, in his formal meeting with Israeli representatives in the UN on February 3, 1960, Hammarskjöld suddenly claimed that "there [had] never been any agreement in the technical sense of the word between President Nasser and myself – neither an open nor a clandestine one – but simply an indication of the conditions under which goods of Israeli origin might pass through the Canal." Hence, he refused to publicly condemn Egypt's actions.⁸⁹

THE INGE TOFT AFFAIR: CONCLUSION

Israel now understood that there was no further benefit to be gained in berthing the vessel in Port Said, especially given her owners' desire to discharge her cargo in order to complete urgent repairs. However, not only did the Egyptians confiscate the cargo and force the owner to pay for its unloading—despite early guarantees to Hammarskjöld to the contrary—the empty ship was prevented from sailing southward on February 14 and forced to turn back to Haifa. Israel did not react because of concern that publicizing it would lead the Egyptians to prevent the passage of ships without cargo from Israel in the future.⁹⁰ Yet, violating their guarantees initiated a turnabout in relations between Hammarskjöld and Egypt. Bunche explained explicitly to Israeli representatives that it was likely that Hammarskjöld would break off relations with Nasser over this issue.⁹¹

CONTINUATION OF THE DIPLOMATIC STRUGGLE: THE ATTEMPT TO RELEASE THE *ASTYPALEA*

In Israel it was decided that although there was no point in pinning hopes on Hammarskjöld's efforts, it was necessary to continue the diplomatic campaign. However, Israel attempted to prevent the subject from coming up in the UNSC, which could put the final nail in the coffin of diplomatic activity and send the issue to the ICJ.⁹² Therefore, it was now decided to abide by Hammarskjöld's request to fetch him *Astypalea's* papers even while still rejecting the necessity of this requirement—the declared reason behind the delay. However, the Egyptians tarried in checking the papers. When, in March 1960, its charter of the vessel was about to expire, Israel turned to Hammarskjöld for the last time to ensure that *Astypalea* was allowed to depart southward forthwith.⁹³ Hammarskjöld explained that at this point the subject had become a test of prestige. At the same time, however, he emphasized that he could not “draw conclusions that there was no possibility of arriving at a *modus vivendi*” and that he intended to continue to be active in the matter.⁹⁴

Now prevented from initiating any diplomatic activity yet still obliged to return the *Astypalea* to its Greek owners by April 9, 1960, only two possible directions remained open to Israel: achievement of propaganda gains and a military response.

Propaganda Gains

Israel now busied itself with a publicity campaign centered on the unloading and confiscation of the cargo on April 8, 1960, which forced Hammarskjöld to announce that the Egyptian action was contrary to UN principles.⁹⁵ Eventually, the success of the publicity campaign, as Hammarskjöld told Blaustein, had, temporarily at least, shut the door on the possibility of Israeli passage through the Canal.⁹⁶

Military Response

As in the *Inge Tuft* affair, detention of the *Astypalea* aroused voices calling for a military response. In a stormy Knesset debate held on December 22, 1959, it was even proposed “to block the Suez Canal.”⁹⁷

Indeed, to all appearances, after unloading of the *Astypalea*'s cargo in April, it was decided to put into effect the proposal to “block the Canal.” In an attempt to do so, Israel had planned to sink an Egyptian military transport that departed on a set course twice monthly from Alexandria to Egyptian military bases at the southern end of the Canal. The plan was aborted,⁹⁸ almost certainly for political reasons related to factors linked to the cornerstone of relations between the two countries: a common aversion to war.

FINALE

After the *Astypalea*, Israel desisted from its efforts to change Egypt's stance and developed the Port of Eilat as the alternative outlet for commercial trade with East Africa and the Far East.⁹⁹ In fact, although there were still some instances in which Egypt confiscated mail and other goods destined for Israel in ships that passed through the Canal throughout 1961, Israel had ceased, in principle, to channel shipping through the Canal.¹⁰⁰ During secret negotiations held between the two countries in 1965–1966, Israel requested the reinstatement of the 1958 understanding. When the Egyptians replied that significant obstacles stood in the way of carrying out this request—“the Canal was tied to the Arab boycott, in which other countries participated”—Meir Amit, then head of the Mossad, responded in a manner reflecting the pattern of the two countries' relationship at the time: “If you really want to, you can find an acceptable formula.”¹⁰¹

CONCLUSION

The arrangement reached through third-party brokerage on the matter of the passage of Israeli goods through the Suez Canal following the Suez War provides a classic example of situations that require tacit understandings. The Egyptians were unable to tell Hammarskjöld explicitly that they would agree to Israeli use of the Canal, especially with Israeli vessels, for fear of appearing to submit to Israeli dictates. At most, Nasser was willing to consider a tacit understanding, with Israel's cooperation needed to preserve its secrecy. Such a covert agreement would enable Nasser to claim that he was blocking the passage of Israeli cargo through the Canal. This claim was a critical component in the preservation of his prestige against the background of Saudi Arabian and Jordanian objections to his allowing Israeli ships free passage in the Straits of Tiran and the UNEF presence in Egyptian territory. Accordingly, this understanding made possible the transport of goods and the neutralization of an explosive political situation from Nasser's perspective—a fact clear to all sides.

These details illuminate the formation of the “tacit understanding” attained. Nonetheless, Nasser's disavowal of that understanding still requires interpretation. Indeed, in the absence of official Egyptian documents or Nasser's personal files, the reason for Nasser's decision remains shrouded. It would be reasonable to assume that in his view, the unification with Syria, begun a year earlier, carried significant weight and substantially augmented Egypt's strength. Therefore, it appears that Nasser felt his challenge of this fragile tacit understanding was opportune, convinced as he was that it would not drag Egypt into another war with Israel.

It is no less interesting to make note of the Israeli response. In the first instance, knowledge of Hammarskjöld's plans to arrive in Cairo and the awareness that any military activity would be considered responsible for the failure of his diplomatic endeavors, Israel refrained from initiating any offensive action. However, in the second instance, after the failure of Hammarskjöld's arrangement (“the effective stand”), the political leadership continued to avoid military action. From the perspective of costs and benefits, there was, indeed, no room for any military operation. Not only were the chances for reviving prior arrangements regarding commercial cargoes—primarily freedom of passage—nil, but the blocking of the Suez would have aroused the wrath of Western capitals and the UN. In addition, any offensive action focusing on the Canal, such as the one planned

by Israel, could have constituted a genuine risk to the fragile relationship maintained between the two countries during that period.¹⁰² The two adversaries shared nothing other than a common interest, however limited, in avoiding the sole possible outcome of non-collaboration: war.

In September 1975, following the 1973 War, both states signed The Sinai Interim Agreement allowing free passage of “non-military cargoes destined for or coming from Israel.”¹⁰³ On April 30, only five days after the 1979 Egyptian-Israeli Peace Treaty went into effect, the first Israeli cargo ship, *Ashdod*, passed through the Canal.¹⁰⁴ A few months later, in December 1979, the first Israeli Navy ship, *Tarshish*, passed through the Canal with Rear Admiral Zeev Almog, then the Navy’s Commander in Chief, on board.¹⁰⁵

NOTES

1. Raymond Cohen, for instance, defined a tacit understanding as: “an understanding contained neither in a written document, nor in an explicit verbal promise, nor even in the spirit of a written agreement.” See Raymond Cohen, “Rules of the Game in International Politics,” *International Studies Quarterly* 24, no.1 (March 1980): 142.
2. See Ruth Lapidot, “Hofash Hasiet Betalat Suoets” [Freedom of Navigation through the Suez Canal], *Hapraklit* 24 (1968): 33 [In Hebrew].
3. For the Israeli complaint see UN Depository Libraries, S/2241, July 12, 1951 (unless otherwise stated, all the UN documents mentioned here are available in the Depository Libraries). For the UNSC Res. 95, see S/2322, September 1, 1950.
4. In practice, there was no case of confiscation of Israeli exports goods because no goods were exported to the Far East before the 1956 War. See Israel State Archive (hereinafter ISA), Knesset Foreign Affairs and Defense Committee (hereinafter FADC), A/7566, File No. 8, Protocol 32/D, July 14, 1959, p. 8.
5. For the draft, see S/3188.
6. Avner Yaniv, *Politikah ve-astategyah be-Yisra’el* [Politics and Strategy in Israel] (Tel-Aviv: Sifriat Hapoalim, 1994), 63.
7. For instance, as Israeli Prime Minister and Defense Minister, Ben Gurion had declared to his Cabinet on March 3, 1955: “We would not be able to navigate through the Suez [Canal] by force. Our attempts would fail.” A week later he mentioned that: “In my opinion, there is nothing we can do in the Suez matter.” Cabinet meetings, March 3, 1955 and March 10, 1955, respectively. Ben Gurion Archives (Ben Gurion Research Center, Sedeh Boker), Cabinet Meeting file.

8. See David Ben Gurion, *Diary* (Givatayim: The Israel Military and Defense Establishment Archives) [hereinafter IMDEA], entry for November 11, 1956 (hereinafter, BGD and date).
9. See Mordechai Bar-On, *The Gates of Gaza: Israel's Road to Suez and Back, 1955-1957* (New York: St. Martin's, 1994), 292.
10. Israel's activities regarding this demand became more strident only after Israel had resolved its other problems, such as freedom of navigation through the Straits of Tiran. See FADC A/7565, File No. 6, Protocol 17/B, February 5, 1957.
11. Eisenhower D. Dwight, *Waging Peace, 1956-1961* (New York: Doubleday, 1965), 188.
12. For Nasser's promise, see the UNSG's report to the UNEF's Advisory Committee. *UN Archive*, S-0316-002-4 Advisory Committee, 24th Meeting, Minutes (March 16, 1957), 2. For his declaration see Abba Eban, *The Diplomatic Battle in the United Nations and the United States in the Aftermath of the Suez Operation, October 1956-March 1957*, vol. II, annex I (Washington: June 1957), 7 (Heb.). Unpublished manuscript, ISA, Foreign Office Files (hereinafter FO) 2458/18-19.
13. See Eban, *The Diplomatic Battle*, 318; *Foreign Relations of the United States* (hereinafter: *FRUS*), 1955-1957, vol. XVII, *the Arab-Israeli Dispute, 1957* (Washington, DC: United States Government Printing Office, 1990), no. 208. An additional request that Israel temporarily refrain from sending test vessels arrived from France, then Israel's closest ally. See ISA, FADC A/7565, File No. 7, Protocol 24/B (March 13, 1957), 26.
14. Brian E. Urquhart, *Hammar skjöld* (London: Harper & Row, 1972), 219. See also *FRUS*, 1955-1957, vol. xvii, no. 252.
15. For Hammar skjöld's view on this issue see Advisory Committee, 29th Meeting, Minutes, April 15, 1957, 21, *UN Archive*, S-0316-002-7.
16. For the warning's version, see Urquhart, *Hammar skjöld*, 223.
17. Radio Cairo repeated this announcement after a few days. See "Egyptian Declarations on the State of War with Israel," Letter, Yosef Tekoah, Director for Armistice Affairs at the MFO, to the Foreign Minister's Bureau, Jerusalem, May 7, 1957, ISA, FO 3112/7.
18. For the US request, see S/3817/rev.1, April 24, 1957. For the declaration, see *Declaration on the Suez Canal and the Arrangements for Its Operation, 1957*, *United Nations Treaty Series*, vol. 265, 300.
19. See "Constantinople Convention Respecting Free Navigation of the Suez Maritime Canal, 1888," *American Journal of International Law*, Supp., 123 (1909): 3. On the "heavy blow to Hammar skjöld," see Urquhart, *Hammar skjöld*, 224.

20. ISA, FO 3112/8, vol. III. For the new demands from chartered ships see Telegram, Ministry of Foreign Affairs, Jerusalem (hereinafter: Jerusalem), to Yaacov Herzog, June 4, 1957, ISA, FO 3112/7, vol. II.
21. The US, for instance, hinted to Israel that in light of the ongoing negotiations between Nasser and the Suez Canal Company that had managed the Canal until its nationalization by Nasser, raising Israeli concerns was "likely only to do damage" to possibilities for concluding the talks. See Israeli embassy in the US (hereinafter IsEmbassy, US) to Jerusalem, April 29, 1957, ISA, FO 3112/6, vol. I.
22. *FRUS*, vol. XVII, No. 264. For Dulles's advice and the involvement of additional states, see ISA, FADC A/7565, File No. 8, Protocol No. 27/b, April 30, 1957, 21.
23. For Israeli policy makers' awareness, see ISA, FADC A/7565, File no. 8, Protocol No. 27/b, April 30, 1957. For John McCloy's impression, see memo from Gideon Rafael to the Foreign Minister, July 15, 1957 ISA, FO 3112/7, vol. II. In fact, after his meeting with Hammarskjöld upon the latter's return from Cairo, Henry Cabot Lodge, Jr., the US Ambassador to the UN, recommended to his superiors that "Israel should therefore not introduce Israeli-flag vessels the moment the Canal opens, but should wait and see whether non-Israeli-flag vessels carrying Israeli cargo are allowed to pass." see *FRUS*, vol. XVII, no. 252.
24. Israeli Embassy, New York to Jerusalem, April 29, 1957, ISA, FO 3112/6, vol. I. The American official was identified as Samuel de Palma.
25. ISA, FADC's meeting A/7565, File no. 8, Protocol No. 27/b, April 30, 1957, 11–12.
26. Memo from M. Shneerson, Head of the British Commonwealth Division, to M. Gazit, Head of the Office of the Minister of Foreign Affairs, May 8, 1957, ISA, FO 3112/7, vol. II.
27. Memo from Gideon Rafael to the Foreign Minister, July 15, 1957, ISA, *ibid.*
28. For the complete statement see ISA, FADC's meeting A/7565, File no. 8, Protocol No. 29/b, June 18, 1957, 7.
29. Israeli embassies were briefed as follows: "the diplomatic struggle on the matter of the Suez constituted a first line of defense for freedom of passage through the Straits of Tiran." Telegram, Jerusalem to Israeli embassies, April 14, 1957, see ISA, FO 3112/6, vol. I.
30. ISA, FADC's meeting A/7565, File no. 8, Protocol No. 29/b, June 18, 1957, p. 8.
31. *FRUS*, Vol. XVII, No. 252. Infact, Egypt had already committed itself to accepting ICJ decisions in cases of differences with parties to the Constantinople Convention given Israel's non-party status regarding the agreement.

32. See memo of conversation between the Foreign Minister and Margaret Meagher, the Canadian representative in Israel, as cited in letter, Jerusalem to the Israel's Embassy in Canada, May 7, 1957, ISA, FO 3086/14.
33. For the Israeli concerns, see *ibid.* For the US approach regarding bringing to issue before the ICJ, see *FRUS*, Vol. XVII, No. 264. For the fears regarding Saudi Arabia, see letter, Gideon Rafael to the Foreign Minister's bureau, May 8, 1957, ISA, FO 3112/7, vol. II. As Rafael stressed in the wake of capture of an Israeli ship, Israeli restraint (i.e., a non-military response) "would be interpreted as his [Nasser's] victory and likely to influence King Saud, who would then flex his own muscles in the Straits of Tiran."
34. Ayalon himself was released after three weeks of detention at the Egypt-Israel border, thanks to Danish intervention. For an overview on this affair, see a report by M. Ben-Dov, ISA, FO 3112/19. Against the background of the special relationship created between the countries (the so-called limited security regime), it appears that the speedy return of the sailor was due to the blackout imposed by Israel over the entire affair.
35. See, e.g., Letter, Y. Alizor to the Foreign Minister's bureau, July 17, 1957, ISA, FO 3112/7, vol. II.
36. For the considerations leading to the choice of Hobed, see *ibid.*
37. For the detention and the complaint, see Telegram, Jerusalem to the Israeli Embassy in Norway, August 22, 1957, ISA, FO 3112/8, vol. III.
38. Letter, Jerusalem (Comay) to the Deputy Director-General of the Treasury Ministry, September 29, 1957, see ISA, *ibid.*
39. ISA, FADC's meeting A/7565, File no. 10, Protocol No. 37/b, August 27, 1957, 21–22.
40. Ben Gurion raised those issues during his conversation with the UNSG in the end of 1957. See IMDEA, IDF General Staff meetings No. 23/57, File No. 35, December 5, 1957.
41. Pinhas Sapir to the PM and Minister of Defense, David Ben Gurion, December 8, 1957 ISA, FO 3112/8, vol. III.
42. Telegram, Jerusalem (Comay) to the Israel's embassies, March 27, 1959 ISA, FO 3745/11.
43. A methodological comment: Although Egypt changed its name to the "United Arab Republic" (UAR) after its union with Syria in February 1958, we continue using the old name for simplicity.
44. Telegram, IsEmbassy US to Jerusalem, March 13, 1959, in ISA, *Documents on The Foreign Policy of Israel, 1958–1959*, vol. 13, *Companion Volume*, ed. Baruch Gilead (Jerusalem: State of Israel, 2001), no. 86 (hereinafter cited as ISA, Documents, 1958–1959).

45. Telegram, Jerusalem to Israel's embassies, March 17, 1959, ISA, Documents, 1958–1959, no. 87.
46. Ibid. For the complaint see S/4173, ISA, Documents, 1958–1959, main volume, appendix A.
47. Urquhart, *Hammar skjöld*, 302.
48. See exchange of letters in ISA, FO 3112/8, vol. III; see also ISA, Documents, 1958–1959, no. 88.
49. The United States told Egypt that it preferred not to raise the subject before the UNSC but if Israel insisted upon it, the United States would not object. Hammar skjöld, however, wished to refrain from a dramatic response due to his trepidation that Egypt would react by demanding removal of the UNEF. On US and UK involvement, see letter, Jerusalem to IsEmbassy US, March 23, 1959, ISA, FO 3112/8, vol. III. For Hammar skjöld's stance, see letter, Jerusalem to the Israeli mission in Italy, April 5, 1959. See ISA, FO 3112/8, vol. III. For the activities of other states such as Germany, Ceylon, Liberia, Switzerland, and Malaya, see ISA, Documents, 1958–1959, p. 69, note 5.
50. For the conversation's transcription, see UN Archive S-0370-0042-25. For his talk with Israel's representatives to the UN, see Israel mission to the UN to Jerusalem, May 13, 1959, ISA, Documents, 1958–59, no. 90.
51. See telegrams, Jerusalem to the Israeli Ambassador in The Hague, May 17, 1959, and Jerusalem to IsEmbassy US, May 18, 1959, ISA, FO 3112/8, vol. III.
52. Emphasis added. See *Divrei ha-Knesset* (hereinafter *DK*), vol. 28 (1959), 2151 (Heb). Documents uncovered only in 2003 show that on May 27, the PM had already come under attack in the Knesset's Foreign and Security Affairs Committee over the publicity surrounding the ship's mission. Surprisingly, Ben Gurion claimed that he had not known about it and blamed the media for publishing the item. He insisted that had he been consulted on this matter, he would have approved the mission. FADC, A/7566 File No. 7, Protocol, 26/D May 27, 1959, 12.
53. Telegram, Jerusalem to Israeli embassies, June 7, 1959, ISA, FO 3112/9, vol. IV. The perception of "linkage" was a major reason to avoid calling a UNSC session or holding a discussion in the UNGA. See FADC, A/7566 File No. 8, Protocol 34/D, August 6, 1959, 3–4.
54. Crosbie K. Sylvia, *A Tacit Alliance: France and Israel from Suez to the Six Day War* (Princeton, NJ: Princeton University Press, 1974), 143.
55. For *Hammar skjöld*'s efforts and letters to Fawzi dated June 4 and June 11, 1959, prior to his visit in Cairo see UN Archive S-0316-0011-7. Urquhart mentioned an additional letter, missing from the UN files; see Urquhart, *Hammar skjöld*, 303.

56. BGD, June 7, 1959. For the three offered options, see Letter, Jerusalem to IsEmbassy US, June 1, 1959, ISA, FO 3112/9, vol. IV. On July 14, one member of the FADC presented a legal construction enabling seizure of Egyptian vessels in the high seas while abiding by international law. FADC, A/7566 File No. 8, Protocol 32/D, July 14, 1959, 12.
57. Michael Comay, *UN Peace Keeping in the Israeli-Arab Conflict, 1948–1975: An Israeli Critique* (Jerusalem: The Leonard Davis Institute, 1976), 79. It is not clear, however, who proposed the formula as Fawzi had hinted about its existence in early talks with Bunche in April. Hammarskjöld, in any case, presented it as an Egyptian solution. Urquhart, *Hammarskjöld*, 304.
58. For the Egyptian consent to Hammarskjöld's offer, see minutes of the meeting between Fawzi and Hammarskjöld (with Bunche), January 21, 1960, UN Archive S-0370-0042-25.
59. Minutes of meeting between R. Bunche and A. Cordier with Israel's representatives to the UN, July 4, 1959. ISA, Documents, 1958–1959 (main volume), no. 95. For the US interpretation, see IsEmbassy in the US to Jerusalem, July 4, 1959, *ibid.*, (companion volume), no. 96.
60. Telegram, IsDel UN to Jerusalem, July 17, 1959. ISA, FO 3112/9, vol. IV.
61. See UN Archive S-0316-0011-7. See also ISA, Documents, 1958–1959 (main volume), no. 104.
62. See a transcript of the Foreign Minister's remarks, *DK 28* (1960): 175.
63. For Hammarskjöld's words as cited by the Israeli Foreign Minister, see *DK 28* (1960): 175. As some senior officials reasoned, "we mustn't speak about arrangements that we have to accept or reject because what is at issue is not an arrangement at all, since the Egyptians are determining all the facts" (see, e.g., letter to the General-Director by his Deputy, July 7, 1959, ISA, FO 3112/9, vol. IV).
64. See, e.g., *Ha'aretz*, July 9, 1959. For an elaboration of this point, see FADC, A/7566 File No. 8, Protocol 32/D, July 14, 1959, 3.
65. Telegram, Jerusalem to IsEmbassy US, July 13, 1959, ISA, Documents, 1958–1959, no. 98; Urquhart, *Hammarskjöld*, 304.
66. For a summary of the Israeli cabinet meeting on that issue see Telegram, Jerusalem to IsEmbassy US, July 13, 1959, ISA, Documents, 1958–1959, no. 98.
67. There was, however, no request to take up the matter. For the change in Egyptian policy, see letter, Arie Lapid to the Director-General, August 25, 1959, ISA, FO 3112/10, vol. VI. For the Israeli complaint, see S/4211; ISA, Documents, 1958–1959 (main volume), appendix B.
68. Urquhart, *Hammarskjöld*, 304.
69. Telegram from Jerusalem to IsEmbassy US, July 12, 1959, ISA, FO 3112/9, vol. IX. See also ISA, Documents, 1958–1959, no. 98, note 5.

70. Golda Meir articulated the position in August 1959: "the only scourge we have against Nasser, and even this is not absolute, is its negotiation with the IBRD." FADC, A/7566 File No. 8 Protocol 34/D, August 6, 1959, 6.
71. To Israel's position and Hammarskjöld's reply, see Telegram from the IsDel UN to Minister of Foreign Affairs, Jerusalem, November 10, 1959, ISA, FO 3112/11, vol. VI.
72. *FRUS*, 1958–1960, vol. XIII, *Arab-Israeli Dispute*, no. 89.
73. Black himself would covertly turn to Britain and the United States for guidance on how to negotiate the matter. *Ibid.*, no. 245.
74. For the letter see UN Archive S-0316-0011-7. See also ISA, Documents, 1958–1959, no. 107.
75. Telegram, Israeli Foreign Minister to IsDel UN, December 11, 1959, ISA, Documents, 1958–1959, no. 108.
76. For the announcement to Hammarskjöld and his reaction, see Urquhart, *Hammarskjöld*, 305; telegram, Comay to Jerusalem December 11, 1959, ISA, Documents, 1958–1959, no. 109.
77. Urquhart, *Hammarskjöld*, 305–6.
78. Minute of Hammarskjöld and Bunche's conversation with Fawzi and Nasser on January 21, 1960, UN Archive S-0370-0042-25.
79. The Egyptians later explained to Hammarskjöld that the papers revealed that the charter by Israel "had been done far too directly, the ship's bill of lading did not show that the cargo was F.O.B." and, finally, the buyer "was not entirely a non-Israeli." Telegram, IsDel UN to Jerusalem, February 3, 1960, ISA, *Documents on The Foreign Policy of Israel*, vol. 14, 1960, ed. Baruch Gilcead (Jerusalem: State of Israel, 1997), companion volume, no. 50 (hereinafter cited as ISA, Documents, 1960).
80. *Radio Cairo*, December 22, 1959; *A-Aharam*, December 21, 1959.
81. Telegram, IsDel UN to Jerusalem, December 20, 1959, ISA, FO 3112/11, vol. XI.
82. Urquhart, *Hammarskjöld*, 306.
83. A special discussion was held in the Knesset, during which Foreign Minister Meir vented her anger at Hammarskjöld and assigned him full responsibility for Egypt's policy and Israel's deception. See *DK*, vol. 28 (1960), 177.
84. See telegram, Bunche to Hammarskjöld, December 20, 1959, UN Archive S-0316-009-20.
85. Telegram, IsDel UN, December 30, 1959, ISA, Documents, 1958–1959, no. 108.
86. For the conversation's summary, see UN Archive S-0370-0042-25.
87. For Nasser's announcement, see Yitzhak Oron, ed., *Middle East Record*, 1960, vol. I (London: Weidenfeld & Nicolson, 1966), 39 (hereinafter *MER*, 1960).

88. See the report of the informal representative (Jacob Blaustein, honorary president of the American Jewish Committee) as cited in telegram, Tekoah to Jerusalem, February 11, 1960, ISA, Documents, 1960, no. 56.
89. The refusal also reflected his understanding of Israeli motives regarding the timing of the vessel's departure. For summary of the conversation, see UN Archive S-0370-0042-26.
90. For Fawzi's promise, see IsDel UN to Jerusalem, February 10, 1960, ISA, Documents, 1960, (main volume), no. 54.
91. *Ibid.*
92. See FADC, A/7566 File No. 9, Protocol 32/D, February 2, 1960, 36.
93. Telegram, Jerusalem to the IsDel UN, March 30, 1960, ISA, FO 2333/20.
94. IsDel UN to Jerusalem, March 31, 1960. ISA, Documents, 1960 (main vol.), no. 67.
95. See statement by the UNSG, New York, April 8, 1969, ISA, Documents, 1960 (main volume), no. 72.
96. Urquhart, *Hammar skjöld*, 308. The publicity campaign's success is borne out by behavior such as the April 13 refusal of New York harbor stevedores to unload cargo from the Egyptian passenger ship *Cleopatra*. The ship was delayed in the harbor for several weeks until US government involvement brought about its release. For a detailed description of the affair in New York, see *MER*, 1960, 41–45.
97. *DK*, vol. 28 (1960), 173.
98. Zemeret Nizia, "Yaacov'ala Cohen – An Actor on the Stage of Life" (Past Affair – The Operation of Sinking an Egyptian Ship in the Canal, 1960), *Bulletin of the Center for the Intelligence's Heritage* 12 (December 1995): 6–7 [In Hebrew].
99. In November 1960, Israel passed another message on the matter to the President of the SC but without a request for a discussion of the subject, *MER*, 1960, 40.
100. See, e.g., ISA, FO 3386/27 entitled "Australia – Confiscation of Bags of Mail by Egypt on Their Way from Australia to Israel."
101. Meir Amit, *Rosh Be-Rosh* [Head On] (Or Yehuda: Hed Arzi, 1999), 217.
102. This fragile structure still allowed for economic warfare, propaganda wars and even indirect war, as Israel proved by way of its involvement in the War in Yemen. See Yossi Melman, "Former Head of the Mossad Admits: Israel Has Intervened in the War in Yemen," *Ha'aretz*, February 21, 2000.
103. Interim Agreement between Israel and Egypt 4 September 1975. Art. VIII. <https://peacemaker.un.org/egyptisrael-interimagreement75> (accessed March 10, 2022).

104. "3 Israeli Navy Vessels Go Through the Suez Canal," *New York Times*, May 30, 1979, Sec. A, P. 3.
105. Ze'ev Almog, *Commander Flotilla 13: The Sails of My Life* (Or Yehuda: Kinneret, Zmora-Bitan, 2014), 1126.

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