Alexander Bligh, "The 1973 War and the Formation of Israeli POW Policy – A Watershed Line"? in Udi Lebel and Eyal Lewin eds., *The 1973 Yom Kippur War and the Reshaping of Israeli Civil-Military Relations* (Lanham, MD: Lexicon, 2015): 121-146.

Pictures of seized enemy soldiers are always featured in the news media. An enemy soldier taken prisoner, let alone dozens or hundreds of them, is universally seen as a humiliation of the party sending these troops to the battlefield. Whereas taking prisoners of war (POWs) indicates strength and deterrence, their release results from the asymmetry in diplomatic power between the winning and losing parties. Consequently, the issue of POWs raises at least two questions: what should be the criteria for taking POWs during military clashes as opposed to disarming them and sending them off, and what should be the mechanism employed and the prices paid to secure their release? These matters have major implications for national morale during and after conflict. Another, closely related topic is the intelligence value of POWs and their degree of exposure once they are repatriated and can assist their army in damage control and the rebuilding of systems different from the ones they have compromised. All these considerations are further compounded by strong pressures from POWs' families and, in democratic societies, from the news media as well.

Thus, any study of POW-related issues is complicated and highly sensitive. Questions arising from any such study would include military tactics and strategy, ad hoc and long-range diplomatic considerations, a possible price scale for any exchange, and above all, moral and humanitarian concerns. This intricacy has forestalled any academic study of the subject's political dimension as opposed to the psychological effects of captivity. Therefore, this author aims to contribute to this field by analyzing one dimension of the issue, namely: the evolving Israeli policy regarding its own troops captured by the Egyptian and Syrian armies during the October 1973 war, including the long-range repercussions for Israeli policy.

In retrospect, the 1973 Yom Kippur War has evolved into a series of watershed lines indicating a change in Israel's strategic thinking. One major dimension of this change concerns securing the release of Israeli POWs. The 1973 war put the matter distinctly on the national agenda. A series of issues arose: not only ways to retrieve the POWs, but also the question if it was possible and desirable to do so at any cost. Domestic protagonists included the victims' families, parts of the media, and civil society bodies. The topic also involved foreign policy, including relations with the US and with international organizations, led by the Red Cross.

The POW issue in the 1973 context is significant in four intertwined ways: The immense shock caused by the surprise attack shattered the popular belief in the military establishment, and sparked popular participation in the POW exchange process that would become a lasting component of Israeli civil society.

For the first time since 1948 Israel lost hundreds of POWs/MIAs, many of them on active reserve duty. That led to the current Israeli attitude that there is no significant difference between a soldier and a civilian and hence the price paid for both should be similar.

Since Israel was caught unprepared, it had no clear policy on the ground rules for a relatively beneficial exchange. The Israeli confusion and panic combined with this lack

of policy led to a "land for prisoners" exchange with the Syrians, creating a lasting precedent.

The concern lest more soldiers be captured led Israel to abandon its old policy of not negotiating with hostage takers and instead moving militarily to free the prisoners. The war saw the demise of that policy, with a few exceptions (Entebbe rescue operation, 1976 – successful; Nahshon Waxman, 1994 – failure). Today, several years after the unsuccessful Second Lebanon War with its *casus belli* of the kidnapping of Israeli troops from its sovereign territory, it appears that at least for the time being Israel will not consider military operations to free its prisoners. That leaves only diplomacy, which does not distinguish between regular enemy armies and sub-national actors like Hezbollah, Hamas, the Palestinian Authority, Al-Qaida and others.

Consequently, this chapter deals with these fundamental aspects of the issue:

- The significance of the 1973 POW legacy compared to past wars and skirmishes.
- What domestic and foreign policy processes before and after the 1973 war contributed to the issue's newfound centrality.
- Whether Israel's general POW policy since the war represents a break with the past or rather the fruition of pre-1973 decisions and diplomatic moves.

The chapter concludes by suggesting some lessons that should be drawn from the 1973 POW experience. The lack of that element in the Israeli decision-makers' strategic thinking has led them into repeating certain POW-related policy mistakes.

Definitions: The International Level

In the past several decades prisoners of war have become more and more important during conflicts, both symmetrical and asymmetrical, for several reasons. Prisoner treatment and the exchange processes for situations of symmetrical warfare have been established either by the 1949 Geneva Convention or by the two recognized nation-states before, or just after the end of such a conflict.

For the purpose of this chapter, the term "exchange process" includes the decision-making process from the instant a combatant is taken prisoner until the moment they or their remains are released. Typically, one result of any military confrontation is that each side takes POWs. Usually, each side both loses and takes some POWs. Later, conflicts are concluded by an international instrument that includes clauses on the exchange of POWs. However, with the exception of full and comprehensive treaties, which are rare at the conclusion of a conflict, no other form of agreement would exclude the possibility of further troops being taken prisoner. Consequently, any understanding short of full and genuine peace might be used as a precedent for future cases of POW exchange. Those precedents not only have humanitarian significance but may also establish part of a mutual recognition process. Even though the issue of status is central, no one has formulated a full, clear definition of the status of captured enemies whether through an armed conflict or terrorist attack. The only internationally recognized definition is found in the Geneva Convention, but the change in the nature of warfare in the early 21st century may have rendered it null and void.

Understanding the methodology and decision-making process surrounding prisoner exchange requires first addressing the issue of terminology. A prisoner of war can only be a combatant taken prisoner in a conflict between definitive nation-states or powers as according to the official version of "Treaties and states parties to such treaties,"

Convention (III) relative to the Treatment of Prisoners of War, Geneva, August 12, 1949:

Art 4. A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:

(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of carrying arms openly;

(d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization, from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

(1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.

(2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law,

without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

Art 5. The present Convention shall apply to the persons referred to in Article 4 from the time they fall into the power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

For much of history, when similar-status actors fought one another, the policy governing the exchange of POWs remained largely constant, with the norms agreed upon by warring states and formalized in treaties such as the Geneva Convention. However, the evolving nature of warfare today, where the lines between combatant and noncombatant, POW and criminal, and war and peace have blurred, has called the applicability of historical norms into question. Even the basic questions of who can be exchanged, when, and where they can be sent have become difficult to answer. That difficulty stems to some extent from the outcome of 1973.

The taking of POWs during an active conflict is governed by the Third Geneva Convention. Four articles in particular relate to the exchange of prisoners. First, Article 122 asserts that a warring state must identify without delay all prisoners it holds.

However, the next two articles add important caveats. Article 117 forbids repatriated prisoners from returning to active military service, and Article 119 allows for an exception to Article 118:

> [POWs] against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

These articles will prove important in this study's analysis. On the whole, the Geneva Convention seems to view POWs as passive, neutral observers whom warring states are obliged to care for and cannot exploit for strategic gain, a view that conflicts directly with today's perception of POWs as a potential source of intelligence and with the need of governments—especially of small countries like Israel—to return ex-POWs

to full military duty as soon as possible. Noteworthy, most Israeli captured pilots reported back to duty after their release.

Players and Precedents on the Eve of October 6, 1973: The International and Regional Levels
The Israeli ethos of bringing back all POWs prevailed for Israeli decision-makers until 1973. But in needing the mediation efforts of the US, Israel subjected itself to the US norms in that context. In mediation efforts throughout the years, the US like other mediators tried to devise compromises among the protagonists while having its own set of convictions on POW questions. In 1973 the almost inevitable result was a compromise between the US, not the Israeli position, and the Arab positions.

The US tradition of insisting on full implementation of the Geneva Convention was shaped by the Cold War and the interest of preventing minor Soviet violations from leading to superpower confrontation. More closely associated with the 1973 Israeli experience was probably the double need to follow Vietnam precedents and to establish that the US-Vietnam April 1973 peace agreement, including its POW clauses, was indeed a perfect instrument.

The body of US precedents in the POW context was at best spotty. The Korean War provides the earliest cases. For example, secret telegrams between Joseph Stalin, Mao Zedong, Zhou Enlai, and Kim Il-Sung reveal that China had wanted to hold 20% of all US POWs indefinitely. Perhaps an even more striking example concerns the 800 to 1,200 US POWs sent to the Soviet Union by China and North Korea. These were never repatriated and the US never pressed for their release, even though the Eisenhower administration was aware of their continued captivity (Liu, 1992: 49). Based on all official Israeli pronouncements, there is no reason to suspect that any of this has happened to any of the 12 Israeli MIAs from the 1973 war.

Violations of the Geneva Convention on POWs continued during the Vietnam War. True, the official US line has always been that all 591 US POWs publicly declared by North Vietnam were repatriated in 1973. However, later evidence suggests that possibly hundreds of US POWs remained in captivity even after the US final withdrawal in 1975. Even more perplexing is the evidence that the US had reason to suspect the North Vietnamese POW list was incomplete. In 1992, an investigation by the Senate Select Committee on POW/MIA Affairs concluded that the Defense Department was aware that US POWs remained in captivity in Southeast Asia (Sammon, 1992; Liu, 1992: 48; Morris, 1993: 19; Walter, 1994: 50-55).

The author is in no position to confirm the truth of the information on which this is based. Nevertheless, even if part of it is true, it was probably known to those dealing with the postwar Israel-Arab negotiations that encompassed the POW issue. If a nation could perhaps accept such reality, Israel, a much smaller, close-knit society, could not. Did the Vietnam legacy affect the POW negotiations in the Middle East? They may have, especially since in both cases the main US actor was Secretary of State Henry Kissinger.

The Pros and Cons of Prisoner Deals: The Regional Dimension
One major concern of democratic and nondemocratic societies alike is whether the decision process on whether or not to exchange prisoners is rational, with tactical or

strategic goals in mind. A decision that is merely desirable may not be welcome to one or more parties involved. In any case, POWs are not neutral, passive observers on the sidelines. Decisions on retrieving POWs can either positively or negatively affect both sides of a conflict, and states must take contextual factors into account.

The precedents set during the Korean and especially Vietnam wars have greatly complicated the issue, making it difficult for states to determine their own policies based on their own national interest. Anti-Israeli terrorism between the 1967 and 1973 wars blurred the lines between war and peace and combatant and noncombatant. Israeli decision-makers were unsure how to apply even the most basic laws on POW exchanges to prisoners taken in fighting terrorism. That confusion enabled the Arab side to secure the release of non-soldiers in their deals with Israel.

The Arab players had their own concerns. They feared that freed Israeli prisoners would not comply with Article 117 of the Geneva Convention, which forbids repatriated prisoners from returning to active military service.

On the other hand, Israel had to take into account threats to repatriated Arab prisoners. Such detainees, whether full-fledged POWs or convicted terrorists, come from states with poor human rights records where they will likely face imprisonment, torture, or death. These considerations could also decrease Israel's enemies' desire to take back their POWs lest their torture be made public and harm their image.

The attitude toward POWs upon their capture and especially after their release marks another asymmetry between Israel and its Arab enemies. Whereas Israel is concerned with its POWs from the moment of capture, the Arab side acts in line with foreign policy realism. That means the value of prisoners must be evaluated in light of strategic and tactical considerations. In a rational decision-making process, only when the greatest advantages and fewest possible disadvantages are attainable is a trade reasonable. Hence, the most valuable prisoners are not just those of highest rank, but those who are available at an opportune time. Moreover, the value assigned to certain individuals will vary between different organizations involved. For Israel, "[t]he principle of returning POWS, MIAs, kidnapped and fallen IDF personnel has been sacrosanct since the IDF's inception in 1948" (Israel Ministry of Foreign Affairs, 2004).

Rationally speaking, there is no reason for a larger power to engage in prisoner exchange negotiations unless there is an at least equal proportion of exchange. The strikingly disproportionate values assigned by Israel and perhaps other Judeo-Christian nations to their soldiers, allows enemies who do not share those values to make long-term gains. Ultimately, for the larger power, Israel in the 1973 case, prisoner exchanges harm deterrence, encourage future kidnappings, endanger the lives of those who may be taken hostage by a terrorist group, and encourage additional support, recruitment, and donations to enemy armies and organizations. Under a rational and correctly proportional decision-making process, the strategic value of taking prisoners would be nearly negligible.

The political value associated with prisoners also affects their exchange value. During the modern age of media attention, Israeli soldiers appear to have a higher political value in general. The constraints placed on the nation-state regarding prisoner treatment, such as the Geneva Convention, cannot be applied to countries that are signatory to the Convention but ignore it when it suits their needs. Popular concern about captured soldiers is yet another factor leading to irrational policies. The influence and interaction of civil society organizations and the media further augments the political

value placed on captured combatants or the remains of such combatants. An exchange can help political leaders regain popularity, especially with an election imminent as was partly the case in 1973 (even though Prime Minister Meir empathically denied it, as can be seen in her testimony before the Agranat Commission of Inquiry, on February 2, 1974).

Why would any nation continue to secretly hold POWs after hostilities have ended, and why would any nation ignore the fact that some of its POWs have not been repatriated? The reasons are intelligence-related and politics-related. In the intelligence-related category, states decide to hold POWs illegally because so as to gain intelligence benefit from them. This includes not only information gained from interrogations, but, as is suspected in the case of the Korean War POWs sent to the Soviet Union, a state can use information about POWs' lives as cover stories for its intelligence agents (Liu, 1992: 50). Similarly, a state may choose to ignore the fact that an adversary holds members of its military if acknowledging those POWs would jeopardize intelligence operations.

In the politics-related category, states may illegally hold POWs to gain some political, diplomatic, and/or strategic advantage vis-à-vis their opponent. Variations include withholding the names of POWs and, after a long delay, asking for a political quid pro quo, and later delaying or altogether avoiding medical assistance to POWs. The aim is to extract diplomatic gains in postwar negotiations or, in the case of not releasing POWs at all, to deny the enemy high- ranking, well-trained officers or just inflict morale damage.

Thus the Egyptians briefly delayed releasing the names of the Israeli 1973 POWs, and the Syrians took much longer to do so. That tactic has subsequently developed to the point that Israel is sometimes forced into a deal totally while ignorant about the returned POWs' condition – dead or alive. This Syrian and Egyptian behavior in 1973 continued historical precedents of other countries that had learned the behavior from the Soviet Union.

Likewise, states may decide against demanding that POWs be returned if they feel the political, diplomatic, and/or strategic cost is too high. In the case of the Korean War POWs, the US felt the political costs of a confrontation with China and the Soviet Union outweighed the chance that the Soviet Union would return the POWs (Liu, 1992: 50).

Strategically the advantage remains with the power prepared to violate international instruments. Their policy of prisoner capture is not changed by their rational approach, only their prisoner exchange policy.

In sum, to maximize advantage a nation-state must ignore the extra political pressure and the affinity felt for its combatants and strive for a rational approach that precludes emotional evaluation of a prisoner's value. The sub-state actor should take advantage of the disproportionate exchange rate whenever possible.

The Interstate Conflict and the Diplomatic and Military Legacy until 1973: The Regional Factors
The 1973 war involved two asymmetrical players. Egypt, Syria, and other Arab actors sought to cause maximum damage to the Jewish state at any price, including disregard for international documents. That side was helped by the Soviet Union, which sought to bolster its regional position after its partial estrangement from Egypt and the expulsion of its military experts in the summer of 1972. Soviet support for the Arab side was complete and unconditional. On the other hand, Secretary Kissinger hoped to bring the Arab actors into the US sphere of influence and score a major diplomatic victory after the Vietnam

fiasco. Moreover, the US administration, then at the crescendo of the Watergate scandal, saw the war as an opportunity to divert world attention to an international success. Kissinger was then perhaps the only one in the administration dealing with global strategy and acted accordingly.

How Israel's Problematic Legacy of the War of Attrition Contributed to Its Weak Position on October 6, 1973

Israel was not only on the losing side, militarily and diplomatically, from day one of the 1973 conflict. It also had to grapple with its problematic legacy of POW policy from the War of Attrition.

Israel suffered a relatively large number of casualties and prisoners in that conflict, leaving it too weak and exhausted to retaliate for Egypt's violation of the August 8, 1970 ceasefire. Israel wanted to bring the boys back at any price. The media and some opinion shapers added to the emerging picture of an unnecessary war. Thus in the three to four years after the 1967 war of survival, Israel's resilience eroded. On the Arab side, it became clear that POWs were Israeli Achilles' heel and could be used as pawns.

Those years also saw terrorist attacks fully supported by the Arab countries. The distinctly different, regular and irregular military activities were united on one point: securing a Geneva-based POW status for the terrorists. Israel, for its part, demonstrated full adherence to the Geneva Convention whereas Arab violations continued unpunished by the international community.

At the end of June 1967, Israel entered a period of euphoria. All went according to plan, including POW exchange. Israel even managed to retrieve its agents captured in Egypt in the early 1950s. All who were captured in the armed conflict were returned, without distinction between officers and soldiers, people in sensitive positions and regular troops. The Arab armies' defeat led to a relatively short negotiation process involving 15 Israeli POWs and 6700 Egyptian, Syrian, Jordanian, and other Arab uniformed personnel and citizens. The last POWs were returned in January 1968 (IDF official website: POWs exchange, 1948-1998).

Prime Minister Levi Eshkol died in February 1969 and was replaced in March, and in October Golda Meir was elected to form a new coalition government. Meanwhile, in March that year Egypt and later Jordan launched the War of Attrition. It came to an end with a US ill-brokered deal that Egypt violated one day after it came into effect on August 9, 1970. In the late 1960s terror attacks on Israel also intensified.

The number of Israeli POWs in the 1973 war was unprecedented since the 1948-1949 War of Independence. In the 1973 war Israel lost 242 POWs to Egypt, 68 to Syria, and 4 to Lebanon. About 90 POWs were killed during captivity by the Egyptians and Syrians (IDF official website: POWs exchange, 1948-1998).

From the attrition period to the 1973 war, all POW-related decisions were made by PM Meir, with the participation of Defense Minister Moshe Dayan and an important minister without portfolio, Yisrael Galili. Meir's twofold position was that all information available to the capturing party would be shared with its enemy, and that the previous guidelines for POW exchange would remain in force. The former was not usually followed by the Arab side, whether Egyptian or Syrian (Cf. ISA/HZ3902/4/317, from: Jerusalem, to: Israeli intelligence, November 3, 1969; from: Jerusalem, to: Geneva, November 3, 1969). The latter was eventually abandoned by Meir. According to those guidelines, each side would return all POWs that it held, and no party would distinguish

between POWs according to military profession, significance to any of the players, or any other consideration (Cf. for example: ISA/HZ3902/4/317, from: Jerusalem, to: Geneva, October 31, 1969).

The clear-cut Israeli position of POWs for POWs was complicated by a Red Cross suggestion that Syria be involved in a deal as well (ISA/HZ3902/4/317, from: Geneva, to: Jerusalem, November 5, 1969). This came in response to Arab leadership considerations of Egyptian president Gamal Abdel Nasser (Cf. the language in US ambassador telegram 4196 to State on November 6, 1969: "…new Egyptian proposal approved at quote highest level…." USNA/YR POL27-7 ARAB-ISR). Egypt's public diplomacy during the summer and autumn of 1969 revealed a wide range of considerations. In the context of the War of Attrition, Israel had captured Syrian POWs; in August 1969, the Popular Front for the Liberation of Palestine had hijacked a TWA plane and two of its passengers, Israeli citizens, were still in a Syrian prison. Thus Egypt suggested a "package deal" where all parties would exchange all of their "prisoners." The benefits for Egypt were clear: it would again prove that it spoke for all Arab players and that Nasser was indeed the "leader of the Arab world."

For Israel, such a deal posed a negative precedent of blurring the lines between legitimate POWs and hostages taken by sub-national actors. The Israeli position, however, was not set in stone. Israel was willing to countenance any Arab move as long as all or some of the persons in question were returned to Israel (ISA/HZ3902/4/317, from: Jerusalem, November 24, 1969; Director-General's recommendations to the Minister [November 25, 1969]; from: Jerusalem to: Geneva, November 28, 1969). The only exception was that releasing Israeli pilots was made a precondition for any deal. The upshot was that Israel could be satisfied with the return of the military personnel without the TWA hostages or any other unspecified contingent of the claimed Israelis either from Egypt or from Syria. Thus Israel accepted de facto the implicit Arab position that any Israeli concession was only a prelude to further concessions. Another concession in the context of the late-1969 deal concerned Israel's agreement to negotiate with two Arab countries acting as one. That directly contradicted Israel's paradigm of attempting to separate its enemies and bargaining with each separately on whatever subject.

With the exchange on December 6, it emerged that all of Israel's complaints about the physical treatment of its pilots in Egypt, involving repeated violations of the Geneva Convention, were confirmed (ISA/HZ3902/4/317, from: General Eyal, chief manpower officer, IDF, to: the Director-General of the Foreign Ministry, December 14, 1969). However, for lack of clear evidence and not wanting to cause the POWS further harm, Israel had avoided any countermeasures as long Egypt held the pilots.

This deal was perhaps the initial precedent for the aftermath of the 1973 war and years later for other deals. All in all, in December 1969 Israel returned 71 Egyptian and Syrian military personnel and got back two pilots from Egypt and the two civilian hostages from Syria.

With the ongoing War of Attrition on the Egyptian and Syrian fronts and repeated Palestinian terrorist attacks, the POW issue remained very much on the agenda (ISA/HZ33/7). In January 1970 a night watchman was kidnapped from his post in northern Israel; later that year several pilots had to abandon their planes over hostile territory and were taken prisoner by the Egyptian army, while others continued to be held by Syria. With the conclusion of the War of Attrition, Egypt held 12 Israelis including 7 pilots, and Syria held 3 pilots. Israel held 71 Egyptian POWs and 40 Syrians POWs.

However, all efforts to work out a release of all POWs with no prior conditions failed. The International Red Cross Committee, trusted by all, could only secure regular visits of the Arab POWs held by Israel with no parallel luck on the Arab side.

In the early 1970s, terrorist organizations launched repeated attacks within and outside Israel for various political purposes, including the capture of hostages for use in future negotiations. Two major incidents took place in May 1972, both at Israel's national airport near Tel Aviv: a Sabena (Belgian) plane hijacking and forced landing in Israel, and a massacre at that location. The Sabena hijackers were unsuccessful in taking hostages. The Red Cross, much to Israel's chagrin, called them "commandos" and criticized the Israeli rescue mission, claiming it had been executed despite Israel's request that the ICRC conduct negotiations with the hijackers (Eban, 1972). The Israeli cabinet's legal adviser suggested the episode had further contributed to blurring the lines between legitimate POWs and terrorists (Shamgar, 1972).

The feeling of frustration with the ICRC, which Israel saw as using delaying tactics regarding Israel's POWs to retaliate for the Sabena affair, combined with Damascus's refusal even to allow doctors' visits, caused Israel to act (ISA/5241/1-HZ, from: Geneva to: Jerusalem, May 16, 1972; ISA/7240/2-A, the interoffice committee regarding the Israeli POWs, file 1, 11.1971-9.1972, minutes of discussion 4; June 8, 1972, from: the military secretary to the minister of defense to: the government legal adviser, June 8, 1972).

Israel viewed the Syrian prison conditions as harsher than Egypt's. Syria had held three pilots since 1970 with no medical visits from the outside world and almost no prison-yard walks. In June 1972, an Israeli commando raid in Lebanon seized five senior Syrian officers and brought them to Israel. Israel now held 44 Syrian POWs including the officers while Syria held the three pilots.

Israel's decision-makers wanted the successful operation to be a springboard for a package deal involving Egypt, sparking intensive diplomatic activity. The partial documents available suggest that Syria quickly agreed to a prisoner swap. Israel, surprised by this response, went one step too far by openly, though cautiously, proposing the general Israel-Syrian-Egyptian deal, which did not materialize.

Even though the actual exchange took place only on June 3, 1973, it stands to reason that it was the direct result of the negotiations following the Israeli kidnapping of the officers. This episode established several precedents that might have been useful in the future had it not been for the fact that the post-1973 decisions were made by a failing leadership suffering from the October 1973 trauma.

Perhaps the most revealing lesson was that the Syrians did not care about any POW who was not a close associate of the regime. The five senior officers were not just high up in the military hierarchy but had probably reached their position because of some special allegiance to the regime. There are no indications in the contemporary documentation that the Syrian authorities cared about the non-senior officers and whether they stayed in an Israeli POW camp for longer or shorter periods. Yet that lesson was not applied to the 1973 context.

Two more lessons pertain to the international arena and the functioning of international organizations. All indications available today are that the ICRC tried to be fair to all. Even its avoidance of assertively pursuing the denied rights of the Israeli POWs in Egypt and Syria can be understood in light of its concern lest the Arab actors would not accept it as an "honest broker."

That does not mean Israel had to satisfy the organization at all costs. Indeed, Israel created a clear asymmetry between the conditions of the Arab POWs it held and those of the Israeli POWs. Israel allowed visits by the ICRC a short time after taking prisoners, provided regular medical care, and enabled postcard communications between POWs and their families. That policy was in line with the Geneva Convention but made it impossible for Israel to insist on reciprocity with the Arab players.

Unlike the ICRC, the UN played a negative role that harmed not only Israeli but also Syrian interests. Security Council Resolutions 316 of June 26, 1972 and 317 of July 21, 1972 gave Egypt the alibi it sought not to join the emerging deal and deterred Syria from concluding a speedy deal lest the Soviets and Egyptians blame it for preferring its own interests to "world peace" (according to ISA/7240/2-A. That was the impression of the ICRC representative to Cairo, from: Director-General, Israel Ministry of Foreign Affairs to the Minister, July 5, 1972). The vote at the council (thirteen for condemning Israel, the US and Panama abstaining) was not only a setback for the exchange efforts but also an indication of the international community's distinction between POWs taken in battle and officers on operational missions kidnapped from the sovereign territory of a warring nation. Israel and the ICRC did not see that distinction; four Israeli POWS then in Egypt had been abducted from the Israeli side of the Suez Canal. Apparently the international community saw the difference as long as Israel was on the kidnapping side (UKNA/FO17/1756, from: Tel Aviv, to: London, July 3, 1972).

One last lesson in the context of Resolutions 316 and 317 concerns the negative role of the UN and its subsidiaries, including the Security Council. The resolutions were so one-sided toward Israel that they also harmed the interests of the Soviet Union's closest regional ally, Syria. Because of Resolution 316, the indirect contacts with Israel were slowed to the point of insignificance. That not only harmed the officers' families, part of the regime's supporting infrastructure, but also gave Israel the time to extract the rich intelligence available to these senior figures. Actually, the most significant player to realize the mistake were the Soviets themselves, and after the 1973 war they ignored the Security Council as a forum for POW issues and partly accepted Kissinger's suggestions through bilateral negotiations.

The Immediate Aftermath of the October 6 Attack
For reasons much discussed in the literature on the 1973 war, Israel's euphoric atmosphere in the wake of 1967 war continued up to the minute that hostilities broke out on October 6, 1973. That attitude of the decision-makers was also reflected in the POW issue. Israel did have some POWs in Egypt since the War of Attrition; the three in Syria had been released as a result of the officers' kidnapping, and the issue became more and more humanitarian per se. By October all the Egyptians already had all intelligence they could extract from the POWs, and no Israeli quid pro quo could convince them to exchange the prisoners. Israel continued to make efforts but in vain.

With the outbreak of hostilities on October 6 heavy military censorship was imposed on all news regarding the regarding the Israeli POWs probably fearing more backlash with the publication of the unprecedented number of Israeli POWs since 1948/9. All newspapers only repeated the official versions (Meir, 1974: 65). Thus Meir and her government continued a traditional Israeli line of ignoring the participation of civil society organizations and the public in general in the discourse on the POW issue. In

retrospect, the Meir government's elaborate policy of withholding information from the public eventually backfired, which may have been one of its reasons for abandoning the POWs-for-POWs principle and instead exchanging POWs for POWs and land.

That mistaken policy coupled with the strong rumors of a major Israeli defeat, heavy casualties, and a lack of supplies gave credence to Arab claims that they held a large number of POWs. Indeed, Israel had not seen such a large number of pilots, officers, and field personnel taken prisoner at any point in its history, and the country entered a stage of shock. Several elite intelligence units had been captured by the Syrians, leading to permanent, severe damage to Israel's intelligence capabilities. Leading pilots, some with knowledge beyond their formal responsibilities, were also captured.

22 Days in October: The Shock, and the Formation and Implementation of Policy

The October 6 attack marked a culmination of several processes: the accumulated dissatisfaction with the handling of the attrition period; the public feeling in retrospect that, in overlooking Egypt's violation of the ceasefire agreement that had ended the War of Attrition, Israel had made a crucial mistake; and finally, the lack of preparations for the imminent war. All that rendered the Israeli cabinet inept and incapable of making the right strategic decisions. Consequently, the cabinet shaped its POW policy in line with Kissinger's interests, giving in to Arab demands that had never been raised before but would become standard in future POW deals.

Right from the first public indication that any of the warring parties held POWs, the war of concepts started on an asymmetrical footing. Israel believed that by strict adherence to the Geneva Convention it would gain world sympathy, leading to an early exchange. Four days into the fighting, the semiofficial Israeli daily *Davar* published a short piece on the hospitalization of apparently Egyptian and Syrian officers in an Israeli (civilian) hospital, giving the signal for continued reports along these lines until the Israeli POWs were returned (*Davar*, October 10, 26, 1973). However, that move, along with others to follow, including a daily report to the ICRC on the numbers, names, and conditions of the Arab POWs, was mistaken (Eban, 1973). Israel boasted of being a Western country that gave the best possible treatment to POWS. That concept is totally alien to the Arab decision-makers. For them, until the very moment of exchange, all POWs are pawns on a foreign policy chessboard. Even releasing their names and allowing medical care is a political accessory for extracting more concessions from the other side.

Indeed, the Arab players missed no opportunity to parade Israel's POWs during the initial stages of the fighting while managing to keep Israel in the dark. No information was provided on the numbers and identities of the captured troops (DC/US/Jerusalem cable 1169 to: State, Washington, October 19, 1973). Israel learned of its POWs' identities only close to the actual exchange, and the negotiations were prolonged by bargaining over the price of the names and medical visits. Throughout the dealings Israel committed yet another mistake by blocking detailed information available through public channels to its own citizens, ostensibly to prevent any possible blow to morale yet giving rise to rumors of all kinds (*Davar*, October 8, 1973; *Maariv*, October 24, 1973).

At that point Israel had a strong interest in an early exchange: it would minimize the damage to Israel's image and its already shattered deterrence if any was left. Moreover, the sooner the captured troops returned, the less intelligence damage would

occur. Yet there is no record of any cabinet discussion on guidelines for the POW policy in the coming days and weeks. Amid the decision-makers' disarray, the POW issue was no exception.

The first indication of any component of policy appears in an October 12 telephone conversation between Meir and the ambassador to Washington, Simcha Dinitz. The ambassador asks for instructions regarding a possible ceasefire and, within that context, whether Israel insists on a general POW exchange, including the attrition POWs. The PM's response includes these words: "the most important [element] for us is to get our boys out of captivity" (Meir and Rabin, 1973). Later in the conversation she details several scenarios for a ceasefire and basically agrees to any route to one, so long as there is a general POW exchange. This major policy decision that only the POW issue is important had never been approved by any Israeli administration, and opens the door to any conditions the enemy imposes. That quid pro quo of POWs for any political concession continues to affect Israel's POW issues to this day. Moreover, despite the lessons of the capture of the senior Syrian officers, Israel was now too overextended militarily even to consider such an operation. Given that Syria did not care about its POWs unless they were very high in the hierarchy, it had no incentive to continue with any exchange process.

It took Israel four more days to admit that it had lost Mt. Hermon, or "the eyes of the country" as it was known since its location enabled Israel to detect movements deep inside Syria. The way it was reported again showed Israel's failure to comprehend the minds of enemy leaders: while admitting that the fate of the Hermon soldiers was unknown to Israel, the report once again mentioned its abiding by the Geneva Convention (*Davar*, October 16, 17, 1973).

It took Meir about a week to forswear a perhaps emotional approach to the POW issue and take a different tack. In a draft letter intended to eventually reach Kissinger, she suggested a comprehensive Israeli position. It included an immediate exchange of POWs, agreement on the procedure of peace negotiations, and return to prewar lines. Clearly, no party including the US could consent to this methodology, but at least Israel moved from making the POW issue equal to all others to making it a precondition for any long-term arrangements (ISA/7049/25-A/October 19, 1973, 19:45).

Whereas Meir perceived the issue as a merely humanitarian one that needed to be included in any settlement as a precondition, the Soviets and the US did not share her view. However, somewhat responding to Israeli's concerns part of the outcome of Kissinger's talks in Moscow (October 21, 1973) was that: "Brezhnev's pledge that he will produce the Arabs on a prisoner exchange" (Kissinger, 1973). That led President Nixon to promise Meir: "the Soviets have agreed to join us in strongly urging an immediate exchange of prisoners of war" (Nixon, 1973). But that Soviet expression of sympathy contained no definite commitment and was subject to the Syrians', and ostensibly the Soviets', time constraints in learning all that could be learned from the Israeli captives. Additionally, it is clear from the wording that the message, as much as the Soviet statement, did not include any specific commitment to directly and speedily intervene on this humanitarian issue turned into a topic of superpower discussion.

The declarative nature of the Soviet-American agreement on the POWs emerged during the October 22, 1973 meeting between the Soviet foreign minister and Kissinger: "The Secretary offered a second written understanding [Tab B] to confirm the agreement

to use maximum influence with the parties to ensure an exchange of prisoners of war within 72 hours of the ceasefire." "This will help me in Israel," Kissinger said. After a brief private conversation, it was agreed that a "formal written understanding was not necessary" (according to Memorandum of Conversation, Moscow, October 22, 1973, 8:45–9:45 a.m.; source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 76, Country Files, Europe, USSR, Kissinger Trip to Moscow, Tel Aviv & London, October 20-22, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the guest house of the U.S. delegation in Lenin Hills, Moscow). The only possible reason was that Israel was the sole party genuinely interested in the exchange. A striking example can be found in the deliberations at the Security Council preceding the adoption of Security Council Resolution 340 with the Israeli permanent representative, Yosef Tekoah, being the sole speaker to raise the POW issue (DC/US/Washington cable from the Secretary of State 211133 to: embassies and consulates, October 24, 1973).

The Arab players were either disinterested or opposed it for tactical reasons already explained above. Under these circumstances the Americans saw no point in taking a position that might be interpreted as one-sided. Kissinger repeated his evasive wording in his meeting with the Israeli PM and chief of staff, but to give his position some credibility, since even Meir could see the holes in that formula, he said the matter could not be discussed publicly (ISA/7047/15-A/minutes of the meeting of the Israeli PM and the chief of staff with Kissinger, October 22, 1973).

Actually, Kissinger probably did not then comprehend the magnitude of the leadership crisis in Israel. At that point, forty-eight hours before the full cessation of hostilities, Meir was willing to appease him at any price; given her eroding support among the Israeli public, she needed some backing. Moreover, from their losing position both Meir and Dayan led the Israeli nation to believe that no ceasefire would be acceptable unless the POWs were returned. On the eve of the scheduled parliamentary elections (originally set for October 31 and later moved to December 31), the political issue and the pressing need to show some results probably mattered more to Meir than anything else – an assessment that Kissinger shared. That is probably why she abandoned her request for a prisoner exchange and implored Kissinger to speak publicly of the US-Soviet formula before she addressed the parliament on October 23, 1973. And indeed, the department's spokesman made that statement on October 23, 1973 (DC/US/Department of Sate cable 208876 to: Cairo, Tel Aviv, October 23, 1973).

Now, based on a rather vague formula Israel not only agreed to a ceasefire but also committed to release the Arab POWs without any parallel commitment from the Arab actors. Moreover, Arab bargaining did not center on an exchange deal but rather on amending their violation of the Geneva Convention and conveying to Israel the names of its POWs. Clearly, Meir and Kissinger were playing on two distinct fields: he was seeking an agreement with the USSR that would maintain world peace, she moved from attempting to satisfy her potential voters to easing the pain of the POW families (Meir and Kissinger, 1973). However, despite the difficulties in the dialogue it marked a major change in Israel's *modus operandi* regarding its prisoners. It came in the form of a statement by Meir: "There is one other matter I want to ask you about. There are 4,000 Jews left in Damascus, who are living in terrible conditions. We would like the Red Cross to come in and take them out" (according to FRUS/1969-1976, XXV, National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 76,

Country Files, Europe, USSR, Kissinger Trip to Moscow, Tel Aviv & London, October 20-22, 1973. Top Secret; Sensitive; Exclusively Eyes Only).

At first sight, yet another humanitarian issue for the Prime Minister, but indeed a major shift in the Israeli attitude toward its prisoners: Israeli POWs were from then on only one element of its position. Indeed, the change was not lost on the Syrians and the eventual exchange deal included the town of Kuneitra. Kissinger, realizing the implications of the new Israeli position, simply stated: "There are two things I will raise with the Russians: the prisoners of war and that."

Apparently, this episode marked the first time an Israeli POW issue was internationalized. Instead of a three-way deal between the two protagonists and the ICRC or other international organization as mediator, it became another discussion point between the two superpowers, opening the door to US concessions to the Soviets on account of that humanitarian issue. Moreover, any mediation effort grants the Arab position more credibility and post factum also affords them rehabilitation for their violations of the Geneva Convention and their efforts to conceal information and turn a humanitarian question into another debating point on the negotiating table. That Israel was the sole country that was interested in its own POWs was further emphasized by the debate preceding the adoption of UN Security Council Resolution 338: no representative but the Israeli one spoke about POW exchange (DC/US/Tel Aviv cable 8467 to: State, Washington, October 22, 1973).

Nevertheless, that position did not inject any new thinking about the return of the POWs. The war continued past Resolution 338 of October 22 and despite Resolution 339 of October 23. When hostilities ended on the 24th, Israel laid a siege to the Egyptian Third Army that was deployed within the Sinai Peninsula with no way of linking up with the rest of the Egyptian forces. Under other conditions, i.e. with two adversaries respecting the Geneva Convention, that would have been the turning point. However, with a player like Egypt that did not care about its besieged troops, it meant nothing. Not realizing the complexities of the situation, the Israeli cabinet approved on October 24 a "top secret" resolution no. 69, specifying inter alia: assemble POWs who are [Egyptian] officers in order to increase "our bargaining power" [unclear quotation boundaries—the quotation seems to start before the quotation marks] (article 2) and later in article 5: "maximum effort in order to bring about the immediate release of [our] POWs will continue" (ISA/7049/25, from the cabinet secretary to the PM, defense minister, foreign minister, October 25, 1973, "top secret").

It was not only a rather conservative resolution but rather meaningless, a defensive, passive move. How would the Egyptians officers be used to expedite the exchange process while the cabinet refused to acknowledge that Egypt was far from interested in retrieving all of its POWs or even the officers among them? One right move, which may not have led to the desired deal but would have shown that Israel had finally begun to grasp the rules of game, would have been to collect a small group of the most valuable officers for Egypt: the highest ranking and those connected to top figures in the government and military. Meir's repetition of the number of Egyptian POWs meant nothing to Egypt and convinced the enemy that Israel did not understand the game. Likewise, on the day of the resolution Meir also divulged to Kissinger, through Dinitz, that Israel had only partial knowledge of the number and identities of its POWs in Egypt. At that point, on the eve of an end to actual fighting, Israel lost about eighty POWs to Egypt, but did not know the whereabouts of about 290 more. In addition, Egypt had

already held ten more POWs since the War of Attrition (Dinitz, 1973). By sharing the information with Kissinger during his meeting with the Soviet ambassador to Washington, Meir inadvertently gave Kissinger and Dobrynin an additional tool in their attempt to rescue the besieged Egyptian Third Army.

The guns fell silent on October 24, 1973. Israel was clearly at a loss to formulate a policy that would retrieve its imprisoned fighters. Israeli morale remained extremely low, and the public was not sure the leaders were doing enough to get the boys home. Once some of the military censorship was lifted after the ceasefire, it emerged that Israel did not even know the number and identities of some of the POWs and casualties. That led to two more developments that further eroded Israel's already-low bargaining power.

The Syrians launched a public war of nerves against Israel, realizing that with the price tag Israel attached to its POWs, Syria could get much more than its POWs back in any future bargaining. And on the domestic front, Israeli citizens started to form civil society organizations promoting the idea that they should be brought back at any price.

Parents and Civil Society
By coincidence these two campaigns began simultaneously on October 25. Syria unofficially announced that it had fifty Israeli prisoners from the Mt. Hermon outpost, and "mothers and wives of POWs" called on the Israeli government to immediately exchange POWs (Davar, October 25, 1973). For Syria, the move was only one stage of an endeavor to maximize their quid pro quo for the Israeli POWs. For the Israeli group, it was a genuine attempt by people totally ignorant of the government's efforts to retrieve their dear ones. They could not know at the time that most of the policy that was devised piecemeal was mistaken and they were only worsening Israel's inferior position.

Right from the chaotic outbreak of hostilities on October 6, Israel had had to deal with unprecedented issues: how to verify the fate of a missing ground soldier? A pilot who was seen leaving his plane deep inside hostile territory? How to try and get the troops back when their identities were unknown? The Syrians and Egyptians, in any case, aimed to put together a large enough contingent of captured troops that Israel would pay as much as possible for them, after the intelligence in their possession was extracted. All that, on top of their traditional violations of the Geneva Convention, led the Arab actors not even to release the POWs' names.

The families' exertions along with the overall Israeli sense of despair and defeat – even though the conditions on the ground now signified otherwise – led to another negative precedent. For the first time ever in wartime, Israel underwent a rift between the government – interested in publicly playing down the POW issue as a symbol of the failure of the first forty-eight hours – and the families. There had already been pressure on the government in the attrition period, but now the magnitude was greater. Moreover, all Israeli diplomatic moves were shrouded in secrecy since Israel had so little information on the POWs (DC/US/Tel Aviv cable 08686 to: State, Washington, October 27, 1973).

Meanwhile, Israeli foreign minister Abba Eban advised the US ambassador to Israel that his country had practically no names of prisoners, except for forty in Egypt out of "some hundreds," and that he wished the US would try along with the Israeli government "to keep all aspects of the POW issue under wraps." He also informed the

ambassador that some Israeli POWs were murdered at the Mt. Hermon outpost (DC/US/Tel Aviv cable 08686 to: State, Washington, October 27, 1973).

ICRC Mediators – Not Much Success; No Tangible Results for Arabs
The War of Attrition had established that the ICRC could insist on regular visits to the Israeli POWs, but always subject to the diplomatic and strategic balance sheet. The organization had failed to secure the release of the attrition POWs or to get updated information on their health in the first stages of their captivity. All that, coupled with the issue's elevation to a strategic one, downgraded its role in the war's aftermath. Senior ICRC officials even complained to Israel about their de facto exclusion from discussions on the topic (ISA/7049/25-A/Geneva cable 367 to: Jerusalem, October 26, 1973). Apparently, like other players, they did not realize the depth of the Israeli government's crisis and its almost total inability to make its voice heard in the superpower talks. And yet, the government was able to convey that if there was even one issue that united the exhausted people, it was the POW issue. That point was not lost on Kissinger and his colleagues, who suggested to all interested parties that unless there was progress on the matter Israel might stall the diplomatic process (DC/US/Department of State cable 212609 to all pertinent representations, October 27, 1973).

Given Israel's intense concern about its POWs and Egypt's lack of interest in its own, Kissinger offered the sole strategic benefit he could find at that moment that would further remove Egypt from its traditional ally, the Soviet Union: the US would supply the Third Army with forty tons of food and Egypt would undertake to (the following is from Ismail Fahmi, Egypt's acting foreign minister): "(a) [provide] the list of wounded to the Israelis in the next military meeting; (b) to give the same list to the Red Cross; (C) we are ready to negotiate regarding the exchange of wounded POW's; (d) we are ready to give the list of POW's to the Red Cross; (e) we have already permitted the Red Cross to visit the wounded POW's" (FRUS/1969-1976, XXV, Memorandum of Conversation, Washington, October 29, 1973, participants: Egypt: H. E. Ismail Fahmi, Acting Egyptian Foreign Minister, H. E. Abdallah El Erian, Egyptian Ambassador to France, Mr. Umar Sirri, Minister, Egyptian Ministry of Foreign Affairs, Cairo; United States: The Secretary of State, Assistant Secretary of State Joseph J. Sisco; National Archives, RG 59, Central Files 1970-73, POL 27 ARAB-ISR. Secret; Nodis. A handwritten notation indicates that this is a first draft).

That was a winning proposal. Egypt did not want its prisoners to return and spread the word of their whereabouts after the first couple of days, or how a battlefield victory turned into a defeat. On the other hand, the lifting of Israel's siege of the Third Army would prove that Egypt could take care of its own, and after being supplied by the US the troops would look refreshed and fit, also disproving Israeli claims. Meanwhile Israel still struggled to find the right formula to free the POWs. Kissinger, for his part, preferred indirect Israeli-Egyptian talks so that both parties would realize that, absent the US in general and Kissinger in particular, no agreement on either POWs or the Third Army was attainable.

While keeping its contacts with Kissinger secret, the Israeli government still had one major arena to take care of: Israeli public opinion. With the parliamentary elections due on December 31, protest started to escalate. Hence Israel chose to create a mock confrontation with the ICRC by prohibiting it to search for Egyptian soldiers who were

left behind in the Israeli-occupied areas along the Suez Canal: as long as Israel did not get the lists of its POWs, no such missions would be allowed (DC/US/Geneva cable 05717 to all pertinent representations, October 29, 1973). Moreover, concurrent with Kissinger's talks with the Egyptians that Israel was not made privy to, Israel announced, in clear contravention of Kissinger's agreements with the Egyptians that no wounded Third Army soldiers would be allowed to leave the besieged area (*Davar*, October 29, 1973; DC/US/Tel Aviv cable 8780 to all State and pertinent representations, October 30, 1973).

That small gesture to Israeli public opinion was not enough. On October 29, 1973, a group of parents of POWs wrote an open letter to Meir asking how she could renege on her promise not to agree to a ceasefire without the POWs' return. They further demanded to declare the ceasefire null and void and cease any contacts with the enemy and with international organizations (*Davar*, October 30, 1973). That letter from concerned parents marked the beginning of antiwar and antigovernment civil society organizations that would try and sometimes succeed to turn policy in new directions. The parents, however, could not comprehend the pressures the government was under. On the one hand, it was a losing group of people responsible one way or another for the October disaster; on the other, they could not withstand Kissinger's pressure but were not fully aware of his commitments to Egypt. Thus they were in no position to reveal details to the parents and simply did not know what Kissinger's next ultimatum would include. The overall impression was that the government was evading the public and had something to hide, further intensifying public anger and civil activity. In a rather pathetic attempt to square the circle, Meir traveled to the US attempting to find out what is being planned between the parties.

As already indicated, Kissinger revealed part of the picture to each Middle Eastern adversary, meaning Meir's efforts were futile. The Prime Minister was undoubtedly under pressure. In her meeting with Kissinger, Meir acknowledged that "What is in jeopardy now is the greatest thing we have, the confidence of our people in us. We promise to them, and we find twenty-four hours later we can't deliver" (Meeting at Blair House, taken from Nixon Presidential Materials, NSC files, box 611, Country files, Middle East, Israel, Vol. 13, November 73- December 73).

It was probably the first time in Israel's history that its decision-makers had to take into account the views and activities of an extra-parliamentary group, later to be joined by protest movements demanding the government's resignation. The precedent set on November 1, 1973 would later affect Israel's negotiations with Egypt and the Palestinians. Whereas the families demanded the POWs' immediate release, Kissinger demanded that Israel withdraw to the October 22 lines in accordance with Security Council Resolutions 338, 339, and 340, which entailed lifting the Israeli siege of the Third Army. Meir and her cabinet were at a dead-end.

However, with US-Egyptian relations improving and the US becoming the Soviet Union's replacement, nothing of the sort could be verified regarding Syria, which the war's end found in a much worse position than Egypt. Whereas the latter could claim it had reoccupied some of the land lost to Israel in 1967, Syria had only lost further land. On the other hand, it had quality Israeli POWs, first and foremost an intelligence officer who divulged his wide-ranging information. Syria also had other intelligence personnel and high-ranking officers, including the most senior Israeli pilot ever taken prisoner. Given Syria's total contempt for the Geneva Convention many, if not all other POWs,

were subject to murder with about twenty-eight killed in prison and under torture. Even Saudi Arabia, attempting to somewhat soften the impression of its oil embargo, tried to convince the Syrians to be less brutal (DC/US/Jeddah cable 4792 to: State, Washington, Tel Aviv, Beirut, November 1, 1973).

In any case, both Syria and Egypt again demanded that Israel uphold Security Council resolutions, which meant returning to the October 22 lines. Israel claimed these could not be verified; the Arab actors claimed they meant full Israeli withdrawal from Mt. Hermon, giving the Syrians an outpost Israel had occupied in the 1967 war, and a full lifting of the siege on the Third Army. That is, both countries demanded strategic benefits for launching the POW exchange process. Egypt now sought to become a full-fledged member of the US camp and was willing to pay some price for that; Syria was sure of Soviet support and hence much less open to compromise with the US.

By early November the lines were fully drawn. Israel and Egypt conducted direct negotiations with American participation. The POW issue became yet another topic on the agenda, while the mounting popular pressure in Israel rendered Meir incapable of making any concessions but subject to Kissinger's pressure and dictates. Egypt now enjoyed full access to the Third Army and was in no hurry to see it reunited with the rest of the army. Syria, for its part, was still striving to extract intelligence from the Israeli POWs and wanted to regain not only territory occupied by Israel in this latest war but some of the 1967 losses as well. These points became the basis for the Israeli-Egyptian interim agreements of November 1973 and January 1974 and the May 1974 interim agreement with Syria. Under these agreements Israel withdrew from parts of the Sinai, eventually restoring all of it in the March 1979 Israeli-Egyptian peace treaty. Israel and Syria gradually exchanged their POWs, completing the process in May 1974, and Israel withdrew from the Syrian town of Kuneitra, which it had occupied in 1967.

In June 1974 Golda Meir resigned, largely because of the growing protest activities of groups demanding that she take responsibility for the war and her failure to retrieve the POWs earlier.

Conclusion

The October war marks the beginning of a new chapter in Israeli history. In the context of the POW issue, lessons can be drawn from Israel's political behavior during and after the war. These lessons should form the basis for any guidelines if and when Israel finds itself in similar situations in the future:

Stage 1 – Chaos and battle fog; no way to determine who is dead, alive, and missing. The main task: finding out by name who is missing.

Stage 2 – An attempt to distinguish the MIAs from the POWs.

Stage 3 – Concurrent with stages 1 and 2, a concerted effort to find enemy POWs who are high-ranking and/or relatives of senior decision-makers.

Stage 4 – Defining the possible main strategic assets that the enemy would be interested in and either protecting them or open the, for negotiations so that both sides have something to bargain for.

Stage 5 – Defining prices and trying to include the topic sufficiently on the diplomatic agenda.

Stage 6 – Insisting on clear and simultaneous moves by all actors so that each move is reciprocated by release of some of the POWs.

This is only a blueprint of a possible approach to the release of Israeli POWs. The 1973 war was the first to present the issue not as a humanitarian one but as one more item on the agenda. Israel was then in no position to change that in the face of a secretary of state who tried to be evenhanded, the Soviet Union that fully supported Syria, a failing Israeli government, and strong domestic protest. Some of the subsequent military engagements made it clear that the Arab actors had fully studied the 1973 developments.

For Israel, the Yom Kippur War was a watershed line regarding policy on POWs. Leaving the arena to the "street" became customary in the years to come, as did blurring the lines between POWs and hostages. Sub-national players are not bound by international instruments, and they followed previous behavior by the national Arab players.

Already before 1973, mainly as a result of the War of Attrition and successive regular and irregular attacks on the borders and within Israel and the weakening of public morale, Israel abandoned its realist policy on prisoner exchange deals and adopted an inconsistent policy with no clear-cut criteria. That process peaked in 1973 and became a norm. The principle of POWs for land was eventually translated into a growing tendency to exchange strategic assets for Israeli individuals, both soldiers and civilians.

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