

Israel joining the Non-Proliferation Treaty: time for a re-evaluation?

On 22 June 2005 a symposium on potential Israeli membership of the Treaty on the Non-Proliferation of Nuclear Weapons (the Non-Proliferation Treaty, or NPT) was held at the Hebrew University of Jerusalem under the auspices of the Leonard Davis Institute of International Relations, the Hebrew University, and the Jaffee Center for Strategic Studies, Tel-Aviv University. The subject made the event, attended by scholars including Yair Evron and Gerald Steinberg, plus the guest of honour, Jozef Goldblat (researcher Emily Landau acted as discussant), unique.

Unlike the other issues regarding Israel's nuclear option—for example, the rationale behind the continuation of its opaque policy—the question of joining the NPT receives limited attention from Israeli scholars and journalists. This is in sharp contrast, of course, to the attention that has been devoted to nuclear non-proliferation in general and in the Middle East in particular. This disregard does not, however, result from any government conspiracy or negligence. As Israel could accede to the NPT only as a non-nuclear weapon state, accession would mean relinquishing the nuclear option, which the Israeli public perceives to be the ultimate guarantor of the state's survival. The issue's low profile therefore reflects a sense among Israel's small community of arms control analysts that the time for reconsideration—let alone execution—of this step has not yet arrived.

But the Middle East has undergone rapid and dramatic changes: consider Libya's relinquishing of its weapons of mass destruction (WMD) programmes, the American presence in Iraq and Iran's nuclear progress. A review of the arguments in light of these changes is therefore merited. What follows is a concise review of the symposium, retaining the original wording where possible, although the speakers will not be mentioned by name.

Positions on NPT membership

None of the speakers held the view that Israel should join the NPT immediately, but there were differences over the importance of taking the step and its implications. I open the review with remarks made by participants who favoured NPT membership, continue with those who opposed the move before peace is reached in the region, and conclude with the moderate position, which did not rule

out membership, yet was unable to predict what could alter Israel's traditional stance of maintaining a nuclear deterrent.

ADVOCATES OF NPT MEMBERSHIP

The participants in favour of joining the NPT adopted the position that Israel would be unable to maintain its nuclear monopoly forever, as the short-lived American nuclear monopoly illustrates. Supporting this argument was the opinion—widespread among delegates at the last NPT Review Conference—that in light of Israel's present nuclear monopoly and progress in Iran's nuclear programme, other regional states may also embark on the nuclear road.

Given the geography of the Middle East, they continued, nuclear war is unthinkable, as it would decimate the region. Even if aggressors intend to wage a conventional war, their likely first strike in a nuclear environment would be directed at their opponent's nuclear installations. As nuclear contamination would devastate large parts of any country, it was argued that the mere possession of nuclear weapons threatens the possessor. Moreover, accidental explosions of stored nuclear weapons, such as those that occurred in the Soviet Union, could render entire countries in the Middle East uninhabitable.

Questions were posed regarding the rationality of Israel's insistence on maintaining its nuclear option. The belief that possession of nuclear weapons deters conventional attacks, they argued, is misguided, judging from the cases of Viet Nam and Afghanistan, in which nuclear deterrence played no role despite the huge nuclear arsenals possessed by the United States and the USSR. The October 1973 Arab–Israeli War confirmed that a nuclear deterrent does not prevent conventional attacks. It was stressed that Israel's conventional superiority rather than its nuclear capability functioned as a deterrent. Joining the NPT would not therefore jeopardize Israel's security interests, especially when an Arab military alliance appears highly unlikely.

Advocates also noted the legal aspects of nuclear proliferation. Although no agreed nor customary prohibition against the use of nuclear weapons exists, their use in response to a non-nuclear attack would violate the principle of proportionality enshrined in international law.

Finally, they submitted that establishing a nuclear-weapon-free zone (NWFZ) in the Middle East under stricter international control than the NPT, without the right of withdrawal, may be the best option. It would allow Israel to join the non-proliferation regime in more security. The establishment of an NWFZ would nullify any justification for Arab possession of chemical or biological weapons, making a WMD-free zone (WMDFFZ) feasible. Moreover, as Israel's nuclear monopoly is a sore point in its relations with Arab states, an NWFZ could dramatically improve the chances of the negotiation of a comprehensive peace settlement in the region. In other words, a nuclear-weapon-free Israel would be safer than a nuclear-armed Israel.

OPPONENTS TO NPT MEMBERSHIP

In contrast, participants strongly opposing such a move started by rejecting the demand for a universal NPT (only Israel, India and Pakistan—not counting North Korea, which has an unclear nuclear status—are not party to the Treaty). This oft-repeated argument for Israeli membership claims that if universal membership were adopted, the NPT would necessarily become stronger.

Universality, the opponents argued, is a myth, particularly because it does not exist in any other aspect of security, such as territorial size, alliances, natural resources or political systems. Israel is a fraction of the size of most countries in the region, and therefore it has no strategic depth. Alliances have negative meaning for Israel. It has been attacked by alliances of Arab states, and does not belong to any similar alliance. Few, if any, states would send troops to its aid if a conventional attack occurred. (The United States' reliability as an ally was left an open question.) Of special interest was the argument concerning the relevance of Israel's political system to its joining the NPT. As Israel is a liberal, thriving democracy, it takes its treaty obligations seriously. As an open society, it is much more likely to abide by treaty obligations because its ability to "cheat" is vastly lower than that of a number of "closed" societies involved in proliferation activities. Given Arab threats to Israel's existence, opponents concluded that these asymmetries demonstrated why, for Israel, the case for universality loses its force. In such a security predicament, Israel has no alternative but to rely on nuclear weapons as the "great equalizer" to ensure its very survival.

The argument for nuclear deterrence was raised. The presence of existential threats has meant that deterrence—despite its inherent weaknesses—has been fundamental to Israel's survival, although it was admitted that deterrence is very difficult to evaluate. The absence of war between the two superpowers is a fact: whether it was thanks to a successful deterrence regime or despite the instability inherent in deterrence remains unclear. Assuming an anarchic, Hobbesian world, opponents emphasized the first explanation. Holders of the moderate position added that nuclear deterrence must be judged according to the threats against which it is directed; and in Israel's case these are existential threats, not conventional threats that do not pose a threat to existence. Opponents argued that deterrence has succeeded in the Middle East: Israel's nuclear option has had a positive impact since the mid-1960s. They used the 1991 Gulf War in support of their argument: the threat of massive nuclear retaliation deterred Saddam Hussein from launching Scud missiles armed with chemical or biological warheads at Israel. For this group, President Anwar Sadat of Egypt initiated rapprochement in 1977 because Israel's nuclear capability convinced him that a military option had been eliminated. They also observed a similar, albeit less salient, process in the Syrian regime and among some Palestinian intellectuals.

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After reviewing the broader picture, they concluded that Israel's nuclear deterrence, to the extent that its outcomes can be measured, has successfully thwarted threats of mass destruction. The very different environment negates analogies to Viet Nam and Afghanistan. Under existential threat, knowledge of Israel's nuclear capability makes other aspects of Israeli deterrence more effective despite the ambiguity of the nuclear option. Despite the limitations of deterrence, accession to the NPT regime, especially given its current crisis, is unable to provide Israel with necessary assurances of security. As the Iraqi case demonstrated, the International Atomic Energy Agency (IAEA) inspection system was very weak before 1991. Although strengthened immediately afterward, it remains highly politicized and major weaknesses persist (witness its treatment of Iran, North Korea and Libya). Thus, opponents to joining the NPT argued that the closing of Libya's programme should not be credited to the IAEA but to Libyan fears of becoming the next US target. So Israel has no confidence in the ability of the international system in general and the NPT regime in particular to prevent existential threats posed by its adversaries.

And according to opponents, the threats still exist, albeit in changed form. They no longer consist of conventional armies (the Egyptian army coming from the west or Iraqi tanks from the east), but of missiles launched by an Iranian regime intent on wiping Israel off the map. Given Iran's links with Hezbollah, Israel has to take possible conflict with a nuclear Iran seriously. Moreover, the impressive progress of clandestine programmes in Iraq, Libya and Iran, and signs of efforts in the same direction elsewhere in the region, should worry Israel.

It was acknowledged that stable nuclear deterrence with a nuclear Iran, however, will not be a panacea, nor will it be easy. Hence opponents to the NPT agreed that joining a framework in which all the region's countries move toward an NWFZ or a WMDFZ should be Israel's ultimate goal. But Israel requires this framework to be professional rather than political, with mutual inspection for lasting peace. Thus, in the view of opponents to joining the NPT, a WMDFZ remains an important, though Messianic, goal.

PERHAPS, BUT NOT YET

Holders of the moderate position examined joining the NPT from four perspectives: Israel's security and strategic position within the region; the advantages or disadvantages that the NPT regime provides for Israel; the United States' position on the issue; and the possible emergence of additional nuclear powers in the region, particularly Iran.

As far as Israel's security and strategic position in the region is concerned, nuclear deterrence has been far from successful. Current capability, combined with US support and Israel's conventional superiority, has improved overall deterrence, but it is Israel's conventional capability that has made its position so strong since 1948. The nuclear element has been secondary. As one scholar suggested, it has surprisingly led neither to major regional instability nor to greater stability, let alone peace. Egypt's initiation of the peace process in 1977 had more to do with Israel's readiness to return Sinai than to the nuclear dimension. However, although it was agreed that Israel's conventional deterrence could serve as a proper substitute for nuclear capability, no clear case has been made to justify relinquishing the nuclear option. Such a step, they noted, would go very much against the grain of Israel's keen desire for self-reliance, a key feature of its national security culture.

The non-proliferation regime, however, contributes considerably to Israel's security. Without exaggerating trends toward a normative system, the very existence of the NPT regime has created a set of international norms. Without these norms, several more countries in the region could have acquired or developed nuclear weapons and multiplied the threats to Israel's security.

As for the position of the United States, it was claimed that the United States is clearly unhappy with Israel's independent nuclear deterrent but has gradually become tolerant of it since the famous understandings on the Israeli nuclear issue reached between Prime Minister Golda Meir and President Richard Nixon in September 1969. From this perspective, joining the NPT offers few benefits.

The possibility of nuclear proliferation in the Middle East operates against joining the NPT, as it provides the rationale for Israel to maintain its nuclear capability in the face of future developments. Whether a stable balance of nuclear deterrence can be established with future proliferators, however, remains questionable.

Working from the framework of these four perspectives, holders of the moderate view concluded that Israel should not currently join the NPT. In fact, the issue is not urgent since the cost of remaining outside the NPT (in terms of international legitimacy) is bearable—witness the tolerance toward India and Pakistan. Indeed, some of the participants that perceived nuclear capability as the centrepiece of Israel's security conception wondered whether anything has changed to alter their basic assumptions. Arab demands have resurfaced, but this is nothing new; neither are the gains Israel could make by revising its policy. There have been changes, but they have been negative: increased fears of clandestine nuclear programmes, which are not necessarily motivated by Israel's own nuclear policy, and the emergence of a nuclear black market. That is, no clear evidence is available to warrant Israel's reliance on a universal, effective NPT or NWFZ for its security.

Practical implications

In conclusion, despite disagreements on the salience of the nuclear weapon option, participants in the symposium agreed that Israel should consider other directions for strengthening its commitment to the goal of non-proliferation. Measures proposed included:

- maintaining Israel's nuclear ambiguity, albeit only as a diplomatic fiction, for as long as Israel remains outside the NPT;
- considering favourably the Fissile Material Cut-Off Treaty, if and when it materializes. (This could contain Iran's and possibly other countries' nuclear programmes, including the enrichment of uranium);
- formalizing the nuclear status of Israel, India and Pakistan by creating a new category of states party to the NPT—those possessing nuclear weapons but stopping their further development;
- strengthening the international norm banning chemical and biological weapons; and
- resuming regional arms control talks in order to build confidence and stabilize inter-state relations with a view to establishing a zone free of weapons of mass destruction in the Middle East.

Eitan Barak

Lecturer, International Relations Department

Hebrew University of Jerusalem

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