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ISRAEL

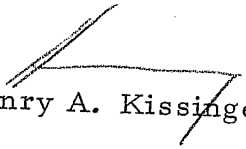
THE WHITE HOUSE
WASHINGTON

TOP SECRET/SENSITIVE
NODIS

October 8, 1969

Mr. President:

I know this paper is much longer than the one-page analysis I had promised you but this issue is so sensitive and has been held to such a limited group of individuals that I believe that it is essential that you be presented with all the nuances of the problem.


Henry A. Kissinger

Attachment

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THE WHITE HOUSE
WASHINGTONACTIONTOP SECRET/NODIS
SENSITIVE

October 8, 1969

MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger *HAK*

SUBJECT: Rabin's Proposed Assurances on Israeli Nuclear Policy

Ambassador Rabin has asked whether the following replies to our queries about Israeli nuclear policy would be satisfactory: (1) Israel will not become a "nuclear power"; (2) Israel will not deploy strategic missiles, at least until 1972; (3) the new Israeli government after the October 28 election will consider the NPT. Following are my analysis of the acceptability and my recommendations on each of these points:

- I. Israel will not become a nuclear power.
 - A. Our July request: The Israelis had promised in signing the Phantom contract "not to be the first to introduce nuclear weapons into the Middle East." Rabin had informally defined "introduce" to mean "not test and not publicize." Elliot Richardson on July 29 asked him to accept our definition of "not introduce" as "not possess." The papers from which you worked in authorizing Elliot's approach defined "possess" for our own internal purposes as "Israeli activity short of assembly of a completed nuclear explosive device." In short, we tried to put ourselves in a position where we could act as if we assumed the Israelis do not have completed weapons while leaving to the Israelis' conscience the stage short of completion where they would stop.
 - B. Implications of the Israeli response. Instead of accepting our words "not possess," Rabin simply says they "prefer" to say they will "not become a nuclear power."
 1. "Nuclear power." Their phrase suggests the NPT distinction between a "nuclear-weapon State" and a "non-nuclear-weapon State." But it is quite possible they are simply proposing a suitably vague phrase that has no previous record of discussion between us and hence no earlier effort at precise definition.

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2. In the context of the NPT, the concept "non-nuclear-weapon State" has the following meaning:
 - a. "... a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967."
 - b. "Each non-nuclear-weapon State. . . undertakes . . . not to manufacture or otherwise acquire nuclear weapons or other explosive devices. . . ."
 - c. The treaty leaves deliberately obscure the position of a nation like Israel that might now already have manufactured but not exploded a nuclear device. There is no history of extensive discussion of this issue among the negotiators. Presumably each such nation is left to make its own good-conscience definition of what constitutes "manufacture." Any such nation signing the treaty would presumably be declaring that is not retaining such devices, though the state of dismantling would again be left to its own good-conscience judgment.
3. The reason for Rabin's preference is not clear. When I asked how a state could become a "nuclear power" without "possessing" nuclear weapons, he simply said they "prefer" their formulation. I can only guess that they are trying to break away from discussions last year in which US Defense negotiators interpreted the Israeli assurance about not introducing nuclear weapons to preclude the mere physical presence of weapons. They may figure they are on better ground with a concept that has some internationally recognized meaning but has been left deliberately vague.

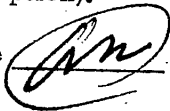
C. Acceptability of the Israeli formulation.

1. Any of these phrases is vague and leaves definition to the Israelis. It is not practical for us to try to define them

restrictively because we could not determine Israeli adherence to our definition. What we have to settle for, I believe, is an Israeli commitment that will prevent Israeli nuclear weapons from becoming a known factor and further complicating the Arab-Israeli situation.

2. Nevertheless, I am wary of accepting their phrase without some notion of what they mean by it.
 3. However, if we could tie their phrase to the NPT concept of remaining a "non-nuclear-weapon State," we would at least be working with an internationally accepted concept--albeit one with its own calculated vagueness of definition.
 4. The argument against giving up insistence on our word "possess" would come from those who believe we should make a maximum effort to keep Israel as far as possible from a real nuclear capability. They might believe the word "possess" carried with it a more restrictive meaning. However, this argument in my mind founders on two points: the obvious Israel unwillingness to confide the details of their program--as far as I know--and our inability to enforce any agreement we might theoretically reach.
- D. Recommendation--That I reply to Rabin as follows: Since the Israeli phrase "nuclear power" suggests the concepts of the NPT, you propose that Israel assure us it will remain a "non-nuclear-weapon State," assuming the obligations of such a state as defined by Article II of the NPT. ["...not to receive" and "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices...."] This would in effect ask the Israelis to accept privately the key obligation of the NPT while allowing them more time to sort out their position on more generally unpalatable aspects of the treaty (e.g. safeguards and public renunciation of the nuclear option).

Approve



Other _____

II. Israel will not deploy strategic missiles at least until 1972.

A. Our July request: Elliot said, "We hope Israel will agree not to produce or deploy the Jericho missile."

B. Implications of the Israeli response. I can only guess Israeli motivation. These are possibilities:

1. Rabin's offer not to deploy finesses our request not to manufacture missiles. This would permit them to run them off the production line and then to store them a few hours from launch readiness rather than putting them on the launching pads.
2. Although our intelligence suggests persuasively that the first missiles should be coming off the production line this fall, it might be that there is some complication in the production line or in the availability of a militarily significant number of warheads that would make the Israelis unready to deploy missiles until 1972 anyway.
3. More likely is the possibility that the Israelis estimate that their military superiority--especially if the additional Skyhawks and Phantoms they have requested are delivered in 1971--is almost certainly assured through 1971. That would be quite consistent with our estimates, although the Israelis present a more dangerous picture when making their case for the additional aircraft. They may figure their sacrifice would be marginal beside the risk of antagonizing the US and jeopardizing the added equipment and aid they want.

C. Acceptability of the Israeli proposal.

1. There was general agreement during our special Review Group discussions last July that our minimum requirement was for the Israelis not to deploy their missiles. If they were deployed, everyone would assume they had nuclear warheads because they are not accurate enough to be worth their cost just to deliver high explosives. It was my own conclusion that this was all we could expect the Israelis to accept.

2. The argument against asking only for non-deployment came from members of the group, who felt we ought to try to stop manufacture as well if we were going to try to keep Israel as far as possible from an actual nuclear weapons delivery capability.
 3. If it is your view that we should not try to affect Israel's actual capability, then Rabin's proposal should be acceptable with one proviso--that your acceptance not be read as assent to deployment in 1972. I do not believe they should be given a blank check.
- D. Recommendation--That I reply to Rabin as follows: The Israeli proposal is acceptable provided Israel agrees to further discussion of the subject in 1971 or prior to a decision to deploy missiles.

Approve



Other _____

III. The new Israeli government will consider the NPT.

- A. Our July request: Elliot said, "We therefore attach utmost importance to Israel's early signature and ratification of the NPT.... We would welcome the Ambassador's comments on the conclusions the Government of Israel has reached."
- B. Implications of the Israeli response.
 1. Mrs. Meir may have made some commitment to you privately that would give this statement significance.
 2. Interpreted in the light of similar Israeli statements in the past, however, this sounds like a dodge. Prime Minister Eshkol assured President Johnson last December that the Israeli government was studying the implications of Israel's adherence to the NPT.

3. There is no special reason to predict a change in post-election policy because an Israeli Cabinet decision to sign and ratify the NPT would still run opposite to predominant Israeli thinking on several counts:
 - a. The hard-liners want to hold their nuclear option over Arab heads at least until there is a negotiated peace. They believe the Arabs would interpret signature as a sign of weakness.
 - b. Israelis have the same qualms and political problems with "surrendering" their nuclear option as any of other potential nuclear powers.
 - c. Israel has serious reservations about accepting the international safeguards the NPT requires.
- C. Acceptability of the Israeli proposal. While recognizing that Mrs. Meir cannot commit a future government, this formulation strikes me as unacceptably weak. It seems to me that signature of the NPT with its loopholes and escape clause would not jeopardize Israel's potential nuclear capability or diminish Arab recognition of its conventional military superiority.
- D. Recommendation-- That I reply to Rabin as follows: You would prefer Prime Minister Meir's agreement to make a vigorous personal effort to win Cabinet approval of Israel's signature and ratification of the NPT.

Approve



Other _____

One general recommendation: On an issue as complex as this one, I believe you should reserve for yourself the opportunity to have second thoughts. Therefore, I would propose prefacing my approach to Rabin by saying (1) that something along the lines of my counterproposals would seem closer to what you had in mind and (2) if these were acceptable to the Israelis you would take another look at them and give him a firm response. At

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that point you might want me to find a way to get the views of the special group that dealt with this subject last summer.

Approve _____ Other _____

The record of Elliot Richardson's July 29 conversation with Rabin is attached.

Attachment

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