

The Obama Vision and Nuclear Disarmament

Emily B. Landau and Tamar Malz-Ginzburg, Editors



Memorandum **107**

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THE INSTITUTE FOR NATIONAL SECURITY STUDIES
INCORPORATING THE JAFFEE TEL AVIV UNIVERSITY
CENTER FOR STRATEGIC STUDIES מרכז המחקר והביטחון

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Preface

The years 2009-2010 were marked by important developments related to international efforts to promote arms control and disarmament in the non-conventional realm. Against the background of ongoing challenges to the nuclear nonproliferation regime in particular – due primarily to Iran’s steadfast efforts to advance towards a military nuclear option, North Korea’s nuclear defiance, and concerns over nuclear materials and technology finding their way to terrorists – the Obama administration spearheaded action to strengthen adherence to the regime.

Already during his presidential campaign, Barack Obama declared his desire to significantly reduce the world’s nuclear arsenal, echoing the “global zero” agenda that was injected into the US arms control debate by a respectable group of former statesmen and military personnel as well as prominent academics. In Prague in April 2009, President Obama set forth his far reaching vision of a world free of nuclear weapons, and outlined three principal means the administration would use to advance that goal: the reduction and eventual elimination of existing nuclear arsenals; reinforcement of the Nuclear Non-Proliferation Treaty (NPT); and heightened efforts to secure nuclear materials and nuclear weapons components and prevent their reaching terrorist groups. Obama qualified this aspiration by acknowledging that while the goal was total nuclear disarmament, the United States would continue to maintain its nuclear arsenal at a level required to ensure its own nuclear deterrence as long as there were nuclear arms in the hands of other international actors.

Although the idea of a world free of nuclear weapons is not new, the vision gained new momentum in recent years with the growing fear that nuclear technologies and know-how, fissile materials, and even nuclear weapons might reach terrorist organizations. The call for the declared nuclear states to do more to meet their own disarmament commitments in

accordance with Article VI of the NPT was also driven by a more indirect logic. It was intended to strengthen the hand of these states when they confronted the military nuclear ambitions of non-nuclear states suspected of being in violation of their NPT obligations. In short, the United States hoped that by demonstrating its own adherence to the NPT, it would eliminate the grounds for accusing it of hypocrisy or of applying a double standard when demands were made of Iran and North Korea.

Two previously scheduled events that took place in 2009-2010 provided President Obama with an opportunity to take significant steps in the direction of realizing his vision. The first, in December 2009, was the expiration of the Strategic Arms Reduction Treaty (START) between the United States and Russia. The need to renew the treaty coincided with Obama's drive to promote his agenda. The New START agreement, which included a decision to reduce the two parties' nuclear arsenals further, was signed in April 2010 after long months of difficult negotiations. The second prescheduled event, in May 2010, was the NPT Review Conference (RevCon), which takes place once every five years. After the NPT suffered some serious setbacks over the previous decade – including the failure of the 2005 RevCon – the Obama administration hoped this conference would yield results that would help strengthen the nuclear nonproliferation regime. In addition to these events, President Obama launched two other important initiatives in 2010 to advance the realization of his vision: an international summit to promote the securing of nuclear materials, and the publication of the Nuclear Posture Review, a document presenting America's declared nuclear policy.

The essays compiled here analyze the events in 2009-2010 linked to nuclear arms control, focusing on the impact of President Obama's new agenda on the nuclear nonproliferation regime. They analyze the United States' attempts to prevent the proliferation of technologies, materials, and weapons to dangerous elements around the world and examine the extent to which the administration's priorities on nuclear nonproliferation advance the goals – at times distinct, at times convergent – of disarmament and arms control. Issues of deterrence, determination to confront proliferators, tension between the US and Russia over the American missile defense program, and international treaties and agreements for control of other weapons of mass destruction are explored. Special attention is also paid to

the implications of the new agenda for the Middle East, particularly as it relates to Israel and the nuclear realm.

The volume is divided into three sections. Part I analyzes the new arms control and disarmament agenda as presented and led by the United States. In the opening essay, Emily Landau discusses the questionable aspects of the Obama administration's policy on nuclear issues, especially given the tension between the President's disarmament vision and the need to confront accomplished (North Korea) and aspiring proliferators, chief among them Iran. Indeed, rather than confronting the states that are in clear violation of their nonproliferation agreements, the administration has chosen to promote its nonproliferation policies primarily through advancing global disarmament treaties. Landau argues that this misplaced priority may weaken the United States' ability to successfully challenge the defiant states and ultimately invite a heavy, undermining blow to the nuclear nonproliferation regime.

In the essay that follows, Jonathan Schachter discusses some of the contradictions within the administration's disarmament agenda, and particularly their implications for deterrence. Until universal disarmament is attained, sufficient numbers of nuclear weapons are necessary to credibly deter enemy states and provide a nuclear umbrella to United States allies. Furthermore, the self-imposed limitations on nuclear use outlined in the Nuclear Posture Review (NPR) weaken the level of American deterrence but do not credibly discourage determined proliferators from pursuing illicit nuclear activities. Thus while the administration's disarmament activity may reduce the world's largest nuclear arsenals, it ultimately could lead to less effective and less stable deterrence, greater nuclear proliferation among friends and foes, and an overall weakening of the Nuclear Non-Proliferation Treaty.

Part II of this volume explores the interface between the Obama disarmament agenda and the constraints of international realities. Tamar Malz-Ginzburg looks at the conclusion of the New START treaty by the United States and Russia, the publication of the Nuclear Posture Review, and the Nuclear Security Summit, and questions whether these three measures have made a real contribution to implementation of the Obama vision. Malz-Ginzburg contends that New START is far more an arms control treaty than a disarmament agreement, and the NPR offers little in

curtailing potential use of the US nuclear arsenal. Thus the three events, cast as milestones on the road to disarmament, are in fact of little substance in this regard.

In the next essay, Uzi Rubin examines the relations between the United States and Russia in light of the US missile defense program. He surveys the history of strategic defense, in particular as it challenges a strategic deterrence approach. Unlike during the Cold War, the current issue does not only concern the bilateral nuclear balance, but also involves a potential multilateral balance with regard to rogue states such as North Korea and Iran. However, while the United States explained its intention to establish a missile defense system in Europe in terms of threats emanating from Iran, Russia saw itself as the true target. President Obama's desire to "reset" US-Russia relations largely dictated the formulae of the renegotiated START agreement, and Rubin argues that as long as the gap exists between the Russian and American worldviews about bilateral and multilateral nuclear relations, the question of strategic defense will remain a bone of contention.

Ephraim Asculai examines the second measure towards a world free of nuclear weapons announced by President Obama in his Prague speech: halting the proliferation of nuclear weapons. The essay discusses nuclear-related international agreements addressed by the international community in 2010: the completed but not yet entered into force Comprehensive Test Ban Treaty (CTBT), the proposed Fissile Materials Cutoff Treaty (FMCT), export controls agreements, and the currently non-formalized Proliferation Security Initiative (PSI). Only the latter two initiatives are enforcement measures, and the verification protocols attendant to the various treaties can do little more than sound a warning that a situation is deteriorating. Thus, Asculai argues that global treaties are far less urgent than the immediate need to stop efforts by Iran and other proliferators to achieve a military capability.

In the final essay of this section, David Friedman broadens the scope of the discussion and surveys efforts to stem other types of weapons of mass destruction. Although some countries have undertaken unilateral actions to control chemical and biological weapons, the primary means are the Chemical and Biological Weapons Conventions. Friedman examines these two conventions, focusing on the degree to which they exceed the declarative level and effect actual arms control. He also looks at the

chemical-biological threat in the Middle East context, and discusses steps Israel has taken, on both the international and domestic levels, to stem proliferation of chemical and biological weapons.

Part III of this volume examines the ramifications of the Obama arms control agenda in the context of the Middle East, with an emphasis on Israel's nuclear situation. Against the background of the recent upheaval in Egypt, Shimon Stein examines Egypt's longstanding preoccupation with Israel's perceived nuclear capability and the ensuing Egyptian agenda, exacerbated by the materializing Iranian threat. Although to Egypt, Israeli and Iranian capabilities present highly different threats, they have both challenged Egypt's leadership in the Arab-Muslim world. The essay focuses on Egypt's activity at the 2010 NPT Review Conference, which constituted a milestone in its ability to push through a final document that singles out Israel and formally places the Israeli nuclear issue on the international agenda. Stein also surveys possible Egyptian options in grappling with the Iranian challenge and indicates that any measures considered will likely be highly intertwined with United States positions.

In the concluding essay of the volume, Yair Evron emphasizes the importance of the nuclear nonproliferation regime, claiming that despite its shortcomings it has successfully established an important norm of nuclear nonproliferation and has enhanced the commitment by nuclear states to disarm. Against the background of the Obama arms control agenda, Evron argues that Israel should help strengthen the nonproliferation regime. He explores possible measures Israel might adopt, even as it maintains its posture of nuclear ambiguity and is not a signatory to the NPT. An Israeli internal debate on nuclear strategic issues and arms control measures will also help Israel prepare for a conference in 2012 called for by the NPT RevCon final document on a weapons of mass destruction free zone. The debate surrounding the proposed conference lies outside of the scope of this volume and will be treated in a separate study.

How much the Obama agenda has or has not enabled the United States to confront Iran is a thread that runs throughout this volume. So too the question of how this agenda impacts on Israel also punctuates the volume as a whole. Indeed, already in the opening essay Emily Landau discusses how the adoption of the US disarmament agenda has introduced a new complication in US relations with Israel. Reconciling the long term US

commitment to uphold Israel's security and ensure its qualitative edge with the disarmament imperative that the administration has embraced has become a more difficult balancing act than in the past, with significant implications for Israel. As for the disarmament vision itself, what has emerged is the absence of a clear direction in United States nonproliferation policy.

Taken together, the essays compiled here probe the effects of international trends in nuclear arms control on the nuclear nonproliferation regime and on Israel's nuclear policy. These trends have in many ways been shaped and guided by the Obama disarmament vision. The essays paint the complex picture of international activity to limit proliferation and to eliminate weapons of mass destruction, and they question the congruence between the steps taken by the Obama administration to strengthen the nuclear nonproliferation regime and his vision of a world free from nuclear arms. Highlighting the tension between theoretical ideals and the reality of aspiring and accomplished proliferators, the authors emphasize that progress towards nuclear disarmament must be grounded in a nuanced awareness of the opportunities and dangers of this vision in the current international reality.

Emily B. Landau, Tamar Malz-Ginzburg
February 2011

Part I

**A New Arms Control Agenda Led by
the United States**

Emily B. Landau

**Obama's Nuclear Disarmament Agenda:
Blurred Aims and Priorities / 15**

Jonathan Schachter

**The Obama Administration:
Caught between Disarmament and Deterrence / 27**

Obama's Nuclear Disarmament Agenda: Blurred Aims and Priorities

Emily B. Landau

Introduction

In his April 5, 2009 Prague speech, newly-inaugurated President Barack Obama set forth his vision for moving towards a world without nuclear weapons.¹ With this speech, Obama intended to underscore his seriousness of purpose as far as turning a disarmament agenda that was gaining ground at unofficial levels – sparked and inspired by the op-eds written by George Shultz, William Perry, Henry Kissinger, and Sam Nunn in January 2007 and again in January 2008 – into official US policy.² This speech set in motion the series of arms control and disarmament events that occurred over the course of 2009-2010, with the most prominent milestones taking place in rapid succession during the first six months of 2010: agreement with Russia on New START; release of the US Nuclear Posture Review; the Nuclear Security Summit; and the May 2010 NPT Review Conference.

Through his adoption of a new agenda for nuclear arms control and disarmament, Obama was determined to demonstrate that the US was serious in its commitment to disarmament according to Article VI of the Nuclear Non-Proliferation Treaty (NPT). Building on the logic set forth by Shultz et al in their articles, a principal rationale of this agenda was that due to the very real fear of nuclear weapons finding their way to terrorist organizations, nuclear arsenals must be reduced and secured. On one level this is rather straightforward: with fewer existing nuclear weapons, the chance of nuclear technologies and components finding their way to terrorists is curtailed. However, disarmament in and of itself does not solve the problems of large stocks of enriched uranium in the hands of many

states or nuclear know-how in the minds of scientists, which are major sources of concern regarding the possibility of nuclear or radiological capabilities being leaked to terrorists.

A second important driving force behind the disarmament agenda embraced by Obama relied on a more indirect logic. The idea was that renewed and enhanced commitment of the nuclear states to Article VI was necessary in order to grant greater legitimacy to determined US efforts to confront emerging nuclear proliferators, thereby increasing these efforts' prospects of success.³ Ostensibly the nuclear state parties to the NPT have an obligation to demonstrate their own intention to fulfill their NPT commitment to work towards nuclear disarmament, in order to legitimately make demands of other states that were violating their NPT commitment to remain non-nuclear. Obama's specific concerns were of course Iran's nuclear advances and North Korea's open nuclear defiance. In short, the US wanted to take the sting out of the "double standards" charge that it was facing from many of the non-nuclear weapons states parties to the NPT.

The essay that follows addresses this indirect rationale for advancing nuclear disarmament, which hinges on the perceived need to overcome the double standards accusations in order to improve the prospects of success of US efforts to stem proliferation. It then assesses the implications of the new disarmament agenda for three major issues: US nuclear arms control and nonproliferation priorities; specific efforts to confront Iran; and attitudes towards Israel in the nuclear realm.

The Dubious Logic of the Obama Agenda

While Obama's disarmament agenda speaks of the great importance of moving towards a world free of nuclear weapons, the urgency attributed to this goal is clearly a function of the perceived danger of nuclear leakage and nuclear proliferation to dangerous states and non-state actors. Indeed, if today's global nuclear situation (even including North Korea's current small cache of plutonium) could be reliably contained and maintained, it is hard to imagine that the goal of total nuclear disarmament would be so passionately embraced by the US or any other current nuclear state. Moreover, although the overall aim of the disarmament agenda adopted by Obama is undoubtedly laudable, it is weakened by its own underlying rationale: namely, the perceived need to neutralize the double standards

argument as an essential step to deal more forcefully with potentially dangerous proliferators. The logic of this position is not wholly convincing, for a number of reasons.

First, in light of the significant steps that both the US and Russia have taken in the direction of nuclear reductions since the height of the Cold War, the double standards argument is of questionable persuasiveness. As far as the two nuclear superpowers are concerned, it is simply not the case that they have not made significant movement in the direction of disarmament, as promised in the NPT. From the tens of thousands of nuclear weapons in the hands of these two states at the height of the Cold War, the quantities have dropped significantly, to number approximately 22,000 today. While this process has been underway for much time and the stockpiles undoubtedly remain too large, the reductions that have been made – and the stability established – are nevertheless a notable achievement.

Ironically, Obama's own contribution to this effort so far does not appear of a dramatically different order of magnitude than the incremental progress of the past few decades. While much time and energy was invested in efforts over the course of 2009-2010 – New START, the Nuclear Security Summit, and the “successful” (as it were) 2010 NPT Review Conference – there have been only modest results in nuclear disarmament terms. The New START treaty is probably the most concrete achievement so far, but the agreed-upon reductions are not revolutionary and the ratification process was long and arduous. And although Obama made US-Russian agreement on New START part of his disarmament agenda, in fact it was a continuation of previous efforts: the previous START treaty expired on December 5, 2009, which demanded its renegotiation and renewal. The administration emphasized that without a treaty in force, verification mechanisms were not in place.

But more importantly, the link between a nuclear disarmament agenda and an enhanced ability to confront dangerous proliferation has not been established. There is no indication that any legitimacy gained through a demonstrated commitment to equality in the nuclear realm is critical for more effective dealing with Iran, or that the lofty disarmament goals and events impress Iran or North Korea to relate more seriously to the US now that it has “cleaner” hands.⁴ The Obama administration's demonstrated commitment to disarmament – and effort to establish a basis to refute the

double standards charge – has thus not earned itself greater legitimacy or improved its ability to deal with dangerous nuclear proliferators in any noticeable manner.

While it could be argued that the new US approach might help gain the support of additional non-nuclear states for its efforts directed against Iran and North Korea, in and of itself this kind of legitimacy has little to no bearing on actual efforts to curb these states' nuclear ambitions. The problems that have been encountered in this regard lie elsewhere. In the case of Iran, for example, lack of success in confronting its nuclear activities over the past eight years is better explained by the lack of international coordination, cooperation, and determination among the states that have taken it upon themselves to address the issue – namely, the *primarily nuclear* P5+1. The issues that hinder progress stem from conflicting economic and strategic interests among these powers.

These difficulties have been further exacerbated by insufficient understanding in the West about how to encourage Iran to be serious about negotiating, especially when Iran seems to gain much more – without paying too high a price – with its tactic of playing for time. In fact, if there is a case to be made that the US needs more legitimacy in its efforts to confront Iran, it would have nothing to do with the double standards issue, rather with the legitimacy that the other nuclear states could bestow upon the US to lead this process. Yet what interests the latter has little to do with disarmament credentials – what they want is for the US to take their national interests and other concerns into account. This has played out very clearly since 2006 with regard to the sanctions dynamic directed against Iran. The common background to these problems is the growing shadow of doubt whether the US even wants to take the lead in confronting Iran.

Nonproliferation Priorities

The questionable logic underlying the new approach is especially problematic given the impact the administration's disarmament agenda has had on its nonproliferation policies and order of priorities. While the nuclear states certainly have an obligation to uphold their commitment to work towards disarmament, the unfortunate result of the administration's new emphasis on "across the board disarmament" has been, in practice, a problematic shift in its nonproliferation priorities, i.e., the preference for

broad multilateral treaties over the confrontation of actual proliferators. When the administration discusses its nuclear arms control and nonproliferation goals, the need to confront Iran and North Korea is not even included on the agenda.

This was starkly apparent in the arms control agenda presented by US Assistant Secretary of State for Arms Control, Verification, and Compliance Rose Gottemoeller, when she addressed the First Committee of the UN General Assembly in early October 2010. After praising the steps already taken – the Nuclear Posture Review, New START, the Nuclear Security Summit, and the NPT RevCon – Gottemoeller proceeded to delineate “the elements of the US arms control and nonproliferation agenda.” She talked about the New START Treaty, CTBT, CWC, BWC, FMCT, and Space Policy; lastly, she spoke briefly about the next steps. But Iran and North Korea were not mentioned as part of what was specifically defined as an arms control *and nonproliferation* agenda, even though there is no more burning proliferation challenge than stopping these two dangerous proliferators.⁵ Within the new arms control framework, Iran is accorded significantly lower priority than the other disarmament goals.

While the aim of an enhanced disarmament policy is to make it easier to confront determined proliferators, the wisdom of the US putting the weight of its nonproliferation agenda behind broader disarmament efforts – ratification of international treaties like the CTBT, and its own commitment to nuclear disarmament with Russia – at a time when dangerous nuclear proliferators are marching forward, is questionable. These proliferators, which pose the most acute threat to the nonproliferation regime today, compounded by the threat they pose to stability in their respective regional environments, are not waiting on the sidelines while the US pursues its own disarmament goals.

Confronting Iran

For the Obama administration to discuss an arms control and nonproliferation agenda without highlighting first and foremost the urgent need to stop the actual nuclear proliferation in Iran and North Korea is problematic in terms of both the future of the nonproliferation regime itself and the immediate dangers these proliferators pose to Northeast Asia, the Middle East, and beyond. If Iran becomes a nuclear state, the blow to the nonproliferation

regime is likely to be devastating. The message that states can cheat and lie their way to a nuclear weapon will significantly devalue the NPT. Surely the dangers associated with Iran becoming a nuclear state are vastly more concrete and severe than anything that would result from a postponement of US ratification of the CTBT, even by several years.

To be sure, the problem is not that the administration is not devoting time and energy to the challenges of Iran and North Korea.⁶ Indeed, with regard to Iran in particular, the administration is – albeit slowly – carving out a more forceful approach to propel Iran to address Western concerns about its nuclear advances seriously. The sanctions agreed upon in June-July 2010 – both in the framework of the UN Security Council, and unilaterally, in the wake of the UN decision – are testimony to these serious and determined US efforts and to the relentless activity by outgoing Treasury Department Under Secretary for Terrorism and Financial Intelligence Stuart Levey.⁷

Yet while the steps taken by the administration are themselves highly commendable, the problem is that both Iran and North Korea are not conceptually integrated into Obama's disarmament and nonproliferation agenda. This lapse is clear from documents such as Gottemoeller's that spell out the agenda without reference to these proliferators. This reflects a problematic order of priorities, and more importantly, a lack of coherence in the overall approach.

One could legitimately ask why this matters. If the US is pursuing broader disarmament goals while at the same time directing energy to stop Iran, why does it matter that Iran (or North Korea) is not conceptually integrated into the nonproliferation agenda as such? The first answer is that there is a simple issue of allocation of time and energy. If the administration pursues both goals simultaneously, it means that nonproliferation resources are split, rather than focused more clearly on the top priority: stopping the most urgent proliferation challenges emanating from Iran and North Korea.

A second indication that the lack of conceptual coherence is significant is an example from the Nuclear Posture Review (NPR) that was released in April 2010. Through the NPR the Obama administration sought to underscore its disarmament agenda by limiting the scenarios in which the US might consider use of nuclear weapons. One manifestation of this goal was to clarify the nature of the negative security assurances that the US granted to non-nuclear states. In particular the US wanted to underscore

that it would not use nuclear weapons even in response to a chemical or biological attack from a non-nuclear state.

But the administration went one step further in the NPR and used it as a platform for broadcasting a message of isolation to Iran. To this end, it added a caveat to the negative security assurances formulated in the NPR: it clarified that these would not be extended to non-nuclear states that were not in compliance with their international NPT obligations. In other words, the assurances would not cover countries like Iran. Thus a message was directed to Iran that it would be preferable for this state to comply with its NPT commitment and obligations. However, this message is incorporated in a document on US nuclear policy, rather than its arms control/disarmament agenda. In conceptual terms it signals that in this case Iran was being integrated into US thinking on nuclear issues through the nuclear deterrence door, rather than via a strengthened nuclear nonproliferation policy.

This conceptual confusion raises some serious questions. Specifically with regard to Iran, the NPR suggests that perhaps at some level the US has given up on trying to actually stop this proliferator. Perhaps the US may be focusing energies not on stopping Iran, rather on isolating and deterring an (unstoppable) nuclearizing Iran. This theory is corroborated by US efforts over the past year and a half to bolster missile defenses in the Arab Gulf states, and gain regional support for isolating and pressuring Iran. Another challenge concerns the implicit message to much less advanced nuclear proliferators such as Syria, which has not yet been found to be in clear noncompliance by the IAEA. Will the administration avoid making this country a top nonproliferation concern as well? Syria has refused to allow IAEA inspectors to reenter the site bombed by Israel in 2007 since the summer of 2008, when suspicious material was found by the IAEA at the site. Without a strong nonproliferation agenda that focuses on actual proliferators, a forceful reaction to Syria is not a clearly defined priority of the administration's nonproliferation policy.

The lack of a coherent strategy in the realm of nuclear nonproliferation implies that while attempting to advance a disarmament agenda, the US seems to be losing sight of the fact that the key rationale of this agenda was to strengthen its hand in stopping the proliferation of nuclear weapons.

As noted in the *Wall Street Journal* articles, the goal was to keep the most dangerous weapons ever invented out of the most dangerous hands.⁸

The final reason why attention must be directed to conceptual issues is that the global treaties that are at the heart of Obama's disarmament agenda and the specific challenge of Iran's nuclear proliferation bring into play two different understandings and traditions of nuclear arms control. Disarmament directs attention to the weapons as such (leaving the state outside the equation), whereas Iran's challenge brings into play the question of inter-state relations and the severe threat that Iran poses to the Middle East and beyond. As such, with its strong embrace of disarmament logic, the administration has elevated the "focus on weapons" understanding of arms control, at the expense of the "focus on inter-state context" logic that must also be included when dealing with nuclear proliferation in the Middle East. One problematic corollary has been a growing tendency in the international debate, at both official and non-official levels, to raise questions about Israel in the context of discussions on Iran, drawing legitimacy from an across-the-board "focus on weapons" arms control logic.

Attitudes towards Israel in the Nuclear Realm

The Obama administration's new arms control priorities have had specific implications for Israel. Elsewhere in this volume Yair Evron explores the implications of Obama's new dedication to nuclear nonproliferation from Israel's point of view, arguing that Israel should demonstrate greater commitment to the NPT and global nonproliferation aims.⁹ Here attention is directed to how the adoption of the US disarmament agenda has introduced a new complication in US relations with Israel. Reconciling the long term US commitment to uphold Israel's security and ensure its qualitative edge (in light of Israel's unique security predicament) with the disarmament imperative that the administration has taken upon itself has become a more difficult balancing act than in the past, with significant implications for Israel.

How the Obama administration has defined its priorities in the realm of nuclear arms control was clearly evident in the confusion over the 2010 NPT Review Conference (RevCon) final document. While prior to the conference the US had lowered the bar with regard to what would

be considered a successful outcome – specifically decoupling it from the achievement of a consensus document – the end result proved something different. Ultimately, achieving a consensus document was more important to the administration than mentioning explicitly that Iran was in noncompliance with its safeguard obligations.

What is puzzling is that there is no doubt that the US *wanted* to single out Iran. This was made quite clear in Secretary of State Clinton's emphatic opening speech at the RevCon, where she severely criticized Iran and Ahmadinejad's approach and said that Iran is the "only country represented in this hall that has been found by the IAEA Board of Governors to be currently in noncompliance with its nuclear safeguards obligations – the only one."¹⁰ The US was also opposed to singling out Israel, evidenced by strong statements issued by the administration almost immediately after the conference was adjourned.¹¹ Moreover, in their meeting in early July, Obama reiterated to Netanyahu the US commitment to Israel's strategic edge. Nevertheless, gaining a consensus document took precedence in US policy decisions, and carried the day at the RevCon.

The next expression of confusion in the US approach came surrounding the annual IAEA conference in September. This time it centered on the idea of a conference on a weapons of mass destruction free zone (WMDFZ) for the Middle East, which according to a clause included in the NPT RevCon final document is tentatively scheduled for 2012. Before the RevCon, it seemed the US was resisting pressure by Egypt to alter its outlook and accept an agenda that focused solely on Israel and the nuclear realm.¹² Since the final document was formulated, however, the US has signaled its willingness to help realize the idea of a WMDFZ conference – or at least not to actively obstruct it. In its attempt to dissuade states from supporting an Arab resolution at the IAEA conference calling for Israel to join the NPT, the US argued that if this resolution were to pass, it would distance Israel even further from the idea of the conference in 2012. This tactical use by administration officials of the conference proposal revealed that the US was lending implicit support to the idea itself.

The administration has set itself up for pressure from other states with regard to its position on Israel due to its rhetorical support for the "equality claim" in the nuclear realm, as a function of its disarmament agenda. Expressions of this new and self-made predicament – "normative

entrapment,” as it were – are likely to continue to play out with regard to the idea of the 2012 WMD/FZ conference.

More important, the upshot of the administration’s attempt to balance the longstanding US commitment to Israel’s security with the newly embraced commitment to global nuclear disarmament is a lack of clear direction in its policy. Serious questions about how far the administration might be willing to go in allowing itself to be pressured on the issue of Israel in the future cannot be avoided. What are the administration’s red lines when it comes to demands by other states that concern Israel’s nuclear policy? How far will the US be willing go in terms of its own interests, for the sake of confronting pressure from other states in this regard? The questions come into sharp focus against the backdrop of continued Iranian attempts to “push the envelope.” In October 2010, Iran set new preconditions for negotiating with the West; one of their demands was for the West to give its opinion on Israel’s nuclear posture. This predicament is likely to become more acute as 2012 approaches.

Conclusion

The US administration has embraced a worthy goal – working to reduce nuclear arsenals – without working through its implications. It has based its approach on a shaky rationale, and failed to integrate all of the implications into a comprehensive approach that would help generate more clear-cut and effective nonproliferation policies.

While advancing the goal of a nuclear-free world is admirable, the interim period demands an interim logic, and close attention must be paid to aligning all the relevant components in a coherent and convincing strategic posture. Taking into account the different traditions and logics of nuclear arms control is useful for this purpose. Most importantly, the “focus on weapons” logic of the global disarmament treaties must be confronted with the “focus on inter-state context” logic that stems from the superpowers’ own arms control experience during the Cold War, and has been incorporated in some of the regional initiatives, such as Nuclear Weapons Free Zones (NWFZ). While states have an interest to control the spread of nuclear weapons, they cannot ignore the fact that nuclear weapons also have considerable strategic value. The tension that results

from these opposing logics must be squarely recognized and dealt with in any attempt to advance a nuclear disarmament agenda.

Notes

- 1 See: http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/.
- 2 George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "A World Free of Nuclear Weapons," *Wall Street Journal*, January 4, 2007, and "Toward a Nuclear-Free World," *Wall Street Journal*, January 15, 2008. On the crystallization of and rationale behind the new disarmament agenda that was launched by these articles, see Emily B. Landau and Noam Ophir, "Unraveling the New Nuclear Disarmament Agenda: Between Vision and Reality," *Strategic Assessment* 11, no. 1 (2008): 60-67.
- 3 "While I know [that the goal of a world without nuclear weapons] won't be met soon, pursuing it provides the legal and moral foundation to prevent the proliferation and eventual use of nuclear weapons," Obama's commencement address at the New Economic School, Moscow, July 7, 2009.
- 4 In fact, and notwithstanding the disarmament-related momentum, in October 2010 Iran's ambassador to the UN blasted the US for spending money on modernizing its nuclear arsenal in contradiction to its claims to be working to achieve nuclear disarmament. *Press TV*, October 30, 2010.
- 5 See the text of Gottemoeller's remarks at <http://usun.state.gov/briefing/statements/2010/148648.htm>. Similarly, a document posted on the website of the Center for Arms Control and Disarmament in January 2010 cited the Obama administration's arms control: only the ninth (and last) point related to the need for successful negotiations to stop Iran and North Korea. See "Obama at One Year: 'A' for Transforming Nuclear Policy, Incomplete for Execution," January 19, 2010, http://www.armscontrolcenter.org/audience/media/011910_obama_at_one_year_nuclear_policy_execution/.
- 6 Documents exposed through Wikileaks in late November 2010 have driven home the extent of concern and preoccupation of the Obama administration with nuclear activities in Iran and North Korea.
- 7 For a recent assessment see William J. Burns, Under Secretary for Political Affairs, "Implementing Tougher Sanctions on Iran: A Progress Report," Statement before the House Foreign Relations Committee, December 1, 2010.
- 8 In the opening sentence of their January 15, 2008 op-ed, Shultz et al write: "The accelerating spread of nuclear weapons, nuclear know-how and nuclear material has brought us to a nuclear tipping point. We face a very real possibility that the deadliest weapons ever invented could fall into dangerous hands." In the 2007 article, the four authors advocated US leadership in order to build consensus for reversing reliance on nuclear weapons globally, "as a vital contribution to preventing their proliferation into potentially dangerous hands."
- 9 Yair Evron, "Israel and the Nonproliferation Regime," pp. 119-26.
- 10 Hillary Rodham Clinton, Secretary of State, Remarks at the Review Conference

of the Nuclear Non-Proliferation Treaty, The United Nations, NY, May 3, 2010. US Department of State website: <http://www.state.gov/secretary/rm/2010/05/141424.htm>.

- 11 Notable was the statement attributed to National Security Advisor Gen. James Jones that the singling out of Israel and especially the lack of mention of Iran's nuclear activities was "deplorable." See, for example, Mary Beth Sheridan, "At Nuclear Conference, U.S. Expects Little, Gains Little," *Washington Post*, May 31, 2010.
- 12 For assessments of the politics surrounding the RevCon see: Emily B. Landau, "2010 NPT RevCon: Opening Bids and Conflicting Agendas," *INSS Insight* No. 180, May 9, 2010, <http://www.inss.org.il/publications.php?cat=21&incat=&read=4011>, and Emily B. Landau, "2010 NPT RevCon: Final Results and Implications for Israel," *INSS Insight* No. 185, June 3, 2010, <http://www.inss.org.il/publications.php?cat=21&incat=&read=4113>.

The Obama Administration: Caught between Disarmament and Deterrence

Jonathan Schachter

Introduction

Since his inauguration in January 2009, President Barack Obama has invested substantial effort and political capital to advance an ambitious nuclear disarmament agenda. Well intended though the administration may be, some of its goals appear to be at odds with one another. In the related realms of disarmament and deterrence, such apparent inconsistencies can mean the difference between success and failure. This article will explore some of the Obama administration's disarmament policy contradictions, their implications for deterrence, and what might be done to resolve them.

The Administration's Disarmament Goals

In 2008 then-Senator and presidential candidate Barack Obama spelled out the disarmament goals he planned to achieve if elected. In a written response to questions posed by the Arms Control Association, Obama made his intentions plain:

As president, I will set a new direction in nuclear weapons policy and show the world that America believes in its existing commitment under the nuclear Non-Proliferation Treaty to work to ultimately eliminate all nuclear weapons....I have made it clear that America will not disarm unilaterally. Indeed, as long as states retain nuclear weapons, the United States will maintain a nuclear deterrent that is strong, safe, secure, and reliable. But I will not authorize the development of new nuclear weapons. And

I will make the goal of eliminating nuclear weapons worldwide a central element of U.S. nuclear policy.¹

Candidate Obama's overarching arms control goal was – and continued to be, once he was elected – global nuclear disarmament, and he appears to view nuclear deterrence more as a necessary side effect of the difficulty involved in meeting that goal than as a goal in and of itself. Obama is not alone either in his desire to rid the world of nuclear weapons or in his recognition of the deterrent need for them in the interim, nor is this the exclusive domain of US Democrats. For example, Ronald Reagan has been described as a “nuclear abolitionist,” and he dedicated substantial efforts to the cause, most prominently by signing the Intermediate-Range Nuclear Forces (INF) Treaty in 1987 and by pursuing the Strategic Arms Reduction Treaty (START) with the Soviet Union, which ultimately was signed by George H. W. Bush in 1991.² More recently, in a series of opinion articles published in the *Wall Street Journal* since early 2007, Republicans George Shultz (secretary of state under Reagan) and Henry Kissinger (secretary of state under Richard Nixon and Gerald Ford) and Democrats William Perry (secretary of defense under Bill Clinton) and Sam Nunn (former chairman of the Senate Armed Services Committee) have also envisioned an eventual “world free of nuclear weapons.”³

Nevertheless, President Obama appears to be pushing the nuclear disarmament agenda more vigorously than any American president since Reagan. In his Prague speech, delivered less than three months after his inauguration, Obama reiterated and expanded on his disarmament agenda and how he aims to achieve its goals. Since then, he has acted on nearly all of what he promised, albeit on some elements more meaningfully and successfully than others.⁴ Moreover, Obama has demonstrated his commitment to the two-pronged approach of total disarmament and continued deterrence not just in speeches. His approach is reflected most prominently in the April 2010 Nuclear Posture Review Report (NPR) and the May 2010 National Security Strategy, both of which emphasize America's commitment to move away from reliance on nuclear weapons, while emphasizing the ongoing need to deter enemies and reassure allies and partners.⁵

Implications of the Administration's Disarmament Agenda

The administration's disarmament goals and its obvious commitment to them is one matter, but the value and possibility of implementing those goals is another. The elimination of nuclear weapons has unmistakable appeal – no nuclear weapons, no threat of nuclear destruction, the theory goes – but is this achievable?

The question of nuclear disarmament is almost as old as nuclear weapons themselves, and the practical answer, provided by both analysts and statesmen for nearly as long, seems to be no, though not unanimously so. Writing half a century ago in his classic work *On Thermonuclear War*, strategist Herman Kahn wrote off the possibility of eliminating nuclear weapons:

Even if all nations should one day agree to total nuclear disarmament, we must presume that there would be the hiding of some nuclear weapons or components as a hedge against the other side doing so. An international arrangement for banishing war through disarmament will not call for total disarmament but will almost undoubtedly include provisions for enforcement that cannot be successfully overturned by a small, hidden force. Otherwise, it would be hopelessly unstable. Even if the problem of what we may call the "clandestine cache" were solvable, the writer is still of the belief that one could not disarm the world totally and expect it to remain disarmed. But the problem of the clandestine nuclear cache in itself makes total disarmament especially infeasible.⁶

One could dismiss Kahn's conclusion as the cynical, if considered, opinion of an analyst arguing – controversially – that nuclear war is both fightable and winnable. However, the actions of decision makers, including even some of the most celebrated arms control and disarmament measures of the last 50 years, strongly suggest that Kahn's assessment was correct.

For example, according to some observers, the New START agreement, signed by Obama and Russian President Dmitry Medvedev in April 2010, mandates that the US and Russia reduce their nuclear stockpiles to levels unknown since the mid 1950s, but leaves both sides with many more weapons than they need.⁷ If this is indeed the case, the disarmament

achievement of New START, while statistically significant (a 30 percent reduction from the maximum number of allowed deployed warheads under the 2002 Moscow Treaty),⁸ does not necessarily imply that either side believes that total disarmament is either desirable or possible. It might indicate the opposite to be true.

The Tension between Disarmament and Deterrence

Determining the success of arms control in general and disarmament in particular is not as simple as counting warheads. Of major concern is the fact that while the administration may be leaving enough weapons in place to ensure nuclear deterrence in the interim period, its stated goals and actual policies regarding those weapons might weaken deterrence. This threatens to create a situation where reducing the number of nuclear weapons might make their use more, rather than less, likely.

Obama has repeatedly acknowledged that global disarmament will take many years to achieve (“perhaps not in my lifetime”).⁹ Both Obama and the bi-partisan authors of the *Wall Street Journal* articles have called for gradual reductions in force size and reliance on nuclear weapons, while emphasizing the need for maintaining effective nuclear deterrence until disarmament is accomplished. This approach stands to weaken deterrence in two ways. First, insofar as deterrence between two similarly armed nuclear powers is stabilized by sufficient weapons and redundant delivery systems to ensure a second strike (i.e., the conditions of mutual assured destruction), there is likely to be a point on the road to total disarmament where these conditions would no longer hold. That is, if a certain number of weapons (estimated to be between 311 and 1000 in the articles cited above) can lead to stable deterrence, and zero weapons ostensibly make deterrence unnecessary, there is a number between them where deterrence might no longer prevail, and a first strike could become an appealing option because of the real or perceived ability to inflict a decisive nuclear strike (including counter-force) on the other side with no (or limited) perceived danger of suffering nuclear retaliation. This does not mean that at that point one side will necessarily choose to strike first. For example, the current US-Russian relationship is marked by nowhere near the enmity and hostility that prevailed during the Cold War. But what of other nuclear states (or non-states)? What if North Korea no longer feared a US nuclear response?

What if India and/or Pakistan no longer feared the other's second strike? Under these circumstances, the temptation to use nuclear force once might prove irresistible.

It is unclear how supporters of total disarmament intend to avoid the dangerous point where the sides have the greatest incentive to strike first. In addition, the clandestine cache problem Kahn described appears nearly as unresolvable today as it did in 1960. Without satisfactory answers to these questions, total disarmament appears to be an empty, if politically valuable, slogan or a possibly reckless, if idealistic, dream because it potentially weakens deterrence, encourages hiding weapons, and in the worst case incentivizes nuclear first use.

The second and more immediate threat to deterrence by the administration's well publicized, combined approach of moving away from nuclear weapons and simultaneously depending on them for deterrence stems from the mixed messages it sends to potential challengers. In order for deterrence, nuclear or otherwise, to be as reliably effective as possible, its threat needs to be both unambiguous and beyond doubt. And while two of the "key objectives" of the NPR relate to strategic and regional deterrence, another is "reducing the role of U.S. nuclear weapons in U.S. national security strategy." The explicit move away from reliance on nuclear weapons, and the new self-imposed limitations regarding their use described in the NPR make it difficult not to conclude that the United States is less willing to use nuclear weapons today than it has been in the past. That might sound like a step in the direction of greater safety and sanity, but how does that stance figure in the calculations of potential challengers? With such mixed messages, conventional war and nuclear miscalculation, as well as greater nuclear proliferation, could become more likely.

Because numerous US allies rely on American nuclear weapons for their own protection (e.g., the NATO countries, Japan, perhaps the Gulf states in the future, if not now), the perception of American nuclear hesitancy could embolden those states' enemies, which in turn might lead those states to seek nuclear self-reliance. For example, China might conclude that the US is no longer willing to risk nuclear war to defend Taiwan. In this situation, not only would a Chinese invasion of Taiwan become more likely, so would Taiwan's development of its own nuclear deterrent, which it has explored in the past, to the dismay of successive American administrations.¹⁰

Additionally, the American move away from nuclear weapons could strengthen the perception that it is becoming easier to deter the United States with nuclear weapons. Regional competitors like Iran and North Korea (as opposed to more global competitors like Russia and to a lesser extent China) already seem to believe that development of nuclear weapons will grant them greater freedom of action in their spheres of influence. This is the same conclusion reportedly reached by an Indian general after observing Operation Desert Storm in 1991: “The Gulf War emphasized again that nuclear weapons are the ultimate coin of power. In the final analysis, they [coalition members] could go in because the United States had nuclear weapons and Iraq didn’t.”¹¹

Deterring Iran

In the specific case of Iran, there are two different, though related, deterrence scenarios to consider. The first concerns a future scenario where the US might need to deter a nuclear Iran from employing its nuclear weapons. In theory this is the more straightforward scenario, though it critically depends on the United States’ ability to clarify convincingly that an Iranian nuclear attack on another state (i.e., not just on the United States or its forces) would result in an American nuclear counter-attack.¹² A potentially beneficial indirect effect of sending such a message, even now, is that it could encourage an Iranian conclusion that the anticipated benefits of nuclear weapons are not worth the investment.¹³

The second, and more difficult, scenario focuses on the current situation – namely, deterring Iran from pursuing nuclear weapons in the first place. Here the American message is noteworthy for its obfuscation. On the one hand, the United States appears to be asserting the “right” to threaten non-NPT compliant states with its nuclear weapons as a disincentive to nuclearization. On the other hand, it makes clear that the range of circumstances under which the United States would use nuclear weapons is quite narrow and does not include nuclearization itself.

In the NPR, the section “Reducing the Role of U.S. Nuclear Weapons” reformulates America’s longstanding “negative security assurance” by declaring that “the United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the Nuclear Non-Proliferation Treaty (NPT) and in compliance with their nuclear

non-proliferation obligations.”¹⁴ Elsewhere in the document, the NPR makes clear that the United States sees Iran (and North Korea) as being in noncompliance with its NPT obligations. This creates the appearance that the United States is using the threat of nuclear weapons to convince states that they should foreswear nuclear weapons themselves. The document seems to imply that the United States could use or threaten to use nuclear weapons against even a non-nuclear, but nuclearizing, Iran:

This revised assurance is intended to underscore the security benefits of adhering to and fully complying with the NPT and persuade non-nuclear weapon states party to the Treaty to work with the United States and other interested parties to adopt effective measures to strengthen the non-proliferation regime.¹⁵

This is a powerful message, but the actual picture is not what it seems initially. First, such a message could be understood to reinforce the logic of nuclear acquisition mentioned above, namely, that the only way to avoid an American diktat is by deterring the United States with nuclear weapons. Second, the NPR rather unhelpfully (in this context) elucidates the circumstances whereby the United States would – and by implication, would not – rely on nuclear weapons vis-à-vis states like Iran:

In the case of countries not covered by this assurance – states that possess nuclear weapons and states not in compliance with their nuclear non-proliferation obligations – there remains a narrow range of contingencies in which U.S. nuclear weapons may still play a role in deterring a conventional or CBW attack against the United States or its allies and partners. The United States is therefore not prepared at the present time to adopt a universal policy that the “sole purpose” of U.S. nuclear weapons is to deter nuclear attack on the United States and our allies and partners, but will work to establish conditions under which such a policy could be safely adopted.

Yet this does not mean that our willingness to use nuclear weapons against countries not covered by the new assurance has in any way increased. Indeed, the United States wishes to stress that it would only consider the use of nuclear weapons in

extreme circumstances to defend the vital interests of the United States or its allies and partners.¹⁶

In other words, one page after apparently linking nuclear targeting to NPT noncompliance, the NPR makes it clear that nuclear proliferation alone is far from being enough to lead to actual or threatened use of US nuclear weapons. Explicitly limiting the scenarios in which the United States would use nuclear weapons, and thereby reducing their value, arguably serves the disarmament agenda of the United States. However, doing so also weakens the power of the “negative security assurance” by making it clear that proliferation itself is not sufficient cause for American nuclear threats or attack.

This inconsistency is consistent with the often contradictory stance the US has taken regarding any use of force to prevent Iranian development and deployment of nuclear weapons.¹⁷ This is not to say that the United States should use the unambiguous threat of nuclear attack against Iran to keep it from crossing the nuclear threshold; the issue of what deterrent threats the United States can and should use is another matter. However, if the United States wishes to deter Iran from acquiring a military nuclear capability, the prevailing lack of clarity leaves far too much to the assessment and judgment of decision makers in Tehran.

Potential Effects on the NPT

These various scenarios, where friends and foes alike see value in, and little obvious downside to, developing nuclear weapons, can have compound effects on proliferation. First, as is evident in much of the discussion regarding the likely regional effects of Iranian nuclearization, states developing nuclear weapons are likely to lead other states to conclude that they need them as well. Second, the only way for most non-nuclear states to become nuclear states is either by withdrawing from or violating the NPT. In other words, even as Obama has called for the strengthening of the NPT, the administration’s policy of denuclearization and its related mixed deterrent messages stand to make the NPT weaker while turning the goal of nuclear disarmament on its head.

Other American policies could also weaken the NPT. The 2008 signing and Congressional approval of the Indo-US Civilian Nuclear Agreement,

made possible by the passing of the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (“The Hyde Act”), established a framework in which the United States would conduct civilian nuclear trade with India, even though the latter is not an NPT signatory and is an overt nuclear power. The guidelines of the Nuclear Suppliers Group (NSG) forbid the NPT-recognized nuclear weapons states (the US, Russia, China, France, and the UK) from transferring nuclear materials or technology to non-recognized nuclear weapons states (or to aspiring nuclear weapons states). The agreement was signed by George W. Bush, and essentially inherited by the Obama administration (though then-Senator Obama voted for both the Hyde Act, which he attempted to amend, and the agreement itself).

Regardless of the political wisdom of the agreement – it allows for the United States to engage with a nuclear India and to sell it expensive nuclear technologies – it undoubtedly created the impression that the American (and NSG) commitment to the NPT is subjectively conditional, and it weakened the mix of carrots and sticks that are intended to impel states to sign and comply with the NPT in the first place. For all of its shortcomings, the NPT remains the most important international legal instrument that restrains states from acquiring nuclear weapons. The Indo-US Civilian Nuclear Agreement and its approval by the NSG stand to make the NPT less effective. Recent reports of a similar though less formal agreement between the US and Israel,¹⁸ if true, and possibly even if not, are likely to reinforce the undermining effects of the US-India agreement on the NPT.

Conclusion

The well intentioned disarmament agenda of the Obama administration is thus on a collision course – with itself. While the administration’s disarmament activity might succeed in the relatively short term in advancing its primary goal – reduction of the size of the world’s largest nuclear arsenals – the way it is proceeding carries the danger of less effective and less stable deterrence, ultimately greater nuclear proliferation among friends and foes, and an overall weakening of the NPT.

A more productive disarmament approach would acknowledge explicitly the difficulties, if not impossibility, in achieving total disarmament, and build from there. The NPT’s initial and longstanding success has been

based on its creation of a successful mix of incentives to compliance and disincentives to nuclear weapons development. Perhaps what is required now is an update to the NPT regime that recalibrates that mix so that both its enticements and its punishments are more compelling. A revised NPT regime could reflect the recognition that in the more than forty years since its original formulation, other states have become nuclear weapons states, while including measures to induce those states to renounce that status.

The administration's emphasis on nuclear security and the limitation of fissile material production is well placed and should be expanded, as should states' individual and collaborative efforts to develop means and methods of verification that could, in theory, someday address the issue of the clandestine cache. Until then, however, and as long as deterrence remains a primary function of its nuclear weapons, the United States must ensure that its deterrence efforts are consistent and unequivocal. To do so, it needs to spell out its willingness – though of course not eagerness – to use force, including nuclear force, when unacceptably challenged. The 2010 NPR does this to some extent, but in trying to balance its many goals it also dedicated a great deal of attention to cases where the United States would not use nuclear weapons or “may” rely on them.¹⁹ Thomas Schelling, writing in the same year Kahn wrote about the infeasibility of total disarmament, observed, “To say that one may act is to say that one may not, and to say this is to confess that one has kept the power of decision – that one is not committed.”²⁰ “May” has no place in a strategy aimed at deterring potential challengers.

This is not to say that the United States should change its strategy by loudly and overtly threatening other states. On the contrary, the US must use great caution to avoid creating the perception that American nuclear weapons are a tool for coercion and intimidation rather than deterrence. That mistaken perception could also lead to an arms control backfire, as it would create the understanding that states need to arm themselves with nuclear weapons to deter the US.

The balance between all of these various measures is delicate, and striking it is likely to take many years – perhaps not in our lifetimes – but it offers the eventual possibility of more significant arms control, including disarmament, and more effective and stable deterrence than does the current course.

Notes

- 1 “*Arms Control Today* 2008 Presidential Q&A: President-elect Barack Obama,” *Arms Control Today* 38 (December 2008), <http://www.armscontrol.org/2008election>.
- 2 Paul Lettow, “President Reagan’s Legacy and U.S. Nuclear Weapons Policy,” Lecture at the Heritage Foundation, July 20, 2006.
- 3 George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn authored: “A World Free of Nuclear Weapons,” *Wall Street Journal*, January 4, 2007; “Toward a Nuclear-Free World,” *Wall Street Journal*, January 15, 2008; and “How to Protect Our Nuclear Deterrent,” *Wall Street Journal*, January 19, 2010.
- 4 Presumably steps towards realization of these goals were already underway at the time of the speech.
- 5 The White House, National Security Strategy, May 2010, http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf; and US Department of Defense, *Nuclear Posture Review Report*, April 2010, <http://www.defense.gov/npr/docs/2010%20Nuclear%20Posture%20Review%20Report.pdf>.
- 6 Herman Kahn, *On Thermonuclear War* (Princeton: Princeton University Press, 1960), pp. 5-6.
- 7 Gary Schaub, Jr. and James Forsyth, Jr., “An Arsenal We Can All Live With,” *New York Times*, May 23, 2010; Bruce Blair et al., “Smaller and Safer,” *Foreign Affairs* 89, no. 5 (September/October 2010).
- 8 International Institute for Strategic Studies, “New START Provides for Significant Arms Cuts,” *IISS Strategic Comments*, Volume 16, Comment 13, April 2010, <http://www.iiss.org/EasySiteWeb/getresource.axd?AssetID=39163&type=full&servicetype=Attachment>.
- 9 “Remarks by President Barack Obama,” Hradcany Square, Prague, Czech Republic, April 5, 2009.
- 10 See William Burr, ed., *The Nuclear Vault: The U.S. and Taiwan’s Nuclear Program, 1976-1980*, National Security Archive Electronic Briefing Book No. 221, June 15, 2007, <http://www.gwu.edu/~nsarchiv/nukevault/ebb221/index.htm>.
- 11 Quoted in Keith B. Payne, Statement to the Senate Armed Services Committee, Subcommittee on Strategic Forces, *Why Nuclear Weapons are Critical for U.S. Security*, Hearing, March 31, 1998, http://www.fas.org/spp/starwars/congress/1998_h/s980331kp.htm.
- 12 This zero-tolerance approach is a matter of policy. Of course the United States could limit its deterrent policy to protecting itself and its forces only, but in all likelihood that would lead to greater regional nuclear proliferation.
- 13 At the same time, such a threat, depending on its execution and the prism through which it is viewed on the receiving end, could lead to the opposite conclusion as well. That is, a strong deterrent message would not guarantee a good outcome. However, the presentation of a weak deterrence message is more likely to lead to an undesirable result.
- 14 US Department of Defense, *Nuclear Posture Review Report*, April 2010, p. 15.

- 15 US Department of Defense, *Nuclear Posture Review Report*, April 2010, p. 15.
- 16 US Department of Defense, *Nuclear Posture Review Report*, April 2010, p. 16.
- 17 See Jonathan Schachter, Emily B. Landau, and Ephraim Asculai, "Muddling the Iran Issue," *INSS Insight* No. 177, April 26, 2010, <http://www.inss.org.il/publications.php?cat=21&incat=&read=3969>.
- 18 "Report: Secret Document Affirms U.S.-Israel Nuclear Partnership," *Haaretz*, July 7, 2010, <http://www.haaretz.com/news/diplomacy-defense/report-secret-document-affirms-u-s-israel-nuclear-partnership-1.300554>.
- 19 US Department of Defense, *Nuclear Posture Review Report*, April 2010, p. 15.
- 20 Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960), p. 187.

Part II

**The Obama Vision and
International Constraints**

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Between Vision and Reality: New START, the Nuclear Posture Review, and the Nuclear Security Summit

Tamar Malz-Ginzburg

In April 2009 in Prague, President Barack Obama presented his vision of a world free of nuclear weapons. To that end, he contended, the United States must spearhead a process that will ultimately bring about the realization of this ideal, even if not in his lifetime. Obama presented three ways the United States would strive to implement this vision: nuclear disarmament; reinforcement of the Nuclear Non-Proliferation Treaty (NPT); and strengthened security of nuclear materials and materials for nuclear weapons in order to prevent their falling into the hands of terrorist groups.¹

Obama's vision is not original. The aspiration to be rid of nuclear weapons has existed almost as long as nuclear weapons themselves, but in recent years a vibrant public discussion has been underway in the United States on the increasing threat of the proliferation of nuclear weapons and nuclear know-how to hostile elements, including terrorist organizations.² Against this background, Obama formulated his vision and a plan to translate this vision into practice.

In 2010, Obama (along with Russian President Dmitry Medvedev), signed the sequel to the 1991 Strategic Arms Reduction Treaty (START I); published a review of US nuclear policy; and organized a summit meeting on the security of nuclear materials. The administration presented these three events as elements in the implementation of Obama's vision.³ The question arises, then, in what way and to what extent do these three

measures make a real contribution to disarming and reducing the nuclear arsenal of the United States, and thus serve as steps towards implementing the Obama vision.

New START: What is (and What is Not) Included

The nuclear nonproliferation regime includes wide ranging international treaties (such as the NPT); an element of taboo (a strong norm that decries the use of nuclear weapons);⁴ and other arms control and disarmament agreements, both bilateral and regional. Although there is a tendency to confuse and conflate concepts, disarmament agreements are distinctly different from arms control agreements. Disarmament agreements deal mainly with destroying certain categories of weapons; they are discussed mostly in international forums (like the UN), and the decisions made in these forums are uniform and incumbent on all states equally. In contrast, arms control agreements are an additional tool in a state's foreign and defense policy. Even though they also deal with reducing nuclear arsenals, their chief goal is to stabilize relations between states. Historically, these agreements were often formulated between countries in conflict as a means of promoting dialogue between them and reducing the danger of escalation and subsequent conflict.

The original START I treaty, which dealt with reducing the Soviet and American offensive nuclear weapons arsenals, was formulated as a bilateral arms control agreement. The talks about the treaty began in the early 1980s, during the Cold War, at the initiative of President Ronald Reagan. Nearly a decade passed before the sides reached an agreement and signed the treaty in 1991. Several months later the Soviet Union was dismantled, and the ratification process was thus delayed until 1994. The treaty included a verification and monitoring regime that from the US point of view facilitated monitoring of the Russian nuclear arsenal. The treaty expired on December 5, 2009, and in order for the monitoring and verification regime to continue, it was necessary to sign a continuation treaty.

On April 9, 2010, following long months of negotiations, the American and Russian Presidents signed the START I follow-on treaty, whereby the United States and Russia are required to reduce the number of nuclear missile delivery systems and warheads in their possession over the course

of the next seven years (from the moment the treaty enters into force). Each side is required to reduce the number of nuclear warheads positioned on intercontinental missiles, submarines, and bombers to about 1,550, and reduce the number of missile launching systems to 700 deployed and another 100 in storage.

Obama chose to sign the treaty in early April in Prague, exactly one year after his landmark speech.⁵ The choice of venue was a demonstrative gesture to prove that under the Obama presidency, the United States was marching firmly on the disarmament road and working to lower the number of nuclear weapons in the world. However, the new treaty does not in fact contain any unprecedented decision on reducing the nuclear arsenals of the two states. Moreover, the treaty discusses only the strategic nuclear arsenal and not the tactical nuclear arsenal, and it does not address the American nuclear bombs stationed in Europe, because they are not defined as strategic weapons.

Furthermore, the figures in the treaty on cuts in nuclear warheads and their launching systems – including intercontinental missiles, submarines, and bombers – raise several question marks. According to the treaty, warheads placed on missiles (on land or at sea) will be counted, yet not all the nuclear warheads that in practice each bomber is capable of carrying will be counted. According to the new counting rules, one warhead is counted for each bomber, while in practice, each bomber, Russian or American, can carry between six and twenty bombs. Thus, according to the counting rules of the treaty, the United States is in possession of only 1,650 operational warheads, and not 2,100, the true number of operational warheads in its possession. Russia, according to the treaty, is in possession of 1,740 warheads, not 2,600. The treaty does reduce the number of launching systems for nuclear bombs, but it allows the two countries to possess a number of operational nuclear bombs in a way that does not require them to implement a change in the structure of their current nuclear force.

More perplexing is how the Obama administration has cast the new treaty, confusing arms control and disarmament. On the one hand, Obama presented the treaty as a disarmament treaty that contributes to reducing the nuclear arsenals of the two countries, and thus advances his vision of a nuclear free world. On the other hand, throughout the negotiating

process the President portrayed it as a tool to “reset” relations between the two countries. In the subsequent debate on ratification, the administration also justified the treaty as an answer to American fears of Russia. Thus it appears that arms control reasoning underlies the treaty far more than disarmament aspirations.

Indeed, in spite of the many declarations about changes in threat perceptions since the end of the Cold War, at least regarding the United States vis-à-vis Russia, the treaty renewal negotiations revealed the suspicion that exists between the two countries. It was only about four months after the original treaty expired and following prolonged negotiations that the sides were able to sign a new treaty. The delays in signing resulted from a dispute between the parties over two main issues. One dealt with Russia’s claims regarding the intrusive means of verification in the original treaty. The second issue concerned the American missile defense program and Moscow’s suspicion that this defense system was also aimed at Russia. Moscow demanded to link the decisions in the treaty concerning offensive nuclear weapons with the missile defense program. Ultimately, the missile defense program was not mentioned in the body of the agreement, but in the preamble only. Legally the preamble is not binding, but it does provide Russia with the possibility of claiming a violation of the treaty in the future if it concludes that implementation of the American missile defense program violates the strategic balance between the two countries.⁶

The US Senate ultimately ratified New START on December 22, 2010. The treaty was ratified by Russia in the subsequent weeks, and it entered into force on February 5, 2011. The debate in the US over ratification of the treaty was marked by the disagreement between supporters and opponents of the treaty, primarily conservative Republicans, who were not satisfied with the administration’s policy regarding the continued role of nuclear weapons in United States national security policy. Primary concerns were that the new treaty might limit the American missile defense program, which could endanger United States security; that it does not include a satisfactory verification and monitoring regime (especially compared to the one established by the original treaty); that it does not limit tactical nuclear power, where Russia has an advantage over the United States; and that it is liable to harm the modernization of this power. Furthermore,

the authors of the treaty did not take China and its nuclear arsenal into consideration when they concluded the agreement.⁷

In contrast, supporters claimed that treaty's main importance is the preservation of the monitoring and verification regime, which makes the Russian nuclear arsenal transparent to the United States. Although the United States had the capability to monitor the Russian nuclear infrastructure for over twenty years, this monitoring had not taken place for over a year (since the original treaty expired). Thus in urging ratification Secretary of State Hillary Clinton stated, "Perhaps most importantly . . . when the prior treaty expired we lost the ability to have inspectors on the ground. We need to get our inspectors back into Russia."⁸ Senator Richard Lugar (R-Indiana) also urged similar support of this treaty: "We are deeply concerned about North Korea and Iran and other programs in which there are maybe one, two, five, twenty. But we're talking about thousands of warheads that are still there, an existential problem for our country."⁹

The dispute over the treaty underscored that the problematic issue is less the number of nuclear warheads and launchers stipulated by the treaty and more the level of fears and threat perceptions of the United States towards Russia. Ratification of the treaty and institution of a monitoring regime are likely to diminish American fears of Russian activities in the nuclear realm, thereby increasing international stability.¹⁰ Furthermore, the administration's commitment to significantly increase the budget earmarked for preserving and modernizing the nuclear force helped would-be opponents of the treaty vote for ratification.¹¹

The fact that Obama viewed the signing of the treaty as a tool to help rehabilitate the United States-Russia bilateral relationship reinforces the assessment that this is an arms control treaty. It was also hoped that this process would have additional diplomatic ramifications, such as, for example, on the issue of Iran and the United States efforts to form a coalition to pressure Tehran. Moreover, the American internal dispute over ratification of the treaty shows that the question of relations between the United States and Russia is still at the heart of the issue, even if the fear of Russia and the need to ratify the treaty in order to revive the monitoring and verification regime took center stage. Indeed, during the treaty ratification process, supporters spoke about the threat that the relationship between the United States and Russia would be harmed if the treaty was not ratified.

Thus, on the question whether the follow-on treaty makes a real contribution to reducing the nuclear arsenal of the United States, the answer right now is no. The follow-on treaty is, in fact, an arms control treaty intended to increase stability between the two countries, and the ratification process testified to latent tensions and fears that lie below the surface. Nevertheless, it is possible that with time the treaty's contribution to increasing stability and cooperation between the two countries will also advance Obama's vision of reducing the international nuclear arsenal.

The US Declared Nuclear Policy: The Nuclear Posture Review 2010

In April 2010, after much anticipation (including a four month delay) and extensive public discussion, the Obama administration published the Nuclear Posture Review (NPR), the American doctrine on the use of nuclear weapons. The doctrine was published against the backdrop of negotiations with Russia on the follow-on treaty to START I and the request by Congress and the Pentagon for a document that decides on force structure and the number of warheads needed to allow progress in negotiations with Russia on possible cuts in the nuclear arsenal. In addition, there was a need to establish priorities in the framework of the defense budget drafted by the Pentagon, which was also scheduled to be published in late 2009.¹² The NPR, which summarizes the declared nuclear policy of the United States, establishes US nuclear policy for the coming five to ten years.

The document should be examined in three contexts: the dispute in the United States about the role of nuclear weapons in its national security policy; its role as a deterrence document, in which the United States specifies when and against whom it will launch a nuclear attack; and Obama's vision. The discussion below focuses primarily on the first and third of these contexts: the internal American dispute and the document's compatibility with the Obama vision.¹³

The Public Debate Prior to the Doctrine's Publication

Before the NPR was published, a vibrant debate was underway in the United States on several interrelated issues that have been on the agenda since the end of the Cold War, in the wake of the transition from a bipolar world where American nuclear weapons served mainly to deter a nuclear

attack on the United States or its allies by two nuclear powers, the Soviet Union and China.

The first issue dealt with the definition of the threat. What is the main threat that the American nuclear arsenal addresses? Given the changes in the strategic threats against the United States following the Cold War, would the acquisition of nuclear capability by terrorist groups rank at the top of the threat pyramid defined in the document? In this context, attention focuses on the meaning of “nuclear deterrence” in the post-Cold War world. Is the classic model of deterrence appropriate for deterring terrorist groups in possession of nuclear weapons? Perhaps not, as the means for dealing with this kind of threat are not nuclear weapons, but international cooperation, with the goal of identifying and attacking terrorist networks and stemming nuclear proliferation.¹⁴

The second issue focused on the purpose of the nuclear arsenal: for the first time would there be a declaration that the purpose of the arsenal is only deterrence against a nuclear strike, that is, not against a chemical or biological attack or a large scale conventional attack? During the George W. Bush administration, nuclear weapons were assigned two additional roles beyond deterring a nuclear attack: deterrence against a chemical or biological attack, and use of nuclear weapons in order to destroy hard and deeply buried targets that cannot be destroyed with conventional weapons.¹⁵ Prior to publication of the 2010 document, Obama claimed that the emerging document would reduce the role and the quantity of nuclear weapons in United States national security strategy.¹⁶

The third issue dealt with the question of no first use. Would the document include a declaration that the United States will not be the first country to use nuclear weapons in the event of escalation? For years, the US has deliberately maintained ambiguity on the situations in which it would make use of nuclear weapons.

A fourth issue dealt with the number and types of nuclear weapons. The public discussion of the document coincided with the debate regarding the negotiations between the United States and Russia on New START. Both documents engage in mapping and ranking the threats, and defining the goals of the nuclear force and the size of the force needed to realize the goals implies the possible reduction in the number of weapons in the follow-on treaty. There were also rumors that for the first time, Obama

would declare that one of the three means used to launch nuclear weapons (planes, submarines, ground missiles) would be eliminated.¹⁷

A fifth issue focused on the question whether it is necessary to develop new nuclear weapons, or whether it is possible to make do with modernizing the existing arsenal. President Obama declared that the United States does not need to develop new weapons. The discussion of this issue did not touch only on the question of the threats against the United States and whether the existing response is sufficient, but also on how reducing the extensive military nuclear industry will affect the economy and employment.¹⁸

The last issue dealt with the forces' level of alertness and preparedness. The United States and Russia each have some 1,000 warheads ready for launching at any given moment (hair trigger alert). Obama described this as an anachronistic vestige of the Cold War period. There were those who claimed that in order to change this situation, the United States must make a commitment in its doctrine to reduce as much of this arsenal as possible.¹⁹

What is in the Published Document?

The published document stresses Obama's vision of a world without nuclear weapons, with the declared vision constituting the *raison d'être* of the decisions included in the doctrine itself.²⁰

The first goal defined in the document deals with preventing proliferation and nuclear terror. For the first time, the threat of the spread of nuclear weapons to terrorist elements was placed at the top of the United States formal nuclear agenda. The second element in the document is the reduced role of nuclear weapons. The United States, it was declared, will not make use or threaten to make use of nuclear weapons against non-nuclear states that are members of the NPT and honor their commitments in accordance with the International Atomic Energy Agency's verification agreements. The document also states that the United States will consider using nuclear weapons only in extreme cases with the goal of defending the essential interests of the United States, its allies, and its partners. In the meantime, the United States will continue to strengthen its conventional capabilities and will reduce the role of nuclear weapons in deterring non-nuclear attacks, with the goal of deterring a nuclear attack against the United States, its allies, or its partners as the sole purpose of the nuclear weapons in its possession.

A third issue deals with the New START I treaty, and the goal of preserving strategic deterrence and stability and at the same time reducing the nuclear arsenal. The focus here is the American commitment to renew the process of arms control and cooperation with Russia and subsequently reduce the nuclear force without harming strategic stability.

A fourth goal is to strengthen regional deterrence and strengthen the United States' allies. The document states that as long as there are regional nuclear threats against the United States, its allies, and its partners, deterrence for them will have to depend on nuclear capability.

The final point is that as long as nuclear weapons exist, the United States will maintain a safe and effective nuclear force. An increase in the investment in the existing nuclear force is justified, according to the document, against the backdrop of the need to confront nuclear proliferation and terrorism, reduce the nuclear arsenal, and extend the life of the existing warheads rather than developing new weapons. The document also states that the United States will not conduct nuclear tests, will act to bring about the ratification of the Comprehensive Test Ban Treaty (CTBT) and its entry into force, and will not develop new warheads.

Critics of the NPR lamented that there were no reductions in any of the three platforms on which the American nuclear force is based. That is, Obama decided that there was still a need to rely on bombers, submarines, and ground missiles. Second, the state of readiness of the nuclear forces was not changed, despite Obama's declarations and his promises to this effect in his election campaign. Third, a decision on the future of the tactical nuclear forces stationed in Europe was postponed pending discussion in the framework of NATO.²¹ Fourth, the United States retains the possibility of threatening a nuclear state with nuclear weapons or even of launching a preemptive nuclear strike against it. It can also still threaten to use nuclear weapons in order to deter, and if necessary, respond to a non-nuclear attack, such as a large scale conventional attack carried out by a nuclear state. In addition, this document maintains the ambiguity that characterized the declared nuclear policy in the past,²² since the only clarification in the document is that the United States will not commit itself not to use nuclear weapons to attack a non-nuclear state that attacks it with chemical or biological weapons if the attacking state does not honor its

commitments to the NPT. With this declaration, the United States sent a deterrent message to North Korea and Iran.²³

Finally, retaining the option of first use of nuclear weapons was not essential and was even dangerous, since it could well lead to instability in crises and to escalation, which would likely increase the chance of accidents or unintended use of nuclear weapons.²⁴ Furthermore, since the United States has the largest conventional capability compared to any other state, it has no need to threaten to use nuclear weapons in order to respond to a large scale conventional attack. Michael Gerson, who wrote about the risks involved in retaining the first strike option, emphasized that ironically, the threat to use nuclear weapons to deter a conventional attack by an adversary with greater capability is one of the reasons the United States is concerned about nuclear proliferation to rogue states or terrorist groups.²⁵

Perhaps, then, the changes to the US nuclear doctrine are mainly cosmetic in nature. Is it true, as the administration stressed repeatedly, that the new doctrine reduces American dependence on nuclear weapons? After all, the document recognizes that both the United States and Russia have a nuclear arsenal that is significantly larger than what they need for deterrence. It appears that out of his desire that the Senate ratify the New START agreement, Obama avoided making far reaching decisions that would constitute an additional political obstacle. Some might even say that the published document indicates that although the United States and Russia have not been strategic adversaries for some time, they both still adhere to a Cold War strategic concept, which holds that the weapons possessed by each country are aimed against the other.²⁶

The Nuclear Security Summit

One of the three tools for implementing the vision that Obama touched on in his Prague speech is strengthening the security of nuclear materials and nuclear weapons in order to prevent their falling into the hands of terrorist groups. In April 2010 the President convened an international summit, attended by over forty heads of state or their representatives, on the topic of international efforts to confront the threat of proliferation of nuclear materials (separated plutonium and enriched uranium) to terrorist groups.

The goal was defined as finding ways to secure all the nuclear materials in the world within four years.

The summit was designed to bypass subjects of contention between various states. The conference achieved widespread agreement on the subject of improving the security of locations where nuclear materials are stored (military facilities, civilian research reactors, and other infrastructures). Furthermore, the summit produced a document of understanding and a working paper, although critics claimed that the documents ultimately repeated the existing diplomatic understandings on the subject and were not binding.²⁷ Nevertheless, during the meeting, several states, such as Ukraine, Canada, Mexico, Chile, Kazakhstan, and Vietnam, acceded to United States requests and agreed to destroy large quantities of enriched uranium in civilian facilities. For their part, the United States and Russia announced that each would destroy thirty-four tons of plutonium (an amount sufficient for some 17,000 bombs).²⁸

Beyond those gestures, the importance of this summit appeared mainly to lie in strengthening Obama's narrative on implementation of his vision. Indeed, the actual importance of the meeting departed from its declared goals. Obama used the summit to hold face to face meetings with state representatives, with the goal of promoting the formation of a coalition to impose harsher sanctions on Iran²⁹ and to prepare the infrastructure for the NPT Review Conference the following month.

Conclusion

To what extent have the three developments surveyed above made a recognizable contribution to the reduction and dismantlement of the United States nuclear arsenal, and thus to what extent do they constitute steps in implementing the vision Obama presented in Prague? The Nuclear Security Summit did not produce significant binding results, but made a contribution to Obama's vision through the gestures made by the various states. In contrast, the contribution of the two other actions is far more questionable. Although New START was presented by the administration as a contribution to reduction of the world's nuclear arsenal, and during the dispute over its ratification it became a milestone in Obama's policy, the treaty responds to the mutual threat perceptions of the United States and Russia more than it contributes to global disarmament. In an attempt

to bring about its ratification, the administration even made a commitment to significantly increase the budget for modernizing the nuclear arsenal and allotted more than \$180 billion over the next decade for this purpose.³⁰ The debates in the United States on ratifying this treaty and on the NPR emphasized the lack of agreement within the country on the continued purpose and modernization of the nuclear arsenal, and thus Obama's inability to bring about substantive changes in this direction.

In practical terms, therefore, the vision of significantly reducing the American nuclear arsenal has as yet advanced little. Indeed, the very measures intended to advance global disarmament have exposed the debate, ambivalence, and reservations, both within the administration and within the US government, towards this goal. Thus in spite of the aspiration of Obama and many others to achieve a world free of nuclear weapons, this day does not appear to be close.

Notes

- 1 See the emphasis on these three measures in the speech by Ambassador Susan F. Burk, appointed by Obama as special representative for nuclear nonproliferation: "Addressing Today's Nuclear Threats," Address to the Alaska World Affairs Council, Anchorage, Alaska, October 19, 2010.
- 2 In this connection, see the seminal article by George P. Schultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "A World Free of Nuclear Weapons," *Wall Street Journal*, January 4, 2007.
- 3 This essay does not deal with the May 2010 NPT Review Conference, even though it is clear that the Obama administration's conduct prior to and during the conference is an important part of this agenda in the nuclear context. Issues raised in the conference's final document are discussed elsewhere in this collection; see Emily B. Landau, "Obama's Nuclear Disarmament Agenda: Blurred Aims and Priorities," pp. 15-26, and Yair Evron, "Israel and the Nonproliferation Regime," pp. 119-26.
- 4 Richard Price and Nina Tannenwald, "Norms and Deterrence: The Nuclear and Chemical Weapons Taboos," in Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), pp. 114-52.
- 5 See Tamar Malz-Ginzburg, "The Importance of the New Strategic Arms Reduction Treaty (START)," *INSS Insight* No. 172, April 11, 2010.
- 6 For an expansion on this issue, see Uzi Rubin, "The Missile Defense Program: Tension between the United States and Russia" in this collection, pp. 55-70.
- 7 For strong criticism of the treaty, see Mitt Romney, "Obama's Worst Foreign-Policy Mistake," *Washington Post*, July 6, 2010, and Mitt Romney, "Eight Problems with the New START," *National Review Online*, July 26, 2010.

- 8 Hillary Rodham Clinton, "Remarks on the New START Treaty," November 17, 2010.
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- 12 David E. Hoffman "Obama's Atomic Choices: Inside the Making of U.S. Nuclear Policy," *Foreign Policy*, April 28, 2010.
- 13 On the second issue, see Jonathan Schachter, "The Obama Administration: Caught between Disarmament and Deterrence" in this collection, pp. 27-38.
- 14 Thom Shanker and Eric Schmitt, "U.S to Make Stopping Nuclear Terror Key Aim," *New York Times*, December 19, 2009.
- 15 Noam Ophir, "The Core of the Matter: US Doctrine on Nuclear Weapons Use, 1998-2008" *Strategic Assessment* 10, no. 4 (2008): 77-84.
- 16 Hans Kristensen, "Nuclear Posture Review to Reduce Regional Role of Nuclear Weapons," FAS Strategic Security Blog, February 22, 2010, <http://www.fas.org/blog/ssp/2010/02/nukemission.php>.
- 17 Bryan Bender, "Obama Presses Review of Nuclear Strategy," *Boston Globe*, January 3, 2010.
- 18 Travis Sharp, "Local Priorities vs. National Interests in Arms Control," *Bulletin of the Atomic Scientists*, August 28, 2009.
- 19 John Mueller, "Think Again: Nuclear Weapons," *Foreign Policy*, January/February 2010.
- 20 US Department of Defense, *2010 Nuclear Posture Review (NPR) Fact Sheet*, April 6, 2010.
- 21 David E. Hoffman, "Obama's Atomic Choices: Inside the Making of U.S. Nuclear Policy," *Foreign Policy*, April 28, 2010. At the NATO summit in Lisbon in November 2010, it was decided to maintain the forces.
- 22 Michael S. Gerson, "No First Use: The Next Step for U.S. Nuclear Policy," *International Security* 35, no. 2 (2010): 7-8.
- 23 For an extensive critique of this clause of the doctrine, see Emily B. Landau and Jonathan Schachter, "World Has Mixed Messages on Nuclear Arms," *Haaretz*, April 15, 2010.
- 24 Gerson, "No First Use," p. 9.
- 25 *Ibid.*, p. 18.
- 26 Hoffman, "Obama's Atomic Choices."
- 27 Mary Beth Sheridan, "Obama Secures 47-Nation Pact at Nuclear Summit,"

Washington Post, April 14, 2010; Mary Beth Sheridan and Scott Wilson, “In Nuclear Summit, Obama Seeks Global Help in Sanctioning Iran,” *Washington Post*, April 13, 2010.

- 28 “A Summit Goal: Making Plutonium and Uranium Harder to Get,” *Washington Post*, April 14, 2010. Seven months after the summit meeting, Belarus also announced that it would destroy all its reserves of enriched uranium by 2012.
- 29 On June 9, 2010, the UN Security Council imposed a fourth round of sanctions on Iran (Resolution 1929).
- 30 Hillary Rodham Clinton and Robert M. Gates, “We Can’t Delay this Treaty,” *Washington Post*, November 15, 2010; Collina, Kimball, and ACA Research Staff, “The Case for the New Strategic Arms Reduction Treaty,” p. 5.

The Missile Defense Program: Tension between the United States and Russia

Uzi Rubin

Introduction

The current tension between the United States and Russia about the establishment of an anti-ballistic missile defense system in Europe is not new, rather another twist in a plot that has spanned more than four decades. Ever since the nuclear intercontinental ballistic missile made its first appearance as the primary strategic weapon of the two superpowers, two opposing mindsets about it have prevailed. The first held that it was necessary to accept the reality that each side could completely obliterate the other side, and that therefore it was necessary to anchor stability and national security on MAD – mutual assured deterrence.¹ The opposing notion (usually a minority position) did not find it acceptable to live in a state of affairs in which the nation's homeland and population were hostages to the other side. According to the proponents of this view, it was necessary to base national security on shutting off the skies to ballistic missiles by means of advanced technology defensive systems. This tension between a strategy of deterrence and a strategy of defense is still with us to this day.

Although throughout the Cold War both powers were hard at work developing anti-missile defenses – which at the time was a highly demanding venture – it was the United States that made most of the effort. At times this endeavor was shaped by technological progress, but at other times – as was the case with Star Wars – it was a deliberate strategic enterprise. For its part, the Soviet Union was an unwilling participant in this venture and preferred to leave MAD in place, for two reasons: first, the

tremendous expense involved in developing and implementing national defense systems, and second, its awareness that maintaining MAD preserved the USSR's status as the twin superpower of the US and that any undermining of MAD would challenge that status. Overall, then, the superpowers focused their efforts both on military steps to further establish nuclear deterrence and on diplomatic moves to limit and reduce nuclear and missile stockpiles.

To this day, Russia, the primary successor to the USSR, relies on strategic deterrence as the basis of its national security, a guarantee against further erosion of its international standing, and perhaps even a springboard for reestablishment of a sphere of influence in the region of the former Soviet bloc. Quite predictably, therefore, any American attempt to deploy anti-nuclear ballistic missile defense systems makes Russia edgy, arouses objections, and becomes the focal point of tension between the two countries.

This paper briefly surveys the history of strategic defense and its checkered course since the first attempts to intercept ballistic missiles in flight. The paper elaborates on recent moves by the present American administration to bridge the gap between strategic defense and strategic deterrence, and Russia's response to those moves. The conclusion from the survey is that we have not heard the last of this story: the present state of affairs will almost inevitably lead to further tensions between Russia and the United States about the nuclear balance of power.

Strategic Defense: The Never Ending Story

Russia's launch of the Sputnik satellite on October 4, 1957 shook American self-confidence to the core. It demonstrated before one and all that America's sovereign territory, hitherto secure from attack by two wide oceans, was no longer immune to Soviet nuclear weapons.² This prompted an overt arms race to amass nuclear ballistic missiles but also a covert arms race to develop anti-ballistic missile defenses. In the early 1970s, efforts by the superpowers reached initial technological fruition and both superpowers deployed strategic defenses. Russia deployed one system around Moscow to protect the Soviet leadership while the United States deployed its own system in North Dakota to protect its ballistic missile launch sites there.

At the same time, both superpowers were quick to develop the antidotes to means to crack open each other's strategic defense systems.

It soon became clear to both, however, that between strategic defenses and strategic deterrence the continued arms race would take an unbearable economic toll, and they therefore agreed to give up the defensive option. In 1972, they signed the Anti-Ballistic Missile Treaty (ABM), barring the deployment of new anti-ballistic defense systems. The treaty allowed both sides to continue operating the systems that had already been deployed, on condition that they would be limited to one single site and not include more than 100 interceptors. The United States chose to dismantle its already deployed missile defense site in North Dakota (today the site is a museum and is open to visitors), while the Soviet Union decided to leave its Moscow defense system intact and operational, as it is to this day.

This, however, was not the end of the story for strategic defense – if anything the opposite was true. In May 1983, President Ronald Reagan, who had always loathed the idea that the security of the United States was based on the ability to kill millions of people and destroy the planet, announced his Strategic Defense Initiative and called on the scientists who had developed nuclear arms to come up with a way to intercept ballistic missiles in flight, thereby rendering nuclear weapons “impotent and obsolete.”³ The idea was to make use of a spectrum of futuristic technologies – with an emphasis on space-based energy weapons – to hit and destroy missiles in flight (the media called the initiative “Star Wars,” after George Lucas’ 1977 science fiction movie by that name). Yet despite the massive investment of billions of dollars, it became clear that the task was beyond the technology of the time (and most probably even that of today). The Soviet Union, fearful that its strategic deterrence might be neutralized, secretly launched a similar effort that yielded the same disappointing results. Many analysts, including some Russian thinkers, saw the Star Wars race as the straw that broke the USSR's back and brought about its fall, rendering Stars Wars unnecessary. The ambitious project was terminated once President Clinton took office, and the already allocated budgets went into developing tactical defense systems against short range missiles to protect American forces deployed around the world.

Yet this too was not the end of strategic defense, and it resurfaced during Clinton's second term in office. After a number of eventless years

regarding proliferation of weapons of mass destruction, a chain of events was suddenly unleashed in 1998 proving that the diplomatic efforts to control nuclear arms and missiles had not produced the desired results. These events began with North Korea launching a satellite by a three stage missile that overflew Japan,⁴ continued with India and Pakistan conducting nuclear tests, gathered momentum with the Rumsfeld Commission report determining that Third World countries could conceivably threaten the United States with surface-to-surface intercontinental missiles within five years, and peaked with Iran's first test of the Shahab-3 missile. The US Congress, at the time Republican, demanded that the President establish a national defense system that would protect the United States against the intercontinental nuclear ballistic missiles of rogue states. According to Republican Congressmen, MAD, which had maintained stability during the Cold War, would have no relevance vis-à-vis states with extremist ideologies. Moreover, accepting the situation of mutual deterrence between the only superpower still standing – the United States – and fifth-rate countries such as North Korea was unacceptable, as this would mean recognition, de facto and de jure, of the rights of marginal states to threaten the United States with nuclear weapons.

Consequently, President Clinton reluctantly signed the National Defense Authorization Act, which stipulated that the United States would establish a defense system against a limited attack of ballistic missiles on US territory. The formative idea was to develop a limited defense capability against rogue states whose long range missiles arsenals would presumably be small, in any case smaller than that of the USSR. This concept of limited defense made both Congress and the administration believe that they could have their cake and eat it too – to deploy a strategic defense system that would not affect Russia's strategic deterrence – an “Iron Sieve” rather than an “Iron Dome.” The bill authorized the development of a defense system based on a giant intercepting missile weighing more than 20 tons, an enormous fire control radar installed on a sea-going oil drilling barge, plus auxiliary radars and extensive command and control systems.⁵ It was decided to deploy the system in two West Coast sites, one in Alaska and the other in California. This deployment testified to the priority given to protecting the US against North Korean missiles.⁶

In order to legalize the system's deployment, President George W. Bush terminated the ABM treaty in 2002 following a 6-month advance notice as stipulated by the treaty, and instructed that the defense system become operational by 2004. Development of the system was erratic and seemed to strain even the seemingly boundless US R&D capacity, yet despite the limited record of success in interception tests, Initial Operational Capability (IOC) was declared in 2004, just as President Bush had instructed. The huge interceptors entered series production and started their deployment to their West Coast sites. What remained in question was the defense of the East Coast of the United States against Iranian missiles: Should the system be deployed to a third site, and if so, where?

The Third Site

The development of a new national defense system met with fierce criticism from America's European allies. One of their major complaints was that strategic defense of the American homeland would be tantamount to the decoupling of American national security from that of the rest of the Western allies, abrogating the basic principle of indivisible defense of the West.⁷ What the critics clearly wanted was for the US to desist from strategic defense and for the Western alliance to uphold the policy of pure strategic deterrence. The Bush administration, however, turned this argument on its head and decided to build the third site not on the East Coast – from where it could defend only the United States – but in Eastern Europe, from where it could defend both Europe and the United States against Iranian missiles. Following some preliminary studies, it appeared that a third site with radar in the Czech Republic and interceptors in northeastern Poland would be able to intercept Iranian missiles launched against targets in Eastern, Central, and Western Europe as well as targets on the US East Coast. Independent studies published in the open literature supported this conclusion.⁸

Consequently, in 2007 the Bush administration entered into negotiations with the Czech Republic and Poland to deploy elements of the third site on their territories – a radar installation near Prague and a launching site with ten interceptors in the northeastern Polish town of Morag. Despite some domestic opposition, the Czech and Polish governments welcomed the American request, as they viewed the permanent deployment of American

forces on their soil as an American guarantee of their security against the rising might of Russia under President Putin. Other European allies, however, took it badly, partly because of the bilateral nature of the direct negotiations between the US and the two European countries involved, circumventing both “Europe” as a whole as well as the NATO institutions.⁹

However, the most profound – and perhaps most unexpected – opposition to the plan came from Russia. In 2007, then-President Vladimir Putin equated the deployment of the third site with “a rekindling of the Cold War.” Official Russian spokespeople followed suit with other harsh denunciations. Russia threatened to deploy surface-to-surface missiles against third site assets were they to be positioned in Poland and the Czech Republic and hinted that it might withdraw from the 1987 Intermediate-Range Nuclear Forces Treaty, which prohibited the development and deployment of intermediate range surface-to-surface missiles. The Russians claimed that a third site at the selected locations was really aimed against them, not Iran, because the paucity of Iran’s capabilities in missile development did not represent a real threat against Europe, and even less so against the United States, and that America’s public rationale was merely a pretext. In addition, the heavy, high velocity interceptors of the third site were capable of intercepting Russian intercontinental ballistic missiles fired at the United States from Russian bases, thereby lowering Russia’s deterrence. The issue was portrayed as an American plot to undermine Russia’s stature of a superpower. Thus the attempt to craft a limited defense approach aimed specifically against the “axis of evil” that would not be perceived by Russia as an attempt to erode its strategic deterrence did not succeed, and relations between the two countries reached a new low.

President Obama and the Phased Adaptive Approach

Since the beginning of his term, President Obama has viewed relations with Russia as one of the crucial building blocs of his foreign policy to advance his vision of a world free of nuclear weapons. As the third site was one of the major obstacles in these relations, Obama needed to defuse the situation by selecting another option, whether by replacing the third site with even more modest defense systems that would be incapable of threatening Russia’s ICBMs or by giving up the entire concept of deploying US defense systems in Europe. The second option was unpalatable, given

the European dissatisfaction with President Obama's focus on domestic issues and his apparent neglect of the Atlantic alliance. Therefore, the administration chose the first option and announced it with much fanfare in mid 2009.

Underlying the new approach was an updated intelligence assessment presented by Secretary of Defense Robert Gates on September 17, 2009, estimating that Iran's progress in intermediate surface-to-surface missiles (i.e., missiles capable of threatening Europe) was faster than previously envisaged but that its progress in intercontinental range missiles (i.e., missiles that could threaten the United States) was slower than expected.¹⁰ The inherent paradox encapsulated within this statement¹¹ did not prevent the administration from outlining the new program as follows:

- a. The size of America's national defense system deployed on the West Coast would be frozen at its present level.
- b. "Proven" systems based on the US Navy's tactical defense system (the Aegis system with Standard Missile 3 interceptors) would be deployed in Europe.
- c. The deployment would be implemented in phases linked to the rate of threat increase. In the first phase, defense of southeastern Europe would be deployed by the permanent stationing of Aegis ships in the eastern Mediterranean. In the second phase, a ground based version of the naval system would be deployed in Romania. In the third phase, the ground version would be deployed in Poland but with more advanced interceptors. Up to that point, the deployed systems would be able to defend Europe but not the United States. Finally, *should a threat develop against the United States* (author's emphasis), even more advanced interceptors, capable of striking Iranian intercontinental missiles aimed at the United States, would be deployed in Poland.

Close reading reveals that the fourth phase of the plan differs perhaps in its details but not in essence from Bush's third site, the major difference being that it is not a deterministic phase but one that seemingly depended on the evolution of the threat. Moreover, the time allotted for implementing this phase, about ten years, does not leave much room for deliberation. If the administration wants to have the means to defend the United States from the European continent within a decade, it does not have that time to examine the evolution of the threat; rather, it must start to build the new

and more powerful interceptor right now. This second inherent paradox also did not prevent the administration from presenting its plan as a technological and diplomatic breakthrough.

Indeed, this is precisely how the new plan, dubbed the Phased Adaptive Approach (PAA), was received both in the United States and in Europe. The PAA was greeted with much enthusiasm all around and hailed on account of the (mis)understanding that it had succeeded to square the circle, so to speak, and to provide the magic formula that would recouple the security of the United States to that of the entire West, guaranteeing American commitment to Eastern Europe while at the same time assuaging Russia's fears. Reality, however, proved otherwise.

Russia's Reaction and the New START Treaty Negotiations

At the outset, Russia greeted the new plan coldly. As time passed and details of the plan emerged and as the US administration began to negotiate in earnest with East European countries (Bulgaria) to station defense systems on their soil, Russian criticism mounted until its rhetoric reached the level of the third site controversy. Senior Russian spokespersons characterized the new plan as being "as bad as its predecessor or worse."¹² Vladimir Putin, now serving as Russia's prime minister, attacked not just the new plan but also the very idea of strategic defense, i.e., not just the deployment in Eastern Europe but also the deployment of national defense systems on the US West Coast.¹³ Russia's objections thus expanded from the immediate cause of deploying missile defense in Europe into the wider cause, similar to that of the Soviet Union during the Cold War and the ABM treaty, i.e., a sweeping objection to strategic defense, no matter where deployed or for what reason.

The Russians demanded the incorporation of this principle – a ban on strategic defense – in the text of the New START treaty, which was being negotiated at the time and was viewed by President Obama as one of the most significant expressions of his foreign policy: a combination of his "reset" policy vis-à-vis Russia with the reduction of nuclear weapons to realize his vision of a nuclear free world. Obama, already committed to the US national missile defense concept and to the deployment of defenses in Europe, refused outright. When the situation appeared headed for a crisis, President Obama telephoned President Medvedev and told him that the

United States' position on the issue was "take it or leave it." The United States was not prepared to agree to make the reduction of nuclear weapons contingent on any limitations on strategic defense.

In the end, a compromise was reached: the main text of the agreement would not contain any reference to anti-missile defense, but the US negotiators agreed that it would be mentioned in the preamble. Formally, the preamble is not binding, and this gave the semblance that President Obama's stubborn line prevailed. In reality, this is not clear at all. The eighth paragraph of the preamble reads as follows:

Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties.¹⁴

Like all preambles, the words convey the spirit of the agreement, so to speak, and are not operationally binding. Nonetheless, this paragraph gives Russia the room to object and claim violations of the spirit of the treaty should the United States implement its phased adaptive approach in full. The paragraph states that *current* strategic defensive arms do not undermine the strategic balance, i.e., Russia is willing to accept strategic defense systems already in position in the United States and the tactical defense systems planned to be deployed in the first three phases of the PAA. At the same time, the fourth phase involves the deployment of powerful interceptor missiles not currently deployed and that still need to be developed and tested.¹⁵ Russia, then, maintains the right to oppose it should the United States implement the fourth phase – for all practical purposes, a ticking time bomb in terms of American-Russian relations – or decide to enhance the defense system already deployed in the United States by adding interceptors or deploying another site on American soil.

The US' own interpretation is obviously very different. As far as the US administration is concerned, the paragraph in the preamble does not commit it to any limitation in the present or future. This is not how it is seen in Russia. The general satisfaction expressed in Russia following the signing of the treaty is evidence that for the government there, the

paragraph of the preamble resurrects the ABM treaty, if not in word then in spirit.

The NATO Summit in Lisbon

The issue of territorial missile defense in Europe, with all its complexities and sensitivities, assumed center stage in the preparatory discussions for the NATO summit, took place in Lisbon in November 2010. The summit's objective was to approve a new, updated definition of the goals, policy, and strategy of the Atlantic alliance in view of the far reaching global developments since the previous reassessment in 1999 – in fact, to redefine afresh the purpose and the mission of the alliance. The issue of European missile defense received intense attention, both in the summit discussions and in the summit's concluding statement, in which no less than five (out of fifty-four) paragraphs were devoted to the subject. There is no doubt that the Russian perspective played a significant part in the preliminary discussions and concluding statement. Presumably the declarations were by and large acceptable to Russia, as President Medvedev was invited to address the summit plenum.

The Lisbon summit declaration includes the following principles:

- a. Missile defense will henceforth become a third pillar of NATO's military capability, side by side – and with equal standing – with conventional and nuclear capabilities.
- b. The NATO alliance is obligated to defend the populations and territories of its European members against the threat of ballistic missiles (though no mention is made of the source of the threat).
- c. The alliance will develop and deploy a territorial missile defense system that will offer protection to its European members. President Obama's PAA plan will form the core of this system.
- d. Russia is invited to cooperate with NATO in this endeavor and to integrate its own missile defense assets with those of NATO.

There is no doubt that this conclusion is a significant achievement for President Obama's policy of engagement with the US European allies and his policy of "reset" vis-à-vis Russia. This achievement, which the Obama administration will undoubtedly portray as one of its major diplomatic successes, was achieved at the cost of the linkage between the security of the United States and that of Europe, at least as far as the threat of

missiles from rogue countries is involved. The controversy with Russia was resolved by the ingenious expedient of committing NATO to defend only the territory and populations of its European members. The result was the nearly surrealistic situation whereby the NATO alliance, with full American blessing, had in fact undertaken to forego the defense of the national territories of two of its founding members – the United States and Canada. In more concrete terms, the limited commitment of NATO's territorial missile defense will make redundant – and in all probability will not deploy – those powerful interceptors of the fourth phase in the PAA needed for defending the US from European sites, the selfsame missiles that so incensed the Russians. Instead, the interceptors that will defend Europe only will be primarily tactical missiles with limited capabilities and will not pose a threat to Russia's ICBMs. The fourth phase of the PAA – the phase in which the powerful interceptors are supposed to be deployed in Poland – has thus lost its *raison d'être* and may well be cancelled at the end of the day. With this apparent American concession, the ticking bomb buried in Obama's PAA has been seemingly neutralized.

Limiting NATO's commitment to defend only the European homeland leaves the US national defense system outside the umbrella of the Atlantic Treaty, outside the consensus with the allies, and outside the tacit agreements with Russia. An interesting situation has been created in which it is not inconceivable that the European system will not be linked to the American one, and in which Turkey, for example, could veto the transfer of data from the European system's radar to the US system and thereby obstruct America's self defense against Iranian missiles. Moreover, deleting the US system from the Lisbon summit understandings will encourage Russia in its objections against any expansion of that system, not the least against deploying a third site on US territory to replace the defunct third site in Europe.

Russia has every reason to be satisfied with the Lisbon summit declaration and regard it as another success in its uncompromising policy against US strategic defense. Indeed, Russia has wasted no time in taking advantage of this achievement and is already leveraging it into even more ambitious political goals. The ink on NATO's invitation to Russia about cooperation in the defense of Europe was not yet dry before President Medvedev called for dividing Europe into "defense zones." According to Medvedev's

suggestion (made in closed forums), NATO's defense systems cannot be linked to Russia's because of concerns over secrecy and information security. Therefore, the best way is to divide Europe into two zones – one that would be protected by Russia and the other by NATO. Where is the border of the “Russian zone”? Obviously, the Russian President did not go into details but it is possible to decipher his vision. It seems that the objective of contemporary Russia to return to the previous Soviet zone of influence in Eastern Europe remains steadfast, and the cooperation Russia was offered on anti-missile defense is liable to be used to promote it.

Ratification of New START Triggers another Controversy

Following his success in the Lisbon summit, President Obama turned his time and energy towards persuading the Senate to ratify the New START treaty. The language of the preamble that links strategic deterrence to strategic defense with its implied limitation of the United States' freedom of action in missile defense drew intense criticism from conservative senators. The Democrats' losses in the midterm elections of November 2010 implied that if the New START treaty were not ratified by the incumbent Senate, it would probably be rejected by the next Senate, thereby delivering a serious blow to the President's policy and personal prestige.

In an effort to persuade Republican senators to ratify New START before they recessed, the President sent them a letter explicitly committing himself to full realization of the phased adaptive approach. President Obama declared that “as long as I am President, and as long as the Congress provides the necessary funding, the United States will continue to develop and deploy effective missile defenses to protect the United States, our deployed forces, and our allies and partners.” He further affirmed, “My Administration plans to deploy all four phases of the EPAA.”¹⁶ To be sure, this was a reaffirmation of the obligation to deploy in essence an Obama version of Bush's third site – the selfsame third site that irked the Russian government so much in the first place. One could say that the President was being clever and that limiting his commitment to his term in office – “as long as I am President” – emptied it of all meaning, since by 2020 when the fourth phase is scheduled to be implemented, Barack Obama will no longer be the president of the US, even if reelected in 2012. Nevertheless it was impossible to

dismiss such a presidential commitment, and some of the key opponents to the treaty's ratification changed their minds, citing the President's commitment as a condition for supporting ratification. The Senate had the necessary majority, and New START was ratified on December 22, 2010. As anticipated by several senators, the final ratification document includes caveats that makes this ratification contingent on the US freedom of action concerning strategic defense.

As far as the Russian government was concerned, the idea that the Senate's ratification was contingent on freedom of action in strategic defense undermined what it saw as one of its major achievement in the treaty. Thus, the Russian media immediately reacted with vehemence, and the Russian Federation's legislature came out with fierce criticism. Some argued that if the Senate's ratification were made contingent on the President's promise, Russia for its part should not ratify the treaty. On the other hand, Prime Minister Putin, still the power in Russia, congratulated President Medvedev on the Senate's ratification, thereby ensuring that even if the Senate decision included a contingency clause, the Duma would ratify it, as in fact occurred. Thus, the New START treaty has indeed come into being, but with opposing interpretations of its implications to strategic defense. The controversy is far from over, and the treaty has at most papered over the chasm between the two sides rather than bridge it.

Conclusion

The tension between Russia and the United States over strategic defense dates back to the Cold War and stems from fundamentally opposing views on strategic deterrence and strategic defense. The current flare up of this tension involves not merely the bilateral nuclear balance between the two powers but also the multilateral balance that now includes rogue states already armed with nuclear weapons, such as North Korea, and incipient rogue nuclear powers such as Iran. The United States is striving to base its policy vis-à-vis such rogue states on a mix of deterrence and defense, while Russia refuses to allow the United States freedom of action in this regard. The Russian stance is that any American strategic defense is unacceptable even if meant to defend against a third party. The American approach is that the world has changed and is no longer bipolar. For its part, Russia maintains that nothing has changed and that the nuclear balance between

Russia and the United States has always been and still is the only game in town.

The ratification of New START eased this tension somewhat, and NATO's new policy, as announced at the Lisbon summit, will almost certainly ease it further. On the other hand, the controversy over the ratification of the new treaty indicates that the embers are still glowing under the seemingly cold ashes. It would be only prudent to assume that this is merely a time out and that the tension will resurface with full force if and when a new, less compromising US administration takes office. The growing missile and nuclear capabilities in North Korea and Iran are likely to accelerate plans for deploying strategic defenses against them. Even without such external players, the very existence of an American national defense system will continue to flash a red warning signal to Russia, and any US administration that will plan to modernize or expand it is bound to encounter intense Russian objections. As long as this unbridged gap between the Russian and American worldviews about bilateral and multilateral nuclear relations exists, the question of strategic defense will remain a constant bone of contention.

Notes

- 1 "MAD" was revamped by the media to stand for mutual assured destruction.
- 2 Great Britain suffered a similar shock in 1910, after the first successful flight from Calais to Dover, which meant that the English Channel could no longer ensure Britain's imperviousness to hostile attacks from the air.
- 3 President Reagan presented the initiative in a speech broadcast on May 23, 1983. This was perhaps one of the best demonstrations of his impressive ability to convey popular messages. In order to clarify the notion of exchanging second strike strategy with a strategy of defense, he asked rhetorically, "Wouldn't it be better to save lives than to avenge them?"
- 4 The satellite did not in fact begin orbiting earth because of a malfunction during the third phase of the missile, but it functioned perfectly during the first two phases. The fragments apparently fell to earth in or near Alaska.
- 5 According to current American custom, the system does not have its own name. Its official moniker is the acronym GMDS – Ground-based Midcourse Defense System. The intercepting missile is called the GBI – the Ground Based Interceptor, while the radar is called the SBX – Sea Based X-band radar.
- 6 Because the weapon system under discussion is not constructed of separate batteries but is rather a global system of interceptors, warning satellites, and long range radars, the proper term is "site."

- 7 See Bradley Graham, *Hit to Kill: The New Battle over Shielding America from Missile Attack* (New York: Public Affairs, 2001), pp. 165-68.
- 8 Detailed research on the expected capabilities of the third site was presented by Dean Wilkening of the Center for International Security and Cooperation, Stanford University, in May 2009 at the Royal United Services Institute in London. The conclusions supported the American administration's assertions that the third site would have the capacity to defend both Europe and the US East Coast against Iranian missiles. See <http://www.rusi.org/events/past/ref:E4930106FE7696/info:public/infoID:E4A38B59475CF7/>.
- 9 See, e.g., CRS Report to Congress, "Long Range Ballistic Missile Defense in Europe," September 3, 2008, p. 2, <http://italy.usembassy.gov/pdf/other/RL34051.pdf>.
- 10 For the full transcript of Secretary of Defense Gates' speech, see <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4479>.
- 11 All states that develop ballistic missiles start with short range missiles. On the basis of cumulative experience, they then develop mid range missiles, and from these they develop intercontinental ones. This sequence is necessarily rooted in basic engineering logic, and it is unreasonable to assume that Iran would be an exception. It then stands to reason that faster than expected development in short and mid range missiles means, perforce, faster than expected development in intercontinental ranges missile capability, rendering Gates' statement paradoxical.
- 12 In an article entitled "Mr. Nyet" published on March 5, 2010 in the Russian English-language daily *Moscow Times*, Michael Bohn quoted Deputy Prime Minister Sergei Ivanov (the former defense minister) as saying that Obama's alternate plan (i.e., the phased adaptive approach) was "just as bad [as the Bush plan] or even worse."
- 13 At a news conference in Vladivostok on December 29, 2009, Prime Minister Putin said: "What is the problem? The problem is that our American partners are building an anti-missile shield and we are not building one....By building such an umbrella over themselves, our [US] partners could feel themselves fully secure and will do whatever they want, which upsets the balance." See <http://news.bbc.co.uk/2/hi/8433352.stm>.
- 14 See <http://www.state.gov/documents/organization/140035.pdf>.
- 15 The Obama administration is intentionally obscuring the issues by calling all types of missiles to be deployed in Europe by virtually the same name – "Standard Missile 3" (SM3). The difference is "only" in its sub-versions. Standard Missile 3 Version Block IA, which has been in operational service for about three years, will be used in the first phase. The version called Block IB, which is fairly similar to its predecessor only with a more advanced sensor now in development, will be deployed in the second phase. The version called Block IIA, which is actually a new missile currently in joint development by the United States and Japan, will be deployed in the third phase. The "version" misleadingly called Block IIB is an altogether new missile with much higher performance than its predecessors, similar to the performance of the GBI missile, which was planned for deployment in Bush's third site, located in the same geographical spot in Poland as Phase 4

of the PAA. The first version certainly fits the definition of a “current” system. The second and third versions, presently under development, could perhaps be squeezed in as “current.” Under no circumstances, however, could the fourth version – actually a brand new missile - be described as “current.”

- 16 Obama’s Letter to Senate on Missile Defense and New START, December 18, 2010, <http://www.america.gov/st/texttrans-english/2010/December/20101220112111su0.6327565.html?CP.rss=true>.

International Nuclear Nonproliferation Agreements: Current Status and Future Prospects

Ephraim Asculai

On April 5, 2009, President Obama presented in Prague an ambitious three-part strategy to address the international nuclear threat: a) proposing measures to reduce and eventually eliminate existing nuclear arsenals; b) strengthening the Non-Proliferation Treaty and halting proliferation of nuclear weapons to additional states; and c) preventing terrorists from acquiring nuclear weapons or materials.¹ This essay deals with the second topic – halting the proliferation of nuclear weapons. It discusses nuclear-related international agreements that the international community addressed in 2010: the completed but not entered into force Comprehensive Test Ban Treaty (CTBT), the proposed Fissile Materials Cutoff Treaty (FMCT), export controls agreements, and the currently non-formalized Proliferation Security Initiative (PSI). Each of these is a stand-alone initiative; they are not mutually dependent, and are independent of any other international binding instrument. The first three come to limit the ability of states to develop and test nuclear weapons, while the fourth is geared to the detection and prevention of the trafficking of nuclear components to and from states and non-state actors.

Another issue discussed in the following analysis is verification. It is the sine qua non of the nonproliferation community, indeed of the arms control community to require that all related treaties and agreements be verifiable. Yet while on the face of it this appears a basic, inherent requirement, not all treaties and agreements are effectively verifiable. There are treaties that are technically difficult if not nearly impossible to verify. The Biological and Toxin Weapons Convention (BTWC) is a case in point, where it is

difficult to distinguish between pure research, defensive research, and warfare agents development activities. In other cases, the insistence on comprehensive verification can be counterproductive. This could well be the case for the CTBT and the FMCT.

The CTBT

The text of the Comprehensive Test Ban Treaty, which bans all forms and yields (sizes) of nuclear explosions, was finalized at the Conference on Disarmament (CD) in Geneva in 1996. The treaty text was then transferred to the United Nations for approval, since the CD, a consensual forum, could not agree on it. The UN gave its approval, and on September 24, 1996 the treaty was opened for signature and ratification. More than fourteen years later, the CTBT has not yet entered into force. Forty-four treaty-specified states must ratify it before this can happen. While most required states have done so, nine have not, including the United States, North Korea, India, and Pakistan.²

The treaty is non-discriminatory and verifiable, and obligates (Article I) “each State Party...not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.”³ The CTBT Organization is to “achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it.” The verification mechanism consists of an instrumented International Monitoring System (IMS) and an On-Site Inspection mechanism (OSI). While the IMS is already up and running, the OSI cannot be applied until the treaty enters into force.

The CTBT is considered to be one of the mainstays of the nonproliferation regime, and its “early entry into force” is the first of the thirteen “practical steps for the systematic and progressive efforts to implement Article VI of the [NPT]” that were listed in the final document of the 2000 NPT Review Conference.⁴ However, is the CTBT’s entry into force indeed an essential step to achieve nuclear disarmament? Can it be bypassed? Moreover, is the treaty’s verification mechanism an essential element? Can the requirements of the treaty be achieved without this cumbersome and costly mechanism?

There can be little doubt that even on a stand-alone basis, the basic requirement of stopping all nuclear explosions is critical. Nuclear

explosions have caused much damage, both on the political level and on the level of environmental and safety issues. Stopping nuclear explosions is an effective way of restraining (albeit not negating) nuclear proliferation. The five nuclear weapons states (NWS) recognized this when each announced a moratorium on nuclear testing. However, three other states have carried out declared nuclear tests since the CTBT was first opened for signature and ratification. These three – India, Pakistan, and North Korea – were not signatories to the treaty, and thus were not obligated to “refrain from acts which would defeat the object and purpose of a treaty.”⁵ In contrast, all signatories to the treaty are obligated to refrain from carrying out nuclear explosions of any kind, even before they ratify the treaty. Of the nine essential states that have not ratified the CTBT, only India, Pakistan, and North Korea have not even signed it. The others are already obligated, by their signature, not to carry out nuclear explosions. It appears, then, that should these three states sign the treaty, its main purpose, stopping all nuclear explosions, will have been fulfilled. Which brings us to an interesting question: is the CTBT verification regime really necessary?

Article IV of the CTBT states: “In order to verify compliance with this Treaty, a verification regime shall be established.” The same article defines the purpose of on-site inspections: “The sole purpose of an on-site inspection shall be to clarify whether a nuclear weapon test explosion or any other nuclear explosion has been carried out in violation of Article I and, to the extent possible, to gather any facts which might assist in identifying any possible violator.”⁶ The implicit assumption is that anyone carrying out a nuclear explosion will try to conceal this fact from the rest of the world. This could well be true for very low explosion yields, on the order of tens of kilograms of TNT equivalent or less. These explosions are part of the research and development of nuclear weapons.⁷ Some of the NWS tried, during the drafting of the treaty, to have these low yield explosions exempt, but insistence on this could have undermined the treaty as a whole because of the strong opposition of others to this exemption. It is certain that no IMS could detect such low yield explosions. In this case, any information could come to light only through intelligence information, some of which is inadmissible as evidence for a demand for an on-site inspection.⁸

At the other end of the scale, any significant explosion yield, from one kiloton TNT equivalent and upwards, is very difficult if not impossible to conceal. Regarding the tests carried out by the three states, however, it is quite evident that they did not want to conceal them. On the contrary, they wanted them to be confirmed by the CTBTO, as this served them well towards demonstration of the nuclear weapons capabilities in their respective deterrence schemes. Thus, the nuclear explosions were confirmed by the actors themselves, and there was no need to ascertain the facts independently. An interesting case was the most recent North Korean explosion, in May 2009. This explosion was detected by the IMS seismic monitoring system.⁹ However, there was no independent confirmation that this was a *nuclear* explosion, since no radioactive debris was found in the atmosphere.¹⁰ Even if the CTBT were in force, there would have been no treaty-based justification for demanding an on-site inspection, since North Korea freely admitted that this was a nuclear explosion and that it was the violator.

The remaining possibility is that a state would want to carry out a concealed full-size nuclear explosion test. This is a doubtful scenario in today's world. The situation was different up to the early 1990s, when the treaty was negotiated, and Soviet, Chinese, and French underground tests were fresh in everyone's mind.¹¹ Thus, while the declarative value of the CTBT and the value of the IMS mechanism are indisputable, the on-site inspection mechanism has become somewhat irrelevant in today's reality.¹² It is, however, debatable whether if there were no on-site inspection mechanism in place, states would conduct nuclear explosions that could later be denied.

An additional critical question is whether the CTBT is indeed an essential first step (out of the thirteen) "for the systematic and progressive efforts" towards nuclear disarmament. It is doubtful whether this is the case. It is certainly a confidence building measure; it is a "nice to have" treaty. However, disarmament can unquestionably take place with or without the CTBT coming into force. Even if it came into force, it would still not be binding on any state non-signatory to the treaty or on a non-state actor.¹³ Moreover, too many treaties have been broken or misused when high priority issues for one of the contracting parties were at stake.

Finally, it should be recalled that President Obama put the ratification of the CTBT high on his priority list of items in the context of nuclear weapons disarmament,¹⁴ although it was later accorded a lower priority than the ratification of the New START treaty.¹⁵ The ratification of the CTBT in the US Senate is no easy matter. It requires two thirds of the senators voting for ratification, and this is uncertain at present. In 1999 President Clinton failed in the effort to ratify the treaty, and it may well be just as difficult for the current administration, especially with Obama's smaller majority in the Senate following the midterm elections. On the other hand, there is now a stronger bi-partisan coalition calling for CTBT ratification, since it is claimed that the US does not need further testing for technical reasons, and ratification would enhance the US standing in the nonproliferation community and reestablish its leadership role. As to whether the CTBT's entry into force would prevent burgeoning nuclear weapons states from developing sophisticated nuclear explosives and warheads,¹⁶ even if the US were to ratify the CTBT, it is doubtful whether the treaty would come into force in the near future, since the issue of some of the other non-ratifiers whose signature is essential for this purpose – North Korea, India, and Pakistan – would have to be resolved.

The FMCT

The proposal for a treaty to end the production of fissile materials for use in nuclear weapons (a fissile materials cutoff treaty – FMCT) has been on the table since 1992, when President George H. Bush proposed a treaty to ban the production of these materials.¹⁷ The third of the thirteen steps from the 2000 NPT RevCon final document emphasizes “the necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.” Fourteen years after President Bush's proposal, when no progress to speak of had been made on the matter, President George W. Bush proposed an agenda for talks on a treaty of this nature. This agenda did away with one of the more important provisos that were previously considered – that the treaty would be verifiable. However, even this did not get the talks off the ground, and although there seemed to be some progress

at the CD, no breakthrough was achieved. In the summer of 2010, the situation at the CD was similar; the US blamed Pakistan for the stalemate.¹⁸

In his April 2009 Prague speech, when President Obama laid out his vision for nuclear disarmament, he said: “The United States will seek a new treaty that verifiably ends the production of fissile materials intended for use in state nuclear weapons.” Noble aspirations aside, it is difficult to resolve the difficult political, material, and procedural issues entailed by this treaty.

Political Issues

In April 2010, the main objection at the CD to proceeding with discussions of an FMCT came from Pakistan, which is primarily concerned with its nuclear imbalance with India. However, it is also eager to move from its enriched uranium-based weapons to plutonium-based weapons, even though it has not yet accumulated sufficient quantities of this material for such a move. Pakistan thus managed to effectively block any progress at the CD on discussion of a draft text of an FMCT.

Another issue, championed by Egypt, is the requirement that all parties should declare their existing stocks of fissile materials when the treaty comes into force. The reasons underlying this are different from the Pakistani considerations: the drive to force Israel to end its policy of opacity, even if it does not entail the formal joining of the NPT.

Material Issues

Of the material issues, the issue of verification is probably the most difficult. In order to be effective, verification has to: a) cover all known production facilities (i.e., uranium enrichment and reactor fuel reprocessing plants) and their products; b) search effectively for any undeclared facilities; c) search for any undeclared materials, including those produced in such facilities or acquired from other sources; and d) assure that no fissile material has been diverted from peaceful uses to nuclear explosives.

The first requirement is the simplest, albeit still a very complicated and costly task. However, if the Additional Protocol (AP) is applied, the probability of failure is limited, though not totally reduced to zero. The second requirement, the search for undeclared facilities, is much more difficult and would arouse serious objections from the inspected parties

if it became more intrusive than they were willing to accept. States remain sovereign over their territory, and will always be able to limit the intrusiveness of foreign inspectors. This could seriously hamper the goal of uncovering covert installations, materials, and activities. The search for fissile materials, the third requirement, is an almost impossible task, since these are easily hidden and notoriously difficult to uncover. The fourth task cannot be carried out unless stocks are included in the initial declaration and later monitored and accounted for.

If a verification regime for those who become parties to the treaty is mandated, it would probably resemble the present IAEA inspection regime, the AP included. There are tasks that the present regime cannot undertake and some that probably cannot be fulfilled. In addition, the international community would expect the verification mechanism to provide assurances as to the credibility of the states, affirming that they have done no wrong. This cannot be done. There is no way that any verification system can provide assurances about the absence of concealed activities or materials in a given state. Any such assurances (such as those implied in the text of the AP, and in several statements and reports of then-IAEA Director General ElBaradei on the results of inspections in Iran) would be misleading, and their consequences fraught with danger. Indeed, an ineffective verification mechanism could be even worse than a treaty without verification, since a false sense of security can be more problematic than a situation whereby states are committed to a treaty without verification, where suspicion would exist.

A rogue state with no previous nuclear program or infrastructure that decides on a nuclear weapons development program would not have been subject to verification, or for that matter been a party to the FMCT. Today these states are exempt from even the limited full scope inspection regime. They would be able to carry out a clandestine nuclear weapons development program, probably based on a secret uranium enrichment facility, which can be relatively undetectable. It would be useless to expect the inspection organization to even visit all states that would be parties to the FMCT, let alone conduct a thorough inspection of their territories.

Another possible pitfall of an FMCT is the definition of high enriched uranium (HEU). For some time a non-formalized agreement has existed defining HEU as any enrichment of 20 percent and above of U-235

concentration. But a state with declared uranium enrichment facilities that amassed stocks of almost 20 percent enrichment (LEU) would actually come very close to a capability of obtaining military grade HEU within a short period of time. This is because the facilities for producing HEU are very similar to those where the LEU is produced, and could be used for this purpose. Moreover, about 95 percent of the work en route to the military grade would have already been achieved. In order to detect such activities, close and frequent inspections would have to take place at these facilities.

An additional complicating factor is the utilization of HEU for non-explosive purposes. HEU is used in marine propulsion reactors. Some of these reactors supply the energy in Russian ice breakers, and are used for nuclear submarines and aircraft carriers. There are also small reactors that supply energy (heating and electricity) in remote locations, and small quantities of HEU are used in medical and industrial applications. Thus, the very production of HEU cannot be banned, but only its inclusion in nuclear explosive systems. In the case of HEU, then, the issue will become the prevention of diversion, not of actual production or keeping stocks. Will this become the sole property of the Nuclear Weapons States (NWS) under the present definition? In any event, this is an issue that must be resolved. The case of plutonium is not much different. The final disposal of reactor-produced irradiated fuel has two main possibilities: long term storage and reprocessing. In the second option, processing power reactor fuel will produce plutonium of a lower grade than is usually utilized in nuclear weapons. This plutonium can be recycled in nuclear reactors as a part of a Mixed-Oxide reactor fuel (MOX). Monitoring this operation entails a strict measurement and accounting system.

Finally, the verification mechanism of an FMCT, because of its extent, would be very costly. Relying on the AP and states' declarations as part of the verification system for all states would leave wide open possibilities for misuse. Past and present experiences concerning the efficacy of verification mechanisms suggest that the prospects of verifying an FMCT are not auspicious. The AP could highlight suspicious activities, but at the same time it is not perfect. While false-positive findings could raise concerns regarding those erroneously accused of misdeeds, false-negative results are what to fear. These can result from well concealed facilities, no emissions of indicators to the environment (mainly by uranium-

enrichment facilities), the planting of red herrings, designed to mislead and then make the inspectors wary of false results once indicators are discovered, and many other possibilities available to those driven to obtain or retain military nuclear capabilities. The AP is not foolproof. Making it so would necessitate giving the inspectorate intrusive powers beyond what would be acceptable to many states. Similarly, international organizations are often not inclined to publish unverified suspicions before technical results have been verified and reverified and their interpretations have been unequivocally assessed. It is a difficult and time consuming task.

Procedural Issues

Rejecting the CD as the forum for drafting an FMCT, thereby negating the veto power of any member of that forum, is not practical. First, it would mean the end of the CD, a measure that would be opposed by many members of this forum. Second, it would not change the stance of the non-signatories, notably Pakistan. Without these as parties to a treaty that satisfies their needs, the value of the treaty would be greatly diminished. The US has begun to be impatient with the stalemate at the CD and is threatening to move away from it in order to move forward on the discussions of an FMCT.¹⁹ Finally, as with the CTBT, the question arises whether this is an essential step on the road to disarmament. The situation is clearer in this case, since any disarmament would implicitly include the cessation of fissile materials production. Thus this is not a necessary step, but it certainly would help reduce the risk of a nuclear war (which the CTBT would not).

Therefore, while the FMCT seems to be a worthwhile goal, making it a verifiable treaty is quite impractical and fraught with dangers. Having a declaratory treaty acceptable to all is probably a more achievable goal, albeit elusive in the present state of international affairs. Unless there is a breakthrough, which does not seem realistic at present, there is little prospect of arriving at an agreed-on text of an FMCT in 2011.

Export Controls

Shortly after the entry into force of the NPT, multilateral consultations on nuclear export controls led to the establishment of two separate mechanisms for dealing with nuclear exports: the Zangger Committee in 1971 and the

Nuclear Suppliers Group (NSG) in 1975. The 1974 Indian nuclear test in particular underscored that most if not all developing countries could not achieve a nuclear weapons capability without considerable technical assistance by technically developed countries. It was deemed essential to stem this flow of information, equipment, and materials, and agreement on what is included was necessary if proliferation were to be delayed, if not completely halted.

The NSG, also known as the London Group or London Suppliers Group, was set up in 1975, after India exploded its first nuclear device. It included both members and non-members of the Zangger Committee. The group communicated its guidelines, essentially a set of export rules, to the IAEA in 1978. These were to ensure that transfers of nuclear material or equipment would not be diverted to unsafeguarded nuclear fuel cycle or nuclear explosive activities, and formal government assurances to this effect were required from recipients. The NSG began with seven members – the US, the former USSR, the UK, France, Germany, Canada, and Japan – and now has 35.

The NSG is a voluntary arrangement that establishes a norm of conduct. “The NSG Guidelines aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices. The NSG Guidelines facilitate the development of trade in this area by providing the means whereby obligations to facilitate peaceful nuclear cooperation can be implemented in a manner consistent with international nuclear nonproliferation norms.”²⁰ The supply of materials and equipment to any NNWS is not forbidden, but many of the imports must be placed under safeguards. The issue of dual use goods is not a simple one. For these, the NSG arrangements are: “Suppliers should not transfer an agreed item...for the use in a nuclear explosive activity or an unsafeguarded nuclear fuel cycle activity, or...when there is an unacceptable risk of diversion to such an activity, or when the transfers are contrary to the objective of averting the proliferation of nuclear weapons.”

While the idea of restricting the sale or transfer of know-how, materials, and equipment that could be used for the production of nuclear explosives is certainly worthwhile, there are two issues that make the application of this principle less attractive today: the exclusion from the NSG of non-NPT members who since the 1970s have become declared nuclear states,

and the approval of the India-US civilian nuclear agreement. The first issue is quite obvious: were the four non-NPT states included in the NSG framework, and assuming that these states were to obey NSG rules (which even many NSG members do not strictly follow), Pakistan and North Korea would perhaps have refrained from selling, or at least from turning a blind eye to their citizens' sale of prohibited items and technologies to Iran, Libya, Syria, and perhaps Myanmar (and perhaps others). Indeed, the major proliferation challenges today are from North Korea to certain members of the NPT that are determined to develop a military nuclear capability.

The second issue may be no less serious. In order to facilitate the implementation of the Indian-US accord on cooperation in the application of civil nuclear energy in India, thereby assisting India and selling it nuclear technologies, the agreement of the NSG had to be secured.²¹ This was done in 2008, and was of course contrary to all principles that guided NSG activities. To be sure, all sensitive technologies were excluded from the deal, but the framework was broken.

Proliferation Security Initiative

President George W. Bush launched the Proliferation Security Initiative (PSI) on May 31, 2003. This followed the National Strategy to Combat Weapons of Mass Destruction [WMD] issued in December 2002.²² The PSI is described as a “global effort that aims to stop trafficking of weapons of mass destruction (WMD), their delivery systems, and related materials to and from states and non-state actors of proliferation concern.” Significantly, this initiative condones the use of force in the effort to stop proliferation, and as such is the only WMD-related international instrument to do so. According to the US State Department:

The PSI is an important tool in our efforts to break up black markets, detect and intercept WMD materials in transit, and use financial tools to disrupt this dangerous trade. It is an innovative and proactive approach to preventing proliferation that relies on voluntary actions by states that are consistent with their national legal authorities and relevant international law and frameworks. PSI participants use existing authorities—national

and international—to put an end to WMD-related trafficking. When a country endorses PSI, it endorses the *PSI Statement of Interdiction Principles*, which commit participants to establish a more coordinated and effective basis through which to impede and stop WMD, their delivery systems, and related items.²³

The interdiction principles include the forceful stopping of shipments, coordination among the members of the PSI, and strengthening of the national legal authorities in support of the PSI.²⁴ In mid 2009, 95 countries were partners of the PSI. Among those that are not members of the PSI are China, Egypt, India, North Korea, Pakistan, Sudan, Syria, Venezuela, and Zimbabwe. Of these, some are proliferators, some are would-be proliferators, and some are assisting proliferators for monetary or political gains and would be hard-hit if the PSI is effective.

There is no formal coordination organization of the PSI and the agreements are loosely binding, since there are some questions concerning the legality of its actions. Some see this as an advantage, facilitating informal coordination and rapidity of response. Notwithstanding the organizational situation, an informal coordinating structure has developed through an Operational Experts Group (OEG), which discusses proliferation concerns and plans future exercises. The OEG consists of military, law enforcement, intelligence, legal, and diplomatic experts from 20 PSI states.

According to the US Congressional Research Service (CRS), the PSI partners throughout the years carried out several dozen interdictions of shipments, although it is not certain whether these would have been carried out not as part of PSI activities.²⁵ The most famous interdiction occurred in October 2003 when the ship *BBC China* was diverted to an Italian port and a subsequent search uncovered a shipment of uranium enrichment centrifuge parts, from Malaysia to Libya. Although the US hailed this as a PSI success, others contested this claim. However, it is immaterial whether this success was or was not within the PSI framework. It was, at least, a “PSI-like” activity, and successful at that. In addition to these activities, PSI partners have carried out more than forty multinational exercises of interdiction.

In his Prague speech, President Obama stated that: “we should come together to turn efforts such as the Proliferation Security Initiative...into

durable international institutions.” No other details were given as to the nature of the suggested institutions. Significantly, however, no mention was made of the United Nations in this context, clearly because the UN and especially the Security Council (SC) are cumbersome bodies, and the veto power at the SC makes it difficult to arrive at operational decisions expediently. In addition, any decision reached is a compromise, reflecting the lowest common denominator. Another issue with which international institutions would have to deal concerns the legal aspects of PSI operation and the relations of these to, e.g., the Law of the Sea and customary international law. At the moment, the situation concerning the legal aspects of the PSI is not fully clear.

The issues that must be discussed are PSI membership and the advisability of formalizing the deal with statutes and formal organizations. As to the membership, one could imagine a division into the “good guys,” the members of the PSI, and the “bad guys,” who are not. However, this dichotomy is overly simplistic. Libya, for example, joined the PSI after it was found to have had a nuclear weapons development project. It subsequently abandoned the project, since there was no practical way it could have continued with it, and sanctions were already hitting hard. Did joining the PSI automatically make it a good guy? About half of the UN membership has not joined the PSI. Many of them, however, are not involved in any way with proliferation. Does that make them bad guys? There are certainly states such as China, India, and Egypt whose inclusion in the PSI could be very important. Thus, one has to be wary of some who did join the initiative, and yet endeavor to enlist those who would be important to it. The adherence of these to international export controls would have to be assured, so that joining the PSI would not become a matter of convenience, akin to the way some have used the NPT for their own purposes.

Thus, it is not immediately obvious why an organizational institution should be set up for the PSI. Sometimes, a loose and informal arrangement can be more efficient and effective than a cumbersome and slow-to-operate one.

Conclusion

In his Prague speech, President Obama mentioned the agreements discussed above as fundamental to his vision of a world without nuclear weapons. While the first two are important to creating an environment that is receptive to this idea, the third and fourth are enforcement measures. Looking at recent history, it is quite obvious that left to their own devices and notwithstanding treaty obligations, states will feel less bound and more capable of proceeding on a nuclear weapons development route, should they perceive the need. Experience also shows that there are states that will provide, procure, and facilitate the procurement of almost any technology, equipment, and material necessary for such a venture, mainly for the huge economic benefits they could accrue. Today, the PSI is the only international enforcement mechanism that can deal with such profit-making activities.

Some tend to forget that verification is not the same as enforcement. Verification can provide some assurances, and it can also detect inconsistencies and missing materials. In more general terms it can sound a warning that a situation is deteriorating. It can help determine that a state is in breach of its safeguards obligations, or that it is noncompliant with its treaty obligations. But verification can do little else. It cannot prevent diversion, and it cannot even detect the R&D of non-nuclear components of nuclear weapons and their delivery systems. The UN Security Council can take action and sometimes it does. In many cases, however, such as in the case of Iran, it does very little, and too late at that. It is a political body. The PSI does have a good chance, if implemented properly, to slow down the activities of proliferators.

Looking at today's proliferation situation, one can but wonder if the promotion of the CTBT and the FMCT are the leading cost-beneficial activities. These treaties are certainly not the most burning issues of the day. Stopping Iran and those who follow in its footsteps – if Iran is not prevented from achieving a military nuclear capability – is.

Notes

- 1 See http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/.
- 2 As reported in late April 2010.

- 3 Comprehensive Test Ban Treaty (1996); <http://www.ctbto.org/fileadmin/content/treaty/treatytext.tt.html>.
- 4 <http://www.reachingcriticalwill.org/legal/npt/WhatNow.pdf>.
- 5 Vienna Convention on the Law of Treaties, 1969, Article 18.
- 6 CTBT, Article IV, D, para.35.
- 7 One kiloton = the equivalent of an explosion of one thousand tons of TNT.
- 8 CTBT, Article IV A, paras. 2 and 5.
- 9 It is very difficult to distinguish the seismic signal from a “conventional” explosion from that of a nuclear explosion.
- 10 Jonathan Medalia, “North Korea’s 2009 Nuclear Test: Containment, Monitoring, Implications,” Congressional Research Service, November 24, 2010, <http://www.fas.org/sgp/crs/nuke/R41160.pdf>.
- 11 The last NWS nuclear test was French and took place in January 1996. See Nuclear Weapons,” *Global Security.org*, <http://www.globalsecurity.org/wmd/world/france/nuke.htm>.
- 12 It is interesting to compare the implementation of the CTBT with the implementation of the Partial Test Ban Treaty (PTBT), which entered into force in 1963. This treaty prohibited testing in the atmosphere, underwater, and in outer space. There is no verification mechanism in this treaty. China and France never signed it, and subsequently were the only states to carry out several atmospheric nuclear explosions.
- 13 Syria is a case in point: it is not one of the 44 states whose ratification is necessary for the entry into force of the CTBT. It has not even signed the treaty. Had it been able to produce plutonium from its concealed nuclear reactor at al-Kibar, it could have conducted an underground nuclear explosion without violating the CTBT.
- 14 http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/.
- 15 J. Warden, “Where does the CTBT Fit into Obama’s Disarmament Agenda?” CSIS, December 10, 2009, <http://csis.org/blog/where-does-ctbt-fit-obamas-disarmament-agenda>.
- 16 Tom Z. Collina with Daryl G. Kimball, *Now More Than Ever: The Case for the Comprehensive Nuclear Test Ban Treaty*, An Arms Control Association Briefing Book, February 2010, http://www.armscontrol.org/system/files/ACA_CTB_Briefing_Book.pdf.
- 17 For a more detailed history up to 2006, see Ephraim Asculai, “The Fissile Materials Cutoff Treaty: An Interim Report,” *Strategic Assessment* 10, no. 1 (2007): 59-65, <http://www.inss.org.il/publications.php?cat=25&incat=&read=3&>. See also “Playing the Nuclear Game: Pakistan and the Fissile Material Cutoff Treaty,” http://www.armscontrol.org/act/2010_04/Mian.
- 18 US Mission to the United Nations, Press Briefing, October 7, 2010, <http://usun.state.gov/briefing/statements/2010/149120.htm>.
- 19 Remarks by Gary Samore, Special Assistant to the President and White House Coordinator for Arms Control, at the High Level Meeting on Revitalizing the Work of the Conference on Disarmament, <http://usun.state.gov/briefing/statements/2010/147941.htm>.

- 20 See <http://www.nuclearsuppliersgroup.org/Leng/02-guide.htm>.
- 21 H.R. 7081 [110th]: United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act; <http://www.govtrack.us/congress/billtext.xpd?bill=h110-7081>.
- 22 See <http://www.state.gov/t/isn/c10390.htm>.
- 23 See <http://www.state.gov/t/isn/c27726.htm>.
- 24 Ibid.
- 25 Mary Beth Nikitin, Proliferation Security Initiative (PSI), Congressional Research Service, 7-5700 RL34327. January 8, 2010.

Preventing Chemical and Biological Weapons Proliferation

David Friedman

Introduction

The terms “non-conventional weapons” and “weapons of mass destruction” (WMD) relate to nuclear/radiological, chemical, and biological weapons.

Chemical and biological weapons appeared on the scene many years before nuclear weapons and in fact were used in centuries past. In the fourteenth century, the city of Belgrade managed to defeat the Turkish invaders by burning fabric soaked with poison and creating a toxic cloud. Also in the fourteenth century, the Tatars used corpses infected by the bubonic plague to infect their Italian enemies, and in the eighteenth century, British forces spread blankets infected with smallpox among the Indians in America.¹ In the modern period, chemical weapons were used during World War I by Germany, France, and England, and caused more than one million casualties.

Since then chemical and biological weapons have changed in many ways, but they have remained a constant threat. During World War II and the Cold War, these two types of weapons constituted an integral part of the superpowers’ strategic weapons packages. The United States and Soviet Union developed and armed themselves with large quantities of chemical and biological weapons of various kinds on a range of armaments, including aerial bombs, artillery shells, sprayers, and missile warheads. Additional countries, such as France and England, also equipped themselves with chemical and biological weapons and considered them part of their strategic power.²

Other countries, generally developing or poor countries, followed suit and made efforts to acquire chemical and biological weapons, whether by developing the weapons themselves or by obtaining them from outside sources. These countries generally viewed such weapons as an alternative to nuclear weaponry, which due to their technological or financial inferiority was beyond their reach. This was especially conspicuous in the Middle East, when countries such as Egypt, Iraq, Syria, Iran, and Libya made major efforts to equip themselves with these types of weapons and advanced means of launching them, such as long range ballistic missiles, in order to create a strategic balance of deterrence against the State of Israel, which they believed to be a nuclear state. The Middle East also witnessed the use of chemical weapons on the battlefield, e.g., when Egypt bombers used mustard gas-laden ammunition in its war with Yemen. Other examples were the Iran-Iraq War, in which Iraq used chemical weapons against Iran, causing many casualties, and the Iraqi use of chemical weapons against the Kurds in northern Iraq (Halabja).³

In recent years, the chemical-biological threat has assumed a new, dangerous turn involving global terror. On many levels, chemical and biological weapons are suitable for the goals and modus operandi of terrorist organizations, including the drive to sow fear and panic and cause demoralization. Indeed, various global terrorist organizations, led by Islamic terror groups such as al-Qaeda, have declared that they will not hesitate to use chemical and biological weapons, and there is evidence of their efforts to obtain them. Consequently, contemporary defense and nonproliferation efforts must address this new non-state threat on top of existing state threats.⁴

Over the years, major changes have taken place in chemistry and biology. As a result, it is possible today to develop poisonous chemical materials that are more durable and lethal, with simpler and cheaper production methods. In biology, the revolution in the realm of genetic engineering, biotechnology, and synthetic biology likewise makes it possible to produce deadlier microorganisms through relatively simpler and cheaper means. This development constitutes a major challenge in the related realms of prevention, self-defense, and nonproliferation.⁵

Arms Control: Nonproliferation

The bitter experience of the widespread use of chemical weapons in World War I led to the 1925 signing of the Geneva Protocol, which prohibits use of chemical and biological weapons in war.⁶ It was clear to the great powers that this was a declarative document that could not guarantee adherence by all countries of the world, and thus had to be strengthened with additional regimes that were tighter and more binding. In the following years, the efforts at arms control in the realm of chemical and biological weapons were conducted on a number of tracks: unilateral actions; treaties; and the idea of weapons of mass destruction free zones.

Unilateral Actions

In the 1960s and 1970s, a number of countries took unilateral decisions to destroy their stores of biological weapons on the basis of their respective considerations. In 1969, President Nixon declared that he was ordering the destruction of all stores of biological weapons in the possession of the United States and putting a stop to research, development, and stockpiling of these weapons.⁷ Subsequently, England and France acted in similar fashion, although these states continued and even strengthened their capability of defending themselves against biological and chemical weapons.

There were several reasons behind these countries' unilateral decisions. One was the recognition that biological weapons were immoral weapons that should be taboo. Among the strategic-security reasons, biological weaponry required significant resources but brought with it many questions about its role and effectiveness on the battlefield or as a deterrent. In addition, it was widely believed that eliminating biological weapons would increase the nuclear deterrence of these states.

Treaties

The Biological Convention. The Biological and Toxin Weapons Convention (BTWC), which entered into force in 1975, constituted a turning point in the realms of arms control and disarmament.⁸ This was the first convention to prohibit development, production, and stockpiling of an entire category of weapons of mass destruction. This was also an entirely equal convention for all members and demanded the same commitments of all states. At

the same time, the historical context of the convention largely defined its framework: negotiations on the convention were conducted during the Cold War, when suspicions between the United States and the Soviet Union were at their height, and therefore the convention was a conciliatory document, mainly declarative, that did not include mechanisms for verifying compliance.

Today, 163 countries are members of the Biological Convention. Thirteen countries, including Egypt and Syria, have signed but not ratified it, and a small number of states, including Israel, have not signed or ratified it. Much effort has been made to persuade the non-member states to join the convention, both through the channels of the convention itself, and through states and organizations such as the European Union. Additional effort has been invested in improving the implementation of the confidence building measures and transparency required by the convention, for example, announcements about diseases and epidemics, updates on defense exercises against biological terrorism, and establishment of safety labs.

The Biological Convention contains an inherent problem that is difficult to solve. Research and development of biological elements for purposes of self-defense and for public health purposes is not prohibited. On the contrary, the convention encourages these pursuits, and strongly encourages cooperation between states and the transfer of advanced technologies from developed countries to developing countries. However, it is often difficult to distinguish between offensive research and development and research and development for purposes of self-defense. Therefore, from a scientific-technological point of view it is difficult to develop a mechanism for verification and compliance that will also include close supervision.

Indeed, years of efforts have not borne fruit and thus far there is no compliance and verification mechanism, nor does it appear that there will be one in the foreseeable future. The chief opponent of the mechanism is the United States, apparently out of professional and political reasons. From the professional point of view, the United States claims that since today the methods, research infrastructure, and know-how for offensive and defensive development are very similar or even identical, it is not possible to conduct reliable inspections. Rather, any inspections will incur damage and no benefits. Others claim the American position stems from political reasons, mainly the fear of exposing activity that is contrary to the

principles of the convention and is carried out under the guise of biological self-defense.

For years the convention was reviewed through conferences every five years. In 2002, when the United States blocked the verification effort completely, an inter-sessional process was launched, and every year an experts meeting takes place that deals with subjects related to the convention, such as issues of self-defense, biological safety, and bio-security.⁹ The next review conference is scheduled to meet in 2011, to decide about the continued course and operation of the convention.

Notwithstanding its firm objection to including a verification mechanism, the United States is highly supportive of the Biological Convention. However, it believes that the way to its implementation so that it yields the most benefit is through domestic legislation in member states. In addition, the US urges implementation and promotion of capabilities in the realm of self-defense and disease prevention, namely, development of medical and health systems, cooperation between states, and extensive assistance to developing countries. This policy has been translated into practice and is clearly expressed in the National Strategy for Countering Biological Threats presented by President Obama in 2009 concerning the struggle against natural and man-made biological threats.¹⁰

The Chemical Convention. The Chemical Convention entered into force in 1997 after some twenty-four years of talks and discussions,¹¹ with the two other nonproliferation treaties (the NPT and the BTWC) already in force. As such, the making of the Chemical Convention was able to take advantage of the cumulative experience and the lessons of these two treaties.

Like the Biological Convention, the Chemical Convention is an equal convention, with no exceptional countries. However, in comparison to the two other conventions, it has a sophisticated and intrusive verification, compliance, and monitoring mechanism, as well as clear, well-defined lists of forbidden materials. The convention prohibits the development, manufacture, storage, and use of chemical weapons and calls for their destruction. States that ratify the convention make a commitment to destroy all their stockpiles within a given period, and member states must report all their storage, development, and manufacturing facilities, including civilian

facilities that manufacture materials listed by the convention. Furthermore, regular inspections are held at all declared facilities by the experts from the Organization for the Prohibition of Chemical Weapons (OPCW), the Hague-based organization that manages the convention. The verification mechanism also includes the possibility of a challenge inspection, an inspection on very short notice by OPCW representatives upon the receipt of a well-founded complaint by a member state that suspects a violation by another member state. The sensitive nature of this mechanism aroused serious disputes at the time the convention was drafted, but to this day not a single complaint has been submitted and not a single challenge inspection has been conducted.

Today, 188 nations are members of the Chemical Convention, two states have signed the convention but not ratified it (Israel and Myanmar), and five states have not signed or ratified it (Angola, North Korea, Somalia, Egypt, and Syria).¹² The consensus is that the Chemical Convention, at least in theory, is a success story. States have declared and continue to declare their facilities as required,¹³ and states are destroying large quantities of chemical weapons and chemical materials. Regular inspections are carried out, and it appears that the convention has succeeded in establishing a norm prohibiting the stockpiling and use of these weapons. Yet along with this assessment, there are both assumptions and evidence that certain states are violating the convention, in spite of their being member states.

Arms Control and the Middle East

From political and strategic perspectives the Middle East is one of the most sensitive and complex areas in the world, and this is especially so regarding regional arms control efforts. Several factors make the situation particularly complex:

- a. The State of Israel is perceived as a nuclear state. There is also an assumption that Israel has chemical and biological capabilities.
- b. Israel has formal peace agreements with Egypt and Jordan only. It has no diplomatic relations with most of the countries in the region.
- c. Countries in the region have offensive programs in the realm of biological and chemical weapons. Syria and Iran have operational chemical capabilities, irrespective of memberships in the Chemical or Biological Conventions.

- d. Iran has a military nuclear program and aspires to a nuclear weapon, despite its membership in the NPT.
- e. Israel is not a member of the NPT. It has signed but not ratified the CWC and has not signed the BTWC.
- f. Syria is a member of the NPT, has not signed the CWC, and has signed the BTWC.
- g. Egypt is a member of the NPT, has not signed the CWC, and has signed the BTWC.
- h. Iran is a member of all three conventions.

The states that are members of the Chemical and Biological Conventions and other organizations have invested major efforts to promote the universality of the conventions and influence countries in the region to join them fully. Egypt and Syria have made Israel's joining the NPT a precondition for their joining all such conventions.

In parallel to the treaties, additional efforts, formal and informal, have been made to promote a zone in the Middle East that is nuclear free and free of all weapons of mass destruction. The 1990s ACRS talks in the Middle East with American, Israeli, Egyptian, Jordanian, and European participation were one such example. These talks ultimately reached an impasse; in Israel's opinion, the Egyptian agenda, which focused on nuclear disarmament for Israel, was the principal pitfall.¹⁴ According to a decision of the May 2010 NPT Review Conference, a regional conference may be held in 2012 to consider this issue.¹⁵

Israel and Arms Control

Israel's political and strategic situation in the Middle East is not stable. Most countries and non-state actors in its surrounding first and second circles are not in a state of peace or even have proper political relations with it, and some threaten Israel's existence and declare their desire to destroy it. Some of the states have programs to develop and stockpile chemical and biological weapons, as well as operational arsenals of these weapons. Furthermore, terrorist organizations like al-Qaeda, Hizbollah, and Hamas have declared more than once that for the purposes of destroying Israel, it is legitimate to use non-conventional weapons. It is not inconceivable that as part of the military assistance that these organizations receive from various

countries, they will equip themselves in the future with non-conventional as well as conventional weapons.

Israel regards the aspiration to prohibit the stockpiling and use of non-conventional weapons positively, and sees the elimination of these weapons as an important goal. It certainly supports the principles of the Chemical and Biological Conventions, as well as the goal of a Middle East free of weapons of mass destruction.¹⁶ As part of this policy, in 1969 Israel signed the Geneva Protocol, which prohibits the use of chemical and bacteriological weapons in war. Israel likewise participated in preparatory discussions of the Chemical Convention and has even signed it, thus declaring that it identifies with its goals. While it has not joined the Biological Convention, it has emphasized in both declarative and practical terms that it is a party to the spirit of the convention. Over the years, Israel has also joined a number of processes and dialogues that have attempted to promote the idea of a Middle East free of weapons of mass destruction. These steps by Israel reflect the complexity, the caution, and the suspicion that characterize much of inter-state relations in the region.

Through its identification with the spirit and the norms of the Chemical and Biological Conventions, Israel has an ongoing and fruitful connection with their overseeing institutions, and as an observer participates on an ongoing basis in the meetings, conferences, and seminars that take place in the framework of the conventions' activities. Furthermore, Israel takes additional external and internal initiatives that promote the arms control and nonproliferation goals of the conventions. Thus, for example, Israel supports – and in practice, behaves in accordance with – the supply regimes such as the Australia Group (AG).¹⁷ It supported Security Council Resolution 1540 (2004), whose goal is to combat and prevent the proliferation of weapons of mass destruction to dangerous elements and to fight non-conventional terrorism, mainly through state legislation.¹⁸ Israel is undertaking related legislation and regulations, including control of import and export of nuclear, chemical, and biological materials (2004);¹⁹ control of dual use products (2006); and the export control law (2007). The main goal of import and export controls of nuclear, chemical, and biological materials is to help prevent the proliferation of non-conventional weapons and their components by prohibiting export of materials, products, technologies, and services that can be used in the development

and production of chemical, biological, and nuclear weapons. The list of prohibited materials is identical to international lists that have appeared in the Australia Group regime.

Other noteworthy Israeli initiatives intended to uphold the values of the conventions and enhance nonproliferation efforts include:

- a. Israel has joined the initiative for control of transport of goods on vessels in ports (Proliferation Security Initiative – PSI).²⁰
- b. A professional steering committee that was appointed by the National Security Council and the National Academy of Sciences (2007) has recommended a national control mechanism to reduce, to the extent possible, the flow of dangerous biological elements and dual use technologies to terrorist organizations.
- c. A law passed by the Knesset on the regulation of research on biological disease agents (2008) aims to implement the recommendations of the steering committee and establish a supervisory mechanism on the national level that would prevent the flow of dangerous elements and sensitive information to terrorist elements.²¹

At this stage, the considerations and formal position of the State of Israel on ratifying the Chemical Convention, joining the Biological Convention, and agreeing to a weapons of mass destruction free zone (WMDFFZ) is influenced decisively by the basic political-strategic situation in the Middle East, the position of other regional states towards the conventions and non-conventional weapons in general, the fact that a number of states in the region are stockpiling these weapons, and that at least one (Iran) is clearly violating the treaties to which it is a signatory. Therefore, and in spite of the fact that it ascribes supreme importance to these objectives, Israel believes that in order to attain them significant developments must take place in the region, including mutual recognition of the states, good neighborly relations, confidence building measures, and peaceful relations. Only after these goals are attained can the states in the region continue to take upon themselves additional commitments, first in the conventional realm, and later in the more complex and sensitive realm of the non-conventional. No state needs to unilaterally take upon itself steps that will harm its essential security interests.

Conclusion

The leading channels for control of chemical and biological weapons are the Chemical and Biological Conventions.

The Chemical Convention is managed through its defined guidelines, with the states that declared stores of chemical weapons, chiefly the United States and Russia, continuing the process of destruction, and the OPCW carrying out monitoring and inspection in declared facilities. The Biological Convention is implemented in a completely different fashion, primarily because it is essentially declarative and has no verification and monitoring mechanism. A significant event in this context occurred in 2002, when American opposition blocked the idea of a verification mechanism in the convention; since then experts meetings have been conducted in Geneva to increase mutual trust among member states on the professional topics related to the convention, generally with no political meaning. Prominent among these is Article X, which speaks about encouraging cooperation in permitted areas such as science and technology, public health, and self-defense.

When Obama took office in 2009, and in light of certain declarations early in his presidency, most states that supported the verification mechanism hoped there would be a change in American policy and the United States would support a verification mechanism. However, in late 2009 it became clear that this hope was unfounded. President Obama issued the National Strategy for Countering Biological Threats, in which he included the BTWC as one of the important elements in the realm of arms control and declared that the United States would do all it could to promote and support it. However, at the same time he expressed his vehement objection to a verification mechanism as part of the convention. Against this background, and against the background of a series of experts' meetings that ended in 2010, the member states are preparing for the five-year conference that will be held in 2011 in Geneva, with uncertainty as to the coming goals of the Biological Convention.

Overall, then, the activity around the CWC and the BTWC has strengthened the trends and norms that chemical and biological weapons no longer have a place in the world. On the other hand, the conditions that ensure that all members actually meet all the requirements of the conventions have not yet been created. As for the Middle East, the issue

of arms control – whether on the conventions track or the agreement on a Middle East weapons of mass destruction free zone – is far from resolved. It appears that the parties are upholding their traditional positions, and it does not appear that there will be a serious movement in the foreseeable future unless there is a dramatic change in peace-security relations in the region.

Notes

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- 2 See “Reaching Critical Will,” <http://www.reachingcriticalwill.org/legal/cw/cwindex.html>.
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- 4 J. B. Tucker, *War of Nerves: Chemical Warfare from World War 1 to al-Qaeda* (New York: Pantheon Books, 2001).
- 5 D. Friedman, B. Rager-Zisman, E. Bibi, A. Keynan, “The Bioterrorism Threat and Dual-use Biotechnological Research: An Israeli Perspective,” *Science and Engineering Ethics* 16, no. 1(2010): 85-97.
- 6 See: <http://www.icrc.org/ihl.nsf/INTRO/280?OpenDocument>.
- 7 Jonathan B. Tucker and Erin R. Mahan, *President Nixon’s Decision to Renounce the U.S. Offensive Biological Weapons Program*, Case Study 1, Center for the Study of Weapons of Mass Destruction, National Defense University, (2009), <http://www.ndu.edu/press/lib/images/cswmd/cswmd-1.pdf>.
- 8 See: <http://dosfan.lib.uic.edu/acda/treaties/bwc1.htm>.
- 9 [http://www.unog.ch/80256EE600585943/\(httpPages\)/93D526B706C34C61C1257761005349CC?](http://www.unog.ch/80256EE600585943/(httpPages)/93D526B706C34C61C1257761005349CC?)
- 10 David Friedman, “The US National Strategy for Dealing with Biological Threats,” *INSS Insight* No. 155, January 12, 2010.
- 11 See: <http://dosfan.lib.uic.edu/acda/treaties/cwctext.htm>.
- 12 See <http://www.opcw.org/about-opcw/non-member-states>.
- 13 Draft Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction in 2009, July 2, 2010.
- 14 Emily B. Landau, “ACRS: What Worked, What Didn’t, and What Could be Relevant for the Region Today,” *Disarmament Forum* No. 2, July 2008.
- 15 <http://www.reachingcriticalwill.org/legal/npt/revcon2010/FinalDocument.pdf>.
- 16 See the speech by Israel’s representative to the OPCW conference in the Hague, December 2009, <http://www.opcw.org/news/article/11th-annual-meeting-of-opcw-national-authorities/>.
- 17 <http://www.australiagroup.net/en/guidelines.html>. The Australia Group includes some thirty states, headed by Australia, which initiated a regime of control and monitoring of import and export of materials and equipment that can be used to

develop and manufacture chemical, biological, and nuclear weapons, as well as the means for launching them.

- 18 UN Security Council Resolution 1540 (2004), 28 April 2004, S/Res/1540 (2004) calls on states to operate and enforce means of preventing the development, stockpiling, and use of non-conventional weapons by terrorist elements.
- 19 http://www.tamas.gov.il/NR/rdonlyres/35E9E31F-AA99-40E9-A750-2AA349FBE588/0/ImportandExport_ControlofChemicalBiologicalandNuclearExport_Order.pdf.
- 20 <http://www.state.gov/t/isn/c10390.htm>.
- 21 <http://ra.haifa.ac.il/RA/BiolDisPerformersLaw.pdf>.

Part III

The New Agenda and the Middle East

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Between Israel and Iran: Egypt and the 2010 NPT Review Conference

Shimon Stein

The May 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference represented a milestone in Egypt's diplomatic activity on the Israeli nuclear issue. The final document passed at the conference calls for an international conference in 2012 to discuss ways of implementing the Middle East resolution passed at the Review and Extension Conference held in 1995.¹

The Israeli nuclear issue has been on Egypt's political-security agenda since 1960, the year international media reports emerged describing French assistance to Israel in establishing a nuclear reactor in Dimona.² Israel's efforts to achieve a nuclear military capability and its subsequent (according to Egypt) achievement of this capability are perceived as a multidimensional threat. There have been occasional statements voiced by Egypt's leadership concerning the imminent threat to Egypt and the Arab world posed by the existence of nuclear arms in Israel's hands. But ultimately, the direct threat to Egypt inherent in Israel's nuclear capability is less severe than Israel's superiority in the areas of science, technology, and economy. This major edge, epitomized by Israel's nuclear capability, exposes Egypt's inferiority and inability to remedy it. Moreover, beyond the tangible advantages involved, Israeli superiority constitutes a blow to Egypt's self-image. In Egypt's view, Israel attempted to exploit this superiority during the first half of the 1990s in order to challenge Egypt's regional leadership.

In the past there were failed efforts by Egypt to prevent Israel from receiving the assistance it needed to build its capability. The option of a

preventative military move by Egypt also never got past the declaratory stage.³ Therefore Egypt focused its efforts on the diplomatic sphere, in an attempt to fulfill its strategic goal of disarming Israel of its nuclear capability.⁴ The main focus of Egyptian activity is currently in the multilateral arena. Due to the balance of forces there – the Arab League, the Organization of the Islamic Conference, the Non-Aligned Movement (NAM), and UN institutions and their subsidiaries – Egypt enjoys a pronounced advantage over Israel.

Egypt's diplomatic struggle on the Israeli nuclear issue spans more than three decades⁵ and has been waged in the UN Security Council, the UN General Assembly First Committee, the UN General Assembly, the International Atomic Energy Agency (IAEA), and the NPT Conference. Egypt initiated numerous motions and reports published at the IAEA and the UN as main tools towards the ostensible goal of establishing a nuclear and WMD free zone in the Middle East. However, Egypt presumably understands that this objective is unachievable, at least under existing circumstances. If so, then Egypt's major efforts are likely focused on keeping the issue alive in the international consciousness. The hope is that over time, it will garner sufficient support to generate international pressure that leaves Israel no choice but to join the NPT and thus, in fact, be disarmed of its nuclear weapons.

Even if over the years Egypt has gained international support for its position (with the decisive portion coming from the Arab-Islamic bloc and NAM – the so-called “automatic majority”), this has not changed Israel's position. A change could become possible if, among other developments, the US pressures Israel to embrace the principle of NPT universality and join the treaty – which in fact it has long called for. As long as this does not happen, Egypt's chances of fulfilling its objective are slim.

Until some eight years ago, when reports emerged concerning Iran's efforts to develop the ability to enrich uranium, Egypt's efforts were focused on finding a long term diplomatic solution to the Israeli nuclear issue. With Iran's intentions of achieving nuclear military capability increasingly clear, Egypt has faced a challenge ostensibly similar to the challenge of a nuclear Israel. In fact, however, in two principal ways it is an entirely different challenge: the nature of the threat it poses to Egypt and Egypt's ability to respond to it. If Iran takes action beyond enriching uranium and strides

towards achieving nuclear military capability, it threatens Egypt's standing in the Muslim and Arab worlds. This endeavor to change the regional status quo as a mean of achieving regional domination, particularly in the Gulf arena, constitutes a threat to Egypt's leadership in the region. To Egypt's way of thinking, it is liable to find itself forced to address a dual inferiority, versus Israel and versus Iran, based in part on those two countries' superior development in the scientific-technological sphere. Egypt would need to find a credible response to help it reclaim what it sees as Egypt's rightful place in the region. However, since Iran is an ally within the NAM framework and a partner in the struggle of non-nuclear states for their rights, it is difficult for Egypt to confront the Iranian threat and embrace the international activity against Tehran.

Similar to its dependence on the US vis-à-vis the Israeli case, Egypt must rely on the American effort to solve the Iranian crisis. Yet while a diplomatic solution that removes the Iranian nuclear military threat would lessen the urgency of finding a response, it would not preclude the need for an overall response (a need Egypt perceives given Iran's uranium enrichment abilities). On the other hand, a failure in the diplomatic effort would exacerbate the sense of urgency in seeking a response.

This article focuses on evaluating the efforts Egypt has invested in advancing its interests on the Israeli nuclear issue. Certainly the materializing Iranian threat has exacerbated the matter and presented Egypt with a complex dilemma. Egypt's ability to successfully contend with both the Israeli and Iranian challenges depends on the US, which on the issues of nuclear disarmament and weapons control and multilateral diplomacy has changed under the Obama administration. Was the US attempting to help Egypt deal with both of these challenges? The timeframe for studying these issues (mainly from the Israeli perspective) is not limited to the recent Review Conference, but includes the 1995 conference, which represented an opening chapter of sorts that reached a partial conclusion in 2010. Preceding both conferences was a series of relevant events that will be reviewed briefly.⁶

The 1995 NPT Review Conference

The first half of the 1990s saw significant Egyptian activity on the Israeli nuclear issue, and the NPT Conference in May 1995 represented a would-be end to this chapter.

In April 1990, President Mubarak called for the establishment of a weapons of mass destruction free zone in the Middle East. Two factors stood behind the timing of his initiative. First, there were reports of Saddam Hussein's plans to develop non-conventional weapons; second was the desire to divert attention from Egyptian-Iraqi cooperation in building a surface-to-surface missile (the "Condor").⁷ Although reaction to the initiative was lukewarm, Egypt was able to present it as a contribution to UN Security Council resolution 687 regarding Iraq's non-conventional capabilities. The initiative and the UN resolution were perceived by Egypt as helpful in advancing the handling of the Israeli nuclear issue.⁸

In May 1991, President Bush announced his Middle East arms control initiative.⁹ Aside from the initiative's conventional component (an attempt to formulate guidelines for arms exporters to refrain from destabilizing arms transfers to the region), it also addressed non-conventional weapons (nuclear, chemical, biological) and surface-to-surface missiles. In the nuclear context, the initiative called for verification of the prohibition against producing and supplying materials (uranium and plutonium) for the production of nuclear arms. Additionally, it called for countries that had not yet joined the NPT to do so and place their facilities under IAEA inspection, and it expressed support for the eventual establishment of a region free of nuclear arms. Egypt, which welcomed the plan, made it clear that Israel should be included in the implementation of the initiative regarding the need to report on the inventory of nuclear materials in its possession.¹⁰

Hoping to capitalize on the outcome of the Gulf War and set a series of processes in motion that would contribute to changing the Middle Eastern reality, the US administration convened the Madrid Conference in October 1991. The overarching goal was to end the conflict between Israel and its neighbors. In order to facilitate bilateral talks between Israel and respective parties, the US initiated multilateral talks to advance regional cooperation and enable Israel's regional integration. Five working teams were set up to address five issues; one of the groups dealt with arms control and regional

security (ACRS). The initiative to form this group, though not included in the original proposal, came from the US and was supported by Egypt, which at that point saw many advantages in handling a range of issues on a multilateral level.¹¹

In his speech at the opening of the multilateral talks in Moscow in January 1992, Egyptian foreign minister Amr Moussa made it clear that he expected the talks to deal also with the nuclear issue. Not long after, however, Egypt¹² understood that this would not occur within the framework of the working groups, and that the continuation of discussions (as well as the continuation of multilateral talks) would likely endanger Egypt's ability to shape the Arab agenda and as a result, threaten its regional leadership.¹³ Israel's interaction with other Arab participants punctured the exclusivity of Egypt's relationship with Israel, and the gradual process of normalization between Israel and the region's states proceeded without any price being exacted of Israel (in Egypt's mind, on the nuclear issue). These processes were perceived by Egypt as a threat, and from here, it was only a matter of time until the ACRS talks were ended (1995). Still, these talks, the first of their kind in the history of the Arab-Israeli conflict, clarified the differences between Egypt and Israel as to the content and timing of the objective that both embraced – establishment of a WMDFZ.¹⁴

The Chemical Weapons Convention (CWC), which was opened for signature in Paris in 1993, granted Egypt an opportunity to regain its stature as inter-Arab leader and designer of the regional agenda, mainly by formulating a new-old initiative for a WMD free zone. Already before the meeting Egypt made it clear that as long as Israel did not join the NPT, Egypt would not sign the Chemical Weapons Convention. Ultimately Egypt was unable to maintain a uniform Arab line and a number of Arab countries acceded to US pressure and signed the convention.

Egyptian preparations for the NPT Review Conference included numerous statements to focus attention on the threat of a nuclear Israel to the security of Egypt and the Arab world. The statements,¹⁵ which were accompanied by extensive diplomatic activity, sparked tension in relations with Israel. Despite attempts by the sides to lower the charged atmosphere, this tension was inevitable in light of the increased pressure Egypt sought to exert prior to the conference. In the minds of many Egyptians, Egypt had missed the opportunity to extract any sort of gain when it signed the

peace treaty with Israel or when it ratified the NPT (both under Anwar Sadat). Therefore the conference seemed like a window of opportunity to try to anchor the Israel nuclear issue in the agenda in a way that would oblige future conferences to deal with the Israeli nuclear issue.

Egypt took advantage of the US intention to achieve a resolution to extend the NPT indefinitely. Accompanied by a group of Arab states, Egypt expressed its opposition to the indefinite extension of the treaty. When discussions were over, Egypt bowed to pressure and agreed to support the treaty's extension in exchange for the adoption of a resolution on the Middle East; this was passed without a vote.¹⁶ Among the contents of the resolution: adoption of the goals of the peace process and the efforts to advance it contributes to promoting a Middle East free of nuclear weapons and other WMD; countries that have not yet joined the NPT are called on to do so and assume international obligations not to purchase nuclear arms or fissile material; countries are called on to submit their nuclear activity to IAEA inspection; concern over the existence of unsupervised facilities in the Middle East; countries that possess such facilities are called on to place them under full IAEA inspection; emphasis on the importance of the early implementation of universal adherence to the NPT; and a call for practical steps in the appropriate forums to advance a WMD-free zone in the Middle East. The parties were called on to avoid taking steps harmful to implementation of the NPT.

The resolution can be considered an achievement as far as Egypt is concerned. It was able to firmly insert the Israeli nuclear issue (without mention of Israel) into the summary document and thus transform the issue from an Egyptian-Arab pursuit to an international issue. The resolution assisted Egypt in its subsequent activity in the following fifteen years up to the 2010 conference, whereupon Egypt set itself the goal of bringing about the implementation of the resolution passed in 1995.

The 2010 Conference

The years before the 2010 conference saw activity by states such as North Korea, Libya, Iran, and Syria that challenged both the credibility of the NPT and its verification regime and the ability to deal with the danger of nuclear proliferation. Furthermore, the Bush administration's decision to

sign a cooperation agreement with India as well as an agreement on China-Pakistan cooperation was a further blow to the future of the NPT regime.¹⁷

Barack Obama's entry into the White House and the worldview he brought with him on a series of issues including disarmament and arms control stimulated expectations for change following an eight-year Bush administration. In his speech in Prague in April 2009, Obama detailed his strategy for confronting the nuclear threat, founded on America's commitment to a world without nuclear arms. The strategy he presented focused on three levels: steps to reduce nuclear arsenals; reinforcement of the NPT regime; and prevention of nuclear weapons proliferation, including prevention of nuclear weapons or materials falling into the hands of terrorists. Specifying steps he intended to take in order to actualize the strategy, Obama stressed his commitment to the cooperative strengthening of the NPT and to fulfillment by the US (together with the other nuclear states) of its obligation as defined by the treaty – taking measures to dismantle nuclear weapons in exchange for the non-purchase of nuclear arms by additional countries, while recognizing the right of any country to develop nuclear energy for peaceful purposes.¹⁸

In 2009, Obama worked through a number of channels in order to advance his objective of a nuclear free world. He convened a special summit of the Security Council (March 2009) and endorsed Resolution 1887 on the prevention of the spread of nuclear weapons; there was a reevaluation of US nuclear policy (the Nuclear Posture Review), which emphasized the change in Obama's conception from his predecessor's regarding the nuclear issue; he convened the Nuclear Security Summit in Washington (April 2010), dedicated to the dangers of nuclear terror and the means of preventing it; and he conducted accelerated negotiations that led to the signing of the New START agreement with Russia prior to the summit. All these were types of confidence building measures that as far as Obama was concerned were intended to lay the foundations for the 2010 Review Conference. In preparatory discussions and statements preceding the conference, administration officials emphasized the commitment to implementation of the 1995 resolution pertaining to the Middle East. This position was an encouraging sign from Egypt's standpoint, and its delegates expressed their resentment that in the fifteen years since the adoption of the resolution, no progress had been made in its implementation.

Since 2006, a new Egyptian strategy has surfaced within the IAEA framework, where over the years Egypt had regularly raised two motions that were invariably tabled. In 2006, however, Egypt decided to remove a paragraph on the peace process from the resolution concerning the establishment of a region free of nuclear arms, while adding a call to Israel (hitherto not mentioned by name) to join the NPT. Attempting to spur other countries to support a resolution concerning the Israeli threat and capabilities, Egypt in 2008 omitted the word “threat.” The hope was that in this way it would be able to achieve a majority for an anti-Israel resolution. As such, Egypt was continuing its pattern of behavior since before the 1995 conference, i.e., sharpening and hardening the anti-Israeli line. This time, and for the first time, Egypt’s attempt concluded successfully.

During the Review Conference’s preparatory discussions, Egypt circulated a proposal to move from the declaratory stage to the implementation stage of the 1995 resolution.¹⁹ Egypt’s delegates made it clear that any final document from the conference that did not include operative steps on the resolution would not gain Egypt’s support. In other words, Egypt would not allow President Obama to realize his goal of concluding the conference with a final document if its demands were not accepted. And indeed, the final document achieved after a month of discussions refers to the Middle East resolution from the 1995 conference (and its reaffirmation at the 2000 Review Conference) and mentions Israel by name,²⁰ and stresses the importance of Israel joining the NPT and placing its nuclear facilities under IAEA inspection. Included in the resolution’s operative clauses is the plan for the UN secretary general and countries backing the 1995 resolution, in consultation with Middle East states, to convene a conference in 2012 where all the regional states would participate in a conference on the establishment of a nuclear weapons free zone and all other WMD-related issues. The secretary general and the countries backing the resolution would determine which government would host the conference in 2012.²¹ In addition, and in consultation with countries of the region, a facilitator would be appointed to work on preparations for convening the conference in 2012 and assist in implementation of the 1995 resolution. The facilitator would also assist in implementing steps decided on at the conference and report to the subsequent review conference and the elements preparing for it.

Egypt feared that Iran, which sought to divert attention from itself to a scathing settling of accounts with nuclear countries over their manner of conduct on disarmament issues, would torpedo any agreement that was achieved. In order to prevent Iran from doing so, Egypt recruited the assistance of several NAM countries that made it clear they would not support an effort to prevent achievement of a summary agreement. Having no choice, Iran gave in to the pressure and joined the consensus after it was promised its name would not be mentioned.

Thus even if the final version of the resolution did not meet all of Egypt's demands, the resolution, which contains operative steps for implementing the Middle East resolution passed in 1995, is a precedent, and as such, an Egyptian achievement. As in the 1995 conference, when Egypt exploited the procedural process (threatening to break the consensus and prevent an agreement over indefinite extension of the NPT) in order to extract a Middle East resolution from the US, in 2010 the Egyptian threat loomed in the air. The US administration's determination to bring the conference to a successful conclusion played into Egypt's hands. In order to obtain Egypt's agreement to the final agreement, the administration was ready to pay in Israeli currency²² and forego any mention of Iran. Thus the administration obtained a short term achievement whose ability to strengthen the NPT regime now or in the future, which was an underlying purpose, is doubtful.

Egypt-Iran

Egypt, like the rest of the countries in the region, is worried over Iran's drive to achieve nuclear military capability. Egyptian concerns presumably do not stem from fears over an Iranian attack on Egypt. Rather, they are due to the implications of Iran's nuclearization for its growing self-confidence, its status in the region, and the significance this would have on Egypt's stability and regional standing. These worries find no expression in official public statements by Egypt,²³ which instead express the following positions:

- a. Support for Iran's right to develop nuclear energy for peaceful purposes.
- b. Opposition to solving the crisis in non-peaceful ways.
- c. Support for the international effort to prevent Iran from achieving nuclear weapons.

- d. In tandem with the effort to advance the above objectives, the need to deal with the issue of Israel's nuclear capabilities and the double standard that exists, as Egypt sees it, in relation to Israel.
- e. The danger of proliferation must be dealt with within the framework of negotiations to establish a WMD free zone in the Middle East.

Testimony to Egypt's preference to advance the Israeli nuclear issue over the Iranian threat was evident at the last two conferences. At the NPT Conference in 2005, it was Egypt that defended Iran from pressure, and in 2010, once having reached agreement on advancing the Israeli nuclear issue, it was Egypt (together with the US) that was ready to forego the mention of Iran from the document. Does this detract from the severity of the Iranian threat? Not necessarily. One must assume that if mention of Iran's name had no connection with the risk of Israel's achievement, that Egypt would not oppose it. Is Egypt's conduct indicative of its sense of the severity of the Israeli threat? Not necessarily; however in contrast with the Iranian issue (being handled in the Security Council and led by the US and EU states), Egypt feels "ownership" in spearheading the Israeli nuclear issue at NPT conferences and at international forums in general.

These explanations concerning Egypt's low profile in the Iranian context do not lessen the significance of Egyptian concerns and weaknesses vis-à-vis Iran. What in Egypt's view is common to Iran and Israel²⁴ is not just that both are competing with Egypt over leadership and influence in the region; it is also their ability to build a nuclear infrastructure, which requires scientific-technological capability and as such exposes Egypt's inferiority and limitations. The difference between the Israeli and Iranian threats as far as Egypt is concerned is that Israel does not threaten the stability of the regime. Iran, on the other hand, is perceived by the Egyptian regime not only as a state competing for dominance in the region, but as a state striving to change the existing regional order. Fear of Iran's hegemonic aspirations in the Gulf and their realization are expressed by Gulf leaders. The fact these developments are taking place in a region of Egyptian influence exacerbates the challenge and the need to find a response.

These developments oblige Egypt, whose leadership is changing, to conduct a serious assessment of the situation and develop a strategy that provides a response to the challenge presented by Iran.

Conclusion: Confronting the Challenge

More than five decades ago Egypt included the Israeli nuclear issue on its agenda. Already in 1974, Egypt together with Iran placed the issue on the table of the General Assembly, under the cover of establishing a nuclear weapons free zone in the Middle East. The NPT Review Conferences in 1995 and 2010 constitute milestones in Egypt's path towards achievement of its objective: disarming Israel of its nuclear capability.²⁵ At the 1995 conference, Egypt was able to achieve a resolution focused on the Middle East and thus attach the Israeli nuclear issue to the agenda of future conferences. Fifteen years later, it was able to achieve a resolution that included practical steps for implementing that resolution.

In statements made at a preparatory meeting of the 2010 conference, an Egyptian delegate criticized the lack of progress in implementing the 1995 resolution. And indeed, the balance sheet of achievements after many years of intensive diplomatic activity is sufficiently meager. Egypt was unable to have Israel join the NPT, place its facilities under IAEA inspection, and report on the extent of its cooperation. Nor was Egypt able to obtain a report on the extent of Israeli nuclear activity and the inventory of nuclear material in Israel's possession. Moreover, beyond gaining support in principle for Egyptian initiatives to establish a zone free of nuclear weapons and other WMD (supported in principle by Israel), Egypt was not able to advance the implementation of the resolutions in any measurable way. The motions at the UN and the IAEA, meant to pressure Israel and thereby isolate it, also figure in this context. Even if Egypt did achieve several limited victories, they were unable to bring about a change in Israel's position or, alternatively, advance the issue uppermost in the mind of the Egyptian leadership. On a related note, as long as the Egyptian objective is not achieved, Israel's ambiguous nuclear policy serves the Egyptian interest. That position is liable to change in the event of the appearance of an additional nuclear state in the Middle East.

Does the resolution passed at the last conference constitute a turnaround in Egyptian efforts? Will the future conference actually take place; and if so, will it be a one-time event or perhaps create a mechanism to follow-up steps that have been decided on? One must assume that Egypt, armed with the resolution, will do all it can in the upcoming period to bring about the convening of the conference. Nonetheless, Egypt's success is to a large

extent dependent on the US. If not for US determination to fulfill its own objectives at the 1995 and 2010 conferences,²⁶ it is doubtful if Egypt could have reaped those achievements. Reservations by Obama and especially by his National Security Advisor following the 2010 conference, plus the preconditions (whose fulfillment in the near future is doubtful) for convening a 2012 conference, call such a conference into question. Moreover, amid the fluid realities of the Middle East and the international arena, until 2012 developments may take place that have implications on a US decision to support or reject convening the conference. At the same time, these reservations coexist with Obama's commitment to nuclear disarmament, his support for the universality of the NPT, the call for all countries to join the treaty, and his support for establishing a Middle East WMD free zone. If conditions do not allow the convening of the conference, Obama would find it difficult to prove his commitment to the decision.

At the end of the 2010 conference, Israel issued a statement in response to what it viewed as the flawed and hypocritical resolution passed at the conference. As a non-member of the NPT, Israel is not obliged to fulfill its resolutions. The statement went further and said that due to "the resolution's distorted nature Israel could not participate in its implementation." Since then, Israel has softened its stance and announced that the issue is under discussion. Indeed, now, divorced from the prevailing conditions in months prior to the Review Conference, Israel would do well to examine the advantages and disadvantages of participation or non-participation in preparations for the 2012 conference. The many important conditions and reservations expressed by Obama and his National Security Advisor permit Israel to confer with the American administration (and the sooner the better) in order to arrive at written understandings concerning content and procedures of a conference. In this way, if Israel should decide to participate, it would not imply any danger to its security interests.

On the plus side, Egypt can credit itself with an achievement that enabled it to place the Israeli nuclear issue on the international agenda. Still, there are parties in Egypt that understand that Egypt's ability to fulfill its objective under current Middle East circumstances is tenuous. Moreover, there is increasing understanding among Western countries for Israel's position, that attaining peace in the Middle East must precede the establishment of a nuclear free zone.

Foreign Minister Amr Moussa has been credited with the statement made in the 1990s that Egypt could not tolerate two nuclear states. The chances for the realization of this scenario have greatly increased since then. Even if it is premature to judge if and when Iran will succeed in achieving military nuclear capability, the fact that it is able to enrich uranium demonstrates its technological-scientific superiority over Egypt. Such a reality obliges Egypt to prepare to confront this reality.

Four options stand before Egypt in dealing with the Iranian challenge (competition and threat) and the Israeli challenge (potential competition). The first is the diplomatic option, i.e., continued support for the diplomatic effort. Hovering in the background to diplomacy is the Iranian nuclear program and fears of a chain reaction in the Middle East should Iran achieve military nuclear capability. This would lead the international community to recognize the urgency of the need to advance the issue of a WMD demilitarized zone. Continued involvement in the issue would continue to grant Egypt international prominence, but in terms of confronting the Iranian challenge, this option would have no immediate significance.

The second option is a decision to develop military nuclear capability (a decision that would of course be secret). The first step would be the development of a scientific-technological infrastructure, although this would not supply a short or medium term response to the Iranian challenge.²⁷ Acquiring the ability and developing an infrastructure involve major financial investment, and beyond the budgetary aspect, such a decision would have political-legal aspects. This decision (if it becomes apparent that Egypt is secretly involved in building a nuclear capability) would have implications for its foreign relations and particularly its relations with the US. Whether or not this option is chosen, any announcement concerning the development of scientific-technological infrastructure would serve as a signal of Egypt's intention to confront the new regional circumstances.²⁸

The third option is a combination of the previous two. The fourth option is the acquisition of nuclear weapons from North Korea. The close relations that have developed over the years between Egypt and Pyongyang in the military sphere serve as a convenient platform for Egypt. This option too would have implications for Egypt's foreign relations, particularly with the US.

Israel and Iran are exposing Egypt's weaknesses in both the scientific-technological sphere and in that country's self-image and regional leadership. Today, the ability of Egypt to find an immediate response to these challenges seems limited, as it has no convenient and guaranteed option to deal with the challenges it faces in these contexts.

Notes

- 1 The year 1995 marked twenty-five years since the treaty came into force. The treaty stipulates the need to discuss extending the treaty for an additional term or alternately, as the United States wanted, to extend it with no time limit.
- 2 For Egypt's reaction to the report and details on subsequent related official Egyptian statements, see Ariel Levite and Emily B. Landau, "Arab Perceptions of Israel's Nuclear Posture, 1960-1967," *Israel Studies* 1, no. 1 (1996): 34-59; and Ariel Levite and Emily B. Landau, *Israel's Nuclear Image: Arab Perceptions of Israel's Nuclear Posture* (Tel Aviv: Papyrus Publishing House, 1994).
- 3 For the reaction of President Nasser and his spokesman Heikal to reports concerning Israel's efforts to build a nuclear capability and the implications for Egypt, see the publications cited in note 2. As to a possible military strike, before the Six Day War Egyptian jets engaged in on one or two sorties over the Dimona reactor. There are those who view this as part of Egyptian preparations to attack the reactor.
- 4 In the 1970s and 1980s, deliberations over finding a technological response to the threat led to discussions that concluded with no result; see Barbara M. Gregory, "Egypt's Nuclear Program: Assessing Supplier-Based and Other Developmental Constrains," *Nonproliferation Review* (Fall 1995): 20-27.
- 5 In October 1974, President Anwar Sadat presented a joint Egyptian-Iranian initiative to convert the Middle East into a nuclear free zone. The initiative was tabled as a motion at the UN General Assembly. Since then, the proposal is raised every year at the Assembly. Starting in 1981, Israel has joined the vote (which is accepted by consensus), with explanatory remarks.
- 6 This article is based in part on discussions with Egyptian, American, and Israel interlocutors who for their own reasons asked not to be identified.
- 7 Egyptian experts were apparently in Iraq working on developing the missile until Iraq's invasion of Kuwait. The missile's development was not completed following American pressure on Argentina (which supplied the technology) to cease its participation in the project; see Project Wisconsin on Nuclear Arms Control.
- 8 It would be a mistake to view the initiative dealing with all types of WMD as a change of principle in Egypt's approach to the Israeli nuclear issue. According to many, this initiative did not imply any change in Egypt's perception of the centrality of the nuclear issue. The initiative should be viewed in the context in which it was announced; moreover, focusing solely on the matter of the zone's demilitarization would be missing the mark. Indeed, prior to the convening of the

conference in 1995, Egypt returned to focus on nuclear weapons. The chemical and biological threats were, and still are, perceived as secondary.

- 9 White House fact sheet on the Middle East Arms Control Initiative, May 29, 1991.
- 10 See Emily B. Landau, *Arms Control in the Middle East: Cooperative Security Dialogue and Regional Constraints* (Brighton: Sussex Academic Press, 2006).
- 11 For background to this activity, its achievements, and the reasons for the eventual termination of the ACRS talks, see note 10 and Bruce W. Jentleson and Dalia Dassa Kaye, "Security Status: Explaining Regional Security Cooperation and its Limits in the Middle East," *Security Studies* 8, no. 1 (1998).
- 12 An Egyptian source claimed that already in 1993 it was clear to them that in the face of the Israeli position, there was no chance the nuclear issue would be on the agenda.
- 13 Egypt did not internalize the changes in the region that occurred following the Gulf War and was forced to experience them firsthand in the working groups. Countries such as Jordan and several Gulf states began to develop national positions for themselves that deviated from the Egyptian position; Egypt continued to view itself as expressing the pan-Arab interest. Some of the countries did not share Egypt's insistence that the nuclear issue be placed on the agenda.
- 14 Participants in the talks feel that the disputes that erupted at that time remain unchanged and have perhaps even intensified, considering the changes that have occurred in the arena since then.
- 15 Even if Egyptian politicians and military officials occasionally speak publicly of the security threat to Egypt and the Arab world posed by nuclear arms held by Israel, in conversations with Egyptians, no similar fears are expressed. (An exception in this context is the Egyptian reaction to Foreign Minister Lieberman's statements – which stirred up those leery of Israel's attack intentions – when he talked about destroying the Aswan Dam). Stressing the threat was meant to serve the needs of public diplomacy on the internal, inter-Arab, and international levels. Evidence that the perceived threat is not an existential one can be seen in Sadat's decision during peace negotiations not to convert the nuclear issue into an essential integral element of an agreement. Sadat's decision was an expression of preference for the territorial dimension over the nuclear issue.
- 16 The conference did not extend the treaty by consensus, but declared by consensus that a majority exists for extending the treaty.
- 17 Egypt criticized the US decision to "allow" the Indian nuclear program. Among other concerns, Egypt feared that Israel would follow in India's wake. Nonetheless, American analysts judged that the chances for Israel to gain similar permission in the near future were at best slim.
- 18 Points in President Obama's speech that relate to the NPT include: the need to take immediate steps against countries that violate the treaty and those that try to withdraw from it; establishment of an international nuclear fuel bank in order to stem the danger of proliferation; the need, in light of the North Korean experience, to create a framework to ensure that countries that violate the treaty bear the consequences of their deeds; an assertion of Iran's right, under strict

IAEA inspection, to develop nuclear energy for peaceful purposes; the assertion that Iran's surface-to-surface missile program and its activity in the nuclear sphere are a genuine threat not only to the US and Iran's neighbors, but also to US allies. So long as that threat remains in force, the US will continue its plan to build a surface-to-surface missile defense system.

- 19 The agreement that later served as the basis for the resolution that was passed included: making nuclear commerce with Israel conditional upon its acceding to the NPT as a non-nuclear weapons state and placing all of its facilities under IAEA supervision; and convening an international conference in 2012 to discuss the establishment of Middle East nuclear weapons free zone (the idea for convening such an international conference was raised in 2004 at the Arab League Summit).
- 20 During the discussions, the US opposed a final document that would specifically name Israel, but it was forced to retract its opposition after it was made clear that the Clinton administration gave its agreement to name Israel in the final document from the 2000 conference.
- 21 The full text can be found in the final document published at the conclusion of the conference.
- 22 It is clear that the final document did not meet Israeli expectations, and the administration's conduct prior to formulating it was likely disturbing to Israel. After the conference, President Obama and National Security Advisor James Jones publicized announcements that sought to allay Israel's concerns and somewhat mitigate the sting of the final document that enabled the administration to see the conference through to a successful conclusion. It is doubtful if this maneuvering added to the administration's credibility. In a public statement Obama reiterated US support for establishing a WMD free zone and for the conviction that a sustainable peace and full compliance are precursors to the establishment of such a zone. He added that the US was absolutely opposed to singling out Israel and was opposed to any steps that would endanger Israel's national security. A statement by the National Security Advisor stated that despite the administration's support for the final document, it had serious reservations over one aspect of the Middle East resolution. He reiterated the President's words regarding a comprehensive and sustainable peace and also referred to the need for compliance with obligations related to arms control and preventing arms proliferation as essential precursors to establishing the WMDFZ. To his understanding, establishing a WMD demilitarized Middle East zone is a long term objective. He made it clear that in order for a regional conference to be effective, it must ensure the participation of all Middle East countries as well as additional countries. The National Security Advisor also specified what from the US standpoint were necessary conditions for holding the conference. He concluded that in light of the way Israel was being singled out, prospects were doubtful for convening a conference in 2012 that includes participation of all key countries of the region. This situation will continue until it can be assured that the conference would be held without discrimination and in a constructive manner. In my conversation with an American source, he jokingly commented that

Israel apparently slept throughout President Obama's speech in Prague. Had Israel listened to his words and subsequently arranged a discussion between the President and the Prime Minister over the speech's significance regarding the Middle East, it might have prevented what actually happened. The same source added that in preparations for a 2012 conference, Israel would do well if it were to hold this conversation (that didn't take place) in order to prevent what from its standpoint would be undesirable developments. Following the conference, added the source, there should not be any doubt concerning the President's determination to work towards the elimination of all nuclear arms.

- 23 Evidence of the gap between official statements and unofficial positions can be found in a cable from the US embassy in Cairo in early 2009, published by WikiLeaks, which mentions President Mubarak's loathing for Iran, which seeks to undermine the stability of the region and particularly that of Egypt. There is no doubt, the cable states, that Egypt views Iran as the greatest threat in the long term, due both to its development of a nuclear capability and its efforts to export the Shiite revolution.
- 24 Even if the chances of settling the nuclear crisis between the US and Iran in the near future are slim, Egyptian sources have raised concerns that it would pave the way for cooperation between the two on a series of regional issues – which would harm Egypt's standing. There are also concerns in Egyptian circles over a potential Israel-Iran rapprochement, which would likewise have implications for Egypt's regional status.
- 25 The statement that in order for Israel to be accepted as part of the region, it has to be brought down to size has been attributed to Foreign Minister Amr Moussa. Presumably he did not only mean this in respect to territory, but also to nuclear capabilities.
- 26 In 1995 – to extend the NPT indefinitely; in 2010 – to conclude the conference successfully, testimony to the seriousness of President Obama's intentions in the sphere of nuclear disarmament.
- 27 An Israeli attack on Iranian nuclear facilities would likely have several advantages as far as Egypt is concerned. It would grant Egypt a longer time period to implement any decisions that are reached; furthermore, an Israeli attack would not only entangle Israel but would also be a blow to Iran.
- 28 Aside from demonstrating scientific capability, nuclear acquisition could grant Egypt further independence and freedom of action – which it feels Israel gained by this capability.

Israel and the Nonproliferation Regime

Yair Evron

Obama's New Approach to Nonproliferation

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

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

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

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

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

The Value of the Nonproliferation Regime

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

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

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

Israel and the NPT

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

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

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

The 2010 NPT Review Conference and Beyond

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

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

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

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

Israel's Posture of Ambiguity

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

Fissile Material Cutoff Treaty (FMCT)

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

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

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

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

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

No First Use

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

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

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

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

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

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

Conclusion

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

Note

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

Appendix

Remarks by President Barack Obama

Prague, Czech Republic

April 5, 2009 / 129

Remarks by President Barack Obama

Hradcany Square, Prague, Czech Republic

April 5, 2009

Thank you so much. Thank you for this wonderful welcome. Thank you to the people of Prague. Thank you to the people of the Czech Republic. Today, I'm proud to stand here with you in the middle of this great city, in the center of Europe. And, to paraphrase one of my predecessors, I am also proud to be the man who brought Michelle Obama to Prague.

To Mr. President, Mr. Prime Minister, to all the dignitaries who are here, thank you for your extraordinary hospitality. And to the people of the Czech Republic, thank you for your friendship to the United States.

I've learned over many years to appreciate the good company and the good humor of the Czech people in my hometown of Chicago. Behind me is a statue of a hero of the Czech people – Tomas Masaryk. In 1918, after America had pledged its support for Czech independence, Masaryk spoke to a crowd in Chicago that was estimated to be over 100,000. I don't think I can match his record – but I am honored to follow his footsteps from Chicago to Prague. For over a thousand years, Prague has set itself apart from any other city in any other place. You've known war and peace. You've seen empires rise and fall. You've led revolutions in the arts and science, in politics and in poetry. Through it all, the people of Prague have insisted on pursuing their own path, and defining their own destiny. And this city – this Golden City which is both ancient and youthful – stands as a living monument to your unconquerable spirit.

When I was born, the world was divided, and our nations were faced with very different circumstances. Few people would have predicted that someone like me would one day become the President of the United States.

Few people would have predicted that an American President would one day be permitted to speak to an audience like this in Prague. Few would have imagined that the Czech Republic would become a free nation, a member of NATO, a leader of a united Europe. Those ideas would have been dismissed as dreams.

We are here today because enough people ignored the voices who told them that the world could not change.

We're here today because of the courage of those who stood up and took risks to say that freedom is a right for all people, no matter what side of a wall they live on, and no matter what they look like.

We are here today because of the Prague Spring – because the simple and principled pursuit of liberty and opportunity shamed those who relied on the power of tanks and arms to put down the will of a people.

We are here today because 20 years ago, the people of this city took to the streets to claim the promise of a new day, and the fundamental human rights that had been denied them for far too long. Sametová Revoluce – the Velvet Revolution taught us many things. It showed us that peaceful protest could shake the foundations of an empire, and expose the emptiness of an ideology. It showed us that small countries can play a pivotal role in world events, and that young people can lead the way in overcoming old conflicts. And it proved that moral leadership is more powerful than any weapon.

That's why I'm speaking to you in the center of a Europe that is peaceful, united and free – because ordinary people believed that divisions could be bridged, even when their leaders did not. They believed that walls could come down; that peace could prevail.

We are here today because Americans and Czechs believed against all odds that today could be possible.

Now, we share this common history. But now this generation – our generation – cannot stand still. We, too, have a choice to make. As the world has become less divided, it has become more interconnected. And we've seen events move faster than our ability to control them – a global economy in crisis, a changing climate, the persistent dangers of old conflicts, new threats and the spread of catastrophic weapons.

None of these challenges can be solved quickly or easily. But all of them demand that we listen to one another and work together; that we

focus on our common interests, not on occasional differences; and that we reaffirm our shared values, which are stronger than any force that could drive us apart. That is the work that we must carry on. That is the work that I have come to Europe to begin.

To renew our prosperity, we need action coordinated across borders. That means investments to create new jobs. That means resisting the walls of protectionism that stand in the way of growth. That means a change in our financial system, with new rules to prevent abuse and future crisis.

And we have an obligation to our common prosperity and our common humanity to extend a hand to those emerging markets and impoverished people who are suffering the most, even though they may have had very little to do with financial crises, which is why we set aside over a trillion dollars for the International Monetary Fund earlier this week, to make sure that everybody – everybody – receives some assistance.

Now, to protect our planet, now is the time to change the way that we use energy. Together, we must confront climate change by ending the world's dependence on fossil fuels, by tapping the power of new sources of energy like the wind and sun, and calling upon all nations to do their part. And I pledge to you that in this global effort, the United States is now ready to lead.

To provide for our common security, we must strengthen our alliance. NATO was founded 60 years ago, after Communism took over Czechoslovakia. That was when the free world learned too late that it could not afford division. So we came together to forge the strongest alliance that the world has ever known. And we stood shoulder to shoulder – year after year, decade after decade – until an Iron Curtain was lifted, and freedom spread like flowing water.

This marks the 10th year of NATO membership for the Czech Republic. And I know that many times in the 20th century, decisions were made without you at the table. Great powers let you down, or determined your destiny without your voice being heard. I am here to say that the United States will never turn its back on the people of this nation. We are bound by shared values, shared history. We are bound by shared values and shared history and the enduring promise of our alliance. NATO's Article V states it clearly: An attack on one is an attack on all. That is a promise for our time, and for all time.

The people of the Czech Republic kept that promise after America was attacked; thousands were killed on our soil, and NATO responded. NATO's mission in Afghanistan is fundamental to the safety of people on both sides of the Atlantic. We are targeting the same al Qaeda terrorists who have struck from New York to London, and helping the Afghan people take responsibility for their future. We are demonstrating that free nations can make common cause on behalf of our common security. And I want you to know that we honor the sacrifices of the Czech people in this endeavor, and mourn the loss of those you've lost.

But no alliance can afford to stand still. We must work together as NATO members so that we have contingency plans in place to deal with new threats, wherever they may come from. We must strengthen our cooperation with one another, and with other nations and institutions around the world, to confront dangers that recognize no borders. And we must pursue constructive relations with Russia on issues of common concern.

Now, one of those issues that I'll focus on today is fundamental to the security of our nations and to the peace of the world – that's the future of nuclear weapons in the 21st century.

The existence of thousands of nuclear weapons is the most dangerous legacy of the Cold War. No nuclear war was fought between the United States and the Soviet Union, but generations lived with the knowledge that their world could be erased in a single flash of light. Cities like Prague that existed for centuries, that embodied the beauty and the talent of so much of humanity, would have ceased to exist.

Today, the Cold War has disappeared but thousands of those weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global nonproliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.

Now, understand, this matters to people everywhere. One nuclear weapon exploded in one city – be it New York or Moscow, Islamabad

or Mumbai, Tokyo or Tel Aviv, Paris or Prague – could kill hundreds of thousands of people. And no matter where it happens, there is no end to what the consequences might be – for our global safety, our security, our society, our economy, to our ultimate survival.

Some argue that the spread of these weapons cannot be stopped, cannot be checked – that we are destined to live in a world where more nations and more people possess the ultimate tools of destruction. Such fatalism is a deadly adversary, for if we believe that the spread of nuclear weapons is inevitable, then in some way we are admitting to ourselves that the use of nuclear weapons is inevitable.

Just as we stood for freedom in the 20th century, we must stand together for the right of people everywhere to live free from fear in the 21st century. And as nuclear power – as a nuclear power, as the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act. We cannot succeed in this endeavor alone, but we can lead it, we can start it.

So today, I state clearly and with conviction America’s commitment to seek the peace and security of a world without nuclear weapons. I’m not naive. This goal will not be reached quickly – perhaps not in my lifetime. It will take patience and persistence. But now we, too, must ignore the voices who tell us that the world cannot change. We have to insist, “Yes, we can.”

Now, let me describe to you the trajectory we need to be on. First, the United States will take concrete steps towards a world without nuclear weapons. To put an end to Cold War thinking, we will reduce the role of nuclear weapons in our national security strategy, and urge others to do the same. Make no mistake: As long as these 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.

To reduce our warheads and stockpiles, we will negotiate a new Strategic Arms Reduction Treaty with the Russians this year. President Medvedev and I began this process in London, and will seek a new agreement by the end of this year that is legally binding and sufficiently bold. And this will set the stage for further cuts, and we will seek to include all nuclear weapons states in this endeavor.

To achieve a global ban on nuclear testing, my administration will immediately and aggressively pursue U.S. ratification of the Comprehensive Test Ban Treaty. After more than five decades of talks, it is time for the testing of nuclear weapons to finally be banned.

And to cut off the building blocks needed for a bomb, the United States will seek a new treaty that verifiably ends the production of fissile materials intended for use in state nuclear weapons. If we are serious about stopping the spread of these weapons, then we should put an end to the dedicated production of weapons-grade materials that create them. That's the first step.

Second, together we will strengthen the Nuclear Non-Proliferation Treaty as a basis for cooperation.

The basic bargain is sound: Countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy. To strengthen the treaty, we should embrace several principles. We need more resources and authority to strengthen international inspections. We need real and immediate consequences for countries caught breaking the rules or trying to leave the treaty without cause.

And we should build a new framework for civil nuclear cooperation, including an international fuel bank, so that countries can access peaceful power without increasing the risks of proliferation. That must be the right of every nation that renounces nuclear weapons, especially developing countries embarking on peaceful programs. And no approach will succeed if it's based on the denial of rights to nations that play by the rules. We must harness the power of nuclear energy on behalf of our efforts to combat climate change, and to advance peace opportunity for all people.

But we go forward with no illusions. Some countries will break the rules. That's why we need a structure in place that ensures when any nation does, they will face consequences.

Just this morning, we were reminded again of why we need a new and more rigorous approach to address this threat. North Korea broke the rules once again by testing a rocket that could be used for long range missiles. This provocation underscores the need for action – not just this afternoon at the U.N. Security Council, but in our determination to prevent the spread of these weapons.

Rules must be binding. Violations must be punished. Words must mean something. The world must stand together to prevent the spread of these weapons. Now is the time for a strong international response – now is the time for a strong international response, and North Korea must know that the path to security and respect will never come through threats and illegal weapons. All nations must come together to build a stronger, global regime. And that’s why we must stand shoulder to shoulder to pressure the North Koreans to change course.

Iran has yet to build a nuclear weapon. My administration will seek engagement with Iran based on mutual interests and mutual respect. We believe in dialogue. But in that dialogue we will present a clear choice. We want Iran to take its rightful place in the community of nations, politically and economically. We will support Iran’s right to peaceful nuclear energy with rigorous inspections. That’s a path that the Islamic Republic can take. Or the government can choose increased isolation, international pressure, and a potential nuclear arms race in the region that will increase insecurity for all.

So let me be clear: Iran’s nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran’s neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed.

So, finally, we must ensure that terrorists never acquire a nuclear weapon. This is the most immediate and extreme threat to global security. One terrorist with one nuclear weapon could unleash massive destruction. Al Qaeda has said it seeks a bomb and that it would have no problem with using it. And we know that there is unsecured nuclear material across the globe. To protect our people, we must act with a sense of purpose without delay.

So today I am announcing a new international effort to secure all vulnerable nuclear material around the world within four years. We will set new standards, expand our cooperation with Russia, pursue new partnerships to lock down these sensitive materials.

We must also build on our efforts to break up black markets, detect and intercept materials in transit, and use financial tools to disrupt this dangerous trade. Because this threat will be lasting, we should come together to turn efforts such as the Proliferation Security Initiative and the Global Initiative to Combat Nuclear Terrorism into durable international institutions. And we should start by having a Global Summit on Nuclear Security that the United States will host within the next year.

Now, I know that there are some who will question whether we can act on such a broad agenda. There are those who doubt whether true international cooperation is possible, given inevitable differences among nations. And there are those who hear talk of a world without nuclear weapons and doubt whether it's worth setting a goal that seems impossible to achieve.

But make no mistake: We know where that road leads. When nations and peoples allow themselves to be defined by their differences, the gulf between them widens. When we fail to pursue peace, then it stays forever beyond our grasp. We know the path when we choose fear over hope. To denounce or shrug off a call for cooperation is an easy but also a cowardly thing to do. That's how wars begin. That's where human progress ends.

There is violence and injustice in our world that must be confronted. We must confront it not by splitting apart but by standing together as free nations, as free people. I know that a call to arms can stir the souls of men and women more than a call to lay them down. But that is why the voices for peace and progress must be raised together.

Those are the voices that still echo through the streets of Prague. Those are the ghosts of 1968. Those were the joyful sounds of the Velvet Revolution. Those were the Czechs who helped bring down a nuclear-armed empire without firing a shot.

Human destiny will be what we make of it. And here in Prague, let us honor our past by reaching for a better future. Let us bridge our divisions, build upon our hopes, accept our responsibility to leave this world more prosperous and more peaceful than we found it. Together we can do it.

Thank you very much. Thank you, Prague.

Source: http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/.

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