

# If Iran, then Israel? Competing Nuclear Norms in the Middle East

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## Introduction

If the US and Iran ever do sit down to bilateral talks – and if the US insists that these talks include discussion of the nuclear issue – two issues of concern are almost certain to be forced onto the agenda by Iran: insistence on maintaining a uranium enrichment program on Iranian territory, and demands to relate to Israel's nuclear program. While it is generally expected that the question of uranium enrichment will be part of any prospective negotiation between the two states, reference to Israel's nuclear program has for now been mentioned only by Iran, as a point to be included in its proposal for talks with the US. Indication of Iran's intent can be found in the proposal for negotiations that it submitted to the P5+1 in early September. There was no mention there of Iran's own nuclear program; however, it clearly advocated universality of the NPT, and urged moving forward on "real and fundamental programmes toward complete disarmament."<sup>1</sup>

It is hard to predict at this point how President Obama is likely to react to a demand from Iran to relate also to Israel's nuclear status, and how it would play out in the negotiation itself. On the one hand, according to reports in the Israeli press, Prime Minister Netanyahu has secured a commitment from Obama to abide by existing US-Israeli understandings with regard to Israel's strategic deterrence.<sup>2</sup> But as strong as that renewed commitment may be, Obama's determined embrace of the nuclear disarmament agenda – with its uncritical across-the-board standard of equality in the nuclear realm – could nevertheless render him susceptible to an Iranian argument for "equal treatment." This is an argument that

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derives its legitimacy from the norm embedded in the NPT, a treaty that focuses solely on weapons at the cost of ignoring important dynamics of international politics, as well as the significant differences that exist among states.

Since the early 1990s, Iran, drawing on the strength of the NPT-based norm of equality, has invariably and vehemently denied charges of military intentions in the nuclear realm while pointing an accusing finger at Israel instead.<sup>3</sup> In fact, the Iranian demand for “equal treatment” has become a well-worn tactic to deflect attention away from its own illegitimate military nuclear activity, which it has carried out in breach of its commitment to remain non-nuclear per its NPT membership.

A closer look at Middle Eastern realities past and present in the nuclear realm – especially the context of previous demands from Israel to address the nuclear issue – can help explain why a negotiation with Iran over its nuclear ambitions should not be held hostage to the normative prescripts of the disarmament agenda. Rather, there are equally important competing norms, and discussion of the Iranian nuclear challenge in fact needs to be conducted with reference to the very real world of Middle East politics, where political agendas, threats and threat perceptions, and security challenges are what determine the nature of debates on the nuclear issue.

### Comparisons with ACRS

If Iran demands that the question of Israel’s nuclear option appear on the agenda of its talks with the US, this will not be the first time that such a demand has been made by a regional player in the framework of negotiations. The most important experience to date is the Arms Control and Regional Security talks (ACRS) of the early 1990s, one of the five multilateral working groups set up as part of the regional track of the 1991 Madrid peace process.<sup>4</sup>

Egypt entered these talks with a very clear arms control agenda that was focused directly on how to control and eliminate weapons of mass destruction (WMD). At the beginning of the talks the Egyptian message as far as Israel was concerned was that Israel’s nuclear option must be placed on the table, for the simple reason that no state could claim exception to a discussion of WMD; no state could be exempt due to “special security concerns.” Yet it was only as the talks progressed

and were more directed to Confidence and Security Building Measures (CSBMs) than WMD that Egypt strove to focus the discussion primarily and later almost exclusively on Israel's assumed nuclear capabilities. After suggesting that a worthy confidence building measure would be Israel joining the NPT, Egypt's campaign with regard to Israel culminated with the demand that Israel agree to place the discussion of a Weapons of Mass Destruction Free Zone (WMDFZ) squarely on the ACRS talks agenda. The most Israel would agree to – and it considered this to be a major concession on its part, reached in February 1995<sup>5</sup> – was a timeline whereby Israel would address the NPT issue two years after it had signed peace agreements with all its neighbors, including Iran and Iraq. This did not satisfy Egypt, and the zero-sum positions on Israel's nuclear option ultimately delineated the contours of the demise of the talks.

The example of the Egyptian demand from Israel in the early 1990s is instructive for understanding and dealing with what Iran is likely to raise today. At the time that Egypt raised the issue, it was more than ten years after concluding a peace agreement with Israel, and it was raised in the context of an ongoing regional dialogue. As much as Israel opposed the demand, and even though it created considerable tension in Egyptian-Israeli relations, concomitant progress was nevertheless evident on other issues, most notably CSBMs. It was these confidence building measures that became the major focus of the ACRS talks.

The context of the Egyptian demand was thus vastly different from the situation today, where blatant rejection and virulent rhetoric mark Iran's attitude toward Israel. Whether Ahmadinejad actually advocated that Israel be actively wiped off the face of the map, or "merely" stated that as an illegitimate and criminal entity Israel is destined to fall off the face of the map, the extreme hostility toward Israel of the present and past governments in Iran is quite stark. Due to the deep – and in Israeli eyes incomprehensible – hatred toward it, the very rationale for Israel's nuclear deterrent is actually underscored and enhanced by Iran's nuclear program. One of the most solid rationales for Israel's nuclear deterrent is the development of

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a nuclear weapons capability by a state that is openly hostile to Israel. Iran's attitude and activities in the nuclear and regional realms thus strengthen and concretize the case for a continued deterrent in a manner that was not present during ACRS, when Egypt's argument was that Israel no longer faced existential threats in the region.

Moreover, even though Egypt stressed the Israeli nuclear threat in the early 1990s, it had lived with an assumed Israeli nuclear deterrent for years. Thus the dialogue itself came in the context of a given reality – there was nothing new and/or existential at stake in the talks for any of the parties. While success (however defined) would likely have been a positive development for the region, failure in and of itself did not bring severe consequences. As far as the nuclear issue was concerned, it merely returned the Middle East to the status quo ante, before the process began. Efforts to contain Iraq's suspected WMD activities – which were a major impetus for convening the talks – were carried out through a separate process that did not in any way hinge on the success of the ACRS dialogue. Indeed, Iraq was not even invited to take part in ACRS.

Today a very serious threat is rapidly emerging in Iran. The reality of this threat is underscored not only by Israel, but by the positions taken by other regional players as well. Even at the time of ACRS, while Egypt vigorously advanced the nuclear agenda, most of the participating

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Arab states were noticeably less adamant on the issue, indicating their willingness to proceed in the first stage with CSBMs, which focused on inter-state relations. They resisted embracing the Egyptian nuclear agenda with the enthusiasm that Egypt was hoping for.<sup>6</sup> In the face of the Iranian threat today, Iran's attempt to focus on Israel is not gaining significant ground even with Egypt itself. The moderate Arab states today are openly concerned and even fearful of Iran's regional agenda.<sup>7</sup> At times they project the sense that they are considerably more concerned with what they see developing in Iran than with what they suspect

Israel has. Egypt in particular seems concerned with Iran in a way it never was with Israel; it realizes that Iran not only seeks hegemony, but can realistically pursue a hegemonic agenda in the region.<sup>8</sup> This is something

Israel cannot pursue – even if it theoretically wanted to – because it has no significant regional constituent to appeal to.

### Competing Norms in the Nuclear Realm

On the conceptual level, there are two norms relating to the nuclear realm that compete for prominence when policymakers address nuclear weapons and the challenge of nuclear proliferation. The first – the norm of equality introduced above – is an outgrowth of the traditional disarmament agenda that views nuclear weapons as inherently “bad”: a negative and destabilizing phenomenon in international relations. This is the rationale behind efforts to halt their spread, most notably through tools like the NPT. With the weapons at the forefront of the debate, the identity of the states involved in proliferation activities is secondary, and there is no justification for differentiating among them. All states are perceived to be equal in the face of nuclear proliferation, and all must be held to the same standard of elimination.

The competing norm is that states have the right to defend themselves against serious (and certainly existential) threats. Nuclear weapons are the ultimate deterrence against the emergence of such threats. If these weapons exist solely for the purpose of this defensive/deterrent role, then they can be justified, because self-defense is also normatively acceptable in international politics. In fact, nuclear weapons so far have come to be recognized as weapons of deterrence only, not of use. In Israel’s case, even with an ambiguous nuclear policy, Israel’s red lines have been transmitted to its neighbors, and its message of deterrence against existential threats has been received as such over the years by the Arab states.<sup>9</sup>

In the competition between these norms, power politics is an unavoidable feature of the debate. Nuclear states (that possess the weapons) not surprisingly focus more on the justification of maintaining some nuclear weapons in order to address severe security threats. Non-nuclear states (that made a commitment to forego them) are naturally more inclined to lock into the equality norm as the basis for their judgments on nuclear matters. Their logic is that if they don’t have them, they don’t want anyone else to have them either. But while rhetorically grounded in the norm of equality, the position of the non-nuclear states is not devoid of a security rationale as well because the NPT ensures

that many potential enemies remain non-nuclear. In this sense the NPT functions as a collective security system, albeit a limited one.<sup>10</sup>

The competition between these two norms is at the heart of the debate over Iran's nuclear ambitions. So far, even though Iran is being judged per its NPT commitments, the equality norm has actually *not* been at the forefront of debate. Most attention has been directed to the reality that Iran is a threat to other states, more so than it itself is threatened, and therefore its nuclear proliferation activities are viewed in particularly harsh terms.

But the equality norm is lately coming more and more to the fore, in direct correlation to the perceived inability of the international community to stop Iran from becoming a nuclear state. In other words, the more it becomes apparent that strong actors in the international community are powerless to stop Iran, the stronger the impulse to conjure up the double standards argument. It's not that this argument will help in dealing with Iran, but it does make it easier to rationalize failure. The argument goes something like: "We can't stop Iran, but wait a minute, what about Israel? Why is nobody focusing on that?"

The challenge for Israel is that the equality norm in and of itself, especially at this point in the game, is normatively attractive and has gained additional weight due to the recent renaissance of the disarmament agenda and its adoption by President Obama. The pressure for taking it seriously and applying it to Israel is cropping up more and more in debates on this topic in Europe and the US. Not only does the notion of equality immediately appeal to liberal minds and sensibilities, but it seems to require no further explanation. It shifts the burden of proof to the other side that must argue why all states should *not* be treated equally per their nuclear ambitions.

As such, the self-defense norm must be explained when challenged. This is a time consuming endeavor, whose success hinges on a deeper understanding of the complexities of context. In Israel's case, it necessitates conveying an entire set of issues regarding Israel's security calculations and its record of restrained and responsible behavior in the nuclear realm for over 40 years of being a presumed nuclear state. In short, adhering to the self-defense norm requires building a convincing case, whereas equality is conveniently absolute.

What needs to be understood, however, is that the “absoluteness” of equality is in reality an illusion. The significant differences that exist among states in so many aspects of their international behavior do not suddenly disappear merely because the topic of discussion is nuclear weapons. Indeed, even the new adherents of the disarmament agenda, including Obama, advocate reducing the number of nuclear warheads because they believe that the threats they face have diminished, especially as far as Russia is concerned. But Obama has made it crystal clear that as long as any threats exist, the US will maintain what it needs to defend itself against them.<sup>11</sup>

### Assessment

In practical terms, Iran at present is a regional security challenge to be dealt with in its own right, without overburdening the situation with problematic linkages. From an international and regional political perspective, there is no basis for invoking the equality norm when discussing Iran’s nuclear ambitions and Israel’s nuclear deterrent. If Israel is made a focus of attention, this will not make Iran any less dangerous; indeed, it would probably embolden Iran, rendering it an even greater regional threat.

Although Western norms embedded in the NPT advocate equal treatment of all states regardless of the significant differences among them, the US would be better advised to pay more attention to regional realities and listen carefully to the voices coming from the region, even when sounded softly. One lesson of ACRS is that when dealing with nuclear (and other WMD) challenges through negotiations, the conceptual guide should not be the NPT and the disarmament agenda, rather the regional context of threats and inter-state relations. This principle is reflected also in the 1995 Barcelona Declaration: there the parties were encouraged to adhere to a full range of international and regional WMD non-proliferation agreements and regimes, but equally important was the goal of promoting “good-neighbourly relations,” regional and sub-regional cooperation, and CSBMs.<sup>12</sup> These regional efforts should be a guide for dealing with the Iranian nuclear challenge as well.

The current situation is more complicated than ACRS and could pose particular problems for Israel. On the one hand, Iran’s nuclear advances

threaten the region to a degree that failure of diplomacy may spell immediate and critical deterioration of regional security. No such threat was apparent at the time of ACRS, and this gives the US good reason to do everything possible to ensure a successful outcome.

At the same time, because the stakes of the negotiation with Iran are so much higher than in ACRS, the US will want to get to a deal quickly. Ironically, this kind of pressure could make it less sensitive to the complexities of regional context and more willing to make concessions. These could involve a general willingness to consider a deal with Iran that acknowledges the need to treat Israel on equal terms, especially as the US is already inclined to think along the lines of disarmament. Particularly troubling are statements such as the one attributed to Bruce Riedel, a former US National Security Council official: "If you're really serious about a deal with Iran, Israel has to come out of the closet. A policy based on fiction and double standards is bound to fail sooner or later. What's remarkable is that it's lasted so long."<sup>13</sup>

The fallout for Israel could be direct or indirect. While the US will no doubt continue to uphold Israel's need for self-defense, the legitimacy of basing this on a nuclear deterrent may lose strength in its eyes. There are already indications that the US is thinking along the lines of beefing up Israel's missile defenses in answer to Iran's developing capabilities.<sup>14</sup> As such, there could be pressure on Israel to take a concrete step in the direction of disarmament: this could relate to the NPT itself, to the initiation of discussion of a WMDFZ, or to a demand for more transparency and a willingness to submit to inspections. Israel's policy of nuclear ambiguity could be challenged as well. But the effect of the US accepting the logic of equality could also be more indirect. In this scenario, no straightforward demands would be put to Israel; rather, in negotiations we would simply see a more lenient position towards Iran that would gain implicit legitimacy from the fact that Iran is not the only nuclear challenge in the region.

In any case, because the agenda for talks with Iran will most likely be a broad one and negotiations always involve mutual concessions, the US will have to choose its battles. Israel's challenge will be to make sure that its security concerns – in particular its nuclear deterrent – are not a price that the US is willing to consider. In light of demonstrated failures of the international community to discover and eliminate new cases of nuclear

proliferation in Middle Eastern states that are party to the NPT, Israel's defensive needs dictate continued reliance on nuclear deterrence for the foreseeable future.

At the same time, Israel can no longer depend on the fact that its security situation will be readily understood in the US and beyond. This is already evident in the resolution passed by the IAEA General Conference on September 18, 2009, calling on Israel to accede to the NPT and place all its nuclear facilities under comprehensive IAEA safeguards.

What can Israel do? The first step is to recognize right now that there is an emerging problem that could get quite serious. Many in Israel prefer not to admit that trends are already shifting, and their impulse is to fall back on their longstanding belief that the US – on the basis of assurances made to Israel – will never allow real pressure to be put on Israel with regard to its nuclear deterrence. And indeed, pressure on Israel to join the NPT does not seem to be a genuine concern for the immediate future. But other options mentioned above are certainly realistic. On the basis of its recognition that there is a problem, Israel must actively begin to try to influence the discourse by reinforcing the normative prescript of “self-defense” and explaining that it overrides the equality norm in the context of the Middle East. Israel must deliver a strong message that equality doesn't apply when a state faces severe threats to its most basic security; without a nuclear deterrent, for Israel these threats would be in the real sense existential.

Furthermore, Israel needs to clarify for itself its position on a WMDFZ and then begin to convey its position to others. It is important to explain that dealing with WMD regionally means first and foremost working on improving regional relations. Dialogue on a WMDFZ cannot proceed without creating a context within which states begin to actually talk to each other in an atmosphere conducive to confidence building. In the current regional conditions, this effort will take years. But Israel must clarify whether and how it is willing to begin.

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## Notes

- 1 See "Package of Proposals by the Islamic Republic of Iran for Comprehensive and Constructive Negotiations." There is no date on the document, but it was presented to representatives of the P5+1 in Tehran on September 9, 2009.
- 2 "The first item that Netanyahu raised in his meeting with US president Barack Obama three months ago was anchoring all previous US commitments to maintain Israel's strategic deterrent capability. Obama agreed and also signed a letter to Netanyahu in which he endorsed the promises made by his predecessors." Aluf Benn, *Haaretz*, August 14, 2009.
- 3 For one example from among hundreds of statements in a similar vein see "Velayati Calls Nuclear Technology Aims 'Peaceful,'" Tehran IRNA, in English, 0942 GMT, April 13, 1995. According to the report, Iranian foreign minister Velayati reiterated that the purchase of Russian nuclear technology was solely for peaceful purposes and in compliance with international regulations. "Contrary to Iran, the foreign minister said, the Zionist regime has so far refused to sign the Non-Proliferation Treaty (NPT)."
- 4 On ACRS see Bruce Jentleson, *The Middle East Arms Control and Regional Security (ACRS) Talks: Progress, Problems, and Prospects*, IGCC Policy Paper, no. 26. University of California: IGCC, 1996, and Emily B. Landau, *Arms Control in the Middle East: Cooperative Security Dialogue and Regional Constraints* (Brighton: Sussex Academic Press, 2006).
- 5 *Haaretz*, February 23 and 24, 1995.
- 6 A similar dynamic was evident in other contexts as well. By 1995, Egypt was vigorously pursuing its agenda both within and outside the ACRS framework. A major arena where it sought to press its case while leading the other Arab states was the April-May 1995 NPT Review and Extension Conference. Egypt hoped that all the Arab states would resist supporting indefinite extension of the NPT if Israel did not agree to join the treaty. In what was a major disappointment for Egypt, the other Arab states did not follow through on Egypt's agenda and the indefinite extension of the treaty was secured although Israel did not join.
- 7 For important Arab sources in this vein see chapters on Iran's extended influence in the Arab world, and Iran's responsibility for the rift in the Arab world in Y. Carmon et al, *An Escalating Regional Cold War – Part I: The 2009 Gaza War*, MEMRI, no. 492, February 2, 2009.
- 8 This was evident in official Egyptian statements following Operation Cast Lead, when Egypt deplored Iran's radical approach to the Middle East. See Emily B. Landau, "In the Wake of Operation Cast Lead: Egypt's Regional Position Revisited," *Strategic Assessment* 11, no. 4 (2009): 75-78.
- 9 See Ariel Levite and Emily Landau, *Israel's Nuclear Image: Arab Perceptions of Israel's Nuclear Posture* (Tel Aviv: Papyrus Publishing House, 1994, Hebrew).
- 10 This point was made by Martin Briens, in his presentation at a conference on

“A World without Nuclear Weapons or Nuclear Anarchy?” Heinrich Boell Foundation, Berlin, September 10-11, 2009.

- 11 In his speech in Prague on April 5, 2009, where he outlined his ideas about nuclear disarmament, Obama said, “Make no mistake: As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies – including the Czech Republic. But we will begin the work of reducing our arsenal.” [http://www.whitehouse.gov/the\\_press\\_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/](http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/).
- 12 See the Barcelona Declaration adopted at the Euro-Mediterranean Conference, November 27-28, 1995.
- 13 Quoted in Eli Lake, “Secret US-Israel Nuclear Accord in Jeopardy,” *Washington Times*, May 6, 2009. See also Eric Etheridge, “Israel’s Nukes,” The Opinionator Blog: A gathering of opinion from around the web, *New York Times*, May 7, 2009.
- 14 “US Ships Anti-missile Systems to Israel,” UPI, September 22, 2009.