

General Scowcroft: Mr. Ambassador, I have received a new version of the joint letter which Secretary Kissinger has asked be given to you for authentication. He felt that it would be useful, as you leave to return to Israel, to take this with you for discussion with the Prime Minister, [There followed a short interval for reading the text.]

Minister Shalev: It is the same.

Ambassador Dinitz: Read it.

General Scowcroft: There have been several evolutions since the initial proposal, each of them involving intense negotiations.

Minister Shalev: The matter of United Nations auspices is still contained in this version. It is worse than the last one.

General Scowcroft: You will see, however, that in this text the conference will be "convened under U.S. auspices." This, of course, is different from the broader role that might have been drawn from earlier versions.

Minister Shalev: (Still reading) Life is difficult.

General Scowcroft: While I didn't anticipate that you would be over-joyed, I believe you will recognize some improvements in this text.

Minister Shalev: You are giving it to the UN with one hand while taking it away with the other.

General Scowcroft: That is its intention, there is great restlessness among the members of the Security Council for a greater degree of participation by the Secretary General.

Ambassador Dinitz: Well as a first reaction, I would make two points. The first is on the question of the United Nations auspices. The second is on the question of participation of the Palestinians, and there may be others. On the first point, the matter of UN auspices is significant to us because it goes to the heart of the matter. We want direct negotiations. We are willing to accept the joint auspices of the United States and the USSR and will support other variations that facilitate a U.S. role. We



have no objection in principle to negotiations with Egypt in UN forums. In fact, we have for many years participated in conferences under UN auspices attended by Arab countries. But at a peace conference, the Arabs could insist that other UN countries be represented. There is much more potential at this conference that UN auspices would open a Pandora's box, the results of which we cannot foresee. I am sure that my government will view this particular section with grave concern. It may not go to the conference as a result. I might suggest, however, adding a sentence that would limit the broad role of the Secretary General as the convener of the conference. I would strongly urge that this section be reexamined.

General Scowcroft: From the outset, we have sought to diffuse the UN aspect of the conference. We believe it is possible to achieve the appearance of a UN role without permitting it substantive involvement. It is made clear that the Secretary General will carry on informal consultations but that his role will be essentially cosmetic. It has always been our purpose to minimize the UN role, and we believe that is accomplished in the language of this draft.

Ambassador Dinitz: I understand, but you must understand our point of view. I am sure there is a way around this predicament. To say that the Secretary General will "serve as convener" is to make possible a very large charter which might be interrupted differently by other parties. I don't believe that my government will be able to accept this.

One possibility occurs to me. That is, that since the role of the Secretary General is covered thoroughly on page two, there is no requirement that it also be included on page one. Accordingly, the reference to the Secretary General on page one could be taken out. In any event, I am almost sure that this document is not the one that we approved earlier and, as a significant major change, may require the Cabinet to readdress the entire matter from the beginning.

General Scowcroft: Of course you will recognize, I am sure, that the Secretary General is not the "UN." One of the difficulties here derives from the parallel that is often drawn between our situation today versus the situation during the Vietnam negotiations. You may recall that in the latter context, the Secretary General's functions were purely cosmetic.

This is what we are trying to achieve now but we must achieve some degree of apparent UN participation.

Ambassador Dinitz: I would like to go now to the second point. This is very bad. Not only is the issue of Palestinian participation made explicit a priori, but there is no provision for making that participation conditional upon unanimity. With this kind of language, it will not be possible subsequent to accepting this letter to have any latitude over Palestinian participation. This is the worst possible situation.

General Scowcroft: I understand your concern but I believe you must recognize that this is surely not the worst case approach. The Arabs have insisted that the text reflect that only the "timing" of Palestinian participation remain at issue; that is, that the question of their participation was to be taken for granted.

On the matter of unanimity, I believe that this principle is preserved by the manifest prerogative that any participant has to withdraw if not satisfied with the way that the conference is being conducted.

Ambassador Dinitz: I understand that, but obviously we'd want to avoid creating frictions during the conference and do not wish to be responsible for disrupting the negotiations. This provision on timing is a built-in time bomb. We could have a very severe crisis. You are forcing us to accept the blame for frustrating peace. We don't want to be blamed and we don't want you to be blamed. We have an opportunity to prevent that possibility by acting now to preserve our interests later on.

The Arabs want to achieve two objectives in these negotiations. Number one is Israeli withdrawal; number two, the guarantee of the rights of the Palestinians. I can assure you that there is no Israeli Government present or future that would accept entry into a peace conference on the terms dictated in this draft. To consider the question of Palestinian participation without any safeguards would be suicide.

General Scowcroft: Nevertheless, there is a built-in safeguard provided by your right to withdraw.

Ambassador Dinitz: That always exists in any conference but the party that withdraws is labelled as uncooperative and frustrating opportunities for peace.

General Scowcroft: The phraseology in this text represents a very serious effort to compromise so as to enable the conference to take place. In the absence of compromise, there is the risk of having no conference at all.

Ambassador Dinitz: I understand, and I do not insist that the question of Palestinian participation necessarily be removed, but I must insist that we be allowed the margin of decision in this matter by requiring unanimity. Otherwise, it is very clear that we would be outvoted. What if Lebanon comes in. Even in the best case situation, Lebanon, Jordan and Israel would be opposed by Syria, Egypt and the USSR. We have to worry. We cannot place the outcome at the mercy of Arab goodwill. Jordan could very conceivably take positions against us. And here we are not talking about semantics. It is the core of the issue.

On this point I am not sure that you understand the depths of my concern. When it comes to the Palestinians, we are talking about people who deny our right to exist. We cannot negotiate with such people. If we were required to live as we are surrounded by such people, I personally would much prefer to live in the United States. Such a situation would be intolerable. It is a question of our very existence. It is terribly important that we have safeguards on this matter.

General Scowcroft: I understand entirely. But in the final analysis, is not the practical result of unanimity or no unanimity the same. For example, after a three to one vote, your exercise of a veto would result in your being accused of being obstructionist just as if you precluded that same action by withdrawing.

Ambassador Dinitz: Not quite. In the United Nations, the United States has exercised a veto in the Security Council on a few occasions and has not been accused of being obstructionist but of exercising its legitimate right to protect its interest. The legitimacy of your veto has been recognized.

But I would like to point out that this principle of unanimity is in your interest as well. For example, it is in your interest to have a proper representative of the Palestinians. We can help you achieve this.

Under the rule of unanimity, we could insure that an appropriate Palestinian was chosen without your having to intervene and appear to have taken sides. And furthermore, what if they should seek to include Libya and Iraq. Do you really want Qadhaffi there? We must have a say over who we negotiate with. To be deprived of this is a *cassus belli*.

Minister Shalev: The initial draft said that the conference would be "convened under US and USSR auspices" and there was no mention of Palestine. We must insist on unanimity and it simply isn't there.

Ambassador Dinitz: This text looks less harsh but is only more subtle.

General Scowcroft: I understand your viewpoint on unanimity. On the matter of adding other participants, I believe that this text limits such additions. Only the Palestinians and Lebanese are mentioned here.

Ambassador Dinitz: I prefer the original language. And again it is in our mutual interest to have the principle of unanimity preserved. How do you know that they won't insist on inviting Iraq and Algeria, North Yemen. Who knows?

General Scowcroft: The original language leaves open that possibility but this one does not.

Ambassador Dinitz: I prefer the original language with the addition of the principle of unanimity. My second choice would be this language with unanimity. Otherwise, we would have to walk out. The whole problem might then be referred to the United Nations and we would be condemned. Under these revisions you would gain an ally that could bear the brunt of tabling objectionable positions. But this draft, we cannot possibly accept.

General Scowcroft: I understand your position. I will report it. I must say, however, Mr. Ambassador, that I don't believe this draft is so bad when compared to earlier alternatives.

Ambassador Dinitz: I disagree. Three weeks ago after Mrs. Meir's meeting I was told to take the draft and try to improve it. Now, after three or four weeks I am being asked to go home with a draft that is more objectionable than the one with which we began. I might lose my job. On top of that when



the Secretary comes this will seriously interfere with his visit. The Cabinet cannot meet until Friday. They had earlier expressed only agreement in principle to the original draft. This document will create very severe problems.

General Scowcroft: There are many problems to be overcome. You are undoubtedly aware of the pressure that is increasing that the UN call for a meeting of the Security Council. We had hoped to send an agreed joint letter to the Secretary General tomorrow or Friday.

Ambassador Dinitz: This is a crisis for Israel. The Cabinet must definitely sit on this question. It is impossible that this be done before Friday. The original draft might have been accepted. I suggest that we don't even send it until your Secretary reconsiders. Alternatively, we can send it but it will be received like a bomb. I am very surprised. I told Dr. Kissinger in Tel Aviv during his visit that we would need changes in the document. He was not able to discuss them and said that Sisco would work them out in the Memorandum of Understanding. Only recently Minister Dayan has said that no government could accept changes such as these; that is, to agree to accept Palestinians into the conference without the safeguard of unanimity.

General Scowcroft: That wasn't in the minutes (notice to HAK during first Tel Aviv visit - October 23 - of the requirement for changes).

Ambassador Dinitz: I made the point very clearly and so did General Dayan. I am quite sure that the Secretary was aware of our attitude.

General Scowcroft: My personal impression is that you should send it (the letter) to your government but I will check.

Ambassador Dinitz: I must leave at 4 o'clock p.m.

General Scowcroft: On the question of exchange of prisoners of war with Syria, we have asked the Soviets to carry out their responsibilities to make representations on this matter with the Syrian Government. Dr. Kissinger will also take it up when he is in Damascus. The Syrians may be reserving their position on this as bargaining leverage for use during the visit. I have noted that General Dayan has made an exchange of lists a precondition for going to the conference. We would urge you to reconsider this position.

On the matter of bilateral working groups at the conference, we have received agreement from the other party (USSR).

Ambassador Dinitz: Let me say something as a friend. On the question of POWs, we have recovered the bodies of 48 soldiers that had been mutilated in battle. You must consider the attitude in our country of the wives whose husbands were lost and whose bodies were mistreated. I had three of them in my office today. One was a 23-year old woman that is six months pregnant. Her husband was a Phantom pilot. She criticized me for offering to return prisoners to Syria. She said that I had no right to do this. This is the kind of spirit that typifies our people. Our government cannot tell the people that we will not require at least a list. This would be unheard of in history not to at least insist upon a list. I must say that on this point, were the matter put to me I would be with the people. I personally would not agree to sit in the same room with people who murder prisoners of war. Also, I would think that you would recognize that it is useful to maintain this requirement as leverage vis-a-vis Syria.

General Scowcroft: Again Mr. Ambassador I understand your feelings. As you may know, as the President's Military Assistant I was responsible for representing him with the families of our own prisoners of war and missing in action. It involved the most agonizing and anguishing experiences for many of these persons, and I sympathize entirely with your position. It is, of course, possible that the matter will become moot if it is resolved during the Secretary's visit to Damascus.

Ambassador Dinitz: May I make a suggestion. It might be helpful if before the Secretary's visit to Damascus, he could say that "we cannot urge Israel to attend a conference until the Syrians make some kind of commitment to turn over the list of prisoners." Otherwise everything is on the Arab side. The Syrians will come to the conference without any commitment; this will be very unjust. They must learn the basic rules of decency. If I participate in the conference activities, you may be assured that I will be a hawk on this issue. We must have the list.

General Scowcroft: I will pass this on. We certainly understand your position.

Ambassador Dinitz: You must understand that if the POWs were held by the United States, it would be no problem. But it is quite another matter when they are held by Syrians.



General Scowcroft: I understand your problem and I am in complete sympathy with your viewpoint.

Ambassador Dinitz: It is most important to us that we demonstrate our stringent requirements on matters of our fundamental rights. May I raise another matter. It concerns arms. Our Attache here in Washington has talked to General Sumner and came away empty handed. Even on tanks where Dr. Kissinger had made a commitment for 200, yesterday we were told that there would be only 150. This is not understandable. The President has said to Mrs. Meir that Israel must be able to bargain from a position of strength. Dr. Kissinger has said that we will operate on the principle of replacement of your losses. Secretary Shultz has said "I want you to know that our policy is to strengthen Israel economically and militarily." Then again Dr. Kissinger said that the list will be substantially fulfilled. Now in light of statements by the President, Dr. Kissinger and Secretary Shultz we are at a loss to understand the position of the Pentagon.

General Scowcroft: I will discuss this with the Defense Department and I am sure that I will be successful.

Ambassador Dinitz: I am sure that you will be also.

Minister Shalev: On the Memorandum of Understanding, although Mr. Sisco is gone could we talk about it. There have been three drafts. We submitted an original draft, Mr. Sisco give us a redraft and we now have a third draft. I have prepared it as a smooth copy together with an explanation of the changes that have been incorporated into it. (See attachments) On the first paragraph, we have replaced the words "the ultimate" with "its." To us the word ultimate signifies a distant circumstance. We would prefer simply "its objective." In the second paragraph after the word "consult," we would like to add "fully." In the third paragraph on the matter of POWs we originally asked for the following language: "The U.S. will support the Government of Israel if it refuses to participate in the conference with Syria." This disappeared in the Sisco draft. I have been instructed by my government to reinsert the following: "It must be clear that Israel will not attend the conference until Syria has complied with the Geneva Agreements."

In the fourth paragraph, we would like to ask for confirmation that the other side is committed to observe the ceasefire and that it will remain in effect. In the seventh paragraph, we recommend total deletion. This concerns the matter of separation of forces. It should be included in the letter itself. In the eighth paragraph, we would like to incorporate the attitudes discussed earlier in this meeting on the principle of unanimity. We have the same reservations as it is reflected in the Memorandum of Understanding. The Ninth paragraph concerns the role of the Secretary General. We would request that you delete the word "essentially."

The tenth paragraph states that the Soviet Union will participate at the beginning and at key points during the negotiations. We believe that this should be deleted. On the twelfth paragraph we would recommend returning to the original wording with a minor addition. This is a constitutional problem for us. The current government has power only through December 31st. After December 31st when a new government is formed, the present government is characterized as in transition or as a caretaker. Thus, it will have less power. The length of the period required to form the new government may extend up to six weeks. In the interim the government will not be in a position to make decisions.

Paragraph fourteen may or may not be satisfactory based on whether we come to an agreement on the joint letter to the Secretary General. The new Memorandum of Understanding which I have given you incorporates all of these changes.

General, may I once again emphasize that on the matter of prisoners of war, there can be no shadow of a doubt that without this being resolved before the conference we cannot go.

General Scowcroft: We all hope that this will not be a problem and that in fact it is rendered moot after the Secretary's visit to Damascus.

Minister Shalev: I heard on the news this morning that (Foreign Minister) Eban had said that Israel would go to the conference but would not talk to Syria if the POW issue had not been resolved. This is not true.

General Scowcroft: We understand each other on that point.

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Ambassador Dinitz: If I may sum up, there are three points which if not resolved can torpedo the conference. They are: (1) the question of UN auspices; (2) the question of Palestinian participation; and (3) the matter of the exchange of POW lists with the Syrians. I hope that you have understood these points as of the gravest seriousness for Israel. I have tried to make them as strongly as I possibly can. Finally, I believe it is in our mutual interests that they be resolved before the conference.

General Scowcroft: You have conveyed the depth of your concern most clearly. I will convey it to the Secretary.

Ambassador Dinitz: What a position to put the Prime Minister in.

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Handed to Ken Scowcroft
by N. M. D. on 12/12/73
at 9:30 am

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NOTES ON PROPOSED CHANGES IN TEXT OF "MEMORANDUM OF UNDERSTANDING" as contained in the attached:

Paragraph 1.

In the phrase "and that the ultimate objective ...", the words "the ultimate" should be replaced by "its".

In the text as presented by Mr. Sisco the impression might be created that there will be two phases and that the objective of full reconciliation is not directly and clearly linked to the peace.

Paragraph 2.

It would be appreciated if the word "fully" would be added between "consult" and "with".

Paragraph 3.

It is essential that the original wording be restored. It must be clear that Israel will not repeat not be present at the Geneva talks as long as Syria has not fulfilled the obligation as listed in this paragraph, and Israel wished to be assured of the support of the U.S. Government, if such a situation should develop.

Paragraph 4.

It would be appreciated if the phrase "and will inform the Government of Israel that the Egyptian commitment to observe the ceasefire remains in force" was added.

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By John, MARA, Date 8/4/04

Paragraph 7.

It is requested that the para. be eliminated altogether since Lebanon will presumably be invited at a later stage of the conference and no special understanding between the U.S. and Israel is necessary on this point. As for the question of the disengagement of forces see para. 11 below (which replaces para. 12 with the elimination of para. 7).

Paragraph 8. (which is now para. 7)

This para. has been amended to replace the phrase "full consultation" by "unanimous".

Israel will not agree to the possibility of any invitation being issued without unanimous consent by all the participants.

Paragraph 9. (which now becomes para. 8)

It is suggested that the word "essentially" is eliminated so as to ensure that there will be no doubt about the "non-substantive capacity" of the Secretary General's participation in the opening session.

Paragraph 10. (now para. 9)

It is suggested that the phrase "while Soviet-U.S. participation is to be expected at the beginning and subsequently at key points" be eliminated since this does not require Israel's consent.

Paragraph 11. (becomes para. 10)

No changes.

Paragraph 12.

It is suggested that the original wording proposed by Israel be accepted with the addition of the phrase "other than the question of the disengagement and the separation of forces".

This is necessary because after the elections sometime will pass before a new Government is formed. Until a new Government is formed the present Government will have the status of a transitional Government and as such will be even more limited in its actions, from a political point of view, than it is in the period up to the elections.

Paragraph 13. (becomes para. 12)

Paragraph 14. (becomes para. 13)

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Handed to Gen
Scamcraft by
Ame. Dir. of
12/12/73 oc
9:30 Am

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is intended to express how Israel and the United States will approach their respective roles at the Geneva Conference.

1. The Governments of Israel and the United States agree that the Geneva Conference is aimed at the attainment of a just and durable peace between the parties, that this peace will be a contractual peace between Israel and its Arab neighbors, and that its objective is full reconciliation between the two sides.

2. In the spirit of the special relationship that exists between our two countries, the United States will consult fully with Israel on a step-by-step basis with respect to any ideas it may wish to explore with the Soviets or with the Arabs concerning the settlement.

3. The United States Government will support the Government of Israel if Israel refuses to participate in a conference with Syria until the Government of Syria as a minimum, will submit a list of POWs, will permit the International Committee of the Red Cross to visit them and report that they are being treated in conformity with the Geneva Convention and will agree to an immediate exchange of wounded POWs. The United States Government will exert maximum pressure on Syria and the USSR to accede to the above request.

4. Israel reiterates its decision to observe scrupulously the ceasefire on land, air and sea on a reciprocal basis.

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State Dept. Guidelines
By: [Signature] NARA, Date 8/14/04

The United States will exercise its good offices in order to assure that the other side will abide by its undertaking to observe scrupulously the ceasefire, and will inform the Government of Israel that the Egyptian commitment to observe the ceasefire remains in force.

5. All the existing arrangements with regard to the non-military supply to the Third Army as well as the City of Suez will be maintained unless superseded by other arrangements mutually agreed.

6. The United States will do its utmost to insure that the existing arrangement regarding the uninterrupted passage of ships through Bab-El-Mandeb, to and from Israel, will remain in force, and that Egypt will not apply any blockade measures.

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~~7. It is understood that any possible additional participation at an appropriate phase of the Conference will have to be agreed upon unanimously by all the participants. No state, group or organization will be invited to take part in the Conference without such unanimous consent.~~

18. The negotiations in the Conference will be conducted between the parties concerned as specified in Resolution 338. Israel and the United States agree that it is their view that the Secretary General should participate in the opening sessions in a non-substantive capacity and that he can appoint a representative who would remain throughout the Conference after he has left. His principal duty would be to keep the

Secretary General informed and to help assure that the technical and conference arrangements being provided by the UN are in order.

89. Since the negotiations between the parties are under U.S.-USSR auspices, it is expected that the two major powers will maintain close contact with each other and the negotiating parties. At the same time, it is the view of both Israel and the United States that the prime focus should be negotiations between the parties concerned. The U.S. will work in concert with Israel to maximize opportunities for negotiations between the parties without the presence of either of the major powers.

90. In view of the fact that the Soviet Union does not maintain diplomatic relations with Israel, the Government of Israel seriously questions the propriety and the feasibility of the Soviet Union acting as one of the two powers under whose auspices the Conference is being held. The United States notes Israel's reservations regarding the role of the Soviet Union at the Conference. The United States will make every effort in its consultations with the Soviet Union to encourage it to play a constructive role at the Conference.

104. The Peace Conference will not discuss or take any action on any substantive issue prior to the elections in Israel, other than the question of the disengagement and separation of forces. The Peace Conference will reconvene only after the new Cabinet is formed.

11.12. The United States will do its utmost to prevent any attempt to convene the UN Security Council or any other UN body for the purpose of discussing or taking action on any of the outstanding issues which were discussed at kilometer 101 or which will be discussed at the Peace Conference.

12.13. Israel and the United States agree that nothing in this Memorandum alters the text of the joint US-USSR letter which will be despatched to the UN Secretary General upon receipt of the approval of the parties concerned.

12/10/73

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