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THIRTY-SIXTH YEAR

2288th MEETING: 19 JUNE 1981

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/...) are normally published in quarterly *Supplements of the Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

2288th MEETING

Held in New York on Friday, 19 June 1981, at 10.30 a.m.

President: Mr. Porfirio MUÑOZ LEDO (Mexico).

Present: The representatives of the following States: China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Provisional agenda (S/Agenda/2288/Rev.1)

1. Adoption of the agenda

2. Complaint by Iraq:

Letter dated 8 June 1981 from the Chargé d'affaires of the Permanent Mission of Iraq to the United Nations addressed to the President of the Security Council (S/14509)

The meeting was called to order at 11.45 a.m.

Adoption of the agenda

The agenda was adopted.

Complaint by Iraq:

Letter dated 8 June 1981 from the Chargé d'affaires of the Permanent Mission of Iraq to the United Nations addressed to the President of the Security Council (S/14509)

1. The PRESIDENT (*interpretation from Spanish*): In accordance with decisions taken at previous meetings of the Council [2280th to 2285th meetings], I invite the representatives of Iraq and Israel to take places at the Council table, and I invite the representatives of Algeria, Bangladesh, Brazil, Bulgaria, Cuba, Czechoslovakia, Egypt, Guyana, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Lebanon, Malaysia, Mongolia, Morocco, Nicaragua, Pakistan, Poland, Romania, Sierra Leone, Somalia, Sri Lanka, the Sudan, the Syrian Arab Republic, Turkey, Viet Nam, Yemen, Yugoslavia, Zambia and the Palestine Liberation Organization to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. Hammadi (Iraq) and Mr. Blum (Israel) took places at the Security Council table, and Mr. Bedjaoui (Algeria), Mr. Kaiser (Bangladesh), Mr. Corrêa da Costa (Brazil), Mr. Tsvetkov (Bulgaria), Mr. Roa Kouri (Cuba), Mr. Hulinský (Czechoslovakia), Mr. Abdel

Meguid (Egypt), Mr. Sinclair (Guyana), Mr. Rácz (Hungary), Mr. Krishnan (India), Mr. Suwondo (Indonesia), Mr. La Rocca (Italy), Mr. Nuseibeh (Jordan), Mr. Al-Sabah (Kuwait), Mr. Tuéni (Lebanon), Mr. Halim (Malaysia), Mr. Erdenechuluun (Mongolia), Mr. Mrani Zentar (Morocco), Mr. Chamorro Mora (Nicaragua), Mr. Ahmad (Pakistan), Mr. Freyberg (Poland), Mr. Marinescu (Romania), Mr. Koroma (Sierra Leone), Mr. Adan (Somalia), Mr. Fonseka (Sri Lanka), Mr. Abdalla (Sudan), Mr. El-Fattal (Syrian Arab Republic), Mr. Kirca (Turkey), Mrs. Nguyen Ngoc Dung (Viet Nam), Mr. Alaini (Yemen), Mr. Komatina (Yugoslavia), Mr. Mutukwa (Zambia) and Mr. Terzi (Palestine Liberation Organization) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from Spanish*): Members of the Council have before them document S/14556, containing the text of a draft resolution prepared in the course of consultations. I wish to draw members' attention also to the following documents: S/14549, letter dated 15 June 1981 from the representative of Grenada to the President of the Council; S/14550, letter dated 17 June from the representative of Jordan to the President of the Council; S/14551, letter dated 17 June from the representative of the Philippines to the President of the Council; S/14552, letter dated 17 June from the representative of Suriname to the Secretary-General; S/14553, letter dated 17 June from the Acting Executive Secretary of the Organization of African Unity to the President of the Council; and S/14559, letter dated 18 June from the representative of the Libyan Arab Jamahiriya to the President of the Council.

3. The first speaker is Mr. Sigvard Eklund, Director General of the International Atomic Energy Agency (IAEA), to whom the Council, at its 2284th meeting, extended an invitation under rule 39 of its provisional rules of procedure.

4. On behalf of the Council, I thank Mr. Eklund for having been kind enough to appear before the Council. I invite him to take a place at the Council table and to make his statement.

5. Mr. EKLUND: I consider the invitation extended to me by the Council to participate in the present debate as recognition of the importance of the statutory responsibilities of IAEA. I regret that, owing to circumstances beyond my control, I could not be here sooner.

6. I am here today to report on the Agency's position regarding the consideration by the Council of the agenda item entitled "Complaint by Iraq" concerning the Israeli air attack on the Iraqi nuclear research centre at Tuwaitha, near Baghdad, on 7 June. You will appreciate that my statement is naturally confined to those aspects of the matter which directly pertain to the responsibilities of IAEA. I am, of course, at the Council's disposal for any other relevant information or technical data which the Council may desire in its consideration of this agenda item.

7. May I begin by recalling that this matter was considered by the Board of Governors of the IAEA last week, on 9 June and thereafter, at its regular session, as a special item entitled "Military attack on Iraqi nuclear research centre and its implications for the Agency". In this connection, the resolution adopted by the Board on 12 June as a result of its deliberations has been placed before the Security Council in document S/14532, in accordance with the request of the Board. The Board also requested me to transmit to the Council the summary records of the relevant proceedings of the Board, and they have been dispatched to the Council from Vienna [S/14532/Add.1].

8. I considered it my duty to report immediately to the Board of Governors of the Agency on that air attack, which is a source of grave international concern. In my statement at the opening meeting of the Board on 9 June, I informed the Board that according to the Agency's records the following nuclear facilities existed in Iraq.

9. First, a pool-type light water moderated research reactor using fuel with 10, 36 and 80 per cent enriched uranium. That reactor was supplied by the Soviet Union and came into operation in 1967. Agency inspections started in May 1973 following Iraq's adherence to the Treaty on the Non-Proliferation of Nuclear Weapons [General Assembly resolution 2373 (XXIII), annex] and the subsequent conclusion of the required safeguards agreement. Since then, periodic inspections, the last of which was in January 1981, revealed no non-compliance with the safeguards agreement.

10. Secondly, Tamuz-1 and Tamuz-2 reactors, which are of the Osiris type, developed in France. Tamuz-1 is a 40-megawatt thermal tank-pool research reactor; Tamuz-2 is a 500-kilowatt thermal research reactor and is associated with the Tamuz-1 reactor. The fuel of those reactors has 93 per cent enriched uranium. Those two reactors were supplied by France. The construction of the reactors was first inspected by Agency safeguards inspectors in September 1979. An initial quantity of fuel, containing about 12 kilograms uranium, was delivered in June 1980 and was inspected upon arrival. That fuel was last inspected in January 1981. Those inspections revealed that no nuclear material was missing.

11. Thirdly, separate storage where natural and depleted uranium is stored. The storage was last inspected in January 1981 and all material was accounted for.

12. All those facilities and that fuel are located at the Tuwaitha research centre and, as indicated earlier, covered by Agency safeguards under the Non-Proliferation Treaty safeguards agreement between Iraq and the Agency.

13. The task of the Agency in the implementation of safeguards is to verify that no safeguarded nuclear material is diverted from peaceful purposes. To that end the Agency develops for each facility under safeguards an approach for detecting, by accounting for an inspection at the facility, any anomaly which would indicate diversion—that is, the absence of nuclear material which cannot be properly explained. In a research reactor of the type in question, two diversion strategies are technically possible and therefore have to be countered. The first consists in removing fuel elements and extracting the highly enriched uranium. Therefore, in the first place, safeguards operations have to ensure that fuel elements supplied from abroad are checked on arrival and that, from that moment on, continuity of knowledge is maintained on their location and integrity. The primary measures used for that purpose are counting the fuel elements and identifying them in order to detect dummies. The design of the facility and the fuel elements is such that it provides assurance that the diversion of fuel elements would be detected easily.

14. The second possibility of diversion in a research reactor of the type in question is based on the undeclared production of plutonium. As the fuel elements consist of highly enriched uranium, only very small quantities of plutonium can be produced in them and, of course, that plutonium would be under safeguards. Larger quantities of plutonium, perhaps up to the order of one significant quantity—that is, 8 kilograms per year—could be produced only if the core of the reactor were in addition surrounded by a blanket of fertile elements made of natural or depleted uranium. The size and location of that blanket would certainly be such that ordinary visual inspection would reveal its presence.

15. It has been stated by the Israelis that a laboratory located 40 metres below the reactor—the figure was later corrected to four metres—which allegedly had not been discovered by IAEA inspectors had been destroyed. The existence of a vault under the reactor that has apparently been hit by the bombing was well known to the inspectorate. That vault contains the control rod drives and has to be accessible to the staff for maintenance purposes. In order to protect the staff from radiation, the ceiling of the vault consists of a thick concrete slab which in turn is lined with a heavy steel plate and, therefore, that space could not be used to produce plutonium.

16. Iraq has been a party to the Non-Proliferation Treaty since it came into force in 1970. In accordance with that Treaty, Iraq accepts Agency safeguards on all its nuclear activities. These safeguards have been satisfactorily applied to date, including during the period of armed conflict with Iran. The last safeguards inspection at the Iraqi nuclear centre took place in January of this year and, as I stated earlier, all nuclear material was satisfactorily accounted for. This material included the fuel so far delivered for the Tamuz reactors. Another regular safeguards inspection had been planned by the Agency for early June, but in view of the Board of Governors' and other meetings scheduled to be held at Vienna during the first part of June, it was postponed until the end of the month. Then, in view of the attack, it was decided to advance the date of inspection. Members of the Council will be interested to learn that Agency safeguards inspectors left a few days ago for Baghdad for the inspection of the Iraqi nuclear research centre. They returned today. According to a telephone conversation which I had early this morning with the Deputy Director General for safeguards, the inspectors were not able to approach the damaged storage facility because of suspected unexploded bombs. The Iraqi Government, however, suggested that the facility should be inspected anyway on the condition that the inspectors sign a waiver exempting the Iraqi Government of all responsibility. The inspectors were not in a position to do this.

17. As I observed in my statement to the Board of Governors of the Agency, this attack on the Iraqi nuclear centre is a serious development with far-reaching implications. The IAEA has not since its establishment been faced with a more serious matter than the implications of this development. The Agency's safeguards system was conceived as, and is, a basic element of the Non-Proliferation Treaty. The same system of safeguards is applied to facilities covered by the Tlatelolco Treaty and facilities under bilateral safeguards agreements with the Agency.

18. The Agency's safeguards system is the product of extensive international co-operation. Its basic principles and *modus operandi* were devised and are constantly being upgraded by the foremost international experts in that field. The results of the application of the system are periodically reviewed by the Board of Governors and the General Conference and the system has not been found wanting. Its application is extremely wide. By the end of 1980 approximately 98 per cent of the nuclear facilities of which the Agency was aware outside the nuclear-weapon States were under Agency safeguards.

19. In fulfilling its responsibilities the Agency has inspected the Iraqi reactors and has not found evidence of any activity not in accordance with the Non-Proliferation Treaty. Nevertheless, a non-Treaty country has evidently not felt assured by our findings and by our ability to continue to discharge our

safeguarding responsibilities effectively. In the interest of its national security, as was stated by its leaders, it has felt motivated to take military action. From a point of principle, one can only conclude that it is the Agency's safeguards system that has also been attacked. This, of course, is a matter of grave concern to IAEA and has to be pondered well.

20. Mrs. KIRKPATRICK (United States of America): Let me begin by congratulating our current President, the representative of Mexico, who has acquitted himself with distinction in carrying out his difficult responsibilities, showing so keen a sense of the importance which the international community attaches to these deliberations.

21. May I also congratulate the representative of Japan, who last month earned the esteem of the entire Council by managing our affairs with such singular deftness.

22. The issue before the Council in the past week—Israel's attack upon the Iraqi nuclear reactor—raises profound and troubling questions that will be with us long after the conclusion of these meetings. The Middle East, as one prominent American observed last week, "provides combustible matter for international conflagration akin to the Balkans prior to World War I", a circumstance made all the more dangerous today by the possibility that nuclear weapons could be employed in a future conflict.

23. The area that stretches from South-West Asia across the Fertile Crescent and the Persian Gulf to the Atlantic Ocean is, as we all know, torn not only by tension and division but also by deeply rooted, tenacious hostilities that erupt repeatedly into violence. In the past two years alone, one country in the area, Afghanistan, has been brutally invaded and occupied, but not pacified. Afghan freedom fighters continue their determined struggle for their country's independence. Iraq and Iran are locked in a bitter war. And with shocking violence, Libya, whose principal exports to the world are oil and terror, invaded and now occupies Chad. Lebanon has its territory and its sovereignty violated almost routinely by neighbouring nations. Other Governments in the area have, during the same brief period, been the object of violent attacks and terrorism. Now comes Israel's destruction of the Iraqi nuclear facility. Each of these acts of violence undermines the stability and well-being of the area. Each gravely jeopardizes the peace and security of the entire area. The danger of war and anarchy in this vital strategic region threatens global peace and presents the Council with a grave challenge.

24. My Government's commitment to a just and enduring peace in the Middle East is well known. We have given our full support to the efforts by the Secretary-General to resolve the war between Iran and Iraq. Our abhorrence of the Soviet Union's invasion and continued occupation of Afghanistan—against the

will of the entire Afghan people—requires no elaboration on this occasion. For weeks, our special representative Philip C. Habib has been in the area conducting talks which we still hope may help to end the hostilities in Lebanon and head off a conflict between Israel and Syria. Not least, we have been engaged in intensive efforts to assist in the implementation of the Egyptian-Israeli treaty, efforts that have already strengthened the forces for peace in the Middle East and will, we believe, lead ultimately to a comprehensive peace settlement of the Arab-Israeli conflict in accordance with Security Council resolutions 242 (1967) and 338 (1973).

25. As in the past, United States policies in the Middle East aim above all at making the independence and freedom of people in the area more secure and their daily lives less dangerous. We seek the security of all the nations and peoples of the region: the security of all nations knowing that a neighbour is not seeking technology for purposes of destruction; the security of all peoples knowing that they can live their lives in the absence of fear of attack and do not daily see their existence threatened or questioned; and the security of all people displaced by war, violence and terrorism.

26. The instability that has become the hallmark and the history of the Middle East may serve the interests of some in the Council; it does not serve our interests, it does not serve the interests of our friends, be they Israeli or Arab. We believe, to the contrary, that the peace and security of all the nations in the region is bound up with the peace and security of the area.

27. It is precisely because of my Government's deep involvement in efforts to promote peace in the Middle East that we were shocked by the Israeli air strike on the Iraqi nuclear facility and promptly condemned this action, which we believe both reflected and exacerbated deeper antagonisms in the region which, if not ameliorated, will continue to lead to outbreaks of violence.

28. However, although my Government has condemned Israel's act, we know it is necessary to take into account the context of this action as well as its consequences. The truth demands nothing less. As my President, Ronald Reagan, asserted in his press conference:

"I do think that one has to recognize that Israel had reason for concern in view of the past history of Iraq, which has never signed a cease-fire or recognized Israel as a nation, has never joined in any peace effort for that . . . it does not even recognize the existence of Israel as a country."

With respect to Israel's attack on the Iraqi nuclear reactor, President Reagan said, "Israel might have sincerely believed it was a defensive move."

29. The strength of United States ties and commitment to Israel are well known to the members of the Council. Israel is an important and valued ally. The warmth of the human relationship between our peoples is widely understood. Nothing has happened that in any way alters the strength of our commitment or the warmth of our feelings. We in the Reagan Administration are proud to call Israel a friend and ally.

30. None the less, we believe the means Israel chose to quiet its fears about the purposes of Iraq's nuclear programme have hurt, and not helped, the peace and security of the area. In my Government's view, diplomatic means available to Israel had not been exhausted and the Israeli action has damaged the regional confidence that is essential for the peace process to go forward. All of us with an interest in peace, freedom and national independence have a high stake in that process. Israel's stake is highest of all.

31. My Government is committed to working with the Security Council to remove the obstacles to peace. We made clear from the outset that the United States would support reasonable actions by this body which might be likely to contribute to the pacification of the region. We also made clear that my Government would approve no decision that harmed Israel's basic interests, was unfairly punitive or created new obstacles to a just and lasting peace.

32. The United States has long been deeply concerned about the dangers of nuclear proliferation. We believe that all nations should adhere to the Non-Proliferation Treaty. It is well known that we support IAEA and will co-operate in any reasonable effort to strengthen it.

33. We desire to emphasize, however, that security from nuclear attack and annihilation will depend ultimately less on treaties signed than on the construction of stable regional order. Yes, Israel should be condemned; yes, IAEA should be strengthened and respected by all nations. And yes, too, Israel's neighbours should recognize its right to exist and should enter into negotiations with it to resolve their differences.

34. The challenge before the Council was to exercise at least the same degree of restraint and wisdom that we demand of the parties directly involved in the Middle East tensions. Inflammatory charges, such as the Soviet statement that the United States somehow encouraged the raid, or that we knew of the raid beforehand, are false and malicious. One can speculate about whose interests are served by such innuendo. Certainly the spirit of truth, restraint and peace are not served by such innuendo. Certainly the process of peace is not forwarded.

35. Throughout the negotiations of the last days, my Government has sought only to move us closer to the

day when genuine peace between Israel and its Arab neighbours will become a reality. We have searched for a reasonable outcome of the negotiations in the Council, one which would protect the vital interests of all parties and damage the vital interests of none; which would ameliorate rather than exacerbate the dangerous passions and divisions in the area.

36. In that search we were aided by the co-operative spirit, restrained positions and good faith of Iraq's Minister for Foreign Affairs, Mr. Saadoon Hammadi. We sincerely believe the results will move that turbulent area a bit closer to the time when all the States in the region have the opportunity to turn their energies and resources from war to peace, from armaments to development, from anxiety and fear to confidence and well-being.

37. The PRESIDENT (*interpretation from Spanish*): The next speaker is the representative of Israel. I invite him to make his statement.

38. Mr. BLUM (Israel): This has been a lengthy debate. It has been deliberately protracted in a conscious effort to confound and confuse the issues. In the course of it, we have heard many statements which, regrettably, are simply not worthy of serious consideration.

39. How, for example, are we to regard the profound concern for human life expressed in such high-minded terms by Viet Nam in the light of the atrocities that it has perpetrated and is perpetrating in South-East Asia? How, for example, are we supposed to react to protestations by the Soviet Union concerning aggression and violation of national sovereignty when the Soviet occupation of the whole of Afghanistan is still going on, and, indeed, naked Soviet aggression against the Afghan people is still being perpetrated? And when Hungary and Czechoslovakia entered the fray, they in fact only served to remind us that Afghanistan is not the first victim of Soviet aggression.

40. On the other hand, there have been those who have taken part in this debate with great sincerity. Besides them, there are no doubt many outside this chamber for whom the subject of this debate has also raised far-reaching questions.

41. My country has approached the matter before the Council with the utmost seriousness and has raised questions of great import, to which we have not received any substantive answers.

42. We have been told that Iraq's nuclear programme was designed for peaceful purposes. Yet solid and decisive evidence points emphatically in the opposite direction.

43. Iraq's nuclear activities have troubled many Governments and experts around the world. We indicated some of the questions arising in this regard;

but the representative of Iraq did not answer the questions we raised. He chose not to answer them simply because Iraq has not acted in good faith.

44. Because of their extreme importance, permit me to repeat and enlarge upon those questions which I should like to address to the Foreign Minister of Iraq. First, why did Iraq first try in 1974 to acquire a 500-megawatt nuclear reactor of a kind designed primarily to produce large quantities of plutonium for military use? Moreover, why is it now trying to buy an up-scaled, Cirene type plutogenic reactor, whose military use is clear, but whose commercial use is not proven? Secondly, why did Iraq insist on receiving a 70-megawatt reactor which has no usable application as an energy source, which does not correspond to any peaceful energy plan and which, incidentally, is far too large for Iraq's most ambitious scientific needs? Thirdly, why did Iraq insist on receiving weapons-grade nuclear fuel, rather than the less proliferant alternative of "Caramel" fuel which it was offered? Fourthly, what is Iraq's demonstrable need for nuclear energy, given its abundant oil reserves? Fifthly, if Iraq has a need of this kind for either the short or the long term, why has it not developed a commercial nuclear energy programme? Why has it not made any transactions which would be relevant to such a programme? Sixthly, why, if it is genuinely interested in nuclear research, did it rush to buy plutonium separation technology and equipment that cannot be justified on scientific or economic grounds? Seventhly, why has Iraq been making frantic efforts to acquire natural uranium, wherever and however it can, in at least four continents, some of which uranium is not under IAEA safeguards? Why has Iraq taken the highly unusual step of stockpiling uranium, before it has built power reactors?

45. I think that all these questions are fairly intelligible to the layman and must make everyone think. They are certainly intelligible to the expert, who will confirm that they point in one direction only —namely, a weapons-oriented nuclear programme.

46. Let me, just for the sake of illustration, elaborate on one of these questions: Iraq's insistence on receiving weapons-grade nuclear fuel and its adamant refusal to accept a less proliferant variety than offered. The International Nuclear Fuel Cycle Evaluation (INFCE), an international body, convened under the auspices of IAEA, to deal, *inter alia*, with the non-proliferation aspects of the nuclear fuel cycle, was greatly concerned with the already wide distribution of enriched uranium and the production of fissile material in nuclear reactors of the 1 to 5 megawatt size, not to speak of a 70-megawatt facility like Osirak. Consequently, INFCE has set up study groups under the auspices of IAEA, to make recommendations on the subject. The report of Working Group 8, entitled "Advanced fuel cycle and reactor concepts", document INFCE/PC/2/8 of January 1980, is most illuminating.

47. In section 4.2., headed "Measures to increase proliferation resistance", the summary of the report states:

"The trade in and widespread use of highly enriched uranium and the production of fissile materials constitute proliferation risks with which INFCE is concerned."

It recommended that proliferation resistance can be increased by:

"Enrichment reduction preferably to 20% or less which is internationally required to be a fully adequate isotopic barrier to weapons usability of ^{235}U ."

48. In another section of the same report, dealing with French reactors of the Osiris type—which would include Osirak—the authors state:

"The Osiris core was covered from the highly enriched uranium to the low enriched UO_2 Caramel fuel, with startup of the reactor in June 1979. The general success of the work developed on Caramel fuel . . . permits Osiris to be completely loaded with Caramel assemblies."

49. In layman's terms, had Iraq so wished, it could have successfully operated Osirak on Caramel-type fuel, thereby at least eliminating the option of diverting weapons-grade nuclear fuel. But it refused to do so, and insisted on receiving weapons-grade enriched uranium.

50. But to come back to my list of questions as a whole: if Iraq's representatives could not address themselves to them, other people have done so. They include three eminent French nuclear scientists, who have made a serious examination of these and other disturbing questions related to Iraq's nuclear development programme.

51. The French scientists are: George Amsel, Director of Research at the Centre National de la Recherche Scientifique, Unit for Solid Physics at the Ecole Normale Supérieure; Jean-Pierre Pharabaud, Engineer at the Centre National de la Recherche Scientifique, Laboratory of High Energy Physics at the Ecole Polytechnique; and Raymond Sehe, Chief of Research at the Centre National de la Recherche Scientifique, Laboratory of Particle Physics at the College de France.

52. The analysis and conclusions of these three prominent scientists are to be found in a comprehensive memorandum entitled "Osirak et la prolifération des armes atomiques", which they presented to the French Government and public in May of this year.

53. It is of great interest and relevance to compare their scientific findings and conclusions with the

version presented to the Council. It was alleged here that two "hypotheses"—namely the diversion of enriched uranium and the production of plutonium, for the manufacture of a nuclear weapon—are both groundless.

54. Let us look at what the French scientists say about each of these hypotheses—or, to be more accurate, about these possibilities. Chapter II of their memorandum is entitled "Possibilités de prolifération". Paragraph 5 thereof is headed "Les possibilités d'obtention d'explosifs nucléaires liées à Osirak".

55. Concerning the uranium path, they indicate that two options exist: (a) the use of the fresh enriched uranium; and (b) the use of slightly irradiated enriched uranium.

56. Even assuming that the diversion of the enriched uranium were to be detected and that the supplier would immediately halt further deliveries of enriched uranium, the authors of the memorandum conclude that Iraq already possesses sufficient weapons-grade material to produce two nuclear bombs.

57. As regards the production of plutonium, the French scientists observe in their memorandum that, by introducing a blanket of natural uranium around the reactor core of Osirak, plutonium can be produced. After the chemical separation of the plutonium, the yield per annum would be sufficient for one nuclear bomb. This separation can be carried out in the facility based on the hot-cell installation supplied to Iraq by Italy. This method does not involve any diversion of the enriched uranium fuel. In addition, plutonium production can be accomplished even if the supplier imposes the use of the less enriched "Caramel" type of fuel in the nuclear reactor.

58. Given the nuclear facilities and materials and the complementary technology that Iraq had at its disposal, to try to dismiss in the Council either of these paths leading to the manufacture of a nuclear weapon as "groundless hypotheses", or even to make light of them, is irresponsible. Such an attitude flies in the face of incontrovertible scientific data, readily available to informed observers.

59. Indeed, it also flies in the face of statements by French officials. As reported in *The New York Times* of 18 June 1981, Dr. Michel Pecqueur, the head of the French Atomic Energy Agency, while trying to defend the agreements between his country and Iraq, conceded that:

"in theory the reactor could be used to produce a 'significant quantity' of plutonium, which means enough for a bomb, by irradiating a large amount of natural or depleted uranium. The plutonium could then be extracted in a 'hot-cell' laboratory supplied by Italy, although this reprocessing is technically difficult."

60. Then there are the admissions made by the chief nuclear attaché at the French Embassy in Washington who, according to *The New York Times* of 17 June, agreed that Osirak had what he termed "high neutron flux" which "meant that it could have produced a considerable amount of plutonium". The French official concerned took issue with the estimate of the annual production of 10 kilograms of plutonium, and suggested that "5 kilograms was a better figure". In other words, the only point at issue is whether Osirak could have produced enough plutonium for one bomb in a period of 12 months or in something between 12 and 24 months. And does anyone here seriously believe that there is an essential difference if it were to take Iraq one year or a few months longer to produce a nuclear bomb?

61. In another article in *The New York Times* of 18 June, two professors of nuclear science and engineering at Columbia University explain how Osirak provides the neutron bombardment for converting natural uranium into plutonium. In the same article, the chief nuclear attaché at the French Embassy in Washington is quoted as saying that:

"the basic design of the French export model, known as Osiris, shows a cavity in the reactor that can hold material for neutron bombardment."

62. In the course of this debate, great play has been made of the fact that Iraq is a signatory to the nuclear Non-Proliferation Treaty and that its nuclear reactors have been inspected periodically by IAEA. Let me again draw the attention of members of the Council to the French scientists' memorandum. Chapter III is entitled "Les sauvegardes". It is an extensive analysis of the Non-Proliferation Treaty safeguards systems and takes up about one third of the whole paper. Among the more significant points made are:

63. First, the country being inspected has to approve in advance the name of the individual inspector whom IAEA wishes to designate. The country being inspected can reject the inspector whom the Agency has nominated.

64. Parenthetically, let me mention in this regard that, according to information submitted yesterday, since 1976 only Soviet and Hungarian inspectors have inspected Osirak.

65. To come back to the scientists' memorandum: the second point they make is that the frequency of routine inspections is a function of the size of the reactor. For Osirak, this means no more than three or four inspections a year.

66. Thirdly, for routine inspections, advance notice is given.

67. Fourthly, in principle, the possibility exists of unscheduled inspections, that is to say, surprise visits;

but in practice advance notice of three or four days is given, even for such unscheduled inspections.

68. Fifthly, the inspectors must have access to everything relating to fissionable material. However, they are not policemen; they can only inspect what has been declared. Thus, any hot-cells and chemical-separation facilities constructed in secret elsewhere will escape all inspection.

69. Sixthly, the inspectors within the facility are always accompanied by representatives of the State concerned.

70. Seventhly, the effectiveness of the safeguard measures depends on the co-operation of the country concerned. In this connection, the authors of the memorandum observe that for IAEA and France, Iraq's good faith has been taken for granted and its assurances at face value, without any guarantees.

71. Eighthly, experience shows that inspections can be blocked for a certain period without causing any reaction. On this point, the authors of the memorandum rightly recall:

"That is what happened on 7 November 1980 at the beginning of the Iran-Iraq war, when Iraq informed IAEA that the inspectors from the Agency could not at that time get to Baghdad to monitor the two reactors. A well-informed French source at that time stated: We are in a completely new situation which has not been foreseen in any international treaty."*

72. In brief, there are several serious loopholes in the non-proliferation safeguards system that can easily be exploited by a country, such as Iraq, if it is determined to obtain a nuclear weapon.

73. The flaws in the safeguards system are now coming into the open. No less an authority than the former Director of Safeguards Operations at IAEA in Vienna, Mr. Slobodan Nakicenovic, attested to the inadequacies of the Non-Proliferation Treaty safeguards on Austrian Radio on 17 June. Incidentally, Mr. Nakicenovic was appointed Director of Division of Safeguards and Inspections of IAEA in September 1964. He was initially responsible for the development of instruments used in the Agency's inspection work. As Director of the Division, he was charged with the task of implementing all the safeguards agreements to which the Agency was a party.

74. These serious weaknesses in the safeguards system were incisively analysed in a leading article in *The Washington Post* of 16 June 1981 entitled "Nuclear Safeguards or Sham", in which the Non-Proliferation Treaty safeguards system was shown to be

* Quoted in French by the speaker.

hollow. Having asked why IAEA had done nothing about several suspicious features of the Iraqi nuclear programme, the article observed that the treaty

"is written in such a way that a violation does not technically occur until nuclear material—uranium or plutonium—is diverted from its approved use. But this may occur within a few days of its insertion into a nuclear bomb. Since IAEA inspectors come around only a few times a year, the international safeguards system amounts to only an elaborate accounting procedure that relies on the good intentions of the parties being safeguarded."

75. In these circumstances, it is surely not unreasonable to raise serious doubts about the efficacy of the Non-Proliferation Treaty safeguards system. There is certainly room for grave reservations when the country supposedly bound by these safeguards makes no secret of its ambitions to obliterate another country.

76. In this connection, let me refer to a report in today's edition of *The New York Times* based on information from officials and diplomats at IAEA in Vienna. One of them has lifted the veil from Iraq's nuclear programme. He is quoted as saying:

"If you ask whether Iraq had it in mind to make nuclear weapons one day, then I'd say a lot of people at the agency thought it probably did. A lot of things it was doing made sense only on that assumption."

77. Could it be that this was the reason why Israel was muzzled last week in Vienna and denied the possibility of presenting its case to the Board of Governors of IAEA before that body proceeded to condemn my country?

78. There is no question that Iraq regards itself as being in a state of war with Israel. Its leaders admit this openly and have called time and again for the liquidation of my country. Such a flagrant violation of Article 2, paragraph 4, of the Charter of the United Nations is apparently perfectly in order. As far as we have been able to ascertain, the Security Council, or for that matter the United Nations as a whole, has never called Iraq to account for this, over the last 30 or so years. It is apparently perfectly in order to use the threat of force against Israel, to train and send in terrorists to commit mindless acts of murder, and to join in Arab wars of aggression against Israel in 1948, in 1967 and in 1973, and then to retreat to safety, using other Arab countries as a buffer between its heroic army and Israel.

79. In the light of Iraqi declarations and deeds, and Iraq's refusal even to sign an armistice agreement with Israel, Israel had full legal justification to exercise its inherent right of self-defence to abort the Iraqi nuclear threat to Israel.

80. We have been reminded here of the *Caroline* affair. But that incident, as is well known—and the representatives of the United Kingdom and the United States will bear me out in this—occurred almost a century and a half ago. It occurred precisely 108 years before Hiroshima. To try and apply it to a nuclear situation in the post-Hiroshima era makes clear the absurdity of the position of those who base themselves upon it. To assert the applicability of the *Caroline* principles to a State confronted with the threat of nuclear destruction would be an emasculation of that State's inherent and natural right of self-defence.

81. In this connection, I cited in my statement of 12 June [2280th meeting] Sir Humphrey Waldock, who observed a few short years after Hiroshima that:

"it would be a travesty of the purposes of the Charter to compel a defending State to allow its assailant to deliver the first and perhaps fatal blow. . . . To read Article 51 otherwise is to protect the aggressor's right to the first strike."

82. Yet some of those who have taken part in this debate obviously consider themselves greater authorities in international law than Sir Humphrey Waldock, who happens to be the President of the International Court of Justice.

83. No doubt they would also dismiss the views of another eminent international lawyer, Stephen Schwebel, who was only recently elected to the International Court of Justice, and who in a lecture at the Hague Academy of International Law some 10 years ago, observed:

"Perhaps the most compelling argument against reading Article 51 to debar anticipatory self-defence whatever the circumstances is that, in an age of missiles and nuclear weapons, it is an interpretation that does not comport with reality."

84. Serious people do not haughtily brush aside the views of the President of the International Court of Justice and of its judges. Nor are they cavalier about the views of such a pre-eminent authority on international law as Professor Myres McDougal of Yale Law School, who, writing in *The American Journal of International Law* in 1963, stated:

"under the hard conditions of the contemporary technology of destruction, which makes possible the complete obliteration of States with still incredible speed from still incredible distances, the principle of effectiveness requiring that agreements be interpreted in accordance with the major purposes and demands projected by the parties could scarcely be served by requiring States confronted with necessity for defense to assume the posture of 'sitting ducks'. Any such interpretation could only make a mockery, both in its acceptability to States and in its potential application, of the Charter's major purpose

of minimizing unauthorized coercion and violence across State lines.”

85. Indeed, the concept of a State's right to self-defence has not changed throughout recorded history. Its scope has, however, broadened with the advance of man's ability to wreak havoc on his enemies. Consequently the concept took on new and far wider application with the advent of the nuclear era. Anyone who thinks otherwise has simply not faced up to the horrific realities of the world we live in today, and that is particularly true for small States whose vulnerability is vast and whose capacity to survive a nuclear strike is very limited.

86. We have been told in the course of this debate that one cannot isolate the subject before the Council from the root cause of the Arab-Israel conflict. Israel agrees, and this debate has, if nothing else, been an object lesson of what the root cause of the Arab-Israel conflict really is—that is, the absolute refusal of most Arab States to recognize Israel and its right to exist.

87. Take, for example, the new Syrian representative whose maiden speech [see 2284th meeting] we had the pleasure of hearing on Tuesday of this week. It goes without saying that Syria deeply laments the smashing of Saddam Hussein's nuclear capability. With his bosom friend and ally the representative of Iraq sitting at his side, the representative of Syria made his country's attitude towards Israel patently clear by describing my country as a "cancer in the region" suffering from "congenital deformities". He is obviously a soul-mate of the representative of another Arab State with which his country has fraternal relations, namely the distinguished representative of the Palestinian Arab State of Jordan, who has in the past delicately alluded to bubonic plague and venereal disease in referring to my country. Those epithets are more than mere pejoratives. They demonstrate the inability of most Arab States to reconcile themselves to Israel's existence and to its right to exist like any other sovereign State.

88. This, and only this, is the root cause of the Arab-Israel conflict. And there will be no solution to the conflict until the rejectionist Arab States come to terms with Israel and negotiate peace with us.

89. But that does not mean that the Middle East is doomed to live under the threat of nuclear war until a comprehensive peace is achieved. Israel has always supported the principle of non-proliferation. In 1968 Israel voted in favour of General Assembly resolution 2373 (XXII), on the Non-Proliferation Treaty. Since then Israel has studied carefully various aspects of the Treaty as they relate to conditions prevailing in the Middle East—conditions which, regrettably, preclude the Treaty's implementation in the region.

90. The Non-Proliferation Treaty envisages conditions of peace. However, as I have just pointed out,

most Arab States not only deny Israel's right to exist but are also bent on destroying my country and hence reject any peace negotiations with us.

91. Almost half the States in the new Arab League—the new Arab League, with its headquarters at Tunis—are not bound by the Non-Proliferation Treaty régime. And some Arab States which are parties to the Treaty have entered reservations specifically dissociating themselves from any obligation towards Israel in the context of the Treaty.

92. Moreover, other Arab States, also parties to the Treaty, are not only suspected of searching for a nuclear-weapons option but are known to have been involved in unsafeguarded transfer of nuclear material. Libya, for instance, was reported in 1979 to be involved in an unsafeguarded international uranium deal between the Niger and Pakistan—that is, two States not party to the Treaty. Libya has also purchased several hundred tons of uranium from the Niger, apparently without involving IAEA.

93. Beyond the Middle East, Pakistan is considered to have all its known nuclear facilities under safeguards. But, as is also well known, it has in parallel embarked on the reprocessing and uranium-enrichment courses through the acquisition of unsafeguarded equipment by exploiting loopholes in the export guidelines of the London Club member States.

94. In the light of the foregoing, it is clear that the Non-Proliferation Treaty is no effective guarantee against the proliferation of nuclear weapons in the Middle East.

95. In such circumstances, Israel is of the view that the most effective and constructive step which could be taken would be to establish a nuclear-weapon-free zone in the Middle East, based on the Tlatelolco model,² freely arrived at by negotiations among all the States concerned and anchored in a binding multilateral treaty to which they would all be signatories. It is for this reason that Israel has resubmitted its proposal for a nuclear-weapon-free zone in the Middle East. The details of that proposal are set out in my letter of 15 June to you, Mr. President [S/14534]. While obviously it would not solve the Arab-Israel conflict as a whole, we believe that our proposal, if advanced, would constitute a significant contribution to the future well-being and security of all the States of the Middle East.

96. It is for this reason also that Israel has submitted its proposal independent of other efforts being made to reach a comprehensive solution to the conflict. Hence Israel's proposal is an unlinked deal, standing on its own, separate and independent from anything else which may delay its fulfilment. Hence, too, we have submitted our proposal without prejudice to any political or legal claim which any of the States concerned may have on any other.

97. This is a moment of truth for all of us. We have been confronted with one of the most momentous questions facing mankind today.

98. Yet another biased, anti-Israel resolution by the Council will not bring peace any closer. But much may be achieved for the common good and security of all the States in the Middle East if they and the States adjacent to the region indicate their consent without delay to the holding of a preparatory conference to discuss the modalities of a conference where a treaty establishing a nuclear-weapon-free zone in the Middle East would be negotiated. Israel therefore reiterates its call to all the States concerned to give serious and urgent consideration to our proposal.

99. The PRESIDENT (*interpretation from Spanish*): I should like to inform members of the Council that I have just received a letter from the representative of the Libyan Arab Jamahiriya in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

It is so decided.

100. The PRESIDENT (*interpretation from Spanish*): I invite the representative of the Libyan Arab Jamahiriya to take a place at the Council table and to make his statement.

101. Mr. BURWIN (Libyan Arab Jamahiriya): I thank you, Mr. President, and through you the other members of the Council, for giving me this opportunity. I am sorry to have asked to speak at this time. However, the representative of the United States has chosen the wrong time to attack in all directions, including the direction of my country.

102. Although the item before the Council is the Israeli aggression against Iraq, the United States has chosen to attack everyone. This is the same tactic that has been used by the Israeli representative to divert attention from the issue. In her statement, the United States representative said that: "Libya, whose principal exports to the world are oil and terror, invaded and now occupies Chad" [*para. 23 above*]. Libya, upon the request from the Government of Chad and on the basis of a treaty between the two countries, assisted in putting an end to the civil war in Chad which had been going on there for about 16 years. Libya wants stability and progress in Chad. Also, the situation in Chad affects the security of Libya. Libyan troops have started withdrawing and will leave Chad completely when there is no outside danger to the security of Chad.

103. When the United States representative said, "Israel is an important and valued ally" [*para. 29*

above] and when she said that her Government was working for peace and the vital interests of all parties, did she mention the Palestinians? Did she mention the aggression against Lebanon? Israel could not have committed all these acts of aggression if it were not for the help and support it receives from the United States in all fields—economic, political, military, intelligence and information. The United States is intervening in Africa, Latin America and Asia by engaging in establishing military bases which affect the security of all the countries in those areas. United States warships and military aircraft are terrorizing Libya by their presence on the Libyan coast.

104. The PRESIDENT (*interpretation from Spanish*): Now I shall make a statement in my capacity as representative of MEXICO.

105. The Council is meeting in order to consider a case of aggression, admitted to by the violating State itself, and directed against a high-technology installation which was built as the result of international co-operation and the undeniable objective of which was to promote the independence and the progress of a developing country.

106. This act constitutes a serious violation of international legal order and thus produces tensions in the Middle East and tends to cancel any possibility for peaceful settlement in the region, for which so many efforts have been made by the United Nations.

107. We feared the imminence of new acts of aggression, but nobody would have imagined such violent action, conceived and carried out in a manner so offensive to the Arab nation, to the third world and to the international community as a whole.

108. That act has been committed at one of the most delicate political moments we have experienced since the Second World War. It is a moment when the super-Powers are attempting to redefine their spheres of influence and when many countries are resisting imprisonment in hegemonistic spheres and are struggling for the affirmation of their sovereign rights, for peace and for development.

109. All of this explains the significance of this debate. Few times in the life of the Council have more than 50 speakers come to consider an item. Few times have so many voices been raised to express the same things: alarm, indignation and condemnation.

110. At the end of this lengthy debate it would be difficult to add a new argument and it is unnecessary to repeat those which have been so clearly and convincingly put forward already. It would seem more opportune to attempt a summary of the statements which clearly show the convergence of views of the spokesmen of the international community.

111. The points of convergence are the following.

112. First, the military action which the Council is considering is an act of aggression under the terms of General Assembly resolution 3314 (XXIX), in which such an act is defined basically as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State". The illegality of this act is compounded by the violation of the airspace of two States Members of the United Nations.

113. Secondly, that attack is totally unjustified, since the aggressor State has not offered any proof that the Iraqi installations were for military purposes. On the contrary, the competent international organization and the States which worked on the project and contributed to its implementation have given conclusive and authoritative evidence that its nature and its objectives were purely peaceful. In the face of these testimonies, there is not much validity in arguments which are tardy, partial and cannot be proved.

114. Thirdly, the suspicion, invoked by the Government of Israel, which comes from doubtful confidential sources of information, did not in any way authorize it to commit aggression, nor is it even a reason for relieving it of responsibility on a psychological level. If the aggressor had truly believed that the Iraqi installations entailed a threat to its integrity, it had effective multilateral and bilateral recourses available to it in order to avoid that threat.

115. Fourthly, the reasons on which the Government of Israel bases its contention are as unacceptable as the act of aggression it committed. It is inadmissible to invoke the right to self-defence when no armed attack has taken place. The concept of preventive war, which for many years served as justification for the abuses of powerful States, since it left it to their discretion to define what constituted a threat to them, was definitively abolished by the Charter of the United Nations.

116. Fifthly, the absence of formal relations between States in no way justifies acts of aggression. If it did, the withdrawal of diplomatic agents would suffice for the initiative of an armed attack, as was the usual custom in the past. Invoking a supposed state of war to conceal such actions does not constitute a valid legal argument either. By the terms of the Charter, the prohibition of the use of force is a categorical obligation. All war is illegal.

117. Sixthly, Israel's attack on Iraq's nuclear installations is not an isolated act: it should be seen as the climax of escalating violations of international law. The background to it has already been described both by the General Assembly and the Security Council. It includes the annexation of territory by conquest, persistence in an illegal occupation, the denial of the inalienable rights of the Palestinian people, and frequent acts of aggression and harassment against neighbouring States.

118. Seventhly, the act of aggression which we are considering is evidence of a rejection of peaceful means for the solution of the conflicts in the Middle East. It is in contravention of the key decision of the Council which recognizes the right of all States of the region to live within secure and recognized boundaries. It is a denial of the validity of the negotiating efforts which are under way and virtually establishes a state of war beyond the bounds of international law.

119. Eighthly, the destruction of the nuclear plant, whose purposes were peaceful, reveals an intention to affirm the strategic and technological superiority of one State over others. It exemplifies the dangerous trend towards the creation of regional sub-Powers which arrogate to themselves the right to impose their will by force in a given geographical area. These pretenders to surrogate empires with autonomous power are trying to free themselves of all international control and to destroy, for their own benefit, the precarious political equilibrium of our times.

120. Ninthly, aggression against a country that is not a member of any military pact or alliance damages the very principle of non-alignment. Were it to go unpunished, it would call into question the sovereign viability of nations, would encourage hegemonistic claims and would end by forcing the weaker States to seek the protection of the great Powers to shelter themselves from attacks by stronger countries.

121. Tenthly, the warlike initiative which we deplore undermines the foundations of the disarmament process and it challenges the non-proliferation régime which has been so carefully built up by the international community. The Treaty on that subject has to date been ratified by more than 100 States; among them we do not find Israel, which could very well have already developed an offensive nuclear capability. Nevertheless, it takes the liberty of attacking another country which has submitted scrupulously to the existing safeguards régime.

122. Eleventhly, the action we are considering entails, to that extent, contempt for the authority of IAEA, as may be seen from the unimpeachable statement just made by the Director General of that Agency. By casting aspersions on the effectiveness of the competent institution, the Government of Israel has proved its contempt for the United Nations system. It attacks not only the security of a State, but the very principle of international security.

123. Twelfthly, given that the Iraqi installations were a result of the long efforts of a people to make a qualitative advance in the scientific and technological field, their destruction amounts to an attempt to restrain the struggle for development. It is a perverted version of the classic theory of the international division of labour, which we have countered with the concept of the new international economic order. Rarely has there been such an explicit attempt to

curtail a country's or a region's chances for intellectual and material progress with the aim of perpetuating inequality.

124. Thirteenthly, the argument put forward here that a country with oil resources has no reason to gain access to alternative sources of energy contradicts the aims to which the international community has set for itself. We advocate a rational and just transition between two eras: the one in which non-renewable sources of energy have taken precedence; and the other, in which all countries can develop new energy resources. To restrict a nation to the exclusive role of hydrocarbon producer—defining it as an oil-producing country only—is merely to reproduce an old caricature: that of the banana republic, which, fortunately, the revolutionary outlook of our peoples is changing.

125. Fourteenthly, the continual violations committed by the aggressor Government call into question the political and economic relations based on good will which many countries, mine included, maintain with the people of Israel. That explains the fact that many condemnations came from Governments that are friendly to the Israeli nation. Out of respect for the basic principles of international co-existence, we cannot accept that our ties of co-operation with any country should serve as encouragement for or the instrument of policies of expansion and aggression.

126. Fifteenthly, the view of the international community is unanimous, as is its conviction that the Security Council must act unequivocally to live up to its responsibility as a guarantor of peace. With varying degrees of emphasis and various nuances, speakers have called on us to go beyond mere condemnation and to adopt measures, as effective as possible, aimed at halting aggression and restoring peaceful alternatives for the solution of conflicts in the Middle East.

127. Mexico has reiterated, time and again, that compliance with principles and respect for the rights of others are the main defence of weak peoples: We have never hesitated to condemn acts contrary to international law, regardless of the bilateral relations we may maintain with the country that commits them, regardless of the greatness of its power, and without allowing our judgement to interfere with the respect its people deserves from us.

128. We deeply believe that if we accepted manifest scorn for the norms of co-existence among nations, we would be implicitly legitimizing acts of aggression committed against us and against peoples like ours and would be placing ourselves in a morally untenable position for the future.

129. Abuse of the concept of security in favour of one State and against others, which is what is behind this act of aggression, is a blatant application of the so-called theory of vital interests. That thesis denies the very principle of the sovereignty of States and

recognizes the right to intervene in another country, as long as a State feels threatened in what it has unilaterally defined as its own sphere of security.

130. The debate which is now coming to an end has shown, through a wide sample of international opinion, that we are reaching the last frontier between tolerance and excess. Tomorrow's historian will easily detect, in the statements we have heard, evidence of deep concern similar to that felt on the eve of the Second World War.

131. These past few days are testimony to a state of universal awareness. There is a widely held conviction that an act of such unprecedented gravity, if tolerated, could mark the beginning of an extremely dangerous deterioration of the norms of relations among States—including the unwritten rules which have enabled us to survive in a limited and fragile peace which, nevertheless, allows us to hope.

132. Mexico trusts that this meeting will culminate in a responsible and unanimous decision on the part of the Council that will respond to deep consternation of the world and express the resolve of Member States effectively to avoid the recurrence of similar acts and the further deterioration of international relations. It is in this spirit that my delegation will cast its vote.

133. I now resume my functions as PRESIDENT. I understand that Council members are prepared to vote on the draft resolution before them. If there are no objections, I shall put the draft resolution to the vote.

134. First, I shall call on those members of the Council who wish to speak in explanation of their votes before the vote.

135. Mr. IRUMBA (Uganda): My delegation will vote in favour of the draft resolution now before the Council. However, because of certain beliefs which we strongly hold, I feel obliged to proffer a brief explanation of our position on the issues involved.

136. Listening to the representative of Israel, one got the impression that the issue the Council was to determine was whether Iraq possessed a capability to produce nuclear weapons. In his attempt to prove that such was the case, he quoted sources which only indicated possibilities and, on the basis of this speculative conjecture, he tried to justify the action taken.

137. But missing from the statement of the representative of Israel was any mention of the nuclear arsenal which Israel possesses at Dimona, where Israel is manufacturing nuclear weapons with impunity. The representative of Israel proceeded to lecture us once again on his proposal for a nuclear-free zone in the area. I will quote the statement which we made on

15 June with regard to the proposal that Israel is making. We said then:

"The Israeli discourse on the need for a nuclear-weapon-free zone in the Middle East reminds me of an armed bandit who walks into a courtroom, takes everybody hostage and then lectures the group on the virtues of being a law-abiding citizen." [2282nd meeting, para. 28].

138. What right does a country not a party to the Non-Proliferation Treaty have to impose itself in a position of policeman *vis-à-vis* countries like Iraq which are signatories to the Treaty? What right does such a country, acting on mere speculative conjecture, have to retain the monopoly of nuclear weapons in the region?

139. The facts of the case on which the Council is about to pronounce itself are very clear and are not in dispute; they are admitted by Israel, the perpetrator of this outrageous offence. Save for Israel itself, all who have participated in this debate have overwhelmingly asserted that Israel's destruction of Iraq's nuclear research centre constituted an unprovoked act of aggression and a grave violation of the sovereignty and territorial integrity of a Member State, for which there can never be justification, either under the lax principles of customary international law or the provisions of the Charter of the United Nations. All the participants have characterized the Israeli act of aggression as one which gravely threatens international peace and security and profoundly jeopardizes the prospects for peace in the Middle East.

140. The attack on the Osirak nuclear complex is not an isolated instance but a continuation in the pattern of blatant aggression by Israel against Arab countries, for which the Council and the General Assembly have repeatedly condemned it.

141. In his attempts to justify Israel's action, the Israeli representative quoted the provisions of Article 51 of the Charter. But, as has been stated by many members, in order to bring his case under that umbrella, the Israeli representative had to prove an armed attack. And he has not proved to the satisfaction of the Council that there was such an armed attack. Another requirement of that article is that such a matter should be promptly reported before the Council. Is it a coincidence that the representative of Israel did not report the matter promptly to the Council after the attack? It is in fact because he saw that his country's actions could not fall within the purview of the Charter.

142. The Israeli action is morally indefensible and definitely legally untenable and has imponderable consequences for the laws governing relations among nations. There are no mitigating circumstances. Instead of showing remorse, Israel has openly sworn to repeat its action against any State in the region.

Furthermore, Israel persists in its deliberate spurning of the decisions of the Council and of the General Assembly.

143. My delegation strongly believes that in this case the Council ought to have acted decisively in accordance with the punitive provisions of the Charter. We submit that Israel's systematic arrogance and adamant behaviour are contributed to, in part, by the failure of the Council to assert itself and act to ensure deterrence. It is for that reason that my delegation would have wished the Council to invoke the provisions of Chapter VII of the Charter. We would have further wished the draft resolution to contain an expression of the fact, overwhelmingly expressed in the debate, that Israel's act was indeed an act of aggression for which there is no justification whatsoever.

144. We have, however, decided to join in supporting the consensus draft resolution because, in the first instance, it is acceptable to Iraq, a country with which our own enjoys friendly relations and common solidarity.

145. Also, we support the draft resolution because it rejects Israel's dangerous notion of the doctrine of self-defence, under which it claims the right to attack a Member State on the basis of the speculative conjecture that a nation engaged in peaceful scientific research might possibly, at an unforeseen time, use its technology for offensive purposes.

146. We wish also to sound a warning to any other reckless adventurer who might desire to emulate Israel that the international community will not countenance such acts of banditry.

147. We also support the draft resolution because it calls upon Israel to place its nuclear facilities under IAEA safeguards.

148. For those reasons, my delegation will vote for the draft resolution.

149. Mr. ZACHMANN (German Democratic Republic): During the debate my delegation strongly condemned Israel's act of aggression against Iraq and supported the demands of the Iraqi Government, the League of Arab States and the non-aligned countries. It was in full agreement with the large majority of speakers who advocated resolute measures for stopping the aggressor in conformity with Chapter VII of the Charter of the United Nations.

150. On the basis of the outlined principled point of view of the German Democratic Republic, my delegation will vote in favour of the draft resolution contained in document S/14556. The draft resolution expresses strong condemnation of the Israeli act of aggression and deep concern at the danger to international peace and security arising from that unprecedented act. We consider the provisions of the draft

resolution as the minimum of necessary measures to be taken against the aggressor. For the restoration of peace and security in the Middle East, however, it is necessary to implement the relevant resolutions of the General Assembly in which the complete termination of nuclear and military collaboration with Israel has been demanded.

151. The PRESIDENT (*interpretation from Spanish*): I shall now put to the vote the draft resolution in document S/14556.

A vote was taken by show of hands.

The draft resolution was adopted unanimously.⁴

152. The PRESIDENT (*interpretation from Spanish*): I shall now call on those members of the Council who have asked to be allowed to speak following the vote.

153. Mr. TEKAIA (Tunisia) (*interpretation from French*): The Council has just concluded its debate on the "Complaint by Iraq" by adopting a resolution which has won unanimity in the Council. In view of the lateness of the hour, I should simply like to confine my statement to two comments.

154. First, my delegation is always pleased when the Council achieves consensus in cases where it is called on to take decisions on such serious and important matters as the one on our agenda today. My delegation has always worked to achieve this goal of consensus whatever the subject under discussion.

155. My second comment is that my delegation is displeased at the fact that the decisions contained in the resolution just adopted by the Council, with which my delegation went along, are far from being commensurate with the serious nature of the act of aggression committed by one Member State against another Member State of the Organization. It is important to realize that the international community has resolved not only to condemn Israel in the most energetic terms for the acts which it has committed in contempt of the Charter of the United Nations and the laws governing international life, but also and particularly that it has resolved to prevent Israel from pursuing its policies of aggression. It is important for it to be made perfectly clear that the international community has decided to take the measures provided in the Charter against those who are guilty of an act of aggression or breach of the peace. Our obligations in the Council and the principles contained in the Charter which govern our work make this a matter of necessity for us.

156. Mrs. KIRKPATRICK (United States of America): Like other members of the Council, the United States does not regard the resolution just adopted as a perfect one.

157. With respect to the resolution, I must point out that my country voted against the resolution of IAEA

which is referred to in the present resolution. We continue to oppose it. In addition, our judgement that Israeli actions violated the Charter of the United Nations is based solely on the conviction that Israel failed to exhaust peaceful means for the resolution of this dispute. Finally, we also believe that the question of appropriate redress must be understood in the full legal context of the relationships that exist in the region.

158. Nothing in this resolution will affect my Government's commitment to Israel's security and nothing in these reservations affects my Government's determination to work with all Governments of the region willing to use appropriate means to enhance the peace and security of the area.

159. Mr. MIYAKAWA (Japan): My delegation is pleased that the draft resolution contained in document S/14556 has just been adopted unanimously, thanks to the assiduous efforts of you, Mr. President, the Secretary-General and the parties concerned. My delegation welcomes and finds most significant the fact that the Council could reach a unanimous decision on this important issue pertaining to international peace and security.

160. My country has joined in the unanimous adoption of the draft resolution because it contains the minimum common elements voiced by the international community concerning the various problems caused by the incident in question.

161. Now that the resolution has been adopted, my Government believes that Israel should humbly heed the unanimous voice of the Council, and indeed of the international community. It should be stressed that, as stated in the resolution, Israel should "refrain in the future from any such acts or threats thereof".

162. My delegation wishes on this occasion to reiterate the appeal which was made by my Permanent Representative before the Council on 15 June that "the countries which are not party to the Non-Proliferation Treaty, including Israel, should accede to it as soon as possible." [2282nd meeting, para. 99.]

163. Mr. TROYANOVSKY (Union of Soviet Socialist Republics) (*interpretation from Russian*): The delegation of the Soviet Union voted in favour of the resolution in which the Security Council has expressed its deep concern about the danger to international peace and security created by the premeditated Israeli attack on Iraqi nuclear installations on 7 June this year, and has strongly condemned this armed attack by Israel, quite correctly describing it as a clear violation of the Charter of the United Nations and the norms of international conduct.

164. The delegation of the Soviet Union supports the clear-cut demand that Israel refrain in the future from any such acts or threats to carry out such acts

165. The Council has also taken note of the fact that Israel's armed attack on the nuclear research centre near Baghdad constituted a serious threat to the IAEA safeguards system and the nuclear non-proliferation system. In that connection, great importance attaches to the call upon Israel urgently to place its nuclear facilities under IAEA safeguards.

166. The resolution also affirms Iraq's right to receive appropriate compensation for the damage it has suffered as a result of this act of aggression.

167. During the Council's consideration of the case of the Israeli aggression against Iraq, an overwhelming majority of those who spoke advocated the adoption of decisive measures against Israel, including sanctions under Chapter VII of the Charter. The Council quite clearly demonstrated the urgent demand of the international community that a decisive end be put to the aggressive and expansionist policies that Tel Aviv has been practising for many years against Arab States and peoples. These just demands, however, are not duly reflected in the resolution that has been adopted, and this can only be regarded as a serious flaw in that resolution.

168. One does not have to go very far to find an explanation for this. It is a secret to no one that Israel's pursuit of its policy of aggression and expansion is made possible only by the patronage and comprehensive support of the United States of America. Israel is extracting the most sophisticated forms of weaponry from the United States arsenals and enjoys the political tutelage of Washington, including here in the United Nations. The statement made today by the representative of the United States sounded more like a justification than a condemnation of Israel. Obviously, the introduction of certain side issues by the United States representative—and particularly her attempt to distort the nature of the events connected with Afghanistan—was calculated to distract the Council's attention from the substance of the matter. The Soviet delegation does not intend to yield to such a diversionary tactic.

169. The United States representative's attempts to prove the lack of complicity by the United States in Israel's act of aggression against Iraq sound extremely unconvincing. In addition to what has been said previously, we only have to add that, as the press in the United States has stated—and I am referring in particular to *The Washington Post* of 19 June; that is, today's edition—just before this Israeli raid, Israel requested from the relevant United States Department information regarding the results of the possible bombing of a nuclear installation by means of powerful bombs. In this connexion I should like to quote the relevant part of the article in *The Washington Post*:

“Israel, at the time it was considering bombing Iraq, requested and received U.S. Government assistance in assessing how much damage would be inflicted on

a nuclear plant by 2,000-pound bombs, according to documents obtained yesterday by *The Washington Post*.”*

One would have to be extremely naïve indeed not to draw any conclusions at all from the very fact of this Israeli application to the United States.

170. Nevertheless, the consideration of Iraq's complaint which the Council has just concluded has quite clearly demonstrated Israel's isolation on the international scene. Israel has been placed before the court of the international community and has seen rejected its attempts to camouflage its aggression by a deliberate falsification of facts and pseudo-judicial acrobatics.

171. The discussion we have had in the Council should serve as a serious warning to Israel's ruling circles, which have embarked on dangerous military adventures in the Middle East. The delegation of the Soviet Union considers that Israel should learn a very grave lesson for the future from this discussion.

172. Mr. LEPRETTE (France) (*interpretation from French*): The international community which the Security Council represents, has just pronounced itself.

173. With reference to the remarks by the representative of Israel, I shall not reply to that part in which he read out incomplete quotations, taken out of context. I shall simply recall at this stage that by exporting nuclear technology, *matériel* or matter, the French Government applies two principles.

174. First, it ensures that those exports are subject to all the guarantees required in the domain of non-proliferation; in particular, it applies the rules that have been defined at the international level.

175. Secondly, it considers that all States have the right, for purposes of their economic and social development, to carry out research in all the areas of the peaceful use of nuclear technology and to acquire the technology, *matériel* and matter necessary to the peaceful use of nuclear energy.

176. In its co-operation with Iraq, France abides by those two principles. For its part, Iraq has agreed to comply with all the rules and safeguards imposed by IAEA, as was very clearly recalled just now by Mr. Eklund, the Director General of that Agency, who also expressed the wish that French technicians be retained in the programme.

177. My Government knows of nothing that could cast doubt on what I have just said. The President of the French Republic has just made a very clear statement on the subject. The development of inter-

* Quoted in English by the speaker.

national co-operation in the area of nuclear energy for peaceful purposes requires that all respect the aforementioned principles and recognize their value.

178. As I have said, the French Government is committed to the existence and security of Israel. We do not believe that recourse to force will serve the interests of its security or its future. On the contrary, we are convinced that the future of all the States of the region will be guaranteed only by the renunciation of force and a just and negotiated settlement of the Middle East conflict with trust and mutual respect among all the peoples living there.

179. The PRESIDENT (*interpretation from Spanish*): The Minister for Foreign Affairs of Iraq has asked to be allowed to speak. I call upon him.

180. Mr. HAMMADI (Iraq): Mr. President, I should like to express to you our gratitude and appreciation for the manner in which you have conducted the deliberations of the Council. Your efforts as well as those of the other members of the Council to arrive at a decision on a matter of great importance to the international community have been appreciated by our Government. We are also deeply grateful to all the Member States which have participated in the debate for their support. Our thanks go also to the Secretary-General for his efforts in achieving a unanimous resolution by the Council.

181. Now that the Council has adopted a resolution on the complaint by Iraq in connection with Israel's air raid of 7 June on Iraq's nuclear installations, it remains for us to evaluate this conclusion on the basis of all the events that unfolded during the consultations.

182. We believe that it has become abundantly clear during the debate in the Council and from the positions adopted by States throughout the world that the Israeli act constituted an act of aggression and a serious violation of the Charter of the United Nations and the rules of international law and conduct.

183. Israel's attack called not only for a strong condemnation but also for the adoption of sanctions in accordance with Chapter VII of the Charter. We believe that those elements should have been embodied in the Council's resolution as a reflection of overwhelming world public opinion against Israel's policies of expansion and aggression. That is not the case, as the resolution does not include sanctions, and the reason should not be difficult to understand: it is the veto power of the United States. No doubt the resolution could have been substantially better in reflecting world public opinion and in dealing with the situation adequately and fairly had it not been for the position taken by the United States in supporting Israel.

184. What has transpired in the Council will undoubtedly have its impact upon the international

situation, especially in our area. The obstruction that prevented the Council from acting for sanctions will serve only to encourage the aggressor to repeat his acts of aggression. We devoutly hope that the Council will not soon be called upon to consider another act of Israeli aggression similar to the one committed against my country.

185. The implications of the resolution for the Arab world would simply be that the region has been moved further away from the just and durable peace for which the international community is insistently calling. The responsibility for this set-back falls upon the State which has supplied Israel with military, economic and technical assistance, providing it with nuclear capability and the maximum degree of armaments. That country is the United States. It is that unlimited support and assistance that has enabled Israel to commit its repeated acts of aggression, to refuse to recognize the rights of the Palestinian people and to persist in its policy of territorial expansion. To us, the people of the Arab countries, the Israeli act adds another proof that the Zionist entity, being based on a Fascist ideology, does not believe in a just and durable peace. Its main concern is territorial expansion through the use of blind force and aggression whenever that is possible.

186. Nevertheless, we for our part continue to have faith in the United Nations in spite of the fact that because of the power of the veto the United Nations is driven to adopt half-measures or no measures at all. Consequently the United Nations ability to protect the independence of Member States and to prevent aggression has been considerably weakened. My Government is not satisfied with this resolution and it reserves its right to pursue the matter through all appropriate channels including the General Assembly.

187. The PRESIDENT (*interpretation from Spanish*): The representative of Israel has asked to be allowed to speak. I call on him.

188. Mr. BLUM (Israel): Israel unreservedly rejects the biased and one-sided resolution just adopted by the Council. The resolution fits into the pattern of so many of the resolutions of the same kind which have consistently and deliberately ignored the root cause of the Arab-Israel conflict and of all its manifestations—namely, the refusal of most Arab countries to come to terms with Israel's existence and their avowed intention, expressed in their ongoing aggression against my country, to bring about its liquidation.

189. Yet here at the United Nations, a body that has been divorcing itself from the realities of the Middle East, the Arabs can do no wrong, while Israel can do no right.

190. Thus, the Council can conveniently turn a blind eye to the nuclear threat which Iraq was building up against Israel in flagrant violation of the Charter of the

United Nations and of its fundamental principles. The consequence of this travesty is a total disregard by the resolution just adopted of the fact that, in removing this terrible nuclear threat to its existence, Israel was only exercising its legitimate right of self-defence within the meaning of this term in international law and as preserved also under the Charter.

191. Iraq, which for three decades and more has considered itself as being in a state of war with Israel; which actively participated in the Arab wars of aggression against Israel in 1948, 1967 and 1973; which has refused to conclude even an armistice agreement with Israel; which has repeatedly denied even the right of Israel to exist; which has been bent on developing a nuclear-weapons capability to destroy my country—this Iraq has been pronounced by the Council to be an innocent lamb. At the same time, Israel, which for three decades and more has been subjected to Iraq's aggression, has been cast by the Council in the role of the villain.

192. What a travesty, what an utter travesty!

193. The tyrannical and oppressive régime of Saddam Hussein, which constitutes a threat not only to Israel, but also to many other countries in the region, can derive only encouragement from this resolution in the pursuit of its lawless conduct. So will other rejectionist Arab States determined to block the peace process in the Middle East.

194. Israel rejects the attempts to condemn an action carried out in the exercise of its legitimate right of self-defence. If the Council considers that Iraq is entitled to appropriate redress, we can only ask: what is the appropriate reward that can be claimed by a country for coldly planning the nuclear obliteration of another country? And how does one have to treat the demands on Israel, which members of the Council, including permanent members, have not fulfilled because they are not bound by the Non-Proliferation Treaty régime?

195. Israel, for its part, will treat this resolution with the respect it deserves.

196. The PRESIDENT (*interpretation from Spanish*): The representative of Iraq has requested to be allowed to speak. I call on him.

197. Mr. AL-QAYSI (Iraq): I apologize to you, Mr. President, and the members of the Council for having asked to be allowed to speak for a few minutes at this late hour.

198. My purpose in doing so is to recall that the representative of Israel at the end of his statement called this a moment of truth for all of us. Let us see how he has abided by that motto of his statement.

199. The representative of Israel saw fit in his statement of 12 June [2280th meeting] before the

Council and in his statement today to quote from an article by Sir Humphrey Waldock, the President of the International Court of Justice. He has also quoted from other sources in a vain attempt to substantiate his allegations. Let us see what the truth of that quotation was.

200. Sir Humphrey Waldock said exactly the following:

“The Charter prohibits the use of force except in self-defence. The Charter obliges Members to submit to the Council or Assembly any dispute dangerous to peace which they cannot settle. Members have therefore an imperative duty to invoke the jurisdiction of the United Nations whenever a grave menace to their security develops carrying the probability of armed attack. But, if the action of the United Nations is obstructed, delayed or inadequate and the armed attack becomes manifestly imminent, then it would be a travesty of the purposes of the Charter to compel a defending State to allow its assailant to deliver the first and perhaps fatal blow. If an armed attack is imminent within the strict doctrine of the *Caroline*, then it would seem to bring the case within Article 51. To read Article 51 otherwise is to protect the aggressor's right to the first stroke.”

201. That is what was said by Sir Humphrey Waldock in the article referred to by the representative of Israel. Yet, the representative of Israel on two occasions deemed it fit to quote Sir Humphrey Waldock as having said:

“It would be a travesty of the purposes of the Charter to compel a defending State to allow its assailant to deliver the first and perhaps fatal blow. . . . To read Article 51 otherwise is to protect the aggressor's right to the first strike.” [*Para. 81 above.*]

202. That shows members of the Council what kind of credibility we can accord to the quotations—or, perhaps, misquotations—which they were presented with this morning and on 12 June by the representative of Israel.

203. We are indeed not surprised at such behaviour. The representative of Israel was following in the footsteps of his Prime Minister when he tried to build allegations on pure lies and fiction.

204. The PRESIDENT (*interpretation from Spanish*): There are no other speakers inscribed in my list. The Security Council has thus concluded the present stage of its consideration of the agenda item.

The meeting rose at 2.10 p.m.

NOTES

¹ This statement was made at the 563rd meeting of the Board of Governors of IAEA, the official records of which are issued in summary form.

² Treaty for the Prohibition of Nuclear Weapons in Latin America (United Nations, *Treaty Series*, vol. 634, No. 9068, p. 326).

³ *The American Journal of International Law*, Vol. 57, 1963 (Lancaster Press, Inc., Lancaster, Pa., 1963), pp. 600-601.

⁴ See resolution 487 (1981).

⁵ Academy of International Law, *Recueil des cours* (1952, vol. II), tome 81.

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