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



ANNEX TO EGYPT-ISRAEL AGREEMENT

Within 5 days after the signature of the Egypt-Israel Agreement, representatives of the two Parties shall meet in the Military Working Group of the Middle East Peace Conference at Geneva to begin preparation of a detailed Protocol for the implementation of the Agreement. The Working Group will complete the Protocol within 2 weeks. In order to facilitate preparation of the Protocol and implementation of the Agreement, and to assist in maintaining the scrupulous observance of the ceasefire and other elements of the Agreement, the two Parties have agreed on the following principles, which are an integral part of the Agreement, as guidelines for the Working Group.

1. Definitions of Lines and Areas

The deployment lines, areas of limited forces and armaments, Buffer Zones, the area south from Line E and west from Line M, other designated areas, road sections for common use and other features referred to in Article IV of the Agreement shall be as indicated on the attached map (1:100,000 -U.S. Edition).

2. Buffer Zones

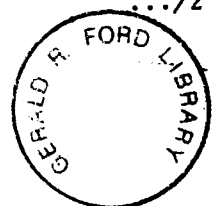
(a) Access to the Buffer Zone will be controlled by the UNEF, according to procedures to be worked out by the Working Group and UNEF.

(b) Aircraft of either Party will be permitted to fly freely up to the forward line of that Party. Reconnaissance aircraft of either Party may fly up to the middle line of the Buffer Zone on an agreed schedule.

(c) In the Buffer Zone, there will be established under Article IV of the Agreement an Early Warning System entrusted to United States civilian personnel as detailed in a separate proposal, which is a part of this Annex.

(d) Authorized personnel shall have access to the Buffer Zone for transit to and from the Early Warning System; the manner in which this is carried out shall be worked out by the Working Group and UNEF.

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E.O. 12958, CIVIL 05
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BY HR, DATE 11/23/03



3. Area South of Line E and West of Line M

(a) In this area, the United Nations Emergency Force will assure that there are no military or para-military, or (irregular forces) of any kind, military fortifications and military installations; it will establish checkpoints and have the freedom of movement necessary to perform this function.

(b) (Unarmed) Egyptian civilians and third country civilian oil field personnel shall have the right to enter, exit from, work, and live in the above indicated area, except for Buffer Zones 2A, 2B and the UN Posts. Egyptian civilian police shall be allowed in the area to perform normal civil police functions among the civilian population in such numbers and with such weapons and equipment as shall be provided for in the Protocol.

(c) Entry to and exit from the area, by land, by air or by sea, shall be only through UNEF checkpoints. UNEF shall also establish checkpoints along the road, the dividing line and at other points, with the precise locations and number to be included in the Protocol.

(d) Access to the airspace and the coastal area shall be limited to unarmed Egyptian civilian vessels and unarmed civilian helicopters and transport planes involved in the civilian activities of the area as agreed by the Working Group.

(e) Israeli vessels will be permitted to sail and Israeli aircraft to fly along the median line of the Gulf of Suez in an agreed manner.

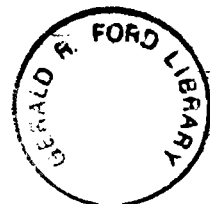
(f) Israel undertakes to leave intact all currently existing civilian installations and infrastructures.

(g) Procedures for use of the common sections of the coastal road along the Gulf of Suez shall be determined by the Working Group and detailed in the Protocol.

4. Aerial Surveillance

There shall be a continuation of aerial reconnaissance missions by the U.S. over the areas covered by the Agreement (the area between lines

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F and K), following the same procedures already in practice. The missions will ordinarily be carried out at a frequency of one mission every 7-10 days, with either Party or UNEF empowered to request an earlier mission. The USG will make the mission results available expeditiously to Israel, Egypt and the Chief Coordinator of the UN Peacekeeping Mission in the Middle East.

5. Limitation of Forces and Armaments

(a) Within the Areas of Limited Forces and Armaments (the areas between lines J and K and lines E and F) the major limitations shall be as follows:

- I) Eight (8) standard infantry battalions
- II) Seventy-five (75) tanks
- III) Thirty-six (36) artillery pieces, including heavy mortars, whose range shall not exceed twelve (12) km. (above 120 mm.)
A
- IV) The total number of personnel shall not exceed eight thousand (8,000).
- V) Both Parties agree not to station or locate in the area weapons which can reach the line of the other side.
- VI) Both Parties agree that in the areas between lines J and K, and between line A (of the Disengagement Agreement of January 18, 1974) and line E, they will construct no new fortifications or installations for forces of a size greater than that agreed herein.

(b) The major limitations beyond the Areas of Limited Forces and Armament will be:

- I) Neither side will station nor locate any weapon in areas from which they can reach the other line.

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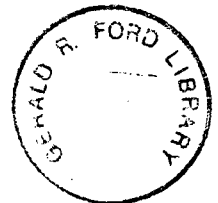


II) The Parties will not place anti-aircraft missiles within an area of ten (10) kilometres east of Line K and west of Line F, respectively.

(c) The UN Force will conduct inspections in order to ensure the maintenance of the agreed limitations within these areas.

6. Process of Implementation

The detailed implementation and timing of the redeployment of forces, turnover of oil fields, and other arrangements called for by the Agreement, Annex and Protocol shall be determined by the Working Group, which will agree on the stages of this process, including the phased movement of Egyptian troops to line E and Israeli troops to line J. The first phase will be the transfer of the Abu Rodeis oil fields and installations to Egypt within days. Implementation shall be completed within months after signature of the Protocol.



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August 25, 1975

MEMORANDUM OF UNDERSTANDING: AGREEMENT
BETWEEN THE GOVERNMENTS OF ISRAEL AND
THE UNITED STATES

U.S. DRAFT

ISRAEL DRAFT

The United States recognizes that the
Egypt-Israel Agreement of _____, (herein-
after referred to as the Agreement), entailing
the withdrawal from vital areas in Sinai, con-
stitutes an act of great significance on Israel's
part in the pursuit of final peace. That Agree-
ment has full US support.

U.S.-Israeli Assurances

1. The USG will make every effort to be fully responsive,
within the limits of its resources and Congressional
authorization and appropriation, on an on-going and long-
term basis to Israel's military equipment and other de-
fense requirements, to its energy requirements and to its

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DECLASSIFIED *State Dept*
E.O. 12958, SEC. 8.5 *Review*
SEPTEMBER 1998 *SF 9/19/03*
LR, NARA, DATE 11/03/03



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economic needs. In this spirit the Administration will seek authorization and appropriation of funds from Congress in FY76 in the total amount of \$ _____. It will thereafter submit annually for approval by the US Congress a request for military and economic assistance in order to provide for Israel's economic, energy and military needs. The needs specified in paragraphs 2, 3 and 4 below shall be deemed eligible for inclusion within the annual total to be requested in FY76 and later fiscal years.

military equipment and other defense requirements as well as to Israel's economic needs. In this spirit the Administration will seek authorization and appropriation of funds from Congress in FY1976 in the total amount of - - - - - dollars as indicated also in a separate U.S.-Israeli Memorandum dealing with the specific items. It will thereafter submit annually for approval by the U.S. Congress a request for military and economic assistance in order to provide for Israel's economic and military needs.

(In addition to the above, the USG will make provision also for an annual expenditure to Israel for oil supplies to compensate for the net additional annual expenditure to Israel required for oil supplies to replace the oil from Abu-Rodeis to Israel, the quantity being

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2. Israel's long-term military supply needs from the United States shall be the subject of periodic consultations between representatives of the US and Israeli defense establishments, with agreement reached on specific items to be included in a separate US-Israeli memorandum. To this end, a joint study by military experts will be undertaken within _____ days. In conducting this study, which will include Israel's 1976 needs, the U.S. will view Israel's requests sympathetically, including its request for advanced and sophisticated weapons.

presently 4.5 million tons. The cost which is presently estimated at 350 million dollars, will be annually determined by the two Governments on the basis of the market prices.)

2. Israel will seek to make its own independent arrangements for oil supply to meet its requirements under the current market prices. If Israel notifies the USG that it is unable to satisfy its needs, the USG will, upon such notification, act to ensure promptly the supply and delivery of oil to Israel (to meet all its requirements). The USG will determine whether the authority to enter into this commitment and to ensure the supply and delivery of oil to Israel now exists. If the U.S. determines that such authority does not exist or is doubtful, legislative authority,

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3. Israel will seek to make its own independent arrangements for oil supply to meet its requirements through purchases in the market. In the event Israel is unable to secure its essential needs in this way, the USG, upon notification, will for a period of three years (subject to review) and within an overall ceiling of 125,000 barrels per day, act to ensure promptly the supply and delivery of oil to Israel if (a) the oil Israel needs to meet its requirements is unavailable for purchase; or (b) an embargo prevents Israel from obtaining the necessary

having the effect of satisfying this commitment, will promptly be requested from the Congress. USG also agrees that the Congress will be informed of this commitment, on behalf of the U.S. so that it may be respected by the Congress in the framing of any domestic legislation which might affect it.

3. The USG will make available funds, the amount to be determined, to the GOI necessary for a project for the construction and stocking of the oil reserve to be stored in Israel, so as to bring storage reserve capacity, now standing at approximately six months, up to one year needs at the time of the completion of the project. The project will be implemented within four years. The construction, operation and financing and other relevant questions of the project will be the subject of early and detailed talks between the two Governments. (In submitting to the U.S.

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supplies of oil. (The foregoing is based on the application of the IEA conservation formula.)

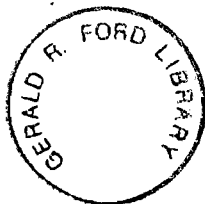
The USG assures Israel of its intention to inform the Congress, based on existing legal authority, of its undertaking to act promptly to ensure the supply and delivery of oil to Israel in the above contingencies.

4. In order to help Israel meet its energy needs, and as part of the overall annual figures in paragraph one above, the United States agrees:

- a. To ask Congress for funds for oil supplies so as to assist Israel in meeting its additional expenditures for the import of oil to replace that which would ordinarily have come from Abu Rodeis (4.5 million tons in 1975).
- b. To ask Congress to make available funds, the amount to be determined, to the GOI necessary for a project for the construction and stocking of the oil reserve to be stored in Israel, bringing storage reserve capacity and reserve

Congress the total Israeli economic aid package, the USG will make provision for an additional annual expenditure to Israel for oil supplies.

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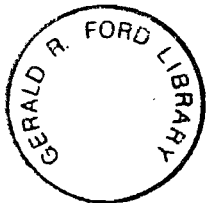
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stocks now standing at approximately six months, up to one-year's needs at the time of the completion of the project. The project will be implemented within four years. The construction, operation and financing and other relevant questions of the project will be the subject of early and detailed talks between the two Governments.

5. The USG will not expect Israel to begin to implement the Agreement before Egypt fulfills its undertakings under the January 1974 Disengagement Agreement including, inter alia, its commitment to permit a passage of all Israeli cargoes to and from Israeli ports through the Suez Canal.

6. The USG will make every possible effort to assist in the establishment of an atmosphere in which the Agreement will be observed without being subjected to pressures or deadlines.

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7. The USG agrees with Israel that it is not feasible to enter into a further interim agreement with Egypt and that the next agreement should be a final peace agreement.

8. In case of an Egyptian violation of any of the provisions of the Agreement, the USG is prepared to consult with Israel as to the significance of the violation and possible remedial action.

7. In case of an Egyptian violation of any of the provisions of the Israel-Egypt Agreement in all its parts, the USG will consult with the GOI in order to determine what measures the USG should take in relation to Egypt in order to ensure corrective action.

8. Should Israel take military action as a result of an Egyptian violation of the Agreement or any of its attachments, the USG, if it agrees that such action is reasonable, will lend Israel material and diplomatic support.

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9. The USG will vote against any Security Council resolution which in its judgment affects adversely or alters the Agreement.

9. The USG will vote against any Security Council Resolution which affects adversely or alters the Israel-Egypt Agreement.

10. The USG will not join in and will seek to prevent efforts by others to bring about consideration of proposals which it and Israel : agree are detrimental to the interests of Israel.

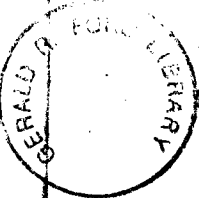
11. In view of the long-standing U.S. commitment to the survival and security of Israel, the USG will view with particular gravity threats to Israel's security or sovereignty by a world power. In support of this objective, the USG will in the event of such threat consult promptly with the GOI with respect to the support, diplomatic or otherwise, or assistance that it will lend to Israel.

11. Should a world power threaten Israel's security or sovereignty the U.S. will lend Israel its full appropriate support and assistance. The nature of the support, diplomatic and otherwise, will be subject to prompt consultations between the GOI and USG.

12. The USG and the GOI will, at the earliest possible time, and if possible, within two months

12. The USG and the GOI will, at the earliest possible time, and if possible within two months

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after the signature of this document, conclude the contingency plan for a military supply operation to Israel in an emergency situation.

13. It is the USG's position that Egyptian commitments under the Egypt-Israel Agreement, its implementation, validity and duration are not conditional upon any act or developments between the other Arab states and Israel. The USG regards the Agreement as standing on its own.

14. The USG notes the Israeli position that negotiations with Jordan will be directed toward an overall peace settlement at such time as conditions are conducive to such a negotiation. Any US initiative concerning negotiations with Jordan will be fully discussed with the GOI well in advance, and every effort will be made to arrive at a coordinated position.

after the signature of this document, conclude the contingency plan for a military supply operation to Israel.

13. The USG has obtained an Egyptian commitment that the Egypt-Israel Agreement, its implementation, validity and duration are not conditional upon any act or development between the other Arab States and Israel.

14. The USG shares the Israeli position that negotiations with Jordan will be directed toward an overall peace settlement once conditions are conducive to such a negotiation (and not towards an interim agreement with Jordan). Any U.S. initiative concerning negotiations with Jordan will be fully discussed with the GOI well in advance and every effort will be made to arrive at a coordinated position.

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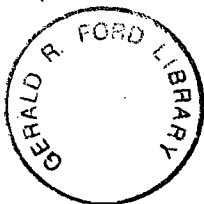
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15. Should Syria initiate military or paramilitary action against Israel or should Syria undertake or tolerate acts that might threaten the ceasefire the USG will support Israel diplomatically. These acts include, inter alia, the infiltration of terrorists across the Israel-Syria ceasefire lines and the stationing of terrorist groups in frontal areas facing Israel.

15. Should negotiations between Israel and Syria on an interim agreement develop the USG will support the proposals outlined by Prime Minister Rabin in his talks in Washington in June 1975 and what was reiterated by Ambassador Dinitz in his oral clarification of

16. Should Syria initiate military or paramilitary action against Israel or should Syria undertake or tolerate acts that might threaten the ceasefire the USG will support Israel. These acts include, inter alia, the infiltration of terrorists across the Israel-Syria ceasefire lines and the stationing of terrorist groups in frontal areas facing Israel.

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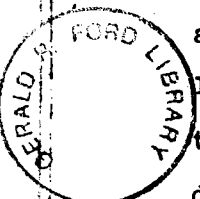
16. In accordance with the principle of freedom of navigation on the high seas and free and unimpeded passage through and over straits connecting international waters, the United States Government regards the Strait of Bab el-Mandeb and the Strait of Gibraltar as international waterways. It will support Israel's right to free and unimpeded passage through such straits. Similarly, the United States Government recognizes Israel's right to freedom of flights over the Red Sea and such straits and will support diplomatically the exercise of that right. In the event of any interference with the passage of Israeli ships or cargoes through such straits or with Israeli flights over the Red Sea or such straits, the United States Government will consult with Israel on how best to assure the maintenance and exercise of such rights.

17. With respect to the boycott against Israel, the USG will take appropriate steps authorized by its domestic legislation with respect to (a) the coopera-

17. Without derogating from the principle of freedom of navigation on the high seas and through international waterways, the USG regards, inter alia, the Straits of Bab el-Mandeb leading into the Red Sea as an international waterway. It will strongly support Israel's right to free and unimpeded passage through those Straits. The USG also recognizes Israel's right to freedom of flights over the Red Sea and its approaches and will support strongly the exercise of that right. In the event of any interference with the passage of Israeli ships or cargoes through the Straits or with Israeli flights over the Red Sea and its approaches, the US will consult with Israel on how best to assure the maintenance and exercise of such rights.

18. The USG will take the necessary steps authorized by its domestic legislation to ensure that corporations, controlled by U.S. nationals,

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tion by U.S. corporations with the boycott and (b) the practice by such corporations of any form of discrimination direct or indirect against Israel, Israel corporations or Israel nationals.

including oil companies that engage in the exploration, production and marketing of oil, do not cooperate with the Arab boycott against Israel in any form whatsoever, nor practice any form of discrimination, direct or indirect, against Israel, Israel corporations or Israel nationals.

19. In connection with the Israel-Egypt Agreement the USG considers all the Egyptian commitments given to Israel in any form whatsoever via the USG or otherwise, as binding and irrevocable.

18. In the event that UNEF or any other UN organ is withdrawn without the prior agreement of both parties to the Egypt-Israel Agreement and the US before this agreement is superseded by another agreement, the agreement shall remain binding in all its parts. Without prejudice to the generality of this provision it is agreed:

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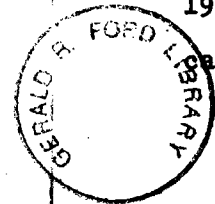
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- a. The Buffer Zone between the forces of Egypt and Israel in which UNEF is stationed will continue to serve as a Buffer Zone separating the forces of the two sides with unchanged status.
- b. The arrangements in the Zone, such as those relating to the warning system of both sides as well as the agreed movement of Egypt and Israel personnel in the Zone will not be affected by ~~the withdrawal of UN personnel~~.
- c. The demilitarized status of the UN Zone will remain unchanged.
- d. The U.S. civilian presence in the area of the Agreement will remain unchanged.
- e. All other arrangements in the area, as defined by the Agreement, will remain unchanged.

19. If UNEF or any other UN organ is withdrawn because of an action by Egypt contrary to its undertakings

21. If UNEF or any other UN organ is withdrawn because of an action by Egypt, the USG

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in the Agreement, the USG notes that Israel claims the right to take corrective measures.

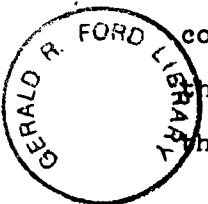
notes that Israel claims the right to take corrective measures, including the reoccupation of the zone by Israel.

20. The USG notes that Israel and Egypt have announced their agreement to aerial reconnaissance missions to be carried out by the US over the areas covered by the Agreement at a frequency of one mission every 7-10 days. The USG will make the photographs available to both Israel and Egypt expeditiously. The area to be photographed is as agreed between the parties.

21. In the spirit of the special relationship existing between the U.S. and Israel and in light of the determination of both sides to avoid a situation in which the U.S. and Israel would pursue divergent courses in peace negotiations, the U.S. will take the position that these are negotiations between the parties. Should the U.S. desire to put forward

23. In the spirit of the special relationship existing between the U.S. and Israel and the desire to avoid a situation in which the USG would be putting forward or supporting at Geneva or elsewhere suggestions or proposals in relationship to an overall peace settlement which Israel would consider unsatisfactory, both countries

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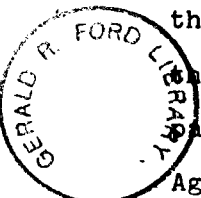
proposals of its own, it will make every effort to coordinate with Israel its proposals with a view to refraining from putting forward proposals that Israel would consider unsatisfactory.

will make every effort to reach agreement on the modalities, nature and substance of such proposals.

22. In case of lack of agreed intelligence data between the USG and the GOI concerning an Egyptian violation, the USG will give full weight to the Israeli intelligence data, bearing in mind the cruciality of the time element.

23. The US and Israel agree that signature of the text of the Egypt-Israel Agreement and its full entry into effect shall not take place before approval by the US Congress of the US role in connection with the surveillance and observation functions described in the Agreement and its Annex. Upon notification that Congressional approval has been given, the parties will forthwith (within 72 hours) sign the Agreement as previously initialled. During the period between initialling and Congressional

25. The USG agrees that the Egypt-Israel Agreement will not enter into effect before Congressional approval concerning (a) the U.S. presence in the region of the Sinai Passes and (b) the guarantee of oil supply to Israel. The USG has received the consent of the GOE on this matter.



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action on this US role, Egypt and Israel agree to maintain the status quo, including their obligations under the 1974 Disengagement Agreement, and that UNEF shall continue in its function. The US has informed the GOI that it has obtained GOE agreement to the above..

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DEPARTMENT OF STATE TELEGRAM

INDICATE
 COLLECT
 CHANGE TO

August 31, 1975

FROM ~~AmConsul~~ AmConsul Jerusalem CLASSIFICATION UNCLASSIFIED

E.O. 11652:
TAGS:
SUBJECT:

N/A
PFOR, IS
REMARKS TO PRESS BY SECRETARY KISSINGER AT PRIME MINISTER'S OFFICE, AUGUST 31, 1975

0 311355Z Aug 75

ACTION:

SECSTATE WASHDC	IMMEDIATE
AMEMBASSY AMMAN	IMMEDIATE
AMEMBASSY CAIRO	IMMEDIATE
AMEMBASSY DAMASCUS	IMMEDIATE
AMEMBASSY JIDDA	IMMEDIATE
AMEMBASSY TEL AVIV	IMMEDIATE
US DEL ALEXANDRIA	IMMEDIATE

UNCLASSIFIED JERUSALEM 1455

DEPT PASS NSC FOR GENERAL SCOWCROFT AND NESSEN

SEC. KISSINGER: AS WE HAVE BEEN TELLING YOU, WE ARE GOING OVER THE AGREEMENT AND ITS ANNEXES, AND ESPECIALLY THE ANNEXES INVOLVED AN ENORMOUS AMOUNT OF VERY PRECISE DETAIL. WE DID IT WITH THE ATTITUDE OF BRINGING THE NEGOTIATIONS TO A CONCLUSION. WE BELIEVE THE NEGOTIATION IS APPROACHING ITS END, AND I HOPE THAT ON MY VISIT TO ALEXANDRIA WE CAN CLEAR UP THE REMAINING DIFFERENCES. I WILL RETURN THIS EVENING AND MEET AGAIN WITH THE ISRAELI NEGOTIATING TEAM AT THAT TIME.

Q: WOULD YOU SAY THAT THIS IS ONE OF THE MOST COMPLICATED OF INTERNATIONAL AGREEMENTS THAT YOU HAVE EVER NEGOTIATED?

SEC. KISSINGER: WELL I THINK THAT IS A RATHER

DRAFTED BY:

SDMOSS:wm

DRAFTING DATE

TEL. EXT.

CONTENTS AND CLASSIFICATION APPROVED BY:

SDMOSS

CLEARANCES:

S/B:RSHEMAN

UNCLASSIFIED





MEMORANDUM

THE WHITE HOUSE
WASHINGTON

~~SECRET/NODIS/XGDS~~

MEMORANDUM OF CONVERSATION

PARTICIPANTS:

Israel

Yitzhak Rabin, Prime Minister
Yigal Allon, Deputy Prime Minister and
Minister for Foreign Affairs
Shimon Peres, Minister of Defense
Simcha Dinitz, Israeli Ambassador to the U.S.
Prof. Barak, Attorney General
Lt. Gen. Mordechai Gur, Chief of Staff
Amos Eran, Director General,
Prime Minister's Office
Avraham Kidron, Director General,
Ministry of Foreign Affairs

United States

Dr. Henry A. Kissinger, Secretary of State
and Assistant to the President for
National Security Affairs
Joseph J. Sisco, Under Secretary of State
for Political Affairs
Malcolm Toon, Ambassador to Israel
Monroe Leigh, Legal Adviser, Department
of State
Alfred L. Atherton, Jr., Assistant Secretary
of State for Near Eastern & South Asian Affairs
Harold H. Saunders, Deputy Assistant Secretary
for Near Eastern and South Asian Affairs
Robert B. Oakley, NSC Staff

DATE AND TIME:

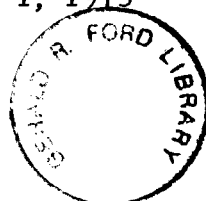
Sunday/Monday, August 31/September 1, 1975
9:50 p.m. - 5:30 a.m.

PLACE:

Prime Minister's Office
Jerusalem

CLASSIFIED BY Henry A. Kissinger
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY 5(b)(3)
AUTOMATICALLY DECLASSIFIED ON Imp. to Det.

~~SECRET/NODIS/XGDS~~



DECLASSIFIED *State Dept*
E.O. 12958, SEC. 2.5 *Review 5/19/03*
DATE 11/03/03

Mr. Rabin: Where are the photographers?

Yigal Allon is at a dinner for a female Minister.

Dr. Kissinger: Yigal cancelled a dinner for me. But I will get my revenge since he is not here to protect himself.

Amb. Dinitz: We protect each other.

Dr. Kissinger: That is more than I can say about my colleagues and myself. I do not mean those here.

Nancy said she hoped you all had a chance to rest.

Mr. Peres: Unfortunately we did not.

Dr. Kissinger: There are two political systems I do not understand. One is yours. I do not understand yours and how you move to a consensus. When you finally move, it jells quickly, but I do not understand when and why you move. Like the Mexican election for President, which is also incomprehensible to me. How do they get the nominee without a civil war. The process by which it is done escapes me.

Mr. Peres: They have an inner group of ten or so, including the military, which actually does the selection and they do it several years in advance.

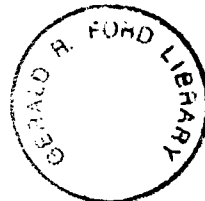
Dr. Kissinger: The President has absolute power for six years and gets out.

Mr. Rabin: He is a weak President if he doesn't make \$200 million while he's in office.

Dr. Kissinger: Have you ever been to Acapulco? The President has a whole town there for his Cabinet.

All right. Let me go through the session in Alexandria and tell you where we are. In the US Proposal, they agree to "an integral part" in the first paragraph.

Mr. Rabin: What are we talking about?



Dr. Kissinger: I am talking about the US Proposal. I just want to get that out of the way, and then that is finished. Only two changes in it. One is to say "integral part" in the first paragraph, and the other is the immunities clause of UNEF. They wanted to refer to UNEF, which has no status.

[To Leigh:] Is there a UNEF agreement?

Mr. Leigh: There is one, but it is not in force.

Dr. Kissinger: But that is of no concern to you anyway, but we are happy with it because it defines our immunities.

Mr. Peres: We have agreed to it anyway.

Dr. Kissinger: Let's go to the two problems. One, the Agreement, the other the Annex. On the Agreement, I first talked to Sadat alone and told him what the problem was. He seemed to agree to drop Article 51. We then went into the large meeting and he said to drop it, whereupon Fahmy walked out of the meeting and refused to participate in any other discussions, refused to look at the Annex, refused to discuss proposals and then walked out.

Mr. Peres: What kind of government do they have there?

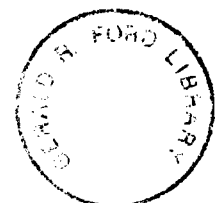
Dr. Kissinger: That's very, very unusual. He then did something again unusual and said he had to talk to his advisers.

Mr. Peres: Sadat?

Dr. Kissinger: Yes. Then they asked me to join them and then they said they cannot accept just dropping out Article 51. They offered two possibilities for your consideration. One is to have an article that says, "Nothing shall . . ." What is the phrase?

Mr. Sisco: "Nothing in the Agreement shall prejudice the right of self-defense . . ."

Dr. Kissinger: Without reference to the Charter. Or, if you don't want that, they suggested dropping the word "only."



Mr. Peres: From "peaceful means" ?

Dr. Kissinger: I then said that if you [Israel] are asked to drop the word "only", will they substitute the word "shall" for "will", which makes it operative? And Sadat said, "Yes, if you drop 'only', he will put in the word 'shall', and then he will drop Article 51 and any reference to self-defense.

That's the only point in the Agreement. I must tell you logically it makes absolutely no difference. In fact, it makes it a little stronger if you say they agree that they "shall" settle it, that the conflict between them "shall" not be resolved by military force.

Mr. Rabin: But by peaceful means.

Dr. Kissinger: You will ask your lawyer. To my untutored mind, it makes absolutely no difference, and I think it would keep Fahmy aboard, which is not unimportant in the many technical things that have to be done and in which Sadat will have to turn to Fahmy for advice. So that's the Agreement.

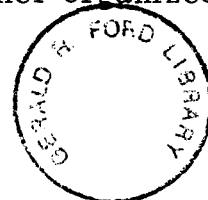
Now, let me turn to the Annex. They worked with good will on the Annex, I must say. You won't like some of their conclusions, but you will see. Let me just run through it.

Shall I go through it? We worked from your paper.

No objection to the opening paragraph. No objection to paragraph 1. No objection to anything in the buffer zones. They accepted your definition of "access." I won't go through whether they argued or didn't argue. This is a sore point with Gamasy, who made a try for his normal civilian life.

Mr. Rabin: Buffer zones?

Dr. Kissinger: Buffer zones they accepted. Page 2, paragraph 3, they say, you choose, either "paramilitary" or "irregular", not both. But they said "paramilitary" includes any group that is organized and that conducts . . . and I said, "terrorists"? And they said, yes. And they are willing to add a phrase saying UNEF shall see to it -- but you didn't like that -- that they don't conduct activities. But they have told us we could give you an assurance that "paramilitary" includes any other organized force of any kind.



They want "unarmed" before "civilians" out; that you told me I could take out.

No problem with (c), no problem with (d). They reject (e), and the most I could get out of Sadat in a private conversation, which he then ordered Fahmy, is that they will let you fly up to the median line at the rate of no more frequently than once every three days.

Gen. Gur: On what line?

Dr. Kissinger: Median line, along the middle, up to the southern end of the buffer zone, not further north.

Gen. Gur: Of what buffer zone?

Mr. Peres: Of the Beta Line.

Dr. Kissinger: Of the Blue Line.

[Gen. Gur indicated the line on a map.]

Dr. Kissinger: Yes. And they don't want you to fly into the buffer zone; they want you to go up and down. And Gamasy will instruct the Chief of Staff, or whoever, to work out the specific routes with you so that it just isn't a tacit arrangement. He will be instructed to work out the flight paths, and it will be once every three days. But it won't be in the agreement.

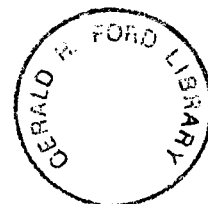
Mr. Peres: It will be covered by assurances?

Dr. Kissinger: I can give you an assurance. And in fact the mere fact that his Chief of Staff is going to work it out with whomever you send . . .

Mr. Rabin: Through the Working Group?

Dr. Kissinger: It will be worked out in the Working Group, but we can on top of it give you an assurance. Sadat at first said you could do it when you come down the median line in the other buffer zone. Gamasy said that will create a mess coming out into the Gulf. You will know why. Gamasy said it is better for you if you fly up and down.

Mr. Rabin: Along the median line?



Dr. Kissinger: He'd like you to fly up and down anyway, for whatever it's worth.

Dr. Kissinger: Yes. One other understanding is, where it says "Egyptian civilians and third country civilians . . ." they want an assurance from us . . .

Mr. Peres: Which article?

Dr. Kissinger: 3(b). That Gamasy, as Minister of Defense, can go to Abu Rudeis even though he is a military man.

Mr. Rabin: Let's work in the protocol procedures, "senior officials . . ." I don't see any problem in it.

Mr. Sisco: They will welcome that.

Dr. Kissinger: They confine it to ministers. They didn't say all their officers should be permitted to go there.

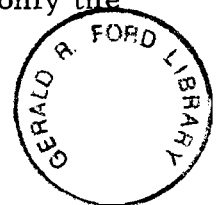
Mr. Sisco: He used the same phrase as the Prime Minister: senior active official.

Dr. Kissinger: You can work it out in the Protocol. On Limitation of Forces, Gamasy was told to accept the numbers, with one proviso. He will accept your heavy mortar definition if you go up to 72; that is, 72 artillery pieces which would then include heavy mortars, 120mm pieces. All the rest is all right.

I am instructed to raise hell about the 10-kilometer zone for SAMs, and they want five kilometers. My impression is that if you reject this it will not bust the Agreement.

The only other change is that in the last sentence they want a paragraph before the last sentence, on page 4, so that it doesn't look as if it is referring to implementation only of the oil fields. It should be "implementation of the entire basic Agreement shall be completed within five months", or something like that.

Mr. Rabin: I don't want to refer to implementation of the Agreement because it means that the implementation of the Agreement is only the withdrawal.



Dr. Kissinger: "The redeployment shall be completed." That's fine. It reads as if it referred only to the oil fields. Those are the only changes they have on the Annex.

Gen. Gur: What was the explanation for the five kilometers? Because I checked in the afternoon that they don't have places for positions.

Dr. Kissinger: It would mean a lot to Gamasy. His explanation for the five kilometers is that they have the sites for those already dug and if you make it ten kilometers you are going to force them to spend \$20 million -- that's the figure he used -- to dig sites, and it doesn't make an enormous amount of difference to you. He showed me on the map where it would be, and it makes a lot of difference to him, and this is why Gamasy several times urged me to raise the five kilometers. The range of the vast majority of the SAMs, according to Gamasy, is a range of 27 kilometers, and that of the longer-range ones they have very few.

Mr. Rabin: What's that?

Dr. Kissinger: The SAM-2. But that's neither here nor there. The basic reason he gives is that within five kilometers, or a line of five kilometers, the sites are already dug. But, I repeat, it is my impression that while it would make Gamasy extraordinarily happy, it is not an absolute condition.

Mr. Peres: How about paragraph (e) on sailing? Did they refuse completely?

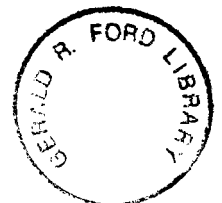
Dr. Kissinger: He wants the paragraph out but he would agree to the reconnaissance schedule and he will have it worked out in the Working Group.

Mr. Peres: Of boats as well?

Dr. Kissinger: Just of air. And on this Sadat feels . . . very strongly. The only other point I have --

Mr. Rabin: The letter about the UNEF -- no problem?

Dr. Kissinger: No problem. You mean the three years? But we have this problem about the UNEF extension which you proposed, in which Fahmy says this: If we go into the Security Council, he says they are going to have a hell of a time. They expect to have some difficulties with



the Russians. If we go into the UNEF and ask for a five-month extension for implementation, then that gets the Russians into all implementation questions. Then if we go back in January for a year, then God knows what the Syrians will have done by that time, and it gets the Russians involved in another discussion of changing the mandate, and we will then have had three different mandate things.

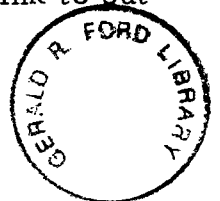
He therefore recommends strongly the following: that we go immediately to the one year, at your choice -- either when the present period ends on October 24th or when the protocol is in effect; that then if your heart is set on six months, he is giving an absolute formal assurance in a letter that if they do not after the end of that period extend it for a year, they will extend it for six months. And therefore, in his mind, he said, it is not a concern of saving six months; it is a practical concern of going into the UN twice with two separate extensions, of then going to an annual extension, and he thinks the principle of the annual extension should be established right away. I would add, incidentally, that this way the first renewal would come up during our election campaign, when nobody is going to be eager to get into an international crisis with us. That he didn't say; I say this.

Mr. Rabin: I thought about it too.

Dr. Kissinger: Supposing it is okay, he said. If at all manageable, he will let it run to October 24. That is to say, they will just extend the functions of UNEF into the southern zone. If Waldheim makes a pest of himself, he thinks it can be handled by just telling Waldheim to give UNEF some functions in the south. If Waldheim makes a pest of himself, then we will have to go whenever the Protocol is signed. But he feels very strongly that we should get the principle of the annual thing established in the Security Council, under the impetus of an Agreement. And not give a possibility of a veto as early as January, when one doesn't know what other Arab countries will have done; when the Libyans are in the Security Council.

Mr. Rabin: Next year the Libyans are on the Security Council?

Dr. Kissinger: Yes. He really felt . . . and he said, it is not a question of saving some time, and he said, "we can give you an assurance and tell you we will back you." If at the end of that letter they should not renew it for a year, they will renew it for six months, so actually you gain two extra months out of it. That's his view. I think he is right. I think to put



the annual thing through in January . . . There is a lot to be said for getting the principle of an annual extension through the Security Council under the impetus of the Agreement.

Mr. Sisco: And he will send a letter.

Mr. Peres: Same letter?

Mr. Sisco: Send a letter to the Security Council asking for annual renewal.

Dr. Kissinger: These are all the points I bring from Egypt.

Mr. Peres: What are we going to do? We have to argue about something!

Dr. Kissinger: I don't think it is such bad news.

Mr. Rabin: Except the 51.

Dr. Kissinger: They are willing to drop 51, if you drop "only" and put in "shall", which to my mind . . . Why don't you ask your lawyer?

Mr. Rabin: Drop "only" by peaceful means?

Dr. Kissinger: But replace "will" by "shall."

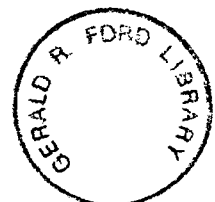
Mr. Rabin: In the morning, you tried to convince me that there is no difference between the two.

Dr. Kissinger: I think the whole thing is nonsense. Let me be precise: In English there is no difference between "shall" and "will". In legal language, in UN language, "shall" is a tiny bit stronger than "will." But you have your own legal advisers on that. To me, when you read a sentence that two parties agree to settle problems by peaceful means and not military means . . .

Mr. Rabin: But the mere fact that they would like to drop the "only" shows that they pay attention to that.

Dr. Kissinger: I think it also means that is the minimum for placating Fahmy who was carrying on like a banshee.

Mr. Rabin: Who was the stage manager of this?



Dr. Kissinger: Of course, they rehearsed this ahead of time because they knew . . .

Mr. Rabin: They knew that we would not agree to 51.

Dr. Kissinger: Look, I told them I would inform them by cable tonight about what your reaction is. We can go on another hour. I am not going to go there to defend it one way or another. Everyone knows what their position is. If you say no, we will see what their answer is. There is no more to explain.

Mr. Rabin: About the letter, all the letters, non-military cargo?

Dr. Kissinger: That's all right.

Mr. Rabin: Bab el-Mandeb?

Dr. Kissinger: Yes. They will reaffirm exactly the letter of the previous disengagement.

Mr. Rabin: What else was in the letter? Flights?

Dr. Kissinger: They will give the same assurance they gave last time.

Mr. Peres: Did you have a chance to ask about the missing bodies?

Dr. Kissinger: No, I didn't. I will send a cable tonight.

[The Israeli team retires for consultations and then returns.]

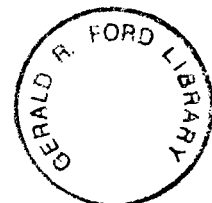
Mr. Rabin: In regard to your options to your agreement, I would like afterwards to have just a chat with you. On the question of the amount.

Mr. Peres: On the Annex, we would like to select "paramilitary", and we would like to hear from you about assurances about irregulars.

Dr. Kissinger: We told them we would do that.

Mr. Sisco: We will give you an oral commitment.

Mr. Peres: We would like the Secretary to raise hell with the Egyptians about the sailing in the Gulf of Suez and under protest, and in order to express our appreciation and affection for the Secretary, we won't go to war on this single issue.



Dr. Kissinger: When Israelis start getting sentimental, we are in deep trouble!

Mr. Peres: We agree that Gamasy will have the right to enter the buffer zone. [Laughter]

On the guns, we insist on 60. We think they must also. And it is nonsense, and if we go higher it will just cause us trouble in the Cabinet for no good reason.

Dr. Kissinger: All right.

Mr. Peres: On the SAMs, we insist on ten kilometers. That answers all the problems.

Dr. Kissinger: You have accepted the overflight?

Mr. Peres: I understand on the fortifications, they didn't raise problems as we anticipated.

Dr. Kissinger: I didn't bother you with a long explanation. They raised unshirted hell about the fortifications, but we convinced them that they should yield on it.

I have to tell you, on the 72, there are two issues here for Gamasy on which he is yielding. One is the mortars, including mortars of a range of more than 120mms. On the ten to five kilometers, I told him right away there was no chance, and that is no problem. The second is that whose range shall not exceed 12 kilometers. You know, his proposal was that any artillery piece as long as it didn't have the range to reach the other side.

On the 72, still, if I understand your figures correctly, it will lead to a substantial reduction, if they have 92 heavy mortars there now.

Mr. Peres: They had 92 during the height of the tension. They don't keep 92 in place. I am referring to the 160mm.

I heard, by the way, that the Congressman who was here, Obey, announced himself in favor of the American presence. He said at the beginning that it is difficult and so on, but then he said he will.



Dr. Kissinger: That's good. That's very, very helpful.

Mr. Peres: Today it was announced. The only thing he said is he feels we have to do something with Syria as well.

Mr. Rabin: There was about the timetable: "redeployment" -- at the last paragraph. Not the agreement. "Completion of the redeployment." That is okay.

Dr. Kissinger: Fine. Redeployment. Of the entire redeployment. Fine.

Mr. Rabin: If you will say the "entire", they will not have the station there. Then after five months, we will stop them working in their early warning station.

Dr. Kissinger: The first thing they have to do is find a hill! I am not concerned about the 10 [kilometers]; I am concerned about these 72. What do they have actually there now? His point was that 60 . . . The reason he got to 72 . . .

Mr. Peres: Double as much as 36.

Dr. Kissinger: One is double as much.

Mr. Rabin: It is three battalions; each battalion has got 12, and this is how he reached 36.

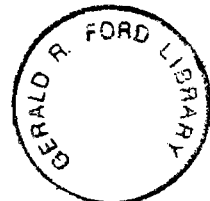
Dr. Kissinger: But another point he made was he said if he puts in 60 and puts in mortars, I had the impression that this would get it below the total number he's got there. While 72 -- I am just giving you my impression.

Gen. Gur: The problem was always that they did not keep the restrictions. I mean, they almost never followed the figure that they should follow.

Mr. Rabin: When it comes to mortars, there were no restrictions.

Dr. Kissinger: If they don't follow restrictions, it doesn't make any difference what you put down.

[There is a short consultation on the Israeli side.]



Mr. Peres: Leave it.

Dr. Kissinger: 72?

Mr. Peres: No sense in going back and forth.

Mr. Rabin: See what a generous people are the Israelis! We go back, we increase. You will see tomorrow what will happen in the papers.

Dr. Kissinger: Let me raise it with our Ambassador there and see if he can sell the 60.

Mr. Peres: Okay.

Dr. Kissinger: You have to go to the Cabinet. What time do you have a Cabinet meeting?

Mr. Rabin: Well, what we want now . . . I will explain to you what is our problem. The UN . . . Yigal, you wanted to propose something?

Dr. Kissinger: Let's talk about it at the end.

Mr. Allon: The issue concerning the renewals of the mandate is rather complicated. We lived under the impression, maybe the illusion . . .

Mr. Rabin: We talked about it.

Mr. Allon: The result of the understanding between the Prime Minister and yourself that in addition to the three years annual renewals as a minimum, we shall have extra. Then we thought about six months; now we say five months for the redeployment process, the implementation of the agreement. We listened, of course, with great interest to what Fahmy had to say about it and there are certain points in his argument. Nevertheless, if we accepted this, we would have had three years and if it is necessary he would give us sort of an assurance for another six months. If we accepted this, we would have broken the principle of annual renewal for 12 months. Since I take it that you can't bring him to accept three renewals which would give us four years, because we agreed to what we agreed, then the idea instead of asking first for a renewal for five months, six months, whatever it is, and then another year -- let us make it right away for 17 months or 18 months, as many months as is needed, in one decision of the Security Council.



I remember in our earlier talks when I expressed my concern about the possible hostile behavior on the Russian side, the Russian part, about the possible veto on the renewal, you kept saying, quite rightly, that it is inconceivable that a great power, a super power, would veto the presence of the UN peacekeeping force which was agreed between two parties. The Russians today, after Helsinki, in the process of the development of detente, the need for wheat, American wheat and so on, I don't think they would veto an understanding between Egypt and Israel which was achieved or has been achieved through the mediation of America.

Now, domestically for us, if we can come up and say, "You see, we got the five months for the implementation and the first one year of the minimum three years", it would be a tremendous help. And this is exactly compatible with the original intentions of the Egyptians, the Israelis and the Americans.

Dr. Kissinger: The Egyptians were never party to this. What we told you in June was that if the negotiating process started by the time the next renewal came up, we would be able to urge the Egyptians to extend it for six months, at which time then the annual renewal could begin. This is how that was going to be handled technically. Then there was this uproar about various statements that were made and the stupid hot-headed Egyptian reaction, very ill-considered, before we got to them. So now they are stuck with the three-month period. Now, I have the impression, for whatever it is worth, that Fahmy; first of all, is a very experienced man at the UN. Secondly, that he is not haggling about what in effect amounts to three months or 2 1/2 months. If you do five months now, by October 24, it is a month and a half, so I can't believe that he is chiselling about 3 1/2 months. Because the fact that he does five months . . . he can argue that he's already given two. He feels strongly if you go in now with another renewal specifically geared with implementation, it will start an implementation debate. That if you go in with too many different lengths of time, it will be a mistake, and he thinks it would be very important to get the principle of a year established very rapidly in the aftermath of this. 18 months, mind you, is absolutely out of the question.

Mr. Allon: It is a little less.

Dr. Kissinger: I think it is absolutely out of the question. Joe, you are the UN expert.

Mr. Sisco: Impossible, and let me add a few things, if I could.



Mr. Allon: It always goes back that the Egyptians have the final word.

Dr. Kissinger: I can't hear this three times a day!

Mr. Allon: You are hearing it for the first time since the shuttle has been renewed! I think they did concede in certain points, important ones. I do think that the Agreement is good. I will defend it. But we showed great understanding to their problems, and they make speeches, bellicose speeches. You should have listened to Sadat's stupid speech today; I don't know if it was a speech or a press conference. He doesn't shut up his mouth. He makes our lives impossible in this country. We are not saying a word against Egypt because we would like the thing to be achieved, and somehow we hear: this is Gamasy's concession, this is Fahmy's and this is Sadat's, and go and satisfy each one of them separately!

Dr. Kissinger: Totally different from your system of government, where individual ministers don't have special fields . . .

Mr. Allon: We have. But somehow we offer it like one government.

Dr. Kissinger: It is hard for you to imagine what does on there. I don't know, what did Sadat say today?

Mr. Peres: He said that he won't be surprised if the Agreement won't be concluded, because he knows already the Israelis.

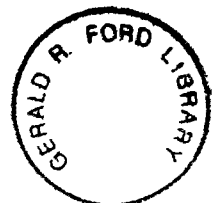
Dr. Kissinger: Oh, no, no. I was there when this happened.

Mr. Peres: I didn't say what he said. I am saying that it was quoted.

Dr. Kissinger: You have to remember, first of all, that there ought to be a law against Marilyn Berger and Barry Schweid, who asked the question. I was there when the question was asked. He said on his part there is no obstacle to an Agreement, so they said, "On whose part is there an obstacle to the Agreement?" So I said, "Maybe I am the obstacle to an Agreement." So they kept pressing him and he said, "All I know is in Aswan it also failed." You were there, Joe. He was being very conciliatory to the press. If they take things out of context. . .

Mr. Allon: I simply came across a well-informed group of people and that was the theme of the talk -- a half-hour ago.

Dr. Kissinger: A press group?



Mr. Allon: No, Israelis.

Dr. Kissinger: Israelis? Well-informed? What does it mean? I was there. First of all, he didn't want to answer. Then Schweid and a lot of others were harassing him: "Oh, is there going to be a signing tomorrow?" "Is there going to be this?" "Is there going to be that?" And what he said -- Joe, you were there, what do you think?

Mr. Sisco: I thought he was very conciliatory.

Dr. Kissinger: He said about four times he was ready to sign, that he didn't make any obstacles.

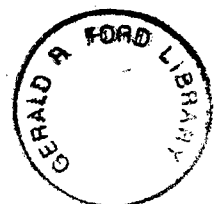
Mr. Allon: What we would like is to implement something which was understood that this is possible. So at least when he adds a few months to the one year, it doesn't ruin the principle of annual. It gives us some extra few months. Maybe the whole thing would not last three years.

Dr. Kissinger: In my opinion, you are a hell of a lot better off with the renewal coming up at the end of October 1976 than in March 1977. If you want my opinion on political times of renewal. October 1976 no one is going to start a crisis. In March 1977, if you are talking about 17 months, you will be in March or April 1977. I think it is basically better to have the renewal come up in October 1976.

Mr. Sisco: I can't think of any political act, Yigal, of you and Egypt joining in the Security Council in an unprecedented move of a one-year annual renewal that will better underscore and emphasize the seriousness of the undertaking in this agreement on both sides, politically and psychologically. A one-year renewal occurring in the immediate aftermath of this Agreement . . .

Mr. Allon: What's wrong with 16 months or 17 months?

Mr. Sisco: You can't get away with that. The point is that what he wants is to establish the annual commitment and the annual principle, which is very important, both from your point of view as well as theirs. You also have, Yigal, the very delicate relationship of UNEF and the American presence. We have written this agreement that the American presence has literally



got nothing to do with the UNEF. Now, with full Egyptian cooperation that we are going to need in the Security Council, if there are any trouble-makers in the Council, it is going to be in the direction of: "What the hell has America anything to do here in a UN buffer zone and why isn't this under the US auspices under the UN?"

Mr. Allon: By the way, this can be questioned legally?

Mr. Sisco: It can be questioned, but with cooperation from Egypt, you are going to be able not only to establish this principle, but also the psychological factor, the new principle, coping with this problem of making sure frankly that the UN does not interfere with the American presence in any way, and I think the whole Soviet angle. I think we can establish this principle in the immediate aftermath of the agreement itself, whereas we will have great difficulty in a situation where Libya and the Russians are making hanky-panky five months from now.

Mr. Allon: I must say it is most encouraging about the future of the whole agreement! But could we get some assurance on your part about the third renewal. Not for six months. Because then it will break the principle, for another 12 months.

Dr. Kissinger: He said that so far as he can foresee, he is going to renew it for a year. He didn't say the fourth renewal would be six months. He said he cannot foresee that they won't want to renew it for another year but they would not just say no more renewals. They would then say six months.

Mr. Allon: Six months is a breach of principle.

Dr. Kissinger: If he is already going to breach the principle of annual renewal, he said, then he will say six months.

Mr. Peres: I want to ask you: can you get us a fourth renewal? It would help us tremendously.

Dr. Kissinger: Into the letter?

Mr. Peres: Yes, try and think it over. This would save us a great deal of trouble and, believe me, if everything will go well, we shall have a fourth renewal. If not, I don't know if we shall live to the fourth.



Dr. Kissinger: There are some things I am reluctant to put to him. I will put it to him overnight. He will almost certainly say no, but let me try it. Let me say it will help get it through the Knesset.

Mr. Rabin: May I give you our final answer? There is no need to decide about it tonight.

Amb. Dinitz: Except that it is part of the letter which has to be initialled.

Mr. Rabin: But anyhow, the letter talks about once there will be the first annual renewal, there will be an additional two.

Mr. Peres: For us it would serve as a surprise to the Parliament and our public.

Mr. Rabin: To the parliament you can't put it.

Dr. Kissinger: I don't think at this point for him, in my view, three years and two months or three years and five months can make any difference. I really think he is trying to get the annual thing established, and I think he is right.

Mr. Sisco: If we want to get it established in the most effective manner.

Mr. Allon: Get us a fourth renewal. We shall not publicize it beyond the Cabinet.

Mr. Rabin: It is enough. [Laughter] We have finished with the Agreement, except on the American Proposal. We have finished the Annex.

Dr. Kissinger: We have finished. On the letter, I will raise it overnight on the renewals. Two renewals it is definite, plus a strong oral assurance for additional six months.

Mr. Allon: Say additional renewal; don't call it six months.

Dr. Kissinger: I will tell you frankly, if you want to think about it politically, there will either be an annual renewal or there will be a mess.

Mr. Allon: But we are breaking the principle of the annual. We use different arguments for the same.



Dr. Kissinger: To have an Agreement which starts with a five-month renewal, I think he's got a good case.

Mr. Allon: I tell you, I am not binding my colleagues. I will give up six months. But the principle of annual renewal . . .

Mr. Sisco: Your chances of having a fourth and fifth one by starting out right away on an annual renewal in the aftermath of the Agreement.

Dr. Kissinger: He said he is willing to start October 24. Unless, he says, somebody is raising hell, but he says he thinks it is handleable.

Mr. Peres: If there is mutual consideration. We tried on a touchy point to go and meet him. They can help us tremendously in crossing over and overcoming the whole affair.

Dr. Kissinger: When is your Cabinet meeting?

Mr. Peres: Tomorrow morning.

Dr. Kissinger: The question is, can I get an answer?

Mr. Rabin: On what?

Dr. Kissinger: On the fourth renewal. Will you accept an oral assurance so that he doesn't have to redo the letter?

Mr. Rabin: Okay.

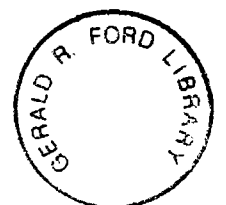
Mr. Peres: And he doesn't have to transmit it to us. So many leaks, nobody knows any longer what is right and what is wrong. It doesn't matter very much.

Dr. Kissinger: We will do our best. I will let you know. We will send a cable tonight.

Mr. Allon: You are doing it through Ambassador Eilts?

Dr. Kissinger: He told him that as soon as we know what your answer is on various points, we will let him know, because we have to make a schedule.

Mr. Rabin: What is the schedule?



Dr. Kissinger: My suggestion is this: your Cabinet meets at 10? That will last until when?

Mr. Peres: 18 members; each will make a speech for half-an-hour; it will take nine hours.

Dr. Kissinger: I was under the impression that you would have the Cabinet meeting at 8:00.

Mr. Rabin: It is 8:30, but I would like first to put to them the documents.

Dr. Kissinger: So you won't be finished until 6:00?

Mr. Rabin: Between 4:00 to 5:00.

Dr. Kissinger: All right, I said we will aim for initialling say, by 6:00. In that case, he wants me to come to Alexandria and initial the same night; Egypt will initial the same night. I told him if the initialling is here at 6:00, maybe we will be together for an hour or an hour and a half.

Mr. Rabin: We are going to make it ceremonial. Let's say 7:30 for initialling, or 7:00.

Dr. Kissinger: 7:00.

Mr. Peres: For us it is important that the Egyptian's initialling will be announced over our radio before people go to sleep, which is around 11 o'clock. If we initial at 7:00, 8 o'clock you can leave.

Dr. Kissinger: If you initial at 7:00, we leave at 8:00, and we can initial there at 11:00.

Mr. Peres: That's good. Then we will have the whole press the next days.

Dr. Kissinger: If we can stage an interval between your Cabinet and initialling, he will announce before your initialling that Egypt will initial that night?

Mr. Peres: That's enough. That answers it.

Dr. Kissinger: They want us to send a text, in fact, of what we want them to announce.



Mr. Rabin: But I would like to make sure that what I need for the Cabinet meeting tomorrow is not only the documents and the map -- we have to prepare an agreed attached map to the document.

Dr. Kissinger: We gave the Egyptians the map you gave us.

Mr. Rabin: It's good, but it will be a smaller one. It is for our own domestic purposes. We have to initial the map too?

Dr. Kissinger: Yes.

Mr. Leigh: There will be two maps, actually. One to be attached to the American Proposal.

Mr. Rabin: And another map for the American Proposal. Somebody has to work on it.

Dr. Kissinger: Unless we change the Proposal and say, "to be worked out between the Working Group and the US," "between the Parties and the US." Let's do that. It's getting too complicated otherwise. I don't think we should haggle tonight about where to put the stations.

Mr. Peres: It is at your convenience. If you want to do it now, it may save us a lot of troubles later. If you want to postpone it for Geneva, we won't make a fuss about it. Either/or. I think the more we shall settle now, it is better.

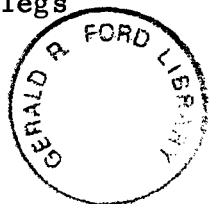
Mr. Rabin: Let's do it tomorrow morning, because I must bring to the Cabinet the bilateral.

Dr. Kissinger: When you say you bring it to the Cabinet, the bilateral, it means that all will be in the newspapers on Tuesday.

Mr. Rabin: Let's not exaggerate. I would just read it.

Dr. Kissinger: I really have to tell you -- we will finish it now, so that's not the argument -- my concern, however, is if this leaking continues . . .

Mr. Rabin: Believe me, it has been leaked for such a long time, so many unright and wrong things, that no one can find his hands and legs among all these leakages.



[There was a brief break, and then the meeting resumed.]

Amb. Dinitz: On the open agreement, the Prime Minister will leave the documents. But I suggested, and the Prime Minister agreed with me, that he will only tell the Cabinet about the secret documents and not leave the documents.

Mr. Rabin: We must finish before initialling.

Dr. Kissinger: There are two major problems. One is to finish before initialling; I am not contesting that. Although in the Syrian case we finished the Memorandum of Understanding long after signature. I am not arguing that point.

Could I, however, urge the negotiating team that it is really going to make it next to impossible to have confidential exchanges if everything leaks.

Mr. Peres: You insist only about the Memorandum of Understanding? I think we can manage that.

Dr. Kissinger: Yes.

Mr. Allon: We shall try to persuade our colleagues. They are responsible people.

Dr. Kissinger: Do you want to go to the Memorandum of Understanding?

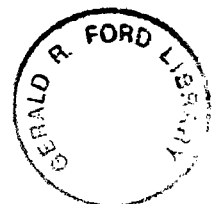
Mr. Rabin: You know, we also have to finish how we will handle the Egyptian assurances.

Dr. Kissinger: Will they be read to the Cabinet too?

Mr. Rabin: They have been read.

Dr. Kissinger: You know, they really have to decide whether they want publicity or results. The Egyptians will certainly start denying formal statements of assurances.

Mr. Allon: We shall tell them exactly the situation.



Mr. Rabin: Allow me to say with all frankness: I doubt if the Cabinet will approve anything tomorrow if we will not bring this agreement [the Memorandum of Understanding].

Dr. Kissinger: We are doing it right now.

Amb. Dinitz: We met today with Roy to work over, (a) the two articles relating to oil, and (b) to go over and compare all the articles that we have agreed to, up to Article 16, I believe. No, 13 inclusive. And there are some articles in which there were no problems and there were some on which we had some points to resolve.

With your permission, on those articles where we believe there are no problems, I will just mention the name of the article, and unless you have some remarks, we will consider that this has been finally resolved.

[The Memorandum of Agreement as finally agreed is at Tab A for reference.]

So we will start with the name, which is "Memorandum of Understanding: Agreement between the Governments of Israel and the US." Then there is no problem on the preamble, no problem on 1, no problem on 2. On 3 there is a problem with the number of years which we did not have a chance to discuss with our Ministers, and Roy and I put the opinions of the two teams of experts.

Dr. Kissinger: We are splitting it down the middle by making it six. In practice it won't be abrogated, but we have these termination clauses in every agreement.

Amb. Dinitz: Okay, so it is five.

Dr. Kissinger: No, I said it will amount to six even if we terminate it after five.

Amb. Dinitz: Any problems on 3 (a) or (b)?

Mr. Atherton: I'd like the Secretary to read the sentence we have added on transport.

Amb. Dinitz: Yes, we have added a sentence on transport after leaving your suggestion, and I will read the paragraph. [He reads out



paragraph 3(a).] And now the sentence we have added reads: "If Israel is unable to secure the necessary means to transport such oil to Israel, the USG will make arrangements to help Israel secure the necessary means of transport." That was put in in order to solve our problem and yet not to create the physical thing you were worried about.

Dr. Kissinger: What does it mean, "The USG will make arrangements to help Israel secure means of transport."? How can we do that?

Amb. Dinitz: For instance, if we are unable to secure oil tankers to transport oil because of international circumstances that develop, say Arab boycott or whatever it is. All this sentence says is that you will help us secure the necessary means of transport.

Mr. Leigh: It doesn't say "help to make the arrangements", it says "make arrangements to help."

Dr. Kissinger: I have learned one thing. I never accept another party's assurances of what it means when the document itself doesn't make clear what it means. A year or two from now we won't be held responsible for what Dinitz tells us he meant.

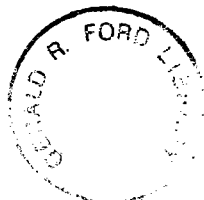
Amb. Dinitz: It is something Roy and we worked on together.

Dr. Kissinger: My basic point is this: If the U.S. Government says it will make arrangements to help Israel, what does that mean? If you say it will make every effort to help Israel secure the necessary means of transport, I have no problem with that. If it says it will make arrangements, I wouldn't know how to do it. Does anyone know what our legal position is here? I don't know what is the commitment we are undertaking here. We don't have the authority. We can use our influence and make an effort. We either charter the tankers or we don't charter the tankers.

Mr. Rabin: Let's finish it by saying "make every effort to help."

Dr. Kissinger: Good.

Amb. Dinitz: So the same phraseology goes at the end of paragraph (b).



Dr. Kissinger: Do we need it twice?

Amb. Dinitz: Yes.

In paragraph 4 we had the following changes that we agreed on tentatively with Roy. [To Mr. Barak:] Do you want to read them?

Mr. Barak [reading 4 (a)]: "In determining the overall annual figure which will be requested from Congress, the USG . . . for a period determined by Article 3 above" -- we didn't know if it would be three years or what -- "will take into account in calculating that figure Israel's additional expenditures for the import of oil to replace that which would have ordinarily come from Abu Rudeis and Ras Sudar."

Dr. Kissinger: That means you devils are going to be for high oil prices from now on. [Laughter]

Amb. Dinitz: According to your suggestion, we have checked the average, and are quite prepared to insert the average figure instead of 4 1/2.

Dr. Kissinger: I withdraw my suggestion. Is paragraph 4 (b) unchanged?

Mr. Atherton: Yes.

Amb. Dinitz: You have added "mutual agreement." We have accepted it and there is no change. In 5, we took out the "including, inter alia" as you requested.

Dr. Kissinger: That is fine.

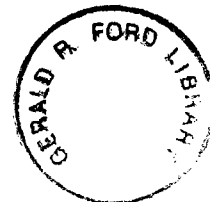
Mr. Barak: We drafted 6 as you wanted it, in a positive way: "The USG agrees with Israel that the next agreement with Egypt should be a final peace agreement."

Dr. Kissinger: I have no problem with that.

Mr. Barak: 7 is your version, we just added to make sure "by the USG."

Dr. Kissinger: That is all right. You don't mind if we do the same thing with the Egyptians?

Mr. Rabin: No.



Mr. Peres: We simply think it is unnecessary because Israel will never violate the agreement.

Mr. Rabin: We don't mind.

Amb. Dinitz: Then we come to the problematic article 8. You deleted it but we put it into brackets in order to discuss it this evening.

Dr. Kissinger: Let's put it aside, or do you want to discuss it now?

Mr. Rabin: I would like to discuss it now.

Dr. Kissinger: Well, I just do not feel that we can make a statement in which the only attitude we can take towards an Israel military action . . . to write into a statement the implication that the only question is whether we will lend material and diplomatic support. This is our problem.

Mr. Peres: But if it says if it agrees that such action is reasonable.

Dr. Kissinger: No. The only option we have under this paragraph, which is cleverly drafted --

Amb. Dinitz: It is your draft.

Dr. Kissinger: But I didn't catch the major hook in it.

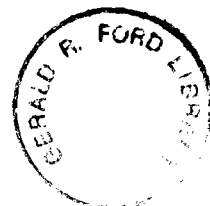
Amb. Dinitz: I think your apprehension can be taken care of by removing the word "military." It could be a diplomatic action; it could be any sort of action.

Dr. Kissinger: Look, everyone will know what it is. It is a sort of blank check for action.

Mr. Allon: And if we use the word "measures" instead?

Mr. Sisco: That is Chapter III of the UN Charter and it implies sanctions. That is not a good word.

Mr. Peres: How about "if Israel would act," instead of "taking action"?



Dr. Kissinger: Look, you obviously can't be interested in the second part of this, because if we think an action is reasonable we will give it diplomatic or material support. So what you are obviously after is to commit us to the principle of unilateral Israeli notice.

Amb. Dinitz: Not to commit you, but to put you on notice that such a possibility exists.

Dr. Kissinger: And that is exactly what I caught on the third reading of it.

Mr. Rabin: It is very strange that you caught it only on the third reading.

Dr. Kissinger: That's right. I fixed the wrong part of the sentence. My concern is -- it is not that I preclude the possibility of Israeli military action in case of a substantial violation, and there is a high probability that if I were in office when that happened, I'd support it. The real problem we now all have is with the massive leaking going on on both sides, in different ways. And with such a statement we are going to pay a price in the Arab world out of proportion to any significance it may have. That is my concern.

Moreover, we would pay a price in the Congress. Someone would point out that we have given a blank check for military action. That I just don't see that we can do.

Amb. Dinitz: Let me remind you that the original draft before it came to you was "the USG notes Israel's right to take action as a result of Egyptian violation." You said you cannot accept that and you drafted "Should Israel take action as a result of Egyptian violation."

Dr. Kissinger: Well, I just drafted it wrong. Why do we need it?

Mr. Rabin: This was before the agreement.

Dr. Kissinger: No, I have taken this position for a week. On Sunday night I took this position that this had to be deleted, or Monday.

Mr. Allon: May I suggest something new that could help us and not put you into any difficulties? I am just asking this without having consulted my colleagues. Let's assume that I am writing a secret letter to you



that we preserve our right to take necessary measures or action in case the agreement is violated. And you answer me a secret letter that you took note of my letter, that is all. You don't have to give support on that, you don't have to say you agree, only to take notice. Then it is not being published, not even given to the Cabinet, and not to the Congress. Because it is a secret exchange of letters.

Dr. Kissinger: Let me consider that for a minute. I just don't think we can give a blanket acquiescence for military action in circumstances we don't know, as a governmental commitment. I think no government does that. We don't do that for any ally.

Mr. Allon: How are we going to save our understanding on this without getting into trouble?

Dr. Kissinger: I don't think there is any way of solving it if you want us to give you advance approval for military action. As a practical matter, we have talked about it for circumstances in Syria, etc., but to do this in writing as an advance commitment of the U. S., we will be crucified in America for having encouraged a Middle East war. We will be crucified in the world.

Mr. Allon: But we don't ask for approval, but just for not opposing it.

Mr. Rabin: Let's go on.

Dr. Kissinger: Nine is okay.

Amb. Dinitz: You wanted to discuss 10.

Mr. Sisco: All we wanted was "the interests of Israel and the U. S."

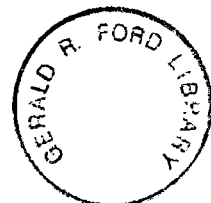
Dr. Kissinger: The hell with it.

Mr. Sisco: You had suggested "common interests."

Dr. Kissinger: That is all right. Let's remove the brackets.

Amb. Dinitz: No problems on 11, 12 and 13.

Mr. Sisco: Wait a minute, there was one, the Russian one. "In support of this objective, the USG will in the event of such threat consult promptly with the GOI with respect to the possible support . . ."



Mr. Allon: Why not "necessary support"?

Dr. Kissinger: Here is a situation where we have the problem with the Congressional commitment. I think the Prime Minister knows my view on the Soviet role in the Middle East. I would always violently oppose any Soviet move. Moreover, when you say "The USG will view with particular gravity threats to Israel's security or sovereignty by a world power", that is a rather strong statement.

Mr. Allon: But no one expects Israel to attack the Soviet Union. You are committing yourself to the survival of Israel, but the action would be possible.

Dr. Kissinger: I don't insist on the word "possible" so much as in leaving it to our constitutional processes.

Mr. Sisco: I thought we had that in.

Dr. Kissinger: In the NATO commitment, it says the US will "in accordance with its constitutional practices" do something. I forget what it is we agreed to do.

Mr. Allon: Let's take the NATO phrase.

Dr. Kissinger: We have to have "in accordance with its constitutional practices."

Mr. Rabin: If you insert that, why do you have to have the "possible"?

Mr. Allon: It cuts out the "possible."

Dr. Kissinger: Just a minute. What I have to avoid is: we cannot in an Executive Agreement in effect make a treaty against a world power. And therefore it has to be phrased as a contingency, not as a flat all-out commitment. And if you want anything in addition to the presence, the oil . . .

Mr. Sisco: When I talked to you, we were talking about "possible." The word "the" has to come out.

Amb. Dinitz: You don't have a commitment: you say "in support of this objective, the USG will . . . consult promptly with the GOI with respect to the support." All you are committing yourself to here is the consulting.



Mr. Rabin: Including diplomatic. What is diplomatic support?

Mr. Sisco: But it is "diplomatic or otherwise"; and then there is assistance. We are not talking only about diplomatic.

Amb. Dinitz: And then you say "within your constitutional processes."

Dr. Kissinger: "With respect to what support, diplomatic or otherwise, it can lend to Israel, in accordance with its constitutional practices."

Amb. Dinitz: On 12 there is no problem. Right? And no problem in 13.

Dr. Kissinger: After we are all through with this, I want to read it over, because it gets to be an accumulation of things, any one of which . . .

Mr. Allon: Now 14.

Amb. Dinitz: Let me say where we stood on 14 when we broke up the meeting last time. We were about to substitute the word "notes" for "share" and remove the second part of the sentence. That is, the last words would be "conducive to such a negotiation."

Mr. Allon: We phrase it positively rather than negatively.

Dr. Kissinger: We have just had a situation, which I reported to you, Mr. Prime Minister, where Sadat -- he hasn't pressed it since, and we are not going to pick it up -- but at any rate he raised the possibility of a negotiation between Jordan and Israel. Have you really thought through the proposition that if it should be possible for Jordan to negotiate separately with Israel to the exclusion of the PLO, that the only thing you will negotiate with Jordan is an overall peace settlement? And secondly, is this something in which you need a great deal of U. S. support? Why is this something that now requires US support?

Mr. Rabin: I will tell you why. We have a problem here too. And we want to be sure that the issue of interim agreement with Jordan, which is the most complicated for us, even worse than with the Syrians, we ~~will not be in~~ a position to be pressed on it.

Mr. Allon: This does not prevent us from changing our minds. Therefore, we phrase it positively.



Dr. Kissinger: I don't share your view on this subject. I know there is no option.

Mr. Allon: Maybe you will convince us in due course. This does not prevent you from convincing us, but at least you know our position today.

Dr. Kissinger: But I am looking at the position of the U. S. , especially when all these things will leak sooner or later. Part of our policy, after all, is to maintain a position also in the Arab world. Here, in a negotiation in which the Jordanians make no profit whatsoever, the one country that has been reasonably moderate in the Arab world, and where moreover I think if a negotiation with Jordan became possible -- it doesn't mean we would press it; perhaps unwisely, we never pressed it for many years. But for us to say that -- what do you think, Joe?

Mr. Sisco: I wish I weren't so worried about all the leakage on all these things. I am awfully worried.

Amb. Dinitz: There were about 20 articles written about the fact that there is no room for interim settlement with Jordan, that the next step will be an overall peace settlement with Jordan, that America shares our position on this matter. It was all over the papers.

Dr. Kissinger: Which paper?

Amb. Dinitz: I know it was in American papers, not as a formal commitment, but this is the policy.

Dr. Kissinger: But none of these was written by a member of the State Department. How can you hold us to articles in Israeli newspapers?

Amb. Dinitz: I am just saying it is not such a revolutionary revelation.

Dr. Kissinger: The revelation is that we signed it, not that it is written.

Amb. Dinitz: But that your share this position has been known for a long time.

Dr. Kissinger: That can't be known because I don't share that position. I will agree not to press on you. But quite honestly I think you made a great mistake not making an agreement with Jordan.

Amb. Dinitz: First of all, I must say to you that if you look at your notes you will find out you did share this position when our Prime Minister explained it to you.



Dr. Kissinger: When did he explain it to me?

Amb. Dinitz: In his last visit.

Dr. Kissinger: He explained that under the present circumstances in Israel, and with that I agree. That is a totally different proposition.

Amb. Dinitz: The fact of the matter is that you did not find any objection to it when you read it in the State Department, when you took it to Colorado. You found objection to it when Atherton presented us with the draft when you were in Alexandria.

Dr. Kissinger: Does that mean that Fahmy rewrote it for me?

Mr. Allon: Would you accept "understands" rather than "shares" or "notes"?

Dr. Kissinger: If you look at the totality of everything in this agreement, it is unbelievable.

Amb. Dinitz: So far we are doing fine. By the time we finish this agreement of assurances, you can look at it with complete indifference. I mean the Syrian and the Jordanian thing and our right to take action are the vital points.

Mr. Rabin: Let's go back to basics. We don't look at the Egyptian-Israeli interim agreement as a final act but as a phase in a process. Our concept is that we need to try to bring about a change in realities, especially in the relations between Egypt and Israel. And we want to find out to what extent these changes will really take place. None of us is sure that we are not risking here -- I am talking as an Israeli -- too much for too little. And therefore we have to secure that at least there is an understanding between the two governments about where we go from here. And the whole idea of all our talks was to make sure that we are not coming in a few months to another crisis between the two governments.

Dr. Kissinger: That is one thing. We have assured you we will not come in a few months to another crisis.

Mr. Rabin: Not a few months. We are talking about the duration of the agreement.



Dr. Kissinger: That is unlimited.

Mr. Rabin: We are talking about the realities of the duration of the agreement.

Dr. Kissinger: But here we face a situation where the U. S. , with no reciprocity whatsoever, with no description of what Israel's view is, of what its obligations are in the peace process, should flatly state this in an agreement, which will after all go to the Congress. I am not asking for the opposite. I am not asking you to say you are willing to have peace negotiations on an interim basis with Jordan.

Mr. Allon: If you read it carefully, that very short sentence "The USG understands, or shares, the Israeli position that negotiations with Jordan will be directed toward an overall peace settlement at such time as conditions are conducive to such a negotiation."

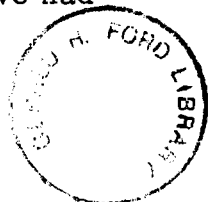
Dr. Kissinger: Right now I am willing to tell you I see no possibility of a negotiation with Jordan, so there is no problem in any future that I can foresee. But for us to bind ourselves on top of it . . . Supposing tomorrow there were a Rabat conference that took away the mandate from the PLO and gave it back to Jordan?

Amb. Dinitz: Then the circumstances have changed.

Mr. Allon: And conditions would be conducive. This does not block us from taking good advice from you to have an interim agreement with them if you think it is feasible or if we think we can afford it domestically. It gives us the little assurance, that when it comes to Jordan we prefer an overall agreement, and there is nothing wrong with it. And it says "towards" an overall peace settlement.

Amb. Dinitz: May I say something. One of the big apprehensions in the government and among many circles was that the interim agreement will automatically and immediately lead us to a process of interim agreements with Jordan and Syria. And therefore this paragraph is in order to facilitate the government to pursue a joint policy with you, without having the fear that we will be facing a situation in which we will have to consider an interim agreement with Jordan at a time when it is . . .

Dr. Kissinger: In what reasonable time frame is it even conceivable that you could have to face an interim agreement with Jordan? I wish we had that problem, where you had that option.



Mr. Allon: When it comes, maybe some of us will support it. This does not prevent you from coming up with some advice, some ideas. It is a little bit embarrassing. This has been discussed in Washington, discussed already here, it's been accepted. And all of a sudden we have to re-negotiate everything.

Dr. Kissinger: That is quite true. I had not fully focused on that point. When I saw this document I thought it was like the previous Memorandum of Understanding, that never became public, but this is just going to be suicide for us.

Last year when there was a chance of making an interim agreement with Jordan, we didn't press you at all on it.

Mr. Rabin: I don't believe there was any chance of making an agreement with Jordan.

Mr. Allon: We hinted to find out whether it was possible but they preferred to wait until after Rabat. I have evidence for that, and you know how, Henry.

Mr. Rabin: They wanted a disengagement agreement.

Amb. Dinitz: I think I have a proposal: "The USG shares the Israeli position that under existing political circumstances, negotiations with Jordan would be direct towards an overall peace settlement at such time as conditions are conducive to such negotiations."

Dr. Kissinger: That has two different times in there, "under present conditions" and "at such time."

Amb. Dinitz: Then: "The USG shares the Israeli position that under existing political circumstances, negotiations with Jordan will be directed towards an overall peace settlement." And that's all.

Dr. Kissinger: For the whole paragraph. Okay.

The next paragraph, 15, I want to discuss with the Prime Minister.

Mr. Rabin: Sixteen is not needed.

Mr. Allon: Isn't this covered by the letter?



Dr. Kissinger: This is going to be a classic document. Never has a government achieved so many unreciprocated things from another government for an agreement which is basically in its favor.

Amb. Dinitz: We can decide not to have a Memorandum of Understanding but if we do, let's not empty it of content.

Dr. Kissinger: Just relax, Simcha. If you get everything this time, what will you do next time?

I think we will stop paragraph 16 [para. 14 in final version] after "the exercise of that right." I think all of these details have to come out. I don't mind putting in a consultation sentence, that "the U. S. will consult with Israel in case of interference with that right." If that helps you. "If there is interference, the U. S. will be prepared to consult with Israel on this problem" or something like that.

Prof. Barak: That is what was written there.

Dr. Kissinger: No. All our press has been asking me all week is about all the commitments we have made to break blockades, etc. so someone has been briefing them on that.

"We will support diplomatically the exercise of that right." What more do you want?

Mr. Rabin: All right.

Amb. Dinitz [reading 17]: This is your language as a substitute to our much broader language, so I don't assume . . .

Dr. Kissinger: But let me check here with Leigh, because I don't know what it means, to tell you the truth.

[There was a break for consultations on both sides.]

Dr. Kissinger: We went through all the others while we were at it, so we won't have to consult all the time.

Mr. Rabin [after reading message]: We have a lot of troubles in the north. Fatah has tried a lot of infiltrations. The night before last we killed two.



Last night we killed two. We caught three. The three we caught told us that in the Fatahland there were 100. We shelled them. I believe by now this evening about 16 to 18 Katushas were fired on Kiryat Shmone. And it is going on there.

Dr. Kissinger: From Lebanese territory?

Mr. Rabin: Yes. And we foresee now a lot of activity by terrorists from Lebanon.

Mr. Sisco: Against the agreement.

Mr. Allon: Therefore I insisted we should include terrorist actions and not only Syrian, because this is more actual.

Mr. Leigh: "The USG informs the Government of Israel that its policy is to take appropriate steps to oppose restrictive and discriminatory trade practices imposed by foreign countries against other countries friendly to the U. S. and to encourage domestic concerns engaged in exports not to support such restrictive trade practices."

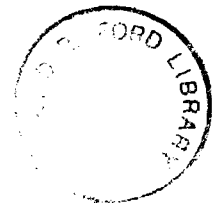
Mr. Rabin: A declaration of human rights is not needed here.

Dr. Kissinger: The basic problem we have to get through here is this: We submit this to the Congress --

Mr. Rabin: But you knew this beforehand.

Dr. Kissinger: First of all, I did not study it with all the care . . . and your Ambassador knows my view on this subject very well. I object violently to binding the U. S. with respect to domestic legislation towards a foreign government, which we have never done. We can state our policy, but to bind ourselves to do a domestic thing in a matter that is totally unrelated to the subject . . . You have your domestic problems, but we are going to have massive ones here. All the things that are related to the Egyptian agreement essentially, we give no problem about. All the things that are plausibly related to common strategy we give no problem in one form or another.

Mr. Rabin: My problem is very simple. Either to postpone the Cabinet meeting until we finish everything and I can bring it, or . . .



Dr. Kissinger: We can work all night.

Mr. Rabin: Because without it I can't come to the Cabinet. I would like to make it clear.

Dr. Kissinger: I understand. If you can't, you can't.

Mr. Allon: On this economic business, we hoped for some relaxation with the Egyptians and nothing came of it. We hoped that at least the U. S. will do something about it -- only a few words of a declaration fashion. And in this field, we remain worse off.

Dr. Kissinger: How can it possibly be worse off?

Mr. Allon: It is. You know what? Drop it. I don't need this declaration. We will do without it.

Amb. Dinitz: May I ask a question? It really puzzles me. We had various drafts on the boycott. Some were unacceptable to you. Then in Washington we arrived at an acceptable version. After you came here, two or three days, we met with Mr. Atherton who presented us with a new draft, because he said the Secretary did not have a chance to go over carefully all the discussions in Washington and therefore this is our final suggestion. We read it. We didn't like it. We wanted to introduce comments, and Roy remembers it. Now we are reading from your last draft. After your careful consideration, after Roy Atherton delivered it to us here, after he said you carefully went over it. And we find ourselves in the process of eroding your own final draft.

Mr. Allon: If the Israeli team would change its mind as frequently as the American team does, you would have raised hell with us.

Dr. Kissinger: That is true.

Mr. Allon: But because we are smaller and dependent on you . . .

Dr. Kissinger: That is not the question. You know what our policy on boycott is. You know we are taking these steps. It is a question of a document now, because we have had a series of massive leaks. We will have a scrutiny of this. The previous Memorandum of Understanding I don't think I read them through with any care. But this is going to be scrutinized, and you have to look at these things as a sum total of a whole mass of things in a document.



Mr. Allon: No leaks are needed on the principle of boycott. It should be an open declaration of America. What is wrong with leaks on this matter?

Dr. Kissinger: I object to the phrase "will take appropriate steps authorized by its domestic legislation." I don't mind you writing it, but to do it in an agreement . . . I find highly objectionable that the United States makes an agreement with a foreign government about its domestic legislation.

Amb. Dinitz: No, you say you will take those measures, but you qualify it obviously as "appropriate" only.

Dr. Kissinger: Write me a letter about your concern about the boycott and I will write you a letter in response telling you what is in paragraph 17. Then it is unilaterally declaring our policy. That I will be happy to do. I will be happy to tell you that the U. S. is taking appropriate steps authorized by its domestic legislation. That I will be happy to do. But to write it into an agreement with another government, which you and we sign, I find objectionable. You write me a letter.

Mr. Allon: But would it be possible in this case, Henry, to add . . .

Dr. Kissinger: You can even publish that, if it is not done in direct relationship to an agreement. As long as it doesn't look as if we are binding ourselves with a foreign government in respect to domestic legislation.

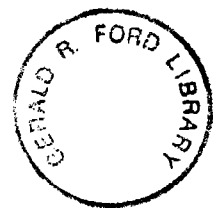
Mr. Allon: Would it be possible to add one sentence -- that you will try to persuade other friendly governments?

Dr. Kissinger: In a letter by me? Certainly, gladly. You can draft it. You see the difference?

Mr. Sisco: Sure.

Dr. Kissinger: That is a unilateral declaration.

Mr. Sisco: Why not strike this from the memorandum and give us this letter? Write us a letter and we will write you a letter. We will have an exchange of letters on this.



Dr. Kissinger: Now the next one is 18. We will say "the US will support the position that the agreement shall remain binding" or "it is the U. S. view that the agreement should remain binding in all its parts."

Mr. Sisco: And then strike out the rest. It is in the fifth line. Just insert "It is the U. S. view that."

Prof. Barak: In your draft, it is "shall."

Mr. Sisco: I know. We changed it to "should." It covers everything.

Mr. Allon: You know that "should" is much weaker than "shall."

Dr. Kissinger: I don't mind saying "shall."

Mr. Rabin: All right.

Amb. Dinitz [reading 19]: "If UNEF or any other UN organ is withdrawn because of an action by Egypt contrary to its undertakings in the Agreement, the USG notes that Israel claims the right to take corrective measures."

Dr. Kissinger: You know my view on that. That is impossible.

Amb. Dinitz: We want to take out the words "contrary to its undertakings in the agreement."

[Dr. Kissinger consults briefly with Messrs. Leigh and Sisco.]

Mr. Rabin: What do you suggest?

Dr. Kissinger: He is writing it out. You can have two theories of this. One is that I deliberately approved it to deceive you to get you into the agreement. The other is that I have not studied it fully.

Mr. Rabin: You studied every pimple of the Giddi pass.

Amb. Dinitz: The question you use now is that of leakage. But you said "I don't even care if it leaks after the agreement is signed, but just be careful not to leak it before the agreement is signed." Now we are faced with the threat that if it will leak after the agreement is signed, we must erode it.



Dr. Kissinger: Look at what is in it, not at what was eroded.

Mr. Sisco: If UNEF or any other UN organ is withdrawn because of an action by Egypt contrary to its undertakings in the agreement, the USG will immediately consult with Israel to determine appropriate corrective measures."

Mr. Allon: We will take the "corrective/measures" without consultation. Cut it out.

Dr. Kissinger: That is fine. We are not saying you can't take corrective measures.

Mr. Sisco: You will.

Dr. Kissinger: Now, paragraph 20 is in the annex to the agreement.

Mr. Rabin: That is not needed, you are right.

Dr. Kissinger: And on 21, we have a separate phraseology for that. 22 is all right.

Mr. Rabin: Take 22 out.

Dr. Kissinger [reading para. 23]: "The US and Israel agree that signature of the text of the Egypt-Israel Agreement and its full entry into effect shall not take place before approval by the Congress of the US role in connection with the surveillance and observation functions described in the Agreement and its Annex." If you want to, we can add: "The USG has informed the Government of Israel that it has obtained GOE agreement to the above." The rest is all technical stuff. So it would read: "The US and Israel agree that signature of the text of the Egypt-Israel agreement and its full entry into effect shall not take place before approval by the US Congress and the US role in connection with the surveillance and observation functions described in the Agreement and its Annex." Then "The US has informed the GOE that it has obtained GOE agreement to the above." I have informed them. But you can leave the last sentence if you want.

Mr. Rabin: We have to leave it.

Dr. Kissinger: Now I want to raise one other issue, which I recognize is also a modification of what we have already agreed upon. It is not on the



substance but it has to do with the heading. My legal advisor tells me that in America, according to us, the word "Memorandum of Understanding" has exactly the same legal effect as the word "Agreement" but that the word "Agreement" has the practical consequence of making it next to impossible to keep it from becoming an open Congressional document. And this is something we would very much like to avoid. We would like to table it. You can have your own legal analysis made. According to Mr. Leigh and Mr. Moore, "Memorandum of Understanding" -- that's why we had agreed to the word "Agreement" to begin with -- we had analyzed whether the word "Agreement" added anything to "Memorandum of Understanding" and legally it added nothing. So it is a pure eye-wash thing. I am willing to sign the document as a Memorandum of Understanding, which we agreed to, but I would like to suggest we delete the word "Agreement", which enables us to submit it to the Congressional Committees without making it an open document.

Mr. Allon: Do the Committees keep it secret?

Dr. Kissinger: They kept the other "Memoranda of Understanding" quite secret.

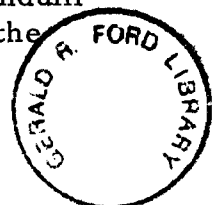
Mr. Sisco: I think the chances of it remaining secret this time are much slimmer because of the American presence.

Dr. Kissinger: I'd still like the word "Agreement" kept out. I am just thinking, if we look at the articles in the newspapers . . .

Amb. Dinitz: At the time we conducted this discussion about how to call it, we wanted it to be called an "Agreement." Your legal advisors and ours came to the same conclusion, that there is no legal difference between Memoranda of Understanding, Executive Agreements, and agreements as distinguished from treaties.

Dr. Kissinger: That's right.

Amb. Dinitz: At that time, since we had established there was no legal difference, I presented to you at length -- maybe too much at length -- the necessity for us to present this as an agreement, because of the psychological-political effect that it has. You finally, after long deliberations, came to a compromise in which we would call it "Memorandum of Understanding: Agreement." If we now revert back to "Memorandum of Understanding" . . . And of course, I immediately informed the Prime Minister about it.



Dr. Kissinger: That is an absolutely correct rendition of events. Legally, it makes absolutely no difference whether we have the word "agreement" in there or not.

Mr. Rabin: Then why not?

Dr. Kissinger: Because I am trying to avoid the domestic debate that will undoubtedly start in America -- which is going to be very damaging to you -- about our having paid an excessive price for it, and to try to dampen it down. If it comes out as a Memorandum of Understanding, the same ignoramuses who on your side want the word "Agreement" will be on our side less scrutinizing, and it is for the same ignoramus reason. This is the problem that we face here.

Amb. Dinitz: Does your law force you to make any agreement public?

Dr. Kissinger: Under the Case amendment, anything that looks like an Executive Agreement [must be submitted].

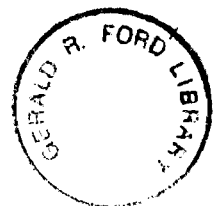
Amb. Dinitz: It does not force you to make it public, as far as I know.

Dr. Kissinger: Can we say "Memorandum of Understanding as agreed between the Governments of Israel and the US"? This is not watering anything down. Any lawyer will tell you that it has absolutely no different legal effect. I am just looking at the American press which will say: "Look at an agreement like this which has no reciprocity, but the US this and the US that."

Amb. Dinitz: What is in there that is embarrassing?

Mr. Sisco: Two things have made the difference in the last four weeks in this situation. One is the definitive conclusion of our having to submit our American presence for Congressional approval, which means that these other documents, which last time we submitted not for approval but for information, will not be retained in the same kind of secrecy as was the case in the disengagement agreement. Secondly, whoever goes up and testifies about the American presence is now going to have to talk about everything.

Dr. Kissinger: I hope not.



Mr. Sisco: We will be pressed in terms of these things, and I think the situation is considerably different. And the third thing is we have had, I think, an unprecedented amount of leakage as it relates to so-called commitments one way or the other.

Dr. Kissinger: I would urge you: From your point of view, it cannot be in your interests to have a huge debate in America on excessive prices we paid. So what are we trying to do here? It makes absolutely no practical difference. You say "agreement" and every bloody demagogue in America will run after us. Say "Memorandum of Understanding", and you and I know it has the same legal effect. It is a pure publicity thing.

Mr. Peres: The American presence, once it was approved by Egypt, is one of the greatest expressions of confidence that any country ever got from two conflicting sides. Let's face it. This doesn't demand a thing from America. It adds confidence and prestige.

Mr. Sisco: That is not the point. I am relating to what our problems are in the Congress. I didn't address myself to the merits of the American presence.

Dr. Kissinger: I don't even exclude what you said a few days ago, that in six months everyone will feel this is an organic thing. But we are now going to have a problem because we have an unusual confluence . . .

Mr. Peres: I think if it will be presented correctly . . .

Mr. Sisco: We will try to.

Dr. Kissinger: You have an unusual confluence of opponents to this.

Mr. Sisco: I told Henry today that one of the things that will be addressed is that this is brand new -- we are bringing in Americans for the first time. We are going to argue that we have had Americans in UNTSO ever since the beginning of this.

Mr. Peres: Yes, and in aerial surveillance.

Amb. Dinitz: You gave several logical arguments, but we have even better logical answers. First of all, you said the American presence made a difference because you will have to be questioned on everything; but



were fully aware when we worked on this document that there would be an American presence. We were even fully aware that without the American presence there would be no agreement. And if there were no agreement, it wouldn't matter if there were a Memorandum of Understanding or not.

Mr. Rabin: It may be that you are right. But the question, in my opinion, will become a question of credibility. You could have said to us two or three weeks ago, "this is our position", and I could understand it. But to come now and to change everything that was said in the past, cannot be accepted. This is the point.

Dr. Kissinger: First of all, not everything has been changed, and not even 20% has been changed. What is being changed are those things that will be read as giving Israel a carte blanche for military action. That is almost the only significant thing that is being changed. The only other thing, for which we have found a solution, is where we in an agreement or Memorandum of Understanding sign a bilateral matter where the U. S. is undertaking things with its domestic legislation, I find that unacceptable. I am willing to unilaterally inform you of our action.

Mr. Rabin: We are not interested in declarations of human rights.

Dr. Kissinger: No, I will be willing to be much more specific on the boycott in a letter.

Mr. Allon: Did you prepare a draft on the boycott?

Dr. Kissinger: Can you work it out with Monroe?

Mr. Rosenne: Yes.

Mr. Peres: If we change the title, can you be more generous in your wording?

Dr. Kissinger: No. Because legally we will have the same problem. I don't want to fool you on this. I am really trying to keep our debate down. Look, let's keep that for the time being and leave it for the absolutely last thing. It won't fall on that on our side, whether it is called Agreement or Non-Agreement. Because Simcha is right; that is something I did agree to and it is clear that that I understood.



Let's go into the Geneva Peace Conference. How do we handle the Geneva Peace Conference?

Mr. Rabin: We can have it as a separate document.

Dr. Kissinger: I'd like rather to have it as a separate document because then we have a better chance of keeping it secret. It has no relevance whatever to our bilateral.

Mr. Rabin: What does it mean?

Dr. Kissinger: They might be able to force the Memorandum of Understanding.

Mr. Rabin: What will be . . .

Dr. Kissinger: Same title, separate Memorandum of Understanding. [He studies the document. As finally agreed, see Tab B.] Let me consider that for a few minutes and let's consider the provisions first.

Amb. Dinitz: I think we went over it once and there was no problem on Article 1.

[Dr. Kissinger and delegation go out for consultations and then return.]

Mr. Rabin: We accept it.

Mr. Sisco: We don't.

Dr. Kissinger: There were one or two changes.

Mr. Rabin: What are the changes? Whenever we accept, we have got a problem too?

Dr. Kissinger: We have it set up so that you cannot win! You cannot escape your dilemma by trying to outguess our reactions. [Laughter] There is no problem with paragraph 2, or with paragraph 1, or with paragraph 3. Four, I would like to put into the other assurances.

Mr. Rabin: Where will you put it?



Dr. Kissinger: That I will discuss with you in a minute but not in a signed agreement that we have to submit to the Congress. I agree with the substance. There is no problem.

The other one we are having a problem with is 6: "Undertakes to ensure that the role of the co-sponsors . . ." How the hell can we ensure what the Soviet Union will do? We can ensure what our role will be.

Amb. Dinitz: You assure that it will be according to what was agreed in the Memorandum of Understanding between the US Government and Israel last time on Geneva.

Dr. Kissinger: Do you think that I remember what that Memorandum of Understanding said? Although I remember we stayed up all night to keep the UN out, with the result that now we will not let it meet without the UN.

Mr. Sisco: I don't recall. The general understanding was that we would like to put the focus on the parties, if I recall, and try to keep the Soviets basically out of the substance. Wasn't it, Simcha?

Amb. Dinitz: We can produce a Memorandum of Understanding which can read that there is no commitment that we expect you, you know, to control the Soviets. But it was a joint policy.

Dr. Kissinger: But it says ". . . undertakes to ensure that the role of the co-sponsors will be consistent with . . ." What is anyone going to think about that phrase? "Will do its utmost to ensure . . ." It is not a substantive point. It is a drafting point. "Will seek to ensure . . ." is fine.

Mr. Sisco: Then the whole thing is done.

Dr. Kissinger: It is just preposterous for us to "undertake." Why don't we reaffirm the Memorandum of Understanding? If you will only show me the damn thing.

Amb. Dinitz: "Seek to ensure" is perfectly all right with us.

Dr. Kissinger: All right, we will "seek to ensure."

Mr. Peres: "Will" or "shall"? [Laughter]



Dr. Kissinger: Go back to sleep. [Laughter]

Mr. Rabin: What are we going to do with the Egyptian assurances conveyed to us? Flights, non-military cargoes and approaches?

Dr. Kissinger: Someone gave me a letter.

Mr. Allon: That was yesterday. On freedom of navigation and flights, and so on.

Dr. Kissinger: Let me study this

[The two sides consulted privately. The meeting then resumed.]

Mr. Sisco: There needs to be one thing in the Memorandum of Understanding. It has to be called the "Memorandum of Understanding" as agreed between the Government and Israel and the U.S."

Mr. Allon: Whether we are right or wrong, the idea of an agreement was sold to the Cabinet, and even worse, to the Security and Foreign Affairs Committee. This appears in this manner, as you suggested. I am afraid we are going to create tremendous troubles for us with certain ministers in the Cabinet and more than half of the members of the Committee. And I am sure it will be leaked in the paper. But Mr. Barak suggestee a fall back position: "memorandum of understanding on an agreement."

Dr. Kissinger: That would help. How about a "memorandum of agreement"? Someone mentioned it.

Prof. Barak: Yes, that was my idea.

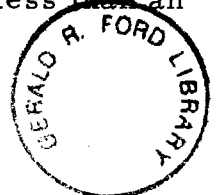
Mr. Leigh: That would work all right.

Dr. Kissinger: "Memorandum of Agreement" we can live with.

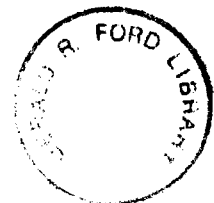
Mr. Allon: Does it make sense?

Dr. Kissinger: No. But they need the word "agreement", so then "Memorandum of Agreement."

Prof. Barak: "Memorandum of Understanding" I understand much more than "Memorandum of Agreement." The question is whether it is not less than an agreement or even less than a memorandum of understanding.



[The discussion then continued off the record on the Egyptian assurances. The remainder of the meeting was devoted to private (off the record) talks, or separate consultations. The meeting was adjourned at 5:30 a. m. The Secretary's and Foreign Minister Allon's remarks to the press at the end of the all-night meeting are at Tab C.]





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