

SECURITY
COUNCILDistr.
GENERALS/3153
18 December 1953

ORIGINAL: ENGLISH

LETTER DATED 18 DECEMBER 1953 FROM THE PERMANENT REPRESENTATIVE
OF ISRAEL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the following communication relating to the General Armistice Agreement between Israel and Egypt and the Resolution of the Security Council of 1 September 1951 be brought to the notice of the Council:

1. On 14 December 1953 the Egyptian authorities at Port Said intercepted an Italian vessel, the S/S Franca Maria, bound from Massawa in Eritrea to Haifa in Israel. The vessel was later permitted to continue on its voyage after 140 tons of meat consigned for Israel were confiscated.
2. This action of the Egyptian authorities, like similar actions which have preceded it and which have formed the subject of a communication to the Council (S/3093) is in flagrant violation of the international obligations of Egypt under the Suez Canal Convention of 1888, the General Armistice Agreement, the Resolution of the Security Council of 1 September 1951 (S/2322) and of Article 25 of the Charter of the United Nations.
3. The views of the United Nations authority responsible for the general supervision of the Armistice Agreement were conveyed in a report of the Chief of Staff of the Truce Supervision Organisation submitted to the Security Council on 12 June 1951 (S/2194). The Chief of Staff stated:

"It is quite clear to me that action taken by Egyptian authorities in interfering with passage of goods destined for Israel through the Suez Canal must be considered an aggressive action."

".....Similarly, I must of necessity consider that interference with the passage of goods destined for Israel through the Suez Canal is a hostile act....."

".....I must also say that the action of the Egyptian authorities in this instance is, in my view, entirely contrary to the spirit of the General Armistice Agreement and does, in fact, jeopardize its effective functioning. It was certainly never contemplated at Rhodes that what is, in effect an act of blockade or at least undertaken in a spirit of blockade and having the partial effect of one, would be continued by one of the parties to the General Armistice Agreement more than two years after it has been signed....."

".....I have no doubt in my mind that the General Armistice Agreement was never intended to provide a cloak for the commission of acts by either party which in their intent and effects are indeed hostile....."

4. The Chief of Staff, while considering that on technical grounds it was not within his competence to rule on the rights of the parties with regard to the Suez Canal, directed "a strong request to the Egyptian Delegate to intercede with his Government to desist from the present practice of interfering with goods destined for Israel through the Suez Canal, since such acts can only be construed as inconsistent with the spirit of the Armistice Agreement".
5. The matter was thereupon brought before the Security Council for adjudication. The resolution of the Council as adopted (S/2322), after noting (a) that the Egyptian Government had not complied with the earnest plea of the Chief of Staff made to the Egyptian delegate on 12 June 1951, that it desist from the present practice of interfering with the passage through the Suez Canal of goods destined for Israel and (b) considering that since the Armistice regime, which has been in existence for nearly two and a half years, is of a permanent character, neither party can reasonably assert that it is actively a belligerent or requires to exercise the right of visit, search and seizure for any legitimate purpose of self-defence; found that the practice was inconsistent with the objectives of a peaceful settlement between the parties and the establishment of a permanent peace in Palestine set forth in the Armistice Agreement and that it was an abuse of the exercise of the right of visit, search and seizure. The Council therefore called upon Egypt to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal wherever bound and to cease all interference with such shipping beyond that essential for the safety of shipping in the Canal itself and to the observance of the international conventions.
6. Despite this clear injunction of the Security Council, and its rejection of the Egyptian claim to belligerent rights against Israel, the Government of Egypt has persisted in its interference with shipping trading with Israeli ports through the Suez Canal. This interference has, in the past two years, taken the form of the detention and search of such shipping and the confiscation of certain classes of goods. The confiscation of the consignment of meat on the S/S Franca Maria represents an aggravation and extension of an already illegitimate practice.

7. The Government of Israel wishes to register its protest against this latest violation by the Egyptian Government of its international obligations. It cannot acquiesce in the continuation of this unlawful situation and reserves its right to pursue this matter further in accordance with the relevant provisions of the Charter and of the Resolutions of the Security Council.

Accept, Sir, etc.

s/ Abba Eban
Ambassador and Permanent Representative of Israel
to the United Nations

