

Pugwash Meeting no. 279

"No First Use of Nuclear Weapons"

London, UK, 15-17 November 2002

PAPERS

Preliminary Reflections on No First Use Doctrine for the Middle East*

Ariel Levite **

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I. The general norm of nuclear "no first use"

The goal underlying the idea of promoting the "no first use (NFU) norm and obligations undoubtedly is a noble one, namely to diminish the risk posed by nuclear weapons. NFU as further envisaged as interim steps, designed also to degrade the utility derived from nuclear weapons, relegating them to weapons of existential deterrence, and eventually diminishing their appeal to the point that they become utterly dispensable.

It is when this idea is actually examined as a practical proposition, however, that some fundamental questions arise as to its viability and desirability. The first question is a contextual one, having to do with the ability to implement NFU obligations in isolation from developments in other domains, be they other Weapons of Mass Destruction (WMD) or the conventional balance of forces. The second question is a strategic one, pertaining to the impact on stability of adopting NFU obligations in the absence of other changes in the nature of the relationships between the nuclear parties. A third question is a conceptual one, namely whether NFU obligations inherently require reciprocity or have some value and viability even when undertaken unilaterally. The final question has to do with the form that NFU obligation take,

namely can or should they assume the character of political statements or must they assume the form of legally binding obligations.

This paper seeks to address all of these questions in the Middle East context.

II. Strategic Realities in the Contemporary Middle East

Before turning to assess the practicality and desirability of NFU in the Middle East, it is important to note some of the present characteristics of the Middle East scene that have an immediate bearing on the NFU idea.

First, notwithstanding a widespread belief that Israel enjoys a unique nuclear status in the Middle East, there is no doubt that quite a few other states in the region possess significant quantities of WMD, both of the chemical and increasingly also of the biological variety. It is also clear that several of them are also actively pursuing nuclear weapons.

Second, it is just as important to note that several of the states in the region have rather few moral inhibitions about employing tools of terror and applying indiscriminate weapons, conventional and otherwise, against any and all of their adversaries, foreign as well as domestic. In this context, Egypt, Libya, and Iraq have all resorted to first use of chemical weapons over the last 35 years, in the Iraqi case not just against Iran but also against their own Kurdish citizens.

Third, and related to the earlier point, is a political culture among many of these regimes that is quite tolerant of deceit (to its own citizens, let alone to the outside world), even when it is practiced consistently. This norm is further exacerbated by cavalier disregard of political obligations, many of which are undertaken for temporary gain with the explicit knowledge, even intention, to ignore or shake loose of them as soon as it becomes expedient to do so. This attitude commonly results in a profound disbelief becoming the dominant attitude toward unverifiable obligations undertaken by one's adversaries.

Fourth, there is a growing level of frustration and anxiety among the more extreme regimes in the region, about their inability to keep up conventional military modernization. There is widespread exasperation about their abject failure to close the widening capability gap, and ever catch with or otherwise conventionally offset the growing high-tech capabilities of the US, Israel, or other leading Western states. These feelings are channeling their hostile energies toward asymmetric strategies of warfare in general, and ever more lethal and sophisticated WMD and their delivery means in particular.

Fifth, it is reassuring to realize that the crude old logic of deterrence does still work in the Middle East, even against the more extreme regimes. True, it is becoming increasingly apparent that there are circumstances in which the reliability of deterrence can no longer be taken for granted, just as there are non-state leaders who seem unimpressed by threats of retaliation and punishment. But threats of denial, and especially overwhelming punishment (against them and their regime), do appear to resonate even with the leaders of several of the most problematic states, ranging from Iran, and Iraq to Libya, and Syria.

Finally, it is sobering to observe the impact of the implicit Western threats of "an overwhelming and devastating response" against those who unleash on them WMD. This oft-repeated threat, which implicitly (or occasionally even explicitly) does not rule out resort to nuclear weapons, has thus far at least proven especially potent in dissuading WMD aggression against them and their allies. The special qualities of nuclear weapons (sheer unprecedented destructive power coupled with certainty of destruction) that have made them into the bedrock of superpower stability during the Cold War are inherent in the weapons themselves. Consequently, it is hardly surprising that their impact appears to transcend the geographical and temporal domains of the Cold War, powerfully resonating also with contemporary Middle Eastern (and for that matter South Asian) regimes.

III. Nuclear No First Use in the Middle East

In light of the above context, any serious consideration of the desirability and practicality of introducing NFU obligations into in the Middle East must address a few conceptual as well as practical issues.

First, at least insofar as Israel is concerned, it is clear that it is highly undesirable to encourage it to undertake a NFU obligation. This is the case because a NFU obligation would run against Israel's long held commitment not be even the "first to introduce nuclear weapons into the Middle East", a commitment that has weathered the tests of time, political transitions within Israel, as well as many crises in the region. A NFU obligation would require Israel first to abandon this long held doctrine of extreme nuclear restraint, to the detriment of its own ideological beliefs, and political and strategic requirements. But just as seriously, such development is bound to compel Israel's more moderate neighbors, those that have repeatedly indicated their tolerance of Israel's posture so long as it refrains from "crossing the nuclear threshold", to react harshly to such change in Israel's nuclear policy. Thus, a NFU obligation, were it to be undertaken by Israel, is in fact likely to prove highly counter-productive to itself but even more so detrimental to its moderate neighbors, regional

stability as a whole, as well as to the interests of those parties generally committed to the broader cause of nuclear non-proliferation.

Second, we must consider the critical role played by (implicit and at times even explicit) US, UK, and even French nuclear deterrence in dissuading regional parties from WMD use as well as large-scale conventional provocations. Thus, it will be most harmful to stability to undercut this postures by encouraging them to adopt NFU obligations, at least unless and until an obvious alternative presents itself. At the minimum this suggests that NFU obligations must be tied to the broader context of no first use of other WMD, and potentially also conventional weapons as well.

Third, even if it were miraculously possible to promote NFU obligations for all categories of WMD, this idea might still prove harmful to the security and stability of the Middle East. This is partially a consequence of the case the profound and deeply rooted disbelief in any commitments undertaken by the more shady regimes, coupled with the loose nature of NFU obligations, as well as their inherent unverifiability and unenforceability. Taken together these are bound to put at a considerable disadvantage those few parties within the region (or operating in it) that do take their political obligations seriously.

The tentative conclusion that emerges from the above analysis is, therefore, quite clear. The benefits offered by nuclear NFU in the Middle East are presently uncertain at best, while the risks considerable. The inevitable bottom line that follows is, therefore, that " if it ain't broke, do not fix it".

IV. Thinking Beyond NFU

Returning to our point of departure, it might be useful to consider whether the noble goal underlying the idea of NFU can somehow be attained by other means. Alternatively, we might wish to reflect whether some circumstances might arise in which NFU obligations might assume new relevance for the Middle East region. Both of these issue lie generally outside the scope of this paper. But in closing let me offer two parting thoughts on these issue that may be picked up in the discussion.

It is by far better to prevent any nuclear proliferation in the Middle East than to deal with its consequences. This is still possible to do, although time is running out, given the intensity by which Iraq and Iran, and possibly others in the region as well, pursue nuclear weapons. The prospects for success will be considerably influenced by a combination of domestic change and external incentives. In fact, the domestic developments toward more democratic (or at least more accountable and transparent) forms of government are a sine qua non for any hope of cooperative security

arrangements to be realized in the region, in the nuclear domain as well as beyond it. And when such time comes where CSBMs and other modest arms control measures as well as broader political transformation pave the way for seriously exploring cooperative nuclear security arrangements in the Middle East, the first measures will have to be of the tightly verifiable and rigidly enforceable type, as trust between the parties will still be a rather scarce commodity. Only later might NFU obligations assume some relevance, as they will then emerge in an atmosphere of a healthier regional political climate produced by budding mutual confidence and reinforced by the sincerity of intentions accorded by democratic and transparent forms of governance.