

EGYPTIAN - ISRAELI RELATIONS - THE TABA DISPUTE

Taba is located between the Israeli resort of Eetat and Egypt's Sinai desert. It is the last important territorial dispute remaining between the two powers. Most outstanding issues were settled by the Egyptian-Israeli Treaty of Peace dated 26 March 1979: 18 ILM 362 (1979).

According to the Economist 27 October 1984 at p.24, the dispute "... arises from a disagreement between the two governments about how to read an old British map ... drawn by a Captain Owens and a Mr. Wade ... published in 1906 to incorporate the conclusions of a team of British officers in Egypt and Ottoman Turkish officers from Jerusalem who were trying to resolve an argument between the two powers."

In 1906, as a result of an exchange of notes on 14 and 15 May between the Ottoman Minister for Foreign Affairs and the British Ambassador at Constantinople, an agreement was entered into on 1 October between the Egyptian Khedivate and the Turkish Sultanate fixing an "Administrative Line" between the Vilayet of Hejaz and the Governate of Jerusalem and the Sinai Peninsulat. It will be noted that one of the two Commissioners of the Egyptian Khedivate, is the Captain Owens referred to by the Economist. The letters and an extract from the Agreement follow. (See C. Parry, Consolidated Treaty Series, Volume 201 at pp 190,191; Volume 203 at pp 19-21.)

M. L'Ambassadeur,

Le 14 Mai, 1906.

J'ai eu l'honneur de recevoir la note que votre Excellence a bien voulu m'écrire le 12 de ce mois concernant l'occupation de Taba.

Permettez-moi de vous faire observer qu'il n'est jamais entré dans la pensée du Gouvernement Impérial de méconnaître le contenu du télégramme du 8 Avril de feu Djevad Pasha à Son Altesse le Khédive. Du reste, la communication que j'ai eu l'honneur d'adresser à votre Excellence le 11 de ce mois était tout à fait explicite. L'évacuation de Taba a été décidée et les ordres ont été déjà donnés en conséquence.

Il est entendu que les officiers d'État-Major se trouvant à Akaba et les fonctionnaires qui seront envoyés par Son Altesse le Khédive se réuniront pour effectuer sur les lieux et d'après les données topographiques, un enquête technique pour la désignation sur une carte des points de nature à assurer le maintien sur la base du télégramme précité de Djevad Pasha du statu quo dans la Presqu'île de Sinai et pour tracer la ligne de démarcation à partir de Rafeh, près d'El Arich, et allant vers le sud-est en une ligne approximativement directe jusqu'à un point sur le Golfe d'Akaba à une distance d'au moins 3 milles d'Akaba.

Les vues exprimées dans la communication précitée de votre Excellence se trouvent ainsi pleinement réalisées.

En priant votre Excellence de vouloir bien communiquer ce qui précède à Londres, nous espérons que le Gouvernement de Sa Majesté le Roi y verra une nouvelle preuve de notre vif désir de maintenir toujours nos relations sur le pied de la plus parfaite cordialité. En nous exprimant, de son côté, sa pleine satisfaction, il nous aura témoigné lui-même du prix qu'il attache à la conservation et au raffermissement des bons rapports qui existent si heureusement entre les deux États.

Veillez, &c.,

TEWFIK.

DATED 5 MAY 1906. LETTER FROM THE BRITISH AMBASSADOR AT
CONSTANTINOPLE TO THE OTTOMAN MINISTER FOR FOREIGN AFFAIRS

M. Le Ministre,

Constantinople, 15th May, 1906.

I lost no time in referring to my Government the note which your Excellency was so good as to address to me on the 14th instant in reply to my note of the 12th on the subject of the occupation of Taba and delimitation of the Peninsula of Sinai.

His Majesty's Government have received with pleasure your Excellency's declaration that the Sublime Porte does not question the contents of the telegram addressed by the deceased Grand Vizier, Djevad Pasha, to His Highness the Khedive on the 8th April, 1892; that the withdrawal of the Imperial troops from Taba has been decided upon; and that instructions have been sent to the Ottoman Staff Officers now at Akaba to delimit and record on a map, jointly with the officials to be appointed by His Highness the Khedive, the line of demarcation running approximately straight from Rafeh in a south-easterly direction to a point on the Gulf of Akaba not less than 3 miles from Akaba so as to insure the maintenance of the status quo in the Sinai Peninsula on the bases of the telegram above-mentioned of the 8th April, 1892.

On behalf of His Majesty's Government I have the honour to take act of the foregoing declarations, also of the declaration of his Highness the Grand Vizier that orders have been sent for the withdrawal of the Ottoman troops into Turkish territory to the east of Rafeh should any have crossed to the Egyptian side, and the restoration of the pillars said to have been lately destroyed there, and to express their satisfaction at the settlement of this question, which cannot fail to contribute to the maintenance and consolidation of those friendly relations which are so desirable in the interests of both countries, and which are no less appreciated by the Government of my august Sovereign than by that of His Imperial Majesty the Sultan.

I avail, etc.
N.R. O'CONOR.

AGREEMENT DATED 1 OCTOBER 1906 BETWEEN EGYPT AND TURKEY
FIXING AN ADMINISTRATIVE LINE BETWEEN THE VILAYET OF
HEJAZ AND THE GOVERNORATE OF JERUSALEM AND THE SINAI
PENINSULA.

El Miralai Staff Officer Ahmed Muzaffer Bey and El Bimbashi Staff Officer Mohamed Fahmi Bey, as Commissioners of the Turkish Sultanate, and Emir-el-Lewa Ibrahim Fathi Pasha and El Miralai R. C. R. Owen Bey, as Commissioners of the Egyptian Khedivate, having been intrusted with the delimitation of the Administrative Separating Line between the Vilayet of Hejaz, and Governorate of Jerusalem, and the Sinai Peninsula have, in the name of the Turkish Sultanate and the Egyptian Khedivate, agreed as follows:

Art. I. The Administrative Separating Line, as shown on map attached to this Agreement, begins at the point of Ras Taba, on the western shore of the Gulf of Akaba, and follows along the eastern ridge overlooking Wadi Taba to the top of Jebel Fort; from thence the Separating Line extends by straight lines as follows: (a survey description follows).

II. The Separating Line mentioned in Article I has been indicated by a black broken line on duplicate maps (annexed to this Agreement), which shall be signed and exchanged simultaneously with the Agreement.

III. Boundary pillars will be erected, in the presence of the Joint Commission, at intervisible points along the Separating Line, from the point on the Mediterranean shore to the point on the shore of the Gulf of Akaba.

IV. These boundary pillars will be under the protection of the Turkish Sultanate and Egyptian Khedivate.

V. Should it be necessary in future to renew these pillars, or to increase them, each party shall send a Representative for this purpose. The positions of these new pillars shall be determined by the course of the Separating Line as laid down in the map.

VI. All tribes living on both sides shall have the right of benefiting by the water as heretofore, viz., they shall retain their ancient and former rights in this respect.

Necessary guarantees will be given to Arab tribes respecting above.

Also Turkish soldiers, native individuals, and gendarmes shall benefit by the water which remained west of the Separating Line.

VII. Armed Turkish soldiers and armed gendarms will not be permitted to cross to the west of the Separating Line.

VIII. Natives and Arabs of both sides shall continue to retain the same established and ancient rights of ownership of waters, fields and lands on both sides as formerly.

Commissioners of the Turkish Sultanate:

MIRALAI STAFF OFFICER MUZAFFER
BIMBASHI STAFF OFFICER FAHMI

Commissioners of the Egyptian Khedivate:

EMIR LEWA IBRAHIM FATHI
MIRALAI R. C. R. OWEN