

Agreement Between Egypt and Israel

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

ARTICLE I

The conflict between them and in the Middle East shall not be resolved by military force but by peaceful means.

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

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

ARTICLE II

The Parties hereby undertake not to resort to the threat or use of force or military blockade against each other.

ARTICLE III

1. The Parties shall continue scrupulously to observe the ceasefire on land, sea and air and to refrain from all military or para-military actions against each other.
2. The Parties also confirm that the obligations contained in the Annex and, when concluded, the Protocol shall be an integral part of this Agreement.

ARTICLE IV

A. The military forces of the Parties shall be deployed in accordance with the following principles:

1. All Israeli forces shall be deployed east of the lines designated as Lines J and M on the attached map.
2. All Egyptian forces shall be deployed west of the line designated as Line E on the attached map.
3. The area between the lines designated on the attached map as Lines E and F and the area between the lines designated on the attached map as Lines J and K shall be limited in armament and forces.
4. The limitations on armament and forces in the areas described by paragraph (3) above shall be agreed as described in the attached Annex.
5. The zone between the lines designated on the attached map as Lines E and J, will be a buffer zone. In this zone the United Nations Emergency Force will continue to perform its functions as under the Egyptian-Israeli Agreement of 18 January, 1974.
6. In the area south from Line E and west from Line M, as defined in the attached map, there will be no military forces, as specified in the attached Annex.

B. The details concerning the new lines, the redeployment of the forces and its timing, the limitation on armaments and forces, aerial reconnaissance, the operation of the early warning and surveil-

lance installations and the use of the roads, the UN functions and other arrangements will all be in accordance with the provisions of the Annex and map which are an integral part of this Agreement. The Protocol which is to result from negotiations pursuant to the Annex and which, when concluded, shall become an integral part of this Agreement.

ARTICLE V

The United Nations Emergency Force is essential and shall continue its functions and its mandate shall be extended annually.

ARTICLE VI

The Parties hereby establish a Joint Commission for the implementation of this Agreement. It will function under the aegis of the Coordinator of the United Nations Peacekeeping Missions in the Middle East in order to consider any problem arising from the implementation of the Agreement and to assist the United Nations Emergency Force in the implementation of its mandate. The Joint Commission shall function in accordance with procedures established in the Protocol.

ARTICLE VII

Non-military cargoes destined for or coming from Israel shall be permitted through the Suez Canal.

ARTICLE VIII

1. This Agreement is regarded by the Parties as a significant step toward a just and lasting peace. It is not a final peace agreement.
2. The Parties shall continue their efforts to negotiate a final peace agreement within the framework of the Geneva Peace Conference in accordance with Security Council Resolution 338.

ARTICLE IX

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

Annex to Egypt-Israel Agreement

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

1. DEFINITIONS OF LINES AND AREAS

The deployment lines, areas of limited forces and armaments, Buffer Zones, the area south from Line E and west from Line M

designated areas, road sections for common use and other features referred to in Article IV of the Agreement shall be as indicated on the attached map (1:100,000 - US Edition).

2. BUFFER ZONES

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

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

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

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

3. AREA SOUTH OF LINE E AND WEST OF LINE M

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

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

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

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

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

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

4. AERIAL SURVEILLANCE

There shall be a continuation of aerial reconnaissance missions by the United States over the areas covered by the Agreement (the area between lines F and K), following the same procedures already in practice. The missions will ordinarily be carried out at a frequency of one mission every 7-10 days, with either Party or UNEF empowered to request an earlier mission. The U.S. Government will make the mission results available expeditiously to Israel, Egypt and the Chief Coordinator of the UN Peacekeeping Mission in the Middle East.

5. LIMITATION OF FORCES AND ARMAMENTS

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

- (1) Eight (8) standard infantry battalions
- (2) Seventy-five (75) tanks.
- (3) Sixty (60) artillery pieces, including heavy mortars (i.e. with caliber larger than 120 mm), whose range shall not exceed twelve (12) km.
- (4) The total number of personnel shall not exceed eight thousand (8,000).
- (5) Both Parties agree not to station or locate in the area weapons which can reach the line of the other side.
- (6) Both Parties agree that in the areas between Lines J and K, and between Line A (of the Disengagement Agreement on 18 January, 1974) and Line E, they will construct no new fortifications or installations for forces of a size greater than that agreed herein.

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

- (1) Neither side will station nor locate any weapon in areas from which they can reach the other line.
- (2) The Parties will not place anti-aircraft missiles within an area of ten (10) kilometres east of Line K and west of Line F, respectively.

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

6. PROCESS OF IMPLEMENTATION

The detailed implementation and timing of the redeployment of forces, turnover of oil fields, and other arrangements called for by the Agreement, Annex and Protocol shall be determined by the Working Group, which will agree on the stages of this process, including the phased movement of Egyptian troops to Line E and Israeli troops to Line J. The first phase will be the transfer of the oil fields and installations to Egypt. The process will begin within two weeks from the

signature of the Protocol with the introduction of the necessary technicians, and it will be completed no later than eight weeks after it begins. The details of the phasing will be worked out in the Military Working Group.

Implementation of the redeployment shall be completed within 5 months after signature of the Protocol.

Proposal

In connection with the Early Warning System referred to in Article IV of the Agreement between Egypt and Israel concluded on this date and as an integral part of that Agreement, (hereafter referred to as the Basic Agreement), the United States proposes the following:

1. The Early Warning System to be established in accordance with Article IV in the area shown on the attached map will be entrusted to the United States. It shall have the following elements:

a. There shall be two surveillance stations to provide strategic early warning, one operated by Egyptian and one operated by Israeli personnel. Their locations are shown on the map attached to the Basic Agreement. Each station shall be manned by not more than 250 technical and administrative personnel. They shall perform the functions of visual and electronic surveillance only within their stations.

b. In support of these stations, to provide tactical early warning and to verify access to them, three watch stations shall be established by the United States in the Mitla and Giddi Passes as will be shown on the agreed map. These stations shall be operated by U.S. civilian personnel. In support of these stations, there shall be established three unmanned electronic sensor fields at both ends of each Pass and in the general vicinity of each station and the roads leading to and from those stations.

2. The U.S. civilian personnel shall perform the following duties in connection with the operation and maintenance of these stations:

a. At the two surveillance stations described in paragraph 1 a. above, U.S. personnel will verify the nature of the operations of the stations and all movement into and out of each station and will immediately report any detected divergency from its authorized role of visual and electronic surveillance to the Parties to the Basic Agreement and to the UNEF.

b. At each watch station described in paragraph 1 b. above, the U.S. personnel will immediately report to the Parties to the Basic Agreement and to UNEF any movement of armed forces, other than the UNEF, into either Pass and any observed preparations for such movement.

c. The total number of U.S. civilian personnel assigned to functions under this Proposal shall not exceed 200. Only civilian personnel shall be assigned to functions under this Proposal.

3. No arms shall be maintained at the stations and other facilities covered by this Proposal, except for small arms required for their protection.

4. The U.S. personnel serving the Early Warning System shall be allowed to move freely within the area of the System.

5. The United States and its personnel shall be entitled to have such support facilities as are reasonably necessary to perform their functions.

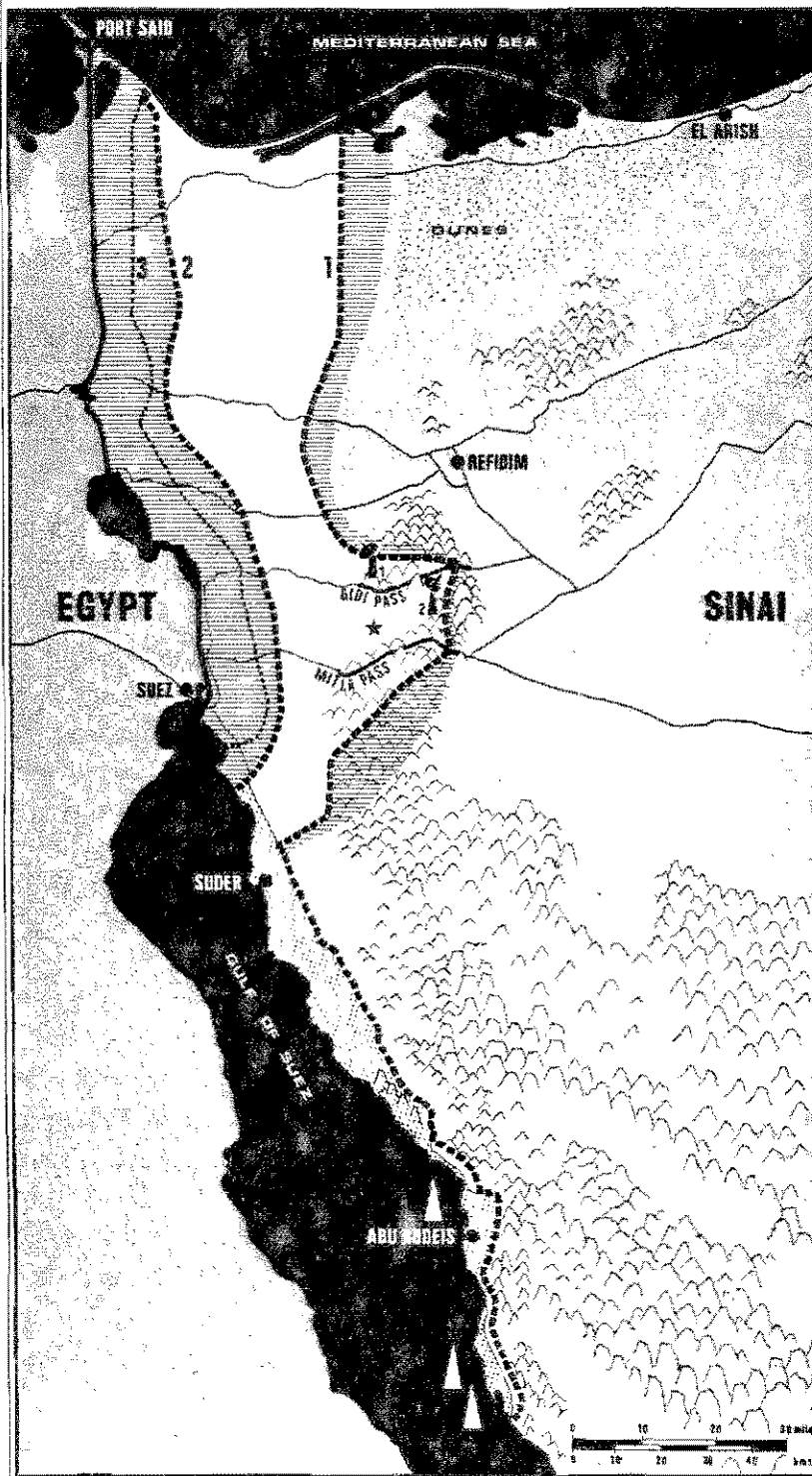
6. The U.S. personnel shall be immune from local criminal, civil, tax and customs jurisdiction and may be accorded any other specific privileges and immunities provided for in the UNEF agreement of 13 February, 1975.

7. The United States affirms that it will continue to perform the functions described above for the duration of the Basic Agreement.

8. Notwithstanding any other provision of this Proposal, the United States may withdraw its personnel only if it concludes that their safety is jeopardized or that continuation of their role is no longer necessary. In the latter case the Parties to the Basic Agreement will be informed in advance in order to give them the opportunity to make alternative arrangements. If both Parties to the Basic Agreement request the United States to conclude its role under this Proposal, the United States will consider such requests conclusive.

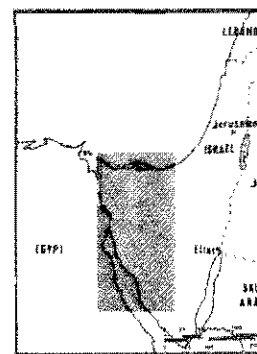
9. Technical problems including the location of the watch stations will be worked out through consultation with the United States.

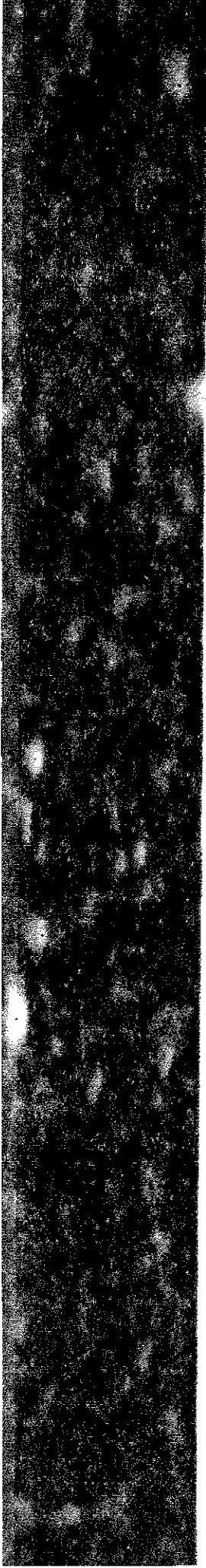
ISRAEL-EGYPT AGREEMENT INITIALED ON 9.1.1975



LEGEND

- 1 --- The Israeli line
- 2 --- The Egyptian line (former Isr
- 3 --- Former Egyptian line
- ▨ Area of limited forces
- Buffer zone
- ▤ Egyptian civilian administration with U.N.C.F. presence
- 🗼 Surveillance station - Israel
- ★ U.S. watch stations & sensor in the Gidi & Mitla passes
- 🛢 Oil fields





The Difficulty of Consensus

Ostensibly different approaches to the problems in the Middle East are illustrative in both the differences and similarities they reveal. Thus, at the outset, certain issues immediately present themselves for discussion. One of the unfortunate results of the seriousness of the problems in the region, which is apparent from the foregoing articles, is that prior to the presentation of any concrete solutions, it was necessary for the authors to establish a framework for analysis by re-examining some of the problems present.

Any treatment of Middle East problems and solutions must begin with an understanding of the peoples of the area. Not only must any solution come from the parties themselves, as pointed out by Professor Dawn, but an understanding of the situation can only come when viewed in terms of the cultures present. For instance, in spite of the talk of establishment of a "secular democratic" state in the region, a government patterned on a western democracy would not be possible. An examination of the governments in the region would reveal that Israel, despite its reliance on religion for many "governmental" functions, may be the most secular of the Middle East countries. Thus, attention should be turned to more basic problems.

The lack of contact between Arab and Jew has given rise to certain suspicions and fears. According to Professor Szyliowicz, the Arabs still regard the Jews as alien to the region. This lack of contact had resulted in an unwillingness to negotiate until the "other side" gave in first, as noted by Professor Dawn. But behind this facade of total intransigence, it was obvious that some issues were open to negotiation, while others were not. For example, the proposal of Professors Bassiouni and Kaplan outlines a scheme of internationalization for Jerusalem. Yet, the consistent position of the Israelis has been an absolute refusal to give up sovereignty over the city, citing their historic ties and violations of religious rights during Jordanian administration. This may be an example of a truly non-negotiable demand. On the other hand, there is no real value to the Sinai desert, and it would appear that further pull-backs there would not cause great difficulties. Even the Golan Heights might leave the category of non-negotiability if adequate international safeguards were provided.

Professor Dawn cogently stated that a settlement cannot be forced upon the parties by any country or international body. Thus, it seems quite difficult to conceive of a solution phrased in terms of international law or a United Nations resolution. Resolution 242¹ was

1. S.C. Res. 242, adopted Nov. 22, 1967.

accepted by both sides for a significant period of time, albeit with slightly different interpretations. But its acceptance was based only on its nature: each side could manipulate the language of the Resolution to suit its own purposes. Although U.N. resolutions can indeed form a basis for international law, in this instance, nothing of the sort happened.

More importantly, the first interim agreements after the 1973 War provided for a face-to-face meeting between Arabs and Israelis at a peace table. In addition to the issues settled by the agreement itself, its primary importance may lie in the fact that a common experience of reaching accords will continue to have a positive effect on the attitudes of the parties of the parties toward further settlements and negotiations.²

Strategic considerations, as viewed by Professors Szyliowicz and Chomsky, are of value in the short run only. The 1973 Yom Kippur War did prove to Israel that it cannot rely on military strength for its security, and it perhaps also showed the Arabs that a military move would not suffice to eliminate Israel from the region. Other commentators have approached the strategic problems from opposite directions. Nahum Goldman has suggested complete neutralization of Israel.³ Robert Tucker, on the other hand, has suggested giving all of the parties in the region atomic weapons, which would, he argues, create a peaceful situation on the order of a "mini" Soviet-American detente.⁴

Neither neutralization nor nuclearization is the answer. The strategic foundation for the current situation was laid by the diplomacy of the United States in the aftermath of (and during) the 1973 War. The stage was set for settlement by the simultaneous resupplying of Israel, imposing a ceasefire, and forcing assistance to the surrounded Egyptian III Corps. This, according to Safran, sent a clear message to the Israelis — which was also understood by the Arabs — that military force was not the answer to the region's problems. Likewise, it signalled to the Arabs—and to the Israelis—that the United States was not interested in humiliation and defeat.⁵

With the stage set, gradual diplomatic moves were to be of some avail. No doubt the 25 years of fighting created a certain degree of willingness to find a solution; it only required the proper situation to initiate positive momentum. Indications now point to the growing

2. Safran, *Engagement in the Middle East*, 53 FOREIGN AFFAIRS 45, 48 (1974).

3. Goldman, *The Future of Israel*, 48 FOREIGN AFFAIRS 128 (1970).

4. Tucker, *Israel and the United States: From Dependence to Nuclear Weapons?*, 60 COMMENTARY 29 (Nov. 1975).

5. Safran, *supra* note 2, at 45, 59.

control of the "moderate" faction of the PLO. Professor Chomsky suggests immediate creation of a Palestinian state. However, the official Israeli position has been that the government of Jordan represents the Palestinian Arabs. Why, then, the Israelis argue, should a new (and, in all probability, economically unsound) state be created? Nevertheless, if it is possible to create a state for the Palestinian Arabs, it would seem that the traditional moderating force of the responsibility of having one's own land to administer would become the overwhelming influence on the heretofore truculent PLO.

As noted above, military threats have not brought about a Middle East peace. Therefore, political and economic measures must be examined further. Threats of political isolation were most effective on Syria after the 1973 War, and, as pointed out by Professor Dawn, similar pressures were applied after the 1948 War by the various Arab states. The present round of agreements is structured in such a way that they can actually serve to bring together diverse elements within the Arab world, and thus act as a positive incentive to peace. While the goal of pan-Arabism, as expressed by the Arab leaders, may be more apparent than real, any unifying effort will certainly be viewed with favor.

There is also a large area of non-political considerations that can be important in maintaining the impetus toward peace. For example, there seems to be a quiet agreement (after initial squabbles) as to the use by Israel and Jordan of the waters of the Jordan River. This is an element that transcends politics, for each side realized that ultimately its self-interest would be best served by cooperation and sharing. The relationship of the Israeli town of Eilat to the Jordanian city of Aqaba, may be viewed as another example of quiet consensus where self-interest was put ahead of ideology.

In spite of the emphasis given to political and strategic values, ultimately economic considerations will be given the primary importance. Thus, while it is true (as mentioned above) that no outside power can impose a settlement on the Middle East, economic threats or incentives may have a definite value in influencing a desired course of behavior. For example, while there is no lack of understanding as to the serious financial situation of the oil-poor countries in the Middle East, more attention should be given to the impetus provided by the economic situations in determining whether and when a war should be fought. President Sadat has indicated that one of the reasons he went to war in 1973 was to force Arab governments which had promised aid to Egypt (but had failed to deliver) to immediately send

6. Sadat to a meeting of diplomats, in Remba, *Why Egypt Needs Peace Now: The Economics of the Sinai Accord*, 58 *NEW LEADER* 9 (Sept. 29, 1975).

their pledges to Egypt in order to meet its international obligations. In Israel, similar charges were made regarding the Six Day War of 1967: the war was initiated to end an economic depression in Israel that the government could not otherwise control. Whether or not that theory is true, it does appear that a disincentive to further pull-backs in the Sinai or the Golan Heights is the exorbitant sums expended by Israel to construct fortifications along each new truce line. While the 1973 War should have proved a "Maginot Line" in the Middle East will be no more successful than its French progenitor, Israel feels that such a defensive bulwark is imperative, and weighs the value and cost of each pull-back accordingly.⁷

The rising cost of maintaining a standing army will force the Middle East countries to reach a decision. One alternative may be another all-out war, while they can still afford it. The 1973 stalemate should indicate the folly of this approach. A more feasible alternative is to turn to outside powers for military assistance, and devote all domestic resources to domestic problems. This poses chilling prospects indeed, since the major powers, if their perceived interests justify such a course, can easily supply the military needs of the parties at a bearable cost and, at the same time, have the benefit of field-testing of new equipment.

A more encouraging alternative envisions long-term involvement by major powers, but not in the military sphere. Both Egypt and Israel view the United States as a stabilizing influence in the region, since its imperialist tendencies seem to be much more moderate than those of the Soviet Union. While a true commitment to regional development as an alternative to war might require an undertaking on the part of the United States or other countries similar in scale to that of the Marshall Plan, this may be a necessary price to pay for peace.

Whatever course is adopted, it cannot be expected that the solution can be reached in one sitting. In spite of the caveats raised by Professor Chomsky, it appears that incrementalism is the only workable technique at this time. Gradual steps to establish an independent Palestine have already begun, to a limited extent, by local elections in the territories administered by Israel. The gradual phase-out of Israeli administrative control, to be followed by a phase-out of Israeli military control, could be used to create the state sought by the Palestinian Arabs.

The incremental approach, however, will only work if each step is perceived by all parties as a gain for themselves, and a step forward toward peace. In spite of the inequities in the bargaining "chips," the

7. Salpeter, *The High Cost of Non-War*, 58 NEW LEADER 6 (Oct. 13, 1975).

provision of a mutual recognition of Israel and a Palestinian state contained in the proposal of Professors Bassiouni and Kaplan would constitute a *quid pro quo* long sought-after by both parties, thus providing a firm foundation for a final settlement.

Notwithstanding the local tensions in the Middle East (*e.g.*, the civil war in Lebanon, or the Arab opinion regarding Israel's right to exist (*e.g.*, the Zionism resolution in the General Assembly), the current mood clearly favors progress toward permanent peace. The ideologies that were dominant in the 1960s and early 1970s are fading as countries realize that slogans and promises cannot solve their economic problems. The diplomats who work in the Middle East know how to distinguish between statements made for domestic consumption, which are often vicious, and the more significant private indicators of true policies. By concentrating on areas of agreement, and by seeking to solve the basic economic problems present, the "situation" in the Middle East can be normalized.

Theodore L. Banks

8. Safran, *supra* note 2, at 45-46.

