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FM WASHINGTON 152300Z FEBRUARY, 1984

TO IMMEDIATE F C O

TELEGRAM NUMBER 530 OF 15 FEBRUARY.

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ISRAELI SETTLEMENTS: JORDANIAN U.N. INITIATIVE

SUMMARY

1. KING HUSSEIN GAVE THE AMERICANS A DRAFT SECURITY COUNCIL RESOLUTION ON ISRAELI SETTLEMENTS. THEY HAVE GIVEN US A COPY IN STRICT CONFIDENCE. IT AVOIDS THE QUESTION OF THEIR ILLEGALITY BUT CLEVERLY PICKS UP PREVIOUS US STATEMENTS ON THE ISSUE. POSSIBILITY THAT KING HUSSEIN WILL SEEK UK SPONSORSHIP. INITIAL US REACTION CAUTIOUS: KING HUSSEIN HAS PUT PRESIDENT REAGAN ON THE SPOT.

DETAIL

2. WHEN ASKED DIRECTLY IF THE US HAD DISCUSSED ISRAELI SETTLEMENTS WITH KING HUSSEIN, RAPHEL TOLD MINISTER THAT KING HUSSEIN HAD PRODUCED A DRAFT SECURITY COUNCIL RESOLUTION (TEXT IN MIFT) ON THE OCCUPIED TERRITORIES. THE KEY ELEMENT WAS THAT IT DID NOT PRONOUNCE ON THE LEGALITY OF SETTLEMENTS OR HINT AT SANCTIONS. THE KING WANTED TO HAVE SOMETHING CONCRETE TO SHOW ARAB PUBLIC OPINION. HE HAD NOT PROPOSED ANY TIMETABLE, NOR HAD HE SUGGESTED THAT THIS RESOLUTION MIGHT FORM PART OF A SERIES OF MOVES TOWARDS PEACE NEGOTIATIONS.
3. ASSUMING THAT THE US INDICATED THAT THEY COULD SUPPORT SUCH A RESOLUTION, KING HUSSEIN ENVISAGED ASKING A FRIENDLY THIRD COUNTRY (UNSPECIFIED) TO SPONSOR IT. THE STATE DEPARTMENT DO NOT KNOW WHETHER KING HUSSEIN RAISED THIS WITH PRESIDENT MUBARAK. BUT THEY SPECULATE THAT HE MIGHT PREFER BRITISH SPONSORSHIP AND MAY RAISE THIS WITH THE PRIME MINISTER ON 16 FEBRUARY. RAPHEL ASKED THAT IF POSSIBLE WE SHOULD DISCUSS THE MATTER FURTHER WITH THE AMERICANS BEFORE GOING TOO FAR DOWN THIS ROAD.
4. THE AMERICANS HAD TOLD KING HUSSEIN THAT THEY DOUBTED THE USEFULNESS OF UN RESOLUTIONS IN GENERAL. BUT THEY RECOGNISED THAT HE HAD MADE A CONSTRUCTIVE EFFORT. THEY UNDERTOOK TO STUDY IT VERY CLOSELY AND TO LET HIM HAVE CONSIDERED REACTIONS IN DUE COURSE.
5. IN SUBSEQUENT DISCUSSION, MS WILLIAMSON (JORDAN DESK OFFICER) TOLD US THAT AS FAR AS SHE WAS CONCERNED THERE WERE THREE PROBLEMS WITH THE DRAFT. PARAGRAPH 2 PICKED UP WORDING FROM THE PRESIDENT'S 1 SEPTEMBER SPEECH WHICH HAD REFERRED ONLY TO FURTHER SETTLEMENT ACTIVITY: THE ADMINISTRATION HAD BEEN CAREFUL TO AVOID TAKING THE POSITION THAT EXISTING SETTLEMENTS SHOULD BE DISMANTLED. FOR THE SAME REASON THE PHRASE QUOTE WITHOUT PERMANENT EFFECT OR VALIDITY UNQUOTE IN PARAGRAPH 4 GAVE THE AMERICANS DIFFICULTY SINCE IT INVITED THE CONCLUSION THAT ISRAELI SETTLEMENTS WERE ONLY TEMPORARY. FINALLY, MS WILLIAMSON THOUGHT THAT THE LAST PHRASE IN PARAGRAPH 3 CAME UNDESIRABLY CLOSE TO A FINDING ON THE LEGALITY OF SETTLEMENTS.

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6. SHE ACKNOWLEDGED THAT THE DRAFT AS A WHOLE AND THE REFERENCES TO JERUSALEM IN PARTICULAR WOULD BE ANATHEMA TO THE ISRAELIS AND TO THE AMERICAN JEWISH COMMUNITY, WHO ARE CURRENTLY MOUNTING A CAMPAIGN FOR THE MOVE OF THE US EMBASSY FROM TEL AVIV TO JERUSALEM. BUT THE RESOLUTION DID NO MORE THAN REAFFIRM PREVIOUS US POSITIONS INCLUDING SCR 267 FOR WHICH THE US VOTED WITH A CLEAR EXPLANATION OF VOTE. SHE NOTED THAT THE REFERENCE IN THE PREAMBLE TO SCR 497 SKILLFULLY BROUGHT THE GOLAN HEIGHTS WITHIN THE AMBIT OF THE RESOLUTION.

7. MS WILLIAMSON THOUGHT THAT KING HUSSEIN INTENDED THIS DRAFT AS A TEST OF PRESIDENT REAGAN'S GOOD FAITH AND READINESS TO CONFRONT THE ISRAELIS. IF THE AMERICANS INDICATED THAT THEY COULD NOT SUPPORT IT, SHE DID NOT EXPECT THE KING TO COURT A VETO BY PRESSING IT. BUT HE WOULD ALSO ABANDON ANY HOPE THAT THE PRESIDENT'S PEACE INITIATIVE COULD PRODUCE A SATISFACTORY OUTCOME. ON THOSE GROUNDS, MURPHY WOULD PROBABLY BE PREPARED TO RECOMMEND SUPPORT OF THE DRAFT RESOLUTION, IF POSSIBLE AMENDED TO TAKE ACCOUNT OF THE POINTS IN PARA 5 ABOVE AND ON THE ASSUMPTION THAT THE KING COULD NOT BE DISSUADED FROM PUTTING IT FORWARD.

COMMENT

8. RAPHEL'S CONFIDENCE SHOULD PLEASE BE CAREFULLY PROTECTED. IF KING HUSSEIN RAISES IT WITH US, WE SHOULD NOT, REPEAT NOT, REVEAL THAT WE HAVE BEEN GIVEN A COPY. THE DRAFT HAS FOR OBVIOUS REASONS BEEN GIVEN AN EXTREMELY RESTRICTED DISTRIBUTION IN WASHINGTON AND HAS NOT BEEN COPIED TO US MISSIONS ELSEWHERE.

9. THERE CAN BE NO DOUBT THAT THERE WOULD BE STRONG OPPOSITION HERE IN PRESENT CIRCUMSTANCES TO US SUPPORT FOR SUCH A RESOLUTION. THE OPPOSITION WOULD COME FROM HEAVYWEIGHTS LIKE MRS KIRKPATRICK, EAGLEBURGER, AND RUMSFELD, NOT TO MENTION (IN AN ELECTION YEAR) THE DOMESTIC POLICY ADVISERS. IT IS DIFFICULT TO SEE HOW THE DRAFT COULD BE EDULCORATED SUFFICIENTLY TO AVOID THIS TRAP AND STILL MEET THE KING'S OBJECTIVE. ON THE OTHER HAND, GIVEN THAT MOST OF THE LANGUAGE COMES FROM RESOLUTIONS WHICH THE U.S. HAS SUPPORTED OR FROM REAGAN'S SPEECHES, IT PUTS THE ADMINISTRATION FIRMLY ON THE SPOT. THEIR POSITION MAY BECOME EASIER IF KING HUSSEIN IS ABLE TO GAIN THE ARAB AND PALESTINIAN SUPPORT HE NEEDS TO EMBARK ON DISCUSSIONS WITH THE ISRAELIS. AT THAT POINT THERE WOULD BE A BETTER CHANCE OF BRINGING THE AMERICANS ALONG. BUT FOR THE MOMENT THEY SEEM LIKELY TO TRY TO CONVINCE THE KING THAT ACTIVITY IN THE U.N. AT PRESENT IS MORE LIKELY TO BE DIVISIVE THAN HELPFUL.

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PS/MR LUCE
PS/PUS
SIR J LEAHY
MR EGERTON
MR D THOMAS

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FM WASHINGTON 152302Z FEB 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 531 OF 15 FEBRUARY

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MIPT: ISRAELI SETTLEMENTS: JORDANIAN U.N. INITIATIVE

1. FOLLOWING IS THE TEXT OF THE DRAFT JORDANIAN RESOLUTION:
BEGINSU.N. SECURITY COUNCIL DRAFT RESOLUTION ON THE SITUATION IN THE
OCCUPIED ARAB TERRITORIES

THE SECURITY COUNCIL,

HAVING HEARD THE STATEMENT OF THE PERMANENT REPRESENTATIVE
OF _____ AND OTHER STATEMENTS MADE BEFORE THE COUNCIL,STRESSING THE URGENT NEED TO ACHIEVE A COMPREHENSIVE, JUST
AND LASTING PEACE IN THE MIDDLE EAST,TAKING NOTE OF THE POLICIES AND PRACTICES OF THE GOVERNMENT
OF ISRAEL, AND ITS INSTRUMENTALITIES, IN UNILATERALLY
AUTHORIZING, ESTABLISHING, SUBSIDIZING, PROMOTING AND ENLARGING
SETTLEMENTS OF ISRAELI CIVILIANS IN THE ARAB TERRITORIES UNDER
ISRAELI MILITARY OCCUPATION,RECALLING SECURITY COUNCIL RESOLUTIONS 242, 267, 338 AND 497,
AFFIRMING THAT THE SITUATION IN THE MIDDLE EAST AND IN THE
ARAB TERRITORIES UNDER ISRAELI MILITARY OCCUPATION REMAINS GRAVE
AND VOLATILE AND THAT ISRAELI SETTLEMENT POLICIES AND PRACTICES,
AMONG OTHER FACTORS, ADVERSELY AFFECT THE PROSPECT FOR PEACE,1. REAFFIRMS THAT PEACE IN THE MIDDLE EAST IS TO BE ACHIEVED BY
THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 242
AND NEGOTIATIONS BETWEEN THE PARTIES AIMED AT ESTABLISHING A JUST
AND DURABLE PEACE, AS CALLED FOR BY SECURITY COUNCIL RESOLUTION
338.2. RECOGNIZES THAT ISRAELI SETTLEMENT ACTIVITY IS NOT
ESSENTIAL FOR THE SECURITY OF ISRAEL AND DIMINISHES CONFIDENCE
THAT A FINAL PEACE CAN BE FREELY AND FAIRLY ACHIEVED.3. DETERMINES THAT ISRAEL'S SETTLEMENT ACTIVITIES IN THE
OCCUPIED ARAB TERRITORIES, INCLUDING JERUSALEM, ARE AN OBSTACLE
TO THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS 242 AND 338
AND CONTRARY TO THE PURPOSE AND INTENT OF THOSE RESOLUTIONS.4. DETERMINES THAT ISRAEL'S SETTLEMENT ACTIVITIES IN THE
OCCUPIED ARAB TERRITORIES ARE WITHOUT PERMANENT EFFECT OR
VALIDITY AND CANNOT PREJUDICE THE STATUS OF THE OCCUPIED ARAB
TERRITORIES, INCLUDING JERUSALEM.5. AFFIRMS THAT THE REGULATIONS ANNEXED TO THE HAGUE
CONVENTIONS OF 1907 AND THE PROVISIONS OF THE GENEVA CONVENTION
RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, OF
12 AUGUST 1949, ARE APPLICABLE TO THE ARAB TERRITORIES OCCUPIED
BY ISRAEL, INCLUDING JERUSALEM, AND CALLS UPON THE BELLIGERENT
OCCUPANT TO ABIDE SCRUPULOUSLY BY THE PROVISIONS THEREOF.6. CALLS UPON THE BELLIGERENT OCCUPANT TO TAKE NO ACTION
WHICH COULD RESULT IN A CHANGE IN THE LEGAL STATUS, GEOGRAPHICAL
IDENTITY OR DEMOGRAPHIC COMPOSITION OF THE OCCUPIED ARAB
TERRITORIES.

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7. CALLS FOR A HALT TO THE ACQUISITION AND ALLOCATION OF LAND FOR SETTLEMENTS, THE CONSTRUCTION AND ESTABLISHMENT OF NEW SETTLEMENTS, THE ENLARGEMENT OF EXISTING SETTLEMENTS AND THE SETTLING OF ISRAEL'S OWN CIVILIAN POPULATION IN THE OCCUPIED ARAB TERRITORIES, INCLUDING JERUSALEM.

8. CALLS UPON ALL STATES TO PROVIDE NO ASSISTANCE TO ISRAEL FOR USE IN CONNECTION WITH SETTLEMENTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING JERUSALEM.

9. DECIDES TO KEEP THE SITUATION IN THE OCCUPIED ARAB TERRITORIES UNDER CLOSE AND CONSTANT SCRUTINY.

10. REQUESTS THE SECRETARY-GENERAL TO REPORT TO THE SECURITY COUNCIL WITHIN THREE MONTHS ON THE IMPLEMENTATION OF THIS RESOLUTION.

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