Arms Control Dilemmas: Focus on the Middle East

Emily B. Landau and Anat Kurz, Editors



Memorandum 122

INSS
המכון למחקרי ביטחון לאומי
THE INSTITUTE FOR NATIONAL SECURITY STUDIES
INCORPORATING THE JAFFEE CENTER FOR STRATEGIC STUDIES
TEL AVIV UNIVERSITY אוניברסיטת תל-אביב

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INSS Institute for National Security Studies

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Preface

This collection of articles on various arms control dilemmas is the outgrowth of a project initiated at the Institute for National Security Studies (INSS) under the auspices of the INSS Arms Control and Regional Security Program, with the aim of encouraging researchers to develop expertise in the realm of arms control. In light of the nuclear proliferation threats currently challenging the Middle East, as well as ideas for advancing a weapons of mass destruction-free zone (WMDFZ) in the region, deeper understanding of relevant arms control dilemmas is strongly needed. The project is supported by a generous grant from the Hewlett Foundation.

The volume covers a wide range of issues, from European efforts to confront Iran's nuclear ambitions to China's arms control policy. Turkey, Saudi Arabia, and Egypt are also examined, and the NPT is assessed from an international legal perspective. As editors, we made a conscious attempt to identify areas where the authors have already developed expertise, and then direct their attention to an arms control angle that is worthy of inquiry. We felt that most would be gained by encouraging this type of synergy. The authors selected for inclusion in this collection are researchers who are grappling with arms control issues in a new way, although they are not a homogenous group. Some are taking their first steps in the world of research, while others are mid-career researchers with a proven track record of research but who are entering the field of arms control for the first time.

In addition to the preparation of the articles, work on this volume included a seminar, held after the initial drafts had been completed, where the authors presented their papers to a select audience for feedback and focused discussion.

We would like to thank several individuals who played an important role in bringing this project to its successful conclusion, among them Brig. Gen (ret.) Shlomo Brom, Prof. Yair Evron, and Ambassador Shimon Stein

for their insightful comments on all of the articles, and the discussants at the workshop, Dr. Amir Lupovici, Dr. Ilai Saltzman, and Prof. Yair Evron. We are most grateful to Dr. Oded Eran, Director of INSS when the project was initiated, and to Maj. Gen. (ret.) Amos Yadlin, the current Director of INSS, for seeing it through to completion, including important input on the final draft prior to publication. Our final thanks go to the authors, who took it upon themselves to widen their perspectives and enter into the intriguing world of arms control.

Emily B. Landau and Anat Kurz
Tel Aviv, July 2012

Part I

Challenges to the Nuclear Nonproliferation Regime

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Nuclear Nonproliferation, Customary International Law, and the Ramifications for Israel

Owen Alterman

Israel has a significant national interest in the success of the nuclear nonproliferation regime, particularly in the Middle East. Paradoxically, in the international legal arena, there is some long term risk that Israel's own range of policy options could be a victim of that success. More specifically, the risk to Israel arises out of international law's approach to the terms of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).[1] The NPT has 189 parties to date, making it one of the most universal of all international treaty regimes. It has four prime non-participants: India, Pakistan, and Israel (which have never signed the treaty), and North Korea (which withdrew from the NPT in 2003). At first glance, to the layman it might seem self-evident that the NPT would not apply to these states: after all, the states themselves have chosen not to be bound. International law, though, suggests that the question is more complex.

This article traces that complexity and discusses the extent to which the terms of the NPT already bind or could in the future bind even non-parties, through recognition of the treaty's provisions as reflecting customary international law. That would mean that under international law, Israel would not be permitted to opt out of the regime. In explaining that potential outcome, the article first provides an introduction to the concept of customary international law and how such law develops. Next, the article examines the relevant legal sources and concludes that based in part on a ruling of the International Court of Justice (ICJ), the scholarly consensus is that the terms of the NPT are not currently viewed as binding non-parties. Nonetheless, if the nonproliferation regime is successful over the coming decades, at

a certain point its terms could eventually be recognized as customary international law and bind even states (such as Israel) that are not parties to the NPT. The article concludes with a brief explanation of the extent to which a binding customary rule in this context could adversely affect Israel in the international arena and what Israel could best do to counteract the trend.

An Introduction to Customary International Law

International law can primarily bind a state either as (i) treaty law or (ii) customary law.[2] As its name suggests, treaty law is law binding because of a state's obligations under a treaty to which it is a party. Customary law is drawn from a different source, namely, from conduct of states that over time has given rise to norms that then become entrenched in law because the states conducted themselves in that way out of a sense of legal obligation. For example, until their codification in the past century (some as recently as 1977), some of the basic rules of the laws of war were not contained in any treaty. Still, these were (and are) considered to be binding international law and bind even those states that have not ratified the treaties at issue.[3] Treaty and custom are recognized by many as equally binding sources of international law; in other words, if recognized as custom, a rule is no less binding for being unwritten or not contained in a treaty.[4]

Customary law itself is a general legal concept present not only in international law but in other legal systems in which unwritten customs evolve into rules viewed as binding by society. For example, in parts of Anglophone Africa, courts applying English-based common law sit alongside a parallel court system that applies the often unwritten and uncodified customary law of the local ethnic group.[5] That law is viewed as no less binding than the state's written legal codes. In the same sense, the concept of a binding *minhag* in Jewish law could be viewed as customary law development.[6] In international law, customary law plays a significant role, applying not only in the nonproliferation context but in all areas of international law, from the law of the sea to laws of war. Therefore, it is worthwhile for policymakers to grasp the concept in order to understand international legal development in general, including legal developments that affect Israel.

In determining whether conduct constitutes a binding custom, international law looks to two elements: state practice (i.e., the conduct of a variety of states) and an indication from states that they have pursued that conduct because of a legal obligation to do so (known as *opinio juris*).[7] Both

are needed. For example, every four years, most states send delegations of athletes to the Olympic Games. The state practice is consistent and established. Still, sending athletes to the Olympic Games does not constitute binding customary law, since states do not claim they have a legal obligation to send the athletes, rather, that they send them voluntarily. On the other hand, states have long had the practice of granting immunity to foreign heads of state and have recognized that practice as a legal obligation, not an optional choice. Immunity for foreign heads of state, therefore, constitutes customary law.[8]

While the existence of the two criteria (of state practice and *opinio juris*) is a matter of agreement, their application, as with much in international law, is disputed. Determining whether a particular practice constitutes binding custom is often subject to disagreement. Still, scholars have reached some consensus on factors influencing the development of customary law, at least two of which are particularly relevant to the customary law status of the nonproliferation regime. First, many scholars agree that in most cases, time must pass before sufficient state practice has accumulated for a custom to be reliably established.[9] Only in cases when custom is extremely uniform and a sense of *opinio juris* is extremely strong could a custom be established in less time.[10]

Second, most scholars recognize a "persistent objector" doctrine whereby when from the outset a state persistently objects to a rule of international law, that rule does not bind the particular state.[11] The reasoning is that because under international law states are sovereign, a state's repeated rejection of a rule must be respected. "The doctrine is controversial," one leading article notes, "although the weight of modern academic commentary appears to support it."[12] Opponents of the doctrine argue that the capacity to opt out of a rule threatens the entire structure of international law, and in practice, persistent objectors have political and diplomatic difficulty in maintaining their positions in the face of international practice to the contrary.[13]

Many scholars see an exception to the "persistent objector" doctrine only for key, "peremptory" norms (called *jus cogens* norms), from which a state cannot opt out.[14] Determination of which norms are *jus cogens* often seems to elude precise formulation. One leading treatise states that to qualify, a norm "must safeguard interests transcending those of individual States [and] have a moral or humanitarian connotation, because its breach would involve a result so morally deplorable as to be considered absolutely unacceptable

by the international community."[15] A "persistent objector" may not deviate from such norms. For example, South Africa was not a legitimate "persistent objector" to the customary law that barred apartheid because of the policy's systematic racial discrimination. That systematic racial discrimination would have, at least by the end of the regime's tenure, been widely considered a norm from which a state cannot derogate.[16]

Closely related to the "persistent objector" doctrine is the concept of "specially affected states." If states that are "specially affected" by a rule have particular state practice, then that state practice is viewed as more persuasive in establishing the customary rule. In the classic example, the International Court of Justice recognized that the practice of states with coastlines is more influential on the development of the law of maritime boundaries than the practice of landlocked states.[17] In areas where the class of specially affected states is less clear, application of this doctrine becomes more disputed.

The Potential Customary Law Status of the NPT

The solid consensus among international law scholars is that the NPT's terms do not currently constitute customary international law and so do not bind non-parties. As explained above, a practice is regarded as customary law only if supported both by state practice and also by indications that the state practice is due to legal obligation (*opinio juris*). The nonproliferation regime is viewed as currently lacking both components.

The leading source for an analysis of the issue is an advisory opinion of the International Court of Justice in The Hague. Unlike decisions of courts in individual states (with which laymen are most familiar) and unlike a distinct category of ICJ rulings that are binding, advisory opinions of the ICJ do not carry binding force of law.[18] This is not because the opinions are theoretically binding but simply cannot be enforced. Rather, even the court recognizes (under the terms of the court's own statute) that the opinions are advisory only.[19] Yet even though not formally binding, they represent the work of a panel of international jurists under the auspices of a UN-created institution. The opinions and their reasoning generally serve as persuasive evidence of the state of the law, and scholars and international lawyers often cite them to support their positions.[20]

In 1996, the ICJ addressed the question of whether the threat or use of nuclear weapons violates customary international law.[21] The question

is different from whether possession (i.e., not use) of nuclear weapons is prohibited, but the overlap between the issues sheds light on the customary status of NPT terms. As part of the analysis of the actual or threatened use question, the court reviewed a number of treaties, including the NPT. The court emphasized that the NPT's wide ratification indicates that international law is moving toward greater limits on possession of nuclear weapons.[22] For that reason, a binding rule of customary law could emerge in the future. Still, the court indicated, that day has not yet arrived.[23] As part of their ruling, the judges disagreed on whether nuclear powers are "specially affected" states whose state practice – either by virtue of their nuclear weapons possession or their great power status – should be viewed as having greater influence on the evolution of customary law. One judge, the court's vice president, argued that the practices of the nuclear powers should be a key factor, as theirs was "not a practice of a lone and secondary persistent objector" or "of a pariah Government," rather, of states "that together represent the bulk of the world's military and economic and financial and technological power and a very large proportion of its population."[24] Opposing that view, another judge argued that "where what is in issue is the lawfulness of the use of a weapon which could annihilate mankind and so destroy all States, the test of which States are specially affected turns not on the ownership of the weapon, but on the consequences of its use."[25] Therefore, "from that point of view, all States are equally affected."[26]

The court's leaning on the proliferation issue was consistent with its conclusion on the question of actual or threatened use. There too the court concluded that international law permits the threatened or actual use of nuclear weapons under select circumstances: "These treaties could therefore be seen as foreshadowing a future general prohibition of the use of such weapons, but they do not constitute such a prohibition by themselves."[27]

Interestingly, particularly in the years before the ICJ opinion, some scholars had begun to assert that the nonproliferation norm was becoming binding custom. In a 2007 article, Orde Kittrie, a former US official on arms control issues, cited several scholars who had reached that conclusion.[28] Nonetheless, Kittrie added, "If customary international law did not in 1996 prohibit in all circumstances the threat or use of nuclear weapons [because of the ICJ advisory opinion], it surely did not prohibit their possession, and if nuclear nonproliferation was not customary international law in 1996,

it is hard to imagine that it is customary international law today."[29] This demonstrates the persuasive nature of the ICJ opinion on the issue.

Still, even if the ICJ withheld the red card for nuclear weapons possessors, it at least indicated that a yellow card could be drawn in the future. The court's reasoning allowed that more restrictive norms on nuclear weapons might develop as time passes. Some scholars have described the ICJ's views on nonproliferation as tracing an "emerging custom."[30] That theme has been adopted and endorsed by noted figures in the arms control field, who argue that the international community should aspire to establish nonproliferation as binding custom. As former US arms control official Thomas Graham noted, "In the medium term, the objective should be to build a sufficiently strong NPT regime so that the norms of non-use and nonproliferation of nuclear weapons gradually merge with customary international law."[31] Likewise, as David S. Jonas, then-general counsel of the National Nuclear Security Administration in the US Department of Energy put it,

> Some might argue that "customary international law" and the prevalence of the NPT makes nuclear weapons illegal for these states [India, Pakistan, Israel, and North Korea] to possess. The author disagrees. These states have not signed the NPT, and as such, have made no commitment not to seek or possess nuclear weapons. Therefore, they are free under international law to have them. In that sense, NPT member states should not view it as legitimizing their possession of nuclear weapons since it was already lawful and legitimate. Of course, slavery was once legal, but evolving customary international law made it illegal, even for states that never signed any treaties, but continued owning slaves.[32]

The statement by Jonas puts into focus the process that would occur should the NPT's terms come to be recognized custom barring non-parties. International law scholars recognize a "persistent objector" doctrine that enables states to opt out of emerging customary law through persistent objection to the rule from the outset. India, Pakistan, and Israel can be said to be persistent objectors to application of the NPT.[33] With its renunciation of ratification, North Korea in a sense has also entered the camp of objectors.[34] Nonetheless, the persistent objector doctrine does not apply to

so-called "peremptory" norms (the *jus cogens* norms). As Jonas indicated, over time nonproliferation could be elevated to *jus cogens* status. As one article notes of a potential custom on the use of nuclear weapons (again, similar to but distinct from the question of nuclear weapons possession), "The customs that prohibit nuclear weapons are fundamentally based in jus cogens and, therefore, the persistent objector should not be a shield to their legal application to bind the nuclear objector."[35] This would also trump an argument that development of a customary rule would have been defeated by the practice of states that are, arguably, "specially affected" by the nuclear nonproliferation regime by virtue of their status as nuclear powers or their nuclear ambiguity. If a *jus cogens* customary rule emerges, then the nonproliferation regime could bind non-parties over their objection. This process poses the risks that might narrow Israel's policy options.

Looking Ahead

The likelihood of the nonproliferation regime becoming customary law and binding on all states will depend in large part on NPT compliance. If compliance is high, then state practice could continue to develop and, ultimately, result in a peremptory norm that would bind even persistent objectors. If compliance is low, then the NPT would not become custom. In his analysis of the issue, Orde Kittrie noted that declining compliance with the nonproliferation regime between 1996 and 2007 had worked, in tandem with the ICJ opinion, to reverse the trend of increased recognition of nonproliferation as customary law.[36] Another author has explained,

> The NPT, historically, was systematically violated by the nuclear-power states, the non-nuclear-power states and the non-NPT states. This systematic lack of adherence to the NPT strongly cuts against any claim that development and testing of nuclear weapons is a violation of international custom or law. As explained earlier, customary international law may be derived from the consistent behavior of state actors. If the behavior of the global community is used to determine the law, then wholesale violations of the NPT seem to be the law.[37]

For Israel, this presents an irony. Israel has an interest in the success of the nonproliferation regime, especially among its Middle Eastern neighbors. At the same time, the fulfillment of that policy objective – compliance with

nonproliferation norms – increases the likelihood of the NPT's one day becoming non-derogable customary law. That customary law, binding on Israel, could serve to limit Israel's policy options. Should nonproliferation become customary law, Israel's policy option of possession of nuclear weapons would become legally unavailable. Israel's option of possessing nuclear weapons could become a victim of the nonproliferation regime's success.

Of course, a number of factors mitigate the potential consequences for Israel. First, by its nature, the risk remains in the long term; if at all, the custom likely would emerge only over time. Second, the norm would equally affect other NPT holdout states, such as India and Pakistan, which would give more political heft to the opposition than were Israel to object alone. Third, the norm must still attain the status of a peremptory norm; otherwise, Israel could remain a persistent objector not bound by the rule. Finally, whatever the status of the law, enforcement mechanisms in international law are famously limited and politicized. International law in general suffers from an inability to enforce its rules, and that fundamental weakness is even more exposed when the target is a state's possession of the ultimate weapon. Simply put, the risk is not that a court sheriff would show a badge and seize nuclear bombs.

Still, a future argument that the nonproliferation regime has become binding customary law is not without risks for Israel. It could provide further rhetorical ammunition to Israel's foes. It could become a further claim of violation of international law and constitute a basis (or pretense) to maintain grievances against Israel even once regional peace agreements were signed.

This is not to say that Israel should change its policy and encourage the nonproliferation regime's failure and consequent nuclearization of the Middle East. Rather, the issue of customary law provides a reminder that even that policy has its risks. At present, these remain potential risks only. Should the nonproliferation regime succeed, however, Israel will need to present an aggressive and persistent argument that no customary rule exists or, failing that, argue that the NPT's terms do not apply to Israel by virtue of its persistent objection.[38] Israel will need to mobilize international support for that position and for the position that nonproliferation will not have become a peremptory norm. At the same time, policymakers must recognize that this need to request additional diplomatic help would grant further leverage to Israel's allies, who could demand concessions on other matters

in exchange for enhanced diplomatic and legal support on nuclear issues. As such, a binding customary nonproliferation regime could impair Israel's overall strategic position and narrow its policy options.

Notes

I would like to thank Prof. Eyal Benvenisti and Eliav Lieblich for their comments on a draft of this article.

1 Treaty on the Non-Proliferation of Nuclear Weapons, July 1, 1968, United Nations Treaty Service (U.N.T.S.) 729, begins at p. 161.

2 Article 38(1) of the Statute of the International Court of Justice, June 26, 1945, U.N.T.S. 33, begins at p. 993. A third main source is "the general principles of law recognized by civilized nations."

3 Vienna Convention on the Law of Treaties, May 23, 1969, U.N.T.S. 1155, begins at p. 331, see Article 38; Jean-Marie Henckaerts, "Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict, "*International Review of the Red Cross* 87, no. 857 (2005): 175-212, see p. 187: "Additional Protocol I codified pre-existing rules of customary international law but also laid the foundation for the formation of new customary rules." Theodor Meron, "Revival of Customary Humanitarian Law," *American Journal of International Law* 99, no. 4 (2005): 817-34, see p. 820: "Additional Protocol I to the Geneva Conventions is also generally viewed as conforming broadly with customary international law."

4 *Restatement (Third) of Foreign Relations Law of the United States* (Washington, D.C.: American Law Institute, 1987); see Section 102, Comment j): "Customary law and law made by international agreement have equal authority as international law." The Restatement comment notes that states can supersede a customary rule as between them by entering into a treaty that so modifies the rule. However, that only demonstrates that a rule later in time supersedes one earlier in time, not that a treaty is more binding than custom.

5 Owen Alterman et al., *The Law People See: The Status of Dispute Resolution in the Provinces of Sierra Leone in 2002* (Freetown, Sierra Leone: National Forum for Human Rights, 2002).

6 Chad G. Marzen, "The Role of Custom in Canon, Jewish, and Islamic Law: Supplemented, Superseded, or Supplanted by Written Law?" *Ohio Northern University Law Review* 35, no. 2 (2009): 813-27, see p. 814: "In the Jewish legal tradition, custom (minhag) is a source of rabbinic law. Customary law has been defined by Justice Moshe Silberg of the Israeli Supreme Court as 'certain conduct which the community takes on itself as a legal standard as obligatory as if decreed by the legislator.' Minhag can even supersede halakha (rabbinic, codified law)."

7 Ian Brownlie, *Principles of Public International Law*, 5th ed. (Oxford: Oxford University Press, 1998), see p. 4; see also Lori Fisher Damrosch et al., *International Law: Cases and Materials*, 4th ed. (St. Paul, Minn.: West Group, 2001), see p. 59.

8 Dapo Akande and Sangeeta Shah, "Immunities of State Officials, International Crimes, and Foreign Domestic Courts," *European Journal of International Law* 21, no. 4 (2010): 815-52, see p. 818.

9 Mark E. Villiger, *Customary International Law and Treaties*, 2nd. ed. (The Hague: Kluwer Law International, 1997), see para. 62.

10 *North Sea Continental Shelf* (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands), *International Court of Justice*, 1969 (February 20, 1969), begins at p. 3, see p. 43, para. 74. As the ICJ noted,

> Although the passage of only a short period of time is not necessarily, or of itself, a bar to the formation of a new rule of customary international law on the basis of what was originally a purely conventional rule, an indispensable requirement would be that within the period in question, short though it might be, State practice, including that of States whose interests are specially affected, should have been both extensive and virtually uniform in the sense of the provision invoked; – and should moreover have occurred in such a way as to show a general recognition that a rule of law or legal obligation is involved.

11 *Restatement (Third) Foreign Relations Law of the United States*, Section 102, Comment d; Brownlie, p. 10; Villiger, para. 43. The most noted sources of the doctrine are two judgments of the International Court of Justice: *Fisheries* (United Kingdom v. Norway), *International Court of Justice*, 1951 (December 18, 1951), begins at p. 116, see p. 131; and *Asylum* (Colombia/Peru), *International Court of Justice*, 1950 (November 20, 1950), begins at p. 266, see pp. 277-78. An important and difficult question is whether the objecting state must assert that the rule does not exist at all or whether the state can argue that the rule exists for others but that the state itself (by virtue of its objection) is not bound. Little guidance exists on this question, but one leading source states that the state can assert either position, although in practice, a position that the rule does not exist at all may be easier to maintain, rather than arguing that a state is simply exempt. Olufemi Elias, "Persistent Objector," para. 17, in *Max Planck Encyclopedia of Public International Law* (Oxford: Oxford University Press, 2011), available at http://www.mpepil.org.

12 Curtis A. Bradley and Mitu Gulati, "Withdrawing from International Custom," *Yale Law Journal*, 120, no. 2 (2010): 202-75, see p. 233.

13 Jonathan I. Charney, "Universal International Law," *American Journal of International Law* 87, no. 4 (1993): 529-55, see pp. 539-40.

14 *Restatement (Third) Foreign Relations Law of the United States*, Section 102, Comments d, k; Bradley and Gulati, pp. 212-13; Charney, p. 541, and nn. 54-55 (noting scholars who recognize *jus cogens* norms as an exception to the persistent objector doctrine). For the central prohibition on a treaty provision that conflicts with a *jus cogens* norm, see Vienna Convention on the Law of Treaties, Article 53.

15 Alexander Orakhelashvili, *Peremptory Norms in International Law* (Oxford: Oxford University Press, 2006), see p. 50.

16 Damrosch et al., p. 102; Charney, p. 541, and n. 54.

17 *North Sea Continental Shelf*, pp. 42-43, paras. 73-74.

18 The ICJ does adjudicate cases in which its opinions are binding, but only in cases where both states have consented to be bound by the ruling. States, however, often consent to ICJ jurisdiction in advance. For example, the International Convention on the Elimination of All Forms of Racial Discrimination includes

a provision in which states submit to ICJ jurisdiction for disputes arising under the convention that cannot be otherwise resolved by the convention's dispute-resolution mechanisms. International Convention on the Elimination of All Forms of Racial Discrimination, December 21, 1965, 660 U.N.T.S. 660, begins at p. 195, see Article 22. Israel, as a party to the convention, could be subject to binding ICJ rulings if a case is brought to the ICJ by another state party, including "Palestine," if recognized as a state and permitted to become a party to the convention.

19 Statute of the International Court of Justice, Article 65.

20 Brownlie, p. 20 (endorsing, with some caveats, the practice of looking to ICJ rulings as a secondary source of international law).

21 *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, *International Court of Justice*, 1996 (July 8, 1996), begins at p. 226.

22 Ibid., p. 252, para. 61.

23 Ibid., pp. 252-53, paras. 61-62.

24 Ibid., p. 312 (dissenting opinion of Vice President Schwebel).

25 Ibid., p. 414 (dissenting opinion of Judge Shahabudeen).

26 Ibid.

27 Ibid.,, p. 253, para. 62 (advisory opinion).

28 Orde F. Kittrie, "Averting Catastrophe: Why the Nuclear Nonproliferation Treaty is Losing its Deterrence Capacity and How to Restore It," *Michigan Journal of International Law* 28, no. 2 (2007): 337-430, see p. 348.

29 Ibid., pp. 349-50.

30 Mary Ellen O'Connell and Maria Alevras-Chen, "Iran, the U.S., and the International Law of Self-Defense," *Syracuse Law Review* 57, no. 3 (2007): 497-517, see p. 502.

31 Thomas Graham, Jr., "International Law and the Proliferation of Nuclear Weapons," *George Washington International Law Review* 33, no. 1 (2000): 49-69, see p. 66. Ambassador Graham called explicitly for Israeli renunciation of its alleged nuclear arsenal as part of a process of enhancing the nonproliferation regime. "By this stage, the NPT regime would be so strong that the principle of non-use of nuclear weapons and the NPT norm of non-proliferation would be considered to have merged into customary international law binding on all states forever." Ibid., p. 69.

32 David S. Jonas, "Variations on Non-Nuclear: May the 'Final Four' Join the Nuclear Nonproliferation Treaty as Non-Nuclear Weapon States while Retaining their Nuclear Weapons?" *Michigan State Law Review* 2005, no. 2 (2005): 417-59, see p. 454, n. 174.

33 David A. Colson, "How Persistent Must the Persistent Objector Be?" *Washington Law Review*, 61 (1986): 957-70 (discussing possible means of objection). Scholars have struggled to set out a precise script for persistently objecting. Still, the open possession by India and Pakistan of nuclear weapons would seem to meet the standard. Israel's policy of nuclear ambiguity, given its consistent assertion, also would seem to qualify. As noted in the concluding section of the article, a continued and even stepped-up legal strategy of declaratively rejecting nonproliferation as legally binding custom would enhance Israel's legal position in the long run. Indeed, states often object to emerging customary norms seeking

to limit possession of particular means of warfare; persistent objection to a norm barring possession of nuclear weapons would be consistent with patterns of state conduct, not a deviation from them.

34 The capacity of a state to object to a custom only after the custom has begun to develop is a source of controversy. The reasoning is that once a custom has become law, a state cannot unilaterally defect. For that reason, North Korea's legal position may be subject to greater challenge. The ICJ has spoken of "general or customary law rules and obligations which, by their very nature, must have equal force for al1 members of the international community, and cannot therefore be the subject of any right of unilateral exclusion exercisable at will by any one of them in its own favour." *North Sea Continental Shelf*, *International Court of Justice*, 1969, see pp. 38-39, para. 63. But see also Bradley and Gulati.

35 Adam Steinfeld, "Nuclear Objections: The Persistent Objector and the Legality of the Use of Nuclear Weapons," *Brooklyn Law Review* 62 (1996): pp. 1635-86, see p. 1680.

36 Kittrie, pp. 348-50.

37 Richard Sieg, "A Call To Minimize the Use of Nuclear Power in the Twenty-First Century," *Vermont Journal of Environmental Law* 9 (2007): pp. 305-73, see p. 349. See http://www.kilpatricktownsend.com/en/Who_We_Are/Professionals/S/SiegRichardL14119.aspx for a brief biography of the author.

38 See discussion in note 11 about the extent to which an objector may assert that a customary rule exists for others but does not apply to the objector.

The EU-3 and the Iranian Nuclear Program

Nadav Kedem

This essay reviews Europe's response to the Iranian nuclear program, with emphasis on how France, Britain, and Germany – the so-called EU-3[1] – have confronted the challenge. There is no doubt that European nations view the Iranian nuclearization project and Iran's military nuclear potential, as well as the negative ramifications of a preventive strike, as a genuine threat. At the same time, for the members of the European Union in general and the EU-3 in particular, confronting the Iranian challenge is seen as an opportunity to promote the European worldview outside of Europe's own borders, as well as an opportunity to promote a Common Foreign and Security Policy (CFSP) that would position the EU as a key player on the international arena.

The EU is not an all-inclusive political union, and therefore there is no uniform European foreign policy. On certain issues, European policy is represented by the EU's official posture (primarily regarding decisions on the imposition of sanctions), while on other issues there are agreements between the leading nations – the EU-3 – without coordination with other EU members. For their part, the other EU members do not necessarily accept the stance of the EU-3. In still other contexts, EU-3 members voice their individual policies that are necessarily agreed upon by other EU members.

This essay will first survey the fundamentals of Europe's foreign policy that were shaped in the years following the Cold War. It will then examine Europe's attempts to confront Iran, with a focus on 2003-2005, the years when a special effort was made to advance the European foreign policy vision on the international stage. The essay will then look at Europe's economic dependence on Iran: this dependence clarifies the economic cost Europe bears in exchange for promoting its Iran policy, which in turn helps in estimating the probability of Europe hardening its stance on Iran. Finally,

the essay will offer some assessments regarding future European input for dealing with the Iranian nuclear challenge at the international level.

Europe on the International Arena

Despite the historical importance of the European powers in general and the official status of France and Britain as permanent members of the UN Security Council in particular, the international stature of these nations has fundamentally declined, at least since the end of World War II and the establishment of the post-war international order. However, the international system is dynamic and the rules of the game evolve gradually over time.[2] In other words, Europe's weakened power base after World War II was not matched by an equivalent decline of its status. In fact, from a European perspective, the norm that was set during the Cold War meant that the US tended to consult and listen to its European allies on the basis of mutual recognition and respect for their interests. Moreover, the US often strove for some level or other of multilateral action that would provide its moves with legitimacy.[3] With the end of the Cold War, the international system moved from a bipolar to a unipolar world in which the United States was the only superpower. The collapse of the USSR made Europe much less dependent on the US to ensure its security. Concomitantly, however, the relative power of the US rose and its interest in Europe fell, though there remained a European expectation that the US would take its European allies into consideration.[4] This dynamic of the past two decades is the basis for the different outlooks that divide the US from the European nations.

The rise of new global powers, chiefly China and India, at a time of US dominance has presented an additional challenge to the individual and collective status of the European nations on the international arena. The military strength of the EU is negligible when compared to its economic power (the EU has been called "economic giant, political dwarf and military midget"[5]), despite the economic difficulties that the euro bloc has faced in recent years. This would seem to imply that only a joining of forces by the EU nations, headed by the EU-3, can enhance Europe's standing on the international arena. In fact, the EU's most effective foreign policy is enlargement, i.e., adding new countries to the bloc. The list of incentives the EU can offer member candidates is substantial. Conversely, when membership is not on the table, the EU's importance drops steeply; the economic incentives the EU can offer in exchange for political cooperation are limited, and this

limits the influence the EU can wield. Moreover, cooperation on foreign policy among EU nations themselves often comes at the expense of their individual interests. Thus, despite their desire for an enhanced international status, EU nations find it hard to bridge the gap between individual and shared interests. In addition, the lack of an independent military impedes the EU's ability to function without coordination with the US and without relying on America's military power.

President Bill Clinton launched a new American foreign policy agenda that was largely embraced by his successor, President George W. Bush. In his second term in office, Clinton pushed for expanding the functions of NATO to include confronting international terrorism, weapons of mass destruction, and crises beyond the Atlantic region, as well as developing European defensive capabilities. These processes exposed disagreements between the US and Europe and European reservations about US policy, especially with regard to the function of the UN in dealing with international crises and challenges.[6] The change in transatlantic relations was clearly evident from September 1997 and in the year that followed,[7] where on the American side one could discern a growing tendency for unilateral foreign policy.[8] The US took steps perceived as unilateral, such as the withholding of funding from the UN, attempts to punish European members for dealing with Iran, Libya, and Cuba, and rejection of the Comprehensive Test Ban Treaty. Europe, however, continued to promote international law and international organizations without fully taking the American point of view into consideration. The Rome Treaty, establishing the International Criminal Court, was opened for signing, despite Congress's opposition. And, contrary to the American position, European nations signed the Ottawa Treaty and the Kyoto Protocol, as well as the Rome Treaty.[9]

The difference between European and American preferences regarding the management of international relations and crises reflects differences in worldviews. The EU favors the handling of crises through international law and organizations and often adopts positions that evince greater sensitivity to human rights than US positions (although human rights considerations are certainly not foreign to the American administration). It has been suggested that international law and organizations are used to compensate for the EU's political weakness.[10] It has also been argued that at stake are values that have been internalized by European decision makers thanks to the bitter experience in the continent's history, and that the issue of human

rights outweighs most cost/benefit concerns.[11] These explanations are not mutually exclusive, and in any case this European preference has served as the background for disagreements between the EU and the US about how to approach difficult international issues. The Iranian challenge is a case in point.

The EU-3 and the Iranian Challenge

After the fall of the Shah and the rise of the Khomeini regime in Iran, Europe and many other nations ostracized Iran. Still, in light of Europe's desire to confront various threats (such as terrorism and regional instability) by means of dialogue with a concomitant attempt to reap economic benefits, the EU decided in December 1992 to launch a "critical dialogue" with Iran.[12] The dialogue, which concerned WMD and human rights in Iran, was opposed by the Clinton administration.[13] As far as the US was concerned, Europe was eroding the effectiveness of the American-imposed sanctions against Iran.[14]

The 1997 election of Khatami as president of Iran led to an intensification of the dialogue between the EU and Iran. Khatami was seen as a moderate reformer and the dialogue with Iran appeared as the main tool to strengthen him politically and change Iranian policies. The results of the 2000 Iranian parliamentary elections and Khatami's 2001 reelection spurred a further strengthening of the dialogue. Even after 9/11, when the US sharpened its "axis of evil approach," the EU used the dialogue to promote agreements that would allow the opening of trade negotiations. In June 2002 the EU foreign ministers council authorized the start of negotiations with Iran over the Trade and Cooperation Agreement (TCA). The Europeans viewed the agreement as a strong incentive for Iran to change its policy.[15]

During the summer of 2002, in tandem with the crisis developing over the possibility of war in Iraq, information about a military nuclear program in Iran was revealed. What became the EU-3 took advantage of the opportunity created by the emergence of the Iranian threat at a time that America's focus was on Iraq, and launched negotiations with Iran on a host of issues, chief among them the Iranian nuclear project. Colette Mazzucelli has described the formation of the EU-3 as follows:

> In the agenda-setting phase, there was a rising suspicion of Iranian intentions, which led the EU foreign ministers to place Iran on the agendas of April and July 2003 meetings. On 12

> September, a General Affairs Council document demanded the "immediate suspension of all enrichment activities from Tehran." France was involved in the drafting of this document with Britain and Germany. In this way the E3 process began without formal authorization, on behalf of the Union as a whole.[16]

At the same time, particularly after January 2002, when President Bush coined the phrase "the axis of evil" in reference to Iraq, Iran, and North Korea, the American stance on Iran grew more severe. In contrast to the EU dialogue with Iran, the American policy focused on the "dual containment" of Iraq and Iran and was decidedly opposed to the European policy.[17] The US requested an immediate discussion of the Iranian issue at the Security Council.[18] Nonetheless, already in October 2003, the US officially supported the EU-3's efforts to conduct a dialogue with Iran.[19]

In October 2003, the foreign ministers of the EU-3 left for Tehran in order to seek a diplomatic solution to the emerging nuclear challenge. At the end of the discussions these foreign ministers and the Iranian government issued a joint statement that spoke of Iran's agreement to cooperate with the International Atomic Energy Agency (IAEA), suspend its plans for uranium enrichment, and sign the NPT's Additional Protocol, which upgrades the level of IAEA supervision.[20] In exchange, the EU-3 foreign ministers pledged to recognize Iran's right to nuclear energy and to discuss how Iran could provide sufficient assurances to allow it access to technologies for the purpose of nuclear energy. In addition, the ministers promised the Iranians to oppose any American policy on the issue that was more aggressive; all this came on top of a package of economic incentives.[21]

On December 18, 2003, Iran did in fact sign the Additional Protocol. From the European point of view, this represented a fundamental sign of success of their policy. As early as July 2004, however, Iran violated the understandings achieved with it and renewed work on uranium enrichment infrastructures. In light of threats to move the issue to the Security Council, Iran and the EU-3 signed the Paris Agreement on November 14, 2004, whereby the Iranians again agreed to suspend their uranium enrichment program temporarily (despite the fact that uranium enrichment, up to a certain point, does not contravene the mandates of the NPT) while implementing all aspects of the Additional Protocol.[22] In practice, Iran agreed of its own volition to a

confidence building measure not mandatory according to international law. And indeed, in the coming months Iran met its commitments. This seemed to constitute yet another European success.

However, soon enough differences of opinion between the Europeans and Iran emerged. The Iranians did not view the agreement as a long term commitment and declared repeatedly they would restart their uranium enrichment facilities. Nonetheless, in July 2005, contacts were resumed to discuss trade agreements and to examine the possibility of closer relations between the sides. Tensions rose when Ahmadinejad, considered more conservative than his predecessor Khatami, assumed the presidency on August 3, 2005. However, already on August 1, 2005, the Iranians sent a letter to the IAEA in which they announced that uranium enrichment in Esfahan would be resumed within the week. Surprised by the announcement, the Europeans quickly (August 5) offered Iran an upgraded incentives package in order to delay implementation of the plan.[23]

What appeared to be a direct continuation of European policy in fact triggered a process in which the American and European positions converged. This was a period in general of reconciliation between the sides, symbolized by President Bush's visit to Europe in February 2005.[24] It seemed that the Europeans began to sense the limitations of their ability to confront Iran and therefore, in exchange for a promise of American support for their proposals on Iran, they accepted the American condition that they would make an explicit demand of Iran to stop uranium enrichment permanently. Iran withdrew from the Paris Agreement, while the IAEA Board of Governors announced on September 24, 2005 that Iran had violated its commitments to the agency.[25] In other words, although since 2003 the IAEA had allowed the EU-3 to spearhead the attempt to confront Iran, the issue was now being returned to the international community for further handling. Russia took this opportunity to come into the picture and offered Iran joint ownership of the uranium enrichment facility to be located in Russia. Iran rejected the proposal and as a result, on February 4, 2006 the IAEA decided to turn the matter over to the Security Council.[26]

In June 2006, the EU-3, in coordination with the US, Russia, and China, proposed an outline for discussions with Iran. In practice, this proposal was the opening move in the establishment of the P5+1 or E3+3. The Iranian challenge was now in the hands of six nations: the five permanent members of the Security Council plus Germany. The EU-3 setting lost its dominance in

leading moves against Iran while the positions of the US and the EU-3 grew closer to one another.[27] Since then, most of the discussions on the sanctions against Iran and how to act accordingly have been held between the US – in coordination with the Europeans – and Russia and China. According to Curtis Martin,

> The EU-3 agreed that if negotiations ultimately failed, they would support taking the matter to the UN for consideration of sanctions, thus presenting Iran with a ''fading opportunity'' variant of good cop/bad cop in which Europe threatened to ''defect'' to the side of the bad cop. For its part, the United States publicly endorsed the EU-3 negotiations and agreed to offer limited incentives to Iran as further demonstration that it, too, sought a peaceful resolution.[28]

The Europeans were obliged to compromise with the US in light of this development in order to allow the negotiations to continue.[29] Notwithstanding certain reservations and differences of opinion, the Europeans generally supported the American stance. Transferring the attempt to confront the challenge to the P5+1 meant a secondary role only in transmitting messages to Iran, but this produced a series of Security Council resolutions, the first of which – Resolution 1696 – was adopted on July 31, 2006.[30] The resolution called on Iran to cooperate with the IAEA and suspend its enrichment of uranium. At the same time, the resolution called for (though it did not mandate) all nations to ban the transfer of materials likely to serve Iran's nuclear and ballistic missile programs. This resolution reflected the closing of gaps in the positions within the P5+1. The EU-3 recognized the need to apply extensive international pressure and to coordinate matters with the US in order to try to formulate a response to the challenge. For its part, the US agreed to act together with the Europeans, Russia, and China.[31]

Iran did not heed the dictates of Resolution 1696. As a result, on December 23, 2006, Security Council Resolution 1737, which imposed official sanctions against Iran, was adopted unanimously. The resolution was tempered, which allowed Russia and China to join the sanctions for the first time.[32] However, a mere three months later, on March 24, 2007, and in light of a resolution proposed by the EU-3, Security Council Resolution 1747, which tightened the sanctions regime, was adopted. In March 2008, Security Council Resolution 1803, which restated previous resolutions

and was mainly declarative in nature, was adopted. That was likewise the nature of Security Council Resolution 1835, adopted on September 27, 2008. However, on June 9, 2010, the Security Council adopted Resolution 1929, which significantly expanded the sanctions. In addition, the EU imposed a string of its own sanctions, going beyond the Security Council's decision.[33]

On November 8, 2011, the IAEA publicized a particularly serious and well-documented report about the Iranian nuclear project.[34] The report did not bring any new facts to light, but the establishment of the claims in so thorough a manner by the official international agency charged with the topic made it very difficult for anyone to ignore its contentions. Immediately after the report's publication, the EU-3, led by France and Britain, called for stricter sanctions. Many EU members tried to limit the sanctions,[35] but concerns about a possible Israeli military strike against Iran made it easier for the leading members of the EU to persuade the others to agree to the stiffer stance.[36] The US, Canada, and Britain expanded the sanctions on November 21. The most significant measures were imposed on the financial sector and narrowed Iran's access to the international financial system, beyond what had been mandated by the previous sanctions. Given the dominance of the global financial center in London, Britain's involvement is particularly significant. On December 1, 2011, the EU imposed additional sanctions on 141 commercial companies and 39 individuals.[37]

On December 31, 2011, President Obama signed the 2012 Defense Bill, which allows the imposition of sanctions on companies and nations that buy oil from Iran. Nonetheless, after negotiations with Congress, President Obama managed to insert various reservations in the bill that would allow the president to grant deferrals and exemptions.[38] At the same time, the American administration has pressured various nations to impose additional sanctions on Iran while using the authority granted it by virtue of the new bill.

On January 23, 2012, the EU imposed another round of sanctions on Iran. These forbid the import of crude oil and oil products from Iran to the EU (it also forbids the signing of new contracts and mandates that current contracts end by July 1, 2012). In addition, the sanctions touch on various aspects of Iranian oil production, for example the import of petrochemical products from Iran, the export to Iran of equipment and technologies relevant to the petrochemical sector, and investments (including joint projects) in the petrochemical industry. Finally, assets belonging to the Iranian Central Bank in the EU have been frozen, and restrictions imposed on trade with

Iran in gold, precious metals, and diamonds. Nevertheless, these sanctions are limited and allow the continuation of trade with Iran not explicitly forbidden by the sanctions framework.

Economic Dependence

A key European consideration in context of the Iranian nuclear issue is the scope of its dependence on Iran. This dependence is a factor in any assessment of the economic cost of the European policy and the probability that the European stance could grow even harsher in the future.

In 2010, total European imports from Iran stood at €14.5 billion. By contrast, in the same year, the scope of European exports to Iran totaled €11.3 billion. Despite the handsome export balance in Iran's favor, the figure represents only some 0.8 percent of the EU's total exports for that year, and imports from Iran represent some 1 percent of total EU imports. Most of the imports, some 90 percent, are made up of fuels and mining products (especially oil), and hence their high degree of sensitivity. Although only 3 percent of the oil imported to the EU comes from Iran, sanctions on the nation in the field of oil are liable to raise the cost of oil appreciably and damage the European economy.[39]

Moreover, the dependence on Iranian oil by the various EU members is not uniform. Italy and Spain, key members of the EU in the throes of severe economic crises, import a significant amount of their crude oil from Iran. By contrast, France, Britain, and Germany import far less.[40] In addition, beyond the import of oil, the scope of trade with Iran differs essentially from one EU member to another. For example, the scope of Germany's trade with Iran is much greater than that of France and Britain. Because EU decisions on sanctions must be made with full member consensus, the opposition by key members such as Italy and Spain make it difficult to stiffen the sanctions.

Still, various steps are likely to significantly ease the economic burden that will result from sanctions. Increasing the oil output of the other oil producers – Saudi Arabia, first and foremost – could neutralize the economic impact most, and hence the efforts by US and Europe to persuade various Gulf states to increase their oil production.[41] In addition, prudent use of the emergency reserves of International Energy Agency member nations is likely to reduce the economic burden significantly.[42]

Conclusion

One could claim that the main reason for Europe's relative success in confronting the Iranian nuclear challenge in 2003-2005 stemmed not only from a desire to prevent Iran from attaining military nuclear capabilities but also from concern about an American military strike against Iran. Nevertheless, during that time the Europeans wholeheartedly believed that negotiations, unlike the approach that guided the American invasion of Iraq, were the foundation for the achievements made in the dialogue with Iran. However, the closing of the gap between the EU's position and that of the US since 2005 reflects both European recognition of the failure of the relatively moderate approach, at whose core were the incentives to Iran granted in exchange for pledges (that were never realized) to stop the nuclear program, and American recognition that there are good reasons to coordinate positions with the EU in order to create a broader coalition for dealing with the challenge more aggressively.

Iran's dependence on European trade, technology, and know-how constitutes an advantage for Europe. Moreover, any outline of a non-military confrontation with Iran requires European input and participation. Therefore, in this context, unlike military realms, the US also needs Europe; it is not just Europe needing the US. Moreover, the NPT gives special status to the permanent members of the Security Council, including France and Britain, making this setting convenient from the European perspective. Most importantly, the Europeans' understanding of the threat is similar enough – but not identical – to that of the US to enable cooperation. However, even when Europe cooperates with the US on the issue, it is not seen as being steered by the US.

In many ways, Europe's former Iran policy was the polar opposite of the US policy on Iraq: use of diplomacy anchored in international law and helped by economic incentives versus unilateral military force, illegal to the European mindset. The war in Iraq, however, challenged the Europeans with the dilemma of developing a joint foreign policy that would provide a response to the Iranian challenge, while not worsening the rift between Europe and the US stemming from disagreements over the American invasion of Iraq. In fact, the Europeans set themselves apart from the Americans at the same time as they used the change in their policy to mend fences with the US. Moreover, their joint policy with the US helped repair intra-European

rifts between France, Germany, and Britain that stemmed from different perspectives with regard to the war in Iraq.[43]

Similarly, the Iranian nuclear challenge provided an opportunity for promoting the EU's standing and worldview on the international arena.[44] Geographically Iran is relatively close to Europe but it is not seen as a member of the European neighborhood, and so this challenge was deemed suitable for demonstrating Europe's global power. The mandate (in practice) given to the Europeans to manage the Iranian challenge was deemed by the leading European nations as the hoped-for recognition of their status on the part of the global powers (first and foremost the US). Later, the desire to enter a setting composed of international powers of supposedly equal status provided the motive for the change in the European approach to the Iranian challenge and the growing proximity to the American stances on the issue. An additional incentive that Europe discovered in confronting the Iranian challenge was the opportunity it identified to affect the nuclear proliferation regime, a central issue on the global security agenda.[45]

While Iran viewed the EU-3 as a weak element with only limited impact on the US (the failure of the European nations to prevent the invasion into Iraq served as proof), it still hoped that Europe would be able to bring the Americans to the negotiating table. In the absence of any real European military power and the willingness to use it, the Iranians did not see Europe as representative of the international community. Nonetheless, and even in light of the difficulties the US encountered in Iraq, the US chose to mend the fences with Europe, and thus the US, as well as Russia and China, preferred to enter into an existing setting based on the EU-3 – evidenced by the fact that Germany was included as a member of the P5+1 forum even though it is not a permanent Security Council member – and through it to attempt to confront the Iranian nuclear issue.

The European nations in general and the EU-3 in particular are not the central players in confronting Iran. Nonetheless, they cannot be ignored. Only relatively late, in light of the conclusions drawn from the November 2011 bleak IAEA report – and at the height of the severe economic crisis – did EU members manage to agree to a serious stiffening of the sanctions on Iran. While it is doubtful that these sanctions will stop Iran, the step taken by the EU does strengthen the assessment that this body is capable of acting, albeit slowly and gradually, when faced by a real challenge. Also, the fact that the EU proved its willingness to impose sanctions beyond those called

for by the Security Council is not insignificant. Indeed, one cannot explain the Europeans' more serious stance on Iran only in terms of economic gain. On the contrary: Europe is paying steeply for its sanctions on Iran, especially because imposing sanctions that are stiffer than those called for by the Security Council allows Russian and Chinese companies to take the place of European ones in Iran.

In effect, the European sanctions regime surpasses the American one, after many years during which America's policy against Iran was more aggressive than Europe's. This state of affairs was highlighted by Israel's Deputy Prime Minister Moshe Yaalon, who expressed disappointment with the White House's partial implementation of the sanctions approved by the American Congress. According to Yaalon, the partial implementation stems from considerations connected to the presidential race. On the other hand, said Yaalon, France and Britain have taken an aggressive stance and understand that the sanctions must be implemented immediately.[46]

Moreover, NATO's action in Libya (2011) shows that the use of military forces is not necessarily taboo in Europe. While France and/or Britain do not have critical military weight in the context of Iran, the legitimacy that EU members in general and its leaders in particular can confer on a military strike is important. NATO even gave legitimacy to the war in Kosovo (1999) without the authorization of the Security Council. Such legitimacy would be important to the US in the constellation of considerations on a military strike against Iran.

It may be that the economic and political crisis facing the EU will make it difficult for Europe to be a principal player in confronting Iraq, both economically and militarily. Nevertheless, the possibility of comprehensive European support or support by key European nations for a military strike against Iran is not unrealistic. The European desire to enhance its international standing may make the EU accept positive decisions about such an attack. Worrisome developments about the Iranian nuclear project and the publication of further grim IAEA reports or the upsetting of the balance in the Gulf region, for example, may serve as background for America emphasizing the importance of Europe and especially the importance of the EU-3, which could cause them to endorse a strike even in the absence of Russian and/or Chinese agreement.

Notes

1 In the public discourse and academic literature there are several accepted terms for the three European powers – France, Britain, and Germany – including E3/EU, E3, EU3, and The Big Three. This essay will refer to these nations as the EU-3.

2 William C. Wohlforth, "The Stability of a Unipolar World," *International Security* 24, no. 1 (1999): 5-41; T. V. Paul, "Soft Balancing in the Age of US Primacy," *International Security* 30, no. 1 (2005): 48-50; Robert A. Pape, "Soft Balancing against the United States," *International Security* 30, no. 1 (2005): 18-21.

3 G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars* (Princeton: Princeton University Press, 2001).

4 For a comprehensive up-to-date survey of European foreign policy and its source, see Ronald Tiersky and John Van Oudenaren, *European Foreign Policies: Does Europe still Matter?* (Lanham, Md.: Rowman & Littlefield, 2010).

5 E.g., Hanspeter Neuhold, "Europe, the USA and Russia: Towards a Triangular Partnership?" in Klaus Lange and Leonid L. Fituni., eds., *Integrating Regional and Global Security Cooperation* (Munich: Hanns-Seidel-Stiftung e.V., 2002), p. 44.

6 The military solution that led the US to the crisis in Kosovo was not authorized in the UN, rather in NATO. France and Germany, which view Security Council authorization of actions as being of principled importance, cooperated. See Philip H. Gordon and Jeremy Shapiro, *Allies at War; America, Europe, and the Crisis over Iraq* (New York: Brookings Institution & McGraw-Hill, 2004), pp. 34-36.

7 Thomas S. Mowle, *Allies at Odds? The United States and the European Union* (New York: Palgrave Macmillan, 2004), pp. 12-14.

8 It has been claimed that the reason lay in the Republican-majority Congress. Nonetheless, one should view the changes in American foreign policy as a gradual process rather than as isolated variations dependent on the particular makeup of Congress. See Gordon and Shapiro, *Allies at War*, p. 37.

9 In September 1997, the Ottawa Treaty – officially known as the Mine Ban Treaty (MBT) – was signed. For the first time after the Cold War, the US made uncompromising demands about the treaty; these demands went unmet and the treaty was authorized without American participation. In December 1997, the Kyoto Protocol to the UN Framework Convention on Climate Change (FCCC) was signed without the changes demanded by the US. Finally, the Rome Statute of the International Criminal Court was opened for signing in July 1998 even though much of its contents contradicted American preferences.

10 Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003).

11 Ian Manners, "Normative Power Europe: A Contradiction in Terms?" *Journal of Common Market Studies* 40, no. 2 (2002): 235-58.

12 The term used at first was "critical dialogue." Later, after the 1997 election of Khatami as president of Iran, the term was changed to "comprehensive dialogue" or "constructive dialogue."

13 Johannes Reissner, "EU-Iran Relations: Options for Future Dialogue," in Walter Posch, ed., *Chaillot Paper No. 89: Iranian Challenges* (Paris: European Union

Institute for Security Studies, 2006), p. 117.
14 Curtis H. Martin, "Good Cop/Bad Cop as a Model for Nonproliferation Diplomacy," *Nonproliferation Review* 14, no. 1 (2007): 71.
15 Reissner, "EU-Iran Pelations," p.117.
16 Colette Mazzucelli, "E3 Diplomacy with Iran: Reaching the Limits of the European Union as a Global Actor," in Finn Laursen, ed., *The EU in the Global Political Economy* (Brussels: P.IE Peter Lang, 2009), p. 323.
17 Walter Posch, "The EU and Iran: A Tangled Web of Negotiations," in *Iranian Challenges*, pp. 102-3.
18 "Europe's Iran Diplomacy," *European Union Center of North Carolina EU Briefings*, March 2008, p. 3, http://www.unc.edu/depts/europe/business_media/mediabriefs/Brief7-0803-iran.pdf.
19 Martin, "Good Cop/Bad Cop," p. 70.
20 See statement at http://www.iaea.org/newscenter/focus/iaeairan/statement_iran21102003.shtml.
21 Posch, "The EU and Iran," p. 103; Reissner, "EU-Iran Relations," pp. 117-18.
22 For the official EU report on the issue, see http://www.iranwatch.org/international/EU/eu-cfsp-solana-irannuclearprogram-111504.pdf.
23 Posch, "The EU and Iran," pp. 104-11.
24 This was after Bush's reelection in November 2004.
25 For the full text of the announcement, see http://www.iaea.org/Publications/Documents/Board/2005/gov2005-77.pdf.
26 http://www.iaea.org/Publications/Documents/Board/2006/gov2006-15.pdf.
27 Tytti Erästö, "Transatlantic Diplomacy in the Iranian Nuclear Issue – Helping to Build Trust?" *European Security* 20, no. 3 (2011): 423.
28 Martin, "Good Cop/Bad Cop," p. 72.
29 Tom Sauer, "Coercive Diplomacy by the EU: The Case of Iran," *Discussion Papers for Diplomacy*, Netherlands Institute of International Relations "Clingendael," 2007, p. 27.
30 For the UN press release on the resolution, see http://www.un.org/News/Press/docs/2006/sc8792.doc.htm.
31 Sebastian Harnisch, "Minilateral Cooperation and Transatlantic Coalition-Building: The E3/EU-3 Iran Initiative," *European Security* 16, no. 1 (2007):17-19; Martin, "Good Cop/Bad Cop," p. 71.
32 Ephraim Asculai, "Security Council Resolution 1737: Too Little, Too Late," *INSS Insight* No. 6, January 11, 2007.
33 Emily B. Landau, "Sanctions on Iran: Overcoming Conceptual and Political Constraints," in Reuven Pedatzur, ed., *Iran's Ambitions for Regional Hegemony* (Netanya Academic College: S. Daniel Abraham Center for Strategic Dialogue Center Press, 2010), p. 72.
34 The full report is available at http://www.iaea.org/newscenter/focus/iaeairan/bog112011-65.pdf.
35 Julian Borger, "European States Call for Stiffer Sanctions against Iran following IAEA Report," *Guardian,* November 9, 2011, http://www.guardian.co.uk/world/2011/nov/09/calls-tougher-sanctions-iran-iaea.
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Theory and Practice in China's Arms Control Policy: Between North Korea and Iran

Yoram Evron

On October 16, 1964, China held its first nuclear test and earned the coveted entrance ticket to the nuclear power club. At the same time, its radical version of communism left it isolated, a pariah in the international community. In turn, four years later, when the regime to prevent nuclear proliferation was founded in the form of the Non-Proliferation Treaty (NPT), China refused to join the initiative. It claimed that the treaty was little more than a belligerent act on the part of the United States and the Soviet Union to lock in the status quo and preserve their supremacy on the international scene.[1] As the anti-imperialist standard bearer – its self-image at the time – China felt it could not be a part of this effort.

Two decades later, very little was left of this policy. China opened itself to the world, abandoned its revolutionary struggle, and began to adopt a market economy. In the field of arms control, its reluctance regarding multilateral moves subsided, and it gradually started to limit the proliferation of Chinese arms and joined various international institutions. In 1984 it joined the International Atomic Energy Agency; in 1992 it became a member of the NPT; in 1996 it was one of the founders of the Comprehensive Nuclear Test Ban Treaty (CTBT); in 1997 it joined the Zangger Committee (also known as the Nuclear Exporters Committee); and in 2004 it joined the Nuclear Suppliers Group (NSG). Early in the twenty-first century China became more involved in global arms control – in part because of its status as a permanent member of the UN Security Council – and started to play an active role both as a member of ad hoc forums to resolve nuclear crises and as a partner to international arms control initiatives. Today, Chinese experts go so far as to argue that there can be no international progress in

arms control without Chinese cooperation.[2] The role it has played in the Six-Party Talks to resolve the North Korean crisis and its membership in the P5+1 (the permanent members of the Security Council plus Germany) to stop Iranian nuclearization seem to bear out this assertion.

Nevertheless, the sincerity of China's efforts in global arms control has always been questionable, especially in the West. Claims that China is undermining international efforts are frequent: it is accused of delaying decisions about sanctions, emptying them of real content, and even violating them. An example is the criticism of China's conduct vis-à-vis North Korea and Iran, which argues that it is not fully using its leverage against Pyongyang and Tehran, and is even hamstringing moves against them in order to further its own interests.

The contradiction between China's progress in arms control and the criticism leveled against it raises a variety of questions. What are China's fundamental arms control principles? How does the question of arms control fit into China's overall foreign policy? What motivates its actions in this field? Most of all, what is the level of cooperation one may expect of China? These are significant questions because given China's growing influence on the international arena, its ties with problematic nations,[3] and its permanent Security Council membership, success in arms control depends greatly on Beijing. This chapter does not delve into the root causes shaping China's arms control policy or deal with its nuclear policy; rather, it attempts to present in general terms the interconnections between China's arms control policy and its foreign affairs approach. The effect of these interconnections on its arms control practices will be examined through analysis of the North Korean case, which will in turn serve as a basis for analysis of the Iranian case. The chapter closes with operative conclusions about the range of possibilities regarding the enlistment of China in arms control practices.

China's Arms Control Policy: Stated Principles and Possible Meanings

Principles of China's Nuclear Arms Control

Among the five recognized members of the nuclear club, China's arms control principles seem at first glance to be the most progressive. Immediately after its first nuclear test it announced it would not be the first to use nuclear weapons, thereby becoming the first to espouse the "no first use" principle, which became the cornerstone of its nuclear policy. Later, it sharpened this

commitment with a pledge not to use nuclear weapons against non-nuclear states and not to extend a nuclear defense umbrella to other states. China thereby rejected the possibility of using nuclear weapons as a coercive political or diplomatic tool or using them in its military plans, making its nuclear power solely a deterrent against nuclear attack by another power.[4]

China also imposed severe restrictions on itself regarding use of nuclear weapons as deterrence. In its official policy paper on arms control published in 2005, China opposed the deployment of nuclear weapons on the soil of other states and in outer space, announced it was not positioning its nuclear weapons against permanent targets, and declared that it was leaving its nuclear alert on a low level.[5] Moreover, for many years China has made a point of claiming it has the smallest arsenal of nuclear weapons among the five official nuclear powers and has expressed opposition to the deployment of anti-missile defense systems, saying that it would upset the nuclear balance and accelerate an arms race.[6] In this way, China promotes nonproliferation as a way to strengthen its strategic deterrence: it works to reduce the geographical spread of nuclear weapons in the world and limit the need for ongoing technological developments in the field. From a different perspective, China is also reducing the chances of a nuclear confrontation as a result of strategic uncertainties. These positions, which reflect China's rejection of nuclear weapons as a military and political tool, would ideally culminate in total nuclear disarmament, with the disarmament of certain defined regions, such as the Middle East, Central Asia, and Southeast Asia, as an interim stage.[7]

Nevertheless, China's position on nonproliferation is somewhat more complex, as it strives to balance the gamut of what at times are contradictory goals and principles. According to China, nuclear disarmament must be carried out fairly for the non-nuclear states, so that they are not prevented from attaining nuclear energy for peaceful uses.[8] This pits the arms control objective against states' political rights and economic needs, thus weakening its status as an exclusive and all-encompassing goal. The position also embodies criticism of the seemingly unjust situation in which arms control rules do not apply equally to all states: while some nations enjoy international legitimacy in maintaining enormous stockpiles of nuclear weapons, other states that strive – at least in theory – to develop civilian nuclear capabilities evoke criticism and counter-measures.

This criticism is also linked to China's opposition to the resolution of arms control problems through coercion and use of force. According to the

Chinese stand, nuclear proliferation is not the root of the problem, rather a symptom of more fundamental issues in international relations. Therefore, it is necessary to confront nuclear proliferation while also addressing the more fundamental issues, such as the distress and ostracism faced by states accused of nuclear proliferation or armament. This cannot be achieved by increasing the pressure on them, coercively intervening in their internal affairs, or discriminating against them.[9] To ensure that the issue of nuclear proliferation is handled fairly, China contends that it should be led by independent international bodies, such as the UN and the IAEA, and that decisions on the matter should be made with equal participation of all states.[10]

Arms Control Principles and National Interests

China's decision to develop nuclear weapons was based on the assumption that nuclear armament is a condition for becoming a global power.[11] It was also rooted in a serious threat perception and a desire to foil a situation in which it would be vulnerable to nuclear extortion on the part of another power. Thus, following a major national effort, China acquired nuclear capabilities and thereby allayed its concerns about the nuclear armament of other nations, including adjacent states. Some two decades later, it helped Pakistan – with which it shares a border – develop nuclear capabilities as a counterweight to their common rival, India.[12] Today, China borders four nuclear powers: Russia, India, Pakistan, and North Korea. The latter two are considered dangerously unstable.

China's attitude to nuclear armament can explain its position on arms control. The ultimate goal of a world free of nuclear arms does not seem achievable for now, and therefore practical considerations shape China's moves. Safeguarding its security against the superpowers is obviously a key consideration, and it is clear that various steps China takes are aimed at reducing the vast gap between it and the large nuclear powers – the United States and Russia. For example, in response to Barack Obama's initiative for a nuclear weapons-free world, China stated that the move must start with steps by the United States and Russia, which have the largest nuclear arsenals in the world.[13] Similarly, China also links various arms control initiatives, and conditions progress in these proposals on steps that serve its own goals. For example, the agreement to prevent the deployment of weapons in outer space has been set by China as a condition for progress in the American initiative of the Fissile Material Cutoff Treaty (FMCT). In fact, it seems

that China opposes the FMCT because it limits its ability to restock and expand its nuclear arsenal, which would improve its preparedness vis-à-vis the nuclear superpowers, led by the US.[14]

China's economic growth and the gap between its economic rise and military inferiority as compared to the United States have also made it rethink its current nuclear strategy: senior sources in the military establishment are calling for abandoning the restrained nuclear policy, renewing nuclear development, and incorporating nuclear power into China's military strategy. As far as is known, these calls have so far not been answered and China's basic nuclear doctrine remains unchanged.[15] However, this does not mean that China will agree to steps – including joining the FMCT – that will prevent it from renewing and expanding its nuclear capabilities in the future. In fact, the opposite assumption seems much more likely.

On the other hand, strategic considerations and China's complex relations with the United States may explain the steps Beijing is taking in the spirit of arms control, such as opposing the deployment of nuclear weapons on other states' soil and deployment of strategic defense systems. Not only do such actions accelerate the arms race; they also allow the nations undertaking them, chiefly the US, to weaken their enemies' capabilities and implement effective nuclear attacks. China, which lacks the capability to undertake similar moves and the interest to make the necessary investments, is afraid that its strategic deterrence will be weakened by the US. Other steps China has taken to advance its strategic goals that also further arms control include engaging the United States in nuclear talks (2008) and demanding that the United States too adopt the no first use principle, particularly with regard to China.[16]

There is likewise a strong link between arms control steps taken by China and its regional and bilateral interests, especially its regional status and a stable security environment. While the US-China competition slowly pervades the international system, its manifestations in the Asian-Pacific region are the most extreme: the United States is increasing its strategic involvement and military maneuvers with the East Asian and Southeast Asian countries while China is demanding that the United States remain outside of regional conflicts.[17] In such a situation, even if the American strategic presence in the region serves China's interest in stability, China still seeks to limit nuclear armament in its vicinity.[18] This would explain, for example, China's sweeping opposition to deploying an American nuclear

umbrella over other states: while an American nuclear umbrella in the Asian-Pacific region would prevent Japan and perhaps South Korea as well from nuclearization, thereby serving China's interest in maintaining regional stability, the presence of such a nuclear umbrella would also bear weighty symbolic meaning and is liable to threaten China's long term goal of regional dominance. The threat would become more concrete should the United States strengthen and expand its nuclear umbrella by including additional states in the area and introducing more nuclear weapons into the region.

China's arms control stance regarding its longstanding adversary India is another example, including the complaints lodged against the United States that contrary to NPT rules, it signed civilian nuclear agreements with India.[19] While the complaints ostensibly reflected China's concern about the nonproliferation regime, the steps it took to balance India's strategic power belie this: the assistance it extended to Pakistan in constructing its nuclear capabilities and supplying the civilian nuclear reactor later are a gross violation of the principles of the NPT and other nonproliferation regimes.[20]

Relations with the United States affect China's arms control practices not only in the bilateral and regional context: they also play a role in the general competition between them, which has recently been described as a struggle over global power transition between a status quo superpower and a rising superpower.[21] This contest has become more intense since 2009, when China updated its official position regarding the state of the international system and adopted a more assertive foreign policy.[22] As part of this change, China is striving to consolidate its position as a "responsible great power," but with a clear reservation: it is not interested at the moment in reversing the current world order, but it is trying to expand its influence at the expense of the US. According to Schweller and Pu, the steps taken by China include undermining America's efforts to resolve international crises unilaterally, preferring multilateral settings for resolving international problems, opposing coercive intervention in the internal affairs of other states (which refers primarily to American moves), and expanding its own influence over developing states.[23]

Indeed, China's conduct in the arms control theater often seems a tool in this contest. In Beijing's view, the United States uses the arms control regime to advance its own interests on the international arena and thereby challenges China's interests and worldview. China's moves are in part directed against this trend. An example is China's consistent opposition to efforts by the

United States and its allies to impose extreme sanctions against Iran and support of Iran's right, granted by international law, to develop nuclear capabilities for peaceful purposes. On the other hand, China is prepared to support weaker sanctions. Other practices include deriding the United States for a double moral standard (e.g., ignoring the lack of cooperation by friendly nations – India and Israel – with arms control regimes) and insisting that arms control practices not impinge on the economic rights of developing states.[24] Some would even claim that China relates more seriously to arms control obligations mandated by multilateral and multinational settings than to those mandated by bilateral settings (e.g., agreements with the US) or internal legislation.[25]

Finally, China's arms control policy is also presumably driven by economic considerations. First, maintaining a small nuclear arsenal suits its traditional nuclear doctrine and the principle of making security expenditures secondary to economic growth.[26] Maintaining a small arsenal requires prevention of a nuclear arms race, and China's arms control policy is to a large extent directed towards this goal. A second consideration, though of lower importance, is China's desire to become a global supplier in the global nuclear industry, which would generate handsome profits should international limits on nuclear waste disposal go into effect.[27] Finally, there is an issue arousing much international criticism: China is accused of exploiting situations in which other countries scale back their economic ties with states under international sanctions because of nuclear proliferation or armament. The most prominent example is the massive growth in China's economic ties with Iran after the imposition of the sanctions.[28]

China's Arms Control Doctrine and North Korea's Armament

The Six-Party Talks to dismantle the North Korean nuclear program, which began in 2003 and included North Korea, South Korea, China, Japan, the United States, and Russia, made the handling of the issue a regional matter, after the failure of an earlier attempt to resolve the problem by means of a US-North Korean agreement (1994). Progress was hindered by several provocations by North Korea, the worst being a nuclear test in 2006, following which the Security Council imposed military and economic sanctions upon it (Resolution 1718). In late 2008 the talks collapsed, and North Korea's steps became more extreme: in June 2009 it conducted a second nuclear test, which resulted in additional sanctions (Resolution 1874); in late 2010

it revealed another uranium enrichment nuclear program, which until then it had hidden and denied; and in the fall of that year it launched a limited military incident against South Korea.[29] In 2011 North Korea expressed its desire to return to the negotiating table and even held a number of meetings with South Korean and American representatives over the conditions for resuming the Six-Party Talks, but despite some progress, the talks have not yet resumed.[30] At the same time, North Korea's political stability is severely threatened because of its dire economic situation, international isolation, and ongoing uncertainty surrounding the transition of power from Kim Jong-Il, who died in December 2011, to his son and designated heir, Kim Jong-Un.

This crisis has conferred a significant role on China given its historic ties with North Korea, its exclusive access to the North Korean regime, their long shared border (1,400 km), and its permanent membership in the UN Security Council. China served as the host and chair of the Six-Party Talks and mediated between the North and South Korean leaderships during various crises. In fact, China is seen as having the greatest influence over Pyongyang; some claim that the resolution of the crisis lies in China's willingness to apply its full weight to the issue. However, not only has China not done so, but its relations with North Korea have grown even closer since the collapse of the talks. First, it worked to mitigate the sanctions resolution in 2009. Second, it greatly enhanced its economic ties with North Korea, thereby easing the burden of the sanctions imposed on the regime: the foreign trade between the two nations grew from $370 million in 1999 to $3.47 billion in 2010, the economic aid it extends grew from $400 million in 2004 to $1.5 billion in 2009, and in recent years its investments in North Korea have been in the billions of dollars.[31] Third, meetings between the nations at all governmental levels are held regularly, and in the two years before his death Kim Jong-Il visited China on four occasions. Finally, there are recent rumors about closer military ties between the two nations.[32]

Why does China behave this way? Presumably China is not interested in North Korea having nuclear arms. This would beef up the presence of United States strategic forces in the region and encourage the nuclear arming of Japan and South Korea. In addition, North Korea's nuclear armament weakens the global arms control regime and expands nuclear proliferation, thereby damaging the stability of the world order, which is in China's interest.[33] Finally, China is also aware of the fact that every act of cooperation with Pyongyang arouses anti-Chinese criticism.

Still, applying heavy pressure on North Korea is expected to bring about the collapse of its regime, and this too runs counter to Chinese interests. While China's relations with North Korea have had their ups and downs, and even their current trust is limited,[34] China is still interested in North Korea as a buffer zone between it and the US-Japan-South Korea alignment and as an ally in the region. Moreover, the collapse of North Korea is liable to drag the region into war, something that could have dire consequences for China, flood the country with North Korean refugees, and may even lead to a military confrontation with the US. This possibility is almost certainly a dominant factor in the considerations of China's military, which plays an important role in the Chinese decision making process on this topic.[35] Another reason for China's tolerant stance on North Korea is the diplomatic difficulty involved in coercive arms control steps, which contradict China's foreign policy guidelines and its critique of the US. Finally, China's experience has taught it that it is very hard to stop a state trying to attain nuclear weapons if that state operates out of a sense of existential threat.[36]

In this set of complex considerations, the common assessment is that China's supreme goal is to keep the crisis under control in order to ensure regional stability and prevent a war, and therefore it is also interested in the continuity of the Six-Party Talks.[37] By contrast, disarming North Korea of nuclear weapons is a goal of secondary importance. At the same time, it is crucial for China to maintain its position as a pivotal player in the crisis, preserve its good relations with all the nations involved, and act in a way that would suit its desired image as a "responsible great power." Finding the golden mean among all these objectives is not easy and China has tried to take the middle road: for example, it joined in approving sanctions against North Korea but also worked to soften their impact.[38] This conduct has aroused dissatisfaction domestically, and local sources criticized China's hesitancy. Shen Dingli, one of the most prominent international relations scholars in China, has claimed that Beijing's ambivalent approach makes North Korea feel that China is no longer a partner that may be trusted. Furthermore, he blamed this policy for escalation of the situation because under these circumstances North Korea feels unprotected and is forced to develop deterrence. Shen has also criticized China's hesitancy in defending its regional allies militarily, while the United States does so without hesitation.[39]

At the same time there has been Chinese criticism of North Korea and its disdainful attitude toward Beijing, such as Pyongyang informing Beijing of

its second nuclear test a mere half-hour before it was carried out.[40] However, generally speaking, it seems that since 2009 China has begun to strengthen its ties with North Korea with more decisiveness. While its 2006 official national defense document ("white paper") accused North Korea of violating regional stability and the 2008 national defense "white paper" called for resolving the nuclear issue by means of the Six-Party Talks, the 2010 national defense "white paper" expressed a different line and noted that the resolution of the problem would have to be peaceful.[41] This means China is opposed to additional coercive measures against North Korea. Furthermore, according to various assessments, China is also not enforcing the international sanctions already imposed against North Korea and covers up illegal arms shipments between North Korea and Iran.[42] Moreover, increased Chinese investments in North Korea not only strengthens China's interest in preserving the regime,[43] but are also a declaration – both to Pyongyang and the world at large – that China is optimistic about the future of the nation and its regime.

To a certain extent, one may attribute this growing closeness to North Korea to China's intention to fulfill a more significant role in the world and the region. However these motives are accompanied by more concrete considerations. The moment China understood that North Korea had become nuclear, stabilizing the region, consolidating its own status, and ensuring the survival of North Korea became the primary goals. Given the situation in Pyongyang, China's assistance and support are meant to ease the hardships, allow Beijing a certain level of involvement in the transition of power process, and perhaps also – so China hopes – promote some reforms in North Korea.[44] In addition, maintaining good relations with all sides is critical for China to continue to serve as a mediator, a position that bestows on it prestige and influence without costing it very much.[45] As for global and regional criticism directed at China, one may assume that China now feels strong enough to withstand it, as evidenced in October 2011 by its having sided with the Syrian regime in the Security Council despite the consensus forming against it both in the West and in the Muslim world.[46] This is all the more so in the case at hand, where thanks to its special ties to Pyongyang it is hard for China to relinquish involvement in the process. In addition, the high degree of economic dependence between the region's nations and China – China is Japan's biggest export market and South Korea's biggest trading partner – and these nations' recognition that China's involvement is crucial to the stability of the Korean peninsula mute the regional criticism of

China's conduct.[47] Finally, strengthening economic ties with North Korea – trade with China accounts for more than 40 percent of North Korea's total foreign trade – represents substantial economic utility for China and deepens North Korea's long term dependence on it.[48]

China's Arms Control Doctrine and Iran

An examination of China's arms control policy in the context of North Korea indicates that stopping nuclear weapons proliferation is not an independent goal of supreme importance for Beijing. On one level, stopping nuclear proliferation is often subordinate to other goals, while on another level, it is a means for China to advance other interests; chief among them are ensuring its strategic security, preserving strategic stability, enhancing its international influence, and maximizing economic utility. These insights help explain China's practices regarding the Iranian nuclear project. Iranian nuclearization is likely not seen by China as a threat to its national security, and at least some Chinese officials do not think Iran is liable to raise its level of belligerence in any significant way should it acquire nuclear arms.[49] Moreover, a common Chinese assumption is that one cannot prevent Iran from acquiring nuclear arms by force: such an attempt would only lead to an outbreak of violence whose damage would outweigh any cost of nuclear proliferation.

Hence, other interests are shaping China's approach to the Iranian nuclear endeavor, above all the need for sources of energy. Iran is one of China's five largest foreign suppliers of oil, and China invests billions of dollars in developing oil infrastructures in Iran in exchange for guaranteed future supplies of oil. Therefore, and in the interests of the contracts it has signed, China is interested in maintaining good relations with the Iranian regime and in preserving the political and military stability of the Persian Gulf, which if upset may cause – at least in the short term – a rise in oil and gas prices throughout the world.[50]

Second, in light of China's forecasts that its dependence on Middle Eastern oil is only going to grow, and given its desire to enhance its international political position, China presumes it will not be able to avoid greater involvement in the Middle East. Indeed, although it has tended (and apparently still tends) to view the Middle East as "the graveyard of empires," it has in recent years varied and strengthened its economic, political, and military ties in this region. At the same time it is clear that Beijing is interested in weakening America's dominance in the Middle East:

America's de facto control of sea lanes from the Persian Gulf to East Asia is a potential pressure lever on China should Sino-American relations hit a severe snag.[51] In this context, Iran plays a double role: not only does it represent the last obstacle to total American influence over the entire Persian Gulf area, but it also provides a direct land route (through Pakistan) between the Persian Gulf and China, through which it might be possible to supply gas and oil without dependence on naval channels.[52]

Third, as part of its efforts to establish its status as a leader of developing nations and offer different values than those offered by the US, China is not interested in embracing the coercive international steps taken by the West against Iran. China's resistance to these steps has helped to delay a resolution to the crisis and expose the limitations of United States power, showcasing China's own power and allowing it to generate significant economic profits. Still, no matter what damage Chinese interests incur should the Iranian regime collapse, it is clear to Beijing that its power to affect the regional balance is limited and it does not care to play an active role in this area.

These considerations explain the middle road taken by China, between public support for the Iranian regime and Iran's right to develop nuclear capabilities for peaceful uses on the one hand, and its cooperation with international institutions and the Western powers against Iran on the other. Ever since the notion of international sanctions against Iran was placed on the international agenda, China has voted in favor of every Security Council resolution on the matter, albeit grudgingly and hinging its assent on limiting conditions. Relying on Iran's official stance regarding the civilian nature of its nuclear project and the reservations expressed by the IAEA under the leadership of Mohamed ElBaradei about the West's claims of the military nature of the project, China has refused to approve extreme sanctions and has successfully worked to mitigate the resolutions that were ultimately adopted.

At the same time, China has occasionally called on Iran to increase the transparency of its nuclear program, although it has not taken any public steps against it when these requests are rejected. This position, along with China's rising status on the international arena, has created a situation in which ever-growing efforts must be expended on every new round of sanctions in order to gain China's support, while China's opposition to serious sanctions against Iran's energy and finance sectors, deemed critical to stopping the nuclear program, remains firm. Resolution 1929, approved in June 2010, brought the situation to a head. After posing unprecedented

obstacles to approving the resolution, China finally agreed to support it in exchange for a commitment by the P5+1 to postpone the implementation of unilateral sanctions against Iran, extend immunity to Chinese corporations operating in Iran to future unilateral sanctions, and avoid steps that could have exerted significant pressure on the Iranian regime.[53] These conditions have allowed large Chinese corporations to continue to fill the vacuum created by the reduction in activity of Western companies in Iran, and one of the results has been that these corporations have become significant players in the Chinese process of decision making with regard to Iran.[54]

Nonetheless, the success of China (in tandem with Russia) to contain the international sanctions against Iran (and increase its own profits) was short lived because it demonstrated the limitations of this approach to the Iranian problem. After the June 2010 sanctions resolution showed that this tool had exhausted itself, the United States and leading European nations decided to pursue unilateral sanctions. At the same time, with or without relation to the replacement of ElBaradei as head of the IAEA in 2009, the organization started presenting more explicit information about the military nature of the Iranian project and new revelations came to light (e.g., the uranium enrichment facility in Qom) that removed any doubt about its intent. Finally, in the second half of 2011, the military option against the Iranian nuclear project, which assumed a much lower profile when President Obama took office, was raised once again.

These developments have presented China with a dilemma as well as an opportunity, to which it has responded on several levels. True to its posture that official international bodies should handle the crisis, China has not ignored the harsher tones of more recent IAEA reports (though together with Russia it tried to postpone their presentation) and in January 2012 Chinese Prime Minister Wen Jiabao criticized Iran in an unprecedented manner, warning it not to develop nuclear weapons.[55] In addition, the unilateral sanctions have resulted in some decrease in the activity of Chinese companies in Iran. An example is the freeze, or at least reduction, of the investments by Chinese energy companies in Iran since late 2010 because of China's desire to improve its relations with the Obama administration and the concern that companies investing in Iran would be blacklisted in the US.[56] Another example is the announcement by Huawei, the telecommunications equipment and services giant, that it has imposed its own limitations on dealings with Iran, apparently as a result of wanting to ease its penetration of the American market.[57]

Still, China has not changed its posture on how to resolve the crisis and consistently continues to call for its resolution through negotiations and non-violent means. For example, while the Chinese Prime Minister was harshly criticizing the Iranian regime, China responded to the increased military tension in the Strait of Hormuz in January 2012 by calling for all sides to calm the situation and continued to aver that the fullest resolution to the Iranian nuclear problem was total nuclear disarmament in the Middle East.[58] This call is of course nothing more than a veiled jab at the US, which is supposedly ignoring Israel's nuclear arms, and also a wink at the Arab nations; furthermore, it allows China to present itself as a responsible world power without having to pay any concrete price.

Similar duplicity is taking place also at the economic level. While joining the anti-Iranian sanctions and denouncements, China takes care to fully exhaust all economic benefits. First, China never changed its policy and announced that it distinguishes between diplomatic moves against Iran and oil deals the two nations have signed; it will not allow any link to be made between them.[59] Second, it does not miss an opportunity to reap economic benefit for its support for international steps against Iran. Already in 2009, Saudi Arabia proposed to China that the kingdom supply it with all the oil it would be denied because of joining the harsh sanctions against Iran. While China eventually rejected the proposal, during the Chinese Prime Minister's visit to the Persian Gulf in January 2012 – when he spoke out against the Iranian nuclear project – it was announced that Sinopec, the Chinese oil giant, would build a new refinery in Saudi Arabia, that another refinery would be built in China together with Qatar's oil company (apparently ensuring long term oil exports from Qatar to China), and that a nuclear cooperation agreement had been signed between Saudi Arabia and China.[60] To be sure, there is no clear-cut evidence that these deals were signed to mobilize China to the anti-Iran effort, but such a possibility cannot be ruled out.

Conclusion

While China's arms control policy seems very progressive, the nation's actual conduct is affected by a host of extraneous interests, including assuring its global and regional status, improving the balance of power in its own favor, and maximizing its economic benefits. Given this, one could expect that its practice regarding arms control violations would be affected by the unique conditions of each individual case, and this is in fact borne out by China's

conduct in the North Korean and Iranian crises. While the survival of both regimes serves Chinese interests, only the collapse of the North Korean regime is viewed by China as a direct threat to its national security and regional standing. By contrast, the collapse of the Iranian regime entails primarily economic damage for a limited period of time. In addition, China's unique relationship with North Korea and the serious political upheavals liable to occur there force Beijing to take the two nations' relations in the mid and long terms into account, an issue of less relevance in the case of Iran.

These differences result in the different approaches taken by China in the two cases. This is especially pronounced in terms of China's willingness to risk violation of international agreements. Thus while China at first adopted a position that matched international rules and norms in both cases (with a tendency to uphold principles benefiting developing countries), China's attitude evolved once the true military nature of the nuclear projects became incontestable. Although China continued to oppose harsh sanctions against both, it was only with regard to North Korea that it violated the sanctions imposed against it virtually in the open. This was particularly obvious in light of North Korea's provocations internationally, which were much more blatant than Iran's.

Another difference between the two crises lies in China's role. Its status as the only important link to Pyongyang and its central role as a mediator in the Six-Party Talks confer on it a unique position and make it hard to dispense with its services. In the Iranian case, however, it does not enjoy any special status and tries to play a passive role. Thus one may presume that China is more willing to risk violating international sanctions against North Korea, assuming the other nations' ability to respond against China is limited. This, however, is not the case with Iran.

Finally, the Chinese decision making process in the two cases also differs. In light of the military effect on China that a flare-up in the North Korean crisis is liable to have – which is not the case with Iran – China's military leadership is deeply involved in decisions regarding North Korea. By contrast, in the case of Iran, the Foreign Ministry and the large corporations play a more prominent role. Given that the Chinese military is mostly worried about the collapse of North Korea, this certainly makes compromise with the position of the West more difficult. In the case of Iran, however, cold economic and diplomatic concerns presumably play a more central role.

As far as the Middle East system is concerned, preserving the Iranian regime and prolonging the crisis likely serve China's economic and diplomatic goals. Nonetheless, these are not critical interests for which Beijing would be prepared to pay a steep price, and therefore China may be enlisted in significant economic moves against Iran through a balanced and efficient mix of threats and punitive economic and image-related steps on the one hand, and rewards on the other. Still, such steps can be expected to have minimal impact, because China has only a limited desire and ability to prevent the activity of elements operating against Iran. At the same time, because of the importance China attributes to its image as a rising, powerful, and independent power, one cannot expect that under current circumstances China would agree to steps involving a public concession of its official postures, such as public support for using military power or international coercive measures against Iran – even though China is unlikely to take real counter-measures should such steps indeed be taken. Nevertheless, attempts to persuade it to join in open international efforts are not superfluous, because even if they are unlikely to bear direct results, they do have the power to increase the pressure on China because of its ties with Iran and prevent it from taking actions that flout international rules and understandings.

Notes

I would like to thank Jonathan Coleman and Jeffrey Christiansen for their help with this research.

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4 Jeffrey G. Lewis, "Chinese Nuclear Posture and Force Modernization," *Nonproliferation Review* 16, no. 2 (July 2009): 199-201.

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22 Wei Zhong and Fu Yu, "China's Foreign Strategy: Constantly Deeping and Broadening," *Contemporary International Relations* (Beijing) 20, no. 2 (2010): 80–81.

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26 Joseph Fewsmith, "China's Defense Budget: Is there Impending Friction between Defense and Civilian Needs?" in David M. Finkelstein and Kristen Gunness, eds., *Civil-Military Relations in Today's China* (Armonk: M.E. Sharpe, 2007), pp. 202-13.

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34 You, "Dealing with the 'North Korea Dilemma,'" pp. 3-6.

35 Linda Jakobson and Dean Knox, "New Foreign Policy Actors in China," *SIPRI Policy Paper* 26 (September 2010), pp. 13, 18.

36 Jayshree Bajor, "The China-North Korea Relationship," Council on Foreign Relations *Backgrounder* (October 7, 2010), http://www.cfr.org/china/china-north-korea-relationship/p11097.

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Part II

The Ramifications of Nuclear Weapons Proliferation in the Middle East

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The Iranian Nuclear Program: The Egyptian View

Keinan Ben-Ezra

In August 2002, information on Iranian nuclear facilities in Natanz and Arak that had not been previously reported to the International Atomic Energy Agency (IAEA) was revealed. Although the regime in Tehran declared that the Iranian nuclear program was civilian, because the program had been kept secret, suspicions arose that it was not intended for civilian purposes only. Since then, IAEA monitoring has increased, but the agency has not received satisfactory answers from the Iranians and the issue has been the focus of rounds of negotiations that have failed to produce results. The UN Security Council has also imposed sanctions on Iran that have been tightened over the years. Nevertheless, these steps have not served to divert Iran from its progress in achieving nuclear capabilities.

Like other states in the Middle East and beyond, Egypt is fearful of Iran's obtaining nuclear capabilities. Egypt has been forced to deal with this issue for several reasons. First, Iran's ambition to obtain nuclear technologies and the clash this has sparked between Iran and Western states have advanced the Iranian drive to become a regional leader, while necessarily undermining the current order and the centers of power in the Middle East. Second, the focus on nuclear weapons in the Middle East casts a spotlight on Israel's presumed nuclear capabilities. Egypt will be hard pressed to prevent Iran from obtaining nuclear weapons without addressing Israel's nuclear capabilities, especially given Egypt's longstanding agenda against Israel on the nuclear issue. Third, Egypt fears that if war breaks out in the Middle East following an Israeli or American attack on Iran, this will exacerbate regional instability. Fourth, if Iran does achieve nuclear capability, what should the Egyptian response be? Should Egypt work to obtain nuclear

capability as well? And what would be the response of other Middle East countries in this context?[1]

This article analyzes Iran's nuclear image in Egyptian eyes, focusing on both the Mubarak era and the transition period after the change of government following the upheavals that began in Egypt in early 2011, and then examining future trends. Understanding that Iranian-Egyptian relations are part of a regional system in which Egyptian strategy influences other players such as Israel and Turkey, and part of a global system heavily influenced by the United States, China, and others, the article focuses specifically on relations between Iran and Egypt in the context of the Iranian nuclear program and analyzes them as part of a complex web of bilateral rivalry.

Iran, Egypt, and What Lies Between Them

Egypt presumes that the purpose of the Iranian nuclear program is to promote the "export of the revolution" and to enhance Iran's defense and deterrence, and thereby expand its regional influence.[2] As such, the nuclear program is not necessarily a future offensive option. As evident from statements by official Iranian spokesmen, Iran is seeking to position itself as the strongest and most influential state in the Middle East, and even to establish a global position for itself: "Iran as the second world oil producer and exporter plays an important role in changing global equations."[3] In the Israeli security establishment as well, many understand the strategic vision of the regime in Tehran as aiming at "use of the maximum number of means and tools in order to challenge and effect a change in the global strategic balance."[4]

Iran's policy reflects the drive to return to the days when the Persian kingdom was a world power. In this sense, the rivalry between Egypt and Iran is a continuation of the historic rivalry between Persia and the Mesopotamia region on the one hand, and Egypt on the other. Egypt is a Sunni state that for many years was ruled by a secular regime, while Iran is Shiite and since the Islamic Revolution has had a fundamentalist religious regime. Thus the issues in dispute have been many – religious vs. secular, Arab vs. Persian, Shiite vs. Sunni – and there has been friction regarding global allies, i.e., the US vs. the USSR. Today, the rivalry centers on the tension between Islamic radicalism and political pragmatism, and over the past few decades this difference has been a key source of tension between the two states.

Historically, tensions between Egypt and Iran have had their ups and downs. Relations worsened following the Free Officers' Revolution in 1952.

The Shah's regime enjoyed good relations with Israel and the United States at that time, while Gamal Abdel Nasser waved the flag of Arab nationalism and formed a strategic alliance with the Soviet Union. Nevertheless, at the outset of Anwar Sadat's rule in Egypt (1970), the alliance between Egypt and the USSR was cancelled and there were rapprochements between Egypt and the United States and Egypt and Iran. Relations reached a high point with the signing of the peace treaty between Egypt and Israel in 1979. Following the Islamic Revolution in Iran in 1979, however, the situation changed again for the worse. Khomeini strongly condemned Egypt's peace treaty with Israel, its ties with the United States, and the liberal, anti-Islamic outlook that appeared to characterize Egypt. A main street in Tehran was named for the man who assassinated Sadat in 1981. For its part, Egypt granted the exiled Shah asylum, and later supported Iraq during the Iran-Iraq War (1980-1988). Over the past thirty years or so, the two countries have not enjoyed full diplomatic relations.[5]

Cairo fears that an expansion of Iranian influence in the Middle East and beyond will occur at Egypt's expense. Egypt sees itself as a regional power and the leader of the Middle East and the Arab world; it has even worked to obtain a permanent seat in the UN Security Council as the representative of Africa and the Middle East.[6] Iran, which is not an Arab country, also aspires to leadership in the Middle East and to closer ties with states beyond the region. To this end, Iran is engaged in ongoing nuclear cooperation with North Korea[7] and with states in Latin America (particularly Venezuela) and Africa: Iran provides support and influence through shipments of weapons and funds for organizations and/or various regimes, and training of soldiers in various countries, such as Gambia, Nigeria, Liberia, and Sudan.[8] Iran has also sought to interfere in Egypt's internal affairs and undermine stability there, for example, by operating a Hizbollah cell[9] and supporting terror organizations in the Sinai Peninsula.[10] It even attempted to take credit for the overthrow of the Mubarak regime, claiming that it was an Islamic awakening influenced by the regime of the ayatollahs in Tehran.[11]

In the initial period after Mubarak's ouster it appeared that rapprochement between Tehran and the Supreme Military Council, which replaced Mubarak's regime, was in the offing. The Foreign Minister in the provisional Egyptian government was even invited for an official visit in Tehran.[12] However, the visit did not take place, and the entire trend lost steam, possibly because of US pressure and considerations of both Egyptian-US relations and Egyptian-

Gulf state relations.[13] Iran also sought to undermine Egyptian-Israeli relations by supporting Hamas and sparking tension between Hamas and Israel, which would then spill over into Israeli-Egyptian relations. However, in the wake of the turmoil in the Middle East in 2011, especially the weakening of Bashar al-Assad's regime, Iranian support for Hamas has declined, Hamas and Egypt have grown closer, and the Hamas political leadership left Damascus and moved to Cairo.[14] Egypt played a key role in mediating the deal between Israel and Hamas for the return of kidnapped soldier Gilad Shalit to Israel and the release of over one thousand Palestinian prisoners from Israeli prisons, thereby proving that it has significant influence over Hamas.

Egypt and the Iranian Nuclear Issue

The Iranian nuclear program is another area in which Egypt and Iran are engaged in a struggle over the nature of the Middle East and their influence in the region. This struggle has manifested itself in different ways in different periods.

The Mubarak Era, 1981–2011

Since the escalation in the Iranian nuclear crisis, and especially since 2006, when the IAEA determined that Iran was not fulfilling verification-related requirements and relayed its findings to the UN Security Council, the government of Egypt has been called on increasingly to deal with the Iranian nuclear issue. Egyptian statements on the subject – some of them public, others of them revealed through Wikileaks – exhibited serious concern. For example, in response to a declaration by Iranian President Ahmadinejad that whether or not the world likes it, "Iran is a nuclear country,"[15] then-Egyptian Foreign Minister Ahmed Abu al-Gheit was quoted as saying, "The possession by some countries of peaceful nuclear technology or of some stages of the nuclear cycle or carrying out some peaceful nuclear activities does not mean by any means that it can call itself a nuclear state."[16] This statement can be understood as disparagement of the Iranian declaration or as evidence that Egypt realizes that Iran's nuclearization is a process aimed at obtaining military nuclear capability.

In any case, until 2008 Egypt was still officially addressing Iran's nuclear program in relatively soft tones. Thus, for example, Mubarak's spokesman, Suleiman Awwad, stated at the end of a meeting held in Alexandria on the subject of Iran's nuclearization that Iran has the right to atomic energy, but

that it must provide guarantees to the international community and "should not present on a silver platter the justifications and the pretexts for those who want to drag the region down a dangerous slope" because of its lack of transparency on its nuclear program.[17] At the same time, the Egyptian statements spoke to the connection, as perceived in Cairo, between the Iranian nuclear issue and the Israeli nuclear issue, and the issue of freeing the Middle East of nuclear weapons. In response to a question on whether Egypt fears Iranian nuclearization, al-Gheit replied: "We do not want to see [a] nuclear Iran as we do not want to see [a] nuclear Israel; we want a zone which is free of nuclear weapons."[18] There have also been less public utterances and messages, especially in recent years, which express a deep concern in Egypt for its regional standing given the possibility that the regime in Tehran will have nuclear capabilities: "We are all terrified,"[19] stated Mubarak on May 27, 2008, in a conversation with a senior American official, exposed by Wikileaks, on the possibility that Iran would obtain nuclear weapons. Egypt's fear can also be seen in comments by Mubarak at a July 2, 2008 meeting between the Egyptian President, US Senator John Kerry, and the US ambassador to Egypt. According to Mubarak, Arab states would not form defensive relations with the United States against Iran for fear of Iranian sabotage and terror, and would not dare to take part in sanctions against Iran even if, in his opinion, this was the best way to contend with the challenge presented by Iran's nuclear program.[20]

In 2009, Egypt's tone grew a bit sharper, in keeping with the overall tougher international approach to progress on the Iranian nuclear program, given the mounting evidence on the issue. Cairo condemned Tehran for not cooperating with IAEA inspectors. However, it abstained in a vote on an IAEA resolution that called on Iran to stop construction of its enrichment plant at Fordow (near the city of Qom), and it even criticized the resolution on the grounds that every country has a right to a nuclear energy program.[21] Evidence that Egypt was avoiding explicit condemnation of Iran and was criticizing it without mentioning the nuclear issue can be found in comments by al-Gheit from May 2009:

> We admit that Iran is an important and influential country in the Middle East and in the Arabian Gulf in particular. But we are concerned about Iran's attitude in the region. We are disturbed by that, because their attitude on issues of stability and the

> interests of others in the region are unacceptable. They are also attempting to exploit the Palestinian cause and other related issues to strengthen their influence in the region.[22]

Nevertheless, only about a year later, Egyptian public statements hardened. This change can be seen in the following statement, in which al-Gheit attacked Iran directly, focusing on the danger that Iran's conduct would drag the Middle East into a nuclear arms race:

> An Iranian nuclear power entails a threat of nuclear proliferation in the Middle East. Therefore, we will not go along with this. We want Iran to refrain from forcing the Arabs to engage in a [nuclear arms] race with it. We should take into consideration – and don't forget this, because some do – that Iran aspires to influence the region in ways that do not coincide with the Arabs' priorities and interests.[23]

In addition to the fear that Iran's pursuit of nuclear capability would threaten Middle Eastern stability and Egypt's standing in the region, the Mubarak regime also feared that its own stability would be undermined if it spoke out against Iran. Therefore, the messages from Cairo were mixed: on the one hand, there were statements compatible with US policy against Iran, and on the other hand, there were anti-Israel messages in the nuclear context, whose target audiences were the Egyptian and Palestinian publics. This type of message was intended to avoid accusations that Egypt was adopting an anti-Muslim, pro-American, and pro-Israeli line. In the period preceding the 2010 Nuclear Non-Proliferation Treaty (NPT) review conference, Egypt conducted a political campaign whose goal was to focus attention on Israel, not Iran, and on the plan to convene a conference in 2012 on a weapons of mass destruction-free zone in the Middle East.[24] These two subjects were a main focus in the review conference's final documents.[25] This achievement, which was intended to serve Egypt's interests by strengthening its international position in general and its position in the Middle East in particular, did not indicate that Egypt was any less fearful of the Iranian nuclear program.

The Transition Period (Starting in 2011)

With Mubarak's ouster and the appointment of the Supreme Military Council to conduct affairs of state until the presidential elections, there were changes in the Egyptian approach to foreign relations, including the relations with Iran. Nabil al-Araby, who was a judge in the International Court of Justice in The Hague and later was elected secretary of the Arab League and who holds clear anti-Israel positions, was appointed Foreign Minister and expressed a desire to renew diplomatic ties and normalization with Iran.[26] However, although he objected to certain aspects of Mubarak's foreign policy, General Hussein al-Tantawi, head of the Supreme Military Council, which controlled the Egyptian provisional government, over the years supported Mubarak's approach to Iran, and even believed that Iran constitutes a strategic regional threat.[27]

The Egyptian political system is in the midst of a process of change that will ultimately determine its policy toward Iran. At this point it is not clear whether statements that could be interpreted as a change in the Egyptian position toward Iran do in fact reflect a significant development, or whether they are intended to create an impression of dissociation from the policy of the previous regime, especially among the Egyptian public. For its part, Iran has sought to maximize for its own benefit the uncertainty that has accompanied the change in regime, and therefore it has sought to test the boundaries that the new government will create. In February 2011, Tehran sent warships through the Suez Canal to the Mediterranean.[28] This move, which was a show of Iranian strength, was also intended to spark tension in Israeli-Egyptian relations and demonstrate that times are changing (in July 2009, Cairo gave approval for Israeli submarines to pass through the canal in the direction of the Persian Gulf). Another possibility is that the move was made in an attempt to create a new route for transferring equipment and weapons to organizations supported by Iran, chiefly Hizbollah and Hamas.

The results of the parliamentary elections held in Egypt in November-December 2011 clearly showed the rising power of the Islamic bloc, and it is possible that this development portends a rapprochement between Egypt and Iran. In such a scenario, it is reasonable to assume that Egypt would publicly support Iran's right to a civilian nuclear program, while at the same time attempt to prevent Iran from obtaining the comparative advantage of possessing nuclear weapons. This effort would likely be exerted both

secretly, in cooperation with Saudi Arabia and the Gulf states, and publicly, by intensively promoting the plan to free the Middle East of weapons of mass destruction. In this way, it would also avoid the obvious need to join the nuclear arms race in the Middle East.

At the same time, the causes of the strategic rivalry between the two countries remain and can be expected to continue to temper relations between them. Furthermore, in the coming period, the heads of state in Egypt will be preoccupied with stabilizing the government. Here Egypt's dependence on US aid comes into play. The new leadership cannot forfeit the aid without fear of losing public support because of inability to provide a response to severe socio-economic distress. In addition, the Egyptian army, which relies on US equipment, has not lost its power, and the considerations driving the military leadership are still central to the creation of Egyptian policy. Hence the assessment that Egyptian foreign policy will not change fundamentally, at least in the foreseeable future. In other words, the Egyptian political leadership is expected to adopt a policy of silence concerning the Iranian nuclear program and avoid conflicts in the Middle East, and certainly with Iran. While we can estimate that a new Egyptian government in the process of formation would seek to direct the country's internal tension at an outside party, this would likely be Israel rather than Iran, which is easy prey in this sense, both in the context of the Israeli-Palestinian conflict and particularly in the nuclear context.

On the question of Iranian nuclearization, Egypt may adopt the line that was promoted for years by Amr Moussa, who served as Arab League secretary. Moussa, who was unsuccessful in his bid for the Egyptian presidency, argues that the Middle East should be nuclear free, that the focus should not be on Iran, and that Egypt should be a mediator working to find a solution to the conflict between the West and Iran on the nuclear issue. On a number of occasions, Moussa claimed that the Arab world does not have a problem with Iran: "I feel no threat from Iran's nuclear program toward the Arab world and the international community, but when Israel does not accept the NPT and does not observe it, its nuclear arsenal threatens all of us."[29] He has thus turned the spotlight on Israel,[30] claiming that Iran, like any state, had the right to atomic energy (these comments may indicate acceptance of the Iranian nuclear program as long as it does not serve as a basis for nuclear weapons). He has proposed including Iran

in various Middle East issues, such as the effort to reach a solution to the conflict between Israel and the Palestinians.[31]

Conclusion

Tension between Iran and Egypt reflects the competition between the two states, which aspire to dominate and lead in the Middle East. The Iranian pursuit of military nuclear capability validates Cairo's fear of Iran's ambitions for regional hegemony. For this reason, no fundamental change is expected in Egyptian policy toward Iran, and the Iranian nuclear program in particular, as a result of the establishment of the new post-Mubarak government. It is possible that the rise of the Islamic bloc to power in Egypt will foster a new era between the states. However, even if there is a diplomatic rapprochement between Cairo and Tehran, Egypt will likely hope to arrest Iran's nuclear ambitions, and it is likely to do so in connection with promoting its regional agenda, which, in continuation of the policy of the Mubarak government, will include Israel's capabilities. An Egyptian effort to free the entire region of nuclear weapons would then serve its longstanding goal, as well as another consistent objective: positioning Egypt as a regional mediator and conciliator.

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Saudi Arabia's Nuclear Options

Yoel Guzansky

In recent years there has been much speculation that in response to Iran's nuclear program, other states would feel the need to balance Tehran's power and the Middle East would be thrust into a nuclear arms race. Saudi Arabia, Iran's chief ideological and geopolitical rival, is central to this discussion. To be sure, Saudi Arabia, currently in the midst of a substantial process of conventional armament, has declared more than once that it is opposed to the development of nuclear weapons and intends to develop a nuclear program only for the purposes of electricity production and desalination. However, over the years there have been many reports that the kingdom has at least examined the military nuclear route and to that end has forged closer cooperation with a number of states, chief among them Pakistan.

There are weighty arguments why Saudi Arabia would choose not to acquire military nuclear power: in addition to lacking the required knowledge and infrastructures, the Saudis have always viewed an American defense umbrella as the preferred alternative. Nonetheless, the significance of a nuclear armed Iran for Saudi national security and the recurring questions in Riyadh about America's continued willingness to function as Saudi Arabia's security guarantor over time may be changing the kingdom's thinking. This essay challenges the commonly accepted assumption that under all conditions and circumstances Saudi Arabia would rely on America's deterrent backup, and suggests that Saudi Arabia is liable to seek an off-the-shelf deterrent for the short term, while in the long term work to develop independent capabilities.

Saudi Arabia's Nuclear Rationale

Many researchers contend that already more than two decades ago the kingdom evinced interest in nuclear weapons.[1] The kingdom's concern that

Iran would export its Islamic revolution prompted the Saudis to look for security solutions that would ensure the kingdom's stability. While Iran and Saudi Arabia have never been engaged in direct confrontation, except for a number of incidents during the Iran-Iraq War, over the years the Saudi security concept and Saudi force buildup have been aimed at deterring and defending against Iranian aggression. In the nuclear context, it may be that nuclear development in Iraq, which began in the mid 1970s with French assistance, also played a role.

To the Saudis, Iran today is the major threat reference. Perhaps Saudi Arabia reasons that in the long run it is impossible to prevent a state like Iran – which has made the strategic decision to develop nuclear capabilities – from completing its mission. Tehran may well have concluded that its security constraints as well as the prestige and influence that come with having nuclear weapons outweigh the political and economic cost it is currently paying and will continue to pay. Saudi Arabia, a leading Arab state and Iran's major ideological-religious rival and key competitor for regional influence, will find it difficult to remain aloof should Iran demonstrate that it possesses military nuclear capabilities. Despite its wealth and status, the kingdom operates out of a deep sense of inferiority and vulnerability: it is surrounded by hostile neighbors, its long borders are completely porous, and its strategic installations are vulnerable. Knowing that its power cannot equal that of Iran, it is liable to strive for a small nuclear arsenal for deterrence. Saudi Foreign Minister Saud al-Faisal expressed Riyadh's view of the severity and immediacy of the Iranian threat. He argued that sanctions are a long term solution, but Saudi Arabia looks at the Iranian nuclear program in the shortest term because it is closer to the source of the threat. "We want immediate solutions, not gradual ones."[2]

In recent years Saudi Arabia has issued many statements about the nuclear issue in the context of Iran. To judge by these alone, there might be a change in the kingdom's attitude regarding possession of nuclear weapons. In March 2011, in a statement that given the events in the Arab world did not receive sufficient media attention, Turki al-Faisal, the former head of Saudi intelligence and ambassador to the United States and Great Britain, called for the Gulf states to acquire "nuclear might" as a counterweight to Iran. He added that "there is nothing that prevents us" from acquiring nuclear arms should the efforts fail to persuade Iran to abandon its military nuclear program.[3] This was the first time that so senior an official in the kingdom

spoke publicly and explicitly about the possibility that Saudi Arabia would acquire military nuclear capabilities. Several months later, Prince Turki, who was responsible for developing relations with Pakistan, issued a threat that could be taken to mean that Saudi Arabia would seek to develop its own nuclear option: "It is in our interest that Iran does not develop a nuclear weapon, for its doing so would compel Saudi Arabia, whose foreign relations are now so fully measured and well assessed, to pursue policies that could lead to untold and possibly dramatic consequences."[4] This statement was likely intended to urge the West to resolve the Iranian nuclear issue, but one cannot rule out the possibility that Saudi Arabia is indeed looking into its own nuclear option. Wikileaks documents reveal that in closed discussions in Washington, King Abdullah himself warned that should Iran develop nuclear weapons, the kingdom would follow suit.[5]

Perhaps more than anything else, Saudi Arabia's strategy depends on whether Iran will cross the nuclear threshold and how. The Saudis are looking at Iran as becoming more and more entrenched in the threshold, which gives it some of the advantages attributed to nuclear powers and will allow it to break out towards nuclear weapons whenever it decides that it is convenient to do so. Should Iran not cross the nuclear threshold or should there be uncertainty about its nuclear status, it may be that Saudi Arabia would be content to turn a blind eye and take only symbolic steps, such as stepping up its civilian nuclear program. However, should it be certain that for all intents and purposes Iran is a nuclear state – proven, for example, by a nuclear test – and certainly if Saudi Arabia becomes convinced that Iran has an operational nuclear array, the kingdom would find it hard to maintain a policy of denial and would see itself obligated to acquire some sort of nuclear capability. In Riyadh's view, nuclear capabilities in Iranian hands would allow Iran to dictate the Gulf agenda – including the oil markets, incite the Shiites in Saudi Arabia's eastern province, and more easily undermine the kingdom's status in the Muslim world. While nuclear deterrence does not ensure security against internal instability, it has the power to bolster domestic prestige and deter external enemies with ties to elements inside the country.

The Pakistani Option

The difficulty in stopping Iran on its march towards nuclear capabilities and Riyadh's doubts about the reliability of America are liable to encourage Saudi

Arabia to shorten timetables and, in tandem with developing an independent nuclear infrastructure, opt – because of the urgency and the lack of an adequate knowledge base at home – to purchase a turn-key product and/or enter into a security compact of one sort or another with an external element in addition to the US. Over the years, Pakistan has emerged as the natural candidate for such an arrangement.

Relations between Pakistan and Saudi Arabia have grown appreciably closer since 1979, when Pakistani commandos helped Saudi security forces regain control of the Grand Mosque in Mecca, captured by Muslim radicals. In the months following the outbreak of the Iran-Iraq War, nearly the entire Saudi political-security leadership visited Islamabad to work on developing relations between the two nations, motivated by Saudi fear that the war would spill over onto its soil. In addition to cooperation in helping the Afghani mujahidin, Saudi Arabia allowed the deployment of two Pakistani brigades, including Pakistani air force units – one at the air force base in Hamis Musheyat, not far from the border with Yemen, and the other at the Saudi air force base in Tabuq, not far from the border with Jordan and Israel. Pakistan helped build the Saudi air force, and even today Pakistani instructors and mercenaries represent a significant part of both the human resources and the central command structure in most of the Gulf states security establishments. The Pakistani armed forces also hold routine joint exercises with Saudi Arabia's air force and navy.

Pakistan seemed like a natural partner for Saudi Arabia, which was concerned about its security. Pakistan's loss to India in the 1971 war over the independence of Bangladesh (formerly East Pakistan) and the 1974 Indian nuclear testing "for peaceful purposes" spurred Pakistan to attain nuclear weapons.[6] Saudi Arabia gave Pakistan an annual grant of $1 billion to develop "an Islamic (Sunni) bomb,"[7] a grant that seems to have continued even after Pakistan carried out its first nuclear test in May 1998. As a result of its nuclear testing, the US imposed sanctions against Pakistan, but Riyadh came to the rescue and began supplying it with oil to overcome the economic difficulties; this helped Pakistan continue with its nuclear program and tightened the relations between the two states even more.

Over the years, various publications have implied that Saudi Arabia is working or intends to work on developing the nuclear option. A Saudi diplomat, a member of the Saudi Arabian UN delegation who defected and was granted political asylum in the US during the mid 1990s, claimed that

from the mid 1970s until Saddam Hussein's invasion of Kuwait, Saudi Arabia was involved in a number of attempts to attain nuclear capabilities.[8] Sultan, the late defense minister, was the head of the program that recruited foreign scientists and even trained Saudi scientists at the nuclear facilities in Pakistan and Iraq. In addition to the financial aid to Pakistan, the kingdom gave Saddam Hussein some $25 billion during the war with Iran, $5 billion of which was designated for the nuclear program, including help in rebuilding the Osirak plant.[9] It is unclear whether the Saudis asked to receive some of the program's "products" in exchange, or whether they only sought a place under the Iraqi or Pakistani nuclear umbrella.

The suspicion about Saudi intentions grew as a result of the Sino-Saudi surface-to-surface missile deal (mediated by Pakistan) in the late 1980s and early 1990s, after Washington refused to sell Saudi Arabia American-made missiles. As part of this deal, concluded without US knowledge, China sold Saudi Arabia some ten launchers and several dozen Chinese-made surface-to-surface missiles.[10] This was a vote of no confidence in America's willingness to protect the kingdom. The arrival of the CSS-2 missiles brought about a crisis in US-Saudi relations, both because Riyadh had concealed the deal and because the missiles were originally designed to deliver nuclear warheads. After the deal came to light, King Fahd sent a letter to President Reagan in which he assured America that the warheads were not nuclear, but he also refused to allow American inspections.[11] To the Saudis, there was no option but to enter into a missile arms race in the region (Iran, Iraq, Egypt, North Yemen, and Syria were all arming themselves with surface-to-surface missiles), especially in light of the use of missiles in the Iran-Iraq War and in the Iranian attacks on Kuwait's oil facilities. The Saudis were ultimately allowed to keep the missiles, but in exchange were forced to sign the Nuclear Non-Proliferation Treaty.[12] To this day, it is not clear if the Americans have been permitted to inspect the missile sites.

It is not inconceivable that in recent years Saudi Arabia has secretly upgraded the missiles. Moreover, there has been a growing assessment that Saudi Arabia has sought to renew its surface-to-surface missile arsenal directly from China or Pakistan (on Chinese platforms).[13] The former head of the Pentagon's China desk has claimed that the Saudis were looking into more advanced Chinese missiles such as the CSS-6.[14] Moreover, there were continued reports about alleged contacts on the issue between Saudi Arabia and China, with apparent Pakistani mediation. It was claimed that during

President George W. Bush's first term in office the Chinese did in fact sell the Saudis more advanced missiles with nuclear warheads in exchange for Saudi oil, and that the administration sought to avoid publicizing the matter so as not to damage its relations with the royal household.[15] The reliability of this claim is questionable especially with regard to the nuclear warheads, but worrisome even if at issue is "only" missiles capable of carrying nuclear warheads. In recent years the US has been concerned about China's conduct on missiles and nuclear arms, and all the recent administrations, including Obama's, have continued to impose sanctions against Chinese companies and individuals implicated in proliferation. Moreover, if this was indeed the American response, it raises the concern that the US is willing to go quite far in order not to damage relations with the House of Saud. In any event, China has become Saudi Arabia's most important oil customer, and in January 2012 the two nations signed the first agreement of its kind on nuclear cooperation.[16]

It is not known if Saudi Arabia has tested the Chinese missiles on its own soil, but it avoided using them even when it was attacked by Iraqi missiles. The concern is not over the missiles themselves, rather over the possibility that Saudi Arabia's future actions in this sphere will be covert so as not to arouse criticism and to avoid embarrassing the US. In this context, in March 2010, a new command and control center belonging to the Strategic Missile Force was inaugurated near Riyadh. Its commander said that this force plays an important role in repulsing threats to Saudi Arabia, "especially in a region that is in the midst of an arms race."[17] This raises the following question: why is Saudi Arabia investing billions in updating its strategic command and control facilities if it still possesses only outdated Chinese missiles? Perhaps the American refusal to sell surface-to-surface missiles to the Saudis made them reexamine the possibility of buying them from Pakistan or, somewhat less likely, directly from China.

The lack of transparency regarding the visit by the late Saudi Defense Minister Sultan to a uranium enrichment facility and a Pakistani missile production plant near Islamabad in May 1999 (hosted by none other than A.Q. Khan himself) aroused concern in the Clinton administration about Saudi nuclear intentions.[18] It was the first and only visit to these installations by someone from outside Pakistan and it may have laid the groundwork for deepening the missile and nuclear cooperation between the two nations. On at least one occasion Khan also visited Riyadh (he may have been offering

goods to his hosts),[19] and subsequent reports surfaced about Pakistani scientists coming to Saudi Arabia under the guise of pilgrims during the Hajj.

In 2003, *The Guardian* claimed that an official Saudi document indicated Riyadh was concerned over Iran's nuclear program and was considering acquiring nuclear arms as a deterrent, maintaining an existing alliance with a nuclear power, or entering into a new one.[20] One month later, the *Washington Times* reported that a deal had been struck between Saudi Arabia and Pakistan about the transfer of nuclear deterrent means.[21] Further, a report by the Washington Institute for Near East Policy claimed that Saudi Arabia was considering buying nuclear arms from Pakistan.[22] Nuclear cooperation between the two seems to have come up as a result of their shared anxiety about Iran's nuclearizartion, as well as Saudi Arabia's concern about over-dependence on the American defense umbrella in light of the cooling of US-Saudi relations after 9/11 and Bush's Middle East democratization project. Before the American invasion of Iraq, the *New York Times* also reported that President Bush, in a private talk, said that he "wanted to go beyond Iraq" in the effort to prevent proliferation of non-conventional arms, and noted Iran, North Korea, Saudi Arabia, and Pakistan as nations posing particular problems in this context.[23]

Pakistan's willingness to provide security support for Riyadh, should the Saudis feel that there is a real danger to the kingdom's stability, was again put to the test in the spring of 2011. The royals' concern that the Shiite uprising in Bahrain would spread to Shiite centers in northeast Saudi Arabia where most of the Saudi oil reserves are located prompted the kingdom to ask Pakistan to place an expeditionary force on alert ready to be deployed on Saudi soil should the security situation in the kingdom deteriorate.[24] Pakistan responded favorably to the Saudi request.[25]

Saudi Arabia, which views Pakistan as a kind of strategic rear, has in recent years sought to create closer cooperation between their armed forces. The Saudis are behind the financing of many arms deals, and in exchange enjoy the training of their aerial and naval personnel by the Pakistanis. During a visit by Pakistani President Zardari to Riyadh in July 2011, a visit that reportedly enhanced the strategic relations between the nations, King Abdullah thanked him for his support in Bahrain (where Pakistani mercenaries helped put down the Shiite uprising) and his help in maintaining regional stability. A month later, Pakistani Prime Minister Gilani also visited the kingdom; he came to ask for Saudi help with oil supplies in light of

Pakistan's economic situation and America's threats to cut off support. It is unclear what Pakistan promised in exchange for Saudi economic aid.[26] Despite the differences of opinion with the current political leadership, Saudi Arabia maintains a very close relationship with the heads of Pakistan's military and intelligence services, so much so that the US makes use of Riyadh's contacts and influence on the internal Pakistani arena.[27] This is significant in the nuclear context because from the start the Pakistani nuclear program was under the sole control of the military establishment without any practical involvement on the part of the political leadership.

Ties between Saudi Arabia and Pakistan are not limited to the military and economic spheres; they are also manifested on the religious, social, and political levels. Saudi Arabia funds the studies of Pakistani clerics in the kingdom and has built a network of mosques, charitable institutions, and *madrassas* in Pakistan. Saudi Arabia is also viewed as a significant player in Pakistani politics, and in the past has not hesitated to openly support candidates with whom it has close links. Saudi Arabia has provided political asylum to Pakistani politicians in exile, including former Prime Minister Nawaz Sharif.

The two nations, both with Sunni majorities, are interested in curbing Iran's power and influence: Pakistan, lacking the monetary resources, has the requisite knowledge and skilled manpower, whereas Saudi Arabia is wealthy but lacks the relevant infrastructures and trained personnel. Therefore one cannot rule out the possibility that Saudi Arabia may seek to balance Iran's power by increasing cooperation with its longstanding friend in the nuclear field, despite the political risks – especially given the kingdom's relations with the US – and the fact that this would seem to contradict its stance on the Middle East as a nuclear weapons-free zone. In addition to a break with the US, the Saudis risk losing the foreign aid given in part to its civilian nuclear program.

The expansion of the Pakistani nuclear project in recent years has been aimed primarily at confronting India's nuclear arms growth,[28] as Pakistan is developing its nuclear program[29] far beyond its own needs. The result is that Pakistan has the most rapidly growing arsenal of nuclear weapons in the world,[30] which may certainly be worrisome in context of proliferation. In October 2010, in the first interview of its kind, the head of the strategic planning unit of Pakistan's armed forces, which is responsible for the production, security, and storage of the nation's nuclear weapons, said that

Pakistan had experience in the nuclear field and the right to provide these services to other nations.[31]

Would the deployment of Pakistani nuclear warheads in Saudi Arabia contradict Riyadh's commitment to the NPT? Should Pakistan place nuclear weapons in the kingdom, Saudi Arabia may not view this as a violation of the NPT to which it is a signatory, and certainly not if the warheads themselves remain under Pakistani control. Such a scenario is still mere speculation and in the past was denied by both Islamabad and Riyadh. However, it cannot be ruled out definitively should Riyadh become convinced that circumstances have allowed Iran to break out towards nuclear arms. In this context, Gary Samore, President Obama's advisor on arms control, said that the possibility of Pakistani forces being placed again in Saudi Arabia, this time nuclear, cannot be ruled out. This seems a more viable possibility than the transfer of nuclear warheads directly into Saudi hands.[32]

It is not unreasonable that Saudi Arabia would rely for its defense on other states in addition to the US for the simple reason that it has already done so in the past. Likewise, it is not unreasonable that Saudi Arabia would not act with transparency, also for the simple reason that it has done so in the past. Should Saudi Arabia find itself in a sensitive security situation, it may seek to capitalize on its investment in the Pakistani nuclear program and pressure Islamabad to meet its obligations. Is there in fact a binding nuclear agreement between the states? It is unclear. The assessment is that both states have at least discussed the option. Moreover, assuming that such an agreement exists, the two have presumably trained for operational cooperation in this field.[33]

The lack of transparency typical of Saudi decision making does not allow knowledge of what, if any, decisions have been made. Decisions on sensitive issues are taken in very small settings usually involving the king and the brothers closest to him. Should Saudi Arabia in fact decide to explore the nuclear route, it would, because of its lack of independent infrastructures and know-how, prefer to do so with external help and acquisition of an off-the-shelf deterrent. Although since the start of the nuclear era there has been no precedent of one state selling or transferring nuclear warheads to another, there is a precedent (Pakistan and North Korea) of proliferation of forbidden nuclear equipment and know-how. The closer Iran comes to the nuclear threshold, so Saudi pressure on Pakistan to fulfill its presumed commitments will grow. It is by no means certain that Pakistan will yield to Saudi pressure

and inducements, but it is impossible to rule out the deployment of Pakistani fighter jets, or more likely surface-to-surface missiles with nuclear warheads, controlled by Pakistan, on Saudi soil should the Saudi Arabian elite sense that its security is in danger.[34] This option would also to a great extent "inoculate" Saudi Arabia against a preemptive strike against its nuclear installations because there will be no such installations to strike.

Civilian Nuclear Development

Along with examination of the military nuclear route, Saudi Arabia has in recent years started to prepare openly for the development of a nuclear program for the purposes of electricity production and desalination, and it is broadening efforts to construct a knowledge base in the field, possibly as another way of establishing nuclear military capabilities in the longer term. With this in mind, it has initiated a string of projects and signed cooperation agreements with France, Russia, the United States, and South Korea. As a possible response to Iranian nuclear development and an attempt to increase the pressure on the US to solve the crisis, Saudi Arabia and the other Gulf states announced at the end of the twenty-seventh summit of the Gulf Cooperation Council (GCC) in December 2006 that they were looking to develop independent nuclear programs on their soil. They called for engaging in joint research to develop a shared nuclear program to use nuclear technologies for peaceful purposes and in accordance with international treaties.[35] The Saudi Foreign Minister sought to assuage the concerns about possible GCC intentions to develop nuclear weapons and stated on the conference sidelines that he hopes the announcement would not be misunderstood. He said it was no secret and that all was done out in the open, with the goal is to pursue technology for peaceful uses – "no more and no less."[36] Despite similar declarations during the years, the kingdom has signaled that it would not surrender the capability to enrich uranium on its soil, what continues to raise doubts about Saudi Arabia's intentions.[37]

In April 2010, King Abdullah published a directive on the establishment of a national body for nuclear R&D. In addition, it was stated that the kingdom would invest more than $100 billion over two decades to establish no fewer than 16 nuclear reactors.[38] The civilian nuclear program thus seems to be designed as a symbolic response to Iran's nuclear project in the short term, but this does not preclude that it may serve as a cover or preliminary stage for a military nuclear project in the future. While in June 2005 Saudi

Arabia signed the Small Quantities Protocol with the IAEA, this protocol exempts it from intrusive inspections and makes it difficult for the IAEA to ensure there is no forbidden development underway. The concern that loopholes in the protocol could allow nations to develop military nuclear capabilities has moved the IAEA to attempt to change it.[39] Saudi Arabia's response was to hurry to sign the present text, despite America's opposition.

Reliance on America

US-Saudi relations are based on material interests. The United States provides Saudi Arabia with military support, while Riyadh allows the US free access to oil from the Gulf and provides an attractive market for the sale of advanced weapon systems. Although it is commonly thought that Saudi Arabia has no substitute for its dependence on the US, Saudi policy resists putting all its eggs in one basket, especially because relations between the two nations are not the best and the Saudis, because of the US difficulty in stopping Iran on its march to nuclearization and US policy in light of the upheavals in the Arab world, do not trust US willingness to come to the kingdom's defense. The US is not seen as trustworthy a partner as it once was.

Saudi doubts about their American allies preceded America's conduct during the "Arab Spring" but were intensified by it.[40] For its part, Saudi Arabia failed to cooperate fully with the US on a number of occasions, including the investigation of the 1996 Khobar Towers bombing and the events following 9/11. Wikileaks documents have demonstrated that the kingdom is hard pressed to stop money transfers from its soil to terrorist organizations. Even before the American military operation in Iraq in 2003, Saudi Arabia asked the US to remove American forces from Saudi soil (most of them were transferred to Qatar) and for a decade there have not been significant American forces in the kingdom.

A signal from Riyadh that it intends to pursue the nuclear route may be an effective way to pressure the US to demonstrate its commitment to defend the kingdom more convincingly. Saudi Arabia does not miss any opportunity to express its displeasure with America's policy on Iran and its fear of Tehran. In a press conference with Secretary of State Hillary Clinton, Saudi Foreign Minister Saud al-Faisal said that Iran's ignoring the proposals presented to it increases the threat of its nuclear program: "History has shown that any weapons brought into the region are eventually used."[41] Indeed, in the past

Washington was sensitive to Riyadh's security considerations and tried to lay its concerns about Iran's nuclear program to rest. It was Secretary of State Clinton who declared that the US will extend its defense umbrella to the Gulf states should Iran acquire military nuclear capabilities.[42] The problem with this type of declaration is that it is liable to be seen as almost a reluctant acceptance of an Iran with nuclear arms, certainly if uttered at a time when Iran still has no operational military nuclear capabilities.

Despite the tension in the relations between the two nations, it would seem that security-military cooperation between the US and Saudi Arabia remains as close as ever. However, a rupture in these relations is liable to damage America's intelligence concerning Saudi preoccupation with non-conventional arms.

One possible way for the US to strengthen the Saudis' trust in America's willingness to defend the kingdom is by stationing nuclear forces in Saudi Arabia, just as it has on the soil of other American allies. While the US would not have to deploy nuclear forces on Saudi soil to deter aggression against the kingdom, such a move would give a boost of credibility to the message of deterrence and calm the Saudis. However, any American-Saudi security arrangement would likely be covert so as not to embarrass the kingdom vis-à-vis opposition elements. Another possibility is deploying nuclear forces (on submarines or ships) near the kingdom's shores. This may be enough to persuade Riyadh of Washington's sincerity and also bypass the Saudis' sensitivity to the stationing of "infidel forces" on their soil. A hint that such an option might be in the making came in March 2010 when the Americans demonstrated the firing of a missile capable of carrying a nuclear warhead from a submarine near the Saudi coast.[43] Recent reports claim that the US is considering expanding its nuclear cooperation with Saudi Arabia on the basis of a memorandum of understanding from 2008; apparently, in exchange for foregoing the operation of nuclear fuel cycles on its soil, Saudi Arabia would receive nuclear assistance.[44] It may be that such a move, should it come to pass, is meant to try again to persuade Saudi Arabia to abandon its strategic goals, prevent other players from gaining a foothold in the attractive Saudi Arabian market, and challenge Iran's nuclear policy. The US is still Saudi Arabia's most secure and effective security support, but if the US distances itself from regional matters, the gradual entrance of new players into the Gulf and the current tension between the two nations, as well as the tension in US-Pakistani relations, are liable to change the Saudis' thinking.

If the US provides Saudi Arabia security guarantees – naturally in exchange the US would demand that Saudi Arabia forego its strategic goals – Saudi Arabia's inclusion under an American defense umbrella is still not a given and depends on both intra-Saudi considerations and the quality of relations between the nations. The outcome could be that Saudi Arabia remains skeptical over US willingness to come to its aid and would thus with foreign help seek to acquire – in both senses of the word – military nuclear capabilities. This would give Saudi Arabia greater freedom to maneuver and release it from the patron-client relationship that has developed with the US. At the same time the kingdom would likely accelerate its independent nuclear development as another option in response to Iran, even if it is a long term one. Under present circumstances, any American attempt to step back from the alliance with Saudi Arabia is liable to prompt Riyadh to reconsider seriously the possibility of forging relations, even strategic ones, with other nations. The only consideration that might convince the Saudis not to go the nuclear route is a Saudi belief that the kingdom will have American deterrent backing should it be proven that Iran is in fact a nuclear state. Formulating a new American doctrine on the Gulf that would restore the faith of the Gulf rulers in the US – similar to the parameters of the Carter Doctrine – could be a step in this direction.

Conclusions and Implications for Israel

The essay explores Saudi Arabia's stance regarding the nuclear question and posits that the Saudi elites are liable to conclude that despite the inherent political risks of this route, the nuclear option is the best alternative for ensuring the survival of the regime and its ability to meet both domestic and foreign challenges. This is not to downplay the political restraints on Saudi Arabia on the issue, especially the kingdom's relations with the US, but it questions the notion that the US would extend deterrent backing to Saudi Arabia under all circumstances and that Saudi Arabia would find this sufficient for its needs. In light of the US difficulties in stopping Iran's march towards military nuclear capabilities, the withdrawal of American troops from Iraq, and what seems to Riyadh to be an abandonment of allies during the recent upheavals in the Middle East, this question is more relevant than ever.

If and when Iran crosses the nuclear threshold, heavy American pressure will be brought to bear on Saudi Arabia not to acquire nuclear capabilities.

Indeed, it seems that at present the price that Saudi Arabia is liable to have to pay should it acquire military nuclear capabilities would outweigh the advantages of such a move. Some point to the fact that additional proliferation has not occurred in Southeast Asia, notwithstanding North Korea's nuclear capability, because of the Japanese and South Korean trust in the American defense umbrella. However, the circumstances in the Gulf and the Saudi concerns regarding the American nuclear umbrella may well differ, and the strategic interest, motivated by pure considerations of survival, could intensify. Should the essential security interests of the kingdom be threatened and Saudi Arabia's stability be threatened, the nation may prefer to take a series of steps, including non-conventional, in order to reduce risks and ensure the continuity of the royal household. This would make Saudi Arabia into the first nuclear club member that acquired rather than developed nuclear capabilities.[45]

In light of Saudi Arabia's vast monetary wealth and relative military weakness, it is likely that the kingdom is seeking to establish parallel security arrangements that would give it greater independence in making decisions in the field and allow it to be prepared for any development in its strategic environment. Evidence from open sources about Saudi Arabia examining the nuclear option remains circumstantial. Nevertheless, Saudi Arabia, perhaps more than any other player in the Middle East, has the ideological and strategic motive as well as the financial wherewithal to act on it. Its concern that in certain scenarios is it liable to have to face a nuclear Iran by itself and the ramifications of this for its status and security are liable to make it want to keep all options open, including the nuclear one.

Over the years, Israel has always been concerned about Saudi intentions on the nuclear question. As early as 2003, Aharon Zeevi Farkash, then head of IDF Military Intelligence, reported to the Knesset Foreign Affairs and Defense Committee that in addition to Iran, Saudi Arabia was also developing a nuclear option: "The Saudis are conducting negotiations with Pakistan over buying nuclear warheads for their surface-to-surface missiles…They have decided that they will tip the balance of fear in light of Iran's armament, and intend to station the Pakistani warheads on Saudi soil."[46] As Chief of Staff, Moshe Yaalon warned of the possibility that Saudi Arabia would pursue the nuclear route and said that in the non-conventional field, one must "also carefully consider what is going on in Saudi Arabia."[47] Meir Dagan, former head of the Mossad, has expressed concern about Saudi

Arabia and the nuclear question and has also hinted at the "Pakistani option": "It may be that the Saudis have agreements to receive components of one kind or another relating to their nuclear program from other nations."[48] In November 2011 Maj. Gen. (ret.) Amos Gilad, head of the political-security branch at the Ministry of Defense, warned of a similar possibility: "Saudi Arabia will not accept a nuclear Iran," he said. "They have a lot of money and can afford to buy themselves anything their heart desires…They can equip themselves with nuclear weapons from Pakistan. I wouldn't be surprised if they go ahead and do so."[49]

However, it is unclear to what extent and how well Israel can follow the Saudi file, particularly as it directs most of its attention to the Iranian nuclear challenge. It may be that the trends outlined above are enough to justify the need to examine Israel's assessment of the Saudi nuclear issue and certainly the need for an ongoing dialogue with the Americans. As a rule, the difficulties of intelligence gathering in the non-conventional age are not inconsiderable. Even when the intelligence gathering is good, failure could stem from the nature of the non-conventional challenge to intelligence research and the ability to put together a coherent picture that can help foil the threat. It may also be that Israel is relying on the fact that the US has better access to events on the Arabian Peninsula. However, even should it become clear that the kingdom has dabbled in forbidden activity, it is uncertain if and how the US would share such information with Israel and, even if it does, the US may demand that Israel refrain from taking action against nuclear facilities in Saudi Arabia.

Israel understands that a Saudi nuclear program would primarily be intended as a balance against Iran. Furthermore, in recent years there have been many reports about security and intelligence cooperation between a number of Gulf states, including Saudi Arabia, and Israel. Nonetheless, one cannot guarantee that nuclear installations and know-how in Saudi possession could at some point in the future be pointed at Israel and/or fall into the hands of terrorists.

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Towards Turkey's Own Bomb? Not Yet

Gallia Lindenstrauss

One of the anticipated developments should Iran achieve a military nuclear capability is a regional arms race in which other countries will go nuclear. The familiar scenario primarily concerns the key states in the region – Saudi Arabia, Turkey, and Egypt.[1] This article reviews the chance that in the foreseeable future, Turkey, which in principle is interested in a nuclear-free Middle East (including one free of Israeli nuclear weapons),[2] will change its policy and decide to develop nuclear weapons, thereby joining the regional nuclear arms race. The article concludes that Turkish decision makers are not likely to pursue this route.[3]

The claim that there is little likelihood of Turkey deciding to undertake military nuclear development is based on three main factors. From a security perspective, Turkey does not expect a direct military confrontation with Iran, and for now, it is making do with NATO's nuclear umbrella. Regarding its pursuit of influence in the regional and international system, Turkey generally prefers to use soft power. Finally, from the perspective of the balance of power within Turkey, the weakening of the Turkish army's political power also leads to a lower Turkish threat perception than in the past.[4] Given these considerations, even though Turkey has recently promoted the development of civilian nuclear capability, it is doubtful that under current circumstances it will respond to progress in the Iranian nuclear program with a decision to pursue military nuclear power of its own, especially if Iran adopts a policy of nuclear ambiguity.

In addition, it would be difficult for Turkey to camouflage the development of an independent nuclear capability. Beyond the fact that Turkey is a signatory to the NPT and the Additional Protocol, because of its strong ties with the European Union and the United States and the transparency required of Turkey in its relations with them, it is not likely that Turkey would

pursue a secret nuclear program.[5] On the other hand, open military nuclear development is likely to cause tensions in relations with these states. This presents a dilemma: Turkey must rely on its partnership with the West, which in many ways, as will be explained below, is problematic, or act against it – and at a considerable price. Nevertheless, if the extreme scenario of NATO's dissolution occurs, or if the NPT regime collapses and Western countries, and especially the United States, cease to emphasize the importance of the regime – that is, if proliferation spirals and a tipping point is reached that makes the regime irrelevant[6] – the possibility that Turkey would seriously consider open development of military nuclear capability is much greater.

Security Considerations

A survey of security considerations that could lead Turkish decision makers to move toward developing military nuclear capability must address Turkey's perception of the threat from neighboring countries. This discussion will focus on the implications of Iran's acquiring a military nuclear capability and will also briefly address the wider regional context.

Since the Islamic Revolution, Iran-Turkey relations have largely been characterized by mutual suspicion, and at times marked by competition more than cooperation. Some claim that the two countries, interested in increasing their regional influence, aspire to regional hegemony, which could lead to a clash between them. However, neither country has a territorial claim against the other. It is doubtful that even issues in dispute between the two, such as the future of Iraq or Syria, would ignite a direct military confrontation between them.[7] While the development of nuclear weapons would change the balance of power between the states, which today is in Turkey's favor, Turkey would still retain significant conventional deterrent capacity and continue to enjoy its close connection to Azerbaijan, which is a potential lever of influence on the large Azeri minority in Iran.

From the perspective of Turkey's current threat perception, the greatest danger is that an Iran-Israel confrontation, and even more, an Iran-US confrontation, will have negative consequences for Turkey, as occurred, for example, in the 1991 Gulf War.[8] The Turks especially fear an Iranian response on Turkish territory if Israel or the United States decides to attack Iran and the Iranians claim that there was Turkish cooperation, even limited, with this attack. In November 2011, Iranian officials even began to threaten that in the event of an American or Israeli attack on Iranian

territory, Iran would respond by launching missiles at the radar system that is to be positioned in Turkey as part of NATO's anti-missile defense system. Following clarifications requested by the Turkish Foreign Minister about these threats, the Iranian Foreign Minister declared that this was not Iran's official position.[9] Nonetheless, the danger of an attack designed to stop Iranian nuclear development concerns Turkey no less than the possibility that Iran will complete its nuclear program.

The potential danger of a neighboring country possessing nuclear capability is not new for Turkey. During the Cold War, the response Turkey formulated to the Soviet nuclear threat focused on building deterrent capability with two elements: significant conventional capability (Turkey has the second largest army in NATO) and reliance on the US nuclear umbrella in the framework of NATO. For two reasons, Turkey agreed to be one of the states housing US tactical nuclear weapons. One was deterrence of the Soviet Union during the Cold War, and with the end of the Cold War, deterrence of Iran, Iraq, and Syria, all of which have nonconventional capability. The second reason was Turkey's desire to share the burden in NATO. For Turkey, NATO is not just a military alliance; it also has significance in terms of Turkey's aspiration to be part of the West.[10]

Since the end of the Cold War, Turkey has had a number of disappointments with NATO's attitude toward it. In 1991 and in 2003, when Turkey asked for assistance in the form of warning systems and Patriot missile batteries to defend itself against a possible Iraqi attack, several European members of NATO initially objected, and only later was a solution found.[11] Furthermore, the Turks have repeatedly criticized NATO for not providing them enough assistance in confronting terrorism by the Kurdish Workers' Party, the PKK.[12] Turkey's difficulties regarding acceptance into the European Union, which actually led to a certain deadlock, have also added to Turkish suspicion concerning Europe's commitment to Turkey's defense in time of need.

As a result of the ongoing struggle with the PKK, the disappointment at the lack of Western willingness at times to sell Turkey particular weapon systems, and the desire for greater self-reliance, Turkey has promoted its local arms industry in recent years.[13] This trend of increasing self-reliance may perhaps lay the groundwork for the day when Turkey also chooses to develop nuclear capability independently. However, it remains to be seen whether this trend toward self-reliance will actually succeed from a technological point of view without becoming a heavy economic burden

or whether, if it fails, it will lead to greater caution – including regarding the decision on whether to develop independent nuclear capability as well.

Beyond the existing doubts that NATO would keep its commitment to come to Turkey's aid in the event that it is attacked, today there are apparently other problems stemming from the reliance on the US nuclear umbrella. According to the *Nuclear Posture Review* (NPR) of 2010, which examines the nuclear position of the United States, use of nuclear weapons is intended only for "extreme circumstances."[14] This statement can be interpreted as an expression of a weakened US commitment to America's allies. Following the end of the Cold War, the United States significantly reduced the number of tactical weapons in Europe, and today, Turkey is one of the few countries with US tactical nuclear weapons. Belgium, Holland, and Germany, which also still retain US tactical nuclear weapons on their territory, are interested in removing them. If this happens, these weapons will remain in Turkey and Italy only, and some analysts anticipate that such a significant reduction in tactical nuclear weapons will lead to their complete removal from European territory.[15] The bombs in Turkey, apparently some seventy in number, are concentrated at the Turkish air force base in Incirlik. While there are some Turkish F-16s that are capable of carrying such bombs, the Turks do not participate in training exercises to practice this capability,[16] and they have not allowed the Americans to maintain their own squadron on the base. This means that planes will have to come from outside of Turkey if a decision to use these weapons is made.[17]

Turkey has traditionally objected to the removal of tactical weapons from its territory because they are a guarantee, if only symbolic, of the NATO commitment to protect Turkey.[18] Nevertheless, there were some calls in Turkey for removing tactical nuclear weapons from the country, based on the claim that Turkey today is less threatened by its neighbors. Even if completion of the Iranian military nuclear program spurs other states in the region, such as Saudi Arabia and – though less likely, Egypt – to go nuclear, their nuclear capabilities are expected to be turned toward Iran, and not toward Turkey. A related argument is that it was precisely the presence of tactical nuclear weapons on Turkish territory that was, if not one of the causes for the development of Iranian nuclear weapons, then one of the excuses Iran was able to use to develop these weapons.[19]

Especially if Iran chooses a policy of nuclear ambiguity, there is a good chance that Turkey will choose a policy of denial regarding the danger it

faces from nuclear weapons in Iran's possession. Turkey chose this strategy vis-à-vis Iraq when Iraq had intentions of developing nuclear weapons.[20] Thus the difficulty in developing military nuclear capability in secret, the expected high cost of open development, and the Turkish assessment that there is little likelihood that Iranian nuclear capability (or other regional nuclear capability) will be directed against Turkey, contribute to the fact that Turkey today is not close to a decision on military nuclear development. Furthermore, it can be assumed that if Iran chooses to develop its nuclear program openly, NATO, or at least the United States, will provide Turkey more concrete guarantees in an effort to prevent it from choosing the path of nuclearization.

The fear of increased tension in the Middle East as a result of a nuclear arms race, as well as the exacerbation of the Sunni-Shiite rift – that is, the desire to avoid a situation in which Ankara will be forced to adopt a policy that it does not want – has led Turkey to adamantly oppose nuclear weapons proliferation in the region. Turkey has already declared that it is interested in advancing the vision of a nuclear weapons-free Middle East, and in this context, it has expressed a great deal of criticism of Israel as well.[21]

Prestige and Influence in the International System

One of the explanations as to why states develop military nuclear capability is considerations of prestige and the desire for influence in the international system. In this context, the claim has been made that Turkey will need to join the race toward nuclearization in the Middle East not as a response to concrete security fears that require development of such weaponry, but from the point of view of "appearances" and "parity."[22] However, while in the past states viewed nuclear development as an indication of their level of development and their processes of modernization, today less importance is attributed to this aspect of prestige. The effort by an industrialized country like Germany to dismantle all the nuclear reactors that it has built illustrates this change in approach.

For its part, Turkey has aspired in recent years to increase its influence in the international system and particularly in the Middle East, but it appears that it has chosen to do so while emphasizing the advantages of its geostrategic location and its ability to influence regions that were part of the Ottoman Empire.[23] It is attempting to achieve increased influence mainly through soft power, such as efforts at mediation and the development of

economic and cultural ties.[24] The regional struggles for influence that have taken place in recent years between Turkey and Egypt, for example, revolved around the issue of mediation on the Palestinian issue, and not around the purchase of arms. This policy of promoting Turkey's position through use of soft power has had positive results, and these can be seen, inter alia, in the opening of new export markets for Turkey.[25] In recent years, public opinion polls conducted in the Middle East have also pointed to the success of this Turkish policy in the region.[26]

Nevertheless, since the beginning of the Justice and Development Party's third term, it appears that Turkey has withdrawn to a certain extent from promoting its policy mainly through use of soft power, and has begun to embrace a more forceful policy of threats. This can be seen, for example, in the ultimatums Turkey has presented to Israel (on apologizing for the flotilla affair), to Syria (on stopping violent repression), and to the Greek Cypriots (on searching for gas). Yet while the ultimatums actually reflect a fundamental change in direction is still an open question, a transition to an emphasis on hard power, and certainly Turkish nuclear development, will have negative results. A development in this direction will be met with criticism from Europe and the United States, and in the Middle East, development of Turkish nuclear capability will also arouse suspicion.

Furthermore, in the past Turkey stressed the importance of multilateral forums, and it is still emphasizing the importance of acting through international organizations.[27] From this point of view as well, Turkey is more comfortable participating in forums that discuss diplomatic ways of confronting the Iranian nuclear threat than it is reaching a unilateral decision about a response that would involve development of independent military nuclear capability. Turkey, together with Brazil, exploited its status as a non-permanent member of the Security Council in order to promote a deal with Iran on uranium exchange. Although this deal did not go through and Turkey was also criticized for not voting in favor of expanding sanctions on Iran in 2010, Turkey's attempt indicates a preference for acting multilaterally and demonstrating its power and independent positions through these efforts.

Domestic Factors

For a variety of reasons related, inter alia, to Turkey's relations with the European Union and its membership in NATO, Turkey would have a hard time taking on the project of secretly building a military nuclear capability.

Promoting such a project publicly would necessarily involve a public discussion in Turkey, and this has barely begun.[28] According to a survey published in January 2011 by the Metropoll research institute in Ankara, only 3 percent of Turks think that Iran is a "significant threat" to Turkey (compared with 43 percent who think that the United States constitutes a significant threat, and 24 percent who think that of Israel).[29] In contrast, in an April 2012 survey published by the Istanbul-based Centre for Economics and Foreign Policy Studies (EDAM), 54 percent of the respondents, when asked, "In reaction to a possible threat from a nuclear armed Iran, should Turkey develop its own nuclear weapons or rely on NATO's protections," answered that Turkey should develop its own nuclear weapons: 34.8 percent said they are against developing nuclear weapons under any circumstances, and only 8.4 percent said that Turkey should rely on NATOs nuclear umbrella.[30]

The current government in Turkey, led by the Justice and Development Party, does not have an interest in public discussion of this issue, which might strengthen the position of the army, considered to be the keeper of secularism in Turkey, whose status has significantly eroded in recent years. While the development of nuclear weapons could also be grounds for reducing the size of the conventional army and for a change in Turkey's deterrence policy, in the past it was mainly the Turkish military that gained from the emphasis on the military threats facing Turkey, and consequently, from the increasing Turkish threat perception.

Nevertheless, Turkish Prime Minister Recep Tayyip Erdoğan is attempting to promote the building of civilian nuclear capability, primarily given the growing energy needs of the Turkish economy. Civilian nuclear capability would of course make it possible for Turkey, if it were so interested, to move to development of military nuclear capability. This transition from a civilian program to a military one is in fact one of the preferred paths today of states that are interested in developing military nuclear capability.[31] There have been claims in Turkey that the growing energy needs of the Turkish economy are causing a situation in which "nuclear energy is not an option. It is a necessity."[32] Since the 1970s, Turkey has attempted to develop civilian nuclear capability about five times, but these attempts were stopped, mainly because of US opposition and difficulties with funding.[33] The situation today is that Turkey has a limited infrastructure for civilian nuclear development, with only about three small facilities for development and testing.[34] In the framework of Vision 2003, which marked 100 years since the founding of the

Turkish Republic, the Turks declared their intention to establish three nuclear reactors on Turkish territory using know-how from foreign companies. There is also a long term plan to establish some twenty reactors by 2030.[35] Turkey currently does not have concrete plans to have enrichment facilities on its territory, but Erdoğan has stated that Turkey reserves the right to do so.[36]

Both before and after the earthquakes in Japan and Turkey in 2011, Turkey was criticized – domestically and in other countries, such as Greece – for its intention to build nuclear reactors in areas sensitive to seismic vibrations.[37] For his part, Erdoğan is attempting to fend off criticism, and after the disaster in Fukushima, he declared that "there is no investment without risk," and that anyone wanting a risk-free environment should "not build crude oil lines in their country and not use gas in their kitchens."[38] In contrast to earlier periods, when civilian nuclear programs in Turkey were halted because of domestic factors no less than external factors, the significant strengthening of the Turkish economy and Turkey's current economic stability allow Erdoğan to promote ambitious plans.

Beyond its growing energy needs, Turkey, which imports more than 90 percent of its gas and oil consumption, is interested in diversifying its sources of energy and being less dependent on others.[39] However, the first contract signed in 2010 for the construction of a nuclear power plant was with the Russian government company, RusAtom. Signing a contract with a Russian government company is problematic because one of the motives for Turkey's pursuit of nuclear energy is reducing its dependence on Russia, which is the source of 65 percent of Turkey's natural gas needs.[40] In the wake of the events in Fukushima, there were delays and difficulties in negotiations with Japanese companies, and therefore the Turks are advancing now in their contacts with South Korean firms.[41]

Among the explanations for Turkey's attempt to promote negotiations between Iran and the West are its fear of an attempt by states with nuclear capability to prevent other states from engaging in nuclear development – not just military, but also civilian; its opposition to the goal attributed to them of establishing a sort of nuclear OPEC; and its ambition to break their monopoly.[42] One could even claim that the difficulties Turkey has encountered in developing civilian nuclear capabilities are connected, at least partially, to the fact that states possessing nuclear capabilities have not cooperated with moves in this direction, although it has signed all the relevant treaties concerning WMD.

Conclusion

An assessment of whether Turkey is expected to decide to develop a military nuclear capability in the foreseeable future indicates that the chances are limited. As long as Iran maintains ambiguity, Turkey can apparently continue to deny that there is a problem. Even if Iran adopts an open nuclear policy, it is expected that NATO's guarantees to Turkey, or at least those of the United States, will be strengthened. It is possible that this will reduce Turkish fears of the Iranian nuclear threat.

At the same time, special attention should be paid to Turkey's civilian nuclear program, which includes plans to build some twenty nuclear reactors by 2030. In contrast to the past, it appears that this time Turkey's chances of succeeding in developing this capability are good. Its growing energy needs apparently justify such a program, and today there are political and economic conditions that will make it possible to build this capability. If NATO is not weakened and Turkey remains a NATO member, it is nearly certain that this civilian nuclear capability will not be viewed any more negatively than programs in South Korea or Japan. At the same time, a civilian program has the potential to become a military program, and the West, primarily the United States, must identify and contend with Turkey's security needs so that Turkey will not join the race toward military nuclearization in the Middle East.

Notes

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