

After Failing to Preempt: Israel, Iran and Nuclear War

by **Louis René Beres** (May 2015)

Back in January 2003, the Project Daniel Group advised prime minister Ariel Sharon on the issue of Iranian nuclearization. In its then-confidential final report to Sharon, titled "Israel's Strategic Future," the group underscored a significant core conclusion: allowing Iran to become a nuclear power can never be construed as an acceptable option. To further support this position legally, as well as strategically, the group referenced a very basic or "peremptory" national right under international law. This prerogative, we counseled, is known formally as "anticipatory self-defense."

Our jurisprudential message was loud and clear: international law is never a suicide pact. Under no circumstances can a state ever be expected to become complicit in its own annihilation. Indeed, following the authoritative 1996 Advisory Opinion of the International Court of Justice, a country may even maintain a limited right to use nuclear weapons.

In any event, for a variety of both known and unknown reasons, the group's early advice on preemption and self-defense was not taken.

Now, it is effectively certain that Israel will have to face a fully nuclear Iran sometime in the next several years. It is also plausible that Israel's overall strategic position has been compromised by pertinent decisions of the Obama administration, most recently by the Pentagon's surprise publication of a 1987 document detailing once-secret elements of Israel's nuclear program. Oddly, although the Obama administration was willing to declassify and publish the specific sections on Israel's nuclear program, it simultaneously redacted all sensitive sections dealing with NATO countries.

Looking ahead, Israel's nuclear weapons and posture will

become increasingly indispensable to that mini-country's survival. Rather than risk any further compromise by its principal ally, Jerusalem will need to garner every conceivable strategic advantage merely to endure, in the midst of steadily accelerating regional chaos. Lacking even a respectable splinter of mass (as classic Prussian military strategist Karl von Clausewitz famously warned, even before nuclear weapons, "mass counts"), Israel will soon have to: 1) reassess the regional "correlation of forces;" and, correspondingly, 2) refashion its substantially complex "order of battle."

Mass? Israel, it should be recalled, is smaller than America's Lake Michigan.

In the matter of Iran, Israel's abandonment by Washington goes back many years. In 2008, a much-publicized National Intelligence Estimate (NIE) summary report stated, in 2003, that Tehran had halted its nuclear weapons program. Even then, it was a literally preposterous conclusion.

What was Israel to do? Not unexpectedly, Washington took no hand in assisting with any prudentially considered Israeli expressions of anticipatory self-defense. Further, following very conspicuous release of the American NIE, Russia and Iran reached an agreement on completion of the plutonium-based nuclear facility in Bushehr. Soon after, China signed a \$2.3 billion energy agreement with Iran. Now, in April 2015, Russia has formally announced its intention to lift a five-year ban on the delivery of S-300 air defense missile systems to Iran.

For Israel, Russia's announcement likely puts the final nail in the coffin of any once-meaningful preemption option. Yet, Jerusalem must still plan purposefully to avoid any eventual use of nuclear weapons by Iran. In essence, Israel now requires a residual strategic doctrine that can somehow combine all vitally interpenetrating protective elements of deterrence, targeting, war fighting, preemption and defense.

More precisely, now that diplomacy with Iran has failed – there is no reasonable argument for optimism about President Obama's P5+1 agreement, especially when the pact will freely allow newly-unfrozen Iranian assets to be used for military purchases – Israel's updated program for survival must quickly fashion a suitably general strategy. Among other things, this broadened Israeli doctrine, from which an array of needed operations and tactics could then be suitably drawn, will have to include a fundamental policy shift from deliberate ambiguity (the "bomb in the basement") to disclosure. This nuanced shift would need to be timed so as not to embarrass Germany, which is now providing Israel with a fifth Dolphin-class diesel submarine.

For Israel, a country with effectively no mass, appropriate sea-basing will become a progressively more critical expression of survivable nuclear retaliatory forces.

For many observers, it will be difficult to imagine nuclear weapons as anything but manifestly evil. Yet, notwithstanding US President Barack Obama's oft-stated preference for a "world free of nuclear weapons," there are circumstances where a particular state's possession of such weapons could be all that prevents catastrophic war or even genocide.

In this connection, the ICJ ruled, in its Advisory Opinion on July 8, 1996: "The Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense...." Where "the very survival of a State would be at stake," said the ICJ, even the actual use of nuclear weapons could be permissible.

Should it ever be deprived of its presumed nuclear forces, Israel would promptly become vulnerable to massive attacks from selected enemy states. In essence, Israel's nuclear weapons are not the problem. In the Middle East, the only real problem remains a far-reaching and wholly unreconstructed

Iranian/Islamist commitment to blot out and remove the "Zionist entity."

With its nuclear weapons and a corollary nuclear strategy, Israel could deter a rational enemy's unconventional attacks, as well as most large conventional aggression. With such weapons, Israel could also still launch non-nuclear preemptive strikes against enemy state hard targets that might threaten Israel's annihilation.

Without these weapons, such potentially essential acts of anticipatory self-defense would likely represent the onset of a much wider war. This is because there would then be no compelling threat of Israeli counter-retaliation.

Now, before it is too late, is the time to call things by their right names. Israel's nuclear arsenal offers a potentially indispensable impediment to the actual regional use of nuclear weapons. Joined with a fully coherent strategic doctrine, one that would include, *inter alia*, more explicit codifications of counter-city ("counter-value") targeting, and also certain enhanced efforts at ballistic missile defense, these weapons could come to represent the entire Middle East's principal line of defense against Iranian nuclear aggression, and regional nuclear war.

Always, Israeli nuclear weapons and doctrine comprise a key part of the solution. Under no circumstances should they be alleged to represent a part of the problem.

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