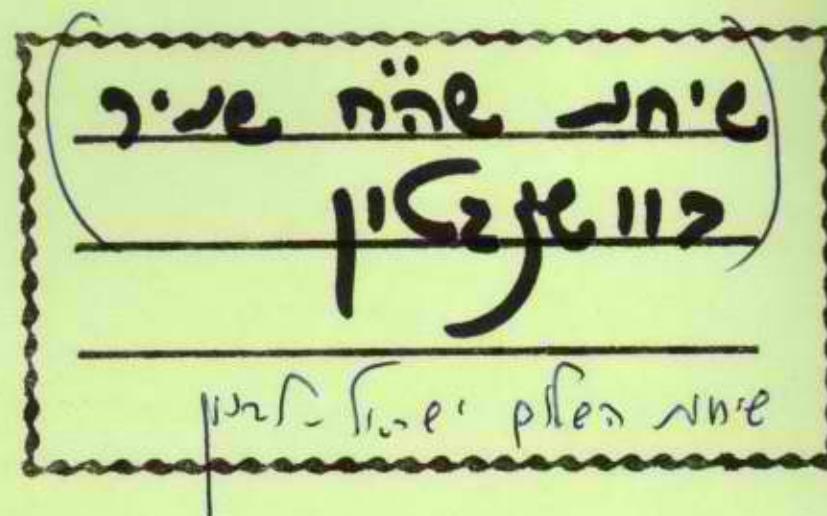


סידן

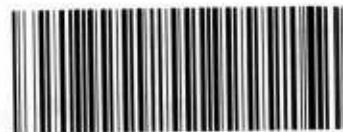


נפתח: 4.83

נסגר:

מדינת ישראל

אררוויו החדשיה



שם תיק: שיחות שר החוץ שמר בוושינגטון.

מזהה פויו: 8407/2

מזהה פריט: 000368h

מ

כתובת: 2-120-1-1-9

1,25-112
SECRET

April 6, 1983

ANNEX I
SECURITY ARRANGEMENTS

1. Security Region

AGREED

a. A Security Region in which the Government of Lebanon undertakes to implement the security arrangements agreed upon in this Annex, is hereby established.

AGREED

b. The Security Region is bounded, as delineated on Map 1 attached to this Annex, in the north by a line constituting "Line A" on Map 1, in the south by the Israeli-Lebanese boundary and in the east by the Lebanese-Syrian boundary.

AGREED

2. Security Arrangements

The Lebanese authorities will enforce special security measures aimed at detecting and preventing hostile activities as well as the introduction into or movement through the Security Region of unauthorized armed men or military equipment. The following security arrangements will apply equally throughout the Security Region except as noted:

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AGREED

- a. The Lebanese Army, Lebanese Police, Lebanese Internal Security Forces, and Lebanese territorial forces (ANSAR) organized under the full authority of the Government of Lebanon, are the only organized armed forces and elements permitted in the Security Region except as designated elsewhere in this Annex.

IS/LE

The [Military] [Security Arrangements Supervisory*] Committee may approve the stationing in the Security Region of other Lebanese armed elements similar to the ANSAR.

AGREED

- b. Lebanese Police, Internal Forces, and territorial forces (ANSAR) may be stationed in the Security Region without restriction as to their numbers. These forces and elements will be equipped only with personal and light automatic weapons and, for the Internal Security Forces, armored scout or commando cars as listed in Appendix A.

*On April 5, Lebanese suggested changing the name of this committee as shown. If accepted, this change would be effected every place the committee is mentioned. It has not been noted at each place in this draft text.

IS

c. Two Lebanese Army brigades may be stationed in the Security Region. One will be a Lebanese Army Territorial Brigade stationed in the area extending from the Lebanese-Israeli boundary to "Line B" delineated on Map 1. The other will be a regular Lebanese Army brigade stationed in the area extending from "Line B" to "Line A." Units from this brigade may enter the area of operation of the Territorial Brigade [following coordination in accordance with procedures established by the Military Committee]. These brigades may carry their organic weapons and equipment listed in Appendix A. Additional units equipped in accordance with Appendix A may be deployed in the Security Region for training purposes, including the training of conscripts, or in the case of operational emergency situations, following coordination in accordance with procedures established by the Military Committee.

LE

d. The existing local armed elements in the Security Region will be integrated as deemed appropriate into the Lebanese Army Territorial Brigade which will be in charge of the security in the southern part of the Security Region or

any territorial forces (ANSAR) created by the Government of Lebanon in the south, which will be subordinated to the Territorial Brigade Commander.] The Territorial Brigade may be reinforced with new recruits from among the inhabitants of the Security Region. The existing local Civil Guard shall be accorded a proper status under Lebanese Law to enable it to continue guarding the villages in the Security Region. The process of extending Lebanese authority over the existing local armed elements, under the supervision of the Military Committee, shall start immediately after the entry into force of the Agreement and shall terminate prior to the completion of the Israeli withdrawal from Lebanon.

e.. Within the Security Region, Lebanese Army units may maintain their organic anti-aircraft weapons as specified in Appendix A. Outside of the Security Region [and for a period of three years following the entry into force of this Agreement], Lebanon may deploy only [low and medium altitude air defense] [personal] missiles. [After a period of three years from the date of entry into force

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of this Agreement, the provision concerning the area outside the Security Region may be reviewed by the Military Committee at the request of either Party.]

f. Military electronic equipment in the Security Region will be as specified in Appendix A and will be deployed, under the supervision of the Military Committee, in a manner to observe unauthorized movements in the Security Region.

LE

[The competence of the Military Committee to supervise the deployment of the military electronic equipment extends only to deployments of radars within 10 kilometers of the border. Radars will be deployed so that their sectors of search do not cross the border. This does not apply to civil aviation or air traffic control radars.]

LE

g. [In the Security Region] Lebanon may deploy naval elements without anti-aircraft missiles, and establish and maintain naval bases or other shore installations required to accomplish the naval mission. The coastal defense system will be as specified in Appendix A.

AGREED

h. In order to avoid accidents due to misidentification, the Lebanese Military authorities will give advance notice of all flights of any kind over the Security Region according to procedures determined by the Military Committee. Approval of these flights is not required.

LE

i. [Neither Party shall establish or maintain fortifications or minefields directed or which might be directed against the other Party.]

IS

[No fortifications or minefields directed against Israel, or that might be directed against it, shall be established in the Security Region.]

AGREED

j. The forces, weapons and military equipment which may be stationed, stocked, introduced into, or transported through the Security Region, are only those mentioned in this Annex and its Appendix.

k. No infrastructure, auxiliary installations or equipment capable of assisting the activation of weapons that are not permitted by this Annex or its Appendix shall be maintained or established [in the Security Region]. [This provision

LE/IS

also applies whenever a clause of this Annex relates to areas outside the Security Region.]*

3. Military Committee

AGREED

a. Within the framework of the Joint Liaison Committee a Military Committee will be established.

b. The Military Committee will be composed of an equal number of Lebanese and Israeli representatives headed by senior officers [, and a representative/s of the United States of America]. Decisions of the Military Committee will be reached by agreement of the Parties.

AGREED

c. The Military Committee shall supervise the implementation of the security arrangements and the timetable and modalities, as well as all other aspects, relating to withdrawals described in the Agreement and its Annexes. To this end, and by agreement of the Parties, it will:

AGREED

(1) Supervise the implementation of the undertakings of the Parties under the Agreement and its Annexes.

*Another alternative discussed was to include language similar to the first sentence of this subparagraph in subparagraph "e" above which pertains to air defense missiles.

AGREED

(2) Establish and operate Joint Supervisory Teams as detailed below.

(3) Address and seek to resolve any problem arising out of the implementation of the security arrangements in the Agreement and its Annexes, and discuss any violation reported by the Joint Supervisory Teams or any complaint concerning a violation submitted by one of the Parties[. At the request of either Party, any problem will be referred to the Joint Liaison Committee] [and refer to the Joint Liaison Committee any unresolved problems].

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AGREED

d. The Military Committee shall deal with any complaint submitted to it not later than 24 hours from its submission.

AGREED

e. Meetings of the Military Committee shall be held at least once every two weeks in Lebanon and in Israel alternatively. In the event that either Party requests a special meeting, it will be convened within 24 hours. The first meeting will be held within 48 hours after the entry into force of the Agreement.

f. Joint Supervisory Teams

AGREED

(1) The Military Committee will establish bilateral joint Supervisory Teams [Lebanon-Israel] subordinate to it composed of an equal number of representatives from each Party.

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LE

(2) The Teams will conduct [regular, and if necessary daily,] [daily] verification of the implementation of the provisions of the security arrangements. [Verification shall include checking and investigating conditions through the security region.] The Teams shall report immediately to the Military Committee on any violation of the security provisions of the Agreement and its Annexes.

LE

(3) The Military Committee shall assign a Special Supervisory Team, when requested, to ascertain if any military movements, on the Israeli side of the international boundary, within an area of 5 km., are such that they imperil the security of Lebanon or endanger the proper implementation of the present agreement.]

AGREED

(4) The Teams will enjoy freedom of movement in the air, sea and land as necessary for the performance of their task within the Security Region.

AGREED

(5) The Military Committee will determine all administrative and technical arrangements concerning the functioning of the Teams including their working procedures, their number, their manning, their armament and their equipment.

AGREED

(6) Upon submission of a report to the Military Committee or upon confirmation of a complaint of either Party by the Teams, the respective Party will immediately, and in any case not later than 24 hours from the report or the confirmation, rectify the violation. The Party shall immediately notify the Military Committee of the rectification. Upon receiving the notification, the Teams will ascertain that the violation has been rectified.

g. The Military Committee will ensure that practical and rapid contacts between the two parties are established along the border to prevent incidents and facilitate coordination between the forces on the terrain.*

LE

[4. Subject to the appropriate action in the United Nations Security Council, it is envisaged that one UNIFIL battalion will be stationed in the Tyre area and one UNIFIL battalion will be stationed in the Sidon area, together with necessary logistics support, for a period not to exceed 18 months. The mission of these two battalions will be to assist the Government of Lebanon and the Lebanese Armed Forces in asserting governmental authority and protection particularly in areas where Palestinian refugees dwell. Police functions shall remain the sole responsibility of the Government of Lebanon, which shall ensure that the provisions of this Annex shall be fully implemented in the areas in which Palestinian refugees dwell.]

LE

*["Rapid and practical contacts" will include direct radio and telephone communications between the respective military commanders and their staffs in the immediate border region, as well as direct face-to-face consultations.]

LE [5. Three months after completion of the withdrawal of all Israeli forces from Lebanon, the Joint Liaison Committee will conduct a full-scale review of the adequacy of the security arrangements delineated in this Annex and, if necessary, will consider possible added measures.]

LE [6. Withdrawal of Israeli Forces

- a. Upon entry into force of Agreement, the Israeli forces will commence their withdrawal.
- b. Within not more than eight weeks of the entry into force of the Agreement, all Israeli forces will have been withdrawn from Lebanon. This is consistent with the objective of Lebanon that all external forces withdraw from Lebanon.
- c. The LAF and the IDF will maintain continuous liaison during the withdrawal and will exchange all necessary information through the Military Committee. The IDF and the LAF will cooperate during the withdrawal in order to facilitate the reassertion of the authority of the Government of Lebanon as the IDF withdraws.]

הצפוי : מרכז
כונסראט 3/
ירא

סוד
מיידי

התכנון
המחלקה לתכנון אסטרטגי
4681 טל'
2 הסדרים
גד' ניסן תשמ"ג
1983 אפריל 7

מספר זה כולל...
עותק מס' 15! מtower... עותקים

סגן ה-רמטכ"ל
מי"מ ראש אמ"ג
ראש אג"ת
מפקד ח"א
מפקד ח"י
אלוף פיקוד הצפון
רמ"ח מבצעים
ה-רמטכ"ל
מצחיר צבאי ל-שבב"ט
מנכ"ל משה"ח
חברי הוועדה הצבאית

הנדון: הסדר לבננו - נספח הבטחון - תMOVנת מצב עדכנית

1. מטרת מספר זה להציג ברמת כוורות, את תMOVנת המצב בנושאים הבטחוניים, במסגרת ההסדר עם לבננו, נכוון להיום.

2. יודגש כי תפיסת הבטחון שהוותה בסיס לדרישות המפורטוות במספר זה, איןנה כוללת נוכחות צה"ל בחמש תחנות - דרישת שנדחתה על הסף ע"י לבננו ו-ארה"ב. במקומה הוגשנו בשיחות ההסדר דרישות נוספות.

נושאים מוסכמים

- א. קשר ישיר בין מפקדים.
- ב. קיומם מעברים ("פשפשים") בגדר הבטחון. (עיקרונו מוסכט, טעונו פירוט).
- ג. איסור הצבת טל"א במרחב הבטחון.
- ד. הגבלות אמל"ח במרחב הבטחון. (עיקרונו מוסכט, טעונו פירוט).

עותק מס' 61

התקנון	אגף	המחלקה	התקנון	אסטרטגי
2	-	-	-	-

- ה. תאים טיסות מדרום לקו הבטחון.
- ו. תאים ימי (יעירוני מוסכם, טעון פירוט).
- ז. איסור כניסה כוחות זרים לבנון.
- ח. ועדת צבאית.
- ט. המשך טיסות ח'יא מעל לבנון (העירוני מוסכם, לבנון מתנגדת לפיקוח עגון בכתובין).
- י. הגבלות על היקף הכוחות למרחב הבטחון.

4. נושאים לגביהם ניתן להגיע להסכמה - טעונים דיוור נוסף

- א. "גבול" מרחב הבטחון - (הלבנוניים מסכימים לקו נהר האוولي ללא פסגת הר ברור).
- ב. סירות משותפים.
- ג. מרכזים מבצעיים/משרדי קישור (העירוני מוסכם, ויכוח לגבי מספר המרכזים ונהליהם).
- ד. הגבלות טק"א מצפון למרחב הבטחון.
- ה. קשרי מודיעין (מטופל מוחוץ לשיחות ההסדר).
- ו. מעמדה של חטיבת צד"ל (הלבנוניים מכירים בקיום חטיבת מרחבית/מקומית, אך חוותים למסמו אński חדא).
- ז. הגבלות אלקטронיות למרחב הבטחון.

5. נושאים שנויים בחלוקת

- א. מעמד חדא (בפגיעה האחורה הלבנונית הודיעו שהם מכירים בכך). להגיא להסכם על נוכחות חדא באזור הדרום, אך לא בפיקד החטיבה).
- ב. השתפות ארכ'יב בועדה הצבאית.

עורך מס' 01

התקנון	אגף
המחלקה	לתקנון
הסדרים	אסטרטגי

2

- ג. נוכחות יוניפ"יל למרחב הבתוחן.
- ד. הגבלות על טילים ותחמי חוף יס מצפון למרחב הבתוחן.
- ה. סיורים של צוותי הפיקוח בתחום 5 ק"מ בתוך ישראל (דרישת לבנוןית, לצורך "מכירת" ההסכם בפרלמנט).

חנן אלון,
רמ"ח תכנון אסטרטגי

חא/לכ

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משרד החוץ

בברכה

מאת

לשכת המנהל הכללי

ISRAEL-LEBANON TALKS

Plenum serving as Military Subcommittee
7.4.83
Kiryat Shmona

DR. KIMCHE: With your permission, we will continue. There has been a request that we continue in this plenary in order to complete the discussions on the principles of the problems and we can then perhaps divide into subcommittees to draft the principles that we have reached, and I would like to continue where we have left off, with your permission, with the security problems which we talked about in Halde last Tuesday.

We have the question of the joint teams which we have not yet completely finalized and there is the question of the operational centers that we heard an interesting and very constructive point made by General Cooley, and we now have to translate those into operational concrete facts.

I would suggest that we begin with the question of the joint teams, and if you wish to say something, please.

GENERAL HAMDAN: We discussed last time a joint supervisory team and in our opinion, we think that it is most important that the joint supervisory teams have to have a limit in time. It is hard for us to accept an agreement in which the joint supervisory teams will operate in the southern part of Lebanon, in approximately one-third of the area of the whole Lebanon, without having a limit in the time. We think that a limit of one year for the number that we proposed together, a number up to 8 teams, is a good time for us, and at the end of this year, we can consider other numbers, and we propose that the number in the second year can be four teams, and at the end of the second year, we will cancell these teams unless there are some exceptional situations that demand the presence or the continuation of the activities of these teams. These considerations should be taken inside the Military Committee.

DR. KIMCHE: Thank you, General Hamdan.

GENERAL TAMIR: We can't accept this new idea. We thought that we concluded in our last meeting this number up to eight. No one knows what will be the first year, the second year and the third year. And we have also an agreed principle that from time to time, I don't remember if it's three months or four months, the military committee will review from time to time all the security arrangements.

DR.KIMCHE: I suggest that we don't go into the question of what will be in the future, that we speak of the principle of the teams as they have to be now. I think General Tamir is quite right to react the way he did, because I think this is a subject that can be discussed at a later period. But now we have to discuss what are the principles, what will be decided on now and I think this would be preferable.

AMB. DRAPER: Is there / way to bridge these positions, principles, by repeating something that both the Israeli and the Lebanese have said from time to time; namely, that the ultimate objective is for a security area which will not need extraordinary measures beyond that which would occur when the Lebanese authority is fully consolidated, and that we hope the threat from the PLO and other dissident groups is so thoroughly diminished. I mean, it is a common objective of both countries. Would it be possible to think in terms of bearing in mind the wish of both sides that extraordinary measures can be brought to an end as soon as possible? The review mechanism in the Military Committee would examine this situation every three months and make recommendations accordingly without saying specifically that there would be explicit reduction from 8 to 6 to 4, whatever might be the case, but in more general terms.

I throw out this suggestion because it certainly I think reflects the basic attitude of both sides that it is the hope, in the case of Israel, that all these measures will not be necessary, say, after three years, and

it is certainly the case for Lebanon.

GEN. HAMDAN: I think this is very important for us to put a certain limit of time as a principle for the activities of these teams inside Lebanon. We also agreed on the principle of review of the security arrangements every three months, or when it is necessary, but we still think that this is a very sensitive question for us for these supervisory teams, and we prefer if we can arrive to an agreement determining in principle a certain period of time when these teams have to be decreased. Thank you.

AMB. DRAPER: I will wait for your reaction.

DR. KIMCHE: Our reaction is a very simple one. There is a mechanism for a review of the situation which has been agreed upon which is that every three months there is a review, and we think this is ample and this is sufficient because, as I said, everything can be reviewed every three months. I repeat my former proposal, that we do not get bogged down now on to this subject which is a new one. We have to decide, in my opinion, what is going to be written and what is going to be decided upon with the agreement, and we discussed in this room last week the aims, the objectives, the modus operandi of these joint teams and I believe that we reached a large amount of agreement around this table last week regarding those aims and objectives and it is all written down.

We then talked about the numbers and we had thought that we had reached an agreement. You raised objections in Halde on Tuesday. I believe we have now settled this question of the numbers. We have to confirm what we said last week regarding the aims and the objectives and then we have to move on to the other subjects, such as the operational centers. That is my proposal.

I believe that regarding the numbers, we had agreed to study a certain formula. At the end of our talks in Halde we had agreed to study a certain

formula which was slightly less than what we had originally said, but which was a formula which would have given the possibility to reach an agreement, including the question of the vehicles and the number, and I suggest we devote ourselves to that question.

If I may add one word regarding these reviews. I think we should remember what we ourselves decided because we ourselves - I mean all three delegations - have not been certain that what we were going to propose would be sufficient and we were thinking in these terms, not that it is too much. And in the Lebanese version, in the paper that you yourselves have written, this is your proposal. I would like to read the sentence on review. You wrote the following: "Three months after the completion of the withdrawal of all Israeli forces from Lebanon, the Joint Committee will conduct a full scale review of the adequacy of the security arrangements delineated in this annex and if necessary will consider possible added measures."

In other words, the whole gist of this point is that perhaps what we are doing will not be sufficient. What you are now saying is that we have to reduce, not to add, before we have even reached an agreement. This sentence that I have read out is your own proposal and I think we should not now start going away from it and reducing it. Thank you.

GEN. HAMDAN: When we proposed this sentence, we were not talking about ten supervisory teams. This is the problem. When we are now talking about 8, as we were convinced last time, we see that this is very sensitive for us to have up to 8 teams all the time and for an undetermined period of time in our country. So to facilitate the whole operation for us, we were suggesting to put a certain limit in the agreement in principle and the military review of

of this operation will be taken care of inside the military committee, because if we say that the 8 teams will be operating until the military committee reaches a new agreement on the decreasing or the change of the operation in the area- we are afraid that in the military committee we cannot reach an agreement in that field, so that thing will be operating all the time there and we will have all the time 8 teams.

What you said can be also said from our point of view. We are speaking in principle, as a concept, that after one year these teams will be decreased and after two years they will be cancelled unless the security situation demand that these teams or some other measures shall have to be taken. Thank you.

GEN. TAMIR: I don't know why all the time you are talking only about your problems in the military committee. You would like to reduce the number of the teams, but maybe from our side we would like after one year to increase the number of teams and we are going to face the same problem in this military committee. All of us hope that this military committee will work in good faith, friendship, and we don't see all these obstacles, because we are going to build together new relations. For us this agreement is a first stage in these new relations that we hope some day will reach peace with you. So we are not going to this military committee with such negative views. Eight teams is the minimum for such an area. Don't forget that we also concluded that there will be 8 ^{supervisory} teams and that these teams will be by air, land and sea, so there is enough space and flexibility in the military committee to decide this or that, but how can we now write in this agreement that after

a year we are going to reduce, and after three years we are going to finish with all the patrols? How can we say it now? And why should we write it in the agreement that such a principle, that there will be a review with the aim, with the goal, to reduce? why should we write it?

GEN. HAMDAN: I thank you, General Tamir, and I think that in the same direction as you spoke, we can say that we have the faith also and we think that the security situation in the area will be improved and that after one year we don't need such a number of teams. This is a concept. We have to be optimistic and this is why we think in principle these teams shall be reduced.

Now, if the security situation will need to increase or to change the security arrangements, I think that we are ready in the military committee to make such changes, and that is the reason that in our discussions before we put this paragraph on page 9, para. 5 about "consider possible added measures". This is because we considered to add some measures to improve the security situation in the area.

But, still, for this question, you should understand us. This is a sensitive question. This is Israeli soldiers with Lebanese soldiers in one-third of the area of our country, making patrols, and we think that if we have to reach a good agreement with two sovereign countries, we have to respect each other, and we think that these patrols may harm us so that's why we are asking to put it as a concept that after one year we have to decrease it and after two years we have to cancel it unless the military committee decides otherwise.

GEN. TAMIR: For us there is one main optimistic goal and this goal is to reach as soon as possible a peace with you, and this peace, I am sure, will be based on other security arrangements. But now we are trying to reach a security and mutual relations agreement. As long as we are going to have these security arrangements, we need this supervision team. When we said that there are going to be "up to 8 patrols", these words, we did not say "8 patrols". We said "up to 8". This gives the flexibility to the military committee to decide according to the security situation every time when they meet, if there is a need for all the 8, for 7 or 6 or 7½. This is the meaning of these words. We did not say 8. We said up to 8. They have to decide every time if it is 8 or 7 or 7½.

GEN. HAMDAN: We are talking about the same subject but you are talking about a half-a-glass empty and I am talking about half of the glass full. We agree on what you said, Gen. Tamir, but I still want to have an agreement which respects the sovereignty of Lebanon. If we don't have the mutual respect for our both countries, we cannot reach a good agreement. I am asking to put in principle a limit of time for these teams, and of course the military committee can change, if the security situation demands that.

DR. KIMCHE: Gen. Hamdan, just one word: we all respect the sovereignty of Lebanon. This isn't the question, and we know it is a sensitive question. These whole negotiations deal with sensitive subjects. There is theoretically a possibility that after a year there will be attempts by the PLO or other hostile elements to infiltrate Lebanon. There is a possibility that after a year we may need not 8 or 10 but maybe 15 because of increased hostile

activity. We all hope this will not be the case, but who can say today? Therefore, I think that what we should say and we are saying it here, and it is being recorded by your very charming secretaries, is that we do not want to have these teams or this presence or these groups or whatever you want to call them a single day longer than is necessary, and I think this is how we have to tackle it. We can't say here in a very arbitrary manner that this year we need 8, next year 6, and the third year nothing. We don't know. This is a problem of security and not a question of arbitrary numbers. What we can say is that we respect your sovereignty and that we do not want to have these teams one day longer than is necessary, and if we reach a situation where there is no need for them, then I can assure you that our army and our Treasury will want to be very quick in stopping something that is not necessary. And I think that is the way we have to tackle it.

AMB. DRAPER: The fact is, as I see it, that both sides are in agreement with 99 percent of what we have been discussing this morning. There is already agreement in principle that up to 8 teams might be used. The military committee will decide on the mixture of teams, whether by land, sea or air. If the needs are not there, there may be four teams going out, it may be 6, maybe 8. Whatever it might be will be based on practical considerations. It is agreed already in a sense, I believe that there will be a three-monthly review at which time it is possible that there will be agreement on the need for further measures. It is possible that there will be agreement that there can be fewer measures. However that particular sentence was written, it doesn't foreclose either possibility. The review mechanism was to see how effective

security arrangements were being carried out and to consider new approaches, if necessary, discarding some, adding some. All these are possibilities. Both sides have agreed and you just said it again, Mr. Chairman, it is your hope or it is Israel's hope that there won't be any need for this, that there will be no problems, but who can foresee what the future is. All this is agreed, I think, by the two sides.

The one issue remaining, it seems to me, is Lebanon's political need to suggest that there might be some kind of time limit. Now they propose two years. It should not be beyond our ingenuity to design a phrase or two that could speak in common terms about ultimate objective, subject to adequate safeguards, subject to mutual agreement on the security situation at the time or depending upon the security situation at the time. That doesn't mean that that target would have to be met. It would be conditional upon mutual agreement that the security situation is at the point where the risks are minimized, and which we all hope will be the case.

So I think that I'd like to propose that we drop this subject for the moment and see if we could design some concept of that kind that would be acceptable to the two sides.

DR. KIMCHE: Just one small point, because as Ambassador Draper has listed the points that we are in agreement with, we, as you know, had spoken of up to 10 last week and there was the question of the use of Israeli vehicles, half-trucks, APCs, and we understand, and please correct me if I am wrong, that there is also in this list of agreements which Ambassador Draper has read out that it is agreed that there will be in these teams two APC vehicles, Israeli vehicles,

which can be under the colors or the insignia of the joint committee. In other words, they would be of the same colors, the same insignia as your committee and we would then not go into the number of soldiers in these two vehicles, but they would, of course, be manned by our people. Thank you.

Col. Allon would like to add a word.

COL. H. ALLON: I want to emphasize three points with regard to this problem. First of all, with regard to the possible effect on sovereignty. We have to remember that we are speaking of supervisory teams, and the emphasis is on supervisory teams. We are not speaking about combat teams that are one-sided, that are unlimited, patrolling sovereign territory of another country. The emphasis is on joint. This is a joint effort, a Lebanese and Israeli.

The second element is that the teams are not directed on a singular basis by orders of the Israeli General Staff and respectfully by the Lebanese General Staff, but they are operating under the auspices of the joint military committee and they are a mechanism of the military committee to supervise that the security arrangements are implemented.

And this leads me to the third point and relating to what Mr. Draper said. If we limit this supervisory mechanism for, say, two years, this is almost equivalent to limiting the whole security arrangement to two years, since this is a mechanism to check the implementation of the security arrangements. In other words, if we are attacked, the only mechanism both countries have to check is if this arrangement is implemented properly and once we in advance limit the period of this mechanism, it is if we say the same words, that we limit the whole security arrangements for a

limit of two years and this is basically contradictory to the whole spirit of our agreement and talks which we reached and arrived to up to this date and this is quite a diversion.

So, again, try to look really not at the half-full cup but at the 90 percent full glass and see that again that this is a joint effort; these are joint teams. We are working under the auspices of the joint military committee. This is a mechanism to supervise the implementation which is in the interests of our two countries and there is no violation whatsoever of sovereignty.

Therefore, it cannot be limited in time. Thank you.

AMB. DRAPER: Let me just make one comment here. I understand the first two points, but I don't agree with that analysis reflected in the third point. The thrust of what has been suggested by me doesn't mean that everything comes to an end at the end of the two years. The security package, the security infrastructure we are talking about is going to last and continue until possible new arrangements are negotiated some day in the future, in connection, let's hope, with a peace treaty. Now, that includes all the contacts, the communications, the military committee, what will be an on-going dialogue of an extensive nature between the Lebanese and Israeli military authorities. The idea of setting an objective for the elimination of one aspect of the security arrangements doesn't mean the whole security infrastructure comes tumbling down. Quite the contrary. It is only because there would be mutual agreement that this is no longer necessary. If they can't meet this objective, then it continues. The thrust of what has been suggested was with the safeguards depending upon the security situation at the

time and some kind of mutual understanding that it is not necessary.

So I can't accept that particular third point. I think it is something much bigger than this.

GEN. HAMDAN: I wanted only to say that I am glad to hear that the correct mission of these supervisory teams are for the supervision of the implementation of the security arrangements in the area and, after all, we think that, we hope, in a certain period of time we will have a new situation in the political situation or for sure we will have a new situation in the area. So that's why in principle, from now, if we can put a certain limit in the time, we think that would help us very much in passing the agreement. Thank you.

GEN. TAMIR: What I can say is that there is nothing to add. We can't accept this idea.

AMB. DRAPER: I repeat the suggestion that we move on to another subject. This could be brought up again or we could get together and discuss this further in private talks, but I think the points of both sides have been registered adequately right now. There is no understanding, but we can come back to it later.

DR. KIMCHE: Do we understand each other on this question of the joint teams from the point of view of what Amb. Draper has said with my addition before,/about the vehicles? Is all that accepted? In other words, have we got agreement on everything except for the point raised this morning by General Hamdan? Is that the situation?

GEN. HAMDAN: We agree on the two Israeli vehicles which should be similar to our vehicles, but with a special color which will be described or determined by the military committee. We agree to that. I want only to say something, that we in our

proposition, we don't want to cancel the supervision of the implementation of the security arrangements, but at the end of the period I proposed we think that our imagination should invent something to supervise the security arrangements at the end of this period of time I proposed. Thank you.

DR. KIMCHE: I think in this case, as Ambassador Draper had said before, we have agreement on 99 percent of the items with only this one point, and I propose that we leave this point for a later period and that we go on to another subject and I propose that we now go a bit more into detail of the joint operational centers that will be there to arrange the question of these teams, etc., and with your permission, I would like Gen. Einan to give our own viewpoint based on the things that General Cooley had said in Halde on Tuesday.

GEN. EINAN: I want to open that we are agreed on the principles that Andy gave at the last meeting and we are speaking, I think, in the same direction, in the same line. We are speaking about three operational centers in three different parts of south Lebanon, and we say the south of Lebanon: one is the coast, the second one is the mountains in the center and the third one is the Bek'a or, if you want, not immediately in the Bek'a but on the way to the Bek'a.. We can define the places in the military committee. Maybe we will find on the map some other places, but basically we are looking for three places: one, between Zaharani and Sida; another one will be Nabatiya but it could be Jezin, and the third one in Hatzbaya or Kfar Mashki.

In every operational center, we see a place of connection between the supervising team and the security people, and the

military committee could have³ meeting or to explain to the different teams what they have to do and what they can do.

In every base or center, we think that we have to have from our side, and the same like from your side, but we are speaking only of our side, something around 25 people, soldiers; a commander, a man of the military committee, an officer of the G-3, but you can call it another name, and a liaison officer and an officer of the G-2; one is a communication officers, 3 sargeants that have to be on the table, as we call it; a doctor and medic soldiers, a small group of cooks and maintenance soldiers. This is in the center. And in any one of the places we can see from time to time, and sometimes for a long period, one of the teams or two or three teams staying there and going and coming from this place as a supervising mission. This is basically how we saw it, according to the same line.

GEN. HAMDAN: Can I ask some questions, Gen. Einan? I understood that you are asking for the operational centers, one near the coast, one in the center and one on the way to the Bek'a. You suggest one between Zahrani and Sida and the other in Nabatiya or Jezin.

GEN. EINAN: If you show us that in Jezin it will be better.

GEN. HAMDAN: And Hatzbaya in the Bek'a Valley, and in every center you see that there will be about 25 military men. Is that correct?

GEN. EINAN: From each side. From our side.

GEN. HAMDAN: From your side, at least?

GEN. EINAN: I want to say that for the security of the place and to take care of the people there, we believe that it will

be your mission, under your control, and we didn't put in any security people or people to take care of our officers there and it will be your mission.

GEN. HAMDAN: And you think that one or two or three teams may stay the night in these centers so they can patrol the next day? Is that correct?

GEN. EINAN: I can give you a scenario, if you want. Don't take it as something final or something that it will be every day or every night the same. But one team can come from Metulla, supervising an area, coming to Hatzbaya to stay there at night, maybe to make a small patrol or a supervising mission by night and turn back to the place and after two days back to Israel, and then another team will go in to replace. The same in every place and every area. We don't see that in any place there will be all the time three or four teams which will stay there and they will be going and coming from the same place, but it could be one or sometimes more. It depends on the problems and the situation that will be in the area. I prefer to see most of the time one team in any center, to have a mission immediately or if we have any problem if we want to send them, we can find under the hand a team in the area.

GEN. HAMDAN: A waiting team, a standby team?

GEN. EINAN: Yes.

GEN. HAMDAN: That makes around 45 in every center, 45 Israeli soldiers, almost - 35.

GEN. EINAN: To be very honest, I am afraid to put together the numbers of the team and the soldiers who belong to the center, together as a number, because immediately some people, without understanding, will say that this is a new military Israeli base. This, as I say, is a center, with something around 25 soldiers from our

side under the control and the security of your soldiers. There could be there one team, sometimes more, sometimes maybe less. It could be by night, by day, any reason that we will find.

GEN. HAMDAN: Well, this is something I have to report and we will have to think about it and we will give you our answer.

GEN. EINAN: Maybe we can hear Andy's position of our numbers.

GEN. COOLEY: I think that what we would want to do is consider the principle of the center rather than here decide the numbers and the locations, the details of these numbers; whether it will be 25 or 20 or what I think should be done in the military subcommittee where we really sit down and look at the missions and what they are going to do and see about such things as trade-offs. Much of these numbers could depend on the kind of equipment that is put into the center. And I think that's the way to really finalize this so far as trying to debate how many medics and how many cooks. I would say in principle most of these functions need to be accomplished. It is a question of who would accomplish these functions. Some of this might be able to be done by the Lebanese, as an example, the medical or possibly the maintenance or it could be contracted or something like that as an option, but we ought to look at that in the details of the committee.

I would say that the supervisory teams should come in to these centers for their mission orientation and briefing and I believe should return to that center for a debriefing so that this becomes the hub of the information for the military committee in order to make their decisions.

GEN. EINAN: Okay, I agree that later in the subcommittee we will speak about the numbers and jobs for any one of them.

GEN. HAMDAN: We have to decide about the number of these operational centers. We think that one operational center is enough for the military committee and for the supervisory teams because, after all, the main mission of the military committee is to supervise or to direct these supervisory teams and we propose one place as an operational center for these teams in Marj'ayun, and we think that for the staying of the teams in Lebanon, that makes a permanent stay in the country, which we cannot accept also. But we accept that these teams will come, do their job and go back and no overnight in Lebanon, because we refuse the idea of a permanent stationing of any Israeli troops in Lebanon. Thank you.

GEN. EINAN: If we are speaking about an operational center, it can't be in Marj'ayun, first of all, because in Marj'ayun will be maybe the liaison officer from one of your companies or battalions in this area. As I understand, maybe I am wrong, what you had agreed at the last meeting about what the Americans proposed to us, it is another thing. It is a place that the team can come in and to stay by night and to have missions from the place, around the area, and it is impossible to have one operational center for all the ten teams that we are speaking about and to see one operational center in Marj'ayun. Believe me, it could be easier in 20 minutes to come from Metulla to Marj'ayun than to stay by night there, but if we have to go to the Alawi River, we have to stay by night there, and maybe we will have some mission over the night in any place of the northern place in the security area, in the security region. So this is basically another system, what you are speaking about.

GEN. HAMDAN: I don't know if General Cooley spoke last time about staying overnight in the operation center.

GEN. COOLEY: I didn't say stay overnight.

GEN. TAMIR: We have to be logical; I mean from the operational point of view. I can understand, let's say, that some times there are problems if you put on the paper eight supervision teams or 10 supervision teams, but here we are talking about operational mechanism. It should be logical from the operational point of view. First of all, in such a big area, if you want to control these supervision teams, you must have the center in the middle of the area or near the northern border of the area. This is from the operational point of view. Then we already agreed that these supervision teams are going to work day and night; some of them will be day and some night.

Then, for instance, if I take what General Cooley said, they have to come to this operational center to get a briefing and then they have to come back and to report. All right, so they come there and go out, so they move to these centers, all the time; to report or to get briefing. So you find that you might have most of the day a team or two teams in this area, if I take his concept. But we have to look at it as an operational mechanism and then it is a big area and there is a need for more than one.

GEN. HAMDAN: If we look at the terrain, we see there are two sectors. One is east of Wadi Saluki, of the Valley of the Saluki, and the River also. And another one is west. I think that we can have one operational center, for instance - this is an idea - in Tibneen area, and we can have something in the Marj'ayun area, but not necessarily this amount of soldiers, this big number of soldiers in that area. And through the communications system, we

can have a good liaison by radio or by telephone, and we can give the orders. I think that near the border, there in Tibneen, if we put the operational center there, the teams can come there and take their briefing, and we don't need to have all of the team to come there, only the team leader, or the two team leaders, one from each side, and as to direct these supervisory teams and to have a liaison with them, it is very easy. We can have a relay station or communications in some places. But as General Cooley said, we don't need the maintenance people. We don't need the medical personnel. We can provide that. Maybe the cooks you need them for some people but not the others. I see one G-2 officer and One G-3 officer, and one or two sargeants to take notes and to work on the maps, to help the officers working on the maps and the communications personnel. I can see that; I can't see the others or why the number should be up to 25, if we will be responsible for the protection of the post and for the maintenance of the vehicles and all the other services. I propose then an operational center in Tibneen and some other small system, relay system in Marj-ayun for this mission.

As for the overnight staying for the teams, we cannot accept that.

MR. EINAN: I would say that for all the numbers, I prefer to go into the details in the subcommittee, because if we need two important communications centers or three, it is not/now here to talk about it. About the place, and about the system, this is maybe the most important thing. I am afraid that most of the people around the table don't know exactly what is on the east side of the Saluki River. As you know, the Saluki River, immediately on the east side

are our kibbutzim, Menara and Misgav Am. So we have our supervising teams in Israel. We don't need them in the east side. So it is not separate, the area between the two sides, west of the Saluki and east of the Saluki.

MR. HAMDAN: And the prolongation of the Saluki.

GEN. EINAN: It is around the border of our land, and, believe me, we know Lebanon, the terrain in Lebanon not so bad, and you can separate between some different parts as you want, but without any question, and if you want to see the map how we came into Lebanon in the last war, I can explain it again, and you know it, by three directions. It is not by accident that we have done it. Lebanon, you can see it, the coast, the mountains - the center - and the east side all the others. And it is not separate between the Saluki. I am sorry to say that you can't convince anyone of the military to separate the area in different parts or in a different way than how we tried to explain it. You cannot agree with us about our decision what to do in every part, but, please, don't separate it between the Saluki west and east side. I am sorry to say; maybe they don't know where it is, but both of us know it very well, and if you want, I can take a map and show you what we are talking about. So this is about the different parts in Lebanon.

If you are speaking about an operational center in Marj-ayun, we don't need it. It is unimportant for us. It is like saying to us that you do not agree with any concept of the operational center.

I have to give you a compliment my friend, Hamdan, as a

negotiator, because I never heard that anyone in the plenary spoke before, at the last meetings, about eight teams as supervisory teams. We never spoke about 8. We spoke only about 10, up to 10. After the meeting, I gave you a large concept, in order to ask about it, to your authorities and we will ask our authorities, about a full concept that we are speaking about maybe 8 teams, with 2 APCs and two vehicles and that's all. So you accept in the plenary about the number 8 that I gave you unofficially. You put it here like it is an agreement about this number, and now we are going to negotiate about the other subjects. It is impossible. And I am sorry to say it, because if you want it officially, we are speaking about 10 teams, about the three operational centers and we spoke about operational centers, and I am sorry to say that step-by-step today you are speaking about another concept, not only about a problem or about one thing that we have to bridge. It is a concept. Our concept, and I don't want to repeat it again because everyone at this plenary knows it. But we are speaking about liaison officers and I never said that there is an agreement between us about liaison officers; I never said it. Even if between us we said that we are going to check some system of liaison officers. But this is a concept, and you cannot say that you are not agreed or you agree with the teams, that it will be 8, with a limited time and you are not accepting the concept of the operational centers and you are speaking about again, and I said it once in the plenary, in Marj'ayun; you are speaking about maybe a room of meetings between some liaison officers. We are not speaking about an operational center. An operational center is another meaning, and I am sorry to say it, because I feel that speaking about details, we are coming into a new concept and we

don't want to speak about a new concept, and I am sorry to say it.

GEN. HAMDAN: Well, I agree with you when you are talking about three sectors. I know that you came to Lebanon in three directions, but you have one operational center, I assume, one main, and for each division you have its own operational center, but now what I am speaking about is we can divide the territory of Lebanon into two parts, one in Marj'ayun and to the north. This is my concept, where the Valley of the Bek'a, up to the north, and the other portion of the terrain is west of that place, Nabatiya and the coast, the mountain and the coast as one part of the terrain. When I spoke about the valley, I was speaking about Saluki Valley and the prolongation of this valley, which is a prolongation with the Litani River and after that going up north.

I am not sure that you accepted the eight teams, but this is when I proposed this morning the composition of the teams and the number of the teams. I made it clear that we can accept, we propose up to 8 for the first year, up to 4 for the second year and after that we can see depending on the security situation, and I am convinced that this is a package deal which should be negotiated and we have to agree to the whole system, the system of the teams, the system of the operational centers and the system of the liaison officers.

I regret to say that for the liaison officer in our units in the south, we cannot agree to that. This is against the orders given to me by my authorities. They don't agree to the concept of the liaison officer in our units in the south. We think that the military committee has a job to do and within and under the auspices of this military committee, all the security arrangements

can be achieved.

If you are speaking about Marj'ayun as an unvalid operational center or liaison center or communication center or anything, I think that from my point of view, I don't agree to what you said, because I think the mission of that center in Marj'ayun as a center to brief the teams before they are doing their missions and maybe to debrief them also, after they accomplish their mission- We don't need to have them up north in Kfar Mishke or in Hatzbaya. We don't need to have them anywhere in the area, and it is easier to have them in a place as Marj'ayun. After all, these teams will be communicating with the center, with the radio, and you don't to give order or to receive reports to be close to the teams. It is not a very big distance and, anyhow, a realy system can be achieved and the communications can be passed from the teams to the center, and for Tibneen also the same thing. We can imagine a relay system in Jabl Safni, for instance, or in some other relay station near the coast, which will cover all the area, and we will have good communications. Thank you.

GEN. EINAN: Thank you. You gave me immediately the answer about the other subject, which we call it the liaison officer, so you gave me also the answer about this question. In this case, from my point of view, I think that we have to turn back to another concept and to turn back to a five-station concept of our security arrangement and not to say anywhere about the concept that we tried to work on it all the last ten days, because, believe me, in any issues of the other concepts that we tried to put on the table, I have your negative answer , and even if you gave me 85 percent of any issues, a positive issue, the last 15 break all your answers.

So from my point of view, I am sorry to say, and I say it to my Chairman, I prefer to turn back to another concept that we spoke of before and not what we tried to find in the last few days.

GEN. TAMIR: You were from the beginning against our direct presence in South Lebanon, the five observation posts. We tried, as Menachem said, to build here together a good, efficient, supervisory system that can work in the area, a supervisory system, a common one to us and to you. So now, if we conclude all these days, so liaison officers, no; good supervision system which is based on joint supervision teams, no; Hadad, no; Hadad brigade, no; so all the elements the answers are negative. So we are gain, let's say, in the line that we started two months ago. Unifil, no. Everything is no.

BEN.HAMDAN: Unifil, yes, for us. I am afraid that we explained our point of view many times about the permanent stay, permanent residence in Lebanon about the Israeli troops. We didn't accept the five stations because it meant that you have a permanent stay of the Israeli troops in Lebanon, and when you come up with 3 operational centers, with around 25 military men in every center, that means a return to what we tried to avoid in this stay in Lebanon. We understand that we want to have an efficient supervisory team, but without this red line we have. We don't want to have many Israeli troops in Lebanon, and we don't want to have this overnight staying of the teams in Lebanon, in permanent stay. We want them to come to do their job and to go back and some others will come.

GEN. TAMIR: Why are you talking about numbers? From the point of view of sovereignty it is not different if it will be 10 Israeli soldiers or 50 Israeli soldiers. It is not a question of number. It is a question of efficient supervision system, efficient one. How

many people will be in each operational center, this will be discussed then in the military committee. If it will be 25 or 20 or 22, but the philosophy, the concept of these operational centers is exactly like General Cooley said; we agreed and you agreed. Now you want to put it in Marj'ayun and you know exactly, impure military logic: that you put your operational center in the area, in a place from where you can control the activities of this supervision.

GEN. HAMDAN: What about Tibneen?

GEN. TAMIR: What is the difference from the point of your sovereignty if it is in Marj'ayun or Nabatiya? Both places are from Lebanon. The question is not a place. The question is/where can you control the activities of these teams.

GEN. HAMDAN: How are you going to control the activities of these teams; by briefing and debriefing?

GEN. TAMIR: BY Communication, by briefing, by reporting, by getting reports, by, let's say, if something happens to such a team, wounded people, damaged cars, there must be some place that they can come and go. But the principle is that this is a joint system. It is not the first joint system in the world, without hurting sovereignty. What does it matter if the joint committee is more ten people or less? We are talking about the system, about the concept.

GEN. HAMDAN: Let's say that in the concept, what could be done not by the Lebanese will be done by the Lebanese. What can/be done by the Lebanese and needs the presence of Israeli troops, we agree on that. This we go back to the concept of General Cooley and we don't talk about numbers.

GEN. TAMIR: We can't accept this. You start from a principle

which is a political principle. You want the least number of Israelis in Lebanon.

GEN. HAMDAN: As you do.

GEN. TAMIR: You would like us not to be there at all. All right. So now we are talking about the military people and then maybe we will talk about civilians who will go as tourists. They are the same Israelis. So this is a political idea. Of course, I have what to say about this political idea, because we can't accept it, but we are talking about a pure military system, and if you have an Intelligence element, it can't be only one officer. We must have some clerks. The same with the operations officer, the same with the communications officer, the same with those who keep the maps, and then maintenance. We would like to maintain our cars because it is our spare parts, and we don't want to rely on your maintenance. In our army, all the soldiers eat kosher, so we would like to have our cooks. What is the difference if it will be 20 or 23 or 18? This is the problem of sovereignty? It is a political idea.

DR. KIMCHE: I also want to just say one more word on this, and I go back to the opening remarks and they weren't accidental, the ones I said at the beginning of this meeting, when I pointed out the reality of the south of Lebanon, and I am sorry I hurt your feelings but it had to be said, and I can see now again how important it was to have said this. We are not talking about an area which is a vacuum. We are talking about an area in which we have had things like the Fatahland in the past. Now you say, this is of the past and we shouldn't remind you of the past, but the reality of

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the south is that it did continue for many years and we are not certain, at least we believe, that there will be many people, Palestinians, others, who will try to restore this, and we can't play around with our own security on this. We think this is something minimal. We don't want to harm your sovereignty. This isn't our intention. As Abrasha said, if you have one center in Marj'ayun or if you have two centers in Tzor or Nabatiya, from the point of view of sovereignty, it means exactly the same thing. The principle is the same. It isn't a question of numbers. I think that considering the security problems that exist in the south, I think our proposal is a reasonable one. It is along the lines which have been put by General Cooley in Halde and if we need 25 or 24 or 26 or 20 or 18, these are problems that can be worked out in the military sub-committee and I suggest that we don't go into them now here. What we should decide here is to accept the principle along the lines which have been put in Halde.

GEN. HAMDAN: May I make a proposition? That we can say that we agree as the concept to two operational centers, one in the Bek'a Valley and another one west of the Bek'a Valley, the other side, and we leave it for the military committee to decide where or for further discussions about that, as we leave for the military committee to decide the numbers of the people from each side who have to be in the centers, to make the kosher.

DR. KIMCHE: I suggest, gentlemen, first of all, I assume that you have accepted in principle the concept regarding the operational centers. It is a concept which had been outlined in Halde. This, I assume, that we are all in agreement regarding that concept,

because for us the concept is, of course, the basis, not only for us, for everybody. Regarding the placing and the number of these centers and regarding the manpower that has to be put in these centers, I suggest that these subjects will be further discussed next week, either in the subcommittee of this plenary by the military committee and perhaps both sides, all sides, can work out by then how they see the manning of these centers, how they should be, so that we can come ready next week with firm proposals. And with this I suggest we postpone further discussion today on this subject.

GEN. HAMDAN: I agree.

AMB. DRAPER: Agreed.

DR. KIMCHE: So we shall continue this discussion on this particular point next week regarding, as I said, the numbers, the placing and the manning.

Before we go on to a different subject and before we go on to civilian subjects, I must reply because if I don't reply you could think that we are accepting it, I must reply to Gen. Hamdan's statement that he has orders not to agree to liaison officers with the brigade in the south. I was very sorry to hear this remark, because I had understood that under the umbrella of the military committee, that it would be only a natural thing to have these liaison officers and I thought that these had been in principle, tentatively, agreed upon by you, that there would be a framework in which these liaison officers would be part of the military committee and there could be Israeli liaison officers and Lebanese to verify the implementation of the agreement.

Now, I understand, and I'd like to be sure that I understand correctly, that this tentative idea which had been raised in the

last meetings by us and by you, that you have gone back on this, and this is no longer acceptable to you. I would like to be sure that I understood you correctly. Because we see this as a very important part of the concept regarding security arrangements in the south and if you say that this is not acceptable to you, then, of course, this puts in doubt the concept as such, the whole package which we had been talking about before.

GEN. HAMDAN: Dr. Kimche, I understood your question quite well and I prefer to answer it next time, if you don't mind.

DR. KIMCHE: Well, in that case, I suggest, unless the Lebanese or the American delegations have anything more specific they would like to raise now at this point, at this time regarding security arrangements, if not, I suggest that we move to the questions regarding mutual relations and other subjects.

GEN. HAMDAN: May I ask: last time I suggested that we change the name of the military committee to security arrangements or supervisory committee and you promised to study the question. Do you have any answer to that?

MAJOR SINGER: Our position is negative to this new proposal because the new proposed name does not convey fully the real character of the military committee. The military committee is not entrusted only with problems of security arrangements, but also it has to supervise the withdrawal, the withdrawals. It has to deal with many other subjects, as we have agreed. It is listed in the draft that we have had. One thing is the withdrawal. Other things, for example, are to develop procedures for cooperation, coordination, movement in the gates, in the borders and many other things which are not necessarily only supervising the security arrangements. The

term military committee is very short, very concise, easy to use and we don't find any reason to change it now.

GEN. HAMDAN: I am surprised to hear that, because if we go to our commission of the military committee, we say that the military committee shall supervise the implementation of the security arrangements and for a temporary time to put the timetable and the modalities of the withdrawal, and we have a detailed list of this military committee, which is to supervise the implementation of the undertakings of the parties and the agreement of its annex and establish and operate the joint supervisory teams which have as the primary mission the supervision of the security arrangements and to address and seek to resolve any problems arising out of the implementation of the security arrangements, which, in my opinion, is the whole mission of the military committee is a security arrangement mission but for a temporary period it will deal with the modalities and the timetable of the withdrawal. And this time will take place for 8 weeks. This is our common draft. So I ask you to reconsider your situation.

GEN. TAMIR: All the agreements that we know in the history, security agreements, this committee was always called the military committee because this military committee deals with military issues, so there is no reason, no other reason except a political reason to change the name. Why should we change the name?

AMB. FATTAL: Mr. Chairman, after all the discussions we had this morning and the double monologue, I don't know whether it is the right time to speak of mutual relations, because mutual relations require a serenity that does not exist for the time being in this

room. That's my first point.

The second point is that you spoke of going on with the discussions of the security issues in the military subcommittee. Are you questioning the decision or the agreement we had come upon about working in a restricted group?

DR. KIMCHE: Before answering the second question, Mr. Chairman, I would like to hear the remarks of the American delegation on that point.

AMB. DRAPER: Well, we are at that final stage of the negotiations where we are dealing with some very hard and difficult issue on which people obviously feel passionately. I hope that what Ambassador Fattal has spoken of as the atmospheric-ambience here should not really be an insuperable obstacle. I guess I am more used to shouting among members of my delegation about this or that, so I am not totally unaccustomed to strongly worded statements. I think that we should go on to a good discussion of mutual relations, proceeding from where we left off last time in Halde.

As I look at what has happened today, there have been some strong expressions ventilated and strong opinions, but by the end of this discussion there was a certain greater degree of understanding than existed in the beginning. And I assume, therefore, that at least possibly some of the statements have been withdrawn as a result.

DR. KIMCHE: Yes, well, I agree about the double monologue. I think it is a good term, and, frankly, we had hoped that it wouldn't be that way and I am sure you hoped the same thing. I think we have to continue because if we did not talk now about mutual relations we would be admitting tacitly that these relations

are still beyond us and this we must never admit. So I would say we have to continue and I suggest we do continue on other the questions and perhaps we can lighten/atmosphere a little bit.

As for the format of the meetings next week, we personally, our own side, is very, very liberal regarding that. We have no objections if this is your preference to meeting in a restricted number. We think it is useful. It can help. On the other hand, we are not pressing for it. And we could in fact do again, especially as there is the suggestion that we increase the number of meetings next week, we could have full plenaries for one or two of the times and we could have informal restricted meetings for some of the other times. I want to say that what I had feared did in a way happen, that the press put unnecessary emphasis on the fact that we did have informal meetings in Halde and, of course, there was immediate guesswork going on and supposition why had we changed the format and people, of course, tried to read in that things which were not there. So my own feeling is that we shouldn't abandon the present format at all, but we can have two plenaries and two restricted sessions or something of that nature, but we are easy, Mr. chairman, and willing to accept any proposal you will make on this.

AMB. FATTAL: Mr. Chairman, there have been in the Lebanese press comments which, I must say, were not inspired by us. They said we gave up the restricted formula because it had failed and that's why we went back to the plenary, so I had explained to the journalists that that was not the case, that sometimes we would have plenaries and sometimes we would have restricted meetings. As for myself, I don't know if it's much more efficient to work

in a restricted committee or not because after all, our delegation consists of six members so I don't see what advantage there is in having a limited committee. On the other hand, I noticed lately that the work in the subcommittee was not being very fruitful, that we had reached a point where discussions should be in plenary, and this morning, as you noticed, I did not intervene. I left the military to speak and it was practically a meeting of the military subcommittee.

AMB. DRAPER: Our position on the format of the meetings is that anything that the Israeli and Lebanese sides agree to mutually is acceptable to us. But there are obviously areas where we can ask small groups to meet. We have a number of things still to clear up, on questions of, for example, that a third country nationals could move back and forth, as Amb. Kharma said at the last meeting that that has to be included. We agree that it has to be included. We have to draft that language so that's understood.

DR. RUBINSTEIN: There are many other subjects.

AMB. DRAPER: Perhaps it would be possible for us to identify some of those subjects and have separate small meetings whether it is today or next week to deal with those particular issues and to get those out of the way in whatever format we are working on.

DR. KIMCHE: I would suggest in that case that we accept what Amb. Draper says. I suggest that we do call the meetings next week "informal". In other words, it will not be with all the fanfare of press and formal plenaries. But I suggest we do not reduce the number of people because, as you said, you have a small number.

We also have have too large a number and we could then split off into separate meetings when necessary. I can definitely see the problem, for example, of the manning of these operational centers where I know that I cannot contribute anything. Maybe you can. I can't to the military people. It is a purely military question and I don't think I would be wanting to contribute. I can hardly imagine that Menachem or Abrasha want to contribute to the drafting of the foreign entry or subjects of that nature. So I would say that perhaps we should keep it informal but have the full group and work in that manner so that we can move the problem in as effective way as possible.

(Whereupon the meeting adjourned for lunch at 1:15 p.m.)

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ISRAEL-LEBANON TALKS

Plenum serving as Termination of
State of War Committee and Mutual Relations
7.4.83, Afternoon Session, 3 p.m.
Kiryat Shmona

DR. KIMCHE: Ladies and Gentlemen: The meeting is opened. And we shall devote the rest of our time now to some questions dealing with the termination of the State of War, which is the title for a lot of subjects, and with the mutual relations. We would like to begin with some of the questions which are usually dealt with by Ambassador Rubinstein and I give him the microphone.

AMB. RUBINSTEIN: Thank you. You were kind enough to give us last week your version of the package, of the agreement, and we haven't yet come up with our points and with our ideas and I don't know if we shall do it today in any complete sense. We shall submit our proposed ideas in due time, hopefully next week, but I'd like to make a couple of point which are connected with the points made by you in this presentation, and I will start with a question which has not been dealt with and this is to make our point and, with your permission, Mr. Chairman, it will be to find out about your reaction on who is going to sign the agreement. We made our point in the past and we have not changed our position that it should be signed by the Foreign Ministers of both parties. And you know this position. We would like to hear about that.

It also has to do technically with the preamble language but this is not the only reason obviously why I raised it but it is a question of importance. When I will finish, and I will do it briefly, I'd like to hear your ideas. The reason why we do it today is to begin a discussion of that and inter alia because you, Ambassador Fattal, mentioned that we should start the process of

finalization in the plenary and this is the plenary meeting. I will only mention a couple of points; this is without prejudice to the other points which have to be mentioned. The question of recognition. In one of the opening articles, the question of the order of the articles is a question in itself, we have at some point, ^{an internal} ad referendum,/understanding that the parties take to recognize and respect each other's sovereignty. You had some problems with the term "recognize" and the suggestion came up that we may have a side understanding in the agreed minutes and then you said you wouldn't take the agreed minutes because it might be published and it creates a problem, and I said that our position goes back to the "recognized" in the article and you said you'd consider it , and this doesn't appear in the language you gave us and I must say it is an absolute must from our point of view that this term be there, and I must tell you frankly, this is not that we will feel more secure, more as distinguished and respected human beings, being recognized by Lebanon or by anybody else. It is the question of the dignity of the agreement and the new era of relations and the fact that we deal with another state in a sense that it should be as dignified and as suitable as possible, and I don't think you would expect from any other country, nor do we expect from you or from ourselves, to give up some such a point as a matter of the form of the agreement and the form of the relations between us. And I know what is behind your position and we cannot, with all due respect, accept it, and I would like you to respond to that positively because it is very touchy and very problematic when we go home and report to our people on such matters. So our position is that

there must be that recognition.

Another point that I'd like to make and this point goes a bit to the domain in which Ambassadors Kimche and Kharma have been dealing, but since it is a legal point I'd like to make it. This is a question of international conventions and reservations made in international conventions. We have checked again and again into this subject and we don't see how an agreement which is an absolute termination of the state of war and a beginning even if not a peace treaty to peace should not include that point, to abolish the reservations of international conventions that have been put in the past. The main field to which this applies is the telecommunications agreement, but, of course, it would also include in the legal and practical sense the application of the '44 Chicago convention on civil aviation, namely that if we want to go from Israel to Greece through the Lebanese airspace, we shall not be impeded and all services will be granted. I don't speak at the moment of a mutual, bilateral agreement of El Al and Middle East Airlines together, not at the moment. I am speaking of the '44 Chicago Convention. So this is a second point, and, again, you must understand, with all due respect, that in the same sense as you have your public opinion and your problems and so on that you have always been alluding to in our negotiations, so do we and this is one of the things in the whole check list of the Israel government when they prepared all kinds of papers on no state of war agreement with Arab countries. So I'd like you to take that into consideration.

I would just say a word about the question of the review

article and the treaty of peace article. Of course, we can come back to that. We had a short meeting on it a week ago and as I said at that meeting, and we were close to understanding then and then we haven't finished our discussion, we want to have an adjective before the term treaty of peace that would give the sense of the good relations that we have now without being offensive or problematic to you. Now, the term could be "formal" as we proposed; it could be "perfect", a complete treaty of peace; any term that would give the sense that what we have now is in this direction. And then we can have the review or stipulation in the second part of the same article.

So I would urge you and I would appreciate your looking into that to find some way and we are flexible on the term, but we would like this notion and this is very important from the point of view of presenting the thing to our authorities.

I would like to ask a question also which is in a way a legal question. I take this opportunity. We have an article that says, "...Each party undertakes to ensure that preventive action and due proceedings will be taken against persons and organizations perpetrating acts in violation of this article.." this article meaning the article that the territory of each party will not be used as a base for terrorism. This is in your draft Article 4 at the moment. Now, it is 4(4). My question is: What are the legal stipulations, and we had a private talk on that, that makes sure that this problem will not be just sort of watered down by the fact that it is written in an agreement but there is no teeth to it in the internal legislation, and we would think that each party will

will amend its internal legislation, and, by the way, our internal legislation actually covers this problem of anti-terrorism. I wish we had so much money as we have anti-terror laws.

The question is what is the situation in your law and how will it be in the future when we leave, because as of today Israel is still an enemy in the Lebanese law and whoever does anything against an Israeli soldier may be commended and not punished, I am afraid, in accordance with the information we get.

Now, I don't want to inflict upon the work of the Mutual Relations Committee and I will stop, except for one last point which also is included in their work which is the boycott, my old favorite subject, in fact my old unfavorite subject.

As you draft stands at the moment, there is an article which we don't accept. I don't want to dwell on it at the moment, that the two parties will take within a time limit of one year....all measures necessary for abrogation of treaties...in conflict with this agreement. In fact, the boycott at the moment is not in conflict with this agreement. It is in conflict with the spirit of this agreement. It is in conflict with your understanding, maybe, and we want to make sure that the boycott will be abolished and this has to be in the near future and it may be in the framework of the second agreement, the one dealt with in the six months, that it has to be specifically said, and in any case, not later than this period of six months. But it has to be specifically alluded to, which means that there should be a legal formulation to make sure that this is going to happen. And from our point of view, this is a great concession on our original request and demand which, in

my humble opinion, and all of my colleagues would have been perfectly all right to have it abolished right now. We would like it to be stipulated that it will be abolished and to make sure that the boycott legislation is not being activated during the interim period on all the dealings with us. This is highly important and should be in the oral understanding too from this point of view, and the news that we have been reading in the Lebanese newspaper on the [redacted], which Dave talked to you about a week ago - 3 days ago - and someother points, make it all the more important. I think I'll stop here.

DR. KIMCHE: I just want to add one word. The fact that Eli started his words with "who is going to sign on the treaty" shows the accord, shows that we are after all optimistic. This is in reply to Mr. Fattal's statement about the double monologue this morning. We still believe there will be an accord very, very soon - we hope.

MR. RUBINSTEIN: (Following Amb. Fattal in French) I made some important main points without prejudice to other points.

AMB. FATTAL: I am going to try and explain myself by following the order of the articles. It would be easier for the minutes. In article I, we noted our difficulties on it. We tried to formalize an explicit recognition and we said that it would be in a secret note and then we thought this might bring serious trouble. I'd like to ask: do you consider from the legal standpoint that implicit recognition would be less effective than explicit recognition?

MR. RUBINSTEIN: I will be brief. The question is not only a juridical or legal question; it is a political, symbolic,

psychological problem, and we don't make this agreement for international lawyers' only;; I mean for some academic reviews. We make it for a big public and a government.

DR. KIMCHE: Just add one word to that, Amb. Fattal, Antoine, regarding the word "recognition"; I find it very difficult to believe and to accept that there is going to be a problem with this word because I think it would be too much of a charade if we were not to have it in. We are sitting together. We are negotiating together. We are talking about joint supervision teams and joint committees and joint hundred-and-one things. We have in these last three months done such a lot together that it would be completely inconceivable for me to believe that the word recognition could still be an obstacle. I understand what you are concerned about and that is the Arab world, but I find that after all that we have gone through together and, even more, Amb. Fattal, what I believe we shall still be going through together in the future, because we have identical problems and we have been speaking about these identical problems, so I would imagine that the word "recognize" should be almost a sine qua non, and I don't think we should talk in terms of explicit or implicit. We recognize each other and everything else that is written here about respecting each other's sovereignty, respecting each other's political independence, its territorial integrity. All this is, I would say, based on a foundation of recognition. Without it there wouldn't be any respecting of sovereignty. The foundation must be mutual recognition. Thank you.

AMB. FATTAL: Well, I'd like to go one stage further. I

consider that Article I is implicit recognition without the word recognition. When we speak of respect of sovereignty and integrity of territory and border and so on, that for me is full recognition. I shall refer to my government and I don't know what its reaction would be but for me this article is full recognition.

In Article IV, after reading it, I found in para. 2 a sentence that say, "....to this end all agreements and arrangements enabling the presence and functioning under respective territories of elements to the other party are null and void..." and in Article XI, we have the same effect, so there is a repetition which should be avoided. So we should unify both texts, the end of para. 2 of Article IV and Article XI.

Now, I am coming to Article XI. You suggested a formula and we suggested another. Ours says, "in a time limit of one year all these necessary measures for the abrogation will be taken by each party in conformity with its constitutional procedures.." You did not tell me your point of view on this article and now you intend to change it. Do you intend to go back to your own formula? I suggest in this Article XI, we put here the end of para. 2 of Article IV, which I just mentioned.

MR. RUBINSTEIN: There is a misunderstanding here maybe. Article IV(2), the end of para. 2, has a specific aim and this everybody knows what it is. It is the Cairo and M and all these beautiful agreements that enable the terrorists to function from your territory against us. Now, Article XI (1) deals with other problems also, and I will, when we discuss it in more detail, give you our formula. There was a formula, in fact, that was agreed

tentatively at a certain stage of our negotiations between the two of us ad referendum, and then you said you had to go back and bring up this formula of one year, and we rejected it.

Now, I would like here to separate between, and this is only a hint to my idea, treaties, on one side and law and regulations on the other. Laws and regulations we have to deal with in the framework of the mutual relations thing, and I will come with a formula in the next meeting. But my question on Article IV was on IV(4), which is each party undertakes to ensure that preventive action...and I would like to hear your comments on that. (Replying to Amb. Fattal's untranslated French) You are not suggesting that Cairo and M will be abolished in a year or two, I'm sure. Just don't mention it because we will get up and go home.

AMB. FATTAL: I agree to say that para 2 of Article IV applies to the Cairo and M agreement, but Article XI only applies to one or two treaties and I don't even believe it applies to a law. It might apply to a regulation or a decree. I think you didn't understand me well. I never suggested deleting 2 of IV. I suggest putting it in Article XI.

MR. RUBINSTEIN: It is the question of the time framework you understand. The time framework. We want the international agreement or the agreements which are not regulations, like the Cairo-M and also the Defence Arab League Agreement, this kind of thing, you obligation to that should be abolished as of now. This doesn't have to deal with the internal legislation. It has to deal with the international obligations and this cannot wait for a year. It has to be yesterday; not tomorrow even.

AMB. FATTAL: I did not say that we had to apply the time limit of one year to the Cairo agreement. The amendment I am asking for is an amendment in pure form. It has nothing substantive. On the other hand, you might be surprised one day by the Cairo agreement being completely abolished even before we sign an agreement with you.

MR. RUBINSTEIN: I will only welcome that.

AMB. FATTAL: I am going back to Article X, where you suggested that before the word "treaty of peace" we should add the word "formal". I don't understand very well. I try to translate that into French. There is no equivalent. Whether a peace treaty is formal or simply a peace treaty, in French is exactly the same thing. How can you make a peace treaty that isn't a formal peace treaty? I do agree that the one we are negotiating now is an informal one. If it is followed by a peace treaty, the peace treaty will be formal.

MR. RUBINSTEIN: But if the term "formal" gives you a problem, and, of course, we could argue the other way in the same Cartesian logic, if the term formal gives you a problem, I suggested some alternatives; if you will, full, complete, whatever. And you can choose but the sense that I was trying to give you probably understand and this is what I am trying to reach.

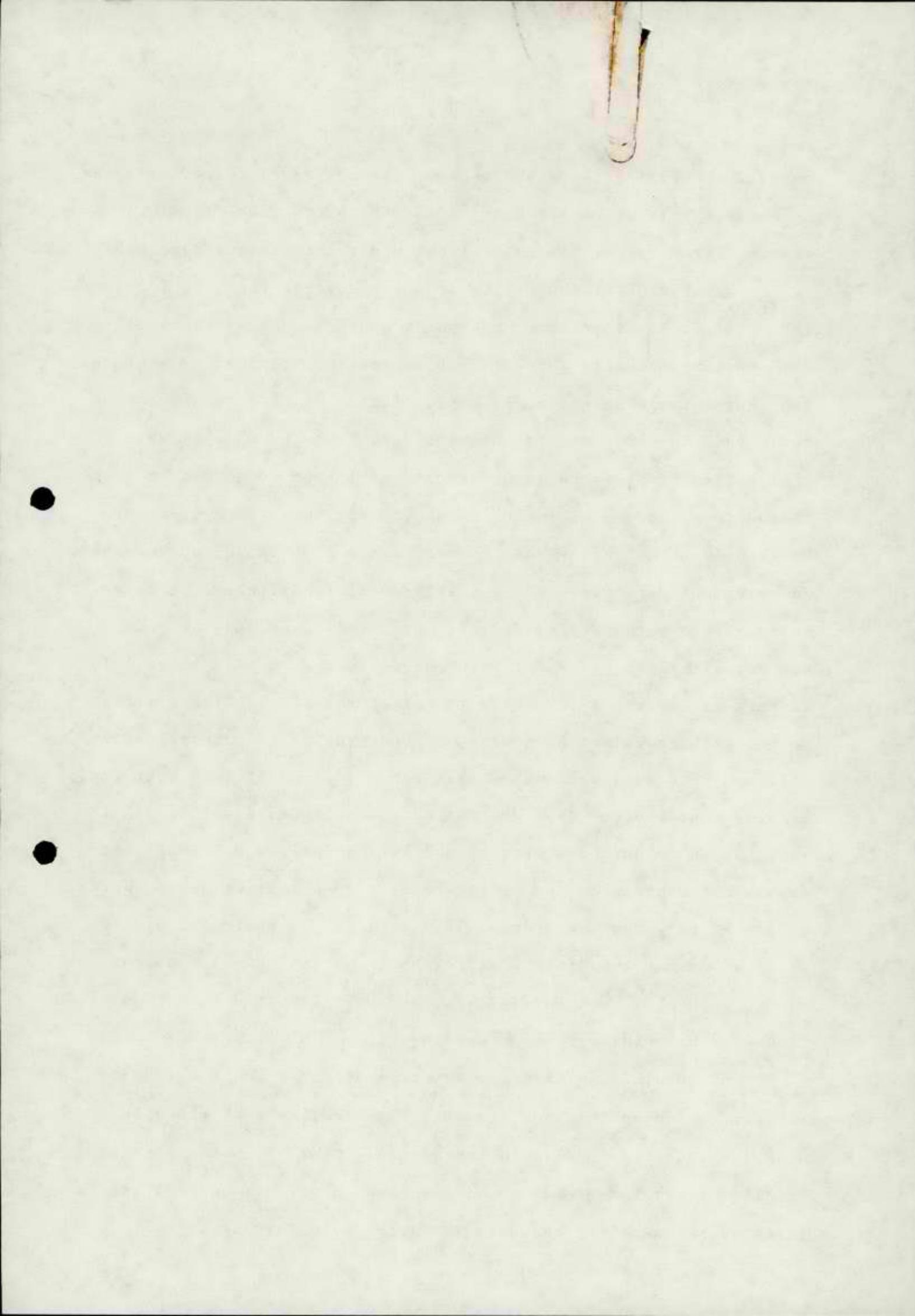
AMB. FATTAL: Ambassador Rubinstein always accuses me of being Cartesian. He forgets that I am a Semite just as he is. . . .

Since you are talking about these provisional provisions, these temporary provisions, I would like to propose a final provision: If Israel fails to observe the provisions of Article I,

para. 2 concerning the withdrawal of Israeli armed forces from the Lebanese territory, Lebanon is at liberty to consider itself released from any of its obligations under the present agreement.

DR. KIMCHE: I would like to say a word on that, if I can, Amb. Fattal. We understand your point and although we think it is not necessary because we do intend to leave as soon as we absolutely can, but this is here a complicating factor which I think we have to address ourselves to including in writing, and that is what will happen if we reach an agreement, as I hope we shall; we intend to withdraw, as I know we shall, but then the Syrians or the PLO do not withdraw and then we have a problem, because we have an agreement; we have said in this agreement, Article 2, that we undertake to withdraw our forces, but the Syrians and the PLO are not withdrawing. And I think here we have to have an article or part of an article; we have to put it in writing, that if they do not withdraw, then of course our undertaking is automatically null and void or something of that nature. I don't know what you, meaning you, Lebanon, how you consider such an eventuality. What will happen to our agreement if the Syrians or the PLO don't withdraw. What happens to the entire relationship that we are building up now if they don't withdraw. This is a very complicated problem, which we have not addressed ourselves to but as you raised your point, I think I have to say this, and, frankly, I'd be very pleased to hear your point of view regarding this.

MR. RUBINSTEIN: Before you respond, may I add a word? I think it has been the understanding all the time that the withdrawal - and this is also on the agenda - will be in the context of all foreign forces and we have worked on this assumption and in fact, we intended to, and Dave was actually referring to that



also. We intended to come up with some suggestion on language to have in the withdrawal article - in the framework of all foreign forces - and this would have to be elaborated in the military annex to make sure that this is becoming the reality, that we withdraw in this framework.

But regarding the article you just mentioned, I would suggest to you that this will only create bad blood. The question itself is a question, the question of what happens, but to make it this way; I mean, to say if we don't withdraw and without any reservation on why this happens and so on, making the whole thing conditioned upon something which a third party in fact has to deliver, in a way, is very problematic from our point of view. I think Dave would share with me the notion that if we come up with something like that, it would be totally unsellable to our authorities that all this work is conditioned upon Mr. Assad, with all due respect, or this terrorist, Mr. - I don't know if mister is a good title - Arafat. I don't think we should have such an article. My answer to that would be that we consult with each other when this happens and see what happens and how we build our relations. That would be the right way.

AMB. FATTAL: I think the question is far too difficult to be minimized. We cannot lose sight of the fact that the withdrawal of foreign troops is an essential provision of the treaty. It is the first and foremost aim of the treaty, and then we have the maintaining or the establishment of more or less friendly relations with you. So if for some reason the aim cannot be reached, I consider this a material impossibility. I am not saying that

you have violated the treaty because Israel put as the preliminary condition the withdrawal of Syrians and PLO. I say that at that time there is an impossibility, material impossibility, to realize, to achieve, the main aim of the treaty. This goes back to the force majeure case which would render a treaty impossible to implement, or else, as Amb. Rubinstein says, we shall have to consult and see how we can get out of this problem.

The formula I suggested is a very flexible one. I said, Lebanon is at liberty to consider. That means that there is no automatic nullity of the treaty.. If Lebanon keeps all the occupying troops, then it is tied by the treaty forever and how long could it be able to bear up with such a situation and how long could you be able to bear such a situation? This is a very serious problem. I don't say it is probably but it is possible that such a case should happen soon. I asked the question of the US delegation in the presence of Mr. Habib. I got no answer. I ask you the question. So I do think we have to consider this very seriously.

DR. KIMCHE: I would like to say one or two more points on this question because I think this is a very basic and important question which Amb. Fattal has raised, and there are two different aspects. The first aspect is, of course, the Syrians themselves. We have been dealing with this agreement as if the Syrians didn't exist and we did quite rightly because we have to finish our agreement and maybe one day we will have to deal with the Syrians as if there is an agreement that doesn't exist. But at the moment we have to deal with this agreement as if the Syrians don't exist but they do exist,

and there is the threat that we all - and all of us here around this table are concerned equally by the possibility that the Syrians will not leave.

Now, from our point of view, the question of the Syrians not leaving, this falls again into two parts. There is the question if they leave or don't leave. If they don't leave, the situation is clear. Then we know where we are and we will have to deal with it accordingly. But if the Syrians demand from you a price for leaving, and if that price is such that could affect our agreement, either by demanding changes in the agreement that we have already signed or by demanding factors which could threaten our security, threat/your security, threaten the peace that we are trying to reach in this region, then there will be again a new situation and I think we have to also consider this possibility as well, because all of us here know the Syrians. We know whom we are dealing with,,and frankly, we are concerned about the conditions and the demands that the Syrians may make upon you as a condition for leaving Lebanon. And we would not accept, for example, a condition that would be to change certain elements in the agreement once it is signed. This we would not accept. We could not accept it, because this would give the power of vetoing to the Syrians, which we could not accept at any price. This is one point, and I think we have to find a way to formalize and to formulate these problems in the agreement.

The second point regarding your point, Mr. Ambassador, if you remember the first six meetings of our negotiations when we tried to reach a common agenda, the one point that we were

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immediately agreed upon is that we are talking about a package, and the package contains three elements of withdrawal, security, of mutual relations. Now, I cannot envisage this agreement being in force if we were to refuse to withdraw, not because of the Syrians - because the Syrians and the PLO, this is part of the conditions of our withdrawal. But let's assume that the Syrians and the PLO do withdraw and we at the last moment say we are not leaving. I cannot envisage this agreement being valid. I think from this point of view because we are talking about an idea of a package, I think your question and your concern here is superfluous. It just couldn't happen and it would be the same as saying, after we have reached an agreement for the movement of goods and the movement of people, that you, after we have signed and arranged it, you then close the frontier and say, no movement of goods and people. It would be the same thing. It would make the whole agreement invalid, because that's part of the package, or if you didn't agree to the security arrangements, those that had already been signed for in the agreement.

This is all part of the package. So, therefore, I think your question or your concern here is not needed because I consider it obvious that it would be invalid if we didn't keep our part of the agreement, but what is valid is the question of what happens if the Syrians place impossible demands upon you or if the Syrians do not withdraw.

AMB. FATTAL: I thank you for your explanation, Mr. Chairman. It is quite exact as to substance. Withdrawal is an essential element of the international agreement we are concluding, and if there is no withdrawal, all the treaty shall suffer. I do find it

regrettable that a small incident, a "no" from Mr. Assad, should render the treaty null and void, but I don't see how we can get out of this; perhaps through diplomatic ^{pressures} ~~measures~~ although diplomatic pressure has not always proved very efficient.

DR. KIMCHE: We at any rate would like an article or a sentence in the agreement that does indicate that if the Syrians do not withdraw or if the Syrians do demand a change of the agreement or something else unacceptable, then the situation would have to be reviewed and that we would not be held responsible for any violation of the agreement in this case.

MR. RUBINSTEIN: Amb. Fattal, if you'd be so kind as to refer yourself to some other points that I made, Article IV(4), namely the question of the law applying in the case of terrorism against us, the question of the boycott, the question of who is going to sign the agreement and the question of international conventions that I mentioned, the reservations in the international conventions. (Following Amb. Fattal's untranslated French) Anything against IDF and Israeli citizens, would that be a criminal offense or is it so in the current Lebanese law or maybe it has to be amended because so far we are an enemy under your law.

AMB. FATTAL: In our legislation, we have no discriminatory texts. I'd like to ask Amb. Kharma, are we signatories of the international convention on discrimination and Amb. Kharma said, yes. In our penal code, we have a very clear text against terror, sabotage and racial discrimination. So it isn't the texts that are lacking. What is lacking is the implementation because of the unthinkable political situation, which led us to catastrophe.

As to the Lebanese texts, we said we would give you copies of them but Ambassador Baroud tells me you have the whole text and you read very good Arabic.

DR. RUBINSTEIN: Thank you for the compliment. This is not the question. We have the Lebanese law and we thank you for that, but the question is: to hear from you as Lebanese legal experts and as people of authority what is the legal situation on a particular question; namely, and, of course, I can find answers, but I am not sure that I interpret it properly and that's why I am asking in the plenary. My question is: tomorrow we withdraw and then the Lebanese authority is back on the whole area. Then somebody perpetrates an act of terrorism against us from Lebanese territory; a PLO person going and trying to penetrate and does something or a katyusha and he is caught and this is against us. It is not against any Lebanese, but it is against Israel.

Does the Lebanese law cover this situation as to bring this many to justice and to have him punished? This is the question. And I can state to you officially that in our law, the other way around is the law; that means, if somebody does that against another country, it is covered and we can punish him. My question is explicit.

AMB. FATTAL: Well, my answer will be just as explicit. Once the agreement is signed and has been ratified by parliament, it is self-computory. That is, it will be immediately applied and will be communicated immediately to the Ministry of Justice and to all the courts, so within a day it is applicable.

DR. RUBINSTEIN: And will it have an effect - I am sorry I am

sort of a nudnik but it is an important point. What I am asking is: The next day somebody does something, is this becoming a criminal offense to perpetrate a terrorist act against Israel, after this has been transmitted properly to the Ministry of Justice?

AMB. FATTAL: Well, Mr. Ambassador, treaties have force of law in our country just as in most countries that respect themselves. They are applied as laws either immediately when there is an exchange of instruments of ratification or whenever they are published in the official gazette, and we will send you a copy of the official gazette.

MR. RUBINSTEIN: This is very helpful, but, still, if I may insist on the point. The question is usually in any legal system to have something become a criminal offense you need some sort of a legislation, unless you tell me officially that the treaty between us becomes also a part of the criminal law in the sense that someone who perpetrates an act against the IDF or Israeli citizen from your territory is liable for punishment by law. Otherwise, it needs legislation. This is the explicit question, because so far we have been enemies in your legislation. Because I don't know of a usual legal system that a criminal law becomes demanded by a treaty. If that's the case in Lebanon, please let us know, so we will accept what you say as an official interpretation.

AMB. FATTAL: In our judicial system, all laws are modified by treaties except the constitution. There is no jurisprudence concerning the constitution, but it is clear from the Latin system we follow that a treaty cannot modify the constitution although there is a jurisprudence of the international court of justice that

says the contrary but many countries have not accepted this jurisprudence. In Germany, the supreme federal court did not accept the idea or the jurisprudence that a treaty can modify the constitution, but criminal law, although ^{they} there are very strict and limited, are modified by a treaty.

I will give you an example which General Hamdan just reminded me. Disobeying the orders of a military commander is a crime in our law, just as carrying arms illegally is also a very severe violation of the law.

MR. RUBINSTEIN: Are you going to address yourself now to other points?

AMB. FATTAL: Well, as for the signature, I don't have an answer. I told my Minister he has to sign but I still don't have an answer and that's why we maintained in the preamble this last paragraph of full powers of the plenipotentiaries, which obviously disappears if it's the Ministers.

As to the reservation to international conventions, I thought we had agreed that this question was to be studied with you and Kharma in the/ work of the committee. There are two possible solutions. One, the first solution, which is the most simple and the most practical one, would in expressing de facto these reservations by not applying them and establishing for example telecommunications with you. In the text of the reservations which you very kindly translated to me, I noticed that these reservations essentially concern telecommunications and postal communications. So if we reestablish these with you, the reservations become automatically obsolete.

Termination

And the second formula, obviously, is to write to the UN and say we withdraw the reservation. It is a very spectacular way of doing it, which I don't like because it creates very much noise and ends up in the same results anyhow.

DR. RUBINSTEIN: I am not sure that you are right on the practical level between the two channels that you mentioned, because this is not only a bilateral matter. This also affects matters with other bodies and other states. When there are tariffs established, when there are combined systems in all kinds of things that are connected with post and telecommunications, the notification has to be sent to this organization, has to include the relations between us, the tariffs, the possibility of calling and all that in the documentation of this organization and so on and so forth. So the mere establishment of the technical system between us is not enough. It has to go to the organization, and there is another point and that is why we insist on having the article in a very explicit, clear way. I don't call it spectacular. I call it, also a dirty word, normal.

There is another question on this particular point that I raised, and I hope the answer is in the affirmative. I just want to have it on the proper record here, that the Chicago Aviation Convention of '44 should apply between our relations, as I said before, and I would like to hear your positive response on that.

AMB. FATTAL: I don't know about these technical difficulties. I will ask specialists and give you an answer as soon as possible.

MR. RUBINSTEIN: We will wait. Could you allude to the last point, the boycott? I give you my expose. We want to make sure that,

(a) it will be abolished in the near future with the agreement, and secondly, it will not be applied during the interim period in our relations and suspended on our relations in the trade area which are being developed in the discussion between Ambassadors Kimche and Kharma.

AMB. FATTAL: Obviously, it is Article XI that applies to the boycott. Now, for the interim period, to avoid boycott, we shall give instructions to the authorities in control of movement of goods to forget about the boycott while awaiting an explicit abrogation of the boycott.

DR. RUBINSTEIN: That has to be in the oral understanding and Article XI, and we can talk about it, is not enough for that, because there is nothing in the agreement which covers the boycott as to have Article XI include that.

AMB. FATTAL: I'd be very happy if you suggested an improvement on Article XI.

DR. KIMCHE: We shall address ourselves to that and we shall make a proposal for the change of Article XI. Thank you, Amb. Fattal, for your elucidations.

I'd like to go on with one or two problems concerning mutual relations and, firstly, I must say that I believe my friend, Shlomo Binno here and myself have become very unpopular in the government ministries in Jerusalem, and I am afraid you are to a certain extent responsible for that, because each week we tell them that we are going to have meetings of experts and each week at the last moment you tell us they are not coming. We had spoken of a meeting of experts for telecommunications, post, telephone, such

matters. We had spoken about the need for the question of customs. I can't remember myself now whether we had agreement on banking. Police and smuggling. Things like that. And transportation. Now, these ministries all consider that Shlomo Binno is leading them a dance because, as I said, he invites them, he calls them, he expects their help and then at the last moment he cancels them. We would be very grateful if we could decide that at our next meeting, next week, that we should get some of these meetings of experts started.

AMB. KHARMA: The point is this: that we had a very, very short notice regarding the expert on narcotics, the customs official to discuss informally with Mr. [redacted], and then we had given advice to the communications, postal services, and they are in the midst of administrative structure, and we very much hope, and I told this to Ambassador Leor, that by Friday evening, we will be communicating to him the names of these experts, the ones who will come definitely and we are making the preparation for this. Thank you.

DR. KIMCHE: That's excellent, Amb. Kharma. So I hope that maybe next week we can have some of these meetings.

AMB. KHARMA: Oh yes.

DR. KIMCHE: Very good. That's one point I wanted to clear up. In our last meeting in Halde, I had made a proposal regarding the formulation of the article regarding commerce and you wanted to study it and you said you would relate to it. If you have any answer, I will be glad to hear it.

AMB. KHARMA: Tuesday, or Monday, it will be finalized.

DR. KIMCHE: Until Monday, okay. We had spoken about a number of other subjects which you said that have been bona fide not included in your paper, and naturally we accepted that. Can we

finalize that?

AMB. KHARMA: Transport?

DR. KIMCHE: The movement of persons, of non-Israeli and non-Lebanese nationals, including package tours, the question of visas, multi-entry visas for government officials, etc. We can finish this on Monday?

AMB. KHARMA: Yes, no problem. I have already a text on land transport.

DR. KIMCHE: Perhaps we can hear it?

AMB. KHARMA: It is only a draft text and it is not official and it is subject to the approval of my authorities, so I think it is too early to pronounce it. I have both texts ready for submission and approval so that they can be submitted officially.

DR. KIMCHE: That's understandable, so perhaps on Monday.

AMB. KHARMA: Yes, on Monday. I think we have a lot to do on Monday and Tuesday.

(General Einan bad farewell to Col. Davis, who is leaving the talks, thanked him for his help and presented him with a gift.)

(Dr. Kimche bad farewell to Alan Kreczko, who is leaving the talks, thanked him for his help, wished him good luck on his forthcoming marriage and presented him with a gift. Dr. Rubinstein supplemented with some rabbinic homilies.) (Applause)

(The meeting adjourned at 4:25 p.m.)

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