

Israel's Arms Control Agenda

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Introduction

Israel's position on global and regional arms control will be increasingly prominent on the security agenda with the approach of the NPT Review Conference in Spring 2000, and the increasing pressure Israel will face from Egypt and other Arab countries to join the NPT.

Israel's policy in the nuclear realm has been very consistent throughout the years. The policy of nuclear ambiguity as a means of achieving deterrence has been endorsed by successive governments, including that of Prime Minister Ehud Barak. In October 1999, Barak said "even in peace time, Israel will continue to keep a strategic deterrent potential — for as long as necessary, in terms of geography and time." (*Ha'aretz*, October 5, 1999). According to this report, Israel will not agree to concessions regarding its nuclear potential. Barak's position is that Israel will agree to an NWFZ in the Middle East only in the distant future after achieving comprehensive peace and conventional and missile arms control. In light of this policy, as well as the expected pressure that Israel will face from Arab states in coming months, we will review the various global negotiations and treaties in the realm of arms control, and clarify where Israel stands vis-a-vis the global non-proliferation regime.

It should be kept in mind, however, that 2000 will most likely not significantly advance the global arms control and non-proliferation regime. The U.S. role as leader in global arms control efforts has been called in question in the wake of the U.S. Senate refusal in October 1999 to ratify the Comprehensive Test Ban Treaty (CTBT). Another obstacle is the U.S. plan to develop ballistic missile defense systems, viewed as likely to contradict the terms of the 1972 Anti Ballistic Missile (ABM) Treaty. This reduced U.S. commitment is likely to ease international pressure on Israel on arms control issues.

The Global Arena

The global nuclear non-proliferation regime was initially formulated and put into force during the Cold War years. In the context of the bipolar Cold War dynamics, the U.S. and the Soviet Union invested their energies primarily in their nuclear balance and in preventing the dangers of miscalculation and surprise attack. The dangers of unintended use of nuclear weapons by either side were regarded as so devastating that both recognized their interest in working toward minimizing this threat. To increase stability, the two countries also recognized that the proliferation of nuclear weapons must be prevented. This was the context in which the NPT

was formulated.

The NPT treaty was formulated in such a way as to preserve the nuclear status quo. Nuclear Weapons States (NWS) would remain nuclear (with only a commitment to "pursue negotiations in good faith" on nuclear disarmament), and non-nuclear states would also remain non-nuclear. This discriminatory state of affairs became a basic truism of the non-proliferation regime. The non-nuclear states that opposed this state of affairs — most prominently, India — had no real means of influencing the situation.

With the end of the Cold War, there has been increasing pressure on the NWS to meet their commitment to pursue nuclear arms control and disarmament. Negotiations on a Comprehensive Test Ban Treaty (CTBT) and Fissile Material Cut-off Treaty (FMCT) were mentioned in the May 1995 "Principles and Objectives" document of the NPT Review and Extension Conference as a means of strengthening the commitment of the NWS to deal with their arsenals. They were also perceived as a means of attempting to include Pakistan, India, and Israel in the non-proliferation regime. Despite increased emphasis on the obligations of the NWS, the question remains whether the NPT is still the most relevant framework for dealing with the dangers of global proliferation of nuclear weapons, or

whether the impact of specific regional concerns makes it imperative to search for new means of dealing with the threat.

For the U.S., in the post-Cold War world, the perceived threat of proliferation of weapons of mass destruction has become elevated because of the vacuum in its threat perception caused by the collapse of the Soviet Union. While the U.S. recognizes the significance of the new regional dynamics in dealing with the threat of proliferation of weapons of mass destruction — and has invested much energy in the Middle East Arms Control and Regional Security Working Group — it has continued to rely heavily on the global regime developed in the Cold War years.

Israel and the Global Nuclear Non-proliferation Regime NPT

At the NPT Review and Extension Conference in 1995, it was agreed to extend the NPT indefinitely. The conference also adopted a set of principles and objectives, a template against which to measure future implementation of the treaty. The conference empowered PrepComs or review conferences to evaluate implementation on an annual basis. Toward the end of the conference, an Egyptian draft resolution — supported by most Arab states — was introduced calling on Israel to accede without delay to the NPT and to place all of its nuclear activity under full IAEA

supervision. An amended resolution adopted by the conference did not mention Israel specifically, but called on states in the region to adhere to the NPT and the implementation of comprehensive IAEA safeguards.

At the May 1998 PrepCom meeting, there was discussion of whether the resolution is in fact linked to the decisions that were taken at the 1995 Review Conference or whether it should be treated as an isolated document — which was the U.S. view. The May 1999 PrepCom (as formulated in the draft chairman's working paper) recommended that the provisions of the resolution on the Middle East adopted by the 1995 Review Conference be reaffirmed at the next review conference to be held in 2000. The draft also reflected concern that Israel continues to be the only state in the region that has not yet acceded to the treaty and refuses to unconditionally place all of its nuclear facilities under IAEA safeguards. While consensus was not reached on the chairman's working paper, the resolution will certainly be one of the issues to be discussed at the next review conference.

The Comprehensive Test-Ban Treaty (CTBT)

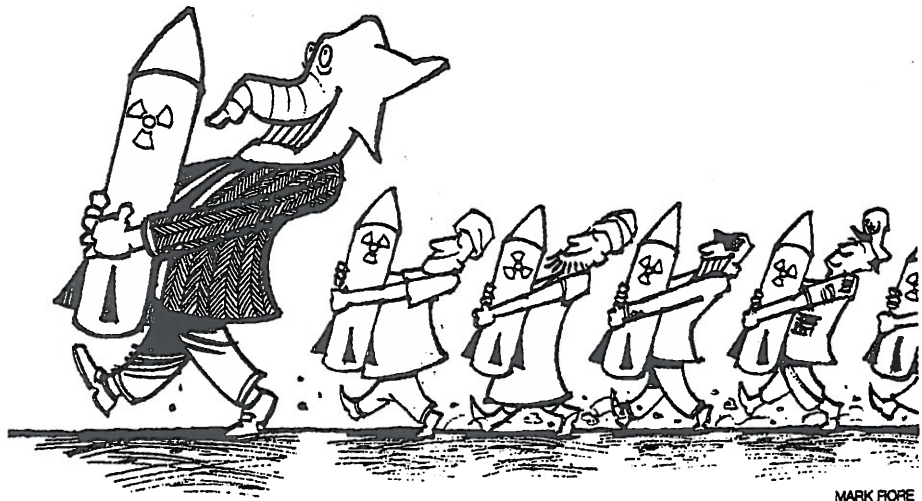
As noted, the NWS have come under increasing criticism for not fulfilling their obligations under Article VI of the NPT (to pursue negotiations on effective measures to reach nuclear disarmament). At the 1995 NPT

Review and Extension Conference it was decided to adopt a program of action ("Principles and Objectives" document) calling for a CTBT, a Fissile Material Cut-off Treaty and a statement to pursue systemic and progressive efforts to reduce nuclear weapons globally in order to reach the goal of eliminating these weapons.

The goal of the CTBT is to ban all "nuclear weapon test explosions or any other nuclear explosion." The treaty will be effective after ratification by 44 members of the Conference on Disarmament (CD) that have nuclear reactors or nuclear research reactors. As of October 1999, 155 states have signed the treaty, but only 41 of the 44 states listed under Article XIV as those that must sign and ratify the CTBT before it becomes effective, have signed. Moreover, only 26 of these 44 states have ratified the treaty — the U.S., Russia and Israel have not yet ratified. Israel's position is that the treaty can contribute to the elimination of global nuclear weapons without endangering its national security. Thus, Israel has signed the treaty and agreed to participate in the international seismic monitoring. Recently, as part of this agreement, Israel conducted a series of explosions near the Dead Sea in order to calibrate the Israeli seismic system.

Israel's remaining concerns regarding ratification of the CTBT were stated recently by Gideon Frank, director general of the Israeli Atomic Energy Commission. He cited

concerns regarding the level and readiness of the verification regime achieved by the Prep-Com, its effectiveness and especially its immunity to abuse. Israel conditioned its ratification on the completion of the operational manual regarding On-Site Inspection in order to make sure that its stipulations do not allow for the abuse of on-site inspections. Israel also seeks equal status in policy making organs of the CTBT, and is concerned by developments in the Middle East, including adherence to the CTBT by regional states. These latter concerns are not presented as conditions for ratification.



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The Fissile Material Cut-off Treaty (FMCT):

In March 1995, the CD members agreed to establish an ad hoc committee with the mandate to negotiate a treaty banning the production of fissile material — known as the Cut-off Treaty. The parties to this future treaty would have to put their relevant nuclear sites under international inspection. The provisions that have been discussed so far seem to relate to future production of fissile materials, without placing current stockpiles under any international supervision. The pending Cut-off Treaty is designed to bring India, Pakistan and Israel into the global non-proliferation regime. After initially joining the consensus at the UN General Assembly that stipulated launching negotiations on a Cut-off

Treaty (1993), Israel was the last to give its consent to begin negotiation of this treaty in the CD Convention of 1998. Following U.S. pressure, Israel finally agreed not to oppose entering into negotiations. It clarified, however, that it does not view this as obliging it to be a party to the future treaty.

The FMCT could provide unprecedented international oversight over nuclear states' nuclear sites, and demonstrate their commitment to Article VI of the NPT. Israel most likely fears that accepting this future treaty could establish a dangerous precedent, or a step down the "slippery slope." An additional concern is the Egyptian position whereby the Cut-off Treaty should relate not only to *future* production, but should place existing stockpiles of plutonium under inspection.

Other Global Arms Control Treaties

1. Chemical Weapons Convention (CWC)

In August 1992, the CD Ad Hoc Committee on Chemical Weapons completed the drafting of a ban on chemical weapons. The convention entered into force in April 1997. The terms of the treaty are that each party agrees never "to develop, produce, otherwise acquire, stockpile or retain chemical weapons." Signatories also agree not to use or prepare to use chemical weapons, and not to assist others in acting against the prohibitions of the convention. Parties are required to destroy any chemical weapons in their possession, to destroy any of their own chemical weapons abandoned on the territory of another state, and to destroy their chemical

weapons production facilities.

Israel has signed the CWC, but has not yet ratified it. There are several important questions that Israel faces with regard to this convention. Israel's most important consideration is whether ratifying the convention would weaken its strategic deterrence. This consideration is linked to the fact that most states in the Middle East, especially those suspected of possessing or developing chemical weapons, are not party to the convention. An additional concern is that one of the unique features of the CWC is its extreme means of intervention and verification — Israel is uncomfortable with the prospect of challenge inspections at sensitive military sites and civil chemical facilities. However, this last consideration is of secondary importance because mechanisms of control to deal with abuse have been integrated into the convention.

But, non-ratification also has potential negative implications that must be taken into account. According to the terms of the CWC, from the year 2000, states that are not party to the convention will be subject to restrictions on trade of certain raw materials for industry. Israel's Industry and Trade Ministry prepared a report on the expected economic implications for Israel if it remains outside the convention and concluded that the expected costs for Israel in the initial phase would be between \$60-70 million (*Ha'aretz*, July 2, 1999). A

detailed calculation of long-term costs would have to be made before reaching the conclusion whether non-ratification would incur unacceptable damage to Israel.

2. Biological Weapons Convention (BWC)

The Biological Weapons Convention took entered into force in March 1975. Parties to the convention agree not to develop, produce, stockpile or acquire biological warfare agents. The convention did not establish a verification mechanism. The current focus is on the work of the Ad Hoc Group, which attempts to negotiate a verification protocol to strengthen the convention. The group is still in the process of discussing the terms of this protocol.¹

Israel has not signed the BWC. This is most likely because of the general reluctance on the part of Israel at the time (1970s) to take part in global arms control treaties. The advantage of signing this convention would be to strengthen the global norm of nonproliferation of weapons of mass destruction, and would allow Israel to become a party to the convention before the protocol took effect. Currently, discussion of the BWC has been postponed because of the focus on the CWC, and a decision has not been taken.

Two elements clearly emerge from the above account of the global non-proliferation regime as far as Israel's participation is concerned. First,

despite its consistent policy in the nuclear realm, Israel has taken steps in the direction of strengthening the global regime by signing the CTBT and participating in the seismic monitoring. Moreover, Israel also removed its 1998 reluctance to initiate negotiations on the Cut-off Treaty, although it views this future treaty as highly problematic. Israel has also signed the CWC. But the second important element is that it has been demonstrated that *the global dynamics of non-proliferation are inseparable from regional security concerns*. The resolution on the Middle East adopted at the 1995 NPT Review Conference on Egypt's initiative, Egyptian insistence that the FMCT relate to existing stockpiles, and the linkage created by some Arab states between signing the CWC and Israel joining the NPT, all underscore the inescapable connection of the global non-proliferation regime to the regional balance of power.

Return to Regional Politics

The end of bi-polarity has ushered in a return to regionalism in international relations. The regional context has taken on new meaning for states in terms of their threat perceptions. States have been both enabled and challenged to define their security concerns in a regional setting. With regional players taking a more prominent role in international affairs, it will become increasingly apparent that global arms control efforts will have to take regional states seriously

and devise means of addressing specific regional concerns within the overall arms control regime. In the Middle East as well, the control of weapons of mass destruction will have to be dealt with in a regional framework.

This is not to say that global efforts are viewed as irrelevant. For Israel, global dynamics remain important to control both the indigenous development of weapons of mass destruction and transfers of technology and weapons parts. The norm of global non-proliferation in the nuclear, chemical, biological, and missile realms is recognized as important. In this regard, Israel should make every effort to join global treaties not viewed as compromising its nuclear policy. Regarding the CTBT, for example, Israel's main consideration should be the terms of the treaty itself and adherence of other regional states, as noted above.

However, this decision should not be tied to the question of U.S. ratification and international pressure. Having said this, it must be understood that the major arms control effort must be carried out in the regional context.

In a recent statement to the 43rd IAEA General Conference, Gideon Frank reaffirmed Israel's commitment to establishing "in due course and in the proper context, the Middle East as a zone free of WMD and missiles." In order to proceed in the regional context, Israel should take this commitment seriously and actually consider taking the decision to place the issue of a WMDFZ on the agenda of the Middle East multilateral arms control talks.

Such a step would ensure that all weapons of mass destruction as well as conventional weapons and missiles would be dealt with in a context geared toward creating a stable and secure regional security system. In this

framework, CSBMs would be regarded as an integral stage in the arms control process; movement in the CSBM process itself could be instrumental in creating an institutional dialogue framework for states in the Middle East to deal with the more difficult arms control issues. Once the issue is discussed in a regional forum, further movement on the international front will understandably await at least initial progress in the regional forum. As far as implementation is concerned, Israel — because of regional strategic threats from states not involved in the peace process or regional security dialogue — cannot realistically alter its basic position whereby the precondition to actually creating a WMDFZ in the Middle East is the conclusion of comprehensive peace in the Middle East with all states, including Iraq and Iran.