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Altering International Law: Nasser, Bandung, and the Suez Crisis

Charlotte Peevers

“We believe in international law. But we will never submit. We shall show the world how a small country can stand in the face of great powers threatening with armed might.”¹

The traditional narrative of the Suez Crisis begins on July 26, 1956, with Gamal Abdel Nasser’s announcement of the nationalization of the Universal Suez Canal Company; hits a crescendo with first Israeli, and then Anglo-French invasion of Egypt in late October 1956; and ends with an humiliating cease-fire and replacement with a United Nations Emergency Force in December 1956. The Suez Crisis now sits as something of a mythic monument to the folly of imperialist adventurism in the face of postwar decolonization and the United Nations Charter era. The orthodox memory of the Suez Crisis and its ideational legacy have been mythologized into a cautionary tale of using force to settle disputes because of the spectacular events at the climax of international negotiations over nationalization, namely the Anglo-French collusion with Israel in concocting a pretext for military invasion and occupation.²

This chapter does not pose a counter-narrative of the Crisis, but offers up an alter-narrative drawing attention to the Egyptian demand for equality, sovereignty, and independence in the emerging Cold War decolonizing world.³ Such an alter-narrative pays closer attention to the pre-climactic international negotiations in the aftermath of nationalization. It focuses on the way the US, France and Britain (henceforth ‘the great powers’) – sought to ‘internationalize’ the Canal and its operation, and the ways in which Egypt resisted and rejected what it termed ‘collective colonialism’. In retelling this narrative

¹ September 15 (1956) speech, <http://www.fordham.edu/halsall/mod/1956nasser-suez1.html>.

² I refer here to disciplinary and institutional histories emphasizing the illegality of the Israeli and Anglo-French invasion (and collusion) and the pacific innovation of peacekeeping. See for example the United Nations history of peacekeeping, available at <<http://www.un.org/en/peacekeeping/missions/past/unefi.htm>>; or Robert Bowie’s *Suez 1956* (International crises and the role of law) (London, Oxford University Press: 1974)

³ This attention to the demand for reclaiming an authoritative legal personhood through international law has synergies with Pahuja’s chapter in this volume.

reliance is placed upon a reconstructed archive: again, not a contrary site of authority but one that sits alongside the imperial archive.⁴

Between July 26 and October 1956, Nasser gave a series of speeches, produced pamphlets, conducted interviews, made statements, and drafted formal responses to the international negotiations over Egypt's nationalization of the Suez Canal Company. In these multiple forms, Egypt rejected interference in its sovereign affairs, citing international law and tenets of the United Nations Charter as support for the legitimacy (and legality) of nationalization. Throughout the Suez Crisis, Nasser articulated an alternative appraisal of efforts at internationalization. In Egypt's view, internationalization merely sought the renewal of colonial domination and interference in its economic independence. In particular, Nasser highlighted how the great powers were determined to internationalize the Suez Canal in order to sever the Canal from Egyptian territory. Nasser made a temporal distinction between the colonial past and Egypt's guarantee to abide by international law. This distinction manifested in a number of speeches, including the July 26 speech announcing the nationalization of the Company, the August 12 press conference declining the invitation to the First London Conference, the statement issued following the rejection of the Menzies delegation, and the speech denouncing the proposal for a Users' Association.

Nasser sought not only to expose the transparently colonial imagining of internationalization but also to highlight Egypt's compliance with international law. For instance, he juxtaposed the flagrant disregard for international law in colonial powers' nonadherence to the 1888 Constantinople Convention, with Egypt's compliance with free passage.⁵ Nasser's distinct discourse of internationalism grew out of participation at Bandung, and articulated an alter-imagining of 'the international' and its relation to the place of the Suez Canal. Egypt reclaimed international law from the great powers and, in the process, claimed the renewed authority-through-authorship of an independent Egypt.

Further, Egypt countered the racist claim that 'Arabs' were inherently incapable of self-governance, and territorial administration in material practice by guaranteeing

⁴ Accordingly, this chapter references the imperial recording of the Crisis, and the Nasser archive (<http://nasser.bibalex.org>) constructed collaboratively by the Bibliotheca Alexandrina and the Gamal Abdel Nasser Foundation. The juxtaposition of these archives attests to the near-obsessive documentation of Egyptian activities by the Foreign Office and the Egyptian government's highly attuned performance of sovereign independence in multiple registers, places and audiences.

⁵ Notwithstanding the fact that major European powers agreed to the 1888 Constantinople Convention to "neutralize" the Suez Canal, it remained the subject of imperial rivalry, particularly between Britain and France.

uninterrupted transit through the canal.⁶ The government ensured the continued flow of ships, arranged for compensation for the nationalization at a fair market rate,⁷ and was even willing to negotiate some degree of international oversight through the United Nations and the office of Secretary-General. The government did not consider that Egyptian sovereignty over the canal or control of its operation was mutually exclusive of the guarantee of free passage and respect for its international users. In material terms, therefore, Egypt exercised sovereign independence, generating a tangible legacy of Bandung: a functioning highway for international shipping within Egyptian sovereign territory that would no longer provide the pretext for foreign, colonial interference.

Background

The Suez Canal Company had operated by virtue of a concession first granted in 1854 by Muhammad Sa'id Pasha, Governor (Wali) of Egypt and Sudan under Ottoman rule, to Ferdinand de Lesseps, a French entrepreneur. The concession was reissued in 1856 and 1866 and was due to expire in 1968.⁸ In 1875, the British government became the Suez Canal Company's largest single shareholder following Benjamin Disraeli's purchase of the bankrupt Egyptian shares.⁹ The British occupation and colonization of Egypt from 1882 placed Britain in a prime position to control and profit from the mass transit of shipping, while limiting Egyptian involvement. Following the Free Officers Movement of 1952 (which declared itself the Egyptian Revolution on July 23, 1952), Nasser eventually emerged as Egypt's unopposed leader and agreed on the final withdrawal of British troops from Egypt in 1954 and from the Canal Zone in June 1956. In February 1955 Iraq and Turkey signed a military defence agreement (the 'Baghdad Pact'); Britain, Pakistan and Iran soon joined. In April Nasser travelled to Bandung where the Final Communiqué expressed opposition to "collective defence arrangements serving big powers".

⁶ Here materiality references the everyday fabric of life on the canal; the routine, transit of shipping that made concrete the result of nationalization, and exposed the racist, imperial discourses that informed arguments for 'internationalizing the canal'.

⁷ The share price on the Paris Bourse the day before nationalization.

⁸ The 1866 concession agreements were deemed "prime examples of the unequal treaties through which the colonialists fettered and exploited oppressed people." See editorial in the [People's Republic of China] *People's Daily* July 30, the gist of which was translated from Peking to the Foreign Office The National Archives, UK (TNA) FO 371/119080

⁹ The British Government owned 44% of the shares; the remaining 56% were made up of dispersed ownership, mainly in France, but not owned or controlled by the French Government.

Throughout 1955 Egypt sought international assistance for loans to build the Aswan Dam. It also sought arms deals with the US and, failing these, with the Soviet Union, to ensure military capabilities in its ongoing confrontation with Israel. Relations with the US appeared to reach a nadir on July 19 1956 with the US refusal of a loan to Egypt. Nasser was on a plane with Nehru, returning from an informal conference with Tito in Brioni when he heard of the US refusal.¹⁰ A few days later, with the threat of military reprisals offshore, Nasser nationalized ownership and administration of the Suez Canal Company, promising fair compensation, continued maintenance, and orderly transit of cargo. There is debate about whether the withdrawal of US support for the Dam project was a precipitate cause of nationalization but it was clear in July 1956 that Egypt would not be a financial position to assert its economic – and therefore its political – independence without an alternative source of development funding.¹¹

Following the nationalization, the great powers issued a communiqué condemning Nasser's "seizure" and calling for an international conference in London in response. Egypt was invited to attend but Anglo-French bellicose language threatening force led Nasser to reject the invitation and propose an alternative conference that would respect Egyptian sovereign rights whilst re-invigorating the 1888 Constantinople Convention. Instead, twenty-two states¹² attended the August London Conference and eighteen mostly European states¹³ agreed to the US resolution proposing international control over operation, maintenance, and development of the canal. Robert Menzies, the Australian Premier, served as head of a five-nation mission¹⁴ (the Menzies Mission) taking this proposal to Egypt for negotiations. The delegation met with Nasser and several Cabinet Ministers in early September, and on the ninth of that month Nasser issued a formal rejection of the proposal. He continued to call for the formation of a negotiating body that would be "representative of the different views" to review and update the Constantinople Convention.¹⁵ The British Foreign Office dismissed

¹⁰ Nasser was not surprised by the refusal itself but "by the insulting attitude with which the refusal was declared". See broadcasts of interviews with the Egyptian President in Anthony Moncrieff (ed) *Suez ten years after: Broadcasts from the BBC Third Programme* (BBC, London: 1967) p.42.

¹¹ Dealing with the inconclusiveness of the various archives of nationalization see Laura James, *Nasser at War* (Palgrave Macmillan UK, 2006).

¹² Australia, Ceylon, Denmark, Ethiopia, France, India, Indonesia, Iran, Italy, Japan, Netherlands, New Zealand, Norway, Pakistan, Portugal, Russia, Spain, Sweden, Turkey, Britain, United States (USA), and West Germany. Egypt and Greece declined invitations to attend, although Nasser sent Ali Sabri, wing commander and close adviser, to be briefed by India and Indonesia as to progress in the Conference, and to hold his own "caucus" with participants from Egypt, Iraq, Jordan, Lebanon, Libya, Saudi Arabia, Sudan, Syria, and Yemen.

¹³ Ceylon, India, Indonesia, and Russia had put forward an alternative proposal.

¹⁴ It included Ethiopian, Iranian, Swedish, and American representatives.

¹⁵ Nasser's reply was forwarded to the State Department in telegram 681 from Cairo, September 9, 1956, Department of State, Central Files, 974.7301/9-456. For an editorial note summarizing the text, see *Foreign*

this proposal as designed to waste time, because there would first need to be agreement as to the composition, venue, and timing of the meeting of such a negotiating body.¹⁶

In the following days, the great powers announced the impending establishment of a Users' Association¹⁷ (variously called SCUA and CASU¹⁸), which Nasser denounced as a pretext to military action, including in a formal letter to the Security Council President.¹⁹ At precisely the same time, the foreign pilots employed by the Suez Canal Company walked out of their jobs. The British and French had been aware of plans for the walkout, and ensured the timing coincided with Operation Pile Up. British Prime Minister Anthony Eden concocted this strategy to inundate the canal with a convoy of fifty ships at the exact moment at which pilots would be in short supply.

A second London Conference convened, September 19-21, discussed the failed Menzies Mission and Dulles' proposed Users' Association. The Conference did not reach firm resolutions. Britain and France lodged a request for a Security Council meeting on September 26 to discuss the "Situation created by the unilateral action of the Egyptian Government," (perhaps to coordinate great power tactics)²⁰ and a further meeting on October 2 at which the Egyptians would be allowed to attend. Ultimately, Operation Pile Up failed, and Egypt demonstrated effective control and management of the canal. In early October, Egypt engaged in UN diplomacy, facilitated by Secretary-General Dag Hammarskjöld, while Britain, France, and Israel colluded to generate a pretext for an invasion to take place end-October.

Justifying Nationalization—Reclaiming Sovereign Dignity

In the lengthy speech announcing the nationalization of the Suez Canal Company on July 26 1956, Nasser specifically referenced events at Bandung and the informal conference

Relations of the United States, 1955–1957, Suez Crisis, July 26–December 31, 1956, Volume XVI, Document 194 (Editorial Note), <https://history.state.gov/historicaldocuments/frus1955-57v16/d194>. For a synopsis and US appraisal of Nasser's response, see *FRUS, 1955–1957, Suez Crisis, July 26–December 31, 1956, Volume XVI, Document 195*, which is discussed subsequently. The British archive record of the text of Nasser's response appears in TNA PREM 11/1102.

¹⁶ Keith Kyle, *Suez: Britain's End of Empire in the Middle East* (London: IB Tauris, 2003), p. 222.

¹⁷ This Association was to comprise the 18 Powers from the First London Conference but many prospective members, particularly the Scandinavian countries, defected - preferring to take the issue to the United Nations.

¹⁸ That is the Cooperative Association of Suez Canal Users proposed by Dulles in *Foreign Relations of the United States 1955–1957, Suez Crisis, July 26–December 31, 1956, vol. XVI, Document 198*, "Outline of Proposal for a Voluntary Association of Suez Canal Users," available at <https://history.state.gov/historicaldocuments/frus1955-57v16/d198>.

¹⁹ September 15 1956 speech and letter to the Security Council in TNA PREM 11/1102.

²⁰ Kyle, *Suez*, p. 255.

at Brioni between Tito, Nehru and himself. At Brioni, he explained, Egypt, Yugoslavia, and India had agreed to make practical the resolutions and recommendations of the Bandung conference by following the ten principles of the Final Communiqué, “a great victory for Egypt’s policy of non-alignment.”²¹ He detailed those principles and explained that at Brioni crucial progress had been achieved in making concrete the cooperation of equal nations. The three countries had agreed to an overarching commitment to the Bandung principles through the UN Charter and to the development of the underdeveloped areas of the world as one of the basic tasks in achieving lasting peace and stability among nations.²²

The speech was also a strategic signal to operationalize nationalization. It contained a hidden message (code word was “de Lesseps”) for a special officers’ corps to storm company headquarters during the speech, pre-empting any forceful reaction that might jeopardize nationalization. Only toward the end of the lengthy speech did Nasser announce the nationalization of the company. Nasser had feared sabotage of the canal if the officers did not take over the company’s offices prior to announcing nationalization.²³ This so-called seizure illustrated the Egyptian government’s recognition that a foreign presence in the canal could prompt foreign interference, and jeopardize sovereign territory. It was a literal enactment of battling against “imperial domination to achieve economic” and “political independence”. As a further enactment of lawful authority, Nasser included the full text of the Nationalization Decree towards the end of the speech, “on behalf of the nation, as the nation, President of the Republic.”²⁴

Nasser’s speech made clear that the Suez Canal Company was Egyptian despite the fact that the Company had behaved as if it believed itself “a state inside the state.” He justified nationalization on Britain’s appropriation of profits from the Egyptian people and the fact that 120,000 workers died digging the canal: Egypt had “dug the Canal with our skulls,

²¹ For the text and sound recording of the July 26 speech see the Nasser Archive at <<http://nasser.bibalex.org/Speeches>>; for the British government’s imperial record see “Speech by President Nasser at Alexandria on July 26” [1956] (full text apart from abbreviation of repetitive passages), TNA FO 371/119080, hereafter ‘July 26 Speech’. This Foreign Office record of telegraphic correspondence includes Nasser’s Cairo speech (translated) on July 28, also available on the Nasser Archive, hereafter ‘July 28 Speech’.

²² The divergences between spoken word and the imperial archival record of this speech centre on the space given to the exposition of Bandung principles, particularly Egypt’s commitment to the UN Charter. Bandung was relegated to the margins of the imperial archive. This absence of recording marks the failure to hear, and to listen, to the lawful voice of Egypt, and the other Bandung participants. The archive also deems irrelevant and edits out Nasser addressing his audience, as “fellow citizens” and “brothers” although these appeals to revolutionary nationalism and equal dignity domestically, as well as internationally, were central to Nasser’s authority.

²³ Interview with Adel Ezzat, Canal Nationalization Group, *The Other Side of Suez*, May 2004 BBC Documentary. The group was led Mahmoud Younis, a military colleague of Nasser, who organized thirty men to nationalize the canal company at its headquarters at Ismailia during the course of the speech.

²⁴ Again this spoken text, authorising law, is missing from the imperial record.

bones and blood.”²⁵ He emphasized that this sucking of Egyptian blood would not be repeated, and that the past would be righted by the restoration of rights over the Suez Canal; Egypt would “not allow imperialism and oppressors to dominate,” and on its path to independence it would “demolish the relics of the past—the relics of enslavement, exploitation and domination.”²⁶ This rhetoric drew a distinction between de Lesseps - the architect of the canal project - and the actual construction of the canal. Nasser personalized the canal enterprise and linked it to colonial occupation and foreign domination. He emphasized that Egyptians had paid for the canal through blood and crippling loans but that today true freedom meant economic freedom.

Further justification for nationalization came on July 28 with Nasser’s Cairo speech. He emphasized Egypt’s exercise of sovereignty by shaking off the tricks and ambitions of imperialism and rejecting foreign interference in its internal affairs.²⁷ He delegitimized the “clamor” of London and Paris as lacking right or support, acted out only by the habit of “sucking blood” and “usurping rights,” by the “intervention in other countries’ affairs.”²⁸ He cited the numerous acts of British nationalization of industry—iron, steel, and transport—as simple manifestations of sovereign right in relation to their joint-stock companies. He territorialized the assertion of full sovereignty: Egypt was best placed to protect the canal since it was in “Egypt’s territory,” and “part of [Egypt’s]...land.” By exercising proprietary rights over the company, and raising the Egyptian flag over its headquarters, Egypt would achieve dignity, a national economy, and “real freedom.”²⁹

In rejecting the Menzies Mission on September 9, Nasser stated that the 18 Powers proposal sought to effect the “amputation of a major part of the body of Egypt.” The “goal [was] to deprive Egypt of an integral part of its territory.”³⁰ Later, in rejecting the subsequent proposal of a Users’ Association, Nasser repeated that Egypt insisted “her sovereignty must remain intact and refuse to give up any part of that sovereignty for the sake of money.”³¹ Egypt had “resolved to show the world that when small nations decide to preserve their sovereignty, they will do that all right.”³²

Collective Colonialism *contra* International Legality

²⁵ July 26 Speech

²⁶ July 26 Speech

²⁷ July 28 Speech

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Telegram 681 from Cairo, September 9 1956, Department of State, Central Files, 974.7301/9–456.

³¹ September 15 1956 speech <http://www.fordham.edu/halsall/mod/1956nasser-suez1.html>

³² *Ibid.*

The sanctity of Egyptian territory as a corollary of full sovereignty found its most emphatic expression in Nasser's opposition to the great powers' attempts at internationalization. By convening a conference to discuss a matter purely internal to Egyptian sovereignty, the great powers were engaging in what Nasser termed, "collective colonialism." His August 12th speech rejected the premise of the First London Conference, asserting that the "misleading statements ... giving the Egyptian Company an international character makes it clear that the three governments wish to deprive Egypt of one its inherent and sovereign rights."³³ This was a "planned conspiracy" that aimed "to force ... [the Egyptian people] ... to give up a part of Egyptian territory and sovereignty to an international authority which is in reality collective colonialism." British and French threats were designed "as threats to all small countries" and were condemned "in all free countries and by all the people who got rid of colonial rule and are striving to protect their hard won independence and sovereignty." To counter these, Nasser proposed an alternative conference that would genuinely seek a peaceful resolution to the dispute.

Bandung surfaced in two ways in this speech. First, Nasser drew on the imagined solidarity of newly independent states and their like-minded desire for true independence from colonialism. Second, and more significantly from a legal perspective, he sought to deploy the principled language of the Bandung Final Communiqué as a platform for asserting the dedication of the Egyptian government to international law and cooperation. Nasser's speech echoed specific principles articulated in the Communiqué: the declaration that the evil of "colonialism in all its manifestations" be brought to a speedy end; the declaration on the promotion of world peace and cooperation, which emphasized "the equality of all nations large and small,"; respect for sovereignty and territorial integrity; the use of the UN Charter system of peaceful dispute settlement; respect "for justice and international obligations," and the abstention from interference and the exertion of pressures over other countries.³⁴ Nasser positioned historic and "new" ("collective") colonialism as having operated (and continuing to operate) contrary to international law, while placing the "spirit of Bandung," the Bandung

³³ Transcription of News Conference held by Nasser on August 12, 1956 broadcast by BBC Radio, audio available at http://news.bbc.co.uk/2/hi/middle_east/5194576.stm. There is a text record of this statement in TNA FO 953/1692, a pamphlet published by the Egypt Information Department titled "The Suez Canal: Facts and Documents," Statement of the Egyptian Government, August 12, 1956, pp. 20–22; the Nasser Archive holds a text and audio record. Hereafter 'August 12 Statement'.

³⁴ "Final Communiqué of the Asian-African conference of Bandung (April 24, 1955)", The Ministry of Foreign Affairs, Republic of Indonesia (Ed.). *Asia-Africa speak from Bandung* (Djakarta: 1955), pp. 161–9, available at http://franke.uchicago.edu/Final_Communique_Bandung_1955.pdf.

Principles, the UN Charter, and an independent Egypt as compliant with, even the champions of, international law.

Even before the great powers proposed a conference, Nasser had emphasized Egypt's compliance with international law in its nationalization of the Suez Canal Company. On July 28, he emphasized that the company would be fairly compensated and that Egypt would guarantee free passage and noninterference.³⁵ But from August onward he highlighted the great powers' historic noncompliance with international law, including British disregard of the 1888 Convention and their ongoing threats to international peace and security in violation of the UN Charter.

Nasser ridiculed the supposed claims of the colonialists as seeking a peaceful solution and free negotiations:

Need one emphasize the contradiction between the palpitating reality and professed aim? If there is anything that flagrantly violated and disdained the letter and spirit of the Charter of the United Nations it is such acts of attempted intimidation, economic pressure and incitement to sabotage. In distinct contrast to this the Government of Egypt has announced its full readiness to negotiate a peaceful solution in conformity with the purposes and principles of the Charter of the United Nations. This remains to be the policy and the intent of the Egyptian Government...we keep constantly in our mind the vital importance of genuine international cooperation as distinct from domination of any country, be it single domination as the one which Egypt just got rid of, or collective domination, as would inevitably be considered the system proposed by the committee.³⁶

Nasser referred to clandestine acts of the great powers to impose economic pressure on Egypt. By freezing Egyptian assets held in their banks, these nations were "in violation of international agreements and of the Charter of the United Nations." He might have also cited Britain and France withholding dues, despite their continued use of the canal.³⁷ Later, in a July 26, 1957 speech marking the first anniversary of the nationalization decree, Nasser

³⁵ July 28 Speech

³⁶ Telegram 681 from Cairo, September 9, Department of State, Central Files, 974.7301/9-456.

³⁷ The USA protested but paid dues; Britain and France continued paying in London and Paris, in effect depriving the Suez Canal Authority of payment. For more on the economic dimensions, see Diane B. Kunz, *The Economic Diplomacy of the Suez Crisis* (Chapel Hill: University of North Carolina Press, 1991). Settlement of compensation arrangements following nationalization was finally agreed upon through World Bank mediation in July 1958.

referred to the US policy of dumping cotton surpluses and economic and financial isolation as “invasion from within.”³⁸ These oppressive economic measures, Nasser argued, endangered international peace and security and therefore meant that these countries were “taking a course inconsistent with the United Nations Charter which they bound themselves to respect.”³⁹

During the Crisis Nasser used the 1888 Convention as a legal bolster to Egypt’s assertion of sovereignty by making it the basis of an alternative conference and, in the interim, as the basis on which Egypt would operate and manage the canal. He proposed to sponsor a conference of the 1888 Convention signatories together with all users of the canal “for the purposes of reviewing the Constantinople Convention and considering the conclusion of an agreement between all these governments, reaffirming and guaranteeing the freedom of navigation on the Suez Canal.”⁴⁰ This proposal reaffirmed Egypt’s “true devotion” to the UN Charter. Egyptian support for the 1888 Convention’s ‘free passage’ guarantees was described contemporaneously in an editorial by Anwar Sadat as the real problem for Britain: she was not used to impartiality and continued to expect special treatment.⁴¹

In his September 15 speech, Nasser condemned the Users’ Association as yet another example of imperial domination. He described great power efforts as reflective of “international chaos where powers of evil domination and imperialism have prevailed.” Nasser spoke “in the name of every Egyptian Arab and in the name of all free countries” when he determined to “shoulder the responsibility of reaffirming and establishing anew” the principles proclaimed by the “imperialist” countries in the Atlantic Charter—the same principles these nations were violating.⁴² Nasser took ownership of international law in striking form, stating that while Egypt believed in international law, it would not submit to great power threats even if it was only a small country.⁴³

International law, in Nasser’s conception, would not be a tool for oppression but a tool of emancipation used to protect sovereignty. This rhetorical position reflected that Nasser was genuinely prepared to concede some degree of international oversight, but was not prepared to allow for management or control, as this was either a precursor to military occupation or at the very least an economic stranglehold. In his memoirs, Egyptian Foreign Minister Dr

³⁸ Quoted in Keith Wheelock, *Nasser’s new Egypt: A critical analysis* (London: Atlantic Books, Stevens & Sons Limited, 1960) p. 256.

³⁹ August 12 Statement.

⁴⁰ *Ibid.*

⁴¹ Anwar Sadat was then editor of the state-owned *Al Gomhouria* and Minister of State. TNA FO 371/118090

⁴² September 15, 1956 speech <http://www.fordham.edu/halsall/mod/1956nasser-suez1.html>.

⁴³ *Ibid.*

Mahmoud Fawzi recalled that the entire premise of the Menzies Mission had been that Nasser ought to accept the inherent incompetence of Egyptians and his own untrustworthiness. Fawzi opined that Menzies (and presumably the great powers) had no concept of “the raw sensitivities of Afro-Asian nationalities that he thought it a sufficient inducement to assure Nasser that the proposed international board would do all the work of the canal while Egypt would get all the profits.”⁴⁴

The Materiality of Equal Sovereignty through the Canal and the UN

During the Suez Crisis, Nasser’s rhetoric was matched with a universal guarantee of free passage through the canal to all its users, in line with Egypt’s international obligations. He also engaged Foreign Minister Fawzi at the United Nations to try to provide Western states “an honourable means of retreat from their ideal of internationalisation.”⁴⁵ These material practices were a form of counterpoint and, in fact, bolstered Nasser’s performances. Here, materiality refers to the concrete, physically grounded acts of equal sovereignty and international legality, not just speeches and press statements.

While a distinction between rhetorical and material practice is artificial, Egypt’s conduct at home—specifically at the canal—and on the international plane is particularly instructive in demonstrating the functional, concrete legacy of Bandung. The experience of Bandung, and the apparent genesis of a “Bandung bloc”,⁴⁶ arguably emboldened the Egyptian leader not only to articulate equal sovereignty, but also to practice it, especially to counter the racist assumptions underpinning Western policy. In a new world that respected freedom and independence, what would equal sovereignty look like? What would be the material practices of sovereignty in a new era in which “the tide of history had changed its course”?⁴⁷

From the start Nasser emphasized compliance with international law by reference to the materiality of transiting cargo through the canal. What better demonstration of Egypt’s protection of the canal than through the continued traffic, at rates comparable to the same

⁴⁴ Mahmoud Fawzi, *Suez 1956: An Egyptian Perspective* (London: Shorouk International, 1986) pp. 57–58.

⁴⁵ Kyle, *Suez*, p. 279.

⁴⁶ *FRUS, 1955–1957, Suez Crisis, July 26–December 31, 1956, Volume XVI, Document 195*, Draft Telegram From UK Embassy to Department of State, September 9, 1956 (Department of State, Central Files, 974.7301/9–1156)(hereafter “September 9 Telegram”).

⁴⁷ “Address Delivered by Anwar Sadat at the First Afro-Asian People’s Solidarity Conference, December 26, 1957,” *The First Afro-Asian People’s Solidarity Conference, 26 December 1957 to January 1, 1958*, 2nd edition (Cairo: The Permanent Secretariat of the Organization for Afro-Asian People’s Solidarity, 1958), pp. 7–12, available at <http://www.fordham.edu/Halsall/mod/1957sadat-afroasian1.asp>. The speech referenced the “liberation” of Port Said and Egyptian civilian guerrilla campaign against the Anglo-French-Israeli invasion of the previous year.

months in 1955? He emphasized that nationalization had had no adverse impact upon freedom of navigation, as borne out by the figures for shipping that the Egypt Information Department later published in a pamphlet on the Suez Canal.⁴⁸ The efficient operation of the canal was of even more importance in mid-September during Operation Pile Up. There was such an imminent threat placed on Egypt if the transit of shipping failed that Nasser awarded Orders of Merit to every pilot who had engaged in the successful operation.⁴⁹ As Egypt met this huge test, it seemed that any justification for military action had withered and died.

Egypt wrote its own letter to the Security Council President decrying Anglo-French threats in their earlier letter,⁵⁰ and announcing that Egypt had received numerous positive responses to its own call for an international conference on the Canal. This announcement further demonstrated Egypt's genuine attempt at conciliation.⁵¹ Arguably Bandung inspired the strategy of convening a counter-conference. Bandung also provided material support as Bandung participants visited Egypt during the Crisis to engage in small-scale diplomacy. Moreover, India's Foreign Minister, Krishna Menon acted as Egypt's representative during the Conferences in London.⁵²

Egypt repeated that Anglo-French claims were unfounded because the canal had overcome obstacles placed before it and operated smoothly for more than sixty days. These countries' real motivation was control of the canal and threatening Egypt's independence. Egypt formalized its denouncement of Operation Pile Up and the efforts at sabotaging the canal's operation with another letter to the Security Council President on September 24 requesting an urgent meeting on the actions taken by Britain and France, as they constituted a danger to international peace and security and were serious violations of the UN Charter.⁵³

The Security Council held a series of meetings on the "Suez Question" in early October with Egypt invited to take "a place at the Security Council table."⁵⁴ In his October 8

⁴⁸ TNA FO 953/1692, "The Suez Canal: Facts and Documents," Comparative Statement of Ships Transiting Through the Suez Canal, p. 23.

⁴⁹ Kyle, *Suez*, p. 250.

⁵⁰ UN Doc S/3645. Letters of September 12 and 23, 1956, from representatives of France and the UK. The September 12th letter was seen as a pretext to war, purporting to indicate that Egypt would threaten international peace and security if it did not cooperate with the Users' Association.

⁵¹ UN Doc SC S/3650. Letter of September 17, 1956, from representative of Egypt.

⁵² Ali Sabri, Director of Nasser's Political Office, was in London throughout this period and was briefed by Menon as well as Soviet Foreign Minister Dmitri Shepilov.

⁵³ UN Doc S/3656. Letter of September 24, 1956, from representative of Egypt.

⁵⁴ The Security Council met to discuss the Suez Question at its 735th meeting (October 5 1956); 736th and 737th meetings (October 8 1956); 738th and 739th meetings (October 9 1956); 740th Meeting (October 11 1956); 741st meeting (October 12 1956); and 742nd and 743rd meetings (October 13 1956). The expression "at the Security Council table" is used of the meetings to connote the dual role of participant (speaker and interested party) and non-participant (non-voter). The 739th-741st meetings were held in private and constituted negotiations between

speech Fawzi emphasized that the ‘question’ was simple, a choice between “domination and freedom”.⁵⁵ He stated that no less than two-thirds of the world’s population expressed approval at the nationalization. The “entente” was a tactic:

“to see to it, of course, that the now slipping hegemony of the nineteenth century, when time was slumbering and the sky was dark, should be retrieved; to see to it that the Suez Canal should be finally amputated and severed from Egypt...”⁵⁶

Egypt had never refused negotiation (as suggested in the Anglo-French letter) but had refused “dictation.”⁵⁷ He argued that Egypt had not been facing “a conference but a trial”, they had not been “invited to a meeting, but assigned to a court.”⁵⁸

As the Security Council meetings progressed, the debate centered on the legal status of the Canal and who had the power to author that status: Britain, France and the US asserted it was an “international waterway” whereas Egypt, Yugoslavia and the Soviet Union acknowledged its “international importance” but emphasized the need for Egyptian cooperation as an equal, sovereign actor.

This debate crystallized around the third of Six Principles that were included in the final Resolution put to the Security Council at the 743rd meeting on October 13, that “[t]he operation of the Canal should be insulated from the politics of any country.”⁵⁹ Fawzi argued that the “Western concept of insulating the Canal from politics ... would throw the Canal violently into the fray of the politics, not only of one nation but of a great number of nations.”⁶⁰ Here, as with Nasser’s statements, international legality was posited *contra* ‘internationalization’, with such “collective colonialism” representing a dark reversion to the past of unequal violence and disorder.

While Egypt accepted the Six Principles and Resolution 188 as a basis for continuing negotiations it refused British insistence that concrete proposals be agreed upon *before* talks

Fawzi, British Foreign Minister Selwyn Lloyd, and French Foreign Minister and President of the Council, Christian Pineau, with Dag Hammarskjöld acting as moderator.

⁵⁵ UN Doc S/PV.736, October 8 1956 para 3, p.1. Fawzi quotes his speech extensively in his account of the Security Council meetings. See Fawzi (1987) pp.64-5.

⁵⁶ UN Doc S/PV.736, October 8 1956 para.13 pp.2-3.

⁵⁷ UN Doc S/PV.736, October 8 1956 para. 47 p.9.

⁵⁸ UN Doc S/PV.736, October 8 1956 para. 50 p.9.

⁵⁹ Despite a complicated back story and behind the scenes wrangling from different parties, the “Six Principles” were unanimously adopted as UN SC Resolution 188 (October 13, 1956) (UN Doc S/2675).

⁶⁰ Fawzi (1987) p.71

could be resumed.⁶¹ Despite Anglo-French hostility, Egypt continued to expect, as did Hammarskjöld, that meetings scheduled for the end October in Geneva could result in a workable agreement. In the meantime, Egypt maintained its adherence to the 1888 Convention's neutralization of the canal and the guarantee of free navigation. Britain and France appeared increasingly isolated not only in terms of legal rhetoric, but also in the manifestation of legal compliance: the continued smooth operation of the canal and Egypt's willingness, and indeed insistence, to negotiate on equal, yet cooperative, terms. Hammarskjöld discussed with Fawzi what "organized cooperation" might look like, emphasizing that joint meetings and representation of users would not go beyond the first three principles contained in the Resolution, relating to Egypt's sovereign authority over the canal.⁶² By the end of October it looked like a negotiated settlement on a redefined basis of international cooperation was forthcoming, one that adhered to the UN Charter principles but, importantly, asserted the centrality of the Bandung principles on equality, dignity and freedom from colonialism, collective or otherwise, past or present. Collusion and invasion forced that settlement to the background while the UN became the stage for another set of struggles over what reclaimed sovereignty would mean in a world of newly independent states.⁶³

Conclusion

For Nasser, the Bandung Conference provided the first opportunity to engage on the international plane as an equal actor in a forum that rejected the politico-legal structuring of colonial and imperial power. During the Suez Crisis, Nasser deployed the Bandung Conference as a rhetorical and material resource to counter "new manifestations of colonialism" and to articulate a distinct vision of world order and the role of international law in that ordering. If we consider that much of the operation of the international is through an imagining of an international plane on which actors engage in politics and law, then Bandung was vital to Nasser's imagination of that plane as populated by like-minded anti-imperialists.

⁶¹ Fawzi (1987) p.73. Fawzi recounts how he was "insulted" by the suggestion by Pineau and Lloyd that a "questionnaire" be put to him given Egypt's rejection of the 18 Powers proposal.

⁶² UN Doc S/3728, Yearbook of United Nations, Exchange of correspondence dated November 3, 1956, between Hammarskjöld and Fawzi.

⁶³ These events include the Uniting for Peace resolution which the Yugoslavian representative in the Security Council, Jože Brilej, proposed, paving the way for the First Emergency Session of the General Assembly and the United Nations Emergency Force (UNEF).

In this alternative world, newly independent states faced similar challenges and held a range of concerns that coalesced around principles of the respect for equal sovereignty, the rejection of colonialism and reclamation of international legal authorship and authority. The power of participating at Bandung—both in mind and in actualized performance—facilitated Nasser addressing the international from Cairo and Alexandria as an equal player facing an unequal task of asserting sovereignty, particularly territorial integrity, in the face of historic domination and contemporary threats to survival.

Participation at Bandung also appeared to cement Nasser's conceptualization of Egypt's place in the world. In 1955, immediately after the Conference, he wrote that Egypt could not “look stupidly at a map of the world not realising our place therein and the role determining to us by that place.” Egypt was part of three circles—an Arab circle, an African circle, and a Muslim circle.⁶⁴ Here were the first articulations of Egypt's positive neutrality, and this positioning certainly could be traced back to participation at Bandung. Indeed, upon Nasser's rejection of the Menzies Mission report on September 9, 1956, the Americans caricatured him as a “hypnotic prisoner” to the rhetoric of “evangelical neutralism, particularly that brand found among certain members of the Bandung bloc.”⁶⁵

Nasser performed the rhetoric of Bandung through deliberate repetition of the principles articulated in the Final Communiqué. The strategy of terming the proposal for internationalization of the canal as “collective colonialism” was an attempt to undermine great power reactions as manifestations of an outdated, illegal practice in the post-independence era. Further, by holding up the UN Charter as undermined by Anglo-French pressure, Nasser positioned himself as a champion of international legality in contrast to these colonial powers. In terms of practice, Nasser materially demonstrated—through the efficient, unimpeded operation of the canal until the Anglo-French invasion—the concrete reality of equal sovereignty and compliance with international obligations.

In these various forms, therefore, Bandung surfaced as a significant politico-legal resource for Nasser throughout the Suez Crisis.⁶⁶ The aims and objectives of nationalist policy were articulated and practiced in terms of international law to reject the contradictions inherent in great power reaction to nationalization. The deployment of the spirit of Bandung resurfaced again in 1957, when Cairo hosted the First Afro-Asian Peoples' Solidarity

⁶⁴ Gamal Abdel Nasser, *The philosophy of the revolution* (Cairo: Dar al-Maaref, 1955) p. 54.

⁶⁵ September 9 Telegram

⁶⁶ Nasser used his Bandung era ascent on the world stage to cast himself as an anti-colonial hero, saving Egypt from foreign domination. This powerful rhetoric papered over his authoritarian policies and stifling of dissent.

Conference. In his opening address on December 26, 1957, Anwar Sadat⁶⁷ said Egypt had demonstrated to the world what true independence according to the principles of Bandung could look like. He quoted Nasser, who had spoken at an anniversary event of the Suez War in Port Said: “We turn to the whole world demanding the corroboration of the fundamental principles of justice, which is the right of self-determination.”⁶⁸

Egypt and the decolonizing world, at Bandung, Brioni, London, New York or Cairo, rejected explicit and implied classification as an object of knowledge and instead reclaimed status as a knowing subject of international law, in particular using the language of the Final Communiqué. Whether in public articulation – the performance of speeches, press statements or interviews– in written text – as legal decree, pamphlet production or communiqué – or private, screened-off negotiations – Nasser and his officials were at once speaking to great power and simultaneously speaking to an alternative world, calling that world into being and placing it, equally, on the imagined international plane. While historians argue about the legacy of Bandung, about the genealogy of non-alignment, or about the leadership of the project of ‘positive neutrality,’ it is clear that Bandung empowered its participants – in this case, Nasser, – to articulate and practice an altered international plane that rejected new manifestations of colonialism and used international law as the tool with which to reject great power interference. The project of nationalization, articulated as a project of independence and sovereign equality, could be one that harnessed and applied the language of Bandung for *all* Bandung participants, not simply for Egypt in its confrontation with collective colonialism.

⁶⁷ Then Minister of State.

⁶⁸ “Address Delivered by Mr. Anwar at the First Afro-Asian Peoples’ Solidarity Conference, December 26, 1957.”