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**The documents in this
folder continue from the
previous folder.**

Kissinger: Can we say "for an indefinite period, or until superseded, whichever is longer?" [longer]

Peres: No, sir. You know in our judgment the disadvantages of the Israeli concept, or the Jewish concept, is that the Messiah didn't come, and indefinite is a reference to something that we don't know the date.

Allon: Let's not get an argument about the Messiah.

Peres: However, we would like "that the government of the U.S. shall be entitled to withdraw if it concludes after consultation with each of the other parties, that the performance of its undertaking hereunder no longer serves to promote progress to the final peace..." -- which means that the government of the U.S. has an option, really, upon consultation. I am not referring to the legal part. I am referring to the serious and basic part of it. I mean, not to the words, but to the content.

So, (a), we would like to have in this article a statement that the U.S. intends to remain there for the duration of the agreement, until it will be superseded by another one. And (b), that any change, any alteration either in the duration of the American presence cannot be done one-sidedly but upon the consent of two parties, which doesn't avoid your right to veto, which I understand. But against the right of veto, there is an American commitment that you will remain there. It is your choice and your promise. While you don't give [up] the right of veto, you also take an undertaking, as you do when you do a treaty with any other people or country. And then, that you can consult and agree with the two parties, not just with one of them. Because if you consult just with one of them, theoretically at least, if there would be the wrong administration in the United States -- not the right one -- it can consult with the Egyptians and say, I mean, theoretically, say that since this doesn't serve any longer the purpose of movement towards peace, the Americans are leaving.

What we would like is that this article specifically should state the main purpose of the American presence, which is, (a), duration, until it will be superseded; (b), that the two sides don't have the right of veto unless they agree among themselves, namely Egypt and Israel, and (c), a positive statement of the American readiness or commitment to remain there for the duration. And not to refer to the American right of veto, which anyway we don't question.

Kissinger: Let me say something. First, this has to be submitted to the Congress. We don't even know whether this has to be submitted as a



treaty or as an executive agreement, and we are of divided opinion about that, whether we want to have both Houses vote on it, or just one house. But we are going to have a massive problem with this. And now, if that report on Jackson is accurate, we will really have a massive problem because he will liberate a lot of opponents that would have been afraid before. But Jackson will make it legitimate now.

Now, therefore, we have to draft it with great care, so that we can avoid the argument, that people are now making, that this is how we got into Vietnam. Now, and as we go through this agreement, I really would urge you to keep this in mind. It is not a question of the goodwill of the administration giving commitments that are within its power to execute; it will go to the very heart of it. And also, if after all this pain we come to an agreement with Egypt and it fails in the American Congress, on top of what has happened in Turkey and in Jordan and elsewhere, the impact of that for the United States would be disastrous. In addition to you -- because you will get blamed for it, for the failure in Congress.

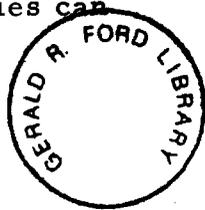
Now, having said this, it doesn't mean that your arguments have to be rejected, but you have to keep in mind that we have to draft it also to get it through the Congress. Whether it says, "and shall remain in force for an indefinite period" or "shall remain in force for the duration of the agreement" -- subject to legal advice, I see no political objection. I will check with Mr. Leigh in a minute.

The second question seems to be linguistic. "Each of the other parties" means that you have to talk to both of them. It doesn't mean that you have to talk to only one. I think that if you want to say with both of the other parties, that's no major problem to us. "Each of the other parties" strictly speaking in English means that you have got to deal with both of them. That's the meaning I derive from that clause. Is anything else intended here?

Sisco: No.

Peres: The problem is not with whom you consult; the problem is that the two parties should agree on the change. I mean, if you say "consult with both parties," that we understand. The point we are making is, if one of the parties consults you to leave and the other party does not, then you can leave?

Kissinger: The situation we have to protect against is that: you have to protect yourself against the possibility that one party can ask us to leave. We have to protect ourselves against the argument that both parties can keep us there.



Peres: For the duration.

Kissinger: We have to be in the position of saying that this does not preclude the President from packing up and getting out if he decides to do so. I mean, this is a way around it from our point of view. [To Leigh:] Isn't that right.

Leigh: Right.

Kissinger: Now, I can understand that you do not want the President to have the right to do it just because one party asks him. And that you feel that both parties should agree that we should leave. But we cannot make a permanent commitment to stay in the Pass area unless both parties agree that we should have. It will never be accepted in America.

Peres: You have two options. One is the duration of the agreement until it will be superseded; then you are automatically relieved from your commitment, and this you must take positively. And, secondly, both parties will ask you to leave. But here, you have the following options. First of all, if you judge that no more progress...

Rabin: That is the worst one. What does it mean?

Peres: That you can get up one morning...

Rabin: That you decide that there is not enough progress for peace and you are leaving.

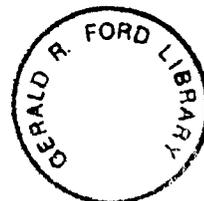
Kissinger: That we can change.

Rabin: That has to be changed.

Kissinger: That doesn't bother me. We can say that "the national interests of the United States require that we leave." That's fine with me.

Rabin: Better than to say "if there is no progress towards peace." It automatically undermines the whole concept of the interim agreement.

Sisco: We didn't have in mind literally the question of progress. We were looking for some general formula that gives us a basis. The "national interest" thing is fine.



Kissinger: From our point of view with the Congress, since this is not a treaty with the parties, it is perfectly enough if we can say, "it no longer serves the national interest of the United States," or "of world peace," or anything.

Rabin: Not "world peace."

Kissinger: Just as long as the President can say it -- isn't that right?

Leigh: Yes.

Peres: Then there must be a positive commitment that you intend to remain there for the duration of the agreement. Otherwise, it won't have any life expectancy.

Kissinger: "For an indefinite time" to an American means forever. But if you want to say "for the duration of the agreement as provided in Article IX, "that's fine with us.

Peres: Would you say, "for an indefinite period" without "provided." I would take your point of view, but the minute you put in the provision, the indefinite becomes very provisional.

Rabin: I prefer that you will say that "Shall remain in force for the duration of the agreement in accordance with Article IX, in which it is written, until it will be superseded by another agreement."

Kissinger: I don't think it is sensible. If we say "in accordance with Article IX of the agreement."

Rabin: That's fine for me -- period.

Kissinger: We don't have to repeat Article IX.

If you want to take out the word "provided" -- Mr. Leigh is going to kill me -- let me state just my suggestion and then you can disagree with me. "For an indefinite period" -- period -- "However, the government of the U.S. shall be entitled..." Leave out the word "provided" and just make two sentences out of it.

Leigh: That's right.



Peres: What do you say when you have a commitment for, say, four or five years? What is your wording? Does the President have the right upon his wish?

Kissinger: What we have is, generally, that the U.S. retains the right in a treaty to give a termination which has a fixed time. That is, you can say within a year, with a six-month termination.

Sisco: But the critical question we have to answer, Shimon, is precisely this, and it will be put by Congress in these direct words: what if a situation on the ground occurs where there is a serious danger to American personnel and circumstances where we judge it to be some way or another contrary to the agreement? What the Congress will not give up, and what the President can't give up, is the authority and the right to take action immediately with respect to those Americans and the protection of those Americans.

Kissinger: We have to answer the question: what if a war starts there? What have you done for the protection of Americans? Then we say, we have to give a six-month termination clause and they have got to stay there for six months. Then they will already be again behind the Israeli lines. [Laughter] What is the sense of being there?

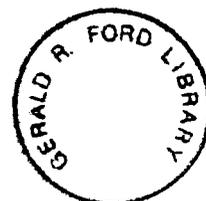
Peres: Then I would suggest that you put in, Mr. Secretary... I know the answer: that certainly the President and the administration are entitled to take very necessary measures for the protection of the lives of the Americans, which may include, I understand, their withdrawal, which is a different issue. But then the reason is the security of the American boys.

Rabin: Let's not involve to take precautions to defend. It is the worst thing that can happen now in the Congress because they will interpret it as sending American troops to defend.

Kissinger: If it is interpreted the other way, it may give the Arabs or whoever wants to get them out the incentive to kill a few Americans.

Rabin: What we can say that in case of violation of the agreement or outbreak of hostilities, they will immediately be evacuated.

Kissinger: Won't the national interest clause resolve it?



Rabin: That's the best way.

Kissinger: I have no problem whatever in removing the last sentence.

Rabin: Relation to progress towards peace is the worst part of it.

Kissinger: I couldn't agree more.

Sisco: Strike the word "provided" as the Secretary indicated. The sentence would read: "However, the Government of the U.S. shall be entitled to withdraw if it concludes, after consultation with each of the parties" -- or "both parties" -- "that the continuance" -- this is rough language -- "of the American presence is contrary to the national interest of the U.S."

Rabin: We have got three points, allow me to say. One, to relate the presence in a positive way for the duration of the Agreement.

Kissinger: We have no trouble saying "shall remain in force for the duration of the agreement as provided in Article IX."

Rabin: Let's think about it. Then comes the question of if one side for the sake of violation of the agreement will decide to get rid of the Americans. We have got such a problem. Instead of getting rid of the UNEF, Egypt will decide to get rid of the Americans.

Sisco: But the commitment in the first sentence which the Secretary and you just agreed commits us in terms of staying there for the duration of the agreement in accordance with Article IX.

Rabin: Yes, but how to make sure that Egypt will not feel or will not be tempted whenever they will decide or whenever it will decide to say, "Go home?"

Kissinger: "The agreement shall enter into force and shall remain in force for the duration."

Rabin: Then we say that there will be no removal without the agreement of the two sides except U.S. national interest, which practically doesn't give to the parties, which is to say, Egypt and Israel, the right to claim that they have got any justification to bring about an end to it.

[The Secretary confers with Sisco and Leigh.]



Kissinger: We think actually "indefinite period" is better. We will do on that phrase what you want.

Peres: If you would have an indefinite period without provision, we would accept it. But if you put provisions, then it is at your pleasure.

Kissinger: "Indefinite" doesn't mean uncertain if you translate it correctly. It means unlimited. If you want "for the duration of the agreement" we will put that. Our concern is that one could imagine a sequence of events where one side deliberately violates the agreement and then the other party says the agreement is no longer valid and that alone will get us out. That is our concern.

Sisco: Whereas the phrase "indefinite period" leaves us the option even if Egypt for example were to violate the agreement and therefore the agreement presumably had to come to an end. The phrase "indefinite period" still leaves the U.S. with the option to remain there in those circumstances, whereas your language would obligate us to get out.

Barak: It gives an option to the other side to act to finish the agreement or to decide to go on with it.

Kissinger: Let's say "for the duration of the agreement as provided in Article IX." Let's accept it; that's fine.

Peres: Maybe we can consider it if you say "purely for American interests." The problem is that this won't include "the lack of progress towards peace."

Kissinger: That is coming out.

Peres: You may suggest it, because otherwise it again cuts out the thing we are trying to achieve. That is our problem, let's face it.

Kissinger: You won't deal with that by the word "purely."

Peres: Can you suggest how we can deal with it? So it won't be because of developments in the Middle East.

Kissinger: What we have to avoid with the Congress is the implication -- we have just gone through it with the damn Congress on Vietnam -- we have to avoid the implication that in order to prevent the 200 or whatever Americans are there from drawing us into a war they have to build into it so many safeguards.



Peres: So can't you say it positively, that under no circumstances will you enlarge the American presence.

Kissinger: That is a different problem.

Peres: That I can understand, that you will say under no circumstances will you enlarge the American presence. But the minute you inject a doubt about the American presence you inject a doubt about the duration of the agreement. That is our point.

Kissinger: If it makes it more dramatic or clear cut for you, I could imagine making the Americans Article 9 and not part of Article 8. If that separates the point of duration. Then in Article 9: "The U.S. shall be entitled to withdraw if it concludes, after consultation with each of the other parties, that the performance of its undertakings no longer serves the national interests," or the "essential national interests..." There is an advantage to separating the two thoughts.

Rabin: I understand. So what will be in Article 8?

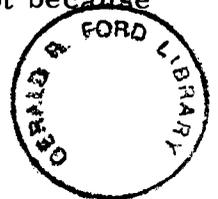
Kissinger: "The agreement shall enter into force upon exchange of written notices of acceptance by each party and shall remain in force for the duration of the agreement as provided for in Article IX of the basic agreement."

Peres: Then we shall have to have Article 9 which says no single party but only the two parties can request the U.S. to alter its presence, and only then we can go into an additional article about the American presence. So we have three paragraphs, one about the duration until it is superseded. Then that the parties don't have the right individually but only mutually to alter the American presence. And only then can we go to an additional article about the American presence.

Or may I suggest four articles. The first, or number 8, that you have suggested, no problems. And number 9 shall be that only the two parties can approach the U.S. for an alteration.

Rabin: That's good.

Peres: And an additional article that under no circumstances will the U.S. augment its presence. That is in your interest to avoid a Vietnamese situation. And only then can we come to the vital interests from an American point of view. Because if the American interests will remain very broad, it can theoretically include if you judge there is no progress, not because



of the American situation but because of an American appreciation of the Middle East situation. We can understand that suppose you have a new president, a new situation, but not because of developments in the Middle East.

Rabin: Can we say "vital American interests."

Kissinger: "Vital?" Of course.

Rabin: Can I suggest the following? First, "the Agreement shall enter into force upon exchange of written notices of acceptance by each Party and shall remain in force for the duration of the Agreement. Egypt and Israel agree that neither of them can on a unilateral basis request an alteration in the American forces."

Dinitz: And a third one, the "vital interest of the U.S."

Kissinger: Let me make a suggestion of the maximum I think is possible. If we have Article 8 we don't need the thing about non-augmentation. If you are doing it for us. That is another tying of the hands of the President in an international agreement, which moreover doesn't mean anything because if we want to augment and get Congressional approval, why shouldn't we do it? It doesn't help us much. We will cover that in testimony and give assurances to the Congress. Third, "the USG shall be entitled to withdraw if it concludes, after consultation with each of the other parties, that the performance of its undertakings no longer serves vital national interests," which would include a request by both parties. I don't think Egypt will give a formal commitment that it has no right to ask for the removal.

Sisco: But the trouble with that phrase is that our determination is based in part on a request from the two parties, which would blow the roof off Congress.

Kissinger: What I meant is that I would add a definition that the vital national interest is determined in part by the request of both parties. In other words, if both parties ask us to leave, we will consider that -- we can get the language later -- if both parties request it, that would be a conclusive. It is not confined to the request by both parties, but the request by both parties would be conclusive. That is what I am looking for. We will not be able to get Egypt to say that on something on which it is sovereign it will not have a right to make a request.



Peres: We don't deny the right to make a request, but we deny that their request will become an order. They certainly can request -- that goes without saying -- but the request wouldn't be translated into action unless both parties agree.

Kissinger: If they accept a formulation that the U.S. will accept only as conclusive the request of both parties, in addition to whatever unilateral determination the U.S. may make, that is a backhanded way of saying the same thing, which they may be able to accept.

I would like to define the "vital national interests." My formulation was confusing. I would like to say the vital national interests of the U.S. can be determined (1) by the President, and (2) by a request of both parties, which by implication makes it clear that a request of one party does not determine the vital national interests.

Peres: But you know we can understand your protecting the right of the President, but we have to protect the rights of our country. Then we shall say in case the President decides like that, we have to agree what will come in the wake of it. We have to explain to ourselves. Suppose the President makes a decision and says: "Boys, go home." Then what will happen? So we have to have consultations about what will replace the American presence.

Kissinger: We have to put that then into the bilateral agreement. That's right. To get this through the Congress, the President must have the right to make that determination.

Peres: Yes, but he must then also consult with the parties about what will happen about a replacement, as we did on the UNEF and to replace it with UNESCO.

Kissinger: UNESCO? [Laughter]

Peres: UNTSO.

Kissinger: ILO.

Rodman: PLO.

Peres: The problem is not just how to pass it through the Congress. If that was the case, we wouldn't have a problem. Our problem is to create



here something which is an additive and a reassurance. But if it will be passed by the Congress and then we are left with nothing, what did we achieve?

Rabin: If you can add what Shimon said -- that there should be a consultation between us.

Kissinger: But you can't put that into a trilateral agreement. That will have to be put in the bilateral agreement. We have to have a clause in the bilateral agreement.

Rabin: When are you going to discuss this with the Egyptians?

Kissinger: I think we are not yet ready, frankly.

Peres: Before we shall have a consultation, let's have it on the whole thing, and we'd like to hear from you what is the best you can do on the American presence. What is our rationale? What is our logic? We say we are giving up the most precious and strategic part of the Sinai.

Kissinger: And transforming it from a defense line into a trap. [Laughter]

Peres: And this we are doing under the orchestra of the Arab world to expel Israel from the UN. And not only that, but when the Egyptians did announce beforehand that they have the right single-handedly to expel the UN Emergency Force from Sinai at their pleasure. Under those declarations and positions, we have to hand over the passes to a party which either wants to get rid of it or the Egyptians feel they have the right to get rid of them. So let's face it: in these precious passes we would like to have a serious American custodianship accepted by both sides.

And then we have accepted the six manned stations. Again, we wouldn't like to haggle. We would like you to tell us what is the best you can do. You told us six no, two yes. You weren't referring to the Mitla. If I can state the options, it can be two major American stations and 4 American sensors either with men or without men. For us it is of tremendous importance, the spread over. Once you don't have so much clearance on the definite nature of the American presence we would like to have the American deployment. And we would like to hear from you what is the best you can suggest to us. Because we are nearing the point where the American presence is becoming something which is not more than symbolic in location and in duration.



Kissinger: Well, I think it is much more than symbolic, because when the U.S. says for an indefinite duration, with only the clause of vital national interests, and given the fact that 76 Senators are prepared to sign documents for you, we are not all that likely just capriciously to start pulling out forces just because the President is in a bad mood. So my instructions, which I have told you, from the President are... I think now that we have that other additional Egyptian station maybe in the passes, I can probably justify another one to him on the ground that we need that to check the access; put it a little further forward, and that controls the Egyptian traffic on the road, and there is another one that controls the Israeli one, and there is one in the Mitla area.

Incidentally, for our sake and also for the Egyptian sake, I think this basic agreement should be written in such a way that all these stations form part of a warning complex and aren't all that precisely defined. And we do it like Article IV of the Agreement and put the exact locations in an annex.

Rabin: But don't you believe you have problems in Geneva?

Kissinger: With the Russians? The only Russian participation in this thing, if they come at all, which I would doubt -- but if they are stupid enough to come, all they are supposed to do at these sessions is observe. They don't have to sign anything. The American and Russian function is to be helpful if they are willing to come. That is their privilege. Besides, that is a separate agreement anyhow, and I don't know whether they need to sign in Geneva.

Sisco: No, we shouldn't get this thing involved.

Peres: The Russians did agree to something which is exclusively American by implication, the air surveillance.

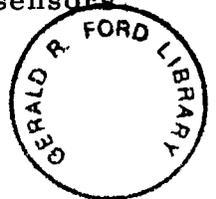
Kissinger: Is that in the agreement?

Peres: In the military protocol which the Russians read. Actually they did agree to a sole American reconnaissance on the buffer zone.

Sisco: Are you contending that the Russians are a party to that?

Peres: They were present when it was approved at the Geneva Conference.

Kissinger: To get back to this, I think three stations and three sensors with freedom of movement of American personnel in the area.



Peres: Are you going to have a small unit to keep the sensors, say even five to ten persons? I wouldn't like to make difficulties, but you must, to see the spread out of the forces, have five or ten persons to keep the sensors.

Kissinger: I think the only way we can handle it is to have Americans visit the sensors in such a pattern that there will be someone there very frequently.

Peres: Every hour on the hour.

Neeman: They may be stolen by some Beduoin.

Kissinger: That would immediately bring an American, because as soon as it is picked up, it registers. So that is easy.

Rabin: Who would build these stations, and when?

Kissinger: That is a good question. I would assume that within the time period before the agreement is completed.

Peres: You would build them?

Kissinger: That is what I had sort of assumed. But I hadn't given it....

Rabin: It might be that you will ask for the prolongation of the withdrawal of Israel before you will be able to build it.

Peres: I noticed you have an American headquarters in the passes that can serve as a forward station.

Kissinger: I am not sure that has been focused on. I think there are a lot of things that seem to be too nit-picking -- whether we have a separate American headquarters, whether that has to be part of an agreement.

Sisco: I don't think that should be part of an agreement.

Rabin: What is the meaning of "custodian?"

Sisco: It means under the aegis of the U.S. [Laughter]

Kissinger: Basically the role of the U.S. in these functions is to make sure that neither side violates the arms limitation agreement with respect to it and to permit an American flag to be raised there.



Rabin: You used the language "supervise." That can be interpreted to mean the supervision of the actual function, the intelligence function.

Kissinger: Since we did not want to take responsibility for the intelligence function, that was the reason why we got off our original proposition that we would man the station. We don't want to take responsibility for the intelligence part of it.

Peres: In that case, you will be the custodian of the approaches to the station -- not just the station -- namely the road.

Kissinger: This is the context within which we can sell it most easily in Egypt and to some extent in the U.S.

[Dr. Kissinger reads a message handed to him by Mr. Sisco.] I will tell you one thing: It is better to negotiate with an opposite number than to be a mediator, because you can always bomb your opponent. [Laughter] This is a message from Egypt. It is nothing crucial. I will talk to you in a minute [to Rabin]. Nothing of any major consequence.

I think this agreement has to be recast. I think the whole warning system ought to be wrapped together into one general paragraph, of which the U.S. is custodian. Then also establish a geographical area, assuming the Egyptians will opt, which I think they will, for the passes. Then I think what we should do is draft the paragraph that the U.S. is custodian of the warning system. Within that warning system we are in fact, if my concept is right, in at least five stations -- at the Egyptian station, the Israeli station and at three other points. Then also it might be possible to arrange that these points change from time to time. But at any rate, we check the entrance of the Egyptian station, we check the road for the Egyptians, we check the road for the Israeli access, and we do some other things. And then it all makes a general concept, and it should be written that way. Then we can have an annex that locates these things. But that is a better way, and it also gets us back to the original area concept.

Peres: I agree with you. That is much better.

Kissinger: Then there is no question that the Americans have the right to travel in that area and we don't have to get a special protocol for each post. And I think it should be written that way. It is easier for us to defend and easier for the Egyptians to defend, and it meets your original point almost completely. Then you and we can make an agreement in addition as to how the Americans circulate in that area.



Peres: That is a much better concept.

Kissinger: Can I talk to you [Rabin] for 30 seconds?

[Dr. Kissinger and Mr. Rabin leave the room for a private talk from 3:33 to 3:43 p.m., and then return.]

Rabin: How do you propose to proceed?

Kissinger: I would propose that now, if the Israeli side agrees, we get our experts together to rewrite this agreement today. I should not yet present it to the Egyptians. I have enough with the Egyptians today to have a rather emotional session. [Laughter] And I will produce the concept of a trilateral agreement, which also will take some time, and what its basic elements should be. Then we should recast this agreement so that the U.S. becomes the custodian of the warning system, which will be located in...

Peres: The warning system zone.

Kissinger: Of the warning system in the zone, which will be located in an area which is defined in the annex. In that zone there will be an Egyptian warning station, an Israeli warning station, and such other stations as are defined in the annex. This is the easiest thing for the Egyptians to handle in a public agreement.

Rabin: You will publish it.

Kissinger: In America we have to publish the annex, but he doesn't have to publish the annex.

Then in the agreement we define a few of the functions of the custodian, and spell it out in the annex. And then the custodian has the right to circulate to all the points that are relevant, and then we don't have to have all this business of an American headquarters [in Article 6 of Tab C] which I think is a mistake. Let's make a separate agreement on that later.

Rabin: You stressed the passive nature of your surveillance [in Article 2 of Tab C]. Why do that?

Sisco: We don't have to.



Kissinger: We don't need the word passive.

Peres: To break it into two, we shall have plenty of trouble.

Kissinger: The annex can get published too.

Peres: The three-party annex should specify who is doing what and where.

Kissinger: Yes. Wait a minute. This has to be a separate agreement. This isn't an annex. This agreement should have an annex, both of which have to be submitted to the Congress -- the basic agreement, and you can publish the annex too. It is open.

Allon: The annex will be more of a technical nature.

Kissinger: It defines where the things are, what the functions are, who can go where, why, etc.

Peres: But in the agreement there will be an American presence.

Kissinger: That is the point of the agreement. It will be the custodian.

Peres: And the custodian appointed by both sides will be Americans.

Sisco: What agreement are you referring to?

Peres: The three-party agreement, the separate agreement that will have the principles on the one hand and the technical later in an annex.

Kissinger: "The United States will be the custodian of the warning system. It will be present at the Egyptian and Israeli stations and it will also be present at such other places as are mutually agreed to between the parties and are specified in the annex." So it doesn't say at how many places but it is clear the U.S. is present. "It performs the following functions" -- whatever we say. "In the Egyptian and Israeli stations, it performs the function of checking the entrances to the warning stations; and it has the right to circulate in that area." I think that is all that has to be said.

Peres: Can you appoint two or three gentlemen and we shall appoint two or three and let them work this afternoon?

Kissinger: I can appoint two or three technical experts; whether they're gentlemen I don't know. [Laughter]



Peres: Could you instruct your experts to be gentlemen? [Laughter]

[Dr. Kissinger appoints Messrs. Leigh, Atherton and Oakley and Amb. Toon. The Israelis are Messrs. Barak, Rosenne, Neeman and Tamir.]

Kissinger: We will notify you in the morning when we will get back from Egypt. It will certainly not be before the afternoon. As we get into technical issues, you should not draw conclusions -- although there will be a problem there too.

Then I will deal with them on what we discussed this morning, and I will get their agreement to the concept we are developing here, including the concept of a zone that has all the warning stations in it. I think they will prefer that to listing each post in an agreement. I think that is as much as I can do on this trip.

Allon: Will you start with the Egyptians on mutual commitments to the U.S. Government?

Kissinger: Yes, I will.

Allon: And when do you think we will work out the bilateral agreement?

Kissinger: Anytime you say. I think on the bilateral, once we understand what we are trying to say, I mean on several of the points, for example the Syrian negotiations, there is absolutely no disagreement. It is just a question of how to say it and what. Anytime you schedule a session, we are prepared to do it.

We have another hour.

Peres: We could spend it on the American-Israeli thing, to see what the important issues are.

Kissinger: Good idea.

Rabin: Let's discuss the bilateral agreement. [The draft with disagreed parts is at Tab D.]

Kissinger: I think the best thing on that is for you to tell us what are your concerns.

Rabin: Let's start with the question of the oil.



Barak: First, there is a major change in the new U.S. version -- this is the old paragraph 2, the new 3.

Kissinger: What's the difference?

Barak: In the new 3, there is a period of three years subject to review, while in the old 2 there was no limitation.

Peres: It was indefinite.

Rabin: The problem is that you give validity through this paragraph that the duration of the agreement is three years.

Kissinger: Are you going to take the oil field back when the Agreement ends? That is when you have permanent peace.

Rabin: It is a limited period, and we lose Abu Rudeis forever. Well, who knows about forever? You can never say. [Laughter]

Kissinger: I'd hate to think what Gur and Peres are really thinking. It's probably grounds for abrogating the agreement before it is even out.

Look, really this is not one of our central points. It was to provide for a periodic review.

Let us let the Attorney General continue?

Rabin: What is the review, about the commitment?

Allon: I'd like to ask a basic question. Because these are important papers which were finished in Washington. We got final approval from the Secretary of State and the President. Why should we open them?

Kissinger: The President never read these.

Allon: Why should we open them up again?

Kissinger: I think it was always understood these were ad referendum. We never had a chance to fully study them. I don't consider this a question of principle. The thing you have just raised I consider a soluble problem. We will come to an understanding about this. Let's hear your objections.



Barak: In the old Article 2 there was an undertaking to cover all our needs, while here you give a specific number of 125,000 barrels per day.

Rabin: Which I believe is 65 or 70 percent of our needs.

Kissinger: That is our computation of what you are covering from Abu Rudeis oil fields. It applies the IEA formula.

Sisco: It's less 10 percent under the IEA formula.

Dinitz: If let's say 140,000 is our consumption, then the 10 percent should not be deducted and then call it a ceiling.

Kissinger: That is a reasonable point.

Neeman: That figure itself in the IEA agreement changes every year because it's a percentage of consumption. Here it's fixed.

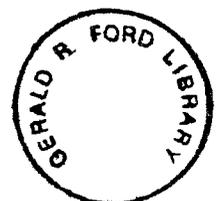
Kissinger: We are perfectly willing. After all, you will not notify us unless there is some sort of embargo going on. Therefore the best solution is to apply whatever the IEA formula is to the embargo rather than put a number on it. Whatever the IEA formula is.

Rabin: In case we cannot obtain it elsewhere, in case of embargo, then the formula.

Dinitz: Because there could be a situation that there is no embargo but we cannot obtain any.

Kissinger: What we are trying to avoid is... The only way our legal advisor tells me we can make an absolutely unlimited commitment to anything is through a treaty. Otherwise it has to be related to some formula. I would strongly urge not to submit a treaty on this on top of the aid request, on top of the American presence in the passes. I think it would over-strain the system. So what we have to do here is to figure out a formula that has some numerical limit to it and that is related to some objective criteria. Because 10,000 barrels a day to us isn't anything. The Abu Rudeis fields in our calculations are going to run out of oil in five years' time anyway.

Rabin: In our calculation, it is 12 years.



Rosenne: May I suggest a formula? To leave "all its requirements," and to add "for the purpose of determining Israeli requirements, provisions of the IEA agreement will apply if ratified by the U.S. Government."

Leigh: The term "ratified" sounds like treaty language.

Rosenne: I have another formula: "In accordance with IEA conservation and allocation provisions as applied by the U.S. Government."

Kissinger: That's better. Because we didn't ratify the IEA agreement and we are insisting that it doesn't have to be ratified, so we'd rather not use the word "ratify."

Rosenne: So then we leave in "all the requirements" and that phrase.

Kissinger: Let Monroe [Leigh] study it, but it sounds very promising.

Barak: In the old version your obligation was to supply when Israel was unable to satisfy its needs. Now there is a new language saying "in the event Israel is unable to secure its essential needs."

Kissinger: We want to avoid a situation on the oil issue -- and now that Jackson is unleashed there is no telling what he will do -- on that issue there is special sensitivity. I got into a major problem with Senator Case on the IEA conservation-sharing formula. Under the IEA formula there would have to be a 90 percent cut off of total American imports before we would have to share anything from our own domestic production, which is an almost inconceivable contingency. And nevertheless he was violently opposed even to that totally hypothetical margin. Because there is no way we can be cut by 90 percent. There is no way that can happen.

Now, the major argument that will be made is why should Americans have to conserve while Israelis can have an unrestricted consumption? And the phrase "essential" is in there to relate it to the IEA formula; under that you have to cut in certain embargo conditions by a certain percentage. That is the point of "essential." And it is really to help us with the Congress. Maybe if we relate it very specifically to the IEA formula, the word "essential" isn't necessary. I think, however, for presentation purposes the word "essential" would be useful. There are no arrieres pensees.

[Atherton confers with the Secretary.]



Let me explain. Roy points out very correctly that there are two distinguishable situations. One is where everyone is suffering because oil producers will not sell to at least the major industrial nations. The second situation is when Israel is being embargoed and no one else. In that case, it is a much easier problem for us because there are no consumption restrictions in America then. Perhaps this can be worked out more clearly.

Atherton: We can reflect the two things.

Rabin: I think it is a good thing, to have two different definitions for two different situations.

Kissinger: The IEA formula works in either case because it is supposed to apply to selective embargos. I think we can solve this. Any other points in this document? [Laughter]

Barak: Those were all the points on the oil. The next point is Article 9 of the old version which said, "Should Israel take military action as a result of an Egyptian violation of the Agreement, the USG, if it agrees such action is reasonable, will lend Israel material and diplomatic support."

Kissinger: I will tell you what our problem is here. First of all, this is on the understanding that it's a secret memorandum of understanding which will not be published. But nevertheless it has rarely but occasionally happened that provisions of our understandings have appeared in the press.[Laughter] And we are trying to protect ourselves against the unlikely contingency that this may happen.

Peres: By rendering it meaningless.

Dinitz: By deleting it.

Kissinger: We deleted it because it in fact says that the U.S. and Israel have agreed that Israel could take military action against Egypt, and the only thing that is left open is the degree of American support. That is what this clause says.

Dinitz: May I read out how it read before you deleted it? [He rereads the clause aloud.]



Allon: You first have to agree. You are not joining us or helping us automatically. If you think it is justified, then you can help us.

Kissinger: It is one thing for us to acquiesce in military action by Israel. It is another thing for us to draft a document, which has a high possibility of being leaked, in which we plan for the contingency of an Israeli military action in a vague contingency of the violation of an agreement, and the only thing left open is whether or not America will support it diplomatically.

Sisco: This document will be submitted to both committees. And now this document not only reads "Memorandum of Understanding;" it now reads "Agreement between the Governments of Israel and the U. S." There are two considerations. One is the very fact that it will be submitted to the two committees, the very fact that it is now in terms of an agreement; the very fact that we will have to submit separately an agreement on the American presence means that all of this will be much more in the Congress than was under the 1974 Disengagement Agreement, let alone the Case Amendment, where they can insist on making this a part of the public domain in the Congress.

Kissinger: Don't tempt Dinitz! [Laughter] Simcha's staff on the committees will keep it secret.

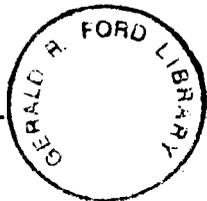
Rosenne: The U.S. Government must find that it is reasonable. If it decides it is not reasonable, then there is no support.

Kissinger: There are two aspects, the question of consultation with respect to corrective action, that is one. We have no difficulty at all with that. But this saying "Should Israel take military action..." Joe, you had a formula which I liked. What was it?

Sisco: I don't remember! [Laughter]

Peres: What is the problem here? The whole thing is being watered down to consultations. Even in the worst period of our relations we always were consulting. There is nothing sensational about two countries having consultations about how to remedy a broken promise. And what you really did is to reduce the whole agreement to the level of consultations, which goes without saying anyway. In order to consult, why do we have to agree?





Kissinger: I think if you compared the numbers of hours I spend with Simcha with those I spend with all the other ambassadors in Washington, you cannot say it is a matter of course. We will not submit this for approval to the Congress.

Peres: If we prepare all this just to have the Congress approve it and take out the meaningful part of it, we don't gain a thing.

Rabin: Let's put it simply: We cannot afford as an independent state to give you the veto when it comes to a violation of the agreement. If we put "consultation before"...

Kissinger: I understand this. That is why we thought it would be best either to eliminate it or find some other way.

Rabin: We understand that your judgment is reserved to you, and you will decide whatever you want.

Dinitz: I think we should treat this paragraph as two different concepts. One is that of Israel's right to take military action as a result of an Egyptian violation of the agreement, and for this we don't seek your agreement.

Kissinger: So let's drop it out.

Dinitz: So we can say that "the U.S. notes that Israel will take military action as a result of Egyptian violation of the agreement." Then it says "the U.S. Government, if it agrees that such action is reasonable, will render material and diplomatic support."

Peres: Would you agree to such language: "In case of an Egyptian violation of any of the provisions of the agreement, and Israel activating Article 51, the U.S. will extend material and..."

Dinitz: No.

Peres: Why not?

Kissinger: Because we are engaged in a little exercise with regard to Article 51.

We are not saying you don't have the right to take military action. We just don't want to pronounce it in a document as a given fact. Remember that Article I provides for the settlement of all disputes by peaceful means. It is hard for us to sign a bilateral document that gives an open right for military action, even if we don't support it. Without defining what a violation is.

Peres: It says "if the U.S. Government agrees that such an action is reasonable." You have an option to judge.

Kissinger: We have the option to judge our support.

Peres: No, whether the action is reasonable.

Rosenne: Before we had "justified," and you suggested an amendment, Mr. Sisco, and then we had "reasonable" instead of "justified."

Kissinger: That is not my objection to it. The second half of this I have no problem with: "That the U.S. will support justifiable or reasonable corrective actions," that I have no trouble with. The principle problem is with "should Israel take military action."

Rosenne: How about "should Israel take any action," instead of "military?" Then you have an option to judge whether this action is justifiable or reasonable or any way you want to put it. Suppose we decide to go to the UN, that is also an action.

Kissinger: If you negotiate that hard on unilateral provisions, how will you do on the bilaterals? [Laughter]

I think we have got a point, and I think we should let the experts see if they can find some formula which does not have the implication of military action, that has consultation not required. There will be a consultation, and then if you take action... If we could combine your 8 with our 8.

Rabin: No, let's distinguish between the two if they can find a formula.

Peres: The distinction is: On action we don't have to consult; on your support we consult.

Kissinger: It took us four drafts to catch it. Our minds are slower than yours.

Rabin: When do we go to the military protocol?

Kissinger: Tomorrow. Roy [Atherton], you work out an annex. Do it alone. Work out an annex based on the Disengagement Agreement.

Rabin: Mr. Secretary, this bilateral agreement is of very vital importance. It is a pity we touched on it in a way and a mood that did not reflect the serious weight of it. Therefore, I don't want you to get the impression that these were the issues. We have real problems here.



Kissinger: But what I wanted to suggest to you here is the same as we did this morning. If we fight about every paragraph with the same intensity, then the overall significance could be lost. If you could go through this and when we meet again pick out the most vital issues, and the less vital ones, I'd be prepared to discuss first those you consider most vital and then the others. I think it is a more promising approach than to go through it paragraph by paragraph.

Rabin: All right.

Kissinger: The oil is relatively easy. On the Soviet thing [paragraph 11 of Tab D], I urge you to look at the NATO Treaty, I think you will find the draft you gave us goes beyond the NATO Treaty.

Peres: With the difference that in the NATO case you have troops in the NATO countries. You don't have just a treaty.

Kissinger: The legal obligations you state here go beyond the NATO obligations in having no reference to constitutional procedures, no American judgment possible, and all possible help. And it will raise a hellish problem. On the Syrians [paragraph 16] there is no disagreement.

Peres: You changed it from what we had discussed, unnecessarily.

Dinitz: There is a major change by changing one word. It said "shares" and now it says "notes." [paragraph 14]

Kissinger: I hate to say this, but you have to understand that we are heavily affected by the leakage problem. Remember what we have to defend when it gets public.

Rabin: Let's come to it in an orderly manner.

Kissinger: I don't consider this a conclusive discussion.

Rabin: By no means.

[The meeting adjourned at 4:40 p.m. The Secretary's and Foreign Minister's remarks to the press afterwards are at Tab E.]



Israeli redraft
August 26, 1975

(A)

~~SECRET~~

AGREEMENT BETWEEN EGYPT AND ISRAEL

The Government of the Arab Republic of Egypt and the Government of Israel have agreed as follows:

ARTICLE I

The Parties

Resolve that the conflict between them and in the Middle East shall not be resolved by military force but only by peaceful means:

Recall that the Agreement concluded by the Parties, January 18, 1974, within the framework of the Geneva Peace Conference, constituted a first step towards a just and durable peace according to the provisions of Security Council Resolution 338 of October 22, 1973; and

Are determined to reach a final and just peace settlement by means of negotiations called for by Security Council Resolution 338, this Agreement being a significant step towards that end.

ARTICLE II

(1) The Parties hereby undertake not to resort to the threat or use of force or blockades against each other and to settle all disputes between them by negotiations or other peaceful means.

(2) The Parties have given a further written assurance to the Government of the United States of America to this effect.

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ARTICLE III

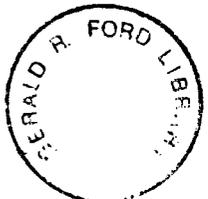
(1) The Parties shall continue scrupulously to observe the ceasefire on land, sea and air and to refrain from all military or para-military actions against each other.

(2) The Parties also confirm that the obligations contained in the Annexes and assurances and, when concluded, the Protocol shall be an integral part of this Agreement.

ARTICLE IV

In conformity with the provisions of this Agreement, the military forces of the Parties shall be redeployed along the new lines, buffer zones and a U.N. area with Egyptian civilian administration shall be established, areas of limited forces and armaments shall be delineated, and early warning posts and surveillance installations shall be erected.

The details concerning the new demarcation lines, the redeployment of the forces and its timing, the limitation on armaments and forces, aerial reconnaissance, the operation of the early warning and surveillance installations, the UN functions and other arrangements will all be in accordance with the provisions of the Annex and map which are an integral part of this Agreement and of the Protocol which is to result from negotiations pursuant to the Annex and which, when concluded, shall become an integral part of this Agreement.



ARTICLE V

The Parties agree that the United Nations Emergency Force is essential and shall continue its function and that its mandate shall be extended annually for the duration of this Agreement.

ARTICLE VI

A Joint Commission of the Parties is hereby established for the duration of this Agreement. It shall operate through the good offices of the Chief Coordinator of the United Nations Peace-keeping Mission in the Middle East, in order to consider any problem arising from this Agreement and to assist the United Nations Emergency Force in the execution of its mandate. The Joint Commission shall function in accordance with procedures established in the Annex.

ARTICLE VII

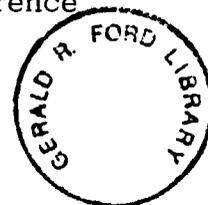
(1) All cargoes destined for and coming from Israel will be permitted through the Suez Canal.

(2) The Parties regard the Straits (of Bab-el-Mandeb) leading into the Red Sea as an international waterway for ships of all flags. Neither Party shall interfere with free and unimpeded transit of any ship or cargo through those Straits or with the flight of aircraft over those Straits.

ARTICLE VIII

(1) This Agreement is regarded by the Parties as a significant step toward a just and lasting peace. It is not a final peace agreement.

(2) The Parties shall continue their efforts to negotiate a final peace agreement within the framework of the Geneva Peace Conference in accordance with Security Council Resolution 338.



ARTICLE IX

This Agreement shall enter into force upon signature and remain in force until superseded by a new agreement between the Parties.

Done at _____ on the _____
1975, in four copies.

For the Government of Israel

For the Government of the
Arab Republic of Egypt

WITNESS

SECRET



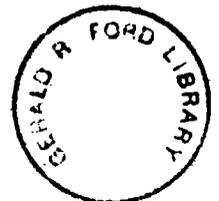
Israeli Redraft
8/26/75

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B

I am writing you this letter to inform you of the position of Israel on the question of duration of the second Egyptian-Israeli agreement on Sinai. The agreement includes language that the agreement shall remain in force until it is superseded by a new agreement between the parties.

With respect to the duration of UNEF, I have informed Secretary Kissinger of Israel's undertaking to make every effort to extend the UN Emergency Force annually for the duration of the agreement. However, should the Security Council, because of the action of a third state, fail to renew the UNEF mandate to assure continuous operation, Israel undertakes (without prejudice to any obligation of the parties under this agreement) to concert actively with the U.S. to have the General Assembly to take appropriate action to bring about annual renewals for at least two renewals after the first annual mandate.

In the event such an affirmative General Assembly action does not prove possible, Israel will request an augmented UNTSO to continue the supervision responsibility and to have the joint Egyptian-Israeli commission cooperate with it.



Draft
August 25, 1975

(C)

~~SECRET~~

AGREEMENT ON MONITORING

The Government of the Arab Republic of Egypt,
The Government of Israel, and
The Government of the United States of America;

Noting the conclusion on this date of an Agreement
between the Government of the Arab Republic of Egypt and
the Government of Israel, and

Desiring to facilitate the implementation of that
agreement,

Have agreed as follows:

Article 1

The parties consider that a United States custodial
role in connection with the operation and maintenance
of surveillance and early warning stations in the area
of the Sinai Passes will facilitate the achievement
of the objectives of the Agreement concluded on this
date between the Government of the Arab Republic of
Egypt and the Government of Israel and will constitute
an important contribution to the establishment of
conditions conducive to progress toward a final peace
agreement.

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HR 10/17/03



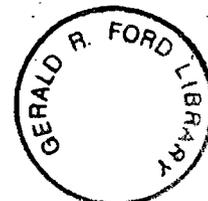
Article 2

1. The existing surveillance site operated by the Government of Israel at coordinates _____ and a new surveillance site to be constructed and operated by the Government of the Arab Republic of Egypt at coordinates _____, as shown on the annexed map, shall perform, under the aegis of the Government of the United States, the functions of (passive) visual and electronic surveillance in accordance with the terms and conditions of the Agreement concluded on this date between the Government of the Arab Republic of Egypt and the Government of Israel.

2. The maximum number of Egyptian personnel present at any one time at the site operated by Egypt, and the maximum number of Israeli personnel present at any one time at the site operated by Israel, shall be _____ in each case.

Article 3

The surveillance function described in Article 2 will be performed under the aegis of the United States acting as custodian of each site. A sufficient number of United States civilian personnel shall be assigned to each site to perform the following technical responsibilities:



(1) monitor operations within each site and immediately report any detected divergency from the functions described in Article 2, paragraph 1, to the other Parties, to the UNEF, and to the Joint Commission, as appropriate:

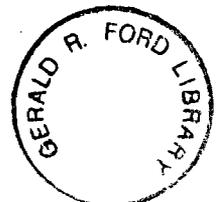
(2) monitor all movement into and out of each site and report the same periodically to the other Parties, to the UNEF, and to the Joint Commission, as appropriate.

Article 4

1. There shall be established, maintained and operated under the aegis of the Government of the United States an early warning station in each of the Mitla and Giddi Passes in the area of the points shown on the annexed map. There shall also be established, maintained and operated unmanned electronic sensors at both ends of each Pass and in the general vicinity of each station.

2. The United States technical personnel operating the early warning stations and the sensors shall:

(a) immediately report to the other Parties, to the Joint Commission, and to UNEF and the United Nations, as appropriate, any movement of armed forces, other than the UNEF, into or over either Pass and any observed preparations for such movement;



(b) report periodically to the other Parties, to the UNEF and to the Joint Commission, as appropriate, any other observations pertinent to the use of either Pass.

Article 5

No arms shall be maintained at the sites, headquarters, and other facilities covered by this Agreement, except for such small arms as are required by the personnel responsible for internal security.

Article 6

1. There shall be established one headquarters and such support and communications facilities as may be necessary for the surveillance and monitoring functions to be carried out by United States civilian personnel. The facilities, equipment and supplies and United States personnel shall be immune from the criminal and civil jurisdiction and the customs and tax jurisdiction of any other party.

2. The other parties shall ensure free landing rights and unimpeded passage through and over territories under their jurisdiction or control for the United States personnel, equipment and supplies.

3. The Government of the Arab Republic of Egypt and the Government of Israel waive any and all claims against the Government of the United States, and agree



to indemnify and hold harmless the Government of the United States against any and all claims by others, whether governments or private parties, arising out of any acts or omissions of the United States civilian personnel in the conduct of activities under this Agreement.

Article 7

The Government of the United States shall make periodic reports to the Secretary General of the United Nations with respect to the activities of the United States civilian personnel under this Agreement.

Article 8

This Agreement shall enter into force upon exchange of written notices of acceptance by each Party and shall remain in force for an indefinite period. ~~(provided)~~ however, that the Government of the United States shall be entitled to withdraw if it concludes, after consultation with each ^{both} of the other parties, that the performance of its undertakings hereunder no longer serves to promote progress ^{is contrary to the national interest of the United States} toward a final peace agreement between the two parties.

Done at _____ on _____,

1975, in three copies.



~~SECRET~~

6

FOR THE ARAB REPUBLIC OF EGYPT

FOR ISRAEL

FOR THE UNITED STATES OF AMERICA



~~SECRET~~



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