

# **An Israeli Attack on Iran: The International Legitimacy Factor**

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In contemplating a possible military attack on Iran, the Israeli decision maker must weigh the element of international legitimacy. Though only one consideration among many and not necessarily the most crucial, legitimacy is nonetheless a major factor in the web of considerations accompanying any decision. There is currently diminished legitimacy for an Israeli attack on Iran, and therefore Israel must understand that building and maintaining a cloak of legitimacy is an integral part of the military effort.

Israel can take important steps to strengthen the legitimacy of an attack on Iran, at least among select key audiences such as the United States security establishment and the relevant committees in the Senate and House of Representatives. The same applies to parallel entities belonging to other leading actors, such as France, Germany, and Britain, which are important both in and of themselves and for their influence on the United States. This article will analyze what a legitimacy-promoting campaign can and must achieve, namely, understanding among others, as opposed to approval, regarding the attack. It sketches a framework for campaigns before, during, and after an attack to strengthen the perception of legitimacy for an attack among key and select target audiences. At the same time, since the Israeli decision maker must necessarily balance a sensitive set of considerations, under certain circumstances he might consider launching an attack on Iran even if it is endowed with only a low level of perceived legitimacy.

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### What is Legitimacy?

In the context of military activity, legitimacy is a political consensus that a party that resorts to military force has justification for doing so. This matter, however, is more complex, as legitimacy is not a binary concept, i.e., it is not that legitimacy is fully present or entirely absent. Rather, legitimacy is a matter of degree, dependent on context and circumstance, that can wax and wane over the course of time. Legitimacy is not a measurable asset that can be stored, employed, or deployed at will or precisely according to plan. Legitimacy cannot be compared, for example, to national emergency fuel reserves, which can be stored long term and used during a crisis. When Israel unilaterally withdrew from Lebanon and from Gaza, it earned legitimacy, yet this legitimacy was temporary and highly context-dependent. By the same token, Israel's current overall measure of legitimacy is contextually and incidentally linked to its engagement in a successful political process with the Palestinians. Legitimacy is also affected by local and media events that are not necessarily of strategic importance. For example, an operational shortcoming causing a number of civilian casualties as a result of the flawed judgment of a junior officer can disproportionately affect the level of international legitimacy.

Legitimacy can take the form of public consent, ideally among heads of state or other members of the senior political leadership. At the same time, a certain level of coordination is possible even if there is no public consent, but there is a certain acceptance of the move. Coordination can be minor, such as the avoidance of an incidental encounter between two friendly military forces operating in the same theater, or might include coordination in the areas of intelligence, logistics, procurement, and so on. In addition, coordination after an attack is possible, even if there was no coordination before it. Finally, it is possible that there will be neither public consent nor coordination, but there will be a tacit understanding of the motives and rationale for the attack.

The degree of understanding for an action may vary among various target audiences. The ultimate diplomatic goal is to enjoy the open and declared support of a political echelon, especially if it leads to public and media support, although here too the matter is not uniform, and what is described as legitimate by the *Wall Street Journal* will not necessarily be described as such by the *New York Times*. It is also possible to enjoy the support of publicly elected officials who do not stand at the head of the

executive branch. For example, the US Senate decision of February 28, 2013, which was approved by the Senate Committee on Foreign Relations on April 17, 2013 and co-sponsored by 79 senators, represents a symbolic yet important example of this sort of legitimization. According to the decision, the Senate recognizes Israel's right to rely on the principle of self-defense if and when it attacks nuclear installations in Iran. The Senate further calls for the administration to provide Israel with diplomatic, military, and economic aid in case Israel is compelled to realize its right to employ force for purposes of self-defense.<sup>1</sup>

A further dimension, less public but just as important from a strategic perspective, is legitimacy among the professional staff in security establishments in key countries. Here too there may be various shades, and professional echelons at the Pentagon may be of a different opinion than senior officials in the State Department regarding the legitimacy of an attack. Legitimacy among professional echelons may take the form of understanding or acceptance, and not necessarily justification or coordination. It may also change between the period prior to an attack and acceptance following an attack, stemming from a joint attempt to derive maximum benefit from the attack even if it was opposed beforehand.

### **Legitimacy in the Campaign against a Nuclear Iran**

If Israel attacks Iran, the element of legitimacy will impact on the outcome of the conflict. In order to preserve the achievements of a possible Israeli attack against Iran's nuclear infrastructure in the long term and translate them from a tactical-physical achievement into a strategic-political achievement, there exists a vital need for an extended international campaign on "the day after," whose purpose would be to prevent Iran from rehabilitating its capabilities, enforce a change in policy, and subject Iran to a long term verification regime. Furthermore, in the period following an attack, the parties' staying power will be tested – from military, diplomatic, internal-political, and economic perspectives – and this resilience stamina is connected with the perception of legitimacy. A party whose moves and intentions are perceived as legitimate is capable of demonstrating higher levels of staying power, mainly in the areas of diplomacy and internal politics, but also in military and economic perspectives.

The challenge of legitimacy would be far easier if the United States supports an attack, whether openly or by implication, or if Iran behaves

in a provocative and blatant manner. The challenge is heightened and becomes more urgent if the United States disapproves of an attack, or approaches some sort of agreement between Iran and the West (if from Israel's perspective it is a "bad" agreement) as Iran pursues its charm offensive<sup>2</sup> (while the centrifuges continue to spin, the nuclear infrastructure continues to stand or even expand, and the weaponization processes progress). In such a complex situation, the challenge is the creation and preservation of legitimacy, even if partial and among limited target audiences. Israel would operate according to its own distinct schedules, threat perception, and particular considerations – which are chronologically earlier and measurably different than the timetables and benchmarks of the international community, and most important, those of the United States. From Israel's perspective, for example, the Iranian threat is more acute and its neutralization justifies a higher price than it does from the currently prevailing perspective of the United States and Western powers.

The legitimacy of military action should be connected more with the factual strategic reality underpinning of the attack, and less with specific circumstances. The *casus belli* from Israel's perspective is the mere existence of a concrete Iranian policy striving for a military nuclear option. However, the specific circumstances in which an attack takes place have substantive significance in legitimacy contexts. Indeed, there is a long list of circumstances relevant to the perception of legitimacy of an attack, including the position of the United States; the vacillating Iranian posture (from Ahmadinejad's provocations to Rouhani's sweet talk); the status of nuclear talks and the prospect of diplomatic progress; the status of sanctions; the actual progress of the nuclear program and its implications – namely, the ineffectiveness of sanctions and diplomacy; the general legitimacy of the relevant actors (for example, Israel's overall legitimacy in light of the Palestinian issue, and Iran's legitimacy as a terror-supporting state and its involvement in Syria); and even the "mood" of the international community, which during the Syrian chemical weapons crisis evinced a strong eagerness to avoid military conflict – to a degree that it went out of its way to interpret a few drops as a glass half full.

Indeed, opposition on the part of the international community to military engagement encourages a dovish interpretation of the facts. In other words, the international community goes out of its way to interpret reality in a way that does not warrant the use of military force. This was

quite evident in the decision of the British parliament to oppose Britain's participation in an attack on Syria during the chemical weapons crisis, the decision by President Obama to refer the question of an attack on Syria to Congress, and the opposition of many members of Congress from all sides of the political spectrum to a proposed attack. Similarly, of the entire international community, only France and Turkey expressed even a minimal willingness to employ military force against the use of chemical weapons in Syria. Given its general reluctance to endorse a military option, the international community is necessarily wont to embrace a positive interpretation of the state of nuclear talks and the effectiveness of sanctions. This tendency is fed by President Rouhani's tone, far different from his predecessor's, and ostensibly more moderate.

At the very least, this type of interpretation of the facts helps justify additional time to exhaust diplomatic processes. Moreover, the strong desire of the international community to avoid any military conflict enhances the motivation to arrive at some kind of agreement, even a "bad" agreement from Israel's perspective, meaning an agreement that does not meet the minimum requirements defined by Prime Minister Netanyahu: cessation of uranium enrichment in Iran, removal of already enriched uranium from Iranian soil, closure of the underground infrastructure sites, and suspension of the plutonium track.<sup>3</sup> In other words, an agreement in which Iran maintains its current policy of pursuing nuclear weapons and maintains all or most of its pertaining capabilities but only changes its behavior (and may change it again at will) is, from an Israeli perspective, a "bad" agreement. But a "bad" or partial agreement is likely to create a difficult problem for Israel on the legitimacy plane. In a situation where the United States leadership views any agreement as serving its interests and thus puts its weight behind it, or even behind negotiations described by it as efficacious, the presentation of an Israeli attack as legitimate is a difficult, and perhaps impossible, task. On the other hand, benefiting Israel on the legitimacy issue is the fact that as this article goes to press, despite the diplomatic progress, the Iranian nuclear program continues to progress steadily toward its goal – nuclear weapons – though with some tactical maneuvering and adaptations.

### **A Campaign to Strengthen Legitimacy**

While the target audiences of a legitimacy campaign may include broad sections of the international community, in order to meet the

minimum level of achievement efforts should concentrate on a number of key Western nations, led by the United States, France, England, and Germany. Indeed, the chemical weapons crisis in Syria demonstrates that the European powers are important not only in and of themselves, but also because their position influences the political and public scene within the United States (as with the British parliament's opposition to an attack) – a fact that sheds light on the importance of legitimacy efforts directed at Europe.<sup>4</sup> Other countries share Israel's assessment as to the nature of the Iranian threat and the futility of the diplomatic process and sanctions – such as Saudi Arabia and the emirates – and support on their part (behind closed doors, of course) would contribute to Israel's legitimacy. If the countries most threatened by Iran present a coordinated and uniform position to the Obama administration, this would certainly contribute to the legitimization of an Israeli attack on Iran.

The legitimization efforts should focus on heads of state, relevant committees in the US House of Representatives and Senate and parallel bodies in other Western powers, the defense establishment and intelligence community, security think tanks, professional publications by the defense establishment, and newspapers whose editorial position is more attentive to Israel's arguments on this matter.

In a situation where Israel acts in spite of the opposition of senior echelons in the US, it must at least lay out before them in advance an informed, rational strategic thesis explaining the upcoming action. The minimal required achievement is for the United States to acknowledge the strategic thesis as rational, even if it does not agree with the planned operation. In order for a strategic concept to be recognized as rational it must (1) be based on agreed-upon facts, (2) work toward objectives and end states agreeable to the United States, and (3) present an argument explaining why there is a reasonable chance the planned operation will succeed in delivering these agreed objectives.

Presentation of the Israeli strategic thesis must highlight the distinctive nature of Israel's calculations. For example, the final point in time that an Israeli attack can still be effective is not necessarily the last date an American attack would be effective. Even senior American officials recognize that it is not self-understood that a country like Israel should ignore the last opportunity it is capable of attacking independently in order to face a reality where its national security rests solely in the hands of the United States. This would be a problematic outsourcing of

the handling of existential threats, especially for a country with a history like Israel's. The uniqueness of Israel's calculations also stems from the different levels of threat Iran presents to Israel and to the United States, resulting in varying degrees of readiness on the part of the two countries to incur risk in order to deal with the threat.

Israel is certainly entitled to take an independent stance regarding its vital national security interests, especially those it views as existential, but Israel must not surprise the United States or mislead it as to its intentions. Israel must be transparent with the United States as far as its general intentions (i.e., not necessarily regarding its precise schedule and operational plans) and strategic concept. The more the United States leans toward support for a "bad" agreement, the more Israel must lay out its arguments against such an agreement and be clear about its opposition, so that there is no insinuation of consent underlying a weakly-expressed opposition. Israel must also ground its opposition in intelligence revelations indicating the manner in which Iran's nuclear program is progressing despite the diplomatic developments. Intelligence information is a key tool in contrasting the diplomatic thesis with the facts on the ground, and the value in the information's exposure for diplomatic and legitimacy purposes must be balanced against the need for confidentiality for operational reasons. After the attack, this balance will lean toward revealing information for purposes of building legitimacy for the attack, and thus the intelligence information to be released should be prepared in advance.

The US defense establishment regularly engages in war games and discussions of contingency plans, and since the possibility of future American military action or an Israeli operation with American consent cannot be discounted entirely, there is a reasonable chance that the United States will agree to explore with Israel exit scenarios and mechanisms for a hypothetical military campaign against the Iranian nuclear program. Such a discourse can bring about proper design of an operational plan as well as coordination for "the day after" – even if the United States at disapproves of an actual, immediate attack. The Israeli defense establishment must aim to conduct war games on Iran with the United States as a routine exercise, as a tool for mutual learning and for the development of mutual understandings.

The campaign for achievement of legitimacy can be divided into three phases: before, during, and after the attack. The pre-attack phase must

focus on the building of legitimacy through clarification of the rationale for an attack: first, that despite diplomacy, sanctions, and President Rouhani's smiles, Iran has not abandoned its strategy to attain nuclear arms. The set of red lines already crossed and ultimatums already violated represent important arguments in clarifying the picture. Second is presentation of military action as a sound strategic thesis based on agreed-upon facts, objectives, and end states, and presentation of an argument explaining why there exists a reasonable chance the planned operation will yield the desired results and allow the said exit scenarios. The rationale must also point out the weaknesses of a partial or interim agreement, and underscore that such an agreement does not bring about the abandonment of Iranian intentions or incur significant harm to Iranian capabilities. It only influences behavior, and Iran may alter its behavior again at will. Third is clarification of the uniqueness of the Israeli calculation and how it differs from the American calculation, emphasizing the Israeli difficulty of being enmeshed in a reality where it waives its ability to deal independently with the challenge of the Iranian bomb, while relying exclusively on American considerations and handling of the issue.

The phase accompanying the attack (or more accurately, immediately after it) must include the revelation of sensitive intelligence information that was vital for the attack and became less sensitive in its wake. This intelligence information should cast new light on the attack, its motives, and the state of progress of the Iranian nuclear program, and thus provide new perspectives on the legitimacy of the attack.

The post-attack phase must focus on two issues: first, the message that whether the attack was consensual or not, it creates crucial opportunities that cannot be missed. Second, at this point focus should be on minimizing damage to Israel – which may be expressed in various ways, including: demands that Israel join the NPT, punishment of Israel, and possible creation of a narrative whereby Israel is once again drawing the United States into a war that it does not want (similar to the erroneous narrative regarding the Iraq War, prevalent in certain circles in the United States). Both in the pre-attack and post-attack phases, the campaign must prepare the military scenario that works in tandem with political efforts regarding the Iranian nuclear program, and should include, for example, overtures toward the Palestinians and Turkey.



### **“Overall” Legitimacy**

The legitimacy of any possible attack is connected not only with a factual-strategic underpinning and with circumstances, but also with the general legitimacy of the actors involved. Iran enjoys an overall low level of legitimacy, and since 1979 it is perceived in the United States as a hostile, terror-sponsoring state. Iran’s actions in recent years – from Iraq, through Lebanon, Bahrain, Yemen, and the Horn of Africa, to its involvement in the Syrian civil war – have all harmed its general legitimacy. On the other hand, the election of Hassan Rouhani and the Iranian President’s charm offensive may represent signs of a change of attitude. Israel must therefore continue to emphasize Iran’s ongoing involvement in fanning the flames of civil war, violence, and international terror, even while President Rouhani is smiling.

Another question regards Israel’s general legitimacy. The government of Israel has rejected the concept of linkage between the Iranian nuclear program and resolution of the Israeli-Palestinian conflict. At the same time, there is an argument waged by many in the United States and the international community (albeit still lacking proof) that progress toward a diplomatic settlement between Israel and the Palestinians would foster implementation of American policies in the Arab world generally, and against Iran in particular.<sup>5</sup> The creation of a link one way or another between the Israeli-Palestinian political process and the effort to prevent Iran’s attainment of military nuclear capability is likely, in certain cases, to endanger Israel. Moreover, distinctions should be made between public diplomacy and real conduct behind the scenes. As revealed in Wikileaks documents, for example, the Arab leadership is much more worried about the Iranian issue than the Palestinian issue.<sup>6</sup>

However, despite the detachment of the Iranian bomb from the Palestinian question, in the political reality in which Israel operates, measured progress toward a political settlement between Israel and the Palestinians will provide more international legitimacy for Israel. Besides the advantages of the negotiations themselves, an authentic political process may change Israel’s image as an opponent of peace, “lower the flames,” and rein in potential negative reactions to any independent Israeli action against Iran, especially on the Arab and Sunni scene, but also in the international community. A political initiative vis-à-vis the Palestinians is a way for Israel to accrue political capital that can be invested in other

arenas, especially if the negotiations with the Palestinians are perceived as honestly oriented toward achieving an agreement.

## Conclusion

Under current circumstances, only diminished legitimacy exists for an Israeli attack on Iran. Moreover, a full international consensus on this topic is not possible due to a host of conditions and circumstances, some of which are beyond the scope of this article, that are in part connected to the multi-polar structure taking shape in the international community, the state of the world economy (especially, but not exclusively, regarding the energy market and United States progress toward energy independence), the global mood as recently reflected in the Syrian chemical weapons crisis, Israel's general international standing, and the nature of the action under discussion.

The objective of the campaign is, of course, the achievement of maximum possible legitimacy. But the minimum objective would be achievement of an understanding for an attack, even barring actual consent, along with a certain measure of intelligence, technical, and logistical coordination. Israel must act to amass and preserve legitimacy – especially among key target audiences. But international legitimacy for Israeli military action is only one relevant consideration, and not the leading one. The consideration of legitimacy demands patience and the granting of extra weight to some of the slower “clocks” (such as diplomacy and sanctions), while strategic, intelligence, and operational considerations may actually calibrate the metronome according to the pace of the faster “clocks.” Indeed, in this spirit Prime Minister Benjamin Netanyahu has said that he will not wait with an attack on Iran until “it is too late.”<sup>7</sup>

However, there are a host of variables that may contribute to an understanding, and even a certain support, for the employment of force against Iranian nuclear installations. This includes mainly the undisputed fact that despite diplomacy, sanctions, and President Rouhani's charm, Iran clings to the same nuclear armament policy objectives, holds on to its enrichment infrastructure, and continues the development of nuclear arms technologies and the development of missiles capable of delivering nuclear warheads. In a situation where Israel succeeds in keeping these facts alive in the international discourse, or at least within the US and European defense establishments, and even in a situation where

sanctions and the diplomatic process are progressing but do not impede Iran from advancing toward nuclear weapons in terms of final objectives and capabilities, Israel may attain significant maneuvering room.

The launch of a complementary political process is a step that will challenge Israel if it lacks international recognition that the attack is a last resort, and that Israel took into account the interests of the United States and the international community. Nevertheless, diplomacy is a very pragmatic and adaptable field, and sometimes its tendency to recalculate its path under new circumstances is stronger than its tendency to settle past scores (even those from the recent past). In other words, even if Israel attacks without American consent, it is possible that the morning after the attack the United States will focus on recalculating its interests, and on the fact that its cold and judicious interest requires it to work toward exploiting the advantages of the attack.

## Notes

- 1 Menendez Press Office, "Senate Foreign Relations Committee Unanimously Passes Resolution Supporting Full Implementation of Iran Sanctions and Reaffirms Support for Israel's Right to Self-Defense," United States Senate Committee on Foreign Relations, April 17, 2013. See also "Strongly Supporting the Full Implementation of United States and International Sanctions on Iran and Urging the President to Continue to Strengthen Enforcement of Sanctions Legislation," Senate Res. 65, 113th Cong., 1st sess., February 28, 2013.
- 2 Michael Martinez, "Iran President Brings 'Charm Offensive' to U.N., but will Obama Buy It?" CNN, September 24, 2013, <http://edition.cnn.com/2013/09/23/world/us-iran-relations/>.
- 3 Mark Mandler, "Netanyahu Is Said to View Iran Deal as a Possible Trap," *New York Times*, September 22, 2013, [http://www.nytimes.com/2013/09/23/world/middleeast/netanyahu-is-said-to-view-iran-deal-as-a-possible-trap.html?\\_r=0](http://www.nytimes.com/2013/09/23/world/middleeast/netanyahu-is-said-to-view-iran-deal-as-a-possible-trap.html?_r=0).
- 4 "PM Netanyahu Holds Series of Interviews with the European Media," October 10, 2013, <http://www.pmo.gov.il/English/MediaCenter/Events/Pages/eventinter101013.aspx>.
- 5 James N. Mattis, *Aspen Forum*, July 20, 2013, <http://aspensecurityforum.org/live>.
- 6 "Fears of Nuclear Iran," *New York Times*, November 28, 2010, <http://www.nytimes.com/interactive/2010/11/28/world/20101128-iran-leaders.html>.
- 7 "Netanyahu: Israel 'Won't Wait until it's too Late' to Act against Iran," *CBS News*, July 14, 2013, <http://www.cbsnews.com/video/watch/?id=50150870n>.