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CABLEGRAM DATED 12 JUNE 1951 FROM THE CHIEF OF STAFF OF THE TRUCE
SUPERVISION ORGANIZATION ADDRESSED TO THE SECRETARY-GENERAL,
TRANSMITTING A REPORT TO THE SECURITY COUNCIL

I have the honour in pursuance of the Security Council resolution of 17 November 1950 (S/1907) to communicate to you for transmission to the President of the Security Council the following report on activities of the Special Committee provided for in article X, paragraph 4 of the Egyptian-Israel General Armistice Agreement.

The meeting of the Egyptian-Israel Special Committee reconvened on this date, 12 June 1951, at kilometre 95 for the purpose of completing the discussion which began on 16 January 1951, as reported in document S/2047 of 21 March 1951, on the question as to whether or not the Mixed Armistice Commission has the right to demand from the Egyptian Government not to interfere with the passing of goods to Israel through the Suez Canal.

In explanation of his vote, which was contrary to the stand taken by Israel, the Chief of Staff made the following statement:

"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. However, due to the limitation imposed by the text itself on the words 'aggressive action', this action is not necessarily against article I, paragraph 2 of General Armistice Agreement which states in part 'No aggressive action by armed forces - land, sea, or air - of either party shall be undertaken, planned, or threatened against the people or the armed forces of the other'.

"Similarly, I must of necessity consider that interference with the passage of goods destined for Israel through the Suez Canal is a hostile act, but not necessarily against the General Armistice Agreement because of the limitations imposed on the term 'hostile act' in the text of article II, paragraph 2 of the General Armistice Agreement which says 'No element of the land, sea or air military or para-military forces of

/either party,
S/2194

either party, including non-regular forces, shall commit any warlike or hostile act against the military or para-military forces of the other party, ...'.

"It follows, therefore, that I have no other choice but to cast my vote with Egypt that the Mixed Armistice Commission does not have the right to demand from the Egyptian Government that it should not interfere with the passage of goods to Israel through the Suez Canal.

"In my opinion, this interference is an aggressive and hostile action and if I had certain knowledge that it was being committed by the armed forces of Egypt - land, sea or air, or para-military forces, including non-regular forces - I would most firmly hold that this constituted a violation of article I, paragraph 2, and article II, paragraph 2 of the General Armistice Agreement, and would uphold contention advanced by Israel. Lacking such knowledge, I see no way under the General Armistice Agreement of taking this course, even though I am convinced that the Egyptian action does not foster the objectives of the General Armistice Agreement.

"As Chief of Staff of the United Nations Truce Supervision Organization, I am forced to base my position in this matter on the specific provisions of the General Armistice Agreement signed by Egypt and Israel. I deliberately avoid, therefore, any consideration of the status of the Suez Canal or the rights of any party with regard to it.

"While I feel bound to take this technical position on the basis of the relevant provisions of the General Armistice Agreement, 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 an act undertaken in the spirit of a 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 had been signed.

"Although, in my view, there is no adequate basis for agreeing that the Mixed Armistice Commission has competence to deal with the question, it must be clear, and it certainly is to me, that the question

cannot rest here. Either the Egyptian Government must, in spirit of the General Armistice Agreement, relax the practice of interference with the passage of goods destined for Israel through the Suez Canal, or the question must be referred to some higher competent authority such as the Security Council or the International Court of Justice.

"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.

"Because of the effect which such continued action will have on the implementation of the Armistice Agreement and the future operations of the Mixed Armistice Commission, I am compelled to direct 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.

"I feel sure I can ask this of you because I recall vividly the occasion on 13 January 1949 at the opening of the negotiations leading to the signing of this General Armistice Agreement when the senior Egyptian delegate told us at Rhodes: 'You will find us inspired with every spirit of co-operation, conciliation and a sincere desire to restore peace in Palestine'.

"In view of this statement, I am sure that it is not the intention nor the desire of the Government of Egypt to continue any action that may have a detrimental effect on the future operations of the Mixed Armistice Commission or on the smooth functioning of the General Armistice Agreement as a whole."

(signed)

W.E. RILEY
Major-General, United States
Marine Corps

Chief of Staff of the Truce
Supervision Organization
