

Israel and the Nonproliferation Regime

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Obama's New Approach to Nonproliferation

The United States has always considered the spread of nuclear weapons as a threat to its national interests. It therefore was the main initiator (together with the USSR) of the Nuclear Non-Proliferation Treaty (NPT) and other international instruments that join the NPT to form the international nonproliferation regime. In addition, the United States has acted in different ways to halt and reverse nuclear proliferation tendencies. At the same time, the American position on nonproliferation has varied over the years in terms of the priority attached to this goal as compared to other foreign policy objectives. Then again, different American administrations have perceived the value of international norms and regimes through different prisms and lenses.

The Bush administration attached a high priority to nonproliferation as an objective. However, it gradually downgraded the value of international and multilateral instruments, including the NPT, and instead emphasized “counter-proliferation” strategies designed to halt proliferation through unilateral – or unilateral coupled with close allies – efforts to halt proliferation. Moreover, the Bush administration was equivocal about nuclear arms control in general. Due to its indifference towards the NPT as a useful instrument for halting proliferation, it allowed the virtual collapse of the 2005 NPT Review Conference (RevCon).

The Obama administration has embraced a different approach towards nuclear weapons, the NPT, and nuclear proliferation in general. In his Prague speech of April 2009, President Obama announced a far reaching vision of a world without nuclear weapons, although he was quick to add

that this goal might not be achieved in his lifetime. When the administration moved to begin implementing this grand vision, it was translated into several clusters: (a) strengthening the nonproliferation regime (b) achieving additional nuclear arms control agreements with Russia (c) reducing the salience of nuclear weapons in American overall strategy and (d) increasing the safety of nuclear stockpiles globally, in order to reduce the danger of theft by terrorist organizations. Overall, the Obama administration's approach seeks to achieve its policy objectives as much as possible through multilateral measures and the building of international coalitions. It has correctly recognized that the structure of the international system has changed and is not purely "unipolar." Countering proliferation thus requires greater international cooperation.

In contrast to its predecessor, the current administration views the NPT as an important and useful tool for halting proliferation, and has adopted several measures that aim to strengthen the regime. First, in partial response to the criticisms by many of the non-nuclear weapons states (NNWS) parties to the NPT concerning Article VI (on comprehensive nuclear disarmament), it pushed forward the New START agreement with Russia. (To be sure there were also important American security interests that required this new agreement.) It also reduced in a cautious and limited way the prominence of nuclear weapons in its overall strategy. These changes are evident in both the new Nuclear Posture Review released in April 2010, as well as in the New START agreement. The administration likewise advanced the cause of global nuclear safety through the April 2010 Nuclear Security Summit. In the NPT Review Conference the following month, the administration invested much effort to produce a report that would be accepted by all participants. The failure of the 2005 Review Conference was a major blow to the nonproliferation effort; another failure might have led to a major shock to the NPT regime with dire consequences.

The Value of the Nonproliferation Regime

Most observers agree that the NPT has served as a major instrument in constraining worldwide proliferation. Clearly it was not the only instrument: defense alliances such as NATO were important anti-proliferation measures, as were rational calculations by various states that their best security interests would not be served by "going nuclear." The

possibility that an adversary would “go nuclear” in response and thereby cancel out the presumed advantages of equipping oneself with nuclear weapons, and possibly worsen one’s own security environment as well, has been a calculation shared by several states. However, these calculations notwithstanding, several European states that were involved in developing their nuclear programs early on in the nuclear era – Italy and Sweden, for example – decided to forego these programs once the NPT came into being. Moreover, it is likely that were it not for the NPT, with the passing of time many more states would have adopted nuclear weapons.

Finally, it was the international framework and norm created by the NPT that allowed the superpowers to combine their efforts (or act unilaterally) to convince or coerce different states to abandon the supply of nuclear weapons or the technology designed to produce them to NNWS,¹ as well as to pressure potential proliferators to abandon their military nuclear programs. Absent the international framework provided by the NPT, the superpowers (until the end of the Cold War) and the US thereafter would not have been able to pursue their nonproliferation and counter-proliferation activities. Indeed, the international effort to block the Iranian military nuclear development could not have been launched if the NPT did not exist. By itself the NPT is hard pressed to stop a determined proliferator. Its importance is in being at once both a framework for international action against proliferation as well as an important internal constraint when a potential proliferator calculates the diplomatic cost/benefit outcomes of a decision to proliferate.

Israel and the NPT

Israel has resisted US and international demands to join the NPT. By the late 1960s, Israel reached an informal understanding with the US whereby the latter would not pressure Israel to join the NPT provided Israel maintain a strategy of ambiguity concerning its nuclear project. Since then, though not pleased with the Israeli project, the US has nevertheless tolerated its continuation, and as more states have joined the NPT over the years, Israel has resisted recurrent demands to join the treaty and give up its nuclear project. Although there were some tense periods between Israel and the Board of Directors of the International Atomic Energy Agency (IAEA), overall, relations with the IAEA have been good. Israel has played a positive

role in some of the activities related to the nonproliferation regime, such as in its positive working relations with the IAEA in the area of nuclear safety, and in the creation and operations of the Comprehensive Test Ban Treaty (CTBT) mechanism.

In fact, Israel, together with all nuclear powers, is a beneficiary of the NPT precisely because the treaty is a major vehicle designed to halt proliferation. However, some among the Israeli public who follow these issues misperceive the importance of the NPT to global international security as well as to Israeli security. Because Israel has stayed outside the framework of the NPT and has on several occasions been in conflict with the IAEA, and because the NPT has not stopped proliferation in the Middle East, extensive – if unfounded – Israeli skepticism has arisen regarding both the NPT and the IAEA.

The 2010 NPT Review Conference and Beyond

In the months leading up to the May 2010 Review Conference, there were deep concerns in the international community about the outcome of the conference. However, under the successful leadership of the US the conference ended with a consensus that helps sustain the regime. At the same time, there are several parties to the NPT that continue to criticize the nuclear powers for not adhering to their commitment under Article VI of the treaty. In Israel, on the other hand, the major criticism was focused on the RevCon final document that singled out Israel. Indeed, many observers claimed that this, coupled with the lack of criticism of the Iranian nuclear effort, made the conference a failure. While these are weighty criticisms, the net effect of the conference was nevertheless a positive one globally in that it sustained a regime that was facing serious difficulties.

The substantive challenges to the treaty and the IAEA are primarily not those fingered by the Israeli critics. Several NNWS have always criticized the treaty as discriminatory and have called the nuclear powers to task for not fulfilling their obligations under Article VI. This will likely continue to be a major problem for the treaty, as realistically speaking, complete nuclear disarmament lies at best in the distant future. In the meantime, major efforts should be invested in maintaining the NPT regime, and towards that end limited steps could be undertaken in order to bridge the divide between those NNWS ardently demanding that Article VI be

fully implemented and the nuclear powers. The Obama administration has tackled this issue in its gradualist and balanced approach. It seeks actively to sustain the NPT regime while rejecting calls for stating a timetable for nuclear disarmament.

For its part, Israel should also seek to strengthen the NPT regime. Some of the measures listed below would contribute to the regime while not adversely affecting Israeli security.

Israel's Posture of Ambiguity

Presently the ambiguous posture continues to be convenient for Israel, the US, and the international community. The Arab states demand Israeli nuclear disarmament, but in the current reality, ambiguity is much preferred over a declared Israeli posture. Indeed, if Israel ended ambiguity and declared a nuclear capability, the Egyptian leadership in particular would come under great public pressure to react to a declared Israeli capability. It would also provide Iran with an additional formal pretext for its nuclear weapons project. Removing the ambiguity will thus incur heavy costs and encourage additional proliferation in the region.

Fissile Material Cutoff Treaty (FMCT)

Israel has resisted several American overtures regarding the possibility of joining an FMCT if and when it comes into existence. That was the Israeli position throughout the 1990s and even during the Bush administration when the issue surfaced anew. Currently the FMCT is blocked by the opposition of Pakistan (with the possible backing of China). For its part, Israel did not block international efforts on this issue when it was raised and consensus was required. Thus, the official Israeli position has sought not to be seen as a “spoiler” of FMCT efforts, although Israel clarified that it would not join such a treaty.

The current US administration seeks gradual progress towards limitations on nuclear weapons worldwide and the reduced salience of these weapons. As such, it supports the FMCT as an important goal, and indeed, FMCT efforts could be revived in the future and gain wide international support. Israel would do well to seriously and positively consider an FMCT. Moreover, with the renaissance in the peaceful uses of nuclear energy, the possibility of diversions of materials from power plants

to military uses – though difficult, expensive, and certainly not the most efficient way to produce fissile materials for military use – might increase. The latest huge deal between the UAE and South Korea to develop power reactors is an indication of the regional move in that direction. The FMCT could contribute to contain the spillover from peaceful uses to military ones.

In addition, Israel could propose that its ratification of such a treaty would depend on other regional states becoming parties as well. This could help stem tendencies towards proliferation among these same states. There is a counter-argument that acceptance of the FMCT might enable Iran to continue enriching uranium to the 20 percent level, which is widely recognized as relevant for peaceful uses of nuclear energy. Such an Iranian claim would, however, lack credibility in the eyes of the permanent members of the UN Security Council and other Western powers in view of the overall Iranian effort to produce a military capability. In addition it could be argued that it is likely that under any agreement with Iran, if achieved at all, some enrichment would be allowed. Under such conditions, if Iran joined the FMCT the latter would serve as an additional constraint on its weapons program.

It would be problematic for Israel to accept an FMCT and at the same time maintain its posture of nuclear ambiguity. This would possibly require a special understanding between Israel and the United States. One solution might be that the inspection mechanism of the Israeli activity under a possible future FMCT would be conducted only by the US. There are additional problems of inspection and verification, many of them shared by all the nuclear powers. It appears, however, that with good political will all are resolvable.

No First Use

When Israel first embarked on its nuclear option, there was an Israeli perception, given the significant asymmetries in geography, population, and economics between Israel and the Arab world, of an existential threat resulting from the possibility of a massive and overwhelming Arab conventional attack on Israel. Thus, theoretically, deterrence against such an eventuality also consisted of the possibility of a first strike as a “last resort” before annihilation. With the changed political atmosphere in the

region, however, including the peace treaties with Egypt and Jordan and the possibility of further peace treaties and possible accommodation with the rest of the Arab world, the likelihood of the emergence of a major conventionally armed war coalition that might pose a major threat to Israel has declined considerably. Therefore, the “last resort” strategy appears less relevant in terms of deterrence.

Adoption of a “no first use” position could place Israel within the context of the worldwide movement towards lessening the salience of nuclear weapons. It could thus improve Israel’s overall international position in the area of international security and arms control. A counter argument is that nobody can predict the future in the volatile Middle East, and major political changes might sweep through that critically enhance the threats to Israel. Indeed, an additional rationale for Israel regarding a nuclear capability may also have been deterrence against the use of other types of WMD, i.e., chemical and biological weapons.

There are other issues to consider. First, Israel has never used its nuclear potential as an instrument for political coercion and has no intention of using it in such a way. A declaration of “no first use” could further reemphasize this important element. Second, would a declaration of “no first use” affect Israel’s posture of “nuclear ambiguity”? It seems that the adoption of such a strategy fits the overall purpose of the posture of ambiguity. Third, Israel could propose a regional treaty of “no first use.” This could also bypass the seeming (though not real) contradiction between a posture of ambiguity and the “no first use declaration.”

Finally, the difference between chemical and even biological weapons on the one hand, and nuclear weapons on the other, is so profound that they should be decoupled in terms of deterrence. There is one school of thought that argues that during the 1991 Gulf War, Iraq was deterred from the use of chemical weapons against Israel by the implied threat of nuclear retaliation. To what extent that was the case and to what extent future instances of such successful deterrence could happen is a subject of serious debate. There is also the argument that biological agents might become much more dangerous and effective. Regarding the latter, Israel might well follow the example of the American formulation included in the new Nuclear Posture Review, whereby possible changes in the nature

of future biological weapons could lead to a reconsideration of the “no first use” posture.

Conclusion

Changes in the American nuclear policy, though cautious and moderate, the need to sustain the nonproliferation regime, and finally the need to develop an Israeli position regarding the possible convening of a 2012 WMDFZ conference require readiness on Israel’s part to consider and deliberate intermediate steps towards nuclear arms control. At the same time, if Iran “went nuclear” then the calculations regarding an FMCT and a “no first use” strategy will be affected in several ways. But the crux is that there is a need for an Israeli internal debate on nuclear strategic issues, including the possibility of arms control measures.

Note

- 1 Some famous cases involved strong US pressure on nuclear suppliers in the 1970s not to transfer these materials to Taiwan, South Korea, and Brazil.