

From Partner to Ally: The Case for a U.S.-Israel Mutual Defense Treaty





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I. Executive Summary

The United States is contractually committed to the defense of 52 allies worldwide, each of which also pledges to come to America's aid in case of attack. No war has broken out that threatened the existence of any U.S. treaty ally. As the Biden administration's National Defense Strategy rightly observes, "mutually-beneficial alliances and partnerships are our greatest global strategic advantage."¹

The Middle East is one of the only regions where the United States has no such treaty alliance and, perhaps not coincidentally, it is also one of the most volatile. There is now a historic opportunity to begin to establish a new regional security architecture that would help stabilize the region, deter adversaries, and secure U.S. partners, thereby also reducing demands on U.S. military involvement while better positioning it to confront competing long-term strategic challenges in the Indo-Pacific and Europe. Such a security framework is both increasingly necessary – due to rising Iranian threats, U.S. retrenchment, and growing Chinese encroachment – and feasible, thanks to the Abraham Accords, Israel's reassignment to U.S. Central Command, and the increasing chances for Israel-Saudi normalization.

An essential element of this new regional framework should be a mutual defense treaty between the United States and one of its most capable and longstanding partners, and logical allies, anywhere: Israel. Such a treaty, 75 years after Israel's founding, would advance U.S. strategic interests by upgrading and cementing a longstanding pivotal military, intelligence, and high-tech relationship. It would enhance Israeli capabilities, deter existential threats, help prevent a nuclear Iran, mitigate the severity of a major conflict that involved Israel, and better align Israeli policy with America's on China and Russia, all without requiring more U.S. boots on the ground.

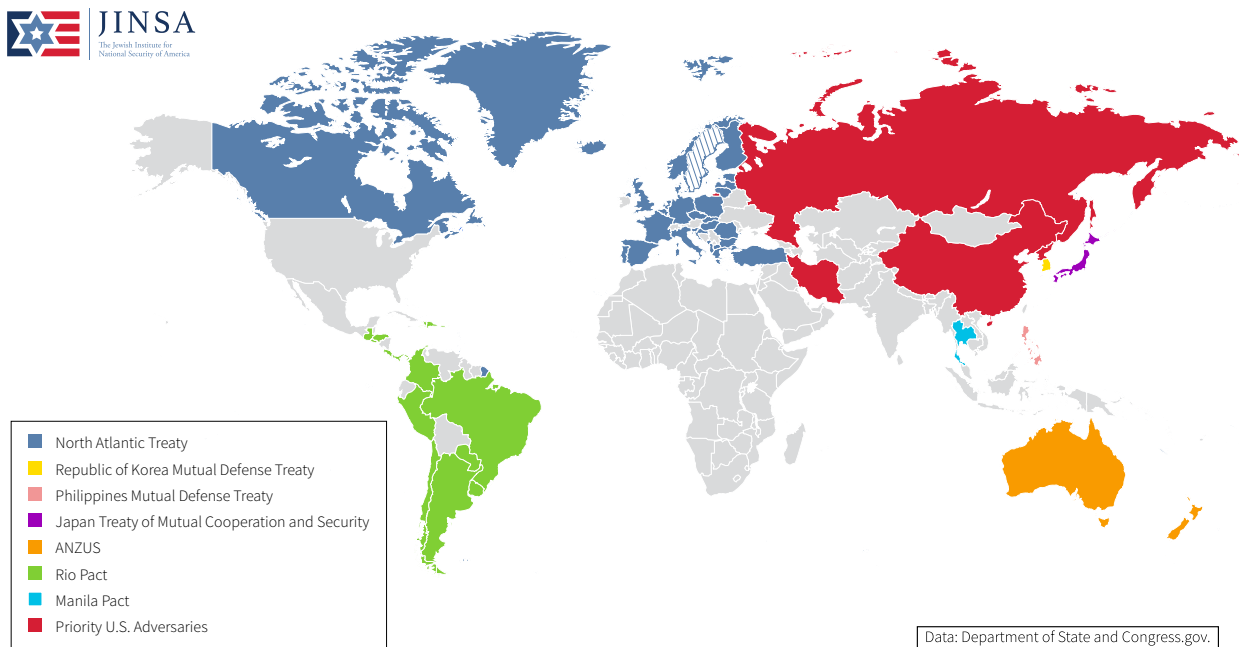
It is especially imperative to conclude a U.S.-Israel mutual defense treaty as the Biden administration is already in discussions to offer Saudi Arabia, the most important U.S. Arab partner, a security commitment as part of the normalization of Saudi-Israel ties. It would be strategically misguided for America to offer Saudi Arabia a treaty without at least seriously exploring the benefits of offering one to our closest and most capable regional partner, Israel. Concluding treaties with both countries would leverage America's unmatched set of partnerships across the broader Middle East to address common threats, share burdens, and advance U.S. global interests.

The Jewish Institute for National Security of America (JINSA) first proposed such a pact with Israel, including a draft treaty, in 2018-19.² JINSA is issuing this updated paper to reflect new developments, highlight the increasing importance of a treaty, and address potential concerns in both countries.

The continuing value of mutual defense pacts is on full display in the vivid contrast between Russia’s aggression in Ukraine and its clear reluctance to risk escalation with North Atlantic Treaty Organization (NATO) members next door. This transatlantic umbrella enables burden-sharing in Europe, as Ukraine fights and NATO countries help arm and train it, that otherwise would fall squarely on the United States. NATO’s efforts increasingly serve as a cautionary tale beyond Europe’s borders to other would-be aggressors, reinforcing deterrence in other vital regions of the world as well.

These strategic benefits matter immensely to the United States, which has finite capabilities for confronting multiple rising threats. Mutual defense pacts remain fundamental to balancing the need to defend U.S. interests worldwide with the limited U.S. resources to do so.³ Allies are, in other words, crucial force-multipliers.

America’s Global Network of Mutual Defense Pacts



Yet, the United States lacks any treaty allies in the Middle East – a region from which American resources and attention are being diverted to other parts of the world but in which strategic interests and perils endure. With no regional security framework to foster stability, Iran, Russia, and China have surged into the vacuum. Without a credible deterrent, the risk grows of a catastrophic event that would both draw in the United States – namely, an Iranian nuclear breakout or Iran, through its aggression, triggering a regional conflict – and pull it away from other pressing challenges.

A treaty would be in keeping with, and a logical extension of, the core principles of the Jerusalem Declaration signed by President Biden and then-Prime Minister Lapid in July 2022: “Consistent with the longstanding security relationship between the United States and Israel and the unshakeable U.S. commitment to Israel’s security, and espe-

cially to the maintenance of its qualitative military edge, the United States reiterates its steadfast commitment to preserve and strengthen Israel's capability to deter its enemies and to defend itself by itself against any threat or combination of threats.”⁴

Though existing U.S.-Israel security ties, including arms transfers, intelligence sharing, and joint military exercises, contribute immensely to U.S. interests and regional security, the current partnership does not offer the extra layer of deterrence that comes from a formal and unequivocal commitment to treat an existential threat to Israel as a threat to the United States or vice versa. Without it, the strategic balance in the Middle East will continue to deteriorate.

A formal alliance with Israel would replace the increasingly dangerous regional situation with the benefits of the defense treaties America has forged with 52 other countries: regional security and stability that advance U.S. interests and significantly reduce the risk of war. A bilateral treaty – especially one accompanied, as we recommend, by a U.S. commitment to sign a long-term Memorandum of Understanding (MOU) on bilateral military assistance, facilitate immediate and consistent supply of needed American weapons to Israel, and ensure the U.S. forward-deployed arms depot in Israel contains adequate advanced munitions to support Israel's self-defense – would enhance Israel's capabilities and, thereby, empower it to assume greater burdens for upholding Middle East stability and other longstanding U.S. regional interests.

Israel is already America's most capable defense partner, committed to not relying on others for its own security. For decades, it has spent more on its military as a percentage of gross national product than any other democracy, even once U.S. security assistance is excluded. With critical support from the United States, Israel has developed cutting-edge technologies, such as the Iron Dome missile defense system and now the Iron Beam variant that uses directed energy that could defend American and Israeli lives alike. The assurance of a mutual defense treaty, coupled with a new long-term approach to security assistance – which will ultimately replace current U.S. financing for Israeli purchases of American arms with an MOU focused increasingly on joint research and development of next-generation military technologies – would better equip Israel to continue providing for its own security, and expand its support for other regional partners, while also advancing U.S. interests in the Middle East and beyond.

A U.S.-Israel defense treaty would help both countries address the grave danger of a nuclear Iran. First, by signaling full American backing for Israel and its security, including Israel's freedom of action, it would discourage an Iranian nuclear breakout. A formal alliance would make Israeli threats to destroy Iranian nuclear facilities more credible, forcing Tehran to think twice about crossing the nuclear threshold. Second, if Tehran nevertheless still tried to do so, and Israel was forced to strike Iranian nuclear facilities, a mutual defense pact would mitigate the severity of Iran's retaliation. The Iranian regime would be wary of any action that might trigger the treaty and provoke a U.S. response. Third, in the dire circumstance that Iran achieves nuclear weapons capability, a treaty alliance would add a layer of deterrence against the radical Tehran regime utilizing its new nuclear capability to advance its goal to destroy the Jewish state.

The benefits of a U.S.-Israel alliance would also redound across other relationships. By signaling continued U.S. regional commitment, such an alliance could encourage Israel and its budding Arab partners to forge ahead with greater security cooperation, rather than the latter feeling compelled in America's absence to hedge toward Beijing, Moscow, and Tehran. Meanwhile, fraying U.S. deterrence elsewhere would also be strengthened. Indeed, there might be no greater endorsement of U.S. credibility than for Israel, a country viscerally committed to defending itself by itself, to agree to a mutual defense treaty.

A formal alliance would help better align U.S. and Israeli national security policies not just in the Middle East but globally, and especially on China. Our draft treaty contains language that would commit both countries to deepening intelligence and technological cooperation while developing a common approach to dual-use goods and sensitive technology trade and investment. The pact would also give Israel greater diplomatic and strategic flexibility to support U.S. policies outside the region, such as aiding Ukraine, because of its official status as an American treaty ally.

Finally, just as Cold War-era pacts made the decades-long continuity of U.S. commitment to its allies both credible and predictable – regardless of changing politics and foreign policies in Washington and foreign capitals – a treaty alliance with Israel, enshrined by the Senate with broad support from both parties, would strengthen and stabilize one of America's top security partnerships against domestic efforts to abruptly and arbitrarily condition or downgrade it.

Most of these benefits of a U.S.-Israel mutual defense treaty implicitly address or anticipate concerns in Washington and Jerusalem, but each capital might have lingering apprehensions. Some in Washington might worry that a treaty could grant Israel license to attack Iranian nuclear facilities, even as some in Israel fear the opposite – that it could tie Israel's hands. However, the current course of events, under which Iran already stands on the cusp of nuclear weapons and continues advancing toward that goal, is more likely to compel Israel to take matters into its own hands by attacking, while a treaty would actually increase the chances of successfully deterring Iran's final nuclear escalation. Israel is also more likely to coordinate a potential strike with a United States that is its ally, committed to stand beside and support Israel in moments of great peril.

Some in Washington might also be concerned that Israel's lack of internationally recognized legal boundaries could complicate such a pact. However, the United States has formed, and maintains, alliances with multiple countries with disputed and/or unrecognized borders, including the former West Germany, Japan, Philippines, and South Korea.

One longstanding hurdle to a treaty stems from Israel's very *raison d'être*, based on Jews' tragic history, and reaffirmed in Israel's short history, to defend itself by itself and to never rely on anyone else – even its most important and closest American ally. Some retired Israeli generals have also voiced concern that a mutual defense pact would also lead to deployment of Israeli troops to far-off countries.

Our proposed treaty would impose no such limitations on Israel’s freedom of action, and would in fact strengthen it.

All existing U.S. mutual defense pacts explicitly acknowledge that each ally retains its full sovereign right of freedom of military action, and the U.S.-Israel treaty would be no different. It would not prescribe or prohibit specific military actions, including an Israeli decision to preempt and prevent the emergence of a nuclear-armed Iran that would pose the ultimate threat to its security. It would also not dictate interoperability requirements or require either party revealing defense capabilities. Seven-plus decades of the United States and its treaty allies pursuing independent national security policies, often over each other’s objections, provide ample evidence for how mutual defense pacts uphold shared deterrence without infringing upon their members’ strategic freedom of action. Similarly, while Israel could be concerned it might have to assist U.S. military operations far afield, the pact proposed here follows the existing U.S. treaty with Japan by strictly bounding its geographical scope.

U.S. Mutual Defense Pacts and Formal Allies		
Official Name and Date	Formal U.S. Allies	Casus Foederis
Inter-American Treaty of Reciprocal Assistance (“Rio Pact”) – 1947	17 countries in North and South America	“An armed attack by any State against an American State shall be considered as an attack against all the American States.” (Article III)
North Atlantic Treaty Organization (NATO) – 1949	30 countries in North America and Europe	“An armed attack against one or more of them in Europe or North America shall be considered an attack against them all.” (Article V)
U.S.-Philippines Mutual Defense Treaty – 1951	Philippines	“An armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.” (Article V)

U.S. Mutual Defense Pacts and Formal Allies

Official Name and Date	Formal U.S. Allies	Casus Foederis
Security Treaty Between Australia, New Zealand, and the United States of America (ANZUS) – 1951	Australia (New Zealand partially suspended)	“An armed attack on the metropolitan territory of any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.” (Article V)
Mutual Defense Treaty Between the United States and the Republic of Korea – 1953	South Korea	“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.” (Article III)
Southeast Asia Collective Defense Treaty (“Manila Pact”) – 1954	Thailand (formerly six additional countries)	“Aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate.” (Article IV)
Treaty of Mutual Cooperation and Security Between the United States and Japan – 1960	Japan	“An armed attack against either Party in the territories under the administration of Japan.” (Article V)

Moreover, JINSA's proposed mutual defense pact would activate only under a very limited set of exceptional circumstances, specifically:

1. The use, or threat of use, of weapons of mass destruction against territory controlled by Israel; or
2. The use, or threat of use, of weapons of mass destruction against U.S. forces based in Middle Eastern countries that share diplomatic ties with Israel; or
3. A major armed attack on territory controlled by Israel by a regional or global power that poses an existential threat to Israel.

This is a very high threshold compared to other U.S. mutual defense treaties, each of which can be triggered simply by an "armed attack." However, Israel, unlike Germany or Italy, is frequently attacked, often by Iran and/or its proxies, compelling it to respond. None of those conflicts would activate our proposed U.S.-Israel security treaty, and Israel certainly would not want it to.

By setting the trigger for this treaty very high, the proud and highly effective Israeli military can rest assured this pact will not undermine its deep-seated, admirable ethos of self-reliance. On the contrary, by enshrining America's commitment to Israel's right to self-defense and America's legal commitment to Israel's qualitative military edge (QME), this treaty would actually consolidate and expand Israel's capabilities to defend itself by itself in all but the most extreme circumstances, while adding a critical layer of deterrence against any enemy that seeks to destroy it.

Still, some in Israel might worry that a mutual defense treaty could inhibit either it or the United States, or both, from doing whatever is necessary to prevent a nuclear Iran. However, it would be strategic malpractice for either country to cite or rely on a mutual defense pact as an excuse to shift away from prevention toward trying to contain a nuclear Iran, and to attempt a doctrine of mutually assured destruction against a murderous revolutionary anti-American regime dedicated to Israel's elimination. The commitment to provide Israel with the weapons it needs, if need be, to defend itself by itself and militarily prevent a nuclear Iran, is a critical component of a strategy to prevent a nuclear Iran – and is part of our draft treaty.

The second condition of activation of the treaty, the use or threat of use of weapons of mass destruction against U.S. bases in regional countries friendly to Israel, adds an important element of parallel mutuality to the treaty without committing Israel to act in far-flung countries where its interests are not implicated. It is understood with all American mutual defense treaties that the sine qua non and core feature of such pacts is Washington's commitment to act when its treaty ally is threatened. However, Israel over the years has repeatedly helped protect and save the lives of American soldiers in the region and should be prepared to do so in a treaty, even as the United States

will continue to count on Israel’s assistance in other, less dangerous situations in the Middle East that might not require invoking the treaty, serving both countries’ interests.

President Biden should heed the lessons of Ukraine and his own National Defense Strategy, and seize the historic opportunity to advance U.S. security interests and offer Israel to become a U.S. treaty ally, and the U.S. Senate should ratify such a treaty. To this end, this paper includes a proposed text of a U.S.-Israel mutual defense treaty based on the framework of existing U.S. mutual defense pacts with 52 countries.

II. The Persistent Strategic Logic of Alliances

Early in the Cold War, facing the acute need to contain and deter growing simultaneous threats in the Indo-Pacific, Europe, Latin America, and elsewhere without stretching limited U.S. resources too thin, American policymakers turned to treaty alliances to address the mismatch between security demands and available capabilities. In the span of thirteen years, beginning in the late 1940s, the United States signed treaty alliances with dozens of countries on five continents. By explicitly declaring an attack on one ally as an attack on the other(s), and thereby committing the parties to mutual defense, each pact created an extra layer of shared deterrence for its members.

Seven decades later, as the conflict in Ukraine bloodily demonstrates, the strategic logic and necessity of these defense pacts persist. Though U.S. alliances continue to provide deterrence and stability in vital regions like Europe and Asia, strangely, America has no such treaty ally in one of the most contested and unstable regions in the world – the Middle East. This is despite having a uniquely capable partner there: Israel.

A. Shields Against Aggression

In 1949, as his secretary of state signed the North Atlantic Treaty to inaugurate America’s first peacetime military alliance outside the Western Hemisphere, President Truman declared, “in this pact, we hope to create a shield against aggression.”⁵ As his words suggest, the growing need to contain the Soviet Union at key points worldwide prompted a series of U.S.-led bilateral and multilateral mutual defense pacts during 1947-60, each enshrined in a Senate-ratified treaty, that today includes 52 official allies across five continents. By explicitly declaring an attack on one ally as an attack on the other(s), every alliance is based on the common fundamental purpose of creating an extra layer of shared deterrence for all members.

Each pact also spells out in its respective treaty what type of attack from a third party – the *casus foederis*, or “case for the alliance” – would prompt the parties to confer on a response. Rather than automatically commit them to predetermined retaliation, every U.S. pact explicitly recognizes each ally’s sovereign right to decide how an attack on one should be treated as an attack on all, specifically by declaring each member will “act to meet the common danger in accordance with its constitutional processes” if another is attacked. In this way, U.S. mutual defense pacts do not give allies a vote or veto in the others’ strategic decision-making, nor do they oblige treaty partners to support or become involved in the others’ military activities.

This central feature of an explicit *casus foederis* and the resultant extra deterrence are what set mutual defense pacts apart from other official U.S. security partnerships. And it is what makes those alliances still so valuable today, seven decades later.

B. Ukraine and the Value of Alliances

In response to Russia’s invasion of Ukraine, the most famous and one of America’s most longstanding alliances – the North Atlantic Treaty Organization (NATO) – is demonstrating these enduring strategic benefits for U.S. national, regional, and global security. Tellingly, the brutal maximalist goals of Moscow’s aggression – invading the largest European country by area, aiming to decapitate the government, and ethnically cleansing the population – contrast starkly with its unwillingness to risk escalation with Ukraine’s NATO neighbors next door. This clear dividing line has held, despite some of these countries representing much easier targets for conquest compared to Ukraine, were it not for their alliance membership. Moscow also has refrained from attacking NATO arms shipments and other aid to Kyiv that transits allied territory, even as this assistance helps Ukraine impose increasingly severe costs on Russian invasion forces. This stark reality also explains Kyiv’s earnest pursuit of alliance membership, and why Sweden and Finland swiftly abandoned their long traditions of neutrality to seek shelter under the umbrella of transatlantic security guarantees.

At the same time, NATO has eased the burden of the Ukraine conflict on the United States, since alliance membership has enabled Eastern European countries to send much more support than if they were outside the mutual defense umbrella. Perhaps most remarkably, NATO’s Baltic members, while being much smaller and in many other respects more vulnerable than Ukraine to Russian aggression, have effectively emptied their arsenals for Ukraine’s defense, while also providing outsized diplomatic leadership in rallying Europe against Moscow. Japan, another U.S. treaty ally susceptible in key areas to Russian leverage and intimidation, similarly has stepped up to help isolate Moscow. NATO’s efforts, and the high toll they are exacting on Putin’s belligerence, also reinforce deterrence more broadly by offering a cautionary tale to other would-be aggressors against U.S. allies.

C. Strategic Logic of Mutual Defense Pacts

These strategic benefits of mutual defense pacts also matter immensely to the United States beyond the immediate context of Ukraine and NATO. Like in the early Cold War, American policymakers confront simultaneous major challenges around the globe, foremost, but not exclusively, the People's Republic of China and chiefly in the Indo-Pacific. Amplifying its predecessor, the Biden administration's new National Security Strategy makes clear that Beijing is "the only competitor with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to advance that objective."⁶ Combined with Russia's resurgent threats to Europe, prioritizing China as what the Pentagon calls the "pacing challenge" further reinforces the importance for the United States of avoiding security vacuums that imperil core interests elsewhere, overextend limited resources further, and distract from these more pressing or higher-order challenges. Avoiding costly and diversionary sideshows becomes even more acute amid competing pressures at home from persistent fiscal uncertainty, rising isolationism, and worsening sociopolitical tensions.

The Biden administration's assertion in its recent National Defense Strategy that "mutually-beneficial alliances and partnerships are our greatest global strategic advantage" reflects how mutual defense pacts continue to be fundamental for securing U.S. interests in this increasingly complex and demanding environment.⁷ Indeed, U.S. national security – not to mention global stability – relies heavily on the continued efficacy of these pacts, dating back to their formation beginning in the late 1940s, in preventing the outbreak of wars that could threaten the existence of any U.S. treaty ally.

D. Glaring Lack of Treaty Allies in the Middle East

Yet while the United States has dozens of treaty allies around the world, it has none to help uphold stability in the Middle East, in turn allowing Iran, China, and Russia to surge into a vacuum. This is especially jarring and dangerous in light of the fact that the United States continues to articulate vital and enduring national security interests in the region, including: preventing Iran or other hostile powers from dominating the region, ensuring the free flow of energy from a region that holds one-third of global energy reserves, maintaining freedom of navigation through key maritime chokepoints, countering Islamic terrorism, and supporting key partners.⁸

The gap between these vital interests, and U.S. presence and commitment to uphold them, also is conspicuously greater in the Middle East than elsewhere, especially as the absence of treaty allies in the region contrasts sharply with America's extensive alliance networks in the Indo-Pacific, Oceania, Europe, and Latin America. This worrisome disconnect is exacerbated by a lengthy bipartisan pattern of seeking to reduce or simply abandon longstanding partnerships, presences, and redlines in the region – often abruptly and without regard to the counterproductive consequences. Key recent examples include: President Obama's 2011 withdrawal from

Iraq and decision in 2013 not to uphold his “redline” against Syria’s chemical weapons use; President Trump’s reluctance to respond to escalating Iranian aggression in the region, most notably the 2019 cruise missile and drone attack on key Saudi energy facilities, and explicit urgency to “get out” of the region’s “forever wars,” including by tweeting his intentions to unilaterally withdraw U.S. forces from Syria; and President Biden’s pullout from Afghanistan.

Iran is steadily filling this void with its expanding Middle East footprint, advancing nuclear weapons program, and increasingly sophisticated conventional military capabilities. As the then-top American military commander in the Middle East put it bluntly in late 2021, “Iran’s strategic capacity is now enormous. They’ve got overmatch in the theater – the ability to overwhelm.”⁹ Moreover, Tehran has been emboldened by American retrenchment from the region to rain hundreds of missiles and drones on Saudi and Emirati cities and energy facilities, while also brazenly attacking U.S. forces. These developments persistently threaten to draw the United States back into Middle East crises and conflicts precisely when it can least afford to pull focus and resources from addressing China, Russia, and other priorities.

The Biden administration’s new National Defense Strategy recognizes this need to “prioritize cooperation with our regional and global partners that results in their increased ability to deter and defend against potential aggression from Iran.”¹⁰ Reports suggest it is beginning to apply this strategy to the Middle East, as it appears to be considering offering some security commitment to Saudi Arabia as part of a process to normalize Israeli-Saudi relations.¹¹ That would be an important, and welcome, contribution to regional stability. But it only makes the absence of such a U.S. treaty alliance with Israel even more glaring.

Israel is one of America’s most capable and ready partners. It reliably fulfills steadily growing U.S. calls for friends and allies worldwide to help pick up the slack for collective defense, becoming the Middle East’s primary security provider in the process. Israeli intelligence cooperation with the United States routinely provides early warning, targeting assistance, and other vital information for U.S. military operations and sanctions enforcement – including repeatedly saving American lives with tipoffs of impending attacks by Iran, its proxies, and Islamic State against U.S. forces and assets.¹² Even as America’s own presence and attention in the region have been unpredictable, Israel also has stepped up its campaigns to roll back Iran’s regionwide military entrenchment and nuclear expansion. It also helps defend the airspace of its Arab neighbors, combat terrorism near the strategically vital Suez Canal, and promote regional security cooperation through the auspices of the Abraham Accords.

At the same time, the United States already has articulated, repeatedly and across multiple administrations and branches of government, its support for the security of Israel. Most recently, the Jerusalem Declaration, signed by President Biden and then-Prime Minister Lapid in July 2022, declared that: “Consistent with the longstanding security relationship between the United States and Israel and the unshakeable U.S.

commitment to Israel’s security, and especially to the maintenance of its qualitative military edge, the United States reiterates its steadfast commitment to preserve and strengthen Israel’s capability to deter its enemies and to defend itself by itself against any threat or combination of threats.”¹³ A mutual defense treaty would formalize, strengthen, and make even more visible these ties that already bind.

NATO’s robust burden-sharing and support for Ukraine offer timely examples for how American policymakers can achieve this crucial objective without overextending precious U.S. resources. Now is the time for a U.S.-Israel mutual defense pact to strengthen shared deterrence in the Middle East and more fully enable Israel to uphold regional stability.

Mutual Benefits of U.S.-Israel Treaty Alliance

Shared Deterrence and Middle East Stability

Prevent or mitigate major regional conflict, including massive surprise attack or other escalation by Iran and its proxies against Israeli and/or U.S. targets.

Stronger Regional Security Architecture

In tandem with potential Israel-Saudi normalization, leverage America’s unmatched Middle East partnerships to address common threats, share burdens, and advance U.S. global interests.

Reassure Israel and its budding Arab partners they can comfortably forge ahead with greater security cooperation, rather than feeling compelled in America’s absence to hedge toward Beijing, Moscow, and Tehran.

Through tangible assurances of U.S. backing and reduced risks of Iranian escalation, enhance Israel’s ability to roll back and deter further Iranian regional and nuclear aggression.

Freedom of Action

Enable American policymakers to focus attention and resources on competing with China and Russia, by reducing risks and costs of being diverted into another major Middle East conflict.

U.S. Credibility

Undergird U.S. deterrence more globally by concretely upgrading support for one of its closest and most capable partners.

Mutual Benefits of U.S.-Israel Treaty Alliance

Strategic Cooperation

Align U.S.-Israel policies on China and other global priorities through deeper intelligence, technology, and trade ties.

Provide Israel greater diplomatic flexibility to support U.S. policies outside the Middle East, foremost aiding Ukraine.

Raise the likelihood that Israel consults or informs the United States in advance of major self-defense actions.

Advanced Military Capabilities

Facilitate immediate and consistent supply of critical U.S. weapons to support Israel's defense of shared interests.

Build cooperation to innovate next-generation military technology, and streamline defense trade to ensure resilient supply chains.

Replace current practice of 10-year MOUs on defense assistance with longer-term, 25-year partnership focused on joint R&D.

Stability in Bilateral Relations

Insulate one of America's top security partnerships from abrupt changes in political and foreign policies, including efforts to arbitrarily downgrade or condition U.S. support for Israel.

III. Deterrence and Stability: Benefits of a U.S.-Israel Mutual Defense Pact

A bilateral mutual defense pact benefits both parties in several ways.

A. Deter Conflicts and Stabilize the Middle East

Most fundamentally, a mutual defense pact would prevent or mitigate major conflict, including a massive surprise attack on Israel by Iran and/or its proxies, as well as Iranian-led retaliation or escalation of lower-intensity hostilities. By signaling full American backing for Israel and its security and by making Israeli threats to destroy Iranian nuclear facilities more credible, a treaty alliance would force Iran to think twice about crossing the nuclear threshold. If Tehran nevertheless still tried to do so, and Israel was forced to strike Iranian nuclear facilities, a U.S.-Israel mutual defense pact would mitigate the severity of Iran's retaliation. The Iranian regime would be wary of any action that might trigger the treaty and provoke a U.S. response. And in the dire circumstance that Iran achieves nuclear weapons capability, a treaty alliance would add a layer of deterrence against the radical Tehran regime utilizing its new nuclear capability to advance its goal to destroy the Jewish state. Given Tehran's approach to the threshold of nuclear weapons capability, combined with its development and proliferation of highly advanced missiles and drones, any of these conflict scenarios threaten to impose prohibitive – perhaps even unprecedented – damage on Israel's military, critical infrastructure, and civilian population, as well as on U.S. targets throughout the region.¹⁴

By making such conflicts less likely and providing tangible assurances that America ultimately has Israel's back, a mutual defense pact also enhances Israel's freedom of action to defend itself – and U.S. interests – by expanding its ongoing “campaign between the wars” to roll back Iran's military advances and deter Tehran from further aggression.¹⁵ Concomitantly, a mutual defense pact would reduce the risks to the United States of yet another Middle East conflict that would distract from other priorities. Demonstrating and bolstering credible support for one of its closest, most militarily capable, and active partners would undergird U.S. deterrence not only against Iran but also more globally – a salutary inversion of the process whereby Washington's past failures to uphold guarantees in the Middle East directly undermined its security pledges in other parts of the world.¹⁶

For all these reasons, a U.S.-Israel mutual defense pact also would serve as a cornerstone of the Biden administration's efforts – through its pursuit of Saudi-Israeli normalization and a U.S. defense commitment to Saudi Arabia – to establish a proper U.S.-led regional security architecture that better leverages America's unmatched set of partnerships across the broader Middle East in order to address common threats, share burdens, and advance U.S. global interests.

B. Bolster American Credibility

The benefits of a U.S.-Israel alliance would also redound across other relationships by signaling concretely that the United States remains committed to Middle East stability. On top of the Abraham Accords and the U.S. decision to relocate Israel to the area of responsibility for U.S. Central Command, this could reduce burdens on the United States by reassuring Israel and its budding Arab partners that they can comfortably forge ahead with greater security cooperation, rather than feeling compelled in America's absence to hedge toward Beijing, Moscow, and Tehran. Meanwhile, fraying U.S. deterrence in other parts of the globe would also be strengthened, as allies and adversaries worldwide gauge the reliability of American guarantees based partly on how it treats its closest, most militarily capable, and most active partners like Israel. Indeed, there might be no greater imprimatur of credibility than for Israel, a country viscerally committed to defending itself by itself, to agree to a U.S. defense treaty.

C. Align U.S. and Israeli Foreign Policies on Global Priorities

The formal structures, continual consultations, and tighter security relationship resulting from a defense treaty would better align U.S. and Israeli national security policies not just in the Middle East but globally, and especially on China. The Jewish state, of course, is viscerally tied to the United States and the West. Still, the two partners have not always seen eye-to-eye on China, creating tension in the U.S.-Israeli relationship.¹⁷ Our draft treaty contains language committing both countries to work more closely to deepen intelligence and technological cooperation while developing a common approach, particularly on matters touching security, dual-use goods, and sensitive technology trade and investment, to confront the strategic challenges that will determine the security and prosperity of both the United States and Israel in the 21st century. The pact would also give Israel greater diplomatic and strategic flexibility to support U.S. policies outside the region, such as aiding Ukraine, because of its official status as an American treaty ally.

D. Empower Israel

Crucially, an alliance with Israel could be expected to require less of the United States than existing mutual defense pacts. Israel already does what the United States calls on allies to do, namely: help with collective defense and assume a greater role in defending themselves, oftentimes using U.S. weapons and other materiel. Israel is already America's most capable security partner, committed to not relying on others for its own security. It spends more on its military as a percentage of gross national product than any other democracy, even once U.S. security assistance is excluded.¹⁸ It has developed cutting-edge technologies, such as, first, the Iron Dome missile defense system and, now, the Iron Beam variant that uses directed energy, that could defend American and Israeli lives alike.¹⁹

Thus, unlike some of its existing alliances, the United States would not be expected to provide – nor would Israel accept – American forces as a tripwire on Israeli soil. Additionally, the two countries already have many of the coordinating structures of formal alliances, including defense planning forums, intelligence sharing, prepositioned weapons stockpiles, and extensive joint exercises. Israel already has many responsibilities of a close relationship with the United States, and while not having a formal commitment to do so, a defense treaty certainly would make Israel more likely to consult or inform the United States in advance of major military action to defend itself against a dire strategic threat that could put U.S. military assets at risk.

E. Enhance American and Israeli Capabilities

A bilateral defense treaty also would provide an opportunity to retool the U.S.-Israeli security relationship to ensure both countries receive maximal benefits over the long term. On the one hand, the United States should recommit itself in such a treaty to maintaining Israel's qualitative military edge (QME) and providing Israel with weaponry to defend itself, by itself, against the advanced and persistent threats it faces in the Middle East. Thus we recommend a mutual defense pact be accompanied by a long-term Memorandum of Understanding (MOU) on bilateral military assistance as well as agreements to facilitate immediate and consistent supply of needed American weapons to Israel, and to ensure the U.S. forward-deployed arms depot in Israel (known as WRSA-I) contains adequate advanced munitions to support Israel's self-defense.²⁰

On the other hand, it is also time to realize that Israel has evolved dramatically since the massive U.S. military airlift during the 1973 Arab-Israeli War. It is not only the most advanced and capable military in the Middle East but also an advanced economic and technological power that can actively contribute to U.S. national security, prosperity, and competitiveness against global adversaries. The structure of the U.S.-Israel security relationship should be upgraded to reflect this reality; a mutual defense treaty would provide a vital instrument for doing so.

An important change we recommend would be to transform the current practice of 10-year MOUs that provide Israel with Foreign Military Financing to buy mostly American weapons with a 25-year partnership focused on joint research and development (R&D) to innovate the next generation of military technologies for both countries. Building on the recent U.S.-Israel Security of Supply Arrangement, this mutually-beneficial shift should include streamlining defense and related trade and cooperation between the two countries, similar to ongoing U.S. efforts with Australia and Britain to more formally coordinate and even integrate key supply chains.²¹ This could build directly on Israel's existing roles in joint weapons R&D and procurement, as well as its sophisticated and agile defense-industrial sector, which can help address glaring shortcomings in U.S. military supply chain capacity and resilience that have been exposed by the global pandemic and ongoing efforts to resupply Ukraine and reduce dependence on relevant Chinese-controlled resources and technologies.

The benefits of this more synchronous approach are already evident with multiple Israeli-developed weapons systems that the U.S. military has purchased to protect its troops. In 2019, for example, the U.S. Army purchased the Israeli Trophy active protection system to defend its M1A2 Abrams tanks, with co-production of the system taking place in the United States.²² More recently, the Marine Corps adopted the U.S.-funded and Israeli-developed Iron Dome system for its Medium-Range Intercept Capability program.²³ Further joint cooperation on directed energy air defenses, cyber security, as well as space and intelligence programs will provide Israel with enhanced capabilities to defend itself and the United States with an edge over its global competitors.²⁴

F. Insulate U.S.-Israeli Relations from Politics

Finally, just as Cold War-era pacts made the decades-long continuity of U.S. commitment to its allies both credible and predictable – regardless of changing politics and foreign policies in Washington and foreign capitals – a treaty alliance with Israel, enshrined by the Senate with broad support from both parties, would strengthen and stabilize one of America's top security partnerships against domestic efforts to abruptly and arbitrarily condition or downgrade it.

IV. Specifics of a U.S.-Israel Mutual Defense Treaty

As with all U.S. mutual defense pacts, an alliance with Israel would account for specific strategic concerns and circumstances of both parties while still creating an added layer of deterrence. Nevertheless, widespread perceptions that these pacts automatically bind allies' hands in case of attack, combined with Israel's deeply ingrained convictions to defend itself and retain its strategic independence, could make its policymakers and public wary of potentially needing U.S. approval for critical national security decisions if they entered into an alliance. Likewise, Americans could fear being dragged into unnecessary and unending overseas conflicts, especially since Israel, unlike Germany or Italy for example, is frequently subjected to lower-level armed attacks that compel it to respond. No such conflict would trigger our proposed U.S.-Israel security treaty, and certainly neither country would want it to.

Like all U.S. mutual defense treaties, this pact would be geographically limited in its scope. Additionally, but unlike existing pacts, a U.S.-Israel mutual defense treaty should only activate under a very high threshold, namely: exceptional circumstances that would threaten both allies' fundamental security interests. In being limited strictly to exceptional circumstances, a U.S.-Israel mutual defense treaty should affirm three specific principles:

- 1.** Israel will seek a mutual defense treaty with the United States only to address conditions of extreme peril threatening its existence, its strategic viability, or its ability to defeat a major armed attack on territory controlled by Israel. In such extraordinary conditions, the United States will make every possible effort to provide necessary military, intelligence, and other means of support to ensure Israel's security, and will look favorably upon Israeli requests for such assistance.
- 2.** In implementing Principle 1, a treaty should circumscribe the cases under which a direct threat or attack on one ally would be considered an attack on the other, to include only:
 - The use, or threat of use, of weapons of mass destruction against territory controlled by Israel; or
 - The use, or threat of use, of weapons of mass destruction against U.S. forces based in Middle Eastern countries that share diplomatic ties with Israel; or
 - A major armed attack on territory controlled by Israel by a regional or global power that poses an existential threat to Israel.

3. Drawing directly on experiences from the bilateral U.S.-Israel relationship and existing U.S. mutual defense pacts, a formal mutual defense treaty also should explicitly acknowledge Israel's concerns for its strategic independence, and U.S. concerns to avoid strategic overextension. Accordingly, a treaty also should affirm:
- In recognition of each country's sovereignty and strategic independence, each party declares it would act to meet such threats or attacks, including the use of armed force, only in accordance with its constitutional provisions and processes;
 - Israel's intention to defend itself by itself, and America's ongoing commitment to ensure Israel has the means necessary for self-defense, particularly by maintaining Israel's QME, as required by U.S. law, through the immediate and consistent supply of needed American weapons to Israel and forward-deployment to the U.S. arms depot in Israel, known as WRSA-I, of adequate advanced munitions to support Israel's self-defense;
 - Neither party will allow a defense treaty to constrain its freedom of action in self-defense. While each country will endeavor to keep the other informed about developing threats and responses, as they do already, neither will be obligated to provide prior notification, nor will either be obligated to have prior approval from the other, for actions it considers urgent and necessary for its defense;
 - Both parties commit to working more closely – through a new 25-year MOU – to deepen intelligence and technological cooperation while developing a common approach, particularly on matters touching security, dual-use goods, and sensitive technology trade and investment, to confront the strategic challenges that will determine the security and prosperity of both the United States and Israel in the 21st century; and
 - There will not be any linkage between a mutual defense pact and any issues outstanding between either country and other states or entities.

V. Addressing Counterarguments

Several arguments have been raised by opponents and skeptics of a mutual defense pact: first, that it would be superfluous, given already high levels of bilateral security cooperation and widespread perceptions that Israel already is an “ally;” second, that it might hinder either country’s strategic freedom of action; third, that it may require Israel to assist U.S. military operations beyond the Middle East; fourth, that it would impose military interoperability requirements on either country; fifth, that it could force either ally to reveal strategic capabilities; and finally, that Israel’s unsettled borders would complicate a U.S. security guarantee to help defend the country in extreme circumstances.

A. *Necessary vs. Superfluous*

A main counterargument is that a mutual defense pact with Israel would be superfluous, given perceptions that Israel already is an “ally” with closer bilateral security cooperation than some of America’s existing treaty allies, and the United States already is effectively committed to come to Israel’s defense. As a corollary, it could be possible that any new advantages might not be equal to the burdens a pact conceivably would impose on one or both countries.²⁵

Certainly, Israel already is one of America’s closest partners and often is called an “ally.” A Gallup poll in 2022 found 71 percent of Americans hold favorable opinions of Israel, higher than for many U.S. treaty allies.²⁶ Last year President Biden proclaimed “Israel is our ally” and reiterated “the unshakeable commitment of the United States to Israel’s security.”²⁷ A year before that, Senate Minority Leader McConnell emphasized on the Senate floor how “the United States needs to stand four-square behind our ally” Israel, in turn echoing Senate Majority Leader Schumer’s 2019 remarks that “Israel is a staunch and steady ally.”²⁸ Many of these statements reflect extensive U.S. legal and diplomatic commitments to Israel, including Israel’s designation as a major non-NATO ally, America’s statutory support for Israel’s QME, the 2016 ten-year MOU on U.S. defense assistance to Israel, and key legislation like the United States-Israel Enhanced Security Cooperation Act of 2012.²⁹

These agreements bolster Israel’s self-defense via Foreign Military Financing, weapons sales and other arms transfers, joint R&D, and military exercises, among other programs. Yet they conspicuously do not commit U.S. backing if Israel faces an existential threat. President Bush’s remarks in 2006 and 2008, respectively – that “Israel is a solid ally of the United States. We will rise to Israel’s defense, if need be,” and “Israel’s population may be just over seven million, but when you confront terror and evil, you are 307 mil-

lion strong because the United States of America stands with you” – while the closest any American official has come to such a commitment, did nothing to formalize this guarantee or make it permanent through a treaty.³⁰

A mutual defense pact would entail more formal commitment to Israel’s defense, yet it would avoid tying either ally’s hands, thanks to the explicit provision that each party retains its sovereign right to decide how an attack on one should be treated as an attack on both. Allowing allies to respond in the manner most advantageous to themselves, and most costly to their adversary, can bolster deterrence further by injecting uncertainty in the minds of potential aggressors over what the precise response will be.

Tellingly, no war has broken out that threatened a treaty ally’s existence since the United States first formed such alliances in the late 1940s. Credible U.S. military threats have also reliably affected Iranian regime decision-making, most clearly in compelling it to end the interminable Iran-Iraq War in 1988 and voluntarily suspend key elements of its nuclear program in 2004.³¹ The United States could be drawn into a major Middle East conflict even in the absence of any formal commitment – as in the Iran-Iraq War, the first Persian Gulf War, and operations against Islamic State – giving it strong incentive to deter or mitigate such conflict in the first place.

B. Freedom of Action

For both countries the issue of strategic independence is the primary wellspring of wariness toward a mutual defense pact, which could be perceived as giving a vote or veto in each other’s national security decision-making. Indeed, one longstanding hurdle to a treaty stems from Israel’s very *raison d’être*, based on Jewish and Israeli history, to defend itself by itself and to never rely on anyone else – even its most important and closest ally. Moreover, some in Israel might worry a mutual defense treaty could inhibit either it or the United States, or both, from doing whatever is necessary to prevent a nuclear Iran. However, it would be strategic malpractice for either country to cite or rely on a mutual defense pact as an excuse to shift away from prevention toward trying to contain a nuclear Iran, and to attempt a doctrine of mutually assured destruction against a murderous revolutionary anti-American regime dedicated to Israel’s elimination. The commitment to provide Israel with the weapons it needs, if need be, to defend itself by itself and militarily prevent a nuclear Iran, is a critical component of a strategy to prevent a nuclear Iran – and is part of our draft treaty.

Additionally, the second condition of activation of our proposed treaty, the use or threat of use of WMD against U.S. bases in regional countries friendly to Israel, adds an important element of parallel mutuality to the treaty without committing Israel to act in far-flung countries where its interests are not implicated. It is understood with all American mutual defense treaties that the *sine qua non* and core feature of such pacts is Washington’s commitment to act when its treaty ally is threatened. However, Israel

over the years has repeatedly helped protect and save the lives of American soldiers in the region and should be prepared to do so in a treaty, even as the United States will continue to count on Israel's assistance in other, less dangerous situations in the Middle East that might not require invoking the treaty, serving both countries' interests.

Given these considerations, it is highly relevant that U.S. mutual defense pacts are careful to limit their parties' formal obligations, while still enhancing deterrence. Our proposed treaty would impose no limitations on, but in fact strengthen, Israel's freedom of action. Existing U.S. treaty alliances can help address concerns. The architects of these treaties intentionally crafted treaty language as statements of intent rather than as binding contracts. The North Atlantic Treaty, on which most other U.S. alliance treaties are modeled, explicitly and unequivocally gives each signatory an uncompromisable right of independent decision. In the case of one or more parties being attacked, Article V provides that every signatory "shall assist the Party or Parties so attacked by taking forthwith ... such action as it deems necessary...." Moreover, by declaring each member will "act to meet the common danger in accordance with its constitutional processes," U.S. mutual defense treaties explicitly recognize each party's sovereign right to decide its own response to an attack on an ally.³²

In the one case where Article V was invoked in a U.S. alliance – by NATO, after 9/11 – each member interpreted this obligation by its own lights. Secretary General Lord Robertson said this invocation "did not necessarily mean NATO would get involved in military action. Nor did it mean Washington was obliged to act through the group."³³ Allied support varied from trivial to substantial, as Britain, Denmark, and Canada sent significant combat forces in Afghanistan while other members did little, if anything, beyond dispatching liaisons and planners.

As this case underscores, allies commit only to confer when another's security is threatened. NATO's Article IV, and similar articles in all other U.S. mutual defense pacts, stipulate the parties "will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security ... is threatened."³⁴ This consultation is what the parties make of it, and such consultations can be lengthy or quick, decisive or inconclusive. Indeed, U.S. mutual defense pacts do not place the crucial decision of war or peace in the treaty or a treaty body, but rather with each individual party. In the United States, for example, those sovereign powers are set forth in the Constitution; in Israel, in its Basic Laws.

Furthermore, the specific military actions, plans, and capabilities – and their coordination – between the United States and its treaty allies are neither spelled out, prescribed, nor prohibited in any of the treaties. Rather, the allies set this agenda, if at all, through lengthy and complicated negotiations only after the treaty is signed and ratified. Accordingly, any given ally's relationship with the United States differs from others. Some countries have a wider range of security issues on the agenda, and others fewer; some relationships are more intimate and sensitive, others observably less so.

For all these reasons, mutual defense pacts do not give allies a direct say in each other's strategic decisions, nor do they obligate the parties to support or become involved in the other's military activities. Indeed, the United States has often judged it necessary to take actions either without consulting allies or without their support, and sometimes despite their opposition, for instance in the Dominican Republic in 1965, Panama in 1989, and Iraq in 2003.

By the same token, history is replete with examples of U.S. allies acting on what they consider vital interests that were not shared by the United States, and which Washington did not support. During the Cold War many American policymakers would have strongly preferred fellow NATO members concentrate on Soviet threats in Europe rather than distant colonial wars. Though President Kennedy advised Portugal not to fight to retain its African possessions, NATO membership did not keep Lisbon from freely pursuing that exact policy. British and French NATO membership imposed no obstacles on their policies in Malaya, Indochina, Suez, Algeria, or the Falklands, among other places, nor did America's membership create any obligation to support them.³⁵

For example, the United States resisted French efforts in the 1950s to depict its war in Algeria as part of the larger struggle against communism and rejected claims that Algerian nationalism threatened NATO's southern flank. In fact, the United States feared that French policy risked driving moderate Arab nations and much of the emerging Third World into Soviet arms, and that war in Algeria meant fewer French troops in Europe.³⁶ In 1982, Britain, America's closest ally, rejected the counsel of President Reagan and his top advisers against taking back the Falklands militarily. Some American officials saw the Argentinian regime as an asset for containing communism in Latin America, and Secretary of State Haig even developed a plan effectively giving Argentina sovereignty over the islands, which Britain rejected. President Reagan eventually acquiesced and supported Britain's ultimately successful military campaign.³⁷

As these examples show, mutual defense pacts did not prevent U.S. allies pursuing their own policies, often in ways that prompted American objections. Moreover, by enshrining and expanding on America's commitment to Israel's QME – through a stated pledge to supply Israel with and pre-position in Israel needed weapons – this treaty would actually expand Israel's capabilities to defend itself by itself in all but the most extreme circumstances. While that principle is absolutely essential, and our treaty strengthens it dramatically, it is not absolute. The United States already provided, during the 1973 Arab-Israeli War, assistance in Israel's moment of need and has operational plans to do so in the future, if need be, by deploying U.S. air defense assets to Israel under U.S. control, should Israel come under severe threat from an adversary's long-range missiles, for example. None of this has any negative impact on Israel's self-defense ethos or deterrence.

C. Geographic Focus

Officials and other experts in Washington and Jerusalem have questioned if a mutual defense pact would require Israel to assist the United States in a major conflict beyond Israel's normal theater of operations, for instance in Eastern Europe or the Indo-Pacific.³⁸

Such concerns miss the mark, since U.S. mutual defense pacts sharply restrict both the type and scope of conditions under which Article V would activate. The treaty proposed here pertains only to a limited set of exceptional threats and armed attacks directly against Israel or American forces based in nearby Arab countries with whom Israel has diplomatic relations. Bounded as such, the mutuality of such a defense pact resides in how Israel and the United States already would be self-interested in preventing or mitigating such threats in the first place, and in the fact that neither party would be expected to assist with lower-level attacks.

There is ample precedent for such a limited geographic scope among existing U.S. alliances, which can vary appreciably from one another in what they seek to defend, based on the specific needs of the parties and the shared threats they seek to counter. The treaty with Japan, which our proposed U.S.-Israel treaty largely follows on this score, covers armed attacks only “against either Party in the territories under the administration” of Tokyo. By comparison, ANZUS and the Philippines treaty cover “armed attack on the metropolitan territory of any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels, or aircraft in the Pacific.” The Rio Pact limns a very precise, if also much broader, treaty area defined by latitudinal and longitudinal points in the Western Hemisphere. Reflecting the alliance's transoceanic membership, NATO's Article V and Article VI are even more expansive by covering attacks “in Europe or North America” including the “Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.”³⁹

D. Interoperability

Another concern is that, to facilitate rapid and significant U.S. assistance to Israel in the exceptional circumstances identified in this proposed treaty, a mutual defense pact would impose interoperability requirements on both countries' militaries.⁴⁰ To be sure, certain levels of interoperability are desirable or even necessary for contingency planning and to enable combined operations. This also reinforces deterrence, by making more credible to shared adversaries the prospect of effective operational coordination among allies. However, existing pacts vary appreciably in the degree of interoperability between member states, without undermining the basic Article V principle at the core of each. Though NATO is considered the gold standard for alliance interoperability, featuring an integrated military command, defense and nuclear planning committees, and agreements to standardize equipment and procedures between allies, notable variances nevertheless exist among its members in terms of their interoperability and their voluntary participation in these NATO structures and processes.

Moreover, the U.S. and Israeli militaries already are highly interoperable – more so than many existing U.S. treaty allies – due to joint R&D efforts, regular exercises, and significant Israeli purchases of U.S. defense materiel in recent decades. Much of Israel’s multi-layered air defense architecture, including radars, has been co-developed with the United States, and each country procures missile defense systems produced by the other. Most of the Israel Defense Forces’ (IDF) manned aircraft are U.S.-made, though Israel regularly makes proprietary modifications to such systems. The majority of precision guided munitions used by these aircraft are also U.S.-made. The two countries either jointly produce, procure from each other, or use technologies developed by the other in armored and unmanned vehicles, satellites, and battlefield radars, among other systems.⁴¹

The United States and Israel also have many of the same coordinating structures as formal alliances, such as defense planning forums, intelligence sharing, prepositioned weapons stockpiles, and extensive joint exercises – including regular bilateral exercises specifically designed to promote interoperability for missile defense, aerial combat, urban warfare, and maritime security operations. Israel also participates regularly in exercises with NATO members on aerial combat, counter-UAS/air defense, command and control, antisubmarine warfare, and reconnaissance and navigation. The United States and Israel could strengthen this robust interoperability further in a mutual defense pact, but as with all existing U.S. alliances, this would be the result of independent decision-making by each country and not a stipulation of alliance membership.

E. Nuclear Opacity

Some observers contend a U.S.-Israel pact would require each country to reveal plans and capabilities with respect to nuclear issues, and/or pressure Israel to join the Non-Proliferation Treaty (NPT). While the United States and Israel could decide to increase nuclear transparency between themselves, this would not be part of a treaty alliance. No existing U.S. alliance has any membership conditions or requirements for sharing or altering nuclear intentions, capabilities, or plans.⁴²

A certain level of transparency exists between the United States and its two nuclear-capable allies Britain and France, but this evolved independently of their joining or remaining in NATO. This is particularly noteworthy, given the emphasis on interoperability among NATO members compared to other mutual defense pacts. Britain and the United States do have some mutual transparency on nuclear matters, but this is rooted in World War II-era cooperation and governed by agreements distinct from the North Atlantic Treaty, including the 1958 U.S.-U.K. Mutual Defense Agreement.⁴³ To a lesser degree, France and the United States also coordinate on such matters, though France developed its nuclear arsenal largely in secret from even its allies. NATO does require certain transparency among members of its nuclear sharing program – whereby U.S. tactical nuclear weapons are forward-deployed in Belgium, Germany, Italy, Netherlands, and Turkey – but this cooperation is agreed independently of each country’s accession to the alliance itself.⁴⁴

Nor would a pact be contingent on Israel joining the NPT. Such linkage has no precedence, and as a nuclear-weapon state party to the treaty the United States is required only to avoid transferring nuclear weapons to other countries and assisting them in manufacturing their own – something it has never done, and which a mutual defense pact with Israel would do nothing to alter.

F. Israel's Borders

The lack of certain internationally recognized legal boundaries prompts the question of which Israeli borders the United States would commit itself to defend in a pact.⁴⁵ Several existing U.S. allies have borders that were not, and in some cases still are not, finalized or clearly agreed. West Germany joined NATO despite lacking agreed boundaries with East Germany, whose existence was not recognized by NATO members at the time. Japan still has territorial disputes with Russia, China, and South Korea that pre-date its U.S. alliance. South Korea's border with North Korea, a state the United States does not officially recognize, also lacks formal international recognition. The Philippines has several border disagreements, most of which are no closer to resolution than they were decades ago, and some of which periodically become violent.⁴⁶

Separately, issues of Israel's borders effectively would be moot in a treaty alliance. Israel's major adversaries are opposed to its existence, not its borders, and Iran and its proxies have made clear their arsenals are aimed at targets within internationally recognized borders of Israel, including IDF airbases, Haifa Port, Ben Gurion Airport, and major conurbations like Tel Aviv.

Appendix: Draft Text of “Mutual Defense and Security Treaty Against Existential Threats Between the United States of America and the State of Israel”

The High Contracting Parties to this Treaty (“the Parties”) reaffirm their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage, and civilization of their peoples, founded on the principles of democracy, individual liberty, and the rule of law. They seek to promote stability and well-being in the Middle East region, which is vital to the security of the world and the high national interests of the Parties. They desire to promote conditions of security and well-being in their countries, including through closer economic, technological, and intelligence cooperation between them.

The High Contracting Parties to this Treaty are resolved to unite their efforts for collective defense and for the preservation of peace and security. They declare publicly and formally their common determination to defend themselves against exceptional armed attack on either or both Parties, so that no potential aggressor could be under the illusion that either Party stands alone in the Middle East region. They therefore agree to this Mutual Defense and Security Treaty Against Existential Threats Between the United States of America and the State of Israel, independently of any diplomatic and political issues between either Party and a Third Party.

For the purposes of this Treaty, “Qualitative Military Edge” shall be understood, as defined in U.S. Public Law 100-429 §201(d)(2) of October 15, 2008, as Israel’s ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition of states or non-state actors.

To enhance Israel’s Qualitative Military Edge, and ensure that Israel has the means to defend itself by itself, the Parties agree to conclude a 25-year Memorandum of Understanding to strengthen joint defense capabilities and more consistent joint defense

cooperation, including through information and technology sharing and research and development, in order to ensure their shared leadership in critical, defense, and emerging technologies and any other capability upon which the Parties agree.

Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article II

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.

Each Party undertakes to help ensure that the other has the means to defend itself by itself against all known threats in the Middle East, and the United States considers Israel's capacity for self-reliance to be an anchor of stability in the Middle East. As a critical component of the right of each Party to self-defense, the Parties underscore their joint commitment to combatting the proliferation of weapons of mass destruction. The United States acknowledges that Israel's ability to defend itself by itself depends upon the maintenance of secure and defensible borders, as well as its Qualitative Military Edge that enables it to counter and defeat possible military threats while sustaining a viable society and economy. Toward that end, and to the benefit of both Parties, the United States will ensure that the War Reserve Stockpile for Allies-Israel ("WRSA-I"), consistent with its stated mission and purpose under U.S. law, will, as rapidly as possible, and thereafter, maintain at all times adequate supplies of advanced munitions and other weaponry necessary to ensure Israel's ability to defend itself by itself during emergencies such as wartime.

Article III

It shall be the policy of both Parties, to the maximum extent practicable, to share on an urgent basis intelligence that threatens the security of the other Party.

Article IV

Each Party affirms it does not seek the intervention of the other Party in all possible conflicts, but only when Exceptional Circumstances arise. Exceptional Circumstances are deemed to include:

1. The use, or threat of use, of weapons of mass destruction against territory controlled by Israel; or
2. The use, or threat of use, of weapons of mass destruction against U.S. forces based in Middle Eastern countries that share diplomatic ties with Israel; or
3. A major armed attack on territory controlled by Israel by a regional or global power that poses an existential threat to Israel.

In such Exceptional Circumstances, each Party affirms it will make every possible effort to provide necessary military and other means of support to ensure the other Party's security, and will look favorably upon the other Party's requests for such assistance.

The Parties will consult together on an urgent basis whenever, in the opinion of either or both of them, any of these Exceptional Circumstances are deemed to obtain.

Article V

The Parties agree that in the event of any Exceptional Circumstance(s) defined in Article IV, the threat or attack shall be considered a threat or attack against both Parties to this Treaty. In such Exceptional Circumstances, the Contracting Party will assist the Party so attacked by taking whatever action it deems necessary to exercise its inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations. On the request of the Party threatened or directly attacked, the Contracting Party may determine the immediate measures which it may take individually in fulfillment of the obligations contained in this Treaty, including the use of armed force, in accordance with its constitutional provisions and processes.

Article VI

Each Party declares that none of the international engagements now in force between it and any Third Party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international agreement in conflict with this Treaty.

Article VII

Nothing in this agreement shall limit in any way the freedom of either Party to take such actions as it deems necessary to exercise in any way its inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

Article VIII

The Parties will contribute toward the further development of peaceful and friendly international relations, and toward maintaining and developing their individual and collective capacity to resist attack, by encouraging economic and technological cooperation between them.

Article IX

The Parties commit, separately and jointly, to protect against the acquisition by strategic competitors of any capabilities, technologies, and information that could threaten the security of either Party, and they commit to deepen their consultation and cooperation in addressing military, intelligence, political, economic, and technological threats from strategic competitors and adversaries of each Party.

Endnotes

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