

Ministry of Foreign Affairs
Communications Department

Outgoing Cable - Classified

T O P S E C R E T

To: Israeli Diplomatic Mission, Washington, CC: New York
From: The Ministry, Jerusalem

Director Memo 765
Sent: March, 20 1968

I M M E D I A E

Top secret.

Rabin. CC: Tekoah

Yours 98. Geneva Convention

a. Our consistent line has been and continues to be to avoid discussions about the administered territories with foreign elements based on the Geneva Convention. This is why we have preferred to solve problems pragmatically and with a positive spirit. So, for instance, with respect to visits by the International Committee of the Red Cross with al-Fatah people who are under arrest, they were allowed to visit without us recognizing our obligations on the matter according to the Geneva Convention. You realize what security and political interests dictated this line. Express recognition on our part of the applicability of the Geneva Convention would highlight serious issues with respect to the Convention in terms of blasting homes, deportations, settlements etc. Moreover, when we have to leave all options regarding borders open, we must not acknowledge that our status in the administered territories is simply that of an occupying power.

Therefore, we have always stressed the unique features of our situation: lack of recognized borders, Jordan's status as an occupier in the West Bank, etc. In short, our policy with respect to the administered territories is to try and prevent blatant clashes with the Geneva Convention without getting into the issue of its applicability. The truly difficult problem is, of course, East Jerusalem, because here, if the government had adhered to the Geneva Convention and the 1907 Hague Regulations, it would not have been able to make far-reaching changes on the administrative and legal level, such as land confiscations etc. The Americans have recently determined that our status in Jerusalem is solely the status of occupation. Based on this, we cannot speak to them about Jerusalem at all, because, we attempt, on this issue too, to refrain from acts that would attract international attention, and there is no way to reconcile our actions in Jerusalem with the restrictions emanating from the Geneva Convention and The Hague Regulations.

b. Therefore, the Americans must be told that the status of the territories and our status in the territories have unique aspects *sui generis*.

Before the Six Day War, the Gaza Strip was not Egyptian territory, nor did it belong to any other country. The West Bank too, was territory that was occupied and annexed by Jordan with no general international recognition. There were no finalized, agreed borders between Israel and its neighboring countries, and the Security Council resolution of November 22 calls, *inter alia*, for determining borders. In such a vague, undetermined territorial situation, the issue of the convention's applicability is also complicated and unclear and we are not obligated to define our position. Pending a peace agreement that would include the determination of secure, recognized borders, we shall remain on the ceasefire lines and do our best to treat the residents of the territories fairly. We are, therefore, prepared, as we have been in the past, to handle developments pragmatically and with a positive spirit, and, with this as the basis, achieve cooperation with the relevant international bodies, such as the ICRC, or the special envoys of the secretary-general. We are also prepared to speak with the US with this as the basis. However, there is no point in entering into a public debate with them over notices issued by the State Department. We suggest that you avoid entering a discussion or debate over these matters, but simply take down their response and leave the inquiries to the embassy, without a communiqué, and without – repeat - without the participation of the UN delegation.

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Minister of Foreign Affairs 2, Prime Minister 3, Deputy Executive Director, Dayan, North America, UN Delegation A+B,
ST/MR March 21.