

4. Ismail

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SECRET (XGDS)

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negotiate on a basis other than their full demands. Thus an effort should be made during Ismail's visit to keep all options open.

How to Deal with the USSR

No decision has to be made now, but if we decide to move in any direction the questions will arise whether the Soviets can make any contribution in changing Egypt's position and how fully we want to keep Moscow informed of our approach. In sending Ismail to Washington, Sadat has indicated a desire for direct communication with us, even though Ismail has just been to Moscow. The Israelis would obviously like to keep the USSR out of the picture. This issue does not become active until we have talked with the Israelis and decided what we want to do.

SECRET (XGDS)



Department of State

BUREAU OF PUBLIC AFFAIRS

TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 242
OF NOVEMBER 22, 1967

The Security Council,

Expressing its continuing concern with the grave situation
in the Middle East,

Emphasizing the inadmissibility of the acquisition of ter-
ritory by war and the need to work for a just and lasting peace
in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance
of the Charter of the United Nations have undertaken a commit-
ment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfilment of Charter principles requires
the establishment of a just and lasting peace in the Middle East
which should include the application of both the following principles:

(i) Withdrawal of Israeli armed forces from terri-
tories occupied in the recent conflict;

(ii) Termination of all claims or states of belliger-
ency and respect for and acknowledgement of the
sovereignty, territorial integrity and political
independence of every State in the area and their
right to live in peace within secure and recognized
boundaries free from threats or acts of force;

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through
international waterways in the area;

(b) For achieving a just settlement of the refugee
problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles of this resolution.

4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

BASIC PROVISIONS FOR A FINAL SETTLEMENT
IN THE MIDDLE EAST

Agreements on a final settlement, termination of the state of belligerency and the establishment of peace between Egypt and Israel, Jordan and Israel, Syria and Israel will contain an obligation by Israel for a complete withdrawal of her troops from all Arab territories occupied in 1967 and obligations by the sides in the conflict for a termination of the state of belligerency and the establishment of peace among them.

I. The withdrawal of the Israeli troops and boundaries

Israel shall withdraw all her troops from all the occupied Arab territories - Egypt, Syria and Jordan - to the lines which existed prior to June 5, 1967 within months after the signature of the agreements.

The withdrawal of Israeli troops from the territories of each of the Arab countries directly involved in conflict will be carried out under the control of the UN military observers.

2. Termination of the state of belligerency and the establishment of peace

The sides in the conflict agree to terminate the state of belligerency between them and assume the following concrete obligations with respect to the establishment of peace:

to respect and to recognize sovereignty, territorial integrity, independence of one

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another, their mutual right to live in peace without being subjected to threats or use of force;

to undertake all in their power so that no military or other hostile acts with the use or threat of force against the other side should originate in or be committed from their territories.

3. The Suez Canal

In the agreement on the final settlement between Egypt and Israel, Egypt will assume obligation, in exercising its sovereignty over the Suez Canal in accordance with the 1888 Constantinople Convention, to ensure freedom of navigation on it for vessels of all states without discrimination, including Israel.

Israeli ships will be able to exercise in practice their right to passage through the Suez Canal upon completion of the withdrawal of the Israeli troops from all Arab territories occupied in 1967.

In order to resume at an early date the use of the Suez Canal for international shipping and as a practical step which would be an integral part of general settlement, Egypt and Israel will agree through Ambassador Jarring on the implementation of certain measures which will envisage:

a) an obligation by Israel to withdraw her forces from the Suez Canal within a month (tentatively) after reaching agreement on these measures to the distance of . . . kilometres from the Suez Canal;

b) restoration of the Egyptian administration and control in the territory to be vacated by Israel. Egypt will transfer over the Suez Canal a limited contingent of her troops;

c) an obligation by Egypt to take measures for a speedier clearing and reopening of the Suez Canal.

4. The Gulf of Aquaba and the Straits of Tiran

The Egyptian -Israeli agreement shall envisage an obligation by Egypt to observe the principle of freedom of navigation through the Straits of Tiran and in the Gulf of Aquaba for vessels of all countries, including Israel, and also a temporary stationing of the UN military personnel in the Sharm El Sheikh.

5. Gaza

The Gaza strip shall be restored within the pre-1967 conflict lines. Israel must not be present in the Gaza strip and its status should be defined taking into account this necessary condition. A referendum shall take place in Gaza under the United Nations observation so that its population could decide the destiny of this Arab territory. In the period after the withdrawal of the Israeli troops until its final status has been defined, administrative links between Egypt and Gaza shall be preserved; at the same time the United Nations military personnel could be temporarily stationed in Gaza.

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6. Jerusalem

In Jerusalem the pre-1967 ^{conflict}/situation shall be restored: the Western part of the city shall remain under the sovereignty of Israel and the Eastern part - under that of Jordan; the whole city shall be demilitarized and freedom of access to the Holy places of three religions - ensured under the control of the United Nations.

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7. Demilitarized zones

Demilitarized zones on both sides of the borders can be established. The number, location and size of such zones are subject to agreement between the sides. The regime of such zones will only contain limitations of a purely military nature.

8. Troops and military observers of the United Nations

On the decision of the Security Council and by consent of the sides in the conflict temporary stationing of small contingents of forces and military observers of the United Nations is considered possible.

The contingents of forces and groups of military observers of the United Nations are formed from among the military personnel of states-members of the United Nations to be determined by the Security Council: taking into account the opinion of the states in whose territories these contingents or observers will be stationed. The question of the possibility of further stay of these contingents and observers after the expiry of the initial period (5 years tentatively) is decided by the Security Council.

9. International assurances

The security of Israel and the neighbouring Arab states and, in particular, the boundaries between them established in the agreements on the settlement, shall be assured either by the Security Council or the great powers.

It is implied that such assurances will legally enter into force after completion of the withdrawal of Israeli forces from all Arab territories occupied in 1967, but actually they shall become effective after the signing by the sides in the conflict of agreements on the settlement. Corresponding obligations on this score shall be taken by the sides.

10. The Palestine problem and ensuring the just rights of the refugees

In the interests of establishing a just and lasting peace in the Middle East the sides agree to take efforts for the settlement of the Palestine problem.

In the agreements on the settlement the sides will express their consent that Palestine refugees, in accordance with the decisions of the United Nations, will exercise on an individual basis by means of a poll the choice between repatriation to Israel and ^{re}settling with compensation on the Western Bank of the Jordan river, in the Gaza strip or other Arab countries and elsewhere.

Israel shall assume an obligation on annual quotas of refugees/^{whom} she will admit as well as on the amount of compensation for the property of the Palestine refugees left in her territory.

The implementation of all other parts of the agreements on the final settlement shall not be delayed until translating into reality practical measures for solving the refugee problem.

II. Cease-fire

For the purpose of providing more favourable conditions for the speediest settlement in the Middle East the sides in the conflict shall arrive at agreement on observing the cease-fire for the term of months. This term is to coincide with the period during which the withdrawal of the Israeli troops from all Arab territories occupied in 1967 will be carried out in accordance with the agreements.

I2. On the entry into force of the agreements on the final settlement

The question of the formalization of the entry into force of the agreements on the final settlement through their approval by the Security Council or otherwise will require special additional agreement. It is understood that actually the sides in the conflict will act in accordance with the obligations already contained in the agreements from the moment of their signature.

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BASIC PROVISIONS FOR A FINAL SETTLEMENT
IN THE MIDDLE EAST

Agreements on a final settlement, termination of the state of belligerency and the establishment of peace between Egypt and Israel, Jordan and Israel, Syria and Israel will be governed by the following principles:

- a. All signers of the agreements will accept obligations to end the state of belligerency and to establish peace among them.
- b. The agreements will contain arrangements for the withdrawal of Israeli troops from Arab territories occupied in 1967.
- c. Arrangements for securing the borders will include the establishment of demilitarized zones and security zones and the participation of military units of the signatories in a UN force.
- d. The agreements and the security arrangements will assure freedom of navigation for ships of all nations, including Israel, through the Suez Canal and the Straits of Tiran.
- e. Completion of these arrangements will at some stage involve negotiations among the potential signers of the agreement.

1. The withdrawal of the Israeli troops and boundaries

Israel shall withdraw her troops from Arab territories occupied in 1967 within an agreed period after the signature of the agreements.

Withdrawal will take place in agreed stages. Flexibility will be permitted for negotiated changes in borders where those changes enhance agreed security arrangements.

The withdrawal of Israeli troops from occupied territories will be carried out under the supervision of UN military observers.

2. Termination of the state of belligerency and the establishment of peace

The sides in the conflict will agree to terminate the state of belligerency between them and assume the following concrete obligations with respect to the establishment of peace:

to respect and to recognize the sovereignty, territorial integrity, inviolability and political independence of one another, their mutual right to live in peace without being subjected to threats or use of force or to intervention in their domestic affairs by other nations;

to undertake all in their power so that no military or other hostile acts or the use or threat of force against the other side should originate in or be committed from their territories;

to agree on the freedom of movement by people and commerce across international boundaries;

to settle differences peacefully.

3. The Suez Canal

In the agreement on the final settlement between Egypt and Israel, Egypt will assume obligation, in exercising its sovereignty over the Suez Canal, to ensure freedom of navigation through the Canal for vessels of all states without discrimination, including Israel. That freedom would not be denied under any circumstances except the outbreak of war between Egypt and Israel.

Israeli ships will begin to exercise their right to passage through the Suez Canal upon the opening of the Canal.

In order to resume at an early date the use of the Suez Canal for international shipping and as a practical step which could either be an integral part of general settlement or an agreed step in advance of a final agreement, Egypt and Israel will agree on the implementation of certain measures which will envisage:

- a) an obligation by Israel to withdraw her forces from the Suez Canal within a month (tentatively) after reaching agreement on these measures to the distance of . . . kilometers from the Suez Canal;
- b) restoration of Egyptian administration and control in the territory to be vacated by Israel and movement across the Suez Canal of Egyptian personnel agreed to be necessary for the exercise of civil

authority and security in the area of the Canal consistent with whatever demilitarization arrangements may be agreed;

c) an obligation by Egypt to take measures for the speediest clearing and reopening of the Suez Canal.

4. The Gulf of Aqaba and the Straits of Tiran

The Egyptian-Israeli agreement shall envisage an obligation by Egypt to observe the principle of freedom of navigation through the Straits of Tiran and in the Gulf of Aqaba for vessels of all countries, including Israel. It will also provide for stationing of UN military personnel, including Israeli units, at Sharm El Sheikh and at such other places as may be agreed. The need for the UN post will be reviewed at agreed intervals; it will be removed only by agreement of the signatories to the agreement and of the UN Security Council.

5. Gaza

The Gaza strip shall be placed under a transitional administration endorsed by the UN Security Council with the participation of Gazan, Jordanian, Israeli and UN personnel pending a final agreement on the disposition of Gaza. The transitional period would continue until the refugees in Gaza had been resettled and the residual population had decided its own future. A referendum shall take place in Gaza under the United Nations observation five years after refugee resettlement

from Gaza is complete so that its population could decide the destiny of this territory. In the period after the withdrawal of Israeli troops until Gaza's final status has been defined security would be provided by a United Nations military unit manned by personnel of the UN and by participants in the transitional administration stationed in Gaza.

6. Jerusalem

Jerusalem shall remain a unified city. Jordan shall have a role there, including the administration of the Islamic shrines. The walled city and adjacent shrines shall be demilitarized and freedom of access to the Holy places of all religions shall be ensured by Jordan and Israel. Arrangements shall be negotiated between Jordan and Israel.

7. Demilitarized and Security Zones

The agreements shall establish two types of zones. There will be demilitarized zones in which the nature and level of forces and equipment will be limited by agreement. There will also be security zones in which each side will have special rights to station troops, patrol, and maintain facilities. The number, location and size of such zones will be subject to agreement between the sides. The regime of such zones will only contain limitations of a purely military nature.

A UN force with personnel assigned by the UN and by the parties to the agreement will be stationed in the demilitarized zones and in the security zones.

8. Troops and military observers of the United Nations

On the decision of the Security Council and by consent of the signatories to the agreement small contingents of forces and military observers of the United Nations will be formed for agreed periods and subject to removal only by agreement of the signatories and approval of the Security Council.

These forces and groups of military observers will be formed from among the military personnel of member states of the United Nations to be determined by the Security Council, including units of the signatories of the agreement and taking into account the opinion of the states in whose territories these contingents or observers will be stationed. The extension of the stationing of these contingents and observers after the expiry of the initial period (5 years tentatively) will be decided by the signatories of the agreement and by the Security Council.

9. International assurances

The security of Israel and the neighboring Arab states and, in particular, the boundaries between them established in the agreements on the settlement, shall be assured by the Security Council and the great powers.

Such assurances will legally enter into force after signing of the peace agreements. Corresponding obligations on this score shall be taken by the signatories.

10. The Palestine problem and ensuring the just rights of the refugees

In the interests of establishing a just and lasting peace in the Middle East the signatories agree to make efforts for the settlement of the Palestine refugee problem.

In the agreements on the settlement the signatories will express their consent that Palestine refugees will exercise on an individual basis by means of a poll the choice between repatriation to Israel and resettling with compensation on the Western Bank of the Jordan river, in the Gaza strip, other Arab countries or elsewhere.

Israel shall assume an obligation on annual quotas of refugees whom she will admit as well as on the amount of compensation for the property of the Palestine refugees left in her territory.

The implementation of all other parts of the agreements on the final settlement shall not be delayed until practical measures for solving the refugee problem are completed.

11. Cease-fire

For the purpose of providing more favorable conditions for the speediest settlement in the Middle East the sides in the conflict shall

agree at the beginning of negotiations to continue observing the cease-fire through the negotiations until those negotiations result in an agreement which will replace the ceasefire with a permanent peace.

12. On the entry into force of the agreements on the final settlement

The agreements on the final settlement would become effective through their approval by signature of the parties and by the Security Council. The signatories will act in accordance with the obligations contained in the agreements from the moment of their signature.

13. A Negotiating Process

Any reasonable channel of negotiation, secret or public, may be used, and several complementary channels may be used simultaneously. Whatever the channel, it is important that the principal elements and details in the agreements be agreed in exchanges among the signatories. The US and USSR will support these exchanges.

SECRET/NODIS/CEDAR/DOUBLE PLUS

Subject: Middle East Peace Efforts - A Current Assessment

At present the Middle East situation is vastly better than it was four years ago. The Soviet military involvement in Egypt has been drastically reduced, King Hussein is firmly in the saddle in Jordan, there is stability in most of the Arabian Peninsula/Persian Gulf area, Lebanon is taking more effective measures to control the fedayeen, and the ceasefire along the Suez Canal remains in effect.

On the other hand, the latest Syrian-Israeli exchanges, the latest Israeli raid into Lebanon, the Libyan airliner tragedy and the murder of our diplomats in Khartoum are cogent reminders of the fragility of the ceasefire and the unpredictable volatility of the area generally. While the Palestinian fedayeen guerrillas are of marginal military importance, they remain a formidable political force with a capacity for creating continuing instability, making difficulties for Jordan, Lebanon and Saudi Arabia, and undermining peace efforts. Sadat needs and wants a peaceful solution, but his freedom of action is becoming increasingly limited. The present no war-no peace situation continues to provide the Soviets with good opportunities for consolidating their position in Syria and Iraq, and for recovering some of their lost influence in Egypt.

All of the foregoing factors indicate that there is no ground for complacency. In addition, King Hussein is anxious for us to take steps vis-a-vis Israel in support of his position on a settlement. And, if there is no movement on the peacemaking front over the coming months, we can anticipate that pressures to force such movement will grow, particularly from Cairo, as the time for any next Summit meeting with the Soviet leadership approaches.

In looking at possible courses of action open to us, we have essentially two options:

1. We can sit tight. Continuation of the status quo, even if it is marred by violation of the ceasefire and further acts of terrorism, probably would bring no serious threat to basic U.S. interests in the area in the near term and might well be manageable for several years to come, although there would likely be a gradual corrosive effect on our position in the longer run.

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This is presently Israel's preferred strategy. Israel holds that, faced with a firm sit-tight policy by it and the United States, Sadat will have no choice but to come to the negotiating table. We are not so certain. In our judgment, given Sadat's firm conviction (which is not without foundation) that he has made major concessions over the past two years without reciprocal gestures from Israel, there will almost certainly be no diplomatic progress unless Sadat is offered some inducement. Without eventual progress toward a settlement that holds out hope of ending the Israeli occupation and giving some satisfaction to legitimate Palestinian grievances, it is unlikely the present equilibrium, including the ceasefire, can continue indefinitely; the Soviets will have continuing opportunity for consolidation and penetration, and the situation will at some point begin to deteriorate militarily and politically in the area.

This would probably pose no serious threat to Israel. It is also possible that, if we continued strongly to hold the line with Israel, a new set of circumstances might over the next few years emerge from further political ferment and military setbacks on the Arab side which would make new approaches to a settlement more promising than they are today. From the standpoint of safeguarding U.S. interests, however, this is an uncertain course at best. Moreover, a major new Arab military setback would almost certainly pose a challenge to the Soviet Union which could result in serious differences between the Soviets and ourselves.

There is also the question of the effect of a "sit-tight" policy and a possible ceasefire breakdown on our petroleum interests in the area and, more specifically, on our access to Arab oil, which is becoming an increasingly important factor in meeting our overall national energy requirements. Judgments differ on this question, and it is very difficult to give categorical answers. Obviously progress toward an Arab-Israeli settlement, or at least visible U.S. activity in promoting a settlement, would weaken those extremist forces in the area advocating concerted Arab pressure on U.S. interests. There are some risks to U.S. oil interests in a "sit-tight" posture,

particularly in Libya. These risks are not great, however, over the next year or so at least, in the Arabian Peninsula/Persian Gulf area where our oil interests are most important. King Faisal has so far firmly resisted linking petroleum matters to Middle East politics, and the other oil-producing states in the Gulf are likely to follow his lead. The risk over the longer term will increase, however, as the corrosive effect of a protracted Arab-Israeli impasse (particularly if hostilities resume) exerts pressures on moderate regimes in the area and, consequently, on their (or their successors') relations with us.

2. We can engage ourselves actively in efforts to get an Arab-Israeli negotiating process started. Even if this achieved no breakthroughs, the visible evidence that the U.S. was making a serious effort would have a calming effect, it would fortify and nurture the ceasefire, and, at a minimum, buy additional time. We must recognize, however, that any efforts we make, if they are to be taken seriously and have some chance of getting Arab agreement to enter negotiations, will require a serious and on-going attempt by us to persuade Israel to relax its rigid position that any settlement must necessarily involve substantial Arab territorial concessions.

If we should decide to play a more active role, the most realistic options (leaving aside tactical variations) are: (a) to undertake a joint effort with the Soviet Union or (b) to seek unilaterally to get an Arab-Israeli negotiating process started.

U.S.-Soviet Track

U.S. and Soviet aims in the Middle East, while they overlap in our common desire to avoid renewed hostilities there, have never really coincided. All our experience to date indicates that the Soviets have been unwilling to deviate in any significant way from the Arab position on an overall settlement, as we were willing to do from Israel's in 1969. A renewal of U.S.-Soviet peace efforts would give the Israelis the most serious problems, raising their suspicion that we were prepared to make and impose a deal at their expense. Furthermore, to engage the Soviets

in joint peacemaking efforts would facilitate their attempts to recover lost ground in Egypt and improve their position elsewhere in the Arab world. We would be making the Soviets Sadat's negotiator and advocate.

Arab-Israeli Negotiating Track

A. Jarring Mission

There is no present prospect of bridging the wide gap between the parties on the framework for negotiating an overall settlement, particularly as it concerns the fundamental territorial issues. This being the case, efforts to restart the Jarring Mission as the principal negotiating forum would be unproductive. This also applies to any move by Secretary General Waldheim who is considering a possible trip to the area sometime in the spring and has been toying with the idea of trying to convince the parties to meet at a conference. We have neither encouraged nor discouraged such moves by Waldheim, leaving this matter largely to the parties to decide.

B. Israel-Jordan Settlement

King Hussein clearly wants a settlement and has persuaded the Israelis that he no longer harbors any illusion that he has a realistic military option. In fact, however, Israel's territorial desires vis-a-vis Jordan, both in Jerusalem and on the West Bank, go far beyond anything Hussein could accept and survive if he were to make a separate peace. Both Hussein and the Israelis realize this. No issue would provoke a more bitter U.S.-Israeli confrontation and -- were concessions to be pressed on the Israeli Government by the United States -- sharper internal dissensions in Israel than an attempt on our part to get Israel to modify substantially its approach to a territorial settlement with Jordan. In these circumstances, we have up to now left this aspect of the problem to the parties, meanwhile encouraging continuation of the presently evolving de facto coexistence and informal cooperation between Israel and Jordan which is of major significance.

C. Egypt-Israel Interim Agreement

For the past two years we have considered the most feasible negotiating track to be the idea of an interim agreement between Egypt and Israel to achieve a limited Israeli pullback in Sinai and re-opening of the Suez Canal. Israel has committed itself to enter indirect negotiations under our auspices -- and only under our auspices -- looking toward such an agreement, providing there are no pre-conditions. The principal obstacles on the Egyptian side are twofold: (1) Sadat, while recognizing that a U.S. role is necessary, sees us as an advocate of Israeli policy rather than an objective middleman; (2) Sadat fears that an interim agreement will become an end in itself and leave Israel in occupation of a substantial part of Egyptian territory.

Against the background of (a) Israel's position that it will not withdraw to the June 1967 lines and will seek substantial territorial changes in a final settlement, and (b) Egypt's position that it must have a prior Israeli commitment to total withdrawal from all of Sinai before entering negotiations, the question of how to define the relationship between an interim and a final agreement has emerged as the principal issue in seeking to get interim agreement negotiations started.

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THE SECRETARY OF STATE
WASHINGTON

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MEMORANDUM FOR THE PRESIDENT

Subject: Next Steps on the Middle East

On February 20, 1973, I sent you our fundamental assessment of the current situation in the Middle East, including the options available to us (Attachment 3). This memorandum outlines for your consideration an exploratory diplomatic effort we might undertake to try to get Israel and Egypt into negotiations, an objective whose importance has been further highlighted by recent developments in the area.

The murder by Palestinian terrorists of our diplomats in Khartoum, and the increased tensions between pro- and anti-fedayeen forces which this outrage has caused in the Arab world, underline the judgment in our February assessment that the fedayeen retain a formidable potential for creating continuing instability and undermining peace efforts. In the absence of credible efforts toward a settlement, the prospects are for further radicalization of the Palestinian national movement and more widespread support for or tolerance of terrorism by Arab countries.

The political and security measures we are taking will help limit the successes of the terrorists, but I doubt that these measures alone can reverse the trend, even though they may check it for a time. The advocates and organizers of terrorism within the Palestinian national movement, themselves a small minority, can draw on an almost limitless number of members of an embittered young Palestinian generation -- mostly in their early twenties, products of the refugee camps who are alienated from the pro-western ties of their parents and imbued with hatred of Israel, of the

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United States and of our Arab friends. Any movement toward peace is likely to lead in the short run to even more desperate terrorist efforts to frustrate a settlement, but over the long term it will provide the possibility without which base the movement must ultimately begin to wither. Otherwise, I fear our people abroad in the Arab world and elsewhere will be subjected to increasing physical danger for the indefinite future despite our best efforts to protect them, and our Arab friends will be increasingly undermined, with consequent threats to our broader national interests.

You now have completed exploratory talks with King Hussein, Ismail and Mrs. Meir. These talks confirm our judgment: (a) that the present status quo, while improved in many respects over conditions two or three years ago, remains unstable and requires further exploratory efforts on our part; (b) that the principal parties in the area, each for its own reasons, seem ready to consider some move on our part; (c) that while we cannot be certain, because of the difficulty of the issues, that an attempt to get negotiations started will succeed, our effort to do so would in itself be a stabilizing influence; and (d) that the thrust of our exploratory efforts should be modest; not the development of a new and detailed substantive American peace plan, but rather a more modest attempt to get negotiations started between Israel and Egypt.

This memorandum deals with such a course of action in detail.

Concept of Proposed Course of Action

For the past two years, our efforts have focussed on the possibility of getting Egyptian-Israeli negotiations started, looking toward an interim Suez Canal agreement as a first step toward an eventual overall settlement. The basic obstacle to making progress toward an interim agreement has been the difficulty of reconciling (a) Sadat's approach that such an agreement must be only the first phase in a plan for a final settlement and must acknowledge that, in a final

settlement, Israel will withdraw from all of Sinai, with (b) Israel's approach that an interim agreement, while linked to obligations by both parties to pursue negotiations for a final settlement, must leave open the location of the final boundary and line of withdrawal, which Israel considers vital to its security, for negotiations between the parties.

Our recent talks with the Israelis and Egyptians, and President Sadat's latest public statements on an interim agreement, have revealed no give by either side on these conflicting approaches to the problem. We have now concluded that what is needed is a procedural arrangement whereby the basic issue of a final settlement -- how to reconcile Israel's security concerns with Egypt's position on territory -- can be explored simultaneously with negotiations on an interim Suez Canal agreement. We have, therefore, developed for your consideration a two-track approach of a mutually reinforcing character which, if you agree, would be initiated by us, in the first instance with Israel, on a strictly exploratory basis.

One track would involve indirect negotiations dealing with an interim Suez Canal agreement, conducted quietly and in an exploratory fashion by us, but whose existence and general nature would inevitably become publicly known in time.

The second track, undertaken simultaneously with the first, would consist of completely secret and direct Egyptian-Israeli talks under our auspices, whose purpose would be to explore, prior to initiating formal negotiations on a final settlement, whether a basis for such negotiations can be found.

If this approach is accepted by the parties, it will mean, in practical terms, that the interim agreement talks will probably mark time until Egypt sees whether an acceptable basis for negotiations on an overall agreement emerges in the secret talks. We nevertheless want to preserve the interim agreement concept for two main reasons: (1) an interim agreement remains the most likely first formal agreement that the two sides can come to, enabling on-the-ground implementation and a limited but practical test of their willingness and ability to move toward a more comprehensive agreement; and

(2) talks on the interim agreement (which are likely to become public) will distract attention away from the track-two talks, which will not succeed unless they are kept absolutely secret.

TRACK ONE

Israel agreed in February 1972 to engage in indirect talks on an interim Canal agreement with Egypt under the aegis only of the United States and without pre-conditions. Egypt insists that Israel make a prior commitment to what amounts to total Israeli withdrawal to the pre-June 1967 Egyptian-Israeli armistice lines before undertaking such indirect talks -- a commitment Israel understandably has firmly declined to give before entering negotiations. At the same time, Israel recognizes, as we do, that Sadat does not want to agree to any interim solution which becomes a new, indefinite status quo leaving Israel in occupation of substantial parts of Egyptian territory. A formula is needed which makes clear that an interim agreement would not be an end in itself, but rather a step toward a final settlement based on Security Council Resolution 242, and that neither side places a prior condition on what final boundary emerges in the final settlement.

A possible formula is enclosed (Attachment 1), by which both Egypt and Israel inter alia would acknowledge that Security Council Resolution 242 neither explicitly endorses nor explicitly precludes the pre-June 5, 1967 line as the final boundary between them. This is an accurate statement, but one which will require both Egypt and Israel in effect to modify their respective interpretations of Resolution 242, but without changing the substantive position each would take into a negotiation.

This formula thus has something in it for both sides, though each will have to give a little to get a little in terms of the theology of their positions - something they have been unwilling to do up to now. Assuming the Israelis can be persuaded to give some such formula a try, however, we doubt that Track One alone will offer Sadat sufficient assurances and political protection to enter negotiations. He needs a firmer link between an interim and final settlement.

TRACK TWO

The second track would consist of an effort to get secret, face-to-face talks going between Egypt and Israel, under our auspices. Such talks would be described as exploratory and preliminary to formal negotiations on a final settlement. Their purpose would be to seek an agreed basis for negotiations on an overall settlement, by focusing on the question of how to reconcile Israel's security concerns with Egypt's unwillingness to cede sovereignty over Egyptian

territory, which lies at the heart of the impasse presently blocking an overall settlement between Egypt and Israel. To get such secret talks started, we would seek to get the parties to agree to a formulation that would provide the conceptual framework for their exploratory talks, establishing the premise that Israel's security and Egypt's territorial concerns are not necessarily irreconcilable. The draft of a possible formula along these lines is enclosed (Attachment 2).

Israel would have problems with such a formulation, particularly in this Israeli election year, but it would nevertheless contain certain attractive features. Specifically, it would promise a forum for direct Israeli-Egyptian negotiations and would not commit Israel in advance of such negotiations to any change in its position on the need for a revised boundary with Egypt. While this formula would not be acceptable to Egypt at least at the outset, we believe a formula that went any further would have little if any chance of being accepted by Israel. If Israel would agree to our advancing such a formula to Sadat, it would at least provide a starting point and engage the Egyptians in a dialogue. It would contain some new elements designed to ameliorate Sadat's fears of an interim agreement; even though it falls far short of his desire for a prior Israeli commitment to total withdrawal from Sinai, it does not rule that out ab initio as does, in Sadat's eyes, the present Israeli position. It would enable Sadat to maintain that he had made no concessions with respect to Egyptian sovereignty over historically Egyptian territory. And the fact that the Track Two talks were secret and had a reasonable chance of remaining so under cover of the more visible interim agreement talks, and that they were "preliminary" in nature, would be appealing to Sadat.

Procedural Aspects

Procedurally, it would be necessary for us to explore fully the substance and scenario for the foregoing two-track approach with Israel before any approach to Cairo. The goal would be to obtain a two-track approach, preferably as an Israeli idea which Israel had authorized the U.S. to explore with Egypt, encompassing: (1) indirect talks under

U.S. auspices on an interim Suez Canal agreement, based on a formula along the lines of Attachment 1 -- talks which would be substantively discreet but would inevitably become procedurally visible; and (2) secret, direct talks of an exploratory nature on the principal issue blocking an overall Egyptian-Israeli settlement -- also under U.S. auspices -- which would go forward simultaneously in Washington, on the basis of a formula along the lines of that at Attachment 2.

For maximum effectiveness, the two tracks should be launched simultaneously, only with Israel at the outset. Only if Israel agrees would we subsequently try them out secretly on Egypt. As a practical matter, if Egypt and Israel reached agreement on the terms of a two-track approach, we would expect the rate of progress in negotiations on Track One to be governed by the progress, if any, on Track Two.

The time is ripe. While Ismail opened no new doors, he did not close any. Sadat's options are limited, and he is still interested in finding a way out through negotiations. This is reaffirmed in his March 26 speech. The very fact of Israel's agreeing to put forward, or to have us put forward, some ideas for exploration to Cairo would create a new situation and provide an opportunity to engage the two sides in the start of a genuine negotiating process. Whether that process could be sustained and ultimately make progress would depend on the will and intentions of the parties, on the evolution of political forces in and outside the Middle East and on our ingenuity -- but it would at a minimum put the parties to the test of real negotiations for the first time since the 1967 war.

On the Israeli side, the principal problem will be to convince Israel that there is need for any initiative at this time. It believes more time living with the status quo will bring both Sadat and Hussein to make more concessions than they are now prepared to make. Furthermore, Israel is concerned that progress on the Egyptian aspect will generate premature pressures to move on a Jordanian settlement, and there is an underlying doubt in Israel that either Egypt or Jordan is really ready to make a settlement and make it stick. Finally, there is reluctance in the Israeli leadership to open up divisive issues in an election year, which

settlement negotiations would be bound to do. On the other hand, Israel expects new U.S. efforts, and this one would fall sufficiently short of Israel's worst fears, and leave open sufficient possibilities for territorial security on the Egyptian front without prejudicing specifically its position on a Jordanian and Syrian territorial settlement, that Israel might be persuaded to go along. The new factor in the situation from Israel's point of view, which is needed if Israel is to make any move, would be the indication -- in the form of a specific new procedural idea -- that we see a strong U.S. interest in getting the situation off dead center and wanted Israel's cooperation in launching this idea. Our greatest present asset with the Israelis is their confidence in you. Once it was made clear you seriously wanted progress this year and had authorized the two-track explorations, Israel would give our ideas careful consideration.

We should have no illusions about the difficulty of the road ahead if we decide to pursue the course of action I have outlined. Quiet negotiations will be long and arduous and will engage us in efforts to persuade both the Egyptians and the Israelis to make concessions from their presently rigid positions. A final solution will be long in coming, if ever. Yet I believe some progress may be possible and that we should now make the effort. We do not agree with Israel's thesis that by standing pat we are likely to get further concessions out of Sadat and Hussein. It is more likely, if no attempt is made to get negotiations started, that there will be a further heightening of tensions in the area, which exert extremist pressure on our friends there and which could in time jeopardize all we have accomplished in reducing the risk of hostilities and of U.S.-Soviet confrontation in the Middle East.

Once we have agreed on a course of action, I believe the way to start would be for me to explore it on a preliminary and tentative basis with Israel's new Ambassador to Washington, Simcha Dinitz, who is Prime Minister Meir's man and has her full confidence.

I hope there will be an opportunity to discuss this matter with you at an early date.

William P. Rogers

Attachments:

1. Proposed Interim Agreement Formula
2. Proposed Formula for Secret Israeli-Egyptian Talks
3. Current Assessment of Middle East Peace Efforts

MEMORANDUM

NATIONAL SECURITY COUNCIL

SECRET/EYES ONLY (XGDS)

May 15, 1973

MEMORANDUM FOR: DR. KISSINGER
FROM: HAROLD H. SAUNDERS
SUBJECT: Strategy with Ismail

The purposes of this memo are: (1) to discuss your strategy with Ismail in the light of Joe Sisco's suggestions; (2) to provide the analysis you requested on the principles developed in Moscow in May 1972; (3) to provide comment on Gromyko's May 1973 paper.

Strategy with Ismail

You have heard Joe Sisco's caution against trying to develop principles of agreement. [His memos are at Tab A.] While there is basis for keeping Joe's caution in mind, I do not think you are at the point yet where you can decide exactly how to proceed. You are still exploring and how you decide to proceed will depend on what your explorations with Ismail bring forth in the way of Egyptian flexibility. Even if we were to proceed as Ismail has suggested, you would still have to go through a phase of comparable exploration with the Israelis. As long as you have not committed yourself to any particular principles, I think you are on safe ground.

It might be worth stating in your opening comments to Ismail where you see the present process standing. Your purpose would be to make clear that you may have your own suggestions about a method of procedure once you have had an opportunity to hear him (and the Israelis) out on substance. If your explorations lead to a dead end, it may be that you would have to tell him after another meeting or two that you do not think the US can deliver on the kinds of principles Egypt would be willing to accept and that the only way of getting talks started that we can foresee is to start them on a basis of a simple formula such as Joe suggests if the Egyptians are interested.

XGDS - 3
DECLAS - Date Impossible to Determine.
BYAUTH - Dr. Henry A. Kissinger.

SECRET/EYES ONLY (XGDS)

There are two reasons for continuing your exploration rather than for moving immediately to the strategy that Joe has suggested:

--One is that it would forego an opportunity to see whether the passage of time and direct White House involvement could elicit additional Egyptian flexibility on issues of importance to Israel.

--The other is that Joe's proposal is simply a formula for getting Egyptians and Israelis together, and it does not provide any way of developing substance that would sustain those talks if they started. It seems to me too soon to try to bring Egyptians and Israelis together.

Joe's proposal for a two-track negotiation is consistent with our thinking. The difference is over the degree of preparation.

Joe's argument against getting ourselves committed to a set of principles with the Egyptians before we know what the Israeli traffic will bear is based on (a) Israel's opposition to his 1969 talks with the Soviets to develop principles of agreement and (b) his experience in negotiating with Rabin in February 1972 the restrictions which Israel insisted should govern US conduct in overseeing "proximity talks." Joe feels the Israelis are so adamantly opposed to any process which does not amount to virtual direct negotiation that they would oppose a US effort even if it produced significant Egyptian concessions.

Your eventual choice of strategy will, of course, depend not only on what Ismail gives you to work with but also on what the Israelis can be persuaded is useful. You should be safe with the Israelis as long as you are simply asking questions and do not commit anything to paper with the Egyptians without consulting them. You are still in a position where you have reserved your right to decide how best to proceed.

When and if you try to persuade the Israelis to show the negotiating flexibility of which Eban spoke Saturday, Joe's formula offers one possibility on territory: "In agreeing to engage in such negotiations [indirect talks on an interim agreement], both parties take note of the fact that Resolution 242 neither explicitly endorses nor explicitly precludes the line which existed on June 5, 1967, as the final secure and recognized boundary between them." An alternative would simply be to have both sides agree less explicitly that no outcome of the negotiations is precluded.

Thus a strategy for this meeting would be to proceed as you planned, attempting to draw Ismail out on the key issues we have already identified.

The Moscow Principles: May 1972

My detailed comments on the principles developed in Moscow last May are noted in the paper at Tab B with possible alternatives. Since I don't know how difficult it was to arrive at these formulations, I am not sure how much further you could press. However, my general feeling is that these do not now offer enough that is new to warrant a new list of principles and that sticking to a restatement of support for Resolution 242 would probably serve the same purpose as a new set of principles along these lines.

It may not be possible to gain Soviet agreement, but an ideal set of principles would at least open the door for some of the concrete proposals that we have been discussing. Unless some of these ideas are introduced, the statement of principles will probably not look like the "souped up" version of 242 you mentioned to Eban.

Gromyko Principles of May 1973

Paragraph-by-paragraph comments are at Tab C.

SECRET/NODIS/CEDAR/DOUBLE PLUS

FORMULA WE WOULD EXPLORE WITH ISRAEL
AS A POSSIBLE ISRAELI PROPOSAL TO GET
NEGOTIATIONS STARTED ON INTERIM AGREEMENT
(TRACK ONE)

The Governments of Egypt and Israel agree to engage in indirect negotiations without pre-conditions under the aegis of the United States with a view to achieving an interim agreement between them as the initial step of a phased solution for the attainment of a just and lasting peace based on full and complete implementation of Security Council Resolution 242 in all its parts. In agreeing to engage in such negotiations, both parties take note of the fact that Resolution 242 neither explicitly endorses nor explicitly precludes the line which existed on June 5, 1967 as the final, - secure and recognized boundary between them.

SECRET/NODIS/CEDAR/DOUBLE PLUS

SECRET/NODIS/CEDAR/DOUBLE PLUS

FORMULA WE WOULD EXPLORE WITH ISRAEL
CALLING FOR SECRET TALKS BETWEEN
ISRAEL AND EGYPT
(TRACK TWO)

The Governments of Egypt and Israel agree to engage in secret talks under the auspices of the United States for the purpose of exploring whether they can achieve an agreed basis for negotiations on the terms of the peaceful and accepted settlement called for in Security Council Resolution 242. They agree to proceed in these secret talks on the basis that they would be without prejudice to the positions of either party. The talks would be devoted in the first instance to examining, before formal negotiations are initiated, possibilities for reconciling Israel's concern for security with Egypt's concern for sovereignty over its territory, consistent with the provisions and principles of Resolution 242.

Upon notification to each other through the United States of the acceptance of the above as a basis for their secret talks, Egypt and Israel will designate representatives to meet together under U.S. auspices in Washington.

Egypt and Israel agree to maintain absolute secrecy regarding both the existence and the substance of these talks and each acknowledges the unqualified right of the other to deny their participation if the negotiations become known to others.

SECRET/NODIS/CEDAR/DOUBLE PLUS



ASSISTANT SECRETARY OF STATE

WASHINGTON, D.C. 20520

May 14, 1973

SECRET/NODIS/CEDAR/DOUBLE PLUS

MEMORANDUM FOR MR. HENRY KISSINGER
THE WHITE HOUSE

SUBJECT: Suggested Strategy for your Talks
with Ismail

The position explained to you by Ismail on February 25 is precisely that which the Egyptians have held for several years. In abbreviated form it is: Israel must totally withdraw from Egyptian territory and the Gaza strip (which has been administered by Egypt but to which Egypt has not claimed sovereignty). In return Egypt is willing to agree: (a) to an international presence in Sharm al-Shaykh, whose removal would be subject to a Security Council veto; (b) to a small demilitarized zone on both sides of the international border ('67 lines) with a supervisory UN presence; and (c) that Gaza's status be determined by a UN plebiscite, which means to remain Arab. Egypt would agree to the opening of the Suez Canal; but it continues to throw in the hooker of the 1888 Constantinople Convention which Egypt has always interpreted as giving Egypt under Article 10 the right to interfere in traffic if Egyptian "defense or public order" requires. He is silent on Israeli use of the Canal. He remains ambiguous as to whether an Egyptian-Israeli settlement is conditional and inevitably linked to a solution on the Jordan and Syrian-Israeli aspects of the settlement, including the "Palestine problem" and "the rights of the Palestinian people". In short, on the overall settlement, there were no new openings.

In light of the above, I suggest a two-prong strategy for your next sessions with Ismail.

SECRET/NODIS/CEDAR/DOUBLE PLUS

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1. Ask that he focus specifically on how Egyptian sovereignty and Israeli security needs might be met, insisting that Egypt must give you something to work with.

Here is the approach I suggest:

(a) Egypt is willing to agree to an international presence in Sharm al-Shaykh; Israel insists on an access corridor and control of this key area. What beyond the present position is Egypt willing to consider to meet this prime security question: Would a 99-year lease (the granting of a lease implies Egyptian sovereignty) be agreeable?

(b) Egypt would agree to a small demilitarized zone on both sides of the border; Israel wants a total demilitarization of Sinai and no demilitarization of Israeli territory. Is this latter a possibility for Egypt?

(c) Egypt would agree to a UN plebiscite for Gaza. Israel insists on full control, if not acquisition of the Gaza. Would Egypt leave this matter completely open for it to be resolved by negotiations between Israel and Jordan and agree to abide by whatever is decided between them?

In making the above explorations, you should make clear you are not speaking for Israel and have not discussed these matters with Israel. There have been misunderstandings on this point in the past. Every time a U.S. representative explores a point, the Egyptians have taken this as an American position previously cleared with the Israelis or on which they assume we can deliver the Israelis if we want to. In my judgment, the above explorations will produce no real Egyptian movement. Moreover, our objective should be not a detailed Egyptian negotiation with us, but rather to get some opening which gets an Egyptian and Israeli negotiation started. The danger of the above course is that it plays into Egyptian hands of developing an Egyptian-US blueprint which we are expected to impose on Israel. For this reason, the second prong is far preferable from our point of view. I suggest the first prong only to demonstrate to Egypt that unless there is a major change in the Egyptian position, the security and sovereignty questions of a final settlement are irreconcilable at present.

2. Explore two track interim Suez Canal agreement and secret final settlement talk approach. This should be done only orally at this stage, making clear again we have no mandate from Israel. I would suggest you make the following points to Ismail:

(a) Israel has agreed to interim Suez Canal agreement talks without preconditions. Egypt's insistence on prior Israeli commitment to total Israeli withdrawal is presently unattainable.

(b) You noticed that Ismail in his talk with you insists that there must be a close link between the interim agreement and the final settlement. This is an understandable concern that Egypt has that no interim agreement become permanent leaving a number of territorial and other questions unresolved. We have never seen an interim agreement as an end in itself.

(c) Would Egypt be willing to consider dual negotiations, indirect at the outset and under the aegis of the United States. Such negotiations would explore the elements of an interim agreement simultaneously with the elements of a final settlement. In short, interim Suez Canal agreement talks without preconditions whose existence would inevitably become known; and secret talks without preconditions focussing on the final settlement, the object being a package agreement embracing the interim steps and final settlement. Both these talks would be under U.S. auspices.

(d) The basis for such dual talks is of key importance. We would be willing to explore the above with Israel with a view to seeing whether a prior understanding between Israel and Egypt can be achieved that interim agreement talks are linked to Security Council Resolution 242 and a final settlement, that neither side is laying down any preconditions; that is, to see whether a way can be found to have such talks on the basis that neither side excludes a priori the other side's interpretation of Security Council Resolution 242. This would require Egypt to set aside its insistence

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on an Israeli commitment to total withdrawal as a prior condition to talks and require Israel to set aside its bar to the 1967 line as a prior condition to talks.

(e) We have not explored this possibility with Israel. This is an indication of a willingness to explore -- and no more than that. It offers the possibility of some opening if both sides would agree.

Joseph J. Sisco
Assistant Secretary for Near
Eastern and South Asian Affairs

May 15, 1973

COMMENT ON MOSCOW PRINCIPLES
ON ARAB-ISRAELI AGREEMENT

The underlined numbered statements below are the principles developed in Moscow last May. The statements in brackets after the principle are analytical comments. The sub-paragraphs under the numbered principles are alternative formulations that could be considered.

1. The agreement should be comprehensive, covering all parties and issues. This does not preclude that implementation occurs in stages or that some issues are resolved on a priority basis. [Note: It would be preferable not to get tied to a single comprehensive agreement. Even Ismail is talking about an Israel-Egypt agreement which might be signed ahead of Syria and Jordan agreements as long as it may eventually become one of an interrelated system of agreements. He talks as if Jordan might reasonably be freed of the same principles--for instance, no border changes--that would apply in other agreements. Gromyko's latest draft says that the "political settlement" should be comprehensive and then speaks of a "set of agreements." We should build on that. The US has every interest in promoting separate agreements.] Alternatives:

--The agreements should be comprehensive, covering all parties and issues. This does not preclude that their negotiation and implementation occur by stages and sectors.

--The political settlement of the Arab-Israeli conflict should be comprehensive, covering all parties and issues. It should be embodied in a set of agreements between Israel and each of the neighboring Arab countries directly involved in the conflict. These agreements may be negotiated and implemented by stages and sectors. [Note: This is adapted from Gromyko's principles of May 1973. On this one point the Gromyko draft may be useful.]

2. The agreement should contain provisions for the withdrawal of Israeli forces from Arab territories occupied in 1967. [Note: Suggest making "agreement" plural. Otherwise, although this is the language of Resolution 242, it might be preferable to shift the focus from "withdrawal" to "restoration of sovereignty" to open the door for Israeli participation in the security system.]

XGDS - 3

DECLAS - Date Impossible to Determine.

BYAUTH - Dr. Henry A. Kissinger

Alternatives:

--The agreements should contain provisions for [early] restoration of Arab sovereignty in territories occupied by Israel in 1967.

--The agreements should establish a relationship between Israel and its neighbors that will lead to restoration of Arab sovereignty in territories occupied by Israel in 1967.

--The agreements should contain provisions for transitional arrangements leading toward restoration of Arab sovereignty in territories occupied by Israel in 1967.

--The agreements should contain provisions for the [early] restoration of Arab civil authority in territories occupied by Israel in 1967.

--The agreements should determine a timetable and procedures for withdrawal of Israeli armed forces from Arab territories occupied during the conflict of 1967 to boundaries to be delineated in the agreement. [Note: This is adapted from the US paper of October 28, 1969.]

3. Any border rectifications which may take place should result from voluntary agreement among the parties concerned. [Note: It is useful to have Soviet agreement to this point.]

4. Mutual arrangements for security could include demilitarized zones, the temporary stationing of UN personnel at Sharm el-Sheikh, and the most effective international guarantees with the appropriate participation of the Soviet Union and the United States. [Note: This would fall far short of Israel's interests, especially in its reliance on UN forces and the notion of only a "temporary" UN force at Sharm el-Sheikh. It might also be worth meeting, where possible, the Egyptian point that security arrangements should protect the interests of both sides.] Alternative:

--Arrangements for mutual security could include demilitarized zones; establishment of an international force including participation of the signatory nations; stationing of such a force at Sharm el-Sheikh and other strategic points; and the most effective international guarantees with the appropriate participation of the Soviet Union and the United States. (These arrangements may be changed by mutual agreement at specified periods through the transition to normal relations.)

5. The agreements should lead to an end of a state of belligerency and the establishment of peace. [Note: It would be preferable to advance the timing so that peace begins when the agreement is signed. Israel has a reasonable point when it asks why it should make concrete concessions before it is assured that peace has come. We might begin trying to establish the point that peace begins when the agreement is signed and that the period after that is a long transitional one during which relations could be normalized.] Alternatives:

--The agreements should end the state of belligerency and establish a state of peace which will provide a basis for the normalization of relations (over time). The obligations of each side in a state of peace should be specified in the agreement.

--The agreements should lead to an end of the state of belligerency and the establishment of a state of peace which will provide a basis for the normalization of relations (over time). The obligations of each side in a state of peace should be specified in the agreement.

--The agreements should end the state of belligerency and establish a state of peace. The obligations of each side in a state of peace should be specified in the agreement.

6. Freedom of navigation through the Straits of Tiran and the Suez Canal should be assured. This is fully consistent with Egyptian sovereignty over the Canal. [Note: This principle is acceptable as it is. However, a broader statement including the southern entrance to the Red Sea would be more attractive to Israel and would open the way for a regional cover for security arrangements, including Israeli participation, if that were desired.] Alternative:

--Freedom of navigation for vessels of all countries through the international waterways of the area, including the Suez Canal, the Strait of Tiran and the Bab el Mandeb should be assured. This is fully consistent with Egyptian sovereignty over the Canal. (A regional or international force may be stationed at strategic positions to assure adherence to this principle.)

7. Recognition of the independence and sovereignty of all states in the Middle East, including Israel, is one of the basic principles on which the settlement must be based. [Note: This is specified in Resolution 242.

It may be desirable to see whether this can be pressed a step further to increase its value to Israel. This would be done by making the agreement itself the instrument of recognition.] Alternative:

--The agreements should signify recognition of the independence and sovereignty of all states in the Middle East, including Israel.

8. The problem of the Palestinian refugees should be solved on a just basis and in accordance with the appropriate UN decisions. [Note: The US has avoided unqualified acceptance of UN resolutions as a basis for a refugee settlement because Israel insists on control over which and how many Palestinians are repatriated.] Alternative:

--The problem of the Palestinian refugees should be solved on a just basis, including the choice of the refugees, compensation and an adequate program for implementing their choice.

One new principle: The agreements comprising a political settlement of the Arab-Israeli conflict should be arrived at through a process of negotiation between the parties to the conflict. [Note: We should put ourselves in a position where we cannot appear to be negotiating for Israel.]

Final comment: The alternative to developing a set of principles as the basis of negotiation is to try to get talks started on the basis of a simple formula which does not prejudice the position of either side.

May 15, 1973

COMMENT ON GROMYKO PRINCIPLES
OF MAY 1973

The comments below are related to the numbered paragraphs in the attached statement of principles by Gromyko.

1. This formulation is acceptable. The US should continue to keep alive the idea of a system of separate agreements.
2. The formulation of "complete withdrawal . . . from all Arab territories" is a familiar Soviet position but it is not acceptable to us.

The idea of staged withdrawal within agreed time limits is acceptable. "International control" is a more rigid formulation than we would like, but the presence of an international force is acceptable.

3. The formulation recognizing pre-war borders as permanent ones is the same as the call for complete withdrawal and is unacceptable.

There is no reference to the May 1972 principle that any border rectifications should "result from voluntary agreement among the parties concerned."

4. This formulation combines two of last May's principles and is acceptable.
5. Meeting "the legitimate rights of the Arab people of Palestine" is added for the first time. We could accept this even though it goes beyond the refugee problem.

Solving the refugee problem "in accordance with existing UN resolutions on the subject" is a formulation which the US reserved in May 1972 and would want to qualify to meet Israel's resistance to the idea that all refugees could theoretically be repatriated.

6. Gromyko has replaced "mutual" with "reciprocity" in relation to security agreements. This should be avoided because it could lead to equal demilitarization on both sides of the border.

Although the rest of the formulation generally conforms to last May's, it is far from what the Israelis would accept in its reference to the "temporary stationing of UN personnel at Sharm el-Sheikh."

XGDS - 3

DECLAS - Date Impossible to Determine.

BYAUTH - Dr. Henry A. Kissinger

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7. This formulation on the waterways seems to treat passage through the Suez Canal differently from passage through the Strait of Tiran. Suspicion is heightened by mentioning the Constantinople Convention of 1888, which has many positive aspects but could be used as a basis for denying Israeli passage. Gromyko has used this to replace the more general principle of May 1972 that Israeli passage would be consistent with Egyptian sovereignty over the Canal.

8. This principle was not included in the May 1972 list. The idea was part of the US document of October 28, 1969, the final paper in the US-USSR talks of that year, but that document referred to "material breach" of the accord rather than "failure..to implement any part of the agreement."

9. This is a generally acceptable formulation except that the phrase "in accordance with the principles and purposes of the UN" gives the USSR a basis for limiting recognition of Israel under this provision as long as it occupies Arab territory.

There is no reference to a process of negotiation as essential to reaching agreement.

[Note: Alternatives to the above are provided in separate analytical comment on the principles of May 1972.]

A