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Israel's Nuclear Opacity/Exemption: Should the World Continue to Support it?

A Policy Statement Prepared for the British House of Lords

Abstract

Israel is a unique case in the nuclear age. It is the sixth state — the first and only one in the Middle East — to develop, acquire and possess nuclear weapons, and yet, to this very day, it has never openly acknowledged its nuclear weapons status. Is this right? Is it fair? Is it compatible with international nuclear norms? Should the world still support it? This author proposes a new way to think about an old problem.¹

The Problem

In the shadow of the Holocaust, within a decade of its birth, Israel initiated a determined effort to acquire nuclear weapons. This effort manifested a national commitment to ensure that the (then small) state of Israel would survive in a hostile region. However, just as fear of another Holocaust is key to understanding Israel's nuclear resolve, that very fear has also given rise to Israel's nuclear restraint. If Israel's enemies also acquired the bomb, Israel might well face annihilation, particularly given its small size and high population density.

This combination of resolve and restraint created a unique Israeli code of nuclear conduct that is fundamentally different from that of all eight other nuclear weapons states. Unlike the other nuclear weapons states who have all acknowledged their nuclear weapons status, Israel neither affirms nor denies its possession of nuclear weapons. Indeed, the Israeli government refuses to say anything factual about its nuclear activities, and Israeli citizens are encouraged, both by law and by custom, to follow suit. This unique posture is known as nuclear opacity, or, in Hebrew, *amimut*. This conduct is arguably Israel's most distinct contribution to the nuclear age.

¹ The argument in this brief statement was developed much further in my book *The Worst-Kept Secret: Israel Bargain with the Bomb* (New York: Columbia University Press, 2010), especially chapter 10.

Since the mid-1960s — a time when Israel did not yet possess nuclear weapons capability — Israel has obliquely stated, first privately and later publicly, that “it will not be the first to introduce nuclear weapons to the Middle East.” This “non-introduction” formula became Israel’s declaratory stance on nuclear weapons, the public face of Israel’s nuclear opacity policy².

The practical outcome is that Israel has a special “exemption” as far as its nuclear conduct and policy. That is, Israel is the only nuclear power whose conduct and policies are officially “off discourse,” both domestically and by friendly foreign governments. Under that exemption Israel is never asked to be accountable for its nuclear status.

This exemption is not, however, solely its own making. While the exemption relies heavily on Israel’s own nuclear conduct, this was not enough to generate the exemption. It was other countries, primarily the United States and its Western allies, including Britain, which enabled the Israeli nuclear exemption. Israel’s opacity is ultimately a symbiotic policy, born of its relationships with other countries, and it is that symbiosis that granted the international cover to shield the Israeli bomb.

Should the Western democratic world, including the United Kingdom, continue to shield the Israeli bomb? Is this “exemption” justified today? Is this exemption compatible with democratic nuclear norms such as nuclear acknowledgement, accountability, and oversight? Does it even serve Israel’s own interests, the region’s interests, the international nuclear order’s interests? Should Britain still support this exemption?

Historical Background

Israel initiated its nuclear weapons program in earnest, with French technical assistance, in the mid to late 1950s. About a decade later, on the eve of the 1967 Six Day War, arguably Israel’s most existential crisis ever, Israel crossed the nuclear threshold and secretly assembled its first rudimentary nuclear devices. This resolve, however, was accompanied with a great deal of restraint as Israel treated

² Israel has never explicitly defined what “introduction” signifies, leaving the term and formula deliberately ambiguous. In November 1968, during the American-Israeli negotiations over the sale of the F-4s, Israeli Ambassador Yitzhak Rabin suggested privately that “introduction” implies an act of declaration or a nuclear test. In other words, as long as Israel’s nuclear capability remains invisible — undeclared and untested — the country has not “introduced” nuclear weapons. An additional layer to the non-introduction formula includes an understanding that Israeli nuclear weapons are to be maintained unassembled, i.e. non-introduction is additionally preserved by keeping a physical separation between the nuclear cores/pits and their respective delivery systems. The history of this interpretation of the formula — specifically the series of debates between Ambassador Rabin and US Assistant Secretary of Defense Paul Warnke on the matter — is covered in detail in chapter 16 of my book *Israel and the Bomb*. See also “Israel Crosses the Threshold,” National Security Archive Electronic Briefing Book No. 189, April 28, 2006. <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB189/>.

its new capability with extreme caution, truly as a last resort. During this tense juncture, Israel kept its pledge not to be the first to “introduce” nuclear weapons to the Middle East—it did not declare its newfound capability and it did not conduct a test. Its nuclear capability remained invisible.

The unique policy and practice of nuclear opacity came into being in 1969 under a secret accord between Israeli Prime Minister Golda Meir and U.S. President Richard Nixon. While no written record of the accord is available, it is believed that Meir confided in Nixon that Israel already possessed a nuclear weapons capability. While Israel’s possession of nuclear weapons was already *fait accompli*, the nation was still determined to continue its policy of restraint and to keep its weapons capability hidden “in the basement,” *i.e.*, undeclared, untested, invisible.

With the Meir-Nixon accord, a bargain was struck: Israel would continue to publicly declare loyalty to its old “non-introduction” pledge in return for American acquiescence, that is, the United States would cancel its annual visits to the Dimona nuclear facility, halt any attempts to pressure Israel into signing the NPT, and provide a general diplomatic “cover” for Israel’s nuclear opacity. President Nixon’s accord with Prime Minister Meir made the United States a symbiotic partner to Israeli nuclear policy. Israel’s nuclear exemption was born.

A few months later, U.S. Congress was quietly briefed on Israel’s “special” nuclear status and informed that the U.S. would accept Israel’s nuclear capability without acknowledging it publicly. Soon it was leaked to the *New York Times* that Israel had already operationalized its nuclear weapons capability. A worst-kept secret came into being.

Three years later, during the 1973 Yom Kippur War, as Israel was close to losing the Golan Heights, it considered a nuclear option for the second time. Ultimately, Israeli nuclear restraint prevailed. The nation’s nuclear capability was once again not “introduced” to the region.

In the coming decades, Israel expanded and improved its “bomb in the basement” posture, quantitatively and qualitatively, taking advantage of the exemption carved out by the Meir-Nixon accord. By the late 1970s, Israel was in the process of developing a two-stage nuclear capability while also opting to refrain from developing tactical nuclear weapons. On September 22, 1979, a South-Atlantic “flash” was detected by a U.S. Vela satellite: this event was apparently an Israeli low-yield nuclear test. Washington refrained from acknowledging the Israeli test, claiming to be scientifically unable to confirm what that mysterious event might have been.

Since the late 1980s, after the Vanunu disclosure in the London’s *Sunday Times*, a consensus emerged that, under opacity, Israel possesses a small but advanced nuclear weapons arsenal. The estimate of the current arsenal size varies significantly among experts, ranging from less than 100 to up to 300 warheads,

with an unknown quantity of weapons-grade fissile material stockpiled as strategic reserves.

Over the last two decades, in response to technological advances and to the advent of Iran's nuclear program, Israel is known to have developed a new sea-based second-strike capability by procuring and deploying five German-built, diesel-powered Dolphin-class submarines. A sixth German submarine is currently on order. Israel is believed to now possess a nuclear triad comprised of its Jericho missile system, modified fighter jets and a sea-going naval submarine fleet.

Ever since the Nixon-Meir bargain of 1969, all subsequent U.S. presidents and Israeli prime ministers have reaffirmed the secret "exemption" policy — most recently U.S. President Donald Trump completed this ritual on his first meeting with Israeli Prime Minister Benjamin Netanyahu in early 2017. In parallel, all major Western countries, the U.K. included, align themselves behind the American policy on Israel's nuclear capability. They all quietly accept Israel's nuclear "exemption" while publicly claiming ignorance.

Oddly, no major foreign power, state or international organization (such as the IAEA), friend or foe alike, has been willing to defy Israel's nuclear opacity code. The Israeli opacity policy has never been challenged in the international arena. Yes, on occasions Israel has been criticized, even condemned, by certain countries for its refusal to join the Nonproliferation Treaty (NPT) — something Israel has the right not to do — but it has hardly ever been pressed to abandon its nuclear opacity policy. If anything, Israel's nuclear opacity policy has been largely "normalized."

The Current Situation

The conventional wisdom, in both Israel and most of the Western world, is that the Israeli nuclear exemption, under the terms of the policy of opacity, is politically indispensable and necessary. Hence, it must be supported.

In Israel, the policy and practice of nuclear opacity is viewed as the state's greatest strategic and diplomatic achievement, a most prudent response to Israel's nuclear dilemma. It allows Israel to enjoy two distinct worlds. On one hand, the country is afforded the advantages of nuclear deterrence, allowing for defense against existential threats, as well as the political prestige associated with nuclear weapons. On the other hand, Israel pays almost no price — political, diplomatic or even moral — for nuclear possession. The Israeli security establishment believes that opacity not only allows Israel quiet freedom of action but also allows Israel to keep a benign nuclear monopoly, a remarkable strategic asset.

Outside Israel, while this exemption may be viewed as somewhat problematic, it is nevertheless accepted as irreplaceable and inescapable. The conventional wisdom says that If Israel would go public about its bomb, it would involve tangible political costs. For example, it is often claimed that even the Arab states have learned to

live, albeit uncomfortably, with the Israeli bomb under opacity and that they prefer opacity over public acknowledgement of Israel's arsenal. If Israel's capability is brought into the light — so the argument goes — certain Arab states, notably Egypt and Saudi Arabia, may face increasing popular pressure to challenge Israel's nuclear monopoly, as Iran is now doing.

But is this conventional wisdom right, justified and appropriate?

This author suggests it may not be. Just as the necessity and irreplaceability of the Israeli nuclear exemption is overstated, so the liabilities of the Israeli bargain are understated. Israel's exemption — that is, the chronic inability of Western countries to refer openly to Israel's nuclear capability and to treat Israel for what it really is within the nuclear arena — is a constant sore for both the credibility and integrity of the global non-proliferation regime as well as for the non-proliferation stance of those Western states that support the nuclear exemption. Furthermore, the nuclear exemption even undermines Israel itself as it keeps the nuclear issue out of public discourse domestically. For the sake of this distinguished forum, three general points about the flaws of Israel's exemption/opacity policy should be made.

Anachronism. Opacity may have been right — justified and appropriate — when it was first codified half a century ago: Israel had just acquired the bomb, the NPT was in its infancy and had an uncertain future, and both Israel and the United States thought it was essential to keep the Israeli bomb invisible. In those days the specter of the Israeli bomb seemed to endanger both the growing non-proliferation regime and the stability of the Middle East (e.g., many feared Israeli nuclearization would lead to the Soviets providing nuclear weapons, or a nuclear umbrella, to Egypt). In 2019, however, the international situation is entirely different. Israel's nuclear exemption, under its policy of opacity and the diplomatic and political cover it tacitly receives from others, is both anachronistic and laughable. To pretend that the Western powers do not really comprehend Israel's nuclear status, or simply refuse to acknowledge Israel's nuclear status in public, looks pathetic, or worse as an indication of a 'double standard.' Time has come that Israel be treated in the nuclear field for what it is, a nuclear weapons state. No more pretense.

Enabling Israel to be Disengaged. Israeli opacity and the Western exemption are not merely anachronistic but also contain a more serious, fundamental flaw: both opacity and the exemption enable and indeed even legitimize Israel's lack of participation in any regional or global conversation on nuclear arms control. What may have made sense in 1969 has now become a hindrance to openly, honestly and productively discussing and negotiating nuclear security architecture, at the global or regional levels, within any fora.

Under opacity Israel refuses to acknowledge its nuclear status; hence, it refuses to engage in any international nuclear discourse at the official level. Any substantial nuclear conversation, even short of nuclear acknowledgement, is viewed by Israel as a slippery slope, hence a threat, to opacity. The tacit pretense of ignorance that

the Western powers have granted Israel — the nuclear exemption — legitimizes Israeli resistance to discussing the nuclear issue.

The impact of the Western nuclear exemption effectively blocks, a-priori, Israeli participation in any meaningful conversation on nuclear arms control, whether it be on the issue of a Weapons of Mass Destruction Free Zone (WMDFZ) in the Middle East, as we saw during the last decade, or on the global issue of the Fissile material Cutoff Treaty (FMCT), as was the case in the late 1990s. At its core, this Western exemption is counterproductive to global and Western interests, including British interests, which are best served by encouraging Israeli engagement with global nuclear discourse.

Incompatible with Global Nuclear Norms. Israel's policy of opacity and the exemption it receives from the Western powers are fundamentally incompatible with today's global nuclear normative agenda. Opacity and the Western exemption are built upon an understanding that norms of international transparency and accountability can be dispensed with when inconvenient. The notion that a country possesses nuclear weapons, has invested major funds to create a national weapons infrastructure and yet refuses to acknowledge their existence should be anathema to any Western mind. Nuclear opacity is inappropriate nuclear conduct for any country and especially for a liberal democracy. This is even more striking at the current moment, when opacity has evolved from a way to shield operational, short-term goals, to a full-fledged system designed to maintain a façade over a half-a-century-old, worst-kept secret.³

Towards a New Bargain

The time has come for friendly Western countries, including Britain, to press Israel to construct a new bargain with its bomb. They should tell Israel that its current nuclear policy is anachronistic, incompatible with contemporary nuclear interests and values, and in dire need of change. The Western exemption could not, and should not, continue indefinitely.

Israel would be wise to seek a way, at a well-chosen political moment, to adjust its nuclear policy and declaratory stance to today's world. Under that new policy Israel should acknowledge its special nuclear weapons status, explain publicly its doctrinal thinking on nuclear weapons and why it decided more than half a century ago to pursue the nuclear path, and pledge some normative and democratic measure of nuclear caution and responsibility. Israel's opacity cannot continue indefinitely.

The details of a new Israeli nuclear policy are outside the scope of this statement. In the end, however, it would be Israel alone that will have to decide whether it is

³ I should also note that in my cited 2010 book, *The Worst-Kept Secret: Israel's Bargain with the Bomb*, I devote two chapters to exploring the domestic-democratic flaws of the policy of nuclear opacity.

willing to change its formal nuclear policy and if it is truly able to adopt a more transparent policy. Yet, it should also be noted that just as Western countries have played a major external role in enabling Israel's unique policy of nuclear opacity by providing it with a tacit exemption, Western countries could play a major role in persuading Israel to move away from opacity and to construct a new nuclear bargain. Just as the current Israeli nuclear bargain required tacit but real external support, one assumes that a similar kind of support will be needed to help shape a less opaque Israeli nuclear policy. Britain should be a party to that conversation, as it has been a party to the conversations that enabled Israeli opacity.

While the old practice of providing Israel a blank exemption or pass should end, Western states should also make it very clear that there is nothing illegal or illegitimate in Israel's possession of a nuclear capability as its ultimate existential defense.

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