

Israel and Nuclear Exceptionalism: Voiding the Nuclear Weapons Non-Proliferation Treaty (NPT)

By [Dr. Binoy Kampmark](#)

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Wither the bomb – as a legal problem. Ever since its inception as a weapon of war, atomic, and subsequently nuclear weaponry, have become the totemic reminders that sovereignty lie in their acquisition. Not having them poses insecurity; acquiring them grants the illusion of safety while pushing the globe towards greater prospects of immolation.

The Nuclear Weapons Non-Proliferation Treaty, which came into force in 1970, was the juggling result of this dilemma. The question that dogs the entire treaty is that of power: where does it lie? Non-nuclear powers are discouraged from acquiring a nuclear weapons potential, though not a civilian potential – indeed, they are encouraged to receive technology for peaceful purposes “on a non-discriminatory basis” at a cheap price.

Nuclear weapons powers, however, are merely required to pay lip service to such misty-eyed visions of a world without nuclear weapons, while happily engaging in that euphemistic word termed “modernisation”. Article Six, a vague provision at best, makes the five nuclear states “undertake to pursue negotiations in good faith on effective means relating to cessation of the nuclear arms race at an early date.” Disarmament, in the scheme of things, becomes utopia.

In other words, the NPT is a club of skewed membership with poor credentials, despite the note from the United Nations Office for Disarmament Affairs calling it significant for having more signatories than “any other arms limitation and disarmament agreement”.^[1] Analysts like Fred Kaplan argue that the NPT did prevent the nuclear club from swelling – a prediction of 25-30 countries having such weapons is deemed a more terrifying prospect than having the addition of four or so more powers.^[2] Of course, the underlying rationale of the NPT was precisely that: keeping the club exclusive.

But it has been shown over the years of its operation that the NPT is a legal creature with vast, lumbering deficiencies. The supply of technology to produce “peaceful” nuclear energy can just as well be used to create nuclear weaponry – a point emphasised by a thriving nuclear black market, and the easy means by which uranium can be enriched outside the scrutiny of the International Atomic Energy Agency (IAEA). Countries like North Korea have realised such weaknesses, abrogating its commitment to the regime by employing Article 10. But the system justifies its own abuses, making non-nuclear weapons states compliant by allowing IAEA inspection.

Then come the gentleman’s club of nuclear powers – the ones who came before the others and script a tune they don’t necessarily march to. The treaty prohibits the nuclear club

powers, under Article 1, from providing materials, technology and incidental material that would be used for making nuclear weapons. The nuclear weapon states are also not to “assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.”

In reality, this nuclear club continues to create dispensations and mark out areas of exception. Over time, countries have received nuclear technology in violation of signatory undertakings. The supposed limitations imposed by the NPT on non-nuclear weapons states have been deemed insufficient.

But one such state takes the mantle when it comes to nuclear exceptionalism. Israel has deemed it wise not to sign the NPT, thereby evading the prying eyes of the IAEA. It prefers the state of ambiguity that surrounds its weapons, while insisting that other states not undertake a nuclear weapons program. In December, former speaker of the Knesset, Avraham Burg, decided to wade into dangerous waters by challenging this policy of ambiguity as “outdated and childish,” calling for a “regional dialogue, including with Iran”. He was met by accusations of treason by the Legal Forum for the Land of Israel.[3]

Nuclear countries have also capitalised on this position, while insisting that Israel “become a state party to the nuclear Non-Proliferation Treaty.”[4] As far back as January 5, 1968, National Security Advisor Walt Rostow expressed the view to President Lyndon Johnson that Israel would, eventually, sign the NPT.[5] But it was as early as 1966 that the CIA realised that Israel has acquired nuclear capability.

Technology has been supplied to Israel, despite an official position by Washington that it would be “unalterably opposed to Israel’s acquiring of nuclear weapons.”[6] That, in addition to traditional industrial espionage undertaken by the spy ring Lakam, made acquiring the nuclear weapons program a matter of course, to be undertaken even in defiance of its close ally’s position.

As a member of the nuclear club, the United States is on record as having featured in its nuclear program. Initially, it was deemed unwitting – the supply of a 5-megawatt (thermal) research reactor at Nahal Soreq; the supply of heavy water to the Dimona reactor in 1963. France, a point noted in Pierre Pean’s *Les deux bombes* (1982), did even more, kick-starting the Dimona project and revealing the role of French technicians behind creating a plutonium extraction plant at the same site.[7]

In a declassified report by the US Department of Defence, *Critical Technology Assessment in Israel and NATO Nations* (April 1987), the schizophrenic nature of US weapons policy towards Israel was revealed. It was acknowledged that Israel was “developing the kind of codes which will enable them to make hydrogen bombs. That is, codes which detail fission and fusion processes on a microscopic and macroscopic level.”[8] (The technical crew did, however, suggest Israel had some catching up to do.) Furthermore, “The SOREQ and the Dimona/Beer [sic] Sheva facilities are the equivalent of our Los Alamos, Lawrence Livermore and Oak Ridge National Laboratories.” Ideas on various technologies are noted, including the use of various types of detonator codes.

Roger Mattson, formerly of the Atomic Energy Commission’s staff, found the “degree of cooperation on specialised war making devices between Israel and the US” striking. European powers, and their role behind the Israeli defence complex, are also noted.

Grant Smith, who initiated the Freedom of Information request for the report, has actively argued that the Pentagon proved coy about its knowledge and involvement with the Israeli defence industry, burying it “in violation of the Symington and Glenn amendments, costing taxpayers \$86 billion” (RT, Feb 13).

As director of the Washington think tank Institute for Research: Middle Eastern Policy, Smith has long argued that violations have taken place of the Symington Amendment to the Foreign Assistance Act of 1961 prohibiting US foreign aid to countries found trafficking in nuclear enrichment equipment or technology, and the Glenn Amendment of 1977, which demanded an end of US foreign aid to countries importing nuclear reprocessing technology.

Certain breaches of the international regime on non-proliferation, in other words, are tolerated. Israel remains the grandest of security exceptions – or ambiguities – free of signing the NPT, obviating the need to deal with the IAEA, and a catalyst, and recipient, of nuclear weapons technology.

Dr. Binoy Kampmark lectures at RMIT University, Melbourne and was a Commonwealth Scholar at Selwyn College, Cambridge. Email: bkampmark@gmail.com

Notes

- [1] <http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml>
- [2] http://www.slate.com/articles/news_and_politics/war_stories/2005/05/the_real_nuclear_option.html
- [3] <http://www.timesofisrael.com/avraham-burg-panned-for-breaking-nuclear-ambiguity/>
- [4] <http://www.theguardian.com/world/2014/jan/15/truth-israels-secret-nuclear-arsenal>
- [5] <http://www2.gwu.edu/~nsarchiv/israel/documents/battle/02-01.htm>
- [6] <http://www2.gwu.edu/~nsarchiv/israel/documents/battle/01-01.htm>
- [7] <http://www.wisconsinproject.org/countries/israel/nuke.html>
- [8] <http://www.courthousenews.com/2015/02/12/nuc%20report.pdf>

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