

Legal Backgrounder 1 New Zealand and the Suez Crisis (1956)

The Suez crisis is the clearest example of New Zealand having been associated with aggression in violation of its international legal obligations under the UN Charter. Although the crisis occurred over half a century ago, it is included as a Legal Backgrounder because of the significance of the illegality we committed. No country is perfect. This is the lesson of humility that we New Zealanders need to draw from the Suez crisis, as we judge other countries in the 21st century.

Background

- In the modern age, the Suez Canal has been a vital passage-way for shipping between Europe and Asia. The Canal was operated by Universal Company of Suez Maritime Canal, originally owned by Ottoman Empire interests but purchased by British and French interests in 1875.
- In 1956, the Egyptian Govt. nationalised the Canal, causing tensions with the UK and France.
- On 29 October, in accordance with a secret trilateral plan, Israel invaded Egypt. This was immediately followed by British and French military intervention to 'separate' the warring parties.
- On 1 November, the NZ Govt. advised the UK that it was prepared to offer military support. To that end its new frigate, en route from the UK to NZ, was deployed in the Mediterranean Sea,

UN Action

- On 30 October, the US and USSR submitted separate draft resolutions in the Security Council calling upon France and the UK to withdraw. Both drafts were vetoed by France and the UK.
- On 2 November, the General Assembly, meeting in Emergency Session, adopted Resolution 997 (ES-I). The Assembly, noted that (i) the Israeli Defence Force had penetrated deeply into Egyptian territory; and (ii) British and French forces were conducting military operations against Egyptian territory. It urged Israel, France and the UK to withdraw. Res. 997 was adopted by 64 to 5 against, with 6 abstaining. The five voting against were the three aggressor countries, plus Australia and New Zealand.
- On 7 November, the General Assembly established UNEF (the first UN peacekeeping mission) in Resolution 1002 (ES-I), and again urged the three aggressor countries to immediately withdraw.
- On 10 November, the General Assembly, meeting in its 11th Ordinary Session, adopted Resolution 1120 (XI), regretting that all the British forces and most of the French forces remained on Egyptian territory.

NZ Policy Considerations

At the outbreak of hostilities, the NZ Govt. made it immediately clear to the UK that it would support British military action. A message from the NZ Prime Minister to his British counterpart stated that "Cabinet has given the most careful thought to the situation brought about by the decision of the UK and France to apply military measures in the Suez Canal area.... We have considered the request that our cruiser, *Royalist*, be available for active operations alongside the armed forces of the UK and France. There is no need for me to stress New Zealand's strong ties of blood and Empire, and our traditional attitude of standing by Britain in her difficulties. I can assure you of our deepest sympathies for the UK in the situation now confronting her. It is our desire, as always, to be of the utmost assistance."

British Policy Considerations

It was subsequently revealed that, during the time leading up to the crisis, the British Govt. received legal advice from its Foreign Office chief legal adviser that "we are already on an extremely bad wicket legally." Any Egyptian illegalities over nationalisation of the Canal 'could not condone an illegal British use of force'. If a British attack were mounted solely over the nationalisation of the Canal, it would amount to a 'clear act of aggression'.

Conclusion on the Legal Merits of NZ Govt. Action

New Zealand was culpable, through its active support for the British armed attack on Egypt, of violating the UN Charter. It supported an act of aggression by deploying its armed forces in support thereof. That responsibility was heightened by its vote against UN General Assembly Resolution 997.