

December 30, 1969

**Saunders, Memorandum for Dr. Kissinger: US-USSR
Mid-East Talks - Where They Stand**

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<https://wilson-center-digital-archive.dvincitest.com/document/230166>

Summary:

Saunders summarizes the current American and Soviet positions towards negotiating points such as specificity of language, timing of withdrawal of troops, boundaries and demilitarized zones, refugees' right of return, and recognition of sovereignty. Saunders believes they have reached an impasse.

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English

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Handwritten notes:
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F47 *More detail*

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THE WHITE HOUSE
WASHINGTON

5985

December 30, 1969

MEMORANDUM FOR DR. KISSINGER

FROM: Harold H. Saunders

SUBJECT: US-USSR Mid-East Talks -- Where They Stand

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Following is the wrapup of US and Soviet positions on the key points as they stand after Dobrynin's December 23 reply to the US proposal of October 28:

Rhodes-type talks

-- US position: The negotiation, convened by Ambassador Jarring, would be a combination of direct and indirect meetings at the discretion of the UN representative (Jarring) as at the Rhodes armistice talks in 1949.

-- USSR position: The big powers should not commit the belligerents to any particular form of negotiations. The words "Rhodes formula" are unhelpful [because Riad agreed to them publicly and the Israelis then defined them as "direct negotiations"], but a comparable procedure might be found.

Specificity

-- US position: The big powers should confine themselves to drawing up an agreement on basic principles within which the belligerents would negotiate. Precise arrangements on security, demilitarization, waterways, refugees should be left to the belligerents to negotiate. In the big-power documents, they should be left as "neutral formulations," i. e. generalized statements of the issue to be negotiated. The US has gone as far as it can go.

-- USSR position: The big powers should find more precise language than that in the US document on such questions as demilitarized zones, passage through waterways, security provisions.

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Timing of withdrawal and peace

-- US position: The belligerents in negotiation should determine a timetable and procedures for withdrawal. The provisions of the negotiated agreement -- including the beginning of the state of peace -- would come into force at the moment the agreement was deposited with the UN.

-- USSR position: The big powers should draw up a timetable for phased withdrawal of Israeli troops. A de facto cessation of the state of war would begin when Israeli withdrawal begins; it would become de jure after completion of withdrawal.

Obligations of peace

US position: A formal state of peace would be established directly between the belligerents, and each would undertake to insure that no aggressive acts are initiated from their soil by armed forces, private persons or other organizations. The obligations of states at peace are as contained in the UN Charter (Article 2, paragraphs 3, 4).

USSR position: It is necessary to establish a just and stable peace. The subject juridically at issue is the "cessation of the state of war." No big-power document should go beyond formulations stated in the November 1967 Security Council resolution. [While the Sisco-Dobrynin discussions seemed to reveal Soviet willingness to think in terms of a real peace, the Soviets have shied away from spelling out the specific obligations the Arabs would have to undertake, especially curbing the fedayeen.]

Boundaries

US position: "In the context of peace, including inter alia agreement between the parties on the establishment of demilitarized zones, on practical security arrangements in the Sharm al-Shaykh area for guaranteeing freedom of navigation through the Strait of Tiran, and on practical security arrangements and final disposition of Gaza, the former international boundary between Egypt and the mandated territory of Palestine would

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become the secure and recognized boundary between Israel and the UAR."

USSR position: One might note "certain progress in the US formula on boundaries between the UAR and Israel." But the US must make clear that the UAR will retain sovereignty over Sharm al-Shaykh. Gaza is Arab territory and must be restored within pre-war borders. There is no justification for Israeli participation in determining its future.

Demilitarized zones

US position: The belligerents should negotiate their size and procedures for ensuring their demilitarization.

USSR position: The big powers should define the principle that they should give no military advantage to either side and should be on each side of the border.

Waterways

US position: The Strait of Tiran is an international waterway; the principle of free navigation applies to all countries, including Israel. The UAR would affirm the right of Israeli passage through the Suez Canal.

USSR position: Passage through the Suez Canal must be affirmed in conformity with the Constantinople Convention of 1888. [This permits denial of passage to a nation at war with the nation sovereign over the canal and has been the UAR justification for denying passage to Israel.]

Refugees

US position: The UAR and Israel would agree to abide by a just settlement worked out between Israel and Jordan. [In that context, the US has agreed to the refugees' choice between return to Israel and resettlement elsewhere with compensation, while injecting the necessity of giving Israel a security check on those who return plus an overall control on the total number allowed to return.]

USSR position: Israel must fulfill past UN resolutions on this question. [These provide that each refugee who agrees

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to "live at peace with his neighbors" has the unqualified right to return to his home or be compensated for his losses.]

Nature of Agreement

US position: Agreement must be a binding contract between the belligerents.

USSR position: [This point ignored in Soviet reply.]

Recognition

Both US and USSR accept the language of the Security Council resolution: "... respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force."

The US has attempted to elaborate on the practical consequences (e. g. control of fedayeen). The USSR would limit any big-power document to the language in the UN resolution.

Summary

1. The US is more precise on issues that concern Israel (Arab obligations, negotiating procedure, need for special security arrangements at danger points). The USSR prefers more precise language on issues that concern Cairo (withdrawal timetable, equity in the size of DMZs) but is willing to accept non-committal formulations on issues like negotiating procedures.
2. The principal Soviet hang-ups seem to be over:
 - negotiating procedure;
 - control of Suez Canal passage;
 - control of fedayeen;
 - any apparent derogation of UAR sovereignty (Gaza, Sharm al-Shaykh);
 - Israeli limitation of refugee return.

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3. The Soviet reply emphasizes the role of the big powers and de-emphasizes the role of the belligerents in either working out the arrangements or in enforcing them.

Where do we stand now? It seems to me that we can go no further. Therefore, our choice seems between letting time drift by just not answering and telling the USSR clearly that their response has effectively put an end to the talks.

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State 211994 NODIS, 12/24/69
State 212662 EXDIS 12/26/69

"Joint US-USSR Working Paper-Fundamental Principles"
(US October 28 formulation) -- Israel and UAR Aspects.