

# A US-Israeli Defense Treaty:

## The Time Has Come

Chuck Freilich and Eldad Shavit



Memorandum  
234

May 2024

**INSS**  
המכון למחקרי ביטחון לאומי  
THE INSTITUTE FOR NATIONAL SECURITY STUDIES  
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אוניברסיטת תל אביב  
UNIVERSITY OF TEL AVIV



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## INSTITUTE FOR NATIONAL SECURITY STUDIES

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**Institute for National Security Studies**  
(a public benefit company)  
40 Haim Levanon Street  
POB 39950  
Ramat Aviv  
Tel Aviv 6997556 Israel

info@inss.org.il  
<http://www.inss.org.il/>

Managing Editor: Omer Weichselbaum  
Cover: REUTERS, Israel's Defense Ministry, The White House  
Cover design: Shay Librowski  
Graphic design: Michal Semo Kovetz, TAU Graphic Design Studio  
Printing: Digiprint Zahav Ltd., Tel Aviv

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May 2024  
ISBN: 978-965-7840-06-1

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## EXECUTIVE SUMMARY

For nearly a year, a US-Saudi-Israeli grand bargain has been under discussion. The Saudis are to normalize relations with Israel, in exchange both for an Israeli commitment to go forward on the Palestinian issue and mostly for incentives from the US; a bilateral defense treaty, recognition of their civil nuclear program and essentially unrestricted access to American weaponry. In the early fall of 2023 President Biden was reportedly also considering a defense treaty with Israel.

The US and Saudi Arabia have reportedly achieved considerable progress towards completion of the deal. The US wishes to forge a new post-war Mideast security architecture, while the Saudis now want more tangible progress with the Palestinians. The renewed prospects of a US-Saudi defense treaty, once again raise the logic of a comparable agreement with Israel. Moreover, the US-Saudi package is unlikely to gain Congressional approval without strong Israeli support.

Prime Minister Ben-Gurion sought a US defense treaty as early as the 1950s, as a means of augmenting Israel's security. Premiers Rabin and Barak considered a defense treaty in the 1990s and 2000s, to offset the military risks stemming from the dramatic peace proposals they had made to the Palestinians and Syrians, and to assuage the deep and even existential fears these concessions engendered among Israel's public. Premier Netanyahu briefly toyed with the idea, primarily as an election ploy. Counterintuitively, perhaps, Israel's defense establishment has long opposed a formal defense treaty.

Until now, Clinton was the only president to give serious, if reluctant, consideration to a defense treaty, as the price of Rabin's and Barak's peace proposals. Indeed, the last time the US signed a formal defense treaty with any nation – the ultimate American security commitment – was in 1960. The different treaties all vary significantly in content and actual American security commitment (Appendix 1). By far the strongest commitment is NATO.

The inconclusive nature of the war in Gaza, ongoing conflict with Hezbollah and growing strength of the Iranian-led “Axis of Resistance” (Hezbollah, Hamas and allied militias), reflect a significant change for the worse in Israel’s strategic circumstances. Iran, a regional superpower, is the first adversary Israel has ever faced that may be too big, distant, carefully calculating and powerful, to be defeated. Indeed, Iran has successfully surrounded Israel with a multi-front “ring of fire”: Hezbollah’s mammoth arsenal; Iranian forces, Hezbollah and other militias in Syria; Iraqi militias; the Houthis in Yemen; Hamas, badly mauled, but still deadly; and, of course, Iran itself.

Iran, moreover, appears to believe that the “Axis of Resistance” has successfully stymied Israel’s heretofore clear conventional military superiority and even overcome it. Concomitantly, Iran has effectively established itself as a threshold nuclear state.

The danger of Iran and its allies escalating the war in Gaza into a regional one, necessitated American strategic support for Israel even in a “limited” conflict with Hamas. To deter Iran and Hezbollah, the US deployed a major military force to the region and provided Israel with emergency weapons supply. When US and Israeli deterrence later failed and Iran launched a massive missile and drone attack against Israel (April 13), a US-led international coalition decisively defeated it.

All US defense treaties are fundamentally asymmetrical in their advantages for the sides and a treaty with Israel would be no different. Nevertheless, the US, too, stands to gain important benefits. The following paper assesses the primary advantages and disadvantages of a bilateral defense treaty from both the Israeli and American perspectives, at this time and in general.

### **Primary advantages of a defense treaty for both Israel and the US:**

- The ultimate victory in Gaza would be the emergence of the new US-led regional security architecture against the “Axis of Resistance”. Derailing



this architecture was one of the reasons Hamas launched the war, with Iran's backing.

- Israel is deeply interested in normalization with the Saudis and the new security architecture. Incentives of this magnitude, coupled with a defense treaty with the US, might be sufficient to affect the prime minister's electoral calculus.
- Formal agreements, e.g. treaties, provide overall guidance for the formulation and implementation of policy, facilitating inter-agency coordination and bilateral cooperation.

#### **Primary advantages of a defense treaty for Israel:**

- Open new areas of cooperation and even place Israel on a par with the closest US allies.
- Help ensure that future administrations and Congresses remain committed to Israel's security and the long-term vitality of Israel's relationship with American Jews.
- Strengthen Israel's overall strategic posture and deterrence. No US ally's existence has been threatened following a defense treaty.
- Israel may need US support in a future strategic surprise, multi-front war and especially nuclear scenarios.
- Strengthen Israel's fundamental sense of security, thereby increasing its self-confidence to make critical decisions, primarily on the Iranian nuclear issue and possibly Palestinians.

#### **Primary advantages of a defense treaty for the US:**

- Israel's conventional capabilities exceed those of most US allies and it has increasingly come to be viewed as a strategically important regional partner.

- Reduced risks of war in the region and consequently greater stability, thereby decreasing the need for direct American involvement.
- A critical component of the US-led regional security architecture, with the Saudis and others.
- A significant strategic setback for China and Russia in a strategically important region.
- Might facilitate a future phaseout of US military assistance to Israel.

**Primary disadvantages of a defense treaty for both Israel and the US:**

- Both sides' greatest fear is over a loss of freedom of maneuver: Israel, due to the contractual obligation to consult; the US, the possible need to support Israel in ways that conflict with other interests. This might be resolved by limiting the treaty's scope to severe (or extreme) threats and existential ones.
- China and Russia will view the treaty and regional security architecture, as threats to their interests and may strengthen ties with Iran in response.

**Primary disadvantages of a defense treaty for Israel:**

- Some argue that bilateral cooperation is already so close, that it would not be materially enhanced, but that Israel would be contractually bound by a treaty's constraints.
- Possible US circumvention of a treaty's necessarily broad and ambiguous language, or of a response that might be too long in coming, to be effective.
- Possible US demand that Israel disclose and dismantle its purported nuclear capabilities.
- Erosion of Israel's national ethos of self-reliance and strategic autonomy.
- Potential demands for phaseout of military assistance.

**Primary disadvantages of a defense treaty for the US:**

- A problematic precedent; the US has not extended a defense treaty in decades.
- Important constituencies will oppose the treaty. Conversely, Congress will only approve the US-Saudi deal with the strong support of Israel and its American supporters.
- Possibly counter-intuitive effect of emboldening Israel and thereby increasing its freedom of independent action, primarily in regard to Iran's nuclear program.
- The possible need to diverge from long-standing non-proliferation policy and accept Israel as the only US treaty partner, other than the UK and France, reported to be a nuclear power.

We recommend pursuing a US-Israeli defense treaty, as part of the grand deal now under discussion and as further elucidated in the following study.



## A US-ISRAELI DEFENSE TREATY: THE TIME HAS COME

Self-reliance and strategic autonomy have always been fundamental tenets of Israel's national security strategy. Nevertheless, Israel's founding father, Prime Minister David Ben-Gurion, sought a defense treaty with the United States as early as the 1950s, as a means of further augmenting its security. Prime Ministers Yitzhak Rabin and Ehud Barak gave serious consideration to a defense treaty in the 1990s and 2000s, both to offset the significant military dangers stemming from the territorial concessions that were part of the dramatic proposals for peace they made with the Palestinians and Syrians, and to assuage the deep and even existential fears these concessions engendered among Israel's public. Counterintuitively, perhaps, Israel's defense establishment has long opposed a formal defense treaty.

Until recently, Bill Clinton was the only president to give serious, if reluctant, consideration to a defense treaty, as the price of Rabin's and Barak's peace proposals (President Donald Trump briefly toyed with the idea). Indeed, the last time the United States signed a formal defense treaty with any nation – the ultimate American security commitment – was with Japan in 1960. In addition to Japan, the US has bilateral defense treaties with Australia, New Zealand, South Korea and the Philippines, as well as a multilateral treaty with NATO's 31 members. The different treaties all vary significantly in specific content and in the actual extent of the American security commitment. By far the strongest commitment is in the NATO treaty, in which an attack on one is deemed an attack on all.

In the early fall of 2023, President Joe Biden was reportedly considering a defense treaty with Israel as part of a grand bargain with Saudi Arabia. In exchange for normalization of ties with Israel, the Saudis demanded that the US sign a bilateral defense treaty with them, recognize their right to a civil nuclear program, and guarantee essentially unrestricted access to advanced American weaponry. They also sought significant concessions towards the

Palestinians from Israel, whose precise nature was not publicly known at the time.

With the waning of the war in Gaza, the US and Saudi Arabia resumed talks on these issues and apparently achieved considerable progress. The US wishes to forge a new post-war regional security architecture in the Middle East and the Saudis now seek more concrete guarantees of progress on the Palestinian issue.

The renewed prospects of a US-Saudi defense treaty, once again raise the logic of a comparable agreement with Israel. Moreover, a defense treaty might be leveraged, together with normalization and the new security architecture, to overcome at least some of the domestic opposition in Israel to American demands regarding an end to the war in Gaza and need for renewed peace talks with the Palestinians. For Israel, failure to achieve such an agreement, normalization with the Saudis and establishment of the new anti-Iranian regional security architecture, would constitute major strategic setbacks.

The inconclusive war in Gaza, ongoing low-level conflict with Hezbollah and growing strength of the Iranian-led “Axis of Resistance” (together with Hezbollah, Hamas and allied militias), have demonstrated the deep change for the worse in Israel’s strategic circumstances. Iran, a regional superpower, is the first adversary Israel has ever faced that may be too big, distant, carefully calculating and powerful, to be defeated. Indeed, Iran has successfully surrounded Israel with a multi-front “ring of fire”: Hezbollah’s mammoth rocket arsenal in the north; Iranian forces, Hezbollah and other militias in Syria in the northeast; pro-Iranian militias in Iraq in the east; the Houthis in the south; Hamas in the west, badly mauled, but not out for the count; and of course Iran’s myriad capabilities from its own territory. Iran further appears to believe that the “Axis of Resistance” has successfully countered Israel’s heretofore clear conventional military superiority and even overturned it. Concomitantly, Iran has effectively established itself as a threshold nuclear state, able to cross the finish line in short order.

Moreover, the danger of Iran and its allies escalating the war in Gaza to a regional one, made American strategic support for Israel necessary even in a limited conflict with Hamas. To deter Iran and Hezbollah from attacking Israel, and thus forestall a possible Israeli decision to preemptively move against them, the US deployed two aircraft carrier battle groups and additional air assets to the region, and provided Israel with supplemental air defense capabilities and emergency supply of weapons and munitions. When US and Israeli deterrence later failed and Iran launched a massive missile and drone attack against Israel (April 13th), a US-led international coalition decisively defeated it.

The following paper assesses the primary advantages and disadvantages of a bilateral defense treaty from both the Israeli and American perspectives. Some attention is also afforded to alternative security commitments. Appendix 1 compares the text of the security guarantees found in select US defense treaties. Appendix 2 presents the critical points that must be negotiated in the final text of a possible defense treaty, but leaves the precise terms and wording to the negotiators.

### **Primary advantages of a defense treaty for both Israel and the US**

1. ***Provide for the ultimate victory in Gaza*** – the ultimate victory in Gaza would be the emergence of the new American-led regional security architecture designed to counter the “Axis of Resistance”. Derailment thereof was one of the primary reasons Hamas launched the war, with Iran’s backing.
2. ***Provide coherence of purpose and improved bilateral policy implementation*** – the American national security establishment is vast and achieving coherence and unity of purpose is a constant challenge. International agreements, such as defense treaties, provide overall guidance regarding decision-makers’ intentions, a basis for formulation

and implementation of ongoing policy, greatly facilitate inter-agency and bilateral coordination, and thus help the US do so. The above is true for Israel, of course, if not quite to the same extent. The success of pre-existing protocols in expediting US-Israeli military cooperation following the outbreak of the war in Gaza, is just one indication of the importance of institutionalized arrangements.

### **Advantages of a Defense Treaty for Israel**

1. ***Enshrine the “special relationship” as part of both nations’ national security strategies*** – a defense treaty would constitute the ultimate expression of the “special relationship” between the US and Israel and enshrine it as a formal component of their national security strategies. Israel and the US already conduct extensive strategic dialogue and cooperation today, but a defense treaty would open up new areas of cooperation and possibly even place Israel on a par with the US’s closest allies, in particularly sensitive areas such as intelligence, cyber and joint operations.
2. ***Ensure long-term vitality of the bilateral relationship*** – of particular importance, a defense treaty would help cement the long-term vitality of the bilateral relationship. Important demographic and political trends are already underway in both countries, some of which are entirely unrelated to the bilateral relationship, but adversely impact it, nevertheless. Differences over Israel’s policies regarding the Palestinian issues have a particularly corrosive effect on American public opinion. Support for Israel on the Democratic side, the traditional bastion of American support, as well as among young people, has collapsed and alienation is growing even among the Jewish community. A defense treaty will not solve these problems, but will help ensure that future administrations and congresses remain committed to Israel’s security.



3. **Strengthen Israel's overall strategic posture and deterrence** – a defense treaty would unequivocally demonstrate to Israel's adversaries the depth and irreversibility of the American commitment to its security and thereby strengthen Israel's overall strategic posture and deterrence. To date, no American ally's existence has been threatened following the conclusion of a defense treaty. A defense treaty is not likely, however, to lead to a diminution of military activity against Israel at threat levels below the severe or existential.
4. **Israel may need US assistance in some severe and existential future scenarios** – barring highly unusual circumstances – as were manifested in October 2023 – Israel should be capable of addressing the Hamas, Hezbollah and similar threats on its own, with limited American assistance. It would not need, nor want, American involvement beyond that, or in lesser scenarios. The US, too, for a variety of regional, global and domestic considerations, would also not wish to be directly involved in limited scenarios. Conversely, Israel may need direct American involvement in the future, if Iran crosses the nuclear threshold, especially if the nightmare scenario of a Middle East with multiple nuclear actors emerges, in the event of a severe future strategic surprise, or the growing likelihood of a multi-front war with Iran and its allies.
5. **Ease Israel's existential fears, strengthen its confidence to make critical decisions** – a defense treaty will ease Israel's existential fears and strengthen its sense of security, thereby increasing its self-confidence and latitude to make some of the critical decisions that it faces, primarily on the Iranian nuclear issue and possibly the Palestinian, as well. A defense treaty would reduce the pressure on Israel to act at all costs to prevent Iran from crossing the threshold. It might also constitute a form of political and strategic compensation for territorial concessions necessitated by future peace agreements and help “sell” them to the public.

6. **Constitute critical component of new US-led regional security architecture** – a US defense treaty with Israel, especially if accompanied by ones with Saudi Arabia and possibly other regional allies, would provide a strategic framework for a further expansion of the growing economic and security ties between them and constitute the critical components of the new US-led regional security architecture. A shared fear of Iran, and common interest in economic cooperation, have spurred the growing ties between Israel and Gulf and Arab states in recent years, both on a bilateral basis and especially in CENTCOM.<sup>1</sup>
7. **Ensure Israel's long-term access to American weaponry** – defense treaty would ensure Israel's long-term access to the latest American weaponry and military technologies, even during periods of disagreement in other areas. It might also eliminate, or at least greatly ease, the need for future battles over multi-year assistance packages.
8. **Ease Israel's defense burden** – a defense treaty may help ease Israel's defense burden over time and enable the transfer of resources to other pressing national needs.
9. **Ensure long-term relationship with American Jewish community** – almost half of the world's Jewish population lives in the US and constitutes a primary pillar of the bilateral relationship and thus of Israel's national security. Ensuring the long-term vitality of the relationship with the Jewish community is absolutely critical to Israel's future, both for normative and strategic reasons.

### **Disadvantages of a Defense Treaty for Israel**

Despite the Israeli defense establishment's great interest in a significant expansion of strategic ties with the US, it has long been opposed to a formal

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1 Central Command, the American military command for the Middle East and Persian Gulf region.

defense treaty. Instead, it has preferred to upgrade and expand existing bilateral Memorandums of Understanding (MoUs), or to reach new ones, as necessary. The reasons for Israel's concerns, along with suggested means of ameliorating them, are presented below.

1. **Potential loss of freedom of maneuver** – Israel's overarching concern, is of a potential loss of freedom of maneuver, given the contractual obligation to consult with the treaty partner. In practice, however, even in the absence of a defense treaty, Israel has rarely taken politico-military actions of major significance without first consulting closely with US and, in effect, seeking its approval, or at least acquiescence. US opposition to an Israeli military attack was one of the primary reasons that it did not strike the Iraqi nuclear program in the 1990s and early 2000s, or the Iranian program to this day, and only attacked the Syrian reactor after essentially obtaining an American green light. All three programs were viewed by Israel as existential threats.

The Yom Kippur War in 1973 and the war in Gaza, were the ultimate tests to date of the US commitment to Israel's security. In 1973, the US conducted a massive airlift of weapons to Israel and extended strong diplomatic support. To deter a Soviet threat of direct military intervention the US declared the only formal nuclear alert in its history,<sup>2</sup> but then demanded that Israel refrain from destroying the Egyptian Third Army, in exchange for Soviet willingness to refrain from doing so. It subsequently set out a vision for peace with Egypt, beginning with the talks on separation of forces and ultimately leading to direct negotiations and the peace treaty. Throughout the negotiations, Israel was subject to heavy and ongoing pressure to compromise.

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2 In practice, the Cuban Missile Crisis was a far more severe nuclear crisis, but the US did not declare a formal nuclear alert.

In the Gaza war, the US again launched a major airlift to Israel and extended strong diplomatic support. To deter the threat of direct Iranian and Hezbollah intervention in the fighting, it deployed a major military presence in the region, but then demanded that Israel curtail and moderate various aspects of its military operations, culminating in the demand that it refrain from destroying Hamas forces in Rafah. In this case, it set out a vision for peace with the Palestinians, and regional normalization, from the war's outset. Throughout the war, it has exerted heavy and ongoing pressure on Israel to make compromises, whose ultimate outcome is as yet unknown.

In short, Israel is subject to severe American constraints with, or without a defense treaty. Nevertheless, a loss of some freedom of action is likely, especially in regard to various below-the-radar, but nonetheless critically important operations. Even here, the US is presumably aware of these operations, even if in some cases only after the fact, and could exert pressure to end them should it so choose. Moreover, Israel's need to conduct some of these operations would diminish under a defense treaty and the US would be hard-pressed to demand that Israel refrain from them over time, without providing a sufficient alternative solution. There are, however, no free lunches and the potential loss of some freedom of maneuver would have to be weighed against the overall benefits to Israel's security.

A significant solution to these concerns might be provided by limiting the treaty's scope to severe (or extreme) threats and existential ones. Neither Israel, nor the US, would wish to be bound by treaty obligations regarding lesser threats and precedents already exist for restricting bilateral US-Israeli strategic cooperation agreements and those with other American allies (*italics added*):

- The 1981 US-Israeli MoU on strategic cooperation explicitly stated that it was designed to address the “threat to peace and security of *the region* caused by the *Soviet Union or Soviet-controlled forces from outside*

*the region*” and that naval and air exercises would be restricted to the “*eastern Mediterranean Sea*” (note: limitations to Soviet-related threats, not from Arab states, and to Eastern Mediterranean, not Persian Gulf).

- The 1998 MoU on missile defense stated that the US would consult promptly with Israel regarding the diplomatic or other assistance it could lend regarding “*direct threats to Israel’s security arising from the regional deployment of ballistic missiles of intermediate range or greater*” (note: regional deployment, not development, and range).
- Similar territorial and substantive limitations appear in existing US defense treaties with other allies.

Israel’s concerns in this area might be further assuaged by the provision commonly found in US defense treaties, which explicitly recognizes the parties’ rights to self-defense under the UN Charter and to act in accordance with their constitutional processes. This American-mandated wording intentionally leaves open room for some independent action.

2. ***Bilateral cooperation would not be materially enhanced, but Israel further constrained*** – some argue that bilateral cooperation is already so close, that it would not in fact be materially enhanced by a defense treaty, but that Israel would now be contractually bound by the above limitations. Proponents of this approach argue that additional areas of cooperation should be included in new or enhanced MoUs that address specific needs, but do not bind Israel to any commitment beyond the specific areas of cooperation envisaged.

US-Israeli strategic cooperation is, indeed, extraordinarily close, as exemplified by the US response to October 7<sup>th</sup>, and this approach is not without merit. Nevertheless, there is a fundamental difference between a de facto American commitment to Israel’s security (stated by consecutive administrations and implicitly suggested both by existing MoUs and congressional legislation, especially the commitment to maintain Israel’s

qualitative military edge- QME), and a contractual obligation stemming from a formal defense treaty. The US takes its contractual commitments very seriously, which is also why it is loath to make them. A formal treaty would place Israel in that highly select group of the US's closest allies, paving the way for even closer cooperation in such critical areas as intelligence sharing, cyber, weapons programs and strategic planning. Most importantly, annulment of a formal treaty requires Senate approval, whereas a de facto commitment can be changed by presidential fiat alone, subject only to the political and strategic exigencies at the time.

3. **Possible demands regarding Israel's purported nuclear capabilities** – a source of concern, at least one that appears in the academic literature, is that the US might demand that Israel disclose and even dismantle its purported nuclear capabilities, as the price of a defense treaty. No American treaty partner, with the exception of the UK and France, whose right to possess nuclear weapons was formally recognized by the NPT, and Japan, which has intentionally stayed just below the nuclear threshold, has been allowed to have them. It is, however, unlikely that the US would agree to enter into negotiations with Israel on a defense treaty and then raise a demand that it knows would be a nonstarter. Moreover, no existing US defense treaty sets out any conditions regarding the partner's nuclear capabilities and there is no precedent for linking a treaty to membership in the NPT.<sup>3</sup> Israel, of course, would be free to withdraw from the negotiations should it so wish.
4. **The US might not truly be bound by a defense treaty** – a future president might circumvent, only partially uphold, or take advantage of a treaty's necessarily broad and ambiguous language. Even assuming the best of intentions, the US response might be too slow in coming to be truly effective.

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3 JINSA Report, From Partner to Ally: The Case for a US-Israel Mutual Defense Treaty, September 2023.

This argument undoubtedly contains an element of truth. Nevertheless, the US has an impressive record of meeting its contractual obligations. Maintenance of formal alliances around the world has been one of the primary pillars of American global strategy in the post-WWII era and a fundamental difference between it and Russia and China. There are no absolute guarantees in life, but a contractual commitment from the US greatly strengthens the prospects thereof.

5. ***Israel would be bound to support US global policies, including by military deployments*** – a defense treaty might contractually bind Israel to support US global policies and come to its assistance in a variety of exigencies around the world, including by sending combat troops. As a treaty partner, Israel would certainly be expected to support American global policy, for example, towards China, Russia and Ukraine, and more. In practice, this is already expected of Israel and it has been extraordinarily supportive of American policy, as evinced, inter alia, by its almost unparalleled voting record in the UN, or the painful limitations it has imposed on its ties with China. Israel has not been fully supportive of US policy towards the war in Ukraine, but this has been at least partially true of NATO and other allies, as well. France, a close ally, has often been at odds with the US and refrained from taking part in American initiatives.

A potential solution to Israel's concerns in this regard would be to limit the geographic scope of the treaty to the Middle East, much as the treaties with Japan, South Korea and Australia are limited to their regions. Moreover, like the US's closest treaty allies, Israel would retain the freedom to determine the nature and extent of its support. It took approximately a year before Germany, Japan, France and South Korea responded to repeated American entreaties to come to the aid of Ukraine and even then, the nature of their responses varied. Many US allies refrain from sending combat units in support of US missions around the world.

Israel, for example, could send medical, intelligence, cyber, or homeland defense personnel, rather than combat forces.

6. ***Erosion of Israel's national strategy of self-reliance and strategic autonomy*** – a defense treaty might weaken the Israeli public's long-standing commitment to the fundamental national strategy of self-reliance and strategic autonomy. It might also undermine the unwritten, yet important understanding between the US and Israel, whereby Israel seeks military and diplomatic assistance, but fights its own battles, without American troops.

Some US treaty partners have, indeed, become overly dependent on it for their security. In Israel's case, the aforementioned proposal to limit the treaty to severe and existential threats, would leave it with sufficiently important ones so as to obviate this concern. Furthermore, a defense treaty would not necessitate the deployment of American forces in Israel or the area, except under the exceptional circumstances set out. Even then, the American presence would likely be for deterrent purposes, rather than actual combat. Moreover, the defense treaty would be part of the new regional security architecture the US is now promoting, designed to deter threats to regional partners and reduce the need for future American intervention and possibly even the existing military presence in the region.

7. ***Potential demands for phaseout of military assistance*** – the US might demand a phaseout of military assistance as the price of the treaty. This demand will likely emerge at some point in the not distant future in any event, and Israel should address it proactively, possibly even by initiating a phaseout of its own accord, much as it did in regard to economic assistance in the late 1990s. This might even be an Israeli quid pro quo for the treaty. Moreover, a defense treaty, as part of a broader American attempt to promote peace and regional stability, may reduce Israel's need for US assistance over time. Be that as it may, it is critical that a treaty address



the issue of future arms supply and the ongoing American commitment to maintenance of Israel's qualitative military edge.

8. ***Commitment to a potentially declining or irresponsible superpower*** – concern has been raised that a defense treaty would contractually bind Israel to a declining superpower, at a time when China is on the rise, or maybe even more importantly, to the whims of an irresponsible US president. The US is undoubtedly undergoing a problematic period, but has faced similar challenges in the past and always emerged with renewed vigor. At the very least, the US will remain a global superpower for decades and China now appears mired in a long-term crisis that will constrain its global ambitions. In any event, Israel is already fully identified with the US and its dependence on it is existential. Israel should, however, take whatever measures it can to mitigate Chinese and Russian ire over formalization of the security relationship with the US.

### **Advantages of a Defense Treaty for the United States**

1. ***Israel is one of the US's more militarily-proficient allies*** – and its conventional capabilities exceed those of leading NATO and other allies. Israel also has a variety of exceptional and/or unique capabilities that it shares with the US, e.g. in the areas of intelligence, cyber, counter-terrorism and missile defense. The military relationship will always be fundamentally asymmetric, as it is with all US allies, but Israel has increasingly come to be viewed by the American defense establishment as a strategic asset and partner, with whom cooperation is of mutual benefit. Israel has reportedly supported US operations (e.g. against IRGC chief Soleimani; the Stuxnet cyber attack against Iran's nuclear program), strengthened the security of American allies (missile defense sales to the UAE; military cooperation with Egypt and Jordan against ISIS and with Arab and Gulf states against Iran), advanced a variety of American strategic interests

(destroying the Iraqi and Syrian nuclear reactors; containing the spread of Iranian influence) and constitutes a reliable de facto forward operating base for the US, in times of need.

2. **Greater regional stability, decreased prospects of war and need for US intervention** – by strengthening Israel’s deterrence and security, a defense treaty might reduce the risks of war in the region and lead to greater stability, thereby decreasing the need for future American involvement. Iran would be more hesitant to cross the nuclear threshold and especially to threaten the existence of an American ally that was backed by a formal security guarantee. Any lingering doubts that Iran might harbor regarding its ability to survive following a nuclear, or other extreme attack against Israel, would be dispelled and the credibility of an Israeli military option against its nuclear program would increase. The impact of a defense treaty on non-state actors, such as Hezbollah and Hamas, would presumably be limited at best, but the prospects of deterring Iran from direct intervention would increase.
3. **Critical building block of long-sought US regional security architecture** – a defense treaty with Israel, especially if paired with similar agreements with Saudi Arabia, the UAE (with whom discussions on this have already taken place) and potentially others in the future, would constitute the critical building blocks of the regional security architecture that the US has sought to foster in the Middle East for decades. This architecture would help deter US adversaries in the region, strengthen the security of US allies, and contribute to Mideastern stability, possibly even with fewer American military resources. For a US that wishes to focus today on parts of the globe to which it attaches higher priority, the security architecture would constitute a critical enabler. Its effectiveness has already been demonstrated by the resounding success of the informal

US-led coalition of the willing, in thwarting the Iranian missile attack against Israel in April 2024.

4. ***Weakened Chinese and Russian strategic postures in Middle East*** – a broader regional security architecture, would reduce the Arab allies’ growing fears of American retrenchment in the region, diminishing commitment to their security and consequent choice to adopt a hedging strategy by strengthening ties with Russia and China. Israel, too, would be able to more fully align its policies regarding Russia and China to those of the US, especially in the areas of advanced technologies, sanctions implementation and military cooperation with Ukraine. With China now considered the US’s only near-peer rival and Russia the other primary focus of American global strategy, any weakening of the Chinese and Russian positions in the region is of strategic importance for the US. Indeed, one of the primary American objectives in the war in Gaza has been to reverse some of the steps China has taken to strengthen its regional influence and reestablish clear American primacy.
5. ***A US-led Middle Eastern security architecture would be the ultimate victory in Gaza*** – the ultimate victory for both the US and Israel in the war in Gaza, would be the establishment of a new American-led Middle Eastern security architecture designed to counter the “axis of resistance”. Derailment of this emerging security architecture was one of the primary reasons Hamas launched the war to begin with, with Iran’s backing.
6. ***The Palestinians might be incentivized to make essential concessions*** – to the extent that a treaty with Israel is part of a broader regional architecture, long-simmering Palestinian fears of being left behind would grow and potentially incentivize them to make some of the concessions necessary on their part, if diplomatic progress is to be achieved and a two-state deal to materialize. In the end, the prospects for a stable, moderate and even somewhat prosperous Palestinian state, rather than a failed, corrupt and

dictatorial one, are inextricably linked to the depth of its integration into the pro-American camp in the region.

7. **A phaseout of US military assistance might constitute Israel's quid pro quo** – a defense treaty might facilitate a future phaseout of US military assistance to Israel and constitute Israel's quid pro quo.
8. **Israel as a model of burden sharing and self-reliance** – Israel is the embodiment of the long-standing American demand that allies should shoulder a greater part of the burden of their own defense and demonstrate greater self-reliance. An Israel with a formal defense treaty would serve as a model for other US allies.

### **Disadvantages of a Defense Treaty for the United States**

The following section presents the disadvantages of a defense treaty for the US. As with the above section regarding the disadvantages for Israel, it also presents means of ameliorating American concerns.

1. **A problematic precedent; the US has not extended a defense treaty in decades** – while the US has undertaken many security commitments in recent decades, it has not granted a formal defense treaty to any country for well over half a century, given the extent of the guarantee provided. All previous defense treaties were concluded in the context of the Cold War and no vital national interest, of similar magnitude, exists in regard to Israel today. Moreover, treaties with Israel and Saudi Arabia would set precedents that would encourage demands for similar instruments from other allies around the world.

Conversely, it would be strategically and politically awkward for the US to provide a security guarantee to Saudi Arabia and not to its closest ally in the region, which faces even greater threats to its security. Were a treaty with Israel to be a consequence of a similar agreement with Saudi Arabia, or made contingent on a breakthrough towards regional

peace and the establishment of an anti-Iranian axis, the US could argue that extenuating circumstances account for these exceptions to its long-standing approach.

2. **Potential loss of American freedom of maneuver** – a defense treaty might require that the US support Israel in circumstances and ways that do not accord with its broader regional and global interests. This concern is particularly acute in a region that is likely to remain unstable for the foreseeable future and in which the Arab-Israeli and especially the Palestinian and Iranian-Israeli rivalries, may be ongoing, potentially drawing the US into unwanted conflicts. In fact, defense treaties do not bind the US to predetermined courses of action and are sufficiently flexible to meet changing strategic exigencies. Indeed, the US has frequently adopted policies and acted in ways that did not fully accord with its treaty partners' preferences. The NATO and South Korean experiences speak for themselves.
3. **Counter-intuitively, possible decrease in US constraints on Israeli decision-making** – a defense treaty might have the counter-intuitive effect of actually increasing Israel's freedom of independent action, primarily in regard to the Iranian nuclear program, and consequently diminish the desired American constraints on its decision-making calculus. Iran already is a de facto threshold nuclear state and able to cross the final hurdle – weaponization – at a timing of its choosing. Should it do so, Israel would presumably fulfil its contractual obligation to consult with the US, but with a guarantee of American backing, might be emboldened to act independently. Indeed, many believe that Israel will ultimately have no choice but to act, at nearly all costs, should Iran move towards breakout. The above-mentioned clause in all US defense treaties, which recognizes the parties' rights to self-defense, even presages this possibility.

4. ***Adverse Chinese and Russian responses; potentially deeper ties with Iran*** – the US must take into account the potential Chinese and Russian responses to a defense treaty with Israel. Both are likely to view one, especially if accompanied by a similar agreement with Saudi Arabia and the emergence of a broader regional security architecture, as a threat to their regional interests and motivate them to further deepen strategic ties with Iran and other Mideastern partners. In so doing, a treaty might exacerbate superpower tensions in the region and even globally.

In the past, the US would have been concerned that a defense treaty with Israel would cause potentially severe tensions with its Arab allies and partners. This is no longer a concern of consequence, indeed, most American Arab allies today seek a greater Israeli role in the regional security architecture.

5. ***Important constituencies will oppose the treaty; Congress will only approve the US-Saudi deal with Israeli support*** – Israel has become a controversial and even partisan issue in the US, especially following the war in Gaza. Important political constituencies would strongly oppose a defense treaty, especially if it was not clearly linked to a breakthrough with the Palestinians and maybe as part of the broader regional architecture. Conversely, Congress is only likely to give its approval to the already controversial US-Saudi deal (bilateral defense treaty, advanced American weaponry and Saudi civil nuclear program, in exchange for normalization), if it is accompanied by a strong Israeli component and enjoys strong Israeli support.
6. ***Possible need to divert from non-proliferation policy*** – a defense treaty with Israel might require that the US diverge from long-standing nonproliferation policy and accept Israel as the only American treaty partner, other than the UK and France, reported to be a nuclear power.

## CONCLUSIONS AND RECOMMENDATIONS

As a global superpower, all US defense treaties are fundamentally asymmetrical in their advantages for the two sides and a treaty with Israel would be no different. Nevertheless, the US, too, stands to gain important benefits from a treaty with Israel. This would be especially true if tied to the emergence of a broader regional architecture, with Saudi Arabia at the center, and even more so if linked to progress on the Palestinian issue.

CENTCOM will presumably continue to be the focus of efforts to build a new regional security architecture in the Middle East. Cooperation between Israel and other CENTCOM states has deepened significantly since its inclusion in the regional command in 2021 and is likely to further do so. As seen by the response to the Iranian attack in April, a highly effective regional air defense system has already begun to emerge, intelligence sharing has increased and even deeper strategic cooperation is likely in the future. Together with deepening economic ties between Israel and other CENTCOM states, the regional security architecture might truly transform the Middle Eastern landscape and constitute an effective response to Iranian ambitions.

Israel has major strategic interests in normalization with the Saudis, a bilateral defense treaty with the US, and establishment of the regional security architecture. For Prime Minister Netanyahu, an historic transformation of the Middle Eastern landscape such as this, might constitute a means of restoring his greatly diminished political prospects. However, even just talk of a cessation of warfare in Gaza, in Israel's highly febrile political environment today, or of some vague path towards a Palestinian state, will lead to the collapse of his coalition and realization of precisely his greatest fears.

Both for the substantive reasons elucidated above and to strengthen Netanyahu's room for political maneuver, the US should now *publicly* propose a defense treaty, along with normalization with the Saudis and others, on the condition that he agrees to substantive progress on the Palestinian issue.

For Netanyahu, a defense treaty and normalization would constitute such a dramatic “win,” that he might be tempted to agree and risk early elections. The alternative, to stay the course with a narrow ultra-right coalition, would postpone the day of reckoning, but probably not for long. At a minimum, rejection of an American proposal such as this would further demonstrate to the Israeli public the primacy that Netanyahu accords to his own political and legal interests and further paint him into an electoral corner. Early elections and the emergence of a new and presumably far more moderate Israeli government, would serve American interests.

Should a full bilateral defense treaty between the US and Israel prove beyond reach at this time, the above-mentioned idea of enhanced or additional MoUs would constitute a partial alternative. A related option, mooted in the past, would be a “super MoU,” that would combine and supplant all existing ones and add desired new areas of cooperation. To ensure that it could not be changed or revoked in the future by presidential decision alone, the “super MoU” might be presented to both houses of Congress for approval, but only by the simple majority required, rather than the two-thirds needed for a formal treaty approved by the Senate. It is not entirely clear, however, that the simple majority would, in fact, be that much easier to achieve. More importantly, there may now be a unique opportunity to fully enshrine the bilateral US-Israel “special relationship” in a formal defense treaty, the preeminent strategic instrument.



## **APPENDIX 1: EXAMPLES OF SECURITY GUARANTEES IN SELECT US DEFENSE TREATIES**

### **NATO**

Article 5: The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

### **JAPAN**

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nation. Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter.

Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United

Nations or the responsibility of the United Nations for the maintenance of international peace and security.

### **SOUTH KOREA**

Desiring to declare publicly and formally their common determination to defend themselves against external armed attack so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area.

The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack. Separately and jointly, by self-help and mutual aid, the Parties will maintain and develop appropriate means to deter armed attack and will take suitable measures in consultation and agreement to implement this Treaty and to further its purposes.

Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

### **ANZUS (AUSTRALIA – NEW ZEALAND)**

Desiring to declare publicly and formally their sense of unity, so that no potential aggressor could be under the illusion that any of them stand alone in the Pacific Area, and

In order more effectively to achieve the objective of this Treaty the Parties separately and jointly by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack.

The Parties will consult together whenever in the opinion of any of them the territorial integrity, political independence or security of any of the Parties is threatened in the Pacific.

Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.



## APPENDIX 2:

# CRITICAL ISSUES TO BE NEGOTIATED IN A US-ISRAELI DEFENSE TREATY AND RECOMMENDATIONS

- 1. The nature of the bilateral (i.e. essentially American) security guarantee.**  
Recommendation – limit the treaty to severe (or extreme) and existential scenarios. Include the provision, found in all other US defense treaties, recognizing the parties’ rights to self-defense under the UN charter and their constitutional processes.
- 2. The geographic scope of the treaty.**  
Recommendation – limit the treaty to the broader Middle East (eastern Mediterranean and Persian Gulf), and to external threats to regional security stemming from global powers (China or Russia today).
- 3. Future of American military assistance to Israel.**  
Recommendation – the future of American military assistance and ongoing commitment to Israel’s qualitative military edge (QME), and its ability to “defend itself by itself, against any combination of regional threats,” should be assured in the treaty. Conversely, consideration could be given to the possible phaseout of future ten-year assistance packages, if and when Israel’s strategic and economic circumstances enable this. The possible transfer of assistance financing from foreign aid bills, to the DOD budget (which covers military cooperation with other treaty partners), should also be considered.
- 4. Future types of military assistance, joint cooperation in areas such as intelligence, cyber, counter-terrorism, missile defense, defense-related technologies, Israel’s role in CENTCOM and cooperation with regional partners, the future and roles of the regional security architecture.**

Recommendation – seek broadest possible bilateral and regional cooperation.

**5. American expectations regarding Israeli support for American global policy**, including troop deployments.

Recommendation – restrict the geographic scope of the treaty to the broader Mideast.

Joe Biden is reportedly one of only two US presidents to have given serious consideration to a defense treaty with Israel. A number of Israeli premiers have weighed a defense treaty over the years, primarily as a means of offsetting security concerns and public qualms regarding concessions in peace talks. Counterintuitively, perhaps, Israel's defense establishment has long been opposed.

This study analyzes the pros and cons of a bilateral defense treaty from both the Israeli and American perspectives and proposes ways of addressing the sides' concerns. All US defense treaties are fundamentally asymmetrical in their advantages. Nevertheless, the US, too, stands to gain important benefits, especially if a treaty with Israel was tied to the emergence of a broader US-led regional architecture, with Saudi Arabia at the center, and even more so if linked to progress on the Palestinian issue.

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**Dr. Chuck Freilich, a former deputy national security advisor in Israel, is a senior researcher at INSS. He is the author of *Zion's Dilemmas: How Israel Makes National Security Policy* (Cornell 2012); *Israeli National Security: A New Strategy for an Era of Change* (Oxford 2018); and *Israel and the Cyber Threat: How the Startup Nation Became a Global Cyber Power* (Oxford 2023). He is the author of numerous academic studies and op eds and is the senior editor of the *Israel Journal of Foreign Affairs*.**

**Col. (ret.) Eldad Shavit, a senior researcher at INSS, was the assistant for assessment to the head of Military Intelligence's Research Division and the head of the Research Division in the Prime Minister's Office. He also served as the head of the intelligence unit in the office of the Military Secretary to the Prime Minister and the Defense Minister.**