

April 24, 1974

BEYOND DISENGAGEMENT:

Next Steps Toward an Arab-Israeli Settlement

If a Syrian-Israeli disengagement agreement can be negotiated in the next few weeks, the US will want to be in a position to discuss strategy for addressing the next set of issues beyond disengagement.

This paper suggests a conceptual framework dividing Arab-Israeli peacemaking into three phases, including the present disengagement phase. Some would argue for going right from disengagement to negotiate a final settlement, but it seems realistic at least to consider how most plausibly to stretch the process out. It would be easier to compress the process later than to have to look as if we were delaying.

--Phase I: Disengagement. In this present period, one of the objectives is to reduce chances of renewed fighting, but an equally important purpose is to establish a pattern of negotiation and to marshal support for a step-by-step peacemaking process. A successful Syrian-Israeli disengagement would be a major breakthrough. The one question that would remain would be whether to try immediately for "disengagement" on the Jordan-Israel front.

--Phase II: The First Stage of Settlement. In this phase, the negotiators would begin to deal with the issues of a final settlement, but the art would be to break off those issues that could be dealt with in some way short of forcing the issue of final boundaries. The rationale would be that this is a period for testing security measures or other mechanisms that could be used in a final settlement. But the real purpose would be to buy more time for the necessary evolution of attitudes, especially in Israel and among the Palestinians. This phase could last well into 1975.

XGDS - 3

DECLAS - Date Impossible to Determine.

BYAUTH - Dr. Henry A. Kissinger

--Phase III: Final Settlement. This would be the phase when final borders and security and political arrangements would be worked out. Piecemeal settlements and phased implementation could stretch this out over a considerable period.

This memo leads up to detailed discussion of the specific issues to be dealt with in each of these phases because those issues will suggest the structure and pacing of the negotiations. But first, two related questions must be considered:

--What will be our negotiating strategy? Shall we continue to rely mainly on US mediation of issues one at a time? Or shall we now begin to diffuse the issues and responsibility by developing the Geneva negotiations?

--When should we return to Geneva?

Negotiating Strategy: Two Choices

It is artificial to pose this as a sharp choice, but doing so helps to bring into focus two of the principal approaches. Actually, we will probably use different variations and combinations of the two at different times:

1. Sequential approach with high-level US mediation. This strategy would essentially follow the pattern set so far. Issues would be raised, discussed and resolved in an agreed-upon order, with each step depending upon prior completion of some other step. Under this approach, the Secretary of State would not only become engaged directly in the negotiations through bilateral exchanges, "shuttle diplomacy," or at the Geneva Conference in formal and private talks but the US would also assume responsibility for eliciting negotiating positions, narrowing gaps between them, and moving the negotiations toward agreement. The merits of this approach are that specific issues would be given sustained attention until resolved, thereby opening the way to subsequent agreements and that the negotiations would remain largely under US control. The disadvantage, however, would be that this approach would absorb a great deal of the Secretary's time, including frequent trips to the Middle East, and might result in no progress at all on key issues until some other problem is resolved. In addition, the Soviets would strongly oppose this approach, as might other parties who were not receiving much attention.

2. Simultaneous negotiations on several fronts at Geneva with high-level US involvement at key points. Once Syrian-Israeli disengagement is achieved, it would be possible to reconvene the Geneva Conference and to establish several working groups to carry on simultaneous negotiations on issues involving further withdrawal on each major front, the refugee issue, security arrangements, Jerusalem, and international guarantees. The objective of this approach would be to break the pattern whereby one issue cannot be discussed until some other has been dealt with and to begin diffusing responsibility. The complexity of simultaneous negotiations might encourage each party to move forward on concrete problems without awaiting results elsewhere. To the maximum degree possible, negotiations would take place among the regional parties, with less obvious involvement by the US, UN or Soviet Union. If this approach were to catch on, the negotiations might develop a momentum of their own, without constantly awaiting the attention and involvement of the Secretary of State. The Soviets would probably welcome this approach insofar as it offered them a role and minimized the US monopoly over the pace of the talks. At the same time, it is difficult to see how agreements would actually emerge from such talks unless the US could draw on its bilateral ties to the parties and intervene forcefully at key moments to keep the negotiations moving forward.

Now that the US has established its role as a key mover of the peace effort, there may be advantage in broadening the effort somewhat by establishing additional working groups in Geneva and beginning to spread responsibility as more difficult issues are addressed. The US will still have the option of picking those issues that are ripe for settlement and intervening to press them to agreement.

Timing: When Should We Return to Geneva?

Whatever the choice of negotiating strategy above, we will probably have to stage some return to Geneva this summer or early fall. After a Syrian-Israeli disengagement agreement is reached, pressures will build to reconvene the Geneva Conference and to establish an agenda for subsequent negotiations. The question is: How soon?

Here are some of the factors to be considered:

--Arab pressure will mount to get on with negotiations on a final settlement. Some Arab governments may even relate this step to the early June review of oil embargo policy, although a Syrian-Israeli disengagement agreement could satisfy them for a time.

--The Soviets will press to broaden the negotiations in Geneva.

--The US will have an interest in maintaining diplomatic momentum.

--Algeria may look to the beginning of negotiations as the occasion for resuming diplomatic relations. Although that in itself is not important enough to dominate our decision, it has some significance in our effort to marshal support for our approach to peacemaking.

But:

--Allowing cross-the-board negotiations on an overall settlement could quickly raise so many obstacles that the entire negotiating process would soon seem hopelessly stalled.

--Addressing basic issues on the Jordan-Israel front at Geneva would raise the Palestinian representation question before either the Israelis or the Palestinians are ready to deal with it.

--The Israeli political situation will have some effect on how much can be negotiated how soon.

Presumably the Syrian-Israeli disengagement agreement will be at least formally concluded at Geneva. If the negotiation is successful, the agreement could be signed in the latter half of May, and implementation might stretch out through most of June. The next question will be: Should an effort be made beginning in June to achieve a Jordan-Israel "disengagement" agreement apart from Geneva before further negotiations at Geneva or should we encourage the early beginning of negotiations on other issues in Geneva, either simultaneously or putting the Jordan-Israel negotiation aside for the time being?

If we wanted the Geneva Conference to be reconvened soon, Jordan-Israel disengagement could simply become an early item on the agenda. If, on the other hand, we judge that there is advantage in not committing ourselves to reconvening the Conference before late summer there are two possible ways to defer the Conference:

--One is to get agreement, perhaps pressed by Jordan and Egypt at Geneva when a Syrian-Israeli agreement is signed, to move ahead with Jordanian disengagement to complete the disengagement phase before moving to other issues. Further delay like this may, however, be difficult.

--The other is to begin consultations on the agenda for the next round. "Consultations may be better than setting up a formal working group because a formal group may tend to produce stalemates. But agreeing to talk about the agenda could help to buy time while Jordan-Israel talks go on. This would provide a peacemaking focus if Israel's internal political situation made an early Jordan-Israel agreement impossible.

In summary, an illustrative timetable stretching out the time before formal resumption of the Conference might look like this:

--Mid-May: Syrian-Israeli disengagement agreement concluded and signed in Geneva. Foreign Ministers might meet in brief session, but this might be done by the permanent representatives. Conference agrees, at Jordan's request, that Jordan-Israel disengagement will have the next priority, but that permanent representatives should begin consultations on an agenda for broader negotiations.

--Early June: Jordan-Israel disengagement talks begin, probably in the Middle East, but under a Geneva Conference umbrella as at Kilometer 101.

--Late-June: Implementation of Syrian-Israeli disengagement completed.

--Early-July: Geneva consultations to begin shaping a broader agenda.

--Late-July: Jordan-Israel disengagement agreement concluded.

--Late-August: Implementation of Jordan-Israel disengagement completed.

--September: Geneva Conference is reconvened to approve agenda and working groups for Phase II negotiations.

The main point here is that the consultations on an agenda could provide a Geneva focus during Jordan-Israel disengagement talks and allow some flexibility for picking a time for reconvening the full Conference. As discussed below, we would press during these consultations for an agenda in Phase II of the negotiations that would provide additional flexibility in pacing subsequent agreements.

Jordan-Israel "Disengagement"

It is not clear exactly what we can hope to achieve on this front now. The objectives would be (a) to strengthen King Hussein's role as a participant in the peacemaking process and (b) to buy more time for views on the Palestinian role to evolve before positions are hardened.

Internal Israeli political problems are likely to preclude any major step on the Jordan front, and the King cannot afford any agreement that looks as if he is making major concessions to Israel. Therefore, any agreement should be portrayed as "disengagement"--not as a political step toward final settlement but rather a "separation of forces," a "preliminary stage," or something of this nature. To the degree possible, this step should proceed independently of the issue of Palestinian representation, and Egyptian, Syrian and Saudi support should be sought for it. A separate paper is provided on possible approaches to disengagement on the West Bank, but in short the following elements might be included:

--A withdrawal of Israeli and Jordanian regular forces from the Jordan Valley, to be replaced by UN observers.

--To the west of the Jordan River, Jordanian-Palestinian civilian authority would be restored within the disengagement zone on the West Bank. Jericho would be the first town that would revert to Arab control. Some arrangement would be made allowing eight Israeli settlements to stay in the area.

--Israel might agree that some portion of the displaced persons and refugees from 1967 could return to the West Bank.

--A freeze would be agreed, at least informally, on further Israeli land purchases anywhere in the West Bank or Gaza.

--A development plan for the Jordan Valley on both banks of the river would be announced.

--The reassertion of Jordanian authority on the West Bank would have to be done subtly in order to avoid a negative reaction from the indigenous population. To the extent possible, local authorities should be relied upon. King Hussein should make public his intention to play only a transitional supervisory role while preparing for self-determination on the West Bank.

Palestinian Representation

This issue has considerable potential for complicating Arab-Israeli peace negotiations, but it is not clear how or when decisions will have to be faced. It would seem to be in our interest to put off formal consideration of this issue as long as possible into Phase II of the negotiation or even beyond. To do this would require (a) Arab support for Jordan to negotiate disengagement, (b) a dialogue between Jordan and the Palestinians, and (c) perhaps discussions with Israel on the mechanics of West Bank self-determination.

There are strong arguments for eventually bringing the Palestinians, including the PLO, into the negotiations, but timing is crucial. The Palestinian question must first be dealt with in an inter-Arab context, and it is with the help of Sadat, Faisal, and possibly Asad and Boumediene that moderate Palestinians can be brought to support the idea of a settlement with Israel. The Palestinians themselves will take some time to formulate a coherent position--June is now being mentioned as the date for a National Congress--and in the meantime King Hussein is trying to build support in the Arab world for his approach of negotiating for Israeli withdrawal from the West Bank and then offering self-determination to the Palestinians. Thus far most Arab states appear to favor Jordanian-PLO rapprochement and joint representation at Geneva.

A US strategy on Palestinian representation could include the following:

--Try to postpone formal consideration of Palestinian representation at Geneva until a serious attempt at Jordanian-Israeli disengagement has been made and until some basis for Palestinian-Jordanian cooperation has been established.

--Discuss with President Sadat his taking a quiet lead in bringing about a reconciliation of the position of the PLO and that of King Hussein on the basis that Jordan will negotiate for Israel's withdrawal, while recognizing that the PLO has a role to play in representing Palestinian interests in a comprehensive peace settlement. The point is that a Jordanian umbrella will be important, at least in the early stages, in keeping Israel in the negotiations.

--Press the Israelis to move toward at least a limited agreement on disengagement with King Hussein at an early date, along with steps aimed at building up the self-governing capacity of the Palestinians living in the occupied areas.

--Indicate to the PLO our own willingness to exchange views directly with Palestinian leaders on how Palestinian interests can be met in a peace settlement.

Agenda for Phase II: First Stage of Settlement

The objective of Phase II would be to negotiate a series of second-round steps that would still be short of a final settlement. The purpose would be to preserve diplomatic momentum while still allowing more time for attitudes to evolve before the difficult issues of a final settlement are faced. This concept is open to discussion, but it seems wiser at this point to build in more time and to accelerate later if possible rather than to create excessive expectations now for an early final agreement.

Egyptian-Israeli Agreement. The first major focus of attention after the reconvening of the Geneva Conference should be on achieving another major step on the Egyptian-Israeli front because that is where an early second step is most likely and because an early second step will be important in sustaining President Sadat's policy. The following could be involved:

- a second Israeli withdrawal, this time back beyond the passes;
- expanding the UN buffer zone to the east of the present zone;
- within this expanded UN zone, security arrangements could be devised that might later be applied on a larger scale to other areas of Sinai.

In the course of the Israeli withdrawal, Egypt might recover sovereignty over the oil fields on the Gulf of Suez at this stage, but Israel might stay at Sharm al-Shaikh. Finally, during the period of implementing this step, the Egyptians might reopen the Canal, in which case the issue of passage of Israeli cargoes might arise. This could be the occasion for establishing a separate negotiation on waterways.

On the Jordan-Israel front, during Phase II work could proceed on two tracks:

- The area of disengagement might be expanded.
- Discussions might begin on transition to some form of permanent government on the West Bank or at least on the mechanics of self-determination. Some consideration would have to be given to the status of Israeli settlements on the West Bank.

In addition to further Israeli withdrawal, one of the objectives in this phase would be to reach some conclusion on Palestinian representation by trying to give both sides a sense of where the negotiation of Phase III might come out. The simple point is that it might be preferable at this stage to find some means of conducting less formal conversations (a) between Jordanian and Palestinian representatives and (b) between Israelis and some combination of Jordanians and Palestinians.

On the Syria-Israel front, it would be more difficult to arrange an expansion of the buffer zone as on the Egyptian front because so much less territory is involved and because any move would affect the Israeli settlements. However, some such move will be necessary. The possibilities include further limitation of forces; expanding the buffer zone without expanding Syrian administrative control, but allowing more

Syrian villagers to move in; talking to the Israelis about giving up some settlements. Since this last would provoke major resistance, this may not be the time, but at some point the issue will have to be faced.

Other issues. A special sub-group might have to begin work on Gaza in this phase, although it might be desirable to delay this to Phase III. A separate technical working group could begin work in this phase on the elements of a refugee settlement and compensation plan. The Lebanese among others might be represented here, and preparations could be considered for broad international participation in a resettlement effort.

Summary: Thus the outcome of Phase II would at least be a further Israeli withdrawal on the Egyptian front and, on the Jordanian front, perhaps arrangements could be announced for letting the Palestinians decide how they will be governed. It may also be that a substantial step toward declaring that peace exists could be taken at this point. On the Syrian front, any move may have to be largely symbolic unless it seems possible at this stage to have the Israelis face up to the future of their settlements.

Phase III: Final Settlement

This is the phase when final borders and security arrangements would be discussed on all fronts.

In the Sinai, at least, provision could be made for further expansion of security arrangements and for periodic reviews and agreed changes in these arrangements over time. The status of Israeli settlements in the Sinai, especially around Gaza, would have to be resolved. Agreed means of assuring free passage through the waterways would have to be implemented and the status of Sharm al-Shaikh settled.

Final political arrangements on the West Bank would be determined. Within the Jordan-West Bank-Israel context a special working group on Jerusalem might be necessary.

A Lebanon-Israel working group would produce agreement transforming the armistice line into a final border and defining a relationship of peace-- hopefully including open borders--between the two parties.

Work on the refugee settlement would be completed.

Perhaps a separate group would have to work out a convention on guaranteeing passing through the waterways. It may be desirable to broaden participation in the working group or at least adherence to such a convention because the involvement of other littoral or nearby powers like Iran and Ethiopia, as well as major maritime powers, might enhance its acceptability to Israel.

Drafted by: NSC: H. H. Saunders
 W. B. Quandt
 NEA: A. L. Atherton, Jr.